



بنیاد انتخابات شفاف افغانستان
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Transparent Election Foundation of Afghanistan

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TEFA's findings about capacity challenges of the Electoral Complaints Commission

(ECC)

The Transparent Election Foundation of Afghanistan (TEFA), based on a formal request from the Electoral Complaints Commission (ECC) by (Letter No. 122 dated 19/04/2017), and earlier, in coordination with the relevant civil society organizations, in a meeting on 22/02/2017 at the ECC office, followed by meetings with the (MIC) officials, and representative of UNAMA, on 12/04/2017 and 15/04/2017 at ECC office; accepted to voluntarily do a comprehensive evaluation of the capacity and weaknesses of the ECC, for the very first time. In order to do this, TEFA committed to preparing and presenting a reform guide to address the capacity and administrative challenges of the ECC as a result of the evaluation; to help ECC promote its internal capacity, identify and tackle the existing challenges and ultimately better manage and fairly address electoral complaints.

The evaluation of the organizational capacity of ECC officially commenced on 31/02/1396 in a meeting with the commissioners and ECC's secretariat officials, by a presentation on the evaluation plan and details. The evaluation was planned to be accomplished using the mixed approach of review of documents and one-on-one interviews, based on pre-designed questionnaires, with administrative staff and officials of ECC, and as well direct observation in ECC's internal level; and meanwhile a survey of ECC capacity with members of relevant national and international organizations in external level. As part of the overall evaluation of ECC, within a month, heads of almost every department of ECC were interviewed. Although the evaluation process wasn't carried out completely due to the following challenges, but the accomplished portion resulted significant findings on which the general description given below. Unfortunately, the ECC evaluation program was made impossible due to some serious obstacles and challenges by ECC's secretariat. Major challenges were as follows;

- I. Existing of serious disagreements between the members of the secretariat and the commissioners.
- II. Limitation of the authority and influence of the ECC general secretariat by it's under supervision departments.
- III. Ignoring the decisions of the Commissioners and the Chairperson of the Commission by the secretariat departments.
- IV. Inconvenience and existing of serious irregularities within the Commission.
- V. Denial of fundamental changes and reforms by some departments of secretariat of the

ECC despite direct and specific order from the ECC Chair Person and commissioners, to these departments.

The mentioned factors convinced TEFA that continuation of the evaluation wasn't feasible, in a professional and impartial way, and it could intensify ECC's internal conflicts and also cause damage to the credibility and position of TEFA as an independent entity. Therefore, Transparent Election Foundation of Afghanistan, despite having the commitment and eagerness to carry out this assessment, and to maintain the principle of impartiality and professionalism, withdraws from this process. TEFA appreciates and thanks all commissioners who supported this initiative and determines to continue with the evaluation, if situation was changed and ECC was ready for it, in any other time.

As a result of partial accomplishment of the evaluation, TEFA has come up with important and remarkable findings which are highlighted as follows:

- 1) According to the ECC's organizational structure, the commission consist nine (9) departments, two (2) deputies, and 342 employees (including provincial employees).
- 2) The number of existing employees of the commission is 113, of which 106 are male and 7 are female. (Only 6.2% of all current employees of ECC are women)
- 3) The absolute majority of the commission staff are men and there is no women heading neither of the nine departments or the two deputies, and in general no significant managerial role has been assigned to women in the commission.
- 4) Ethnic composition of ECC staff isn't fairly considered. The majority of its staff composed of two specific provinces.
- 5) The commission is not a solid and united body in terms of management and execution, and there are many islands of jurisdiction in the commission.
- 6) The head of the commission's secretariat as executive director is not competent to control the situation, and the departments under his supervision do not follow with his directions and orders in most cases.
- 7) There are serious differences in executive and management levels between the Commissioners and some of the secretariat's departments.
- 8) Capacity level in management the commission affairs is weak and dispersion and turmoil dominates its internal environment.
- 9) The Commission's Secretariat faces lack of policies and working documents as guidelines and working principles and there is significant overlapping of responsibilities among different departments of the ECC.
- 10) Logistical supports and office facilities provided by international donors to the ECC in the past has not been documented and logged in, and most of the equipment's either taken back by the donors or no information is available on their faith. (UNOPS donations was highlighted in particular with this case)
- 11) Lack of effective and in time cooperation of the government with the ECC in facilitation of its work processes causes delays and considerable.
- 13) Biased approach of international partners with ECC in their technical cooperation.

Above mentioned issues are the major challenges that ECC faces, and it has caused weaknesses and inefficiencies with ECC. Low presence of women and dominant presence of men in composition of the commission, existence of several islands of jurisdiction, unequal ethnical balance among staff, and lack of rule of law in the ECC's interagency interactions, raises serious concerns about its efficiency and ability in addressing the electoral complaints.

However the majority of commissioners are committed to reform and improving ECC's capacity, but mentioned problems makes it almost impossible for any change.

In order to address ECC's challenges, TEFA suggests the followings; however cooperation and observation of civil society with ECC to advocate and facilitate inter-organizational reforms within the commission remains essential and vital:

- (1) In order to comply with gender equity in administrative composition of the commission, ECC should provide a comprehensive plan to recruit more women, especially in managerial roles.
- (2) In addition to put competency and capacity of individuals in priority while recruiting, ethnic composition of staff must be considered equitably, and this should be considered in greater detail.
- 3) In order to formulate the inter-organizational interactions of the Commission and to harmonize its management in a specialized and coordinated manner, the Commission should establish and adopt a specific action plan for each office, for the purpose of transparency, accountability and determination of their responsibilities, and the general secretariat has to be authorized to enforce the departments under its supervision to abide by the rules and meanwhile to deal with the misconduct in accordance to the laws and regulations.
- 4) The Commission staff shall be interviewed and recruited on the basis of merit, gender and expertise by an expert team in which ECC's officials are present from all ethnic, gender and departments.
- 5) ECC needs to provide the basis and develop a policy for having the civil society organizations monitor and observe from its work processes for further clarification and improvement.
- 6) The Afghanistan government, in accordance with the laws, with taking limitation of time into consideration, should provide required resources and technical assistance to the commission.
- 7) ECC has to strengthen and improve its executive capacity to be able to implement its electoral plans, and to achieve this advocacy and cooperation of observer organizations and the international community are vital.
- 8) International election partners should also provide technical and financial assistance to the Commission in accordance with its needs and requirements.
- 9) Mechanism of cooperation between the two commissions should be reviewed, strengthened and a clarified and enforceable measures for this should be prepared and approved.

The Transparent Election Foundation of Afghanistan (TEFA) believes that international partners with the Commission, as well as political parties, civil society organizations and women, within

the limits of their legal competence, should pay close attention to these problems and help the Commission to overcome it.

TEFA's findings concludes that continuation of these conditions will have adverse and negative effects on the progress of the election results and will prevent the Commission from promotion and developing of its capacity and effective implementation of its plan. Therefore, addressing these problems and paying attention to solving them is one of the urgent priorities of the commission, to be accomplished in cooperation with the responsible and relevant observer entities. According to the announced date of the upcoming election, there isn't much time available to implement these reforms, so the Electoral Complaints Commission needs to take serious and rapid corrective actions in cooperation with the stakeholders to overcome the its current challenges. Otherwise, effectiveness of the ECC in providing electoral justice will remain a matter of considerable concern.