

# THE INTERNATIONAL REPUBLICAN INSTITUTE



ADVANCING DEMOCRACY WORLDWIDE

AFGHANISTAN PARLIAMENTARY AND PROVINCIAL COUNCIL ELECTIONS

SEPTEMBER 18, 2005

ELECTION OBSERVATION MISSION FINAL REPORT

# **Afghanistan Parliamentary and Provincial Council Elections September 18, 2005**

## **Election Observation Mission Final Report**



### **The International Republican Institute**

1225 Eye Street, N.W.  
Suite 700  
Washington, D.C. 20005  
[www.iri.org](http://www.iri.org)



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## Executive Summary

The International Republican Institute (IRI) received funding from the U.S. Agency for International Development (USAID) to conduct an election observation mission for Afghanistan's September 18, 2005 parliamentary and provincial council elections. IRI's 19-member delegation was led by former Assistant Secretary of State for African Affairs Constance B. Newman and IRI President Lorne W. Craner.

IRI observers were accredited through the United Nations and Afghan Joint Electoral Management Body (JEMB) and, in partnership with indigenous observer groups, deployed to 22 of Afghanistan's 34 provinces. This was the second election observation mission for IRI in Afghanistan. In 2004, IRI was one of a small number of international nongovernmental organizations (NGO) to monitor the presidential election.

On Election Day, Afghans cast their ballots in one of the 26,000 polling stations throughout the country. Election Day was relatively calm and voting was conducted in a peaceful manner with only a handful of security incidents reported. Voter turnout, however, was lower than anticipated. In polling stations visited by IRI monitors elections appeared generally well-run and election officials professional.

In the months leading up to the elections, Taliban and other anti-government elements resumed violent activities throughout much of the south and the east. Anti-government elements targeted moderate Islamic clerics, government officials, foreign aid workers and Afghan election workers. Citizens were killed for carrying voter registration cards, electoral workers were attacked, and candidates, particularly women, received death threats.

Yet despite the threat of violence, Afghan participation in the election process was overwhelming. While international organizations often fear a lack of participation in young democracies, this was hardly the case in Afghanistan where 2,815 Afghans vied for 249 parliamentary seats, and 3,185 Afghans competed for seats on one of the country's 34 provincial councils. In addition to the 5,800 candidates who competed in the elections, more than 10,000 Afghans served as domestic election observers and more than 200,000 served as either political party or independent candidate agents. On the administrative side, close to 200,000 Afghans served as election workers.<sup>1</sup>

While the candidate participation rate was positive, it was also somewhat disorderly. This was a result of the Single Non-Transferable Vote (SNTV) system the Afghan government decided to use for this election. In the months prior to the election, many debated the merits of the SNTV system, under which voters could select only one candidate from those listed on the ballot. Candidates receiving the highest number of votes filled the seats allocated to their respective constituencies. The system allowed political parties to endorse candidates but prohibited the party endorsements from appearing on the ballot, leading to a confusing tabloid-sized ballot.

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<sup>1</sup> *Final Report: National Assembly and Provincial Council Elections 2005*, Joint Electoral Management Body, page 4 and 15-16.

The 2005 parliamentary and provincial council elections represented a major milestone in Afghanistan's democratic transition. These elections not only marked the first democratic parliamentary election in Afghanistan in more than a quarter century, but also the end of Afghanistan's transitional period and the beginning of self-government. With the swearing-in of the new parliament on December 19, 2005, the reins of power are now fully in the hands of Afghanistan's democratically elected leaders.

IRI's election observation team noted the following:

#### Electoral Process

- Procedural aspects of the parliamentary and provincial elections were significantly improved over the 2004 presidential election.
- Civic education to inform the voters about voting procedures was extensive but insufficient.
- Training and education for local, regional and national elections officials was greatly improved over the presidential election. Workers demonstrated a uniform attention to detail and prescribed procedures at most polling stations, enabling an easier voting process for those Afghans who turned out to cast ballots.
- The provisions of the electoral law requiring voters to vote in the province where they registered did not have the expected negative impact on turnout.
- While the JEMB identified efforts of fraud in some 800 polling stations out of 26,000, this effort was not nationally orchestrated and the JEMB took immediate action to rectify the situation.

#### Election Environment

- Incidents of pre-election violence against candidates and their families fueled a pervasive perception of risk during the weeks and months leading up to the elections. Many groups expressed dissatisfaction with the inability of the United Nation's Disarmament, Demobilization and Reintegration (DDR) program to fully disarm local warlords, and the failure of the Election Complaint Commission (ECC) to disqualify the candidacies of well-known warlords and human rights abusers.
- The increased efforts of the Afghan army and national police in the lead-up to the elections, supported by international military forces, reinforced citizen confidence in the process and enabled them to vote.
- While lower than the presidential election, turnout for the legislative and provincial elections demonstrated a real commitment to the electoral process and peace and stability.
- Widespread perception of vote-rigging led to an overwhelming number of complaints, nearly all of which were ultimately dismissed or ruled unjustified by the ECC.

Based upon its observations and post-election analysis, IRI concluded that despite the threats of violence, confusing ballots and numerous administrative hurdles, the September 18, 2005 elections were an accurate reflection of the will of the citizens of Afghanistan.

## **I. Introduction**

Originally slated to take place in October 2004 along with the presidential election, the parliamentary and provincial elections were moved to April 2005 and then again to September 18, 2005. Although the Afghan Constitution stipulated that every effort should be made to hold the presidential and parliamentary elections jointly, the JEMB determined that practical administration issues forced the presidential and parliamentary elections to be conducted separately.

To prepare for the elections, President Hamid Karzai issued presidential decrees establishing Afghanistan's political party, mass media and electoral laws. Defying near-universal pressure from international actors, President Karzai decided to implement the single non-transferable vote (SNTV) electoral system, versus the commonly used Proportional Representation (PR) system. The SNTV system leveled the playing field between political parties and allowed for candidates to run as independents. President Karzai also appointed the six-member Afghan Electoral Commission, which together with five United Nations-appointed elections experts, comprised the JEMB that would organize and administer the elections.

To observe the election process, IRI deployed an assessment team of five staff members to evaluate the pre-election environment in July, and a 19-member election observation mission to observe the September 18 poll. In addition, more than 50 Afghan nationals served as IRI observers throughout the country. In all, IRI monitored more than 1,000 polling locations in 22 provinces.

On September 18, 2005, Afghan voters elected 249 members to the Wolesi Jirga (lower house of parliament) and 420 members to provincial councils. Afghanistan's elections took place in the context of a challenging security environment and complex political situation.

The country conducted 69 separate polls: in each of Afghanistan's 34 provinces one ballot was distributed for the Wolesi Jirga and a separate one for the provincial council, and a ballot was available throughout the country for the nomadic Kuchi community to elect its own members to the Wolesi Jirga.

Within the 249 seats of parliament, 10 seats were reserved for the Kuchi community, and 68 seats for women, as stipulated by the Electoral Law of Afghanistan. The 420 Afghans who won provincial-level elections make up the membership of the local legislative councils that represent each of the country's 34 provinces.

In all, 2,835 Afghans nominated themselves to run for the 249 seats of the Wolesi Jirga, and 3,201 for the 420 contested seats on the 34 provincial councils. Among these candidates, 344 women ran for the Wolesi Jirga and 285 for provincial council.<sup>2</sup> More than 51 percent of the

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<sup>2</sup> *Final Report: National Assembly and Provincial Council Elections 2005*, JEMB, page 11.

12.5 million registered voters cast their ballots on Election Day, a substantially decreased turnout in contrast to the 2004 presidential election.<sup>3</sup>

This report summarizes IRI's pre-election, Election Day and post-election findings, and makes recommendations on some aspects of the Afghan electoral system that would improve future elections.

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<sup>3</sup> *Final Report: National Assembly and Provincial Council Elections 2005*, JEMB, page 17.

## **II. Pre-Election Period**

### **A. Electoral System**

During the re-writing of the electoral law in the winter and early spring of 2005, one of the most contentious issues that arose was the electoral system which would be used to govern the parliamentary and provincial elections. Most international stakeholders felt that a PR system, similar to those found in Western Europe, would best serve to promote democratic political parties in Afghanistan.

Under the PR system, seats in a province are allocated to contesting parties according to the percentage of the vote that each received, with spillover percentages going to a pool of national seats. However, the ultimate decision lay with President Karzai and, despite the critics, he chose the SNTV system. Under the SNTV system, provincial seats are simply allocated to those candidates who receive the most votes, with allowances made for the women's quota. The electoral unit under this system is not the political party but the individual candidate.

This system was broadly criticized as one that would render political parties irrelevant. However, President Karzai's reasoning was that an SNTV system would be easier to explain to Afghan voters who held a widespread and bitter mistrust of political parties.

Prior to 2001, Afghans' experience with political parties was limited to the Communists associated with the Soviet occupation and the Mujahideen parties responsible for the civil war that followed the Soviet withdrawal. Although a PR system may have resulted in a seat or two for the small new democratic parties, the greatest beneficiaries would have likely been the warlord parties who turned out large blocs of voters.

While recognizing some of the drawbacks of the SNTV system, IRI maintains the belief that allowing candidates to run without having to affiliate themselves with a political party (or run on a party list) was a wise decision, particularly in this first parliamentary election of Afghanistan's post-war recovery. Most Afghans harbor deep-seated suspicions of political parties based on past experience, and forcing them to join a political party in order to participate in the election would have alienated thousands of candidates and had major repercussions. Under a PR system, regional strongmen also could have more easily applied their coercive instruments towards forcing support for their private parties. Allowing independents to run without party affiliation allows for new, indigenous parties and coalitions to emerge from this first parliament in three decades.

### **B. Election Administration**

The JEMB was the organization primarily responsible for running elections in Afghanistan until the completion of the Bonn process. For the parliamentary and provincial elections, the JEMB leadership was composed of six Afghan and five international members.

The September 2005 parliamentary and provincial elections were a massive logistical undertaking, implemented on a tight and rigid timeline. JEMB offices were established in all 34



provinces by the end of March 2005 to oversee logistical preparation and candidate nominations. More than 1,000 voter registration sites were identified, and 6,300 polling centers were staffed by more than 160,000 trained Afghan staff on Election Day.<sup>4</sup>

One of the greatest logistical hurdles facing the JEMB was the production and distribution of ballot papers. Approximately 6,000 candidates were spread among 69 distinct elections to be held simultaneously, including one for the Wolesi Jirga and one for each of Afghanistan's 34 provincial councils. Ballots had to be produced accurately, displaying the correct candidates for the race in a format easily understood by a largely illiterate and uneducated public and in sufficient numbers in absence of a unified voter list. Since the electoral system stipulated that every candidate had to appear on the ballot, the ballot papers were large in even the smallest provinces.

The JEMB developed and tested various ballot formats, which further highlighted the difficulties in running the elections. In certain rural test groups, for instance, it was discovered that some illiterate women did not understand the concept of turning a page. The format eventually chosen by the JEMB was simple and efficient, generally following that of a newspaper. Candidates' photos appeared alongside their names and a symbol. The numerical placement on the ballot was chosen randomly for each candidate, and candidates were listed sequentially from page to page. The ballot in Kabul was the largest at five pages.

The JEMB found only a handful of printers capable of producing the volume of ballots required in the time allotted and under sufficiently secure circumstances. The timeline was so tight that ballots were produced on a rolling basis. Ballots for distant provinces were produced and transported first in order to make the September 18 deadline. All told, 40 million ballots were produced, weighing a total of 1,142 tons, and distributed throughout the country by plane, helicopter, truck and 1,247 donkeys.<sup>5</sup>

The core international staff of the JEMB was made up of competent professionals. The organization attracted highly educated and motivated Afghan nationals to staff the JEMB headquarters. Training and competency levels of the 160,000 additional staff who were brought on to run polling stations was not as thorough. Although their jobs were fairly simple, they were generally given only a few days training and inadequately screened for conflicting loyalties. One hundred and thirty international trainers and their national counterparts were trained over the course of one week on polling procedures, polling center management and counting procedures. Six thousand district field coordinators were trained in the provinces, and then dispersed to the districts to train the remainder of the polling staff.

### **C. Voter Registration**

The electoral law stipulated that a voter had to cast his ballot exclusively in the province listed on his voter identification card. There was great concern on the part of the JEMB that this would cause considerable confusion on Election Day. Unlike the presidential election of 2004, if a voter lived and worked in Kabul, but identified Nangharhar Province as his home province on his

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<sup>4</sup> *Final Report: Election Day Preparations*, JEMB, pages 14-15.

<sup>5</sup> *Final Report: Candidate Nomination and Ballot Production*, JEMB, pages 4-5.

voter identification card, he would not be permitted to cast a vote in Kabul. It was therefore considered essential to hold a registration and corrections phase.

During the month-long voter registration and corrections period, more than 1,000 registration sites throughout the country were set up to register new voters and change the province in which already-registered voters could cast their ballots. The effort was a logistical success, but demand proved lower than expected, primarily due to a lack of awareness among the population at such an early stage of the process. Nearly 1.7 million Afghans visited the registration sites, bringing the number of registered voters to 12.5 million.<sup>6</sup>

#### **D. Candidate Nomination**

For the first three weeks of May, a candidate nomination phase was held throughout the country, during which 6,103 candidates put their names forward. After withdrawals and disqualifications, Afghanistan was left with a little less than 6,000 candidates throughout the country.<sup>7</sup>

According to the electoral law of Afghanistan, to run for the Wolesi Jirga, candidates had to produce a filing fee equivalent to \$200 and 300 supporting signatures; for the provincial councils, the filing requirement was roughly \$80 and 200 signatures. Initial drafts of the law were to have the requirement higher to limit the number of candidates, but ultimately the bar was lowered to one more affordable for the average Afghan.

Candidates also had to sign a code of conduct promising that they would abide by the electoral law, and that they were neither convicted criminals nor belonging to an illegal armed militia. This written testament was to serve as the basis for disqualification of violating candidates. By the end of the candidate registration period, 5,218 men and 582 women had successfully registered to run for either the Wolesi Jirga or one of the provincial councils.<sup>8</sup>

In terms of educating candidates on the process, constantly evolving electoral regulations, and opportunities such as free media advertising, critics termed the work of the JEMB as falling short of the goal. In a field dominated by independent candidates with no formal province-wide support structure and frequently lacking effective communications, the JEMB was unable to reach every candidate with updated information regarding the election. Instead they focused on a Political Party Consultative Forum in which the parties were to be informed of the latest in election preparations, and relied on third party organizations, such as IRI, to spread the word to independent candidates.

For its part, IRI continued its longstanding program of educating rural village elders, shifting the curriculum to focus on the coming parliamentary elections. IRI believed that by focusing on the traditional opinion-makers of Afghan society, educational messages would be more readily received and disseminated through local communities. In the run-up to the elections IRI trained nearly 3,000 elders in six provinces in the electoral process. Additionally, IRI operated an

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<sup>6</sup> *Final Report: Voter Registration*, JEMB, page 5.

<sup>7</sup> *Final Report: Candidate Nomination and Ballot Production*, JEMB, page 4.

<sup>8</sup> *Final Report: Candidate Nomination and Ballot Production*, JEMB, page 4.

informal network of independent candidates and their supporters, passing on information on new laws and regulations as it became available from the JEMB.

## **F. Election Campaign Period**

The ECC was assigned the task of adjudicating electoral disputes, including the disqualification of candidates proven to be invalid for office and the prosecution of electoral violations. Many Afghans erroneously saw the ECC as an international judicial body established to punish the warlords and mass murderers responsible for more than two decades of anarchy and fratricide.

As a result, the ECC was quickly swamped with complaints that ranged from the alleged war crimes of many candidates and their links to illegal militias to support received from foreign countries. By early October, the ECC had received roughly 4,300 complaints in addition to 1,144 challenges of the official election results. These complaints resulted in 30 candidate disqualifications, primarily on the grounds of failing to relinquish government posts prior to candidacy or links to illegal armed groups.<sup>9</sup>

The JEMB passed spending regulations and required candidates to record who they received donations from and how they spent their funds during the campaign. However, little effort was made to disseminate this information to candidates. The regulations were unenforceable and had little if any effect on the campaigns.

There were complaints that foreign sources, most frequently cited as Pakistan and Iran, were funding candidates. Although this allegation was common, it was not generally supported by hard evidence. Similarly, claims that the narcotics industry was the source of improper campaign finance seemed plausible, but remained difficult to document.

The official campaign period began August 17, 2005, and ended 48 hours prior to the opening of polls on September 18, 2005. Confusion surrounded the exact meaning of the campaign period and many candidates began distributing posters long before August 17. Prohibiting informal rallies or campaign meetings prior to the campaign period proved an impractical rule that many inadvertently violated. Although some candidates did not campaign prior to the August 17 start date, others began campaign activities early which led to numerous complaints of illegal campaigning.

The JEMB's reluctance to further define the campaign period led to increased confusion. In the end, the JEMB decided that the campaign period applied only to the Media Commission regulations on free advertising. Although paid advertisements were banned since the signing of the regulation, publicly-funded paid advertising was only available from August 17 until September 15.

Candidate platforms were basic, focusing on general themes such as national unity or democracy. The Media Commission offered free advertising slots on television and radio with

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<sup>9</sup> Electoral Complaints Commission Press Release, October 10, 2005.

3,000 candidates taking advantage of the service.<sup>10</sup> Typically candidates used posters, placards and community gatherings to get out their message.

### **G. Media Access**

The JEMB created the Media Commission to oversee the use of media by candidates during the campaign. The commission heavily regulated the use of paid advertising, essentially banning it outright except for tightly controlled and publicly-funded radio and television spots. Similarly, newspaper advertising was limited to only four sheets in any combination of publications; however, little enforcement followed.

Each Wolesi Jirga candidate was allotted two five-minute slots on a radio station of his or her choice or two two-minute television advertisements. Each provincial council candidate was allowed one four-minute radio ad or one two-minute television spot.

The Media Commission appeared to have been highly successful in regulating paid advertisements through Election Day. All paid advertising was banned, and media outlets accepting paid advertising did so at the forfeiture of all revenues otherwise gained through sanctioned, commission-funded advertisements. Due to the high visibility of broadcasting, this aspect of the campaign was easily policed.

The majority of candidates, both male and female, took advantage of their free radio and television slots.

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<sup>10</sup> *Final Report: Election Day*, JEMB, page 5.

### III. Election Day

On September 18, 2005, IRI deployed 12 international observer teams to three provinces, supplemented by more than 50 IRI-affiliated Afghan national observers covering an additional 19 provinces. All told, more than 1,000 polling stations in Balkh, Bamyan, Ghazni, Helmand, Herat, Kabul, Kandahar, Kapisa, Khost, Kunar, Kunduz, Laghman, Logar, Ningarhar, Nooristan, Paktia, Parwan, Samangan, Sari Pul, Takhar, Wardak and Zabul were observed by IRI teams.

Polling stations were scheduled to open at 6:00 a.m. However, throughout the country they routinely opened an hour to an hour and a half late. The reason for this delay was initially unclear, but it was eventually learned that the opening time was pushed up by one hour but since the decision to change the opening time was made shortly before the elections, the message did not reach many polling station officials.

The technical execution of the election proceeded fairly smoothly. Despite a more complicated procedure than that of the October 2004 presidential election, no widespread procedural issues arose, unlike the previous election when inadequate training of polling officials led to frequent misapplication of indelible ink.

With thousands of candidates running for office, it was believed that the increased number of partisan candidate agents would prove distracting, if not outright disruptive, on Election Day. Contrary to these predictions, IRI observers reported no issues with regard to the candidate agents monitoring polls. They were professional and respectful of the process, and in the provinces observed, did not appear in unmanageable numbers.

IRI observers saw no evidence of serious electoral violations; misdeeds were limited to relatively benign instances of campaign materials within the 100-meter exclusion zone around polling centers.

IRI observers reported that voter turnout appeared lower throughout the country compared to the October 2004 presidential election, and considerably so in the province of Kabul. However, official figures released by the JEMB indicated that initial projections of extremely low voter turnout were exaggerated. Turnout in Kabul was visibly lower when compared to massive crowds in October 2004, and turnout in the south was as low – or lower – compared to the presidential election. However, much of the north and center of the country turned out its electorate in percentages approaching the 70 percent turnout seen in the presidential election.<sup>11</sup> Furthermore, unlike in the presidential election of 2004, in the parliamentary elections refugee populations in Pakistan and Iran were not permitted to vote, and the overall number of voters had increased by more than one million as a result of the summer registration drive.

Security on Election Day was one of the greatest successes of the process. As in the case of the 2004 presidential election, a massive country-wide surge in security forces effectively shut down Taliban operations. The Taliban claimed they had no interest in disrupting the process in the lead-up to Election Day, and would not target polling places because they did not wish to harm innocent Afghans. IRI observers witnessed no significant security incidents on Election Day.

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<sup>11</sup> *Presidential elections a 'milestone' for Afghanistan*, UNAMA, page 3.

#### **IV. Counting Process**

While Election Day was peaceful, the JEMB and international community failed to foresee the problem that would emerge from the ballot-counting process. The weeks-long counting phase was marked by confusion, corruption and complaints. A number of JEMB employees were fired for vote-rigging, including senior officials in Paktika Province, and international agencies were flooded with complaints. In at least two circumstances, protesting candidates shut down provincial counting centers.

The JEMB announced that it uncovered major irregularities in the province of Paktika and fired senior Afghan staff there. Although the full extent of the fraud in Paktika was never made public, it was later revealed at JEMB stakeholder meetings that proxy voting had been rampant. The elder man of a family would arrive with the voting cards of every female member of his clan and would cast their votes for them. Apparently, this was done with the full cooperation of local polling officials.

## **V. Post-Election Analysis**

### *Administration and Organization*

Although there were failings in the organization and administration of the election, most notably in the counting process and the adjudication of complaints, the JEMB overall performed efficiently in conducting an enormously complex election under uniquely challenging circumstances, all with a limited budget and a constrained timeline.

In particular, although the JEMB failed to adequately inform the Afghan public on the elections, the JEMB was far more efficient with various NGO and international stakeholders similarly engaged in preparing the country for the elections. Weekly meetings were consistently informative, and JEMB staff was consistently accessible.

Additionally, the work of the Media Commission, in particular its sponsored ad campaign, went a long way towards making candidates believe that they were getting a fair chance to contest the election.

### *Election Day Voter Turnout*

Voter turnout was undoubtedly lower during the parliamentary election than during the 2004 presidential election. A number of factors explain this. The JEMB failed to adequately inform the population as to the procedure or even the importance of the parliamentary elections. As is the case in the United States, voters were less interested in voting for legislatures than they were for the chief executive. The lower turnout also signaled a certain degree of disenchantment among Afghans with the political process. Afghans were disheartened to see many of the same people who led the civil war returning to run for parliament, and President Karzai was widely criticized for running an inefficient and corrupt government that accomplished little for its people.

### *Disputed Counting Process*

As mentioned in the previous section, losing candidates seized upon confusion in the counting process and limited vote-rigging, real or perceived, to declare the election entirely fraudulent. Although documented fraud did occur, and was addressed by the JEMB, the authorities received many more complaints that were unsubstantiated but served to add fuel to the widening assumption that the elections had been flawed.

In many respects, the system set itself up for this scenario. Regardless of the quality of the election process, more than 4,000 of the roughly 5,000 candidates were going to lose; yet most held unrealistic assessments about their electability and losing came as an unwelcome shock. With several legitimate reasons to complain, losing Afghan candidates rarely were able to consider the possibility of simply failing to garner sufficient support. Nearly all those losing candidates with whom IRI had contact blamed voter fraud for their loss.

### *Composition of the Parliament*

Of the 249 members of the Wolesi Jirga, approximately 50 belong to a political party, while an additional 40 claim some loose affiliation to a party. The balance of membership, roughly 150 members, is made up of independents. The success of independent candidates caught everyone

by surprise, and many in the international community feared incoherence and deadlock in the new parliament as a result.



## **VI. Findings and Recommendations**

*Finding 1:* SNTV blunted the power of the warlords and militia-parties, and will allow for the development of new interest-based parties from the ground up. For this election, SNTV was the right choice of electoral system, but in the long run SNTV is a flawed system that may lead to unnecessary frustration among interest groups unable to attain accurate representation in parliament.

*Recommendation 1:* The electoral system needs to be reworked either towards a district-based, first-past-the-post system as in the United States, or a Proportional Representation system as in most of Europe.

*Finding 2:* JEMB efforts to inform Afghan voters and candidates on the electoral process were inadequate, as was funding for NGOs involved in civic education. The result was a confused and disinterested electorate on Election Day, leading to lower turnout and disproportionate results.

*Recommendation 2:* Greater attention and funding must be allocated by international donors in educating the electorate as to the workings of their government, and the elections that underpin it. A fully-elected government will continue to lack legitimacy if its citizens do not understand how it works.

*Finding 3:* The counting process was one of the weakest elements of the election with senior national JEMB officials themselves susceptible to local pressures. Although documented fraud was limited, the sheer number of dissatisfied losing candidates as well as the participation of JEMB officials in vote-rigging badly damaged the perception of the results.

*Recommendation 3:* Greater international presence and supervision would strengthen the counting process and act as a deterrent to misbehavior. Relocating counting staff away from home provinces would minimize the effectiveness of local pressure.

*Finding 4:* The ECC was unable to adequately adjudicate the thousands of complaints received, and it did not show sufficient courage in confronting some of the worst electoral offenders, who despite their flagrant violations, were allowed to participate in the elections. The result was a clear disillusionment on the part of Afghan voters with the electoral process, and less trust in the new parliament.

*Recommendation 4:* The ECC should be given the resources it needs to investigate and adjudicate complaints in a timely manner, and it must be given the full support of the international community and the Afghan government in confronting potentially dangerous electoral offenders.

*Finding 5:* The ban on all paid advertising was misguided, even if well-intentioned. The ban unfairly benefited those candidates, famous or infamous, who already enjoyed high name identification and did not need ads to introduce themselves to voters. Banning ads prevented other candidates from increasing their own name identification, especially those moderate democrats who have a critical role to play in the future of Afghanistan.

Recommendation 5: The number of paid print advertisements allowable to candidates should not be restricted in the future.

Finding 6: Campaign regulations were promulgated on a rolling basis with some regulations even coming out after the campaign period had started. In addition, most candidates were not aware of the regulations. For example, regulations governing advertising during the campaign period, and the definition of the “campaign period” itself, were determined only well after many candidates had begun campaigning.

Recommendation 6: These regulations must be completed and passed ahead of time.

Finding 7: Voter registration remained an issue in these elections. Afghanistan has not conducted a credible census for more than 30 years, which made it impossible to accurately gauge the country’s population.

Recommendation 7: The JEMB and the Afghan government should join efforts to create a working group to develop a plan on how to construct a joint voter and civil registry. This plan should serve as a roadmap for a national voter registry.

Finding 8: More than 95 percent of the cost of the parliamentary and provincial elections was underwritten by the international community; an amount that will be unsustainable in the future.

Recommendation 8: The electoral authorities, the Afghan government and the parliament must begin to rely on national resources and operate on a reduced cost. The budget of the JEMB should be included as part of the national budget, and made as independent of international support as possible.

## VII. IRI in Afghanistan

Early in 2002, IRI initiated a multifaceted program to support Afghanistan's democratic process. IRI's program supported the then Peshawar-based Afghan NGO Coordination Bureau (ANCB). IRI's early work helped to facilitate the reopening and expansion of the bureau's Kabul office, where it coordinated the work of 140 NGOs. At a critical time in the Afghanistan's post-war development, ANCB's member organizations served as a vital link between millions of Afghan citizens and the international donor community. As of December 2005, more than 350 Afghan NGOs were affiliated with ANCB.

To provide Afghans with an objective account of developments in their country, IRI supported the Afghan Media Resource Center (AMRC) and its weekly newspaper *Erada*. With an initial readership of approximately 6,000, *Erada* began circulating in post-Taliban Afghanistan in 2002. The newspaper's current daily circulation has reached more than 11,000 copies.

After more than two decades of war and destruction, it was evident a vehicle for educating the public on matters of democracy and citizenship was needed. To that end, IRI began supporting the Welfare Association for the Development of Afghanistan (WADAN) and its mobile training program to educate community leaders on issues of pluralism and citizen participation. WADAN civic education teams mobilized a sizeable number of Afghans to run for parliament and provincial council through awareness raising events. As a result of these events, several thousand Afghans were educated about the procedures of nomination and running for parliament and provincial council. In the run-up to the parliamentary elections, more than 15,258 local leaders participated in IRI-sponsored one-day civic education events held in 33 of Afghanistan's 34 provinces.

To help prepare for presidential and parliamentary elections, IRI developed programming which was based on traditional leadership networks that existed prior to the upheavals of the late 1970s. These networks of village and community leaders were brought into the process of democratization and both lent credibility to the process and encouraged citizens to participate.

For the September 2005 elections, IRI instituted a program aimed at identifying and training independent parliamentary and provincial council candidates. Since the fall of the Taliban, a number of new, moderate, pro-democracy parties had emerged. However, these small, unknown parties were largely Kabul-based and lacked organization and depth. While the focus of some international actors was on strengthening these new parties, IRI's strategy focused on the largest group of political actors and community leaders: independents.

IRI sought to develop an identity and raise consciousness for independent candidates by creating a more formalized organization of independents. IRI's goal was to assist in the building of reliable political units that could contribute to the overall stability of Afghanistan and serve as a bulwark against the warlord parties. To this end, IRI organized coalitions of independents based upon economic and common interest issues. Eventually, coalitions of businessmen, women, village leaders, government workers, intellectuals, Kuchis, NGOs and ethnic groups were organized and each coalition selected a slate of candidates. IRI then helped to organize these separate independent groups into a national coalition, called *Mustaqel Pawaiston* (Independents

Together). Representing Afghans from every ethnic group, gender and occupation from all around the country, they developed a slate of candidates, set of bylaws, declaration of principles and grassroots infrastructure. In addition to a national board, they organized provincial committees in each of Afghanistan's 34 provinces and in 223 of the 300 districts. IRI trained the network of nearly 100,000 independents in campaign management, organizational structure, direct voter contact, coalition building, get-out-the-vote (GOTV), radio ads, volunteer recruitment and other aspects of party organization.

As a result, the independents had an excellent message and ample manpower, and were able to devise a strategy to reflect these strengths. They focused on direct voter contact as their primary message delivery vehicle, and went about building a grassroots organization that could carry their well-defined message to the voters.

Afghanistan at the time of the election did not possess telephone landlines to speak of. This and other infrastructure issues, such as poor roads and isolated communities, made the voter contact program of the coalition truly impressive. The independent GOTV phase of the campaign reached 500,000 voters through direct contacts, including door-to-door campaigning, under the name Mustaqel Pawaistoon. These contacts not only raised the profile of their coalition's name but also defined them as a credible, viable alternative to the warlord parties. In the end, they achieved impressive numbers: 42,898 attendees at GOTV rallies, 69,900 calls made at 141 phone banks, 107,000 copies of mock ballots distributed, 258,000 flyers distributed, 100,000 copies of a GOTV newspaper delivered, 1,614 radio ads and 39 independent candidates earned media events. More than 800 candidates used the same script for their two free radio ads and they hung 58,000 posters, again, promoting independents and publicizing Mustaqel Pawaistoon. They also organized 7,266 poll watchers to act on the behalf of independent candidates during the September 2005 elections.

## **VIII. Appendix**

### **A. Election Observation Delegation Members and IRI Staff**

#### **Delegates**

**Constance Berry Newman**, Delegation Leader  
Former Assistant Secretary of State for African Affairs

**Rich Galen**  
Senior Advisor, Manning, Selvage & Lee

**Brett Hamm**  
Assistant to the Mayor and Chief of Staff, Office of the Mayor of Oklahoma City

**William Nojay**  
Attorney

**John Rhodes**  
Council, Hunton & Williams  
Former Congressman from Arizona

**Diane Tebelius**  
Attorney, LeSourd and Patten  
National Committeewoman for the Washington State Republican Party  
Former Assistant United States Attorney for the U.S. Attorney's Office in Seattle, Washington

#### **IRI Staff**

**Lorne Craner**  
President

**Judy Van Rest**  
Executive Vice President

**Thomas Garrett**  
Regional Program Director, Middle East and North Africa Division

**Hallam Ferguson**  
Resident Assistant Program Officer, Afghanistan

**Lisa Gates**  
Press Secretary

**Christopher Holzen**  
Resident Country Director, Ukraine

**Johanna Kao**

Resident Country Director, Indonesia

**Jeff Krilla**

Regional Program Director, Africa Division

**Stanley Lucas**

Senior Program Officer, Middle East and North Africa

**Zia Miakhel**

Resident Assistant Program Officer, Afghanistan

**Will Oliver**

Program Assistant, Latin America and Caribbean Division

**Saba Sabahuddin**

Field Director, Afghanistan

**Robert Varsalone**

Resident Country Director, Afghanistan

B. Appendix II: IRI's Preliminary Statement on Afghanistan's Parliamentary Elections,  
September 19, 2005



**International  
Republican Institute**

Suite 700  
1225 Eye St., NW  
Washington, D.C. 20005  
(202) 408-9450  
(202) 408-9462 FAX  
[www.iri.org](http://www.iri.org)

For Immediate Release  
September 19, 2005

**IRI's Preliminary Statement on Afghanistan's Elections**

**Kabul, Afghanistan** --The International Republican Institute's (IRI) election observation delegation found that Afghanistan took another major step in building a democratic state when they went to the polls on September 18, 2005. For the first time in 30 years, Afghan men and women have elected national and provincial representatives who will represent them and give them a voice in a new Afghanistan.

IRI monitored more than 1,200 polling locations in 16 provinces and found the following:

- Yesterday's elections were well organized, with Afghan election workers well trained and professional;
- The number of domestic monitors and candidate agents and their contribution to the transparency of the elections are a positive sign for Afghanistan's election process;
- IRI observers reported higher turnout in regions of the country other than Kabul;
- Voters, who clearly understood their important role in democracy, appeared well informed as to the balloting process; and
- Given the understandable decision to not count the ballots at the polling stations, it is extremely important that the security of the ballots be guaranteed and that the vote count be open and transparent.

IRI's delegation for Afghanistan's parliamentary and provincial council elections was led by Constance Berry Newman, former Assistant Secretary of State for African Affairs. Other delegates were Rich Galen, Senior Advisor, Manning, Selvage & Lee; Brett Hamm, Assistant to the Mayor and Chief of Staff, Office of the Mayor of Oklahoma City; Bill Nojay, business attorney in private practice; Jay Rhodes, former Congressman from Arizona; and Diane Tebelius, elections expert and attorney, LeSourd and Patten. IRI staff also served as observers, led by Lorne Craner, President of IRI and former Assistant Secretary of State for Democracy and Human Rights; Judy Van Rest, Executive Vice President of IRI; Tom Garrett, Regional Director for IRI's Middle East and North Africa division; and Rob Varsalone, Country Director for IRI's Afghanistan program. More than 55 Afghan nationals also served as IRI observers.

IRI began working in Afghanistan in 2002. In October 2004, IRI was the only U.S. organization that observed Afghanistan's presidential election. In advance of the September 18 elections, IRI trained more than 15,000 men and women who considered running for office. IRI staff and its local partners will continue to monitor the count, and IRI will issue a full report of its findings.

Since 1983, IRI has monitored more than 130 elections worldwide



### C. Appendix III: Summary of the Afghan Electoral Law

An electoral law was first written in May 2004 to govern the conduct of the presidential election, and later extensively amended to more accurately reflect the realities of the subsequent parliamentary and provincial elections. The current version was agreed to in late April 2005. A summary follows.

*Chapter I (General Provisions):* Codifies the higher aspirations of the electoral system, including the “free, universal, secret and direct ballot” and respect for the free will and equality of the voter.

*Chapter II (Electoral Administration):* The electoral process will be administered by an Independent Electoral Commission at the central, provision and district level. Officials of political parties or candidates, and close relatives of candidates are forbidden to serve as electoral officials, and sitting officials are forbidden to run for office.

*Chapter III (Constituencies):* Constituencies are defined at the provincial and district level for their respective elections, and provisions made for disputing these boundaries.

*Chapter IV (Voters and Candidates):* A voter must be at least 18 years of age, a citizen of Afghanistan, registered with the commission, and not deprived of his civil or political rights by a competent court.

Eligible candidates are defined according to the constitution. Defined higher officials are prohibited from running for office unless they resign their posts, including members of the Ministries of Defense and Interior, and no one with known links to illegal armed groups is permitted to run.

Voters are required to display their voter identification cards before voting, and may only vote in the constituency listed on their card.

*Chapter V (Candidacy and Election of President):* The President is elected as according to Article 61 of the constitution, and must win with at least 50 percent of the valid votes cast.

*Chapter VI (National Assembly Elections):* The lower house of the parliament, the Wolesi Jirga, is assigned 249 seats, of which 10 are reserved for Kuchi nomads. A formula is specified to determine the number of seats, and those reserved for women, each province is allocated. The candidates with the highest number of votes will win seats, and candidates who abandon or are unable to take their seats will be succeeded by the next candidate down the list.

The upper house of the parliament, the Meshrano Jirga, is to be made up of 102 members; 68 are to be elected, one from among the members of each provincial council and one from among the assembled district councils of each province. The final 34 are to be appointed by the president from among candidates nominated by social organizations, political parties and the general public, of whom half must be women, one must be a Kuchi nomad, and one must be disabled.

*Chapter VII (Provincial and District Elections):* The number of seats in a given provincial or district council is according to population categories, and winners are allocated similarly for the Wolesi Jirga elections

*Chapter VIII (Conduct of the Elections):* A timeline is laid out for the conduct of elections, and requirements in supporting signatures, paperwork, and filing deposit for candidate nomination. For the Wolesi Jirga, 300 supporting signatures and 10,000 Afghanis (roughly \$200) are required; if a candidate either wins or receives at least two percent of the vote their deposit will be returned.

The Electoral Commission is granted broad powers to define the campaign period and other technical aspects of the election.

*Chapter IX (Electoral Complaints and Offences):* The Electoral Complaints Commission is established, electoral offences defined, and potential sanctions determined, including fines up to 100,000 Afghanis (\$2,000) and disqualification of the offending candidate.

*Chapter X (Miscellaneous Provisions):* Allowances are made for the postponement, suspension, or re-run of elections, and the commission is granted the power to implement further regulations to smooth the electoral process within the bounds of the law.

*Chapter XI (Transitional Provisions):* During the tenure of the Transitional Authority the powers of the Independent Elections Commission will be wielded by the JEMB, the joint United Nations-Afghan electoral authority.