

THE INTERNATIONAL REPUBLICAN INSTITUTE



ADVANCING DEMOCRACY WORLDWIDE

AFGHANISTAN PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS

AUGUST 20, 2009

ELECTION OBSERVATION MISSION

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Executive Summary

On August 20, 2009, for only the second time in their nation's history, Afghans went to the polls to elect a president and representatives to 34 provincial councils. In the face of genuine Taliban threat, the commitment to democracy by many Afghans was encouraging. However, large numbers of irregularities and resistance to the adjudication process called into question the legitimacy of the elections and reinforced widely held perceptions of corruption and lack of accountability.

All elections are a process of pre-election environment, pre-election administration, Election Day voting, vote counting and post-election adjudication, resulting in acceptance of legitimate results. Election malfeasance was brought into stark recognition after Election Day: manipulation of ballots at polling stations and counting centers, and misconduct by election officials, including the misuse of state resources, ushered into office a president elected only after his nearest challenger refused to participate in a runoff fearing a repeat of vote manipulation.

Election efforts in Afghanistan were monitored by international and domestic observation groups and the International Republican Institute (IRI) was pleased to be among those playing a role in assisting Afghanistan's election. With accreditation from the Afghan Independent Election Commission (IEC), IRI sponsored four long-term international observers, 30 short-term international delegates, and 40 domestic monitors to observe Afghanistan's elections.

On Election Day, IRI international observers monitored more than 150 polling stations in Bamyan, Jalalabad, Kabul and Mazar-e-Sharif. IRI-trained domestic observers in Bamyan, Farah, Ghor, Herat, Kabul, Kandahar, Nangarhar and Paktiya monitored another 100 polling stations. As mentioned in the preliminary statement (Appendix B), IRI views the 2009 Afghan elections not by the standards of the United States, but in the context of the 42 countries in Africa, Asia, Eurasia and Latin America in which the Institute has observed more than 130 elections.

At the time of the elections, as reflected in IRI's preliminary statement, the process prior to and on Election Day appeared credible in execution: the pre-election campaign environment was dynamic; the IEC delivered millions of election materials and trained thousands of election workers; and on Election Day IRI generally saw well organized, well run polling sites. However, mounting claims of irregularities and ensuing investigations in the weeks following the election revealed irrefutable evidence of widespread fraud, mostly in areas outside the reach of international and domestic observers. The widespread irregularities along with abuse of state resources brought the election to a lower standard than the 2004 and 2005 Afghan elections observed by IRI.

Afghanistan faced an exceedingly tough election environment with limitations on freedom of association, restricted freedom of movement, rugged topography and widespread insecurity that amplified challenges to participation in the electoral process, especially for women and candidates. As Afghanistan wrestles with adapting to

democracy, it is important to highlight a number of significant democratic indicators accomplished in the lead-up to the August 20 elections that will have lasting impact. Presidential and provincial candidates reached beyond their ethnic bases in vigorous but civil campaigns. Candidates' campaigns were increasingly issue- rather than personality-based, and most strikingly, presidential candidates took part in the first debates ever held in Afghanistan, one of which included President Hamid Karzai. In addition, private media coverage throughout the election period was generally balanced and helped level the playing field.

Moving forward, in a commitment to strengthening Afghanistan's electoral system, new leaders, civil society, and election stakeholders must strengthen elections safeguards before the next round of elections. In the absence of redressing Afghanistan's most fundamental election weakness—the lack of a centralized voter registry—strict anti-fraud measures for election officials, candidates and other stakeholders must be specified and reinforced. IRI strongly recommends a thorough review of electoral administrative bodies. The composition of Afghanistan's Electoral Complaints Commission (ECC), the body charged with adjudicating electoral disputes, should be maintained with three international and two Afghan commissioners. In addition, civil society and independent media also offer an untapped layer to check the electoral process and should take a greater role in voter education and public outreach during parliamentary elections.

I. Introduction

IRI led an election observation mission of long-term observers, short-term observers and domestic observers to monitor the August 20, 2009, elections. IRI's international delegation brought a tremendous amount of experience with one-third of the 2009 delegation taking part in IRI's election observation missions for Afghanistan's 2004 presidential election and 2005 parliamentary elections. IRI was the only Western nongovernmental organization (NGO) to conduct a monitoring mission of the 2004 presidential elections and has since cultivated relationships with Afghan political and community leaders in every province through work with issue-based coalitions.

Ensuring fairness, transparency and credibility requires more than observing voters at the polls on Election Day. To provide the proper context for short-term observers, IRI deployed four long-term observers in advance of the election to observe voting preparations and get-out-the-vote efforts. Long-term observers arrived in Afghanistan four weeks before Election Day to monitor the campaign period and election environment in Kabul, Jalalabad and Mazar-e-Sharif. Observers met with election stakeholders, government and international officials, campaign representatives, election administration coordinators and civil society members.

Thirty short-term observers arrived in Kabul five days prior to the elections and attended a comprehensive series of briefings before deploying to their respective locations approximately two days ahead of Election Day. All IRI election observers were briefed on Afghanistan's election law, code of conduct for election observers and expectations for Election Day reporting and information sharing before traveling to assigned locations. Delegates also met with electoral stakeholders, candidates, campaign representatives, representatives from the U.S. Embassy, and domestic and international NGOs, as well as with IRI-supported social coalition representatives and Afghan citizens. These pre-election meetings provided a framework for monitoring administrative and procedural processes in an independent and impartial manner.

IRI's international delegation included representatives from Canada, Serbia, Ukraine and the United States and was led by Ambassador Richard S. Williamson, IRI board member, former U.S. Ambassador to the United Nations and Presidential Envoy to Sudan. IRI staff also served as observers and assisted in the mission. IRI staff was led by Lorne W. Craner, President of IRI; Judy Van Rest, Executive Vice President; Thomas E. Garrett, then-Director for IRI's Middle East and North Africa division; Scott Mastic, then-Deputy Director for IRI's Middle East and North Africa division; and Shuvaloy Majumdar, IRI's then-Resident Country Director in Afghanistan.

IRI also integrated a domestic monitoring component into its election observation efforts. IRI trained 40 IEC accredited Afghans on the fundamentals of assessing the effectiveness and impartiality of Election Day processes. Domestic observers included a mix of men and women, young and old who volunteered to monitor polling centers in their provinces. IRI's domestic observers were instrumental in monitoring locations inaccessible to

international observers as security concerns and restricted mobility prevented international observers from witnessing the opening and closing of polling centers.

On Election Day, IRI deployed its international observation teams in the provinces of Balkh, Bamyan, Farah, Kabul, and Nangarhar; domestic poll watchers were present in the provinces of Paktiya, Nangarhar, Bamyan, Kabul, Balkh, Ghor, Farah, Herat, and Kandahar. The findings and recommendations presented in this report are drawn from the reporting of IRI's international and domestic observers, but do not necessarily reflect the views of individual observers.

The report also uses two national surveys conducted in the weeks leading up to the election and one post-election survey to gauge the political environment and voter expectations.¹ Over the course of its Afghanistan polling program, which began in 2003, IRI has tracked several indicators to gauge the overall political environment and mood of the population. Survey data was important during the lead-up to the elections as it measured voter priorities, support for various candidates and political options and gauged Afghan perceptions on governance and national institutions.

This report contains IRI's assessment of the pre-election and Election Day environments, post-election adjudication and recommended improvements to stakeholders for future elections in Afghanistan.

¹ Survey of Afghanistan Public Opinion, May 3-16, 2009, <http://www.iri.org/news-events-press-center/news/iri-releases-survey-afghanistan-public-opinion-1>
Survey of Afghanistan Public Opinion, July 16-26, 2009, <http://www.iri.org/news-events-press-center/news/iri-releases-survey-afghanistan-public-opinion-0>
Survey of Afghanistan Public Opinion, November 16-25, 2009, <http://www.iri.org/news-events-press-center/news/iri-releases-survey-afghanistan-public-opinion>

II. Pre-Election Period

The pre-election period was dynamic, characterized by enthusiastic campaigning by candidates and supporters, Afghanistan's first ever presidential debates and widespread coverage by Afghanistan's independent media. Afghans by the thousands attended election events throughout much of the country, and presidential campaigns reached beyond their ethnic bases to coalesce Afghans around issues. Afghans seemed energized to participate in the elections; results of a July 16-26 public opinion survey conducted by IRI revealed a majority of Afghans (81 percent) followed the election closely and 90 percent of Afghans were either very likely or somewhat likely to vote on August 20.

A. *Administrative Framework for Elections*

Legal Framework

The August 20, 2009, elections were the first post-Taliban elections fully administered by Afghans with the international community's formal role limited only to assist and advise. The elections were governed by the 2004 Constitution and the Electoral Law of 2005, which provided a basis to conduct elections in accordance with international standards. According to the law, written in 2005 the president is elected by a direct vote. If no candidate wins greater than 50 percent of the votes in the first round, a runoff is held between the first and second place candidates. National assembly, provincial council and district council elections are determined by a single non-transferable vote (SNTV) system.

In the SNTV system voters cast a single vote for a candidate and the candidates who receive the most votes are elected to the number of seats allocated to that constituency in rank order. Afghanistan maintains a quota system, therefore roughly 25 percent of provincial council seats are reserved for female candidates. One of the defining characteristics of SNTV is the limited role it provides for political parties. National and international civil society organizations, as well as discontented Afghan politicians, argue that by marginalizing political parties, SNTV impedes the development of strong representative assemblies.

While recognizing the drawbacks of the SNTV system, allowing candidates to seek office without having to associate with a political party (or run on a party list) was a wise decision for the election cycles of 2004 and 2005. In the current political context, however, IRI acknowledges the SNTV system is an impediment to organized politics and suggests the government of Afghanistan consider revisions in the future. Revisions to SNTV would allow for greater provincial representation that is conducive to more formalized political groupings. The potential unifying aspects of this change at both the national and subnational levels should not be discounted, especially as Afghanistan moves toward a democratic political model.

Electoral Institutions

The Electoral Law stipulates that elections in Afghanistan are administered by two main electoral bodies: the IEC, which oversees the election process, and the ECC, which deals with “offenses, complaints and challenges”² that arise during the process. The IEC is the successor of the Joint Electoral Management Body that oversaw the elections in 2004 and 2005.

Independent Election Commission

The IEC is the highest ranking electoral body in Afghanistan and is responsible for administering the electoral process, as designated by Article 7 of the Afghan Electoral Law; decisions and regulations issued by the IEC complement statutory laws. The commission is also responsible for announcing certified election results once all counting procedures have been completed and after all complaints have been adjudicated by the ECC.³

Though intended to be an impartial electoral body, commissioners are appointed by the president, a system that Afghanistan’s parliament, the *Wolesi Jirga*, and the international community, including IRI, strongly recommends be reevaluated. In accordance with international best practices, the *Wolesi Jirga* passed a bill in February 2009 that asserted the right of parliament to approve the president’s appointees, however President Karzai vetoed the amendment and the IEC was exclusively appointed by the president. Seven commissioners, appointed by Presidential Decree No. 21, dated January 19, 2005, are responsible for overall policy making and supervision of electoral processes. One of the most significant decisions of the IEC in the pre-election period was the decision to delay elections beyond the timeframe stipulated in the Constitution.⁴ On January 30, 2009, the IEC postponed the elections and invoked Article 55 in the Electoral Law that permitted such action “if security, financial, or technical conditions or other unpredictable events make the holding of an election impossible, or seriously threaten the legitimacy of an election.” The IEC took into consideration realities of insecurity, harsh winters, limited access to polling places and political maneuvering that could have disenfranchised millions of voters. IRI believes the decision was reasonable and aligned with international best-practices.

IRI commended the IEC in its preliminary statement after the elections for its work in the pre-election period given the security situation and threats against staff members. In the face of security and infrastructure challenges, the IEC and supporting electoral bodies shaped an electoral process that seemed well-administrated, taking into account such issues as inclusiveness of women and minorities, a timeline for distribution of materials, and voter education and awareness. The IEC managed timely delivery of election

² Article 52, Electoral Law (2005)

³ Article 49, Electoral Law (2005)

⁴ Article 61 of the Constitution stipulates that presidential election be held every five years, 30-60 days prior to the end of the presidential term, which was on May 22, 2009.

materials in a logistically challenging environment by using various transport methods from vehicles and helicopters to pack animals. Training of poll workers and election officials in the three weeks before the elections was a massive effort for which the IEC should be applauded, though a final shortage of female poll workers detracted from the IEC's capability to administer the elections.

Despite accolades for the IEC's initial organizational capability, its inability to effectively respond to ballot stuffing, fake ink, and ghost polling stations led to strong criticism and disapproval of the IEC's administration of the elections. IRI notes the growing concern as broad allegations of misconduct by IEC staff and their involvement in fraud became public and questions were raised about the neutrality of the commission, especially among certain provincial level IEC officials.

The Electoral Complaints Commission

The ECC is an independent body that adjudicates all challenges and complaints related to the electoral process in Afghanistan. According to the Electoral Law, the ECC is composed of two national commissioners and three international commissioners, though a recent decree by President Karzai would effectively change the composition. One commissioner is appointed by the Afghanistan Independent Human Rights Commission (AIHRC), one commissioner is appointed by the Supreme Court of Afghanistan and the three international commissioners are appointed by the Special Representative of the Secretary General of the United Nations.

Established under Article 52 of the Electoral Law, the ECC is a temporary body that disbands 30 days following certification of election results. The ECC maintains a similar structure as the IEC, with headquarters in Kabul and provincial electoral complaints commissions (PECC) located in provincial capitals throughout the country. PECCs make initial decisions and, where possible, resolve complaints at the local level through discussions with parties involved. The ECC reviews all PECCs decisions and issues a final decision. All decisions by the ECC are binding.

Prior to certification of results, the ECC retains power to order remedial action, impose fines, disqualify electoral candidates, order recounts and conduct election audits. Any person or organization who had a valid interest in the electoral process and who claimed that there was violation of law regarding the conduct of the electoral process could file a complaint, the ECC was also able take cases on its own initiative. The well trained ECC staff was able to recognize and identify irregularities and employ proper procedures to handle cases; in the two months before the elections, the ECC investigated more than 430 complaints and following the elections investigated another 2,375 complaints. IRI commends the ECC for maintaining nonpartisan objectivity throughout the election period and standing ready to investigate all complaints.

B. *Political and Security Environment*

Historic alliances, tribal relations, personalities and insecurity complicated the political environment in the months leading to the elections. Traditionally and culturally in Afghanistan tribal members adhere to their elders' decisions and vote as elders instruct. In the months before the elections, 60 percent of Afghans cited elders or heads of tribe as preferred representatives when dealing with security or political matters.⁵ Candidates capitalized on traditional decision-making mechanisms to negotiate allegiances and seal votes in advance of the elections and few candidates, with notable exceptions like Ashraf Ghani, stressed individual or issue-based association. Power politics and brokering set the stage for vigorous campaigning but also paved the way for Election Day vote maneuvering, which undermined one-person-one-vote principles based on individual voting preferences.

Further complicating the political environment, candidates often relied on warlords, power-brokers and political bosses to consolidate votes. In some cases, known and feared figures served to instill an expectation of reprisal if targeted populations failed to vote according to alliance. For example, the return of Abdul Rashid Dostum, the notorious Uzbek warlord (previously exiled in Turkey) just days before the elections sent an ominous warning to the majority of Uzbeks to fall in-line with Karzai on Election Day. The political environment was saturated with allegiance making, deal making and political favors used to secure voting blocs, all to the detriment of individual voters.

Growing insecurity in the provinces encouraged and intensified political power-brokering. Afghanistan is a nation presently at war, which undeniably affected the elections. Insecurity and threats from insurgents to disrupt the election process severely limited freedom of movement for candidates, voters and observers and limited freedom of expression, hampering the ability of candidates to campaign openly through public gatherings or door-to-door visits. Cultural restrictions on freedom of association and peaceful assembly amplified difficulties in participating in the electoral process, especially for women. Active fighting to clear areas under enemy control in order to hold elections restricted the ability of IEC workers to conduct pre-election activities. Reports indicated many registration centers and voter education training in rural areas outside the capital centers did not operate due to fears of kidnapping and killing of election workers. During the campaign period, which ended on August 17, there were 19 attacks on presidential candidates, 23 attacks on provincial council candidates and four alleged election-related killings.

Despite ongoing security threats, IRI witnessed enthusiasm and commitment among the Afghan people as they prepared to go to the polls. Afghan fervor was evident in the registration process, through campaign posters plastered throughout the country, the time volunteered and distances traveled by voters to attend political rallies, and by interest-groups promoting issues supported by youth, women and other coalitions. An IRI survey of Afghan sentiment conducted July 16-26, 2009, revealed a combined 92 percent of Afghans were somewhat or extremely confident the IEC would preside over a free and

⁵ Public Opinion Survey, May 3-16, 2009.

fair election. This data shows Afghans believed their investment in the election would be rewarded with a legitimate outcome.

B. Voter Registration

The voter registration process was conducted by the IEC according to Article 156 of the Afghan Constitution. Starting in October 2008, the IEC launched a four-phase voter registration drive, determined by the climate and security situation of provinces. The registration process went smoother than predicted; the IEC registered more than 4.5 million voters, in addition to 12.7 million voters already registered in 2004 and 2005. IRI's survey of public opinion, May 3-16, 2009, shows 74 percent of Afghans were registered to vote. The IEC administered a massive registration effort but the lack of a centralized voter registry beset the process. A central voter registry provides the best safeguard against duplicate registrants, the sale of voter cards and against multiple voting on Election Day.

Issuance of voter cards in the absence of a centralized voter registry made it difficult to assess how many of the 4.5 million registrants were genuine voters and facilitated irregularities such as the registration of phantom voters, under-age voters, and a flourishing black market in voter registration cards. Credible reports support the allegation that there were more cards in circulation than voters. The Fair Elections Foundation of Afghanistan (FEFA) observed on average at least 51 percent of all centers registered multiple voter cards to individuals. In one extreme case, FEFA investigators found the distribution of around 500 registration cards issued to one person in Badghis Province. Unrealistic registration rates for women support the allegation, for example, more than twice as many women than men registered to vote in Logar Province. Proxy registration, or registration of females by male relatives, was another issue of concern. In Paktika Province, 99 percent of stations issued female voter cards to a male family member without the women present to verify identity; 90 percent of stations in both Khost and Zabul provinces did the same.⁶

Easily accessible voter cards on the black market added to a lack of electoral accountability. IRI observers noted that voter cards were available for purchase at \$20-\$30 per card. Obtaining a voter card was as easy as purchasing a phone card on the street; *The Times* (of London) reported that several tribal leaders and local people in Helmand described a systematic attempt by supporters of President Karzai to collect or buy voter registration cards from local people. The article quoted a tribal elder in Marja who said: "The tribal elders in all the districts are organising this. They buy the voting cards for money or mobile phone scratch cards."⁷

Multiple and proxy registration, particularly in the South and Southeast, and the illicit sales of voter cards, all facilitated without a central voter list, increased the potential for

⁶ FEFA "Report on Voter Registration 3rd Phase," January 2009 available at http://fefaf.org.af/Eng_Pages/Reports/VRP_Rep/VRP_3.pdf

⁷ Tom Coghlan, "President Karzai's supporters 'buy' votes for Afghanistan elections," *The Times* (of London), August 12, 2009.

voter fraud while decreasing the ability to detect it, which cumulatively cast doubt on whether Afghanistan was prepared to independently administer an open and transparent election.

C. Civic Education

The IEC, with assistance from United Nations Assistance Mission in Afghanistan (UNAMA), deployed 1,604 civic educators to conduct face-to-face voter and civic education programs throughout the country at the provincial, district and village level. Programs included mock polling stations, town hall meetings, community mobilization events and mobile theaters as well as a range of efforts from enrolling sports and music stars to speak about the importance of voting to holding poetry sessions to raise awareness about voting procedures. As deteriorating security prevented educators from accessing many districts and villages, a call center was established which received approximately 30,000 calls a week. In addition to verbal communication with voters, the IEC produced a variety of educational media programs in Dari and Pashto, printed more than five million posters, leaflets and fact sheets, erected 684 billboards, and distributed 400,000 sample ballots. As ballots were lengthy and lacked clarity—each candidate was represented on the ballot with a picture, a symbol and a number—distributing samples helped familiarize voters with the actual ballot on Election Day.

Even with the considerable efforts of the IEC, security concerns, inaccessibility and high illiteracy rates impacted the IEC's ability to reach many Afghans, and public awareness of electoral processes in Afghanistan remained limited. IRI observed that even presidential teams lacked understanding of basic electoral procedures. In the weeks before the elections, IRI brought together major presidential campaign teams to directly work with the ECC on ways to ensure transparency in the complaints process. Many of the participants acknowledged that they did not know how to file a complaint, which is critical to the transparency of elections. In Nangarhar Province, IRI observers noted the concern of local Afghans regarding insufficient voter education, some of which was ascribed to untrained, unmotivated IEC staff or staff appointed through personal relationship to a candidate. However, IRI observers also received positive reports that the IEC held well attended and well organized trainings.

Impartiality of the IEC was a concern throughout the voter education process. Certain IEC education materials were thought to favor the incumbent; for example, a poster used to display election processes included a scale in the center, which was Karzai's affiliated symbol. In reaction to such visible bias, voters in Balkh and Panjsher provinces cut out the scales from the posters.

Cultural restrictions made civic education for women cumbersome; traditional families and communities in Afghanistan find it inappropriate for women to be active outside the home and prohibit female involvement in pre-election activities or voting on Election Day. IRI commends the determination of women who persistently encouraged female participation on Election Day in light of restricted mobility and insecurity. In regions where IEC civic educators were not able to reach beyond provincial or district centers,

independent women's organizations shouldered the responsibility to provide education and mobilize Afghan women. For example, one organization, the Movement of Afghan Sisters (MAS), used its nation-wide chapters to mobilize and educate women voters, and MAS leadership traveled to insurgent strongholds like Helmand, Kandahar and Khost to conduct voter education and outreach. When women participants said they were fearful they would have to vote as their husbands told them, MAS members reminded the women that the ballots were secret and encouraged them to vote their conscience. The Afghan Women's Network (AWN) promoted its Five Million Women Campaign to encourage five million Afghan women to vote on August 20, 2009 through forums and discussions that publicly demonstrated women's mobilization and force as voters.

Afghan civil society organizations supplemented IEC's education efforts through independent outreach that focused on grassroots mobilization. The advantage of using civil society organizations was evident from their understanding of how to discuss political participation in light of local culture and traditions. Groups like AWN and Afghanistan's Youth National and Social Organization, Hazara National Assembly and local district *shuras* conducted national voter education campaigns to encourage youth, women, minorities and nomadic groups (*Kuchis*) to be actively involved in the election. These organizations reached more than one million potential voters through door-to-door voter turnout campaigns, rallies and training. Common voter turnout topics included: why vote, how to register, and how to vote. Engaging civil society to conduct voter education and outreach efforts was an effective model that should be considered for greater involvement in future election cycles.

D. Election Campaigning

The campaign environment was dynamic and energetic. The candidate nomination process yielded 41 presidential contenders and 3,195 candidates for 420 provincial council seats. At the end of the campaign period, the IEC announced that seven presidential candidates formally withdrew their resignation, several others unofficially withdrew, though in all cases the names of withdrawn candidates remained on the ballot. The most visible candidates in the 2009 election were incumbent Hamid Karzai and challengers Abdullah Abdullah, Ramazan Bashardost and Ashraf Ghani.

Presidential and provincial council candidates inaugurated the campaign season by hanging campaign posters, holding public rallies, canvassing door-to-door, securing critical endorsements and seeking media coverage. IRI observed that presidential and provincial candidates reached beyond their ethnic bases of support in vigorous but civil campaigns. Candidates' campaigns were increasingly issue- rather than personality-based, and fostered genuine debate over social, economic and security problems. In an unprecedented manner Abdullah and Ghani traversed Afghanistan and brought their campaigns to the people. Both candidates traveled throughout Afghanistan and held large rallies to compete for votes based on issue platforms. It was not uncommon for each rally to draw upwards of 5,000 people in attendance. In all locations where IRI long-term observers were present, vigorous, non-violent and sustained campaigns were reported.

Most strikingly, presidential candidates took part in the first televised debates ever held in Afghanistan, one of which included President Karzai. In the first debate, participants Abdullah and Ghani presented their platforms and visions for Afghanistan; an empty podium marked the absence of incumbent President Karzai who refused to participate. Yielding to internal and international pressure, President Karzai participated in the second debate. For many Afghans, the participation of President Karzai in the second debate was a watershed event as it marked the first time an Afghan head of state debated his challengers as equals, answered questions and defended the performance of his administration. With presidential candidates restricted in their travel due to security, the media played a critical role in informing voters, especially those in insecure and remote areas. Independent media encouraged a level playing field for candidates and served to balance the more partial state-run media outlets.

Breaches of objectivity by government officials and misuse of state resources placed some candidates at an unfair advantage. The use of public funds or government officials for campaign purposes was prohibited but mechanisms to guard against this practice were not enforced. Incidences of governors and government officials using their position and resources to campaign for specific candidates, most often the incumbent and/or favored provincial council candidates, during the campaign period created an atmosphere of partiality toward President Karzai. In Spin Boldak, Kandahar, the Afghanistan Analysts Network reported the provincial head of the border police vowed to deliver the vote for Karzai in six border districts under his responsibility.⁸ The ECC issued a sanction for misuse of state resources against Muhammad Karim Khalili, second Vice President of Afghanistan, for using military helicopters for Karzai's campaign purposes.⁹ As IRI noted in its preliminary statement, to a degree beyond that normally seen in transitional democracies, state resources were used during the campaign which reinforced perceptions of unaccountability, corruption and cronyism.

Women's involvement as candidates increased compared to 2004 and 2005 elections: two of the 41 presidential candidates were women and 328 women, up from 242 in 2004/2005 elections, ran for provincial council seats. However, women candidates were disproportionately affected by personal insecurity and cultural restrictions. IRI observed that in Laghman Province, mullahs challenged female candidacies, proclaiming it is un-Islamic for women to be involved in such activities. Women candidates and campaign workers reported threats, harassment and attacks as Taliban influence gained momentum in the many parts of the country. Sahara Sharif, a founding member of MAS and a member of parliament from Khost, noted that in 2004 and 2005 she traveled freely across the province, talking to women about the importance of voting. This election, Sharif arranged her meetings in secret to avoid detection by the Taliban. In an interview with

⁸ Afghanistan Analysts Network, "Polling Day Fraud in the Afghan Elections," September 2009.

⁹ ECC Press Statement *The Electoral Complaints Commission Issues a Sanction for Misuse of Government Resources*, August 10, 2009, <http://www.ecc.org.af/en/images/stories/pdf/ECC2009PressRelease20090810Eng.pdf>

Pamela Constable from *The Washington Post*, Sharif reflected, “It made me sad to see how far backward things have gone for women in my province in just a few years.”¹⁰

E. Media Coverage of Elections

In post-Taliban Afghanistan, media has grown in reach and influence, as demonstrated during the campaign period and on Election Day. During the election period when security challenges made physical campaigning difficult, media became a key mechanism to reach potential voters and conduct voter turnout efforts. IRI’s July 16-26, 2009 poll showed that 82 percent of Afghans receive political news from either the radio or television. IRI observed that independent media did a better job this election cycle promoting substantive dialogue compared to the 2004 and 2005 elections; many media outlets ran special elections programs that highlighted key issues, interviewed candidates and voters and organized live debates. Journalist intimidation was a persistent problem, but generally election coverage from independent media outlets was balanced; the greatest offences against free and balanced media during the election cycle were generated from government influence and partiality on state-run stations.

To monitor media coverage of presidential and provincial council candidates, the IEC established an independent, temporary Media Commission, as directed under Article 51 of the Electoral Law. However, the commission lacked the mandate to enforce equal coverage or penalize offenses. Complaints and violations were directed to a permanent media commission within the Ministry of Information and Culture, a Karzai-appointed official body. IRI believes that a government appointed commission linked to an executive ministry in the context of this and future elections in Afghanistan is not an appropriate arbiter. The Ministry of Information and Culture often demonstrated partiality for President Karzai and used its power to ban websites critical of the president.

The IEC’s temporary Media Commission repeatedly found government favoritism and influence in media coverage of the elections. State-run media, Radio Television Afghanistan (RTA), allotted Karzai more than 60 percent of coverage. During the monitoring period July 6-28, 2009 the Media Commission reported that RTA featured President Karzai as the central candidate, with 67.5 percent coverage. His nearest contender, Abdullah, received 9.4 percent and Ashraf Ghani 1.8 percent of coverage.¹¹

Another mechanism used by government to influence media was the enforced blackout of broadcasting violent incidences on Election Day. The President’s office claimed that the measures were in the interests of national security, but many international and domestic media stations rejected the request and continued to report all news. According to the Media Commission at least 15 journalists were reportedly detained for covering security related incidents. Journalists were often subject to pressure by the government or opposition forces during the election period. One journalist interviewed by Amnesty International explained his situation: “People working on the Karzai election campaign

¹⁰ Pamela Constable, “Many Women Stayed Away From the Polls in Afghanistan,” *The Washington Post*, August 31, 2009.

¹¹ Media Monitoring Project Afghanistan, *Weekly Narrative Report*, July 30, 2009.

are calling me and other journalists and threatening us if we report on corruption or anything bad that Karzai's government is doing. Taleban [*sic*] and other groups contact me and threaten me, telling me I must stop writing any positive news stories about the elections because they don't want people to support the elections. I am caught between these two sides."¹²

Despite strong government influence over Afghan media, private media grew in depth and capacity, with independent media outlets generally promoting well-balanced, substantive and lively public dialogue during the campaign period. Media station Salam Watandar broadcast nearly 600 news stories, reports, interviews and programs about the elections focusing on provincial council races. Other media outlets such as Ariana TV, Shamshad TV, Tolo/Lemar TV and Noor TV produced daily elections news programs that included in-studio broadcasts, roundtables and call-in discussions as well as on-location footage of journalists traveling to different areas of Afghanistan to collect relevant stories and interviews.

Most noteworthy were the historic presidential debates that occurred in advance of elections. The first national presidential debate, sponsored by private media network Tolo, was broadcast in the national languages Dari and Pashtu. Approximately 10 million Afghans watched or listened to the debate, some watching in public parks and open fields or listening in taxi cabs and shops. President Karzai chose not to participate in the first debate, leaving candidates Ghani and Abdullah standing on either side of an empty podium. The notable absence of President Karzai strengthened the idea of accountability and set the tone of a second debate days before the election on national television RTA that included President Karzai, Bashardost and Ghani. The widely discussed debates were evidence of Afghan interest in the democratic process, and offered viewers and listeners an unprecedented look at the presidential candidates and potential national leaders. Media was a key vehicle through which Afghan voters were presented with real options and alternatives in the presidential contest.

Media also provided Afghans with timely and relevant updates on the performance of campaigns, candidates and the election process overall. Improved media coverage in 2009 and especially the coverage provided by private media is to be commended. Significant strides in establishing an independent Afghan media corps ought to be applauded. Sidiqullah Tawhidi of the IEC Media Commission told *The Christian Science Monitor*, "During the first presidential election [in 2004], there were no private channels—just the national TV, which was pro-government... In the past, we had to rely on international channels to know what was going on, but now the local media offer a greater level of depth."¹³

¹² Amnesty International, "Afghan Journalists Caught between the Government and the Taleban," August 12, 2009, <http://www.amnesty.org/en/news-and-updates/news/afghanistan-journalists-caught-between-government-taleban-20090812>

¹³ Internews, "Afghanistan's Media Milestone, Local Coverage of the Afghan Elections: A Report by Internews Network," August 20, 2009 http://www.internews.org/pubs/afghanistan/AF_ElectionFlash%20090820.pdf

Notwithstanding the bias of state-run media, private media coverage was more extensive and informative than five years ago. Special election programs and organized debates show that media in Afghanistan is maturing. Continued investment in journalistic professionalism, neutrality and freedom of speech will help ensure free and balanced media coverage in the next election cycle.

III. Election Environment

A. Election Day

The August 20, 2009, elections have become a symbol of a deeply flawed electoral process; however, the extent of fraud and manipulation occurring on Election Day was not immediately clear. Post-Election Day evidence of massive fraud involving polling staff, candidates and local officials brought the overall integrity of the election to a standard well below international expectations, which levied sharp criticism from domestic and international organizations. To many journalists and observer missions, including IRI, Election Day processes seemed generally orderly and credible in execution but irregularities were demonstrably more widespread, more systemic and organized than initially understood. Fundamentally curtailed by the security climate, observer groups were unable to reach polling sites in isolated and insecure areas which heightened the opportunity for organized fraud and corruption.

On Election Day, IRI observers visited more than 250 polling stations in Bamyan, Farah, Ghor, Herat, Kabul, Kandahar, Mazar-e-Sharif, Nangarhar and Paktiya provinces. In the polling centers IRI accessed, observers witnessed well administered and orderly voting. The IEC had trained and deployed more than 140,000 polling staff to more than 26,800 polling stations, of which 11,029 were for women and 1,756 were for nomads (*Kuchis*). Official voting materials were present and visible to IRI observers and poll workers appeared to understand their duties, though IRI observers noted that many polling stations opened late with an average delay of 30 minutes to an hour. Voters did not appear to have significant difficulty understanding the ballot or the proper procedures for marking it and placing it in the ballot box.

Irregularities most commonly observed by IRI included faulty equipment, voter intimidation, undue influence, proxy voting and multiple voting. Election Day voter turnout was visibly low throughout the day when compared to the 2004 presidential election. According to IRI's November 16-25, 2009 national survey, only 35 percent of Afghans voted in the August 20, 2009 elections, a stark contrast to 70 percent in the 2004 presidential election. Turnout varied geographically within provinces and districts, but the south and southeast provinces chiefly witnessed depressed turnout due to a lack of security, intimidation and fear of reprisal as well as Taliban attacks on polling stations.

Watered-down or fake indelible ink and malfunctioning hole punchers used to mark voter cards were nationwide issues but not seen as premeditated irregularities. The IEC denied the quality of the ink was adulterated and acted quickly to replace hole punchers with scissors. However, varying quality of indelible ink and faulty hole punchers meant the main two safeguards against multiple voting were unreliable and created space for multiple voting which undermined confidence in the process. Undue influence from candidate agents or police/military forces was another concern witnessed by IRI. One IRI domestic observer in Paktiya noted representatives of Abdullah's campaign forced voters at gunpoint to vote for the candidate. In Kandahar, observers reported security forces influencing voters by wearing and/or distributing pictures of Karzai.

On a few occasions, IRI observers witnessed voters attempting to vote twice but each incident ended with the voters being removed from the polling center. Domestic observer groups like FEFA and AIHCR reported many accounts of ballot stuffing or missing ballot boxes but instances of gross multiple and proxy voting were most often revealed only after the ballots were counted and generally not seen by international observers. Allegations were substantiated with exposure of ballot boxes stuffed 100 percent in favor of one candidate after the ECC's demand for an audit. Organized ballot stuffing required the complicit involvement of IEC polling officials, candidate representatives and local officials who either perpetrated fraud or allowed fraudulent behavior to occur, such as allowing the removal of ballot boxes from polling stations to be filled in support of particular candidates.

Due to security incidents, of the original planned 6,970 polling centers and 26,877 stations, 760 centers and 2,694 stations were unable to open on Election Day; however, the IEC was unable to determine which of polling centers were inoperable on Election Day. These "ghost" polling stations, or those that did not formally operate on Election Day, provoked fraud and ballot stuffing. The failure to track exactly which polling centers formally operated, especially in unsecured and unmonitored areas, opened the entire electoral process to fraudulent activity as there was no way to track ballots from ghost polling stations as compared to functioning stations. Ghost polling stations became a serious issue in post-election adjudication and, as it turned out, most of the electoral fraud occurred in these locations.

B. Participation of Women in the Election

Afghanistan's presidential and provincial council elections on August 20 broke new ground for Afghan women; women ran not only as presidential and provincial council candidates, but campaigned for candidates of their choice, conducted voter outreach, worked in polling stations and registered to vote in record numbers. Though women demonstrated increasing interest in political and electoral processes, the cumulative effects of security concerns and cultural obstacles adversely affected women's participation on Election Day, with turnout lower than in 2004 and 2005.

Women's ability to vote and mobilize politically was largely dependent on local conditions. Female participation was higher in the relatively secure areas in the north, central highlands, and some western parts of the country such as Badakhshan, Badghis, Herat, Jawzjan and Parwan. IRI observers in Mazar-e-Sharif, the capital of Balkh Province, noticed high numbers of women participating on Election Day. Women were voting, managing polling sites and acting as poll watchers for presidential candidates and local provincial council candidates. In one polling location, observers noted that the four men's voting tents at midday were empty but the three women's voting tents had a line of 12 to 15 women waiting to vote. Southern and eastern regions such as Farah, Helmand, Kunduz and Wardak provinces saw fewer women participating on Election Day. In some

areas, like the Nawzad district of Helmand, no female polling stations were opened and no female votes were cast.¹⁴

Long distances from villages to polling stations made it especially risky for women to vote, and relocation of polling stations for security reasons also impacted female participation. The AIHRC, along with UNAMA, reported that 430 female polling stations did not open or had to be relocated or merged on Election Day.¹⁵ The insecure environment amplified existing cultural restrictions that severely limit women's ability to exercise political rights and made it impossible to prevent the illegal practice of men voting on behalf of women. IRI long-term observers talked with men who voted for their wives and other females within the household and were presented with the following rationales:

- Poll stations were located too far from home for women to travel;
- The security situation was too risky for women to be around polling stations; and
- Not all poll centers were properly divided between men and women.

Proxy voting was a serious issue even though it is prohibited in the Electoral Law.¹⁶ During weekly coordination meetings headed by the IEC, ECC and International Security Assistance Force Election Taskforce, long-term observers registered concerns regarding proxy voting, lack of voter registration lists, easily available voter registration cards and the inability of the commission to prevent fraud. Despite awareness of these problems, enforcement and logistical challenges prevented election administrators from addressing them sufficiently. Illegal practices such as proxy voting called the legitimacy of the voting process into question and implicated polling staff who accepted the use of female voter registration cards by males.

Difficulties in recruiting female poll workers and the use of male elders instead served as an additional deterrent to female voters. FEFA reported around 650 planned female polling stations did not have female staffers.¹⁷ The head of FEFA noted, "There were women who came to polling stations, and found no women workers there and went away. They didn't cast their votes."¹⁸ IRI observers perceived a disconnect between the IEC call for help recruiting female workers and provincial IEC centers responsible for hiring women poll workers. In responding to the publicly disclosed need for female poll workers, MAS mobilized its national network and within a week registered more than 4,100 female volunteers with provincial IEC centers to serve as poll workers. Despite the need, none of the women were hired as poll workers. In some areas, specifically in the

¹⁴ IEC polling station list

¹⁵ AIHRC-UNAMA, *Joint Monitoring of Political Rights: Presidential and Provincial Council Elections, Third Report 1 August – 21 October 2009*,
<http://unama.unmissions.org/Portals/UNAMA/human%20rights/3rd%20PRM%20report%2022%20oct%20ENG.pdf>

¹⁶ Article 4, Electoral Law (2005).

¹⁷ Transcript of FEFA's Press Conference on August 22, 2009,
<http://fefaf.org.af/pressrelease/Unedited%20Transcript-August22-2009-FEFA.pdf>

¹⁸ Associated Press, *Afghan elections seen as a setback for women*, August 24, 2009.

north, the IEC was at capacity for female workers, but in areas like Ghazni and Helmand female demand was high yet qualified women were turned away. No clear reasons were given, though in conversation with Afghan voters, IRI was told provincial centers had already hired male workers; tradition and culture favor hiring a male over a female even if women are available. The presence of males in female polling stations negatively impacted female voter participation which served as an additional impetus to carry out fraudulent practices.

Seemingly insurmountable obstacles inhibited women candidates, campaign workers, and voters but the women of Afghanistan were patiently persistent and were rewarded with some electoral success. Twenty-seven of the 46 candidates fielded by MAS were elected to provincial council seats. Successfully elected MAS provincial councilors received 67,000 votes and currently hold about 23 percent of the 117 female quota seats allocated nationwide. In Badghis Province, MAS members hold all three female quota seats. MAS members now sit on councils in almost every province of Afghanistan. Afghan women should be commended for their participation in the elections. As one Afghan woman said best, “We are participating in the elections in the hopes of changing our lives and of our children.”¹⁹ It is a positive indicator that a growing number of women—businesswomen, educators and activists—took more visible roles in support of their communities and sought to leverage social activism and business acumen as a foundation for greater political participation.

D. Domestic Observers

On Election Day, IRI international and domestic observers encountered properly credentialed representatives of indigenous election observation organizations. Domestic observers monitored the elections at great risk to their lives, and their interest in ensuring open and transparent elections showed Afghan concern for effective governance. The IEC accredited 21 domestic observation groups who fielded more than 9,200 individual observers on Election Day. FEFA was the largest domestic monitoring group to field observers and deployed 7,368 electoral observers, of which 2,642 were women. FEFA monitored all aspects of the election process, including voter registration, candidate selection, voting and ballot counting. Despite being seriously hindered by insecurity and intimidation, FEFA maintained a strong presence on August 20, deploying observers to 239 of 364 districts in all the 34 provinces. FEFA is to be commended for its contribution to the electoral process.

E. Ballot Counting and Reporting

IRI’s observers were unable to observe ballot counting or tabulation once the polls closed due to security concerns. Reduced numbers of observers and candidate agents, especially in the 1,391 polling stations identified by the ECC as places where clear and convincing evidence of fraud occurred, allowed for ballot manipulation during the count.²⁰ By late afternoon August 21, the IEC reported 90 percent of polling centers had completed

¹⁹ UNAMA, “Civic education to boost voter turnout in Afghanistan,” August 14, 2009.

²⁰ ECC Press Release, *Letter to IEC regarding polling worker misconduct*, October 31, 2009

counting. Upon completion of ballot counting, counting documentation was transferred to provincial headquarters and then on to Kabul where ballots were tallied. IRI was unable to observe ballot tabulation in Kabul, but notes differing methods of data entry weakened the accuracy of the computer entries and reduced the opportunity for identifying anomalies.

IV. Post-Election Period and Final Results

The post-election period was characterized by exposure of widespread election fraud and malfeasance. In the weeks following the elections, thousands of complaints from citizens, monitoring groups and journalists streamed into the ECC, reinforced by implausible polling results which led to an investigation of more than 600 high-priority complaints and a simultaneous audit of a randomly selected sample of results from nearly 3,400 polling stations. By September 8, 2009, the ECC, after conducting a preliminary investigation, declared it found “clear and convincing evidence of fraud,” and called for a partial recount of dubious ballot boxes.²¹

The ECC ordered an audit based on statistical sampling and, with the assistance of election experts invited by the United Nations Special Representative, the IEC and ECC reached agreement to randomly sample 10 percent of 3,063 ballot boxes identified by the ECC for additional scrutiny. The ECC identified ballot boxes worthy of further investigation under two criteria: 1) boxes with more than 600 ballots cast (all polling stations were to be provided with only 600 blank ballots), and 2) boxes with 95 percent or more of the votes cast for a single candidate. Upon completing the audit and recount the ECC invalidated more than 1.2 million votes. During the adjudication, 1,400 polling stations nationwide were identified where 100 percent of the presidential votes were fraudulent. The scale of disqualified ballots signifies highly organized fraud that could not have been orchestrated without the participation of campaign staff, local election staff, government officials and power brokers. Involvement of local IEC staff in the fraud contributed to the sentiment that the organization was not objective and some staff intentionally misused their position to influence the elections.

The exceptionally high percentage of votes cast for a single candidate and unfeasible polling results further indicated collusion to deliberately skew the elections. In select districts like Arghistan, Kandahar and Lashkar Gah, Helmand, ballot boxes were full though allegedly no voters turned up. In other districts the number of votes cast far exceeded the number of voters in the area. AIHCR and UNAMA reported that in Andar district, Ghazni Province, 25,000 votes were cast while approximately 1,600 people live in the area; in Spante, Ghazni, ballot boxes reported 20,000 ballots cast though the number of registered voters was 1,700.²² Such extensive fraud could not have occurred without official involvement and misuse of resources. The failure of the IEC to provide a full breakdown of results by polling station precluded the possibility of verifying the announced totals and reinforced the lack of transparency in the elections.

Inconsistency and selectivity in applying the election law amplified the perception of unaccountability and IEC complicity in malfeasance. On occasion the IEC applied then reversed decisions. For example, the IEC announced it had annulled the results of 447 polling stations but the next day reversed its decision and instead referred to the 447 polling stations as “quarantined” for an ECC decision on annulment. In another instance,

²¹ ECC press release, *The ECC orders the IEC to conduct an audit and recount at polling stations that exceed thresholds proven to be strong indicators of electoral irregularities*, September 8, 2009.

²² Ibid, 18

the IEC issued final uncertified results allotting President Karzai 54.6 percent of the vote and top challenger Abdullah Abdullah 27.7 percent of the vote, before the ECC completed investigations. Article 18 of the Election Law specifies candidates are elected by a majority of valid votes. IRI urged the ECC be able to complete its work before final results were announced. In a press statement released September 28, 2009 (Appendix C) IRI noted, “It is critical that the elections not receive a final judgment until all five parts of the election process are fully completed and all complaints have been adjudicated, which must be done in a prompt, fair and transparent manner that is consistent with established rules.” Only after adjudication by the ECC of complaints concerning polling and counting was the IEC legally in a position to certify the election results.²³

On October 19, 2009, the ECC completed the recount which resulted in a less than 50 percent majority for any candidate, necessitating a runoff between Karzai and Abdullah. After significant international pressure, Karzai accepted a runoff election but fearing a repeat of the problems associated with the first round, Abdullah withdrew one week before the scheduled runoff. On November 2, 2009, the IEC declared President Karzai the victor.

²³ Article 49, Electoral Law (2005).

V. Findings and Recommendations

The elections were a setback to democracy in Afghanistan due to the lack of integrity, transparency and objectivity. That said, IRI believes the enthusiastic campaign period, generally balanced coverage by independent media and successful adjudication process brought a measure of credibility and showed Afghan interest in democratic processes. It is also critically important to recognize that Afghan voters peacefully accepted the results, a significant undertaking in a country riddled by power struggles and war.

The issues of the August 20 elections—security concerns, official misconduct and misuse of resources and the lack of accountability and objectivity—resulted in a lack of confidence in the country’s electoral processes. It is imperative that before Afghanistan’s next national elections flaws that led to widespread fraud and voter manipulation be fully investigated and corrected. IRI offers the following recommendations to stakeholders of the Afghanistan electoral system:

1. Make the IEC More Independent

Finding: The degree to which IEC leadership may have contributed to or enabled fraud is problematic, and concerns were reinforced with the IEC’s inability to effectively respond to irregularities and its inconsistency in applying legal provisions during the adjudication period.

Recommendation: IRI strongly recommends the appointment of new IEC commissioners before the next round of elections. Broadening the appointment process will strengthen the independence and transparency of the IEC. A key method to ensure independence is to include a range of commissioners that are not appointed by an individual or individuals with a vested interest in electoral outcomes. The president should not have the sole responsibility of selecting IEC commissioners and the process ought to instead include key stakeholders such as elected representatives.

2. Strengthen the Voting System and Checks and Balances

Finding 2.1: Afghanistan’s SNTV system blunted the power of the warlords and militia-based parties in the aftermath of Taliban rule. For Afghanistan’s first elections, SNTV was an appropriate choice of electoral systems, but in the long-run SNTV does not facilitate the emergence of issue based organized political parties.

Recommendation 2.1: The electoral system eventually needs to be modified either towards a district-based, first-past-the-post system, or a proportional representation system.

Finding 2.2: IRI believes that at the heart of democracy stands the one-person, one-vote principle. Issuance of voter cards without an accurate voter list made it difficult to assess how many of the 4.5 million registrants were genuine voters. Multiple voter registration

cards and the lack of a centralized voter list increased the potential for voter fraud while decreasing the ability to detect it.

Recommendation 2.2: IRI recommends that the government of Afghanistan and the IEC develop a comprehensive voter registration list, taken from passports, voter identification cards, driver licenses or other government issued sources of identification. A national voter list would help eliminate the sale of registration cards, bribes and multiple voting by consolidating voter data and enabling the IEC to know how many ballots would be needed at each polling station. In addition, specific outreach to guarantee the registration of women would help preclude proxy registration. IRI also recommends the international community focus on assisting the Afghan government in conducting a nationwide census that will provide data on population and ethnic make-up of the country. This undertaking will allow election authorities to know the exact number of eligible voters in the country and curb multiple voter registration.

Finding 2.3: A strong civil society underpins strong electoral systems. According to IRI's post-election November 2009 poll, turnout was 35 percent voter turnout on August 20. Poor voter education and understanding of voter rights and responsibilities added to low turnout.

Recommendation 2.3: The IEC should undertake extensive voter education during interim periods, utilizing civil society organizations and political parties to reach voters. In the August 2009 elections women and youth advocacy groups were vehicles of expression for issue-based concerns. A stronger and more involved civil society will serve as a check on electoral administrative bodies and create a demand for transparency and responsiveness. The IEC should work with traditional networks such as *shuras* and local religious leaders to insure buy-in of the elections process which will in turn lead to higher voter turnout and help reduce local instances of fraud.

Finding 2.4: Independent media is an untold success story of the elections. Media is a new medium by which voters better understand and appreciate the electoral process. Balanced media coverage is critical to open and transparent elections.

Recommendation 2.4: Government influence should be moderated and freedom of press and freedom of speech guaranteed and protected for the continued expansion of Afghanistan's independent media. Clear guidelines for media providers should be delineated and state-owned broadcasters should be subject to the same standards of reporting as independent broadcasters. IRI also recommends the Government of Afghanistan transfer regulatory authority over media from the Ministry of Interior, a presidentially influenced body, to a permanent independent commission to help guarantee freedom of press and to enforce media codes of conduct.

3. Strengthen Measures to Prevent Irregularities and Fraud

Finding 3.1: Misconduct of IEC and government officials, misuse of resources, including buying and selling voter cards, placed some candidates at an unfair advantage and facilitated voter fraud.

Recommendation 3.1: A thorough review of anti-fraud measures should be undertaken to strengthen the electoral process. Anti-fraud measures should be clearly defined and enforced to limit the wholesale presence of irregularities and to push fraud to the margins. Prior to the next election, mechanisms to detect and disclose misconduct of IEC staff and misuse of resources should be institutionalized and strict punitive measures for candidates, officials and citizens who participate in fraud should be enforced. A system to investigate, prosecute and remove implicated officials merits evaluation, along with preventative measures such as fines and pay docking to dissuade misconduct and abuse. IRI also recommends a thorough investigation into allegations of polling station staff misconduct on August 20, and disciplinary actions for IEC and government staff in polling places where irregularities were known to have occurred.

Finding 3.2: Impermanent and ghost polling stations, insufficient staffing and a lack of transparency contributed to irregularities and fraud at polling centers. Results of some polling stations were not available and it was not clear which polling centers officially opened, which made it difficult to know which data was missing or incorrect.

Recommendation 3.2: The IEC should publicly release a list of all locations that are unable to be secured and recall election material dispatched to those centers well in advance of Election Day. IEC poll workers should be recruited in advance, with an emphasis on adequate numbers of female workers, to prevent the last-minute search for workers seen in the August 20 elections. To maintain transparency, IRI also recommends the IEC publish and make available for public display a complete breakdown of results by polling station.

Finding 3.3: Domestic and international observer groups provided a safeguard against fraud through detection and deterrence of voter irregularities. Domestic observers brought an Afghan viewpoint to the process that will contribute to the institutionalization of democracy in Afghanistan in the long run.

Recommendation 3.3: The IEC should provide accurate and timely information to observer groups, specifically domestic groups. Greater technical assistance for domestic observer groups will enable greater organizational capacity to ensure a stronger presence in the next elections. Enhanced role of domestic observers will promote transparency and vested interest in democratic processes.

Finding 3.4: Observer groups were inhibited by security concerns, unpredictable polling station closures, and the inability to fully observe ballot tabulation and adjudication procedures.

Recommendation 3.4: IRI recognizes the need for security precautions, but recommends the IEC provide the list of polling centers well in advance of elections to allow for thorough preparation and planning. National and international observers should be present at all stages of the electoral process. Increased presence of observers during the counting process will help prevent fraud during ballot tabulation and input.

4. Rule of Law Must Prevail

Finding: The IEC's release of preliminary results after it had identified potential irregularities and before full ECC adjudication had damaging impact on the established roles and mandates of electoral institutions in Afghanistan.

Recommendation: IRI recommends electoral administration be consistent with Afghanistan's established laws. Legal provision should be strictly adhered to and applied without prejudice. The due process provisions detailed in Afghanistan's Electoral Law to adjudicate electoral irregularities must be complied with to reach a legitimate outcome. The ECC must be able to impartially conduct arbitration before the IEC releases results. The ECC is important to demonstrating good adjudicatory practices to the Afghan public. IRI strongly recommends the ECC maintain a mixed Afghan and international composition for the next election. A credible ECC buttressed with strong anti-fraud measures is essential to restore credibility to Afghanistan's electoral processes.

VI. IRI in Afghanistan

Promote Afghan Electoral Participation

IRI supports more than 11 issue-based coalitions with a combined membership of more than 130,000 Afghans with representation in more than 90 percent of all districts throughout the country. Coalition members are Afghans from disparate regions of the country including many women and underrepresented ethnic groups. IRI's bottom-up issue-based approach encourages Afghans to organize and become more powerful voting blocs, deserving the attention of prospective candidates.

During the lead-up to the August 20, 2009 elections, coalition members contacted nearly 1.2 million Afghan voters to encourage participation on Election Day. Coalitions supported by IRI include a national organization of youth dedicated to advancing a pro-youth agenda of education and employment equity and a civil society organization of independent women dedicated to advancing women's rights through the democratic process.

Support Independent Candidates

Through its Afghan Campaign Academy, IRI develops the skills of candidates, campaign managers and staff through workshops on communications and media, message development, voter outreach, campaign organization and finance, coalition-building, voter targeting and voter turnout. In the lead-up to the 2009 elections, IRI directly consulted with a number of presidential campaigns and trained 200 provincial council candidates on election fundamentals. IRI-supported coalitions trained an additional 300 provincial council candidates. As the country prepares for the 2010 parliamentary elections, IRI continues to support voter education and get-out-the-vote efforts to increase participation.

Public Opinion Research

Over the course of its Afghanistan polling program, which began in 2003, IRI has tracked several indicators to gauge the overall political environment and mood of the population. Survey data is important because it provides an understanding of why Afghans vote and what issues are of primary concern. IRI has consistently found that Afghans support change in their country, support the democratic process and do not favor a return to Taliban rule.

Local Governance

In a country historically lacking a strong central authority, power in recent years has devolved to subnational leadership—appointed, elected or *de facto* officials. Yet a disconnect remains between citizen priorities and the agenda of local officials throughout the South and East. Officials lack the capacity to adequately understand or respond to the needs of constituents, and citizens lack skills to adequately advocate concerns. IRI programming helps bridge the gap between those who govern and the governed to build faith in the ability of democratic decision-making mechanisms to deliver services. IRI works to increase citizen understanding of their role as constituents in a democratic

system, and develop advocacy skills to engage with local officials to provide input on service-delivery decisions. IRI encourages civil society groups to serve as advocates for priority district issues and to engage district leaders with those concerns thereby serving as a check on local officials while increasing citizens' political involvement. IRI also offers trainings and consultations on outreach, advocacy, and communication to elected or appointed officials in an effort to build local and district leadership skills and capacity to respond to civil society.

VII. Appendix

A. *IRI Election Observation Participant List*

Short-Term Delegates

1. **Ambassador Richard S. Williamson**, *Head of Delegation*, IRI board member and former U.S. Ambassador to the United Nations and Presidential Envoy to Sudan
2. **Gahl Hodges Burt**, IRI board member and Vice-Chair, American Academy in Berlin
3. **Dayna Cade**, Principal, DC Strategies, LLC
4. **Scott Carpenter**, Keston Family Fellow and Director of Project Fikra, Washington Institute for Near East Policy
5. **Maria Cino**, former Chief Executive Officer, 2008 Republican National Convention and former Deputy Secretary, U.S. Department of Transportation
6. **David Denehy**, Chief Executive Officer, Global Strategic Partners
7. **Evelyn Farkas**, Senior Fellow, American Security Project
8. **Rich Galen**, Columnist and former Press Secretary to Vice President Dan Quayle and Speaker of the U.S. House of Representatives Newt Gingrich
9. **Ben Golnik**, Principal, Golnik Strategies
10. **Vadym Halaychuk**, Attorney and Adviser to Mykola Katerynychuk, Member of the Ukrainian Parliament and Chairman of the European Party of Ukraine
11. **Brian Keeter**, Director of Public Affairs, Auburn University
12. **Anita McBride**, former Assistant to President George W. Bush and Chief of Staff to First Lady Laura Bush, member of the U.S. Afghan Women's Council
13. **Constance Berry Newman**, IRI board member, former Assistant Secretary of State for African Affairs and former U. S. Agency for International Development Assistant Administrator for Africa
14. **Michael O'Hanlon**, Senior Fellow, Brookings Institution

Long-Term Observers

1. **Kevin Colbourne**, Election Consultant
2. **Tag Tognalli**, former Principal, IntraCorp
3. **Shirin Sahani**, then-Program Officer, Center for International Private Enterprise
4. **Barbara Broomell**, then-Deputy Director, Women's Democracy Network

IRI Staff and Observers

1. **Lorne W. Craner**, President
2. **Judy Van Rest**, Executive Vice President

3. **Shawn Beighle**, Chief Information Officer
4. **Michelle Bekkering**, then-Deputy Director, Eurasia
5. **Gretchen Birkle**, then-Director, Women's Democracy Network
6. **Matthew Carter**, Program Assistant, Afghanistan
7. **Anthony Daramola**, Network Administrator
8. **Chris Holzen**, Resident Country Director, Ukraine
9. **Thomas E. Garrett**, then-Director of Middle East and North Africa
10. **Lisa Gates**, Press Secretary
11. **Curt Harris**, Program Officer, Afghanistan
12. **Johanna Kao**, Resident Country Director, China
13. **Jeff Lilley**, Director, Monitoring and Evaluation
14. **Scott Mastic**, then-Deputy Director, Middle East and North Africa, IRI
15. **Shuvaloy Majumdar**, then-Resident Country Director, Afghanistan
16. **Zia Miakhel**, then-Assistant Program Officer, Afghanistan
17. **Milica Panic**, then-Program Officer, Sudan
18. **Dimitar Stojkov**, then-Resident Program Officer, Afghanistan
19. **Jan Surotchak**, Resident Director, Europe
20. **Alex Sutton**, Director, Latin America and the Caribbean
21. **Djordje Todorovic**, then-Resident Country Director, Zimbabwe
22. **Jamie Tronnes**, Resident Country Director, Lebanon
23. **Robert Varsalone**, then-Resident Country Director, Iraq
24. **Humaira Wakili**, Program Officer, West Bank and Arab Women's Leadership Institute
25. **Anne Williams**, Assistant Program Officer, Afghanistan

B. *IRI Preliminary Statement on Afghanistan's Presidential and Provincial Elections*

For Immediate Release
August 21, 2009

Kabul, Afghanistan – Millions of heroic people went to the polls to cast their vote in Afghanistan's August 20, 2009 presidential and provincial elections, despite violence and intimidation. This clear expression of commitment to democracy should be encouraging to everyone who looks forward to a more stable Afghanistan in the region. However, there is no question that the terrain of the elections was defined by insecurity caused by insurgents.

The International Republican Institute (IRI) was pleased to be among those playing a role in assisting Afghanistan's elections. IRI's 29 international delegates on Election Day monitored more than 150 polling stations in Bamyan, Jalalabad, Kabul and Mazar-e-Sharif. In addition, 40 IRI-trained short-term domestic observers in Bamyan, Farah, Ghor, Herat, Kabul, Kandahar, Nangarhar and Paktiya monitored upwards of another 100 polling stations during the course of Election Day; they were instrumental in monitoring at locations inaccessible to international observers.

All elections are a process of pre-election environment, pre-election administration, Election Day voting, vote counting and post-election adjudication, resulting in acceptance of legitimate results. In the first three elements that have occurred to date, there is much to praise.

The pre-election campaign environment was dynamic and energetic. Presidential and provincial candidates reached beyond their ethnic bases in vigorous but civil campaigns. Candidates' campaigns were increasingly issue- rather than personality-based. Most strikingly, presidential candidates took part in the first debates ever held in Afghanistan, one of which included the head of state. In addition, private media coverage of the campaign was generally balanced.

In terms of pre-election administration, Afghanistan's Independent Election Commission (IEC) is to be commended for the training of election workers and ensuring procedures for an orderly election process were in place.

On Election Day, this work paid off, with well-trained, highly motivated election officials at polling stations. While there were concerns about certain logistical but important anti-fraud measures, such as marking voter cards, occasional apparent faulty indelible ink and scattered reports of election workers influencing voters IRI generally saw well organized, well run polling sites.

There were, however, serious problems in the pre-election environment that need to be addressed if future elections are to gain greater legitimacy. First and foremost, the security environment in the run-up to and on Election Day contributed to Afghans' fear

of going to the polls. Though official numbers are not available, compared to the 2004 and 2005 elections, IRI's teams observed lower voter turnout, including among Afghan women. There is no denying the fact that a notable reason for low turnout was the lack of security, and obviously that must be addressed for democracy to flourish in Afghanistan.

Second, there were many credible reports that voter registration cards were sold. Combined with the lack of a voter list, this raises concerns about multiple voting, which would subvert the process. While it is difficult to determine how widespread this practice was, the magnitude of such reports of fraud warrant investigation. The Electoral Complaints Commission (ECC) and the IEC must address these issues before the next election.

Third, to a degree beyond that normally seen in transitional democracies, state resources were used during the campaign despite legal prohibitions; for example, the state run media did not provide balanced coverage of the presidential race, heavily favoring the incumbent. There were also incidences of governors violating the law by endorsing candidates during the campaign period.

IRI views the 2009 Afghan elections not by the standards of the United States, but in the context of the 42 countries in Africa, Asia, Eurasia and Latin America in which IRI has observed more than 130 elections. Afghanistan faces a particular combination of challenges such as the rugged topography, ethnic diversity and most of all decades of insecurity. There have been many positive aspects of the 2009 elections so far, including a vigorous and relatively civil campaign, balanced private media coverage and, in the first Afghan run election, competent election administration. Unfortunately, such issues as lower turnout, fraud and abuse of state resources brought these elections to a lower standard than the 2004 and 2005 Afghan elections observed by IRI. Nevertheless, given Afghanistan's circumstances, and based on what IRI observers witnessed in the first three of the five parts of the elections, the process so far has been credible.

Afghanistan now begins its post-election vote counting and adjudication process. The successful tally and announcement of results by the IEC's central counting center is important for fulfilling voter expectations about current elections and will set the stage for voters' continued faith in electoral processes. Concerns that have been raised will be forwarded to the ECC, whose role is critical to the process. To be viewed as credible by the Afghan people, the complaints process should be handled in a prompt, fair and transparent manner that is consistent with established rules. The Afghan people will follow both these processes in judging the elections' legitimacy, and IRI and others will continue to monitor them before arriving at a final assessment of the elections.

In the event of a second round election, all stakeholders have a responsibility to improve the security environment. In addition, anti-fraud measures must be strengthened and effective means should be found to address the abuse of state resources.

IRI's 29-member delegation included representatives from Canada, Serbia, Ukraine and the United States and was led by Ambassador Richard S. Williamson, IRI board member

and former U.S. Ambassador to the United Nations and Presidential Envoy to Sudan. IRI's delegation included:

- Gahl Hodges Burt, IRI board member and Vice-Chair, American Academy in Berlin;
- Dayna Cade, Principal, DC Strategies, LLC;
- Scott Carpenter, Keston Family Fellow and Director of Project Fikra, Washington Institute for Near East Policy;
- Maria Cino, former Chief Executive Officer, 2008 Republican National Convention and former Deputy Secretary, U.S. Department of Transportation;
- David Denehy, Chief Executive Officer, Global Strategic Partners;
- Evelyn Farkas, Senior Fellow, American Security Project;
- Rich Galen, Columnist and former Press Secretary to Vice President Dan Quayle and Speaker of the U.S. House of Representatives Newt Gingrich;
- Ben Golnik, Principal, Golnik Strategies;
- Vadym Halaychuk, Attorney and Adviser to Mykola Katerynychuk, Member of the Ukrainian Parliament and Chairman of the European Party of Ukraine;
- Brian Keeter, Director of Public Affairs, Auburn University;
- Anita McBride, former Assistant to President George W. Bush and Chief of Staff to First Lady Laura Bush, member of the U.S. Afghan Women's Council;
- Constance Berry Newman, IRI board member, former Assistant Secretary of State for African Affairs and former U. S. Agency for International Development Assistant Administrator for Africa; and
- Michael O'Hanlon, Senior Fellow, Brookings Institution.

IRI staff also served as observers and assisted in the mission. IRI staff was led by Lorne W. Craner, President of IRI; Judy Van Rest, Executive Vice President; Thomas E. Garrett, Director for IRI's Middle East and North Africa division; Scott Mastic, Deputy Director for IRI's Middle East and North Africa division; and Shuvaloy Majumdar, IRI's Resident Country Director in Afghanistan.

One-third of the 2009 delegation took part in IRI's election observation missions for Afghanistan's 2004 presidential election and 2005 parliamentary elections. Prior to Election Day, IRI's short-term observers were briefed by representatives from the U.S. Embassy, election officials, international and Afghan nongovernmental organizations, representatives of presidential candidates and the media. They were also briefed on the rights and responsibilities of international observers and Afghan election law. Delegates were then deployed throughout the country where they monitored polling stations and identified and evaluated the strengths and weaknesses in Afghanistan's election system.

In addition to the Election Day observers, IRI also deployed long-term election observers to monitor the political environment in Afghanistan in the weeks leading up to the elections.

This group met with representatives of the candidates and domestic and international nongovernmental organizations, as well as with government officials, election administrators and Afghan citizens.

IRI's work in Afghanistan is focused on encouraging electoral participation through issue-based coalitions with memberships in every province including women and under-represented groups. IRI has conducted surveys in Afghanistan since 2003. In 2004, IRI was the only western nongovernmental organization to sponsor an observer mission during the presidential election; in 2005, IRI also monitored the parliamentary elections.

IRI has monitored more than 130 elections in 42 countries since 1983.

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C. IRI Statement on Ballot Counting and Adjudication in Afghanistan's Elections

For Immediate Release

August 28, 2009

Washington, DC – “The International Republican Institute (IRI) was privileged to monitor more than 250 polling stations during Afghanistan’s August 20, 2009, elections with a team of 29 international observers and 40 IRI-trained domestic observers.

“IRI’s [preliminary statement](#) issued August 21 noted, ‘All elections are a process of pre-election environment, pre-election administration, Election Day voting, vote counting and post-election adjudication, resulting in acceptance of legitimate results.’

“After noting that ‘unfortunately, such issues as lower turnout, fraud and abuse of state resources brought these elections to a lower standard than the 2004 and 2005 Afghan elections observed by IRI,’ the Institute’s August 21 preliminary statement said ‘nevertheless, given Afghanistan’s circumstances, and based on what IRI observers witnessed in the first three of the five parts of the elections, the process so far has been credible.’

“The fourth and fifth parts of the election – vote counting and adjudication of electoral complaints – have begun.

“As IRI noted in its August 21 preliminary statement, ‘The successful tally and announcement of results by the Independent Election Commission’s central counting center is important for fulfilling voter expectations about current elections and will set the stage for voters’ continued faith in electoral processes.’

“Afghanistan’s Electoral Complaints Commission (ECC) is an independent body charged with adjudicating electoral complaints and IRI encourages candidates to forward their most valid complaints to the ECC. IRI urges the ECC to fully consider complaints in a manner that will lend to the Afghan people’s acceptance of the country’s August 20 elections as a legitimate expression of popular will, and IRI furthermore urges that the ECC be able to complete its work before final results are announced.

“It is critical that the elections not receive a final judgment until all five parts of the election process are fully completed and all complaints have been adjudicated, which must be done in a prompt, fair and transparent manner that is consistent with established rules.

“As IRI’s August 21 statement concluded, ‘the Afghan people will follow both these processes in judging the elections’ legitimacy, and IRI and others will continue to monitor them before arriving at a final assessment of the elections.’”

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D. Statement on Afghanistan's August 20, 2009 Elections Before the House Foreign Affairs Subcommittee on the Middle East and South Asia

Submitted by Lorne W. Craner, President, IRI
October 1, 2009

Chairman Ackerman, Ranking Member Burton, Members of the Subcommittee, on behalf of the International Republican Institute, thank you for the opportunity to testify today about Afghanistan's August 20, 2009 elections. Established in April 1983, IRI is a nonprofit, nonpartisan organization committed to advancing freedom and democracy worldwide by developing political parties, civic institutions, open elections, and good governance. IRI has conducted programs in more than 100 countries and is currently active in 65 countries.

IRI has had a program in Afghanistan since 2002, was the only American NGO to conduct an observer mission during the 2004 presidential election, observed parliamentary elections in 2005 and was again privileged to monitor Afghanistan's August 20, 2009 presidential and provincial council elections. I'd been to Afghanistan twice while serving in the Bush Administration, and visited again for the 2005 election. I was back in Afghanistan in two of the past three months.

What impressed me most was the enthusiasm and commitment I witnessed among the Afghan people as they prepared to elect for only the second time in their nation's history a president, despite ongoing security threats. Afghan enthusiasm was evident in the campaign posters plastered throughout the country, the time volunteered and distances traveled to attend political rallies, and by interest-groups promoting issues supported by youth, women and other coalitions. The expectation held by an overwhelming majority of Afghans was clear; they wanted a free and fair election process. We know this because an IRI survey of Afghan sentiment conducted July 16-26, 2009 revealed a combined 92 percent of Afghans were somewhat or extremely confident the Afghanistan Independent Election Commission (IEC) would preside over a free and fair election. The same survey found 61 percent of Afghans thought Afghanistan's Electoral Complaints Commission (ECC) was seriously investigating incidents of electoral violations and fraud in the pre-election phase. This data is important because it reveals Afghans believe their investment in this election would be rewarded with a legitimate outcome. Ultimately, in any election, what matters most is that the people in a country believe it to be legitimate.

Rewarding Afghan enthusiasm and participation with legitimate leaders is vital for Afghans and the U.S. as we consider strategy for the country. The legitimacy of the elections will impact Afghan perceptions about the credibility of future governments and the ability of future leaders to effectively address the country's pressing challenges – security, the economy and unemployment. Without a credible electoral outcome, a resulting Afghan government, and the international community, will be increasingly hampered in addressing these issues. In any country this would be an important issue, but in a country with an insurgency, it becomes crucial; people must believe they are fighting for something, not just against something. Before Afghans and the international

community can build the governance, security and economic capacity of their country, legitimacy is crucial.

This statement provides further perspective of Afghan sentiment as shown by IRI polls in the lead up to the August 20, 2009 election, the experience of IRI's observers during the Institute's mission to observe the election, an update on the electoral adjudication process and finally principles we hope will guide future U.S. policy in Afghanistan.

AFGHANS SUPPORT CHANGE AND CREDIBLE ELECTIONS, NOT THE TALIBAN

Over the course of its Afghanistan polling program, which began in 2003, IRI has tracked several indicators to gauge the overall political environment and mood of the population. Survey data is important during the lead up to elections because it provides an understanding of why Afghans vote. As General McChrystal stated in his initial assessment dated August 30, 2009, "gaining their [Afghans'] support will require a better understanding of the people's choices and needs." Brookings Senior Fellows Michael O'Hanlon and Bruce Riedel in their September 1, 2009 *Washington Times* Op-ed noted, "because the population is the 'center of gravity' in this type of war, that makes polling data crucial."

IRI has consistently found that Afghans support change in their country, support the democratic process and do not favor a return to Taliban rule. IRI's most recent poll conducted July 16-26, 2009 revealed 62 percent of Afghans believe their country is headed in the right direction; 24 percent say wrong direction. Nonetheless, when asked if Afghanistan needs to change direction in the next five years, an overwhelming majority of more than eight in 10 respondents agreed; only nine percent stated Afghanistan should remain the same.

IRI polled the popularity of institutions and groups on a five-point scale and the Taliban received the worst performance rating of 1.91. (Comparatively, the Afghan National Army (ANA) and International Security Assistance Force (ISAF) received ratings of 3.79 and 2.8 respectively). Seventy-eight percent of Afghans believe they have more personal freedom since the fall of the Taliban. This sentiment tracks with an October 9, 2004 poll, the day of their first ever presidential election, in which 84 percent of Afghans said they believed living standards were getting better since the end of the Taliban government. At the same time, only 14 percent indicated conditions were "staying the same" and two percent said "getting worse."

IRI found in an open-ended question included in its July 16-26, 2009 survey that 13 percent of Afghans' personal motivation to vote in the August 20, 2009 elections was a "personal interest to participate," second only to "security" at 19 percent. The third reason cited, by 10 percent of respondents, was a stronger better government and reconstruction/development.

PRE-ELECTION AND ELECTION DAY ACTIVITY GENERALLY POSITIVE BUT THE PROCESS IS UNFINISHED

IRI's 29 international delegates on Election Day 2009 monitored more than 150 polling stations in Bamyan, Jalalabad, Kabul and Mazar-e-Sharif. In addition, IRI-trained domestic observers in Bamyan, Farah, Ghor, Herat, Kabul, Kandahar, Nangarhar and Paktiya monitored an additional 100 polling stations during the course of Election Day.

IRI viewed the 2009 Afghan elections not by the standards of the U.S., but in the context of the 42 countries in Africa, Asia, Eurasia and Latin America in which IRI has observed more than 130 elections. Afghanistan faces a particular combination of challenges such as rugged topography, ethnic diversity, and most of all, decades of insecurity. While issues such as lower turnout, fraud and abuse of state resources brought the elections to a lower standard than the 2004 and 2005 Afghan elections observed by IRI, there were many positive aspects of the 2009 elections, including a vigorous and relatively civil campaign and balanced private media coverage. The pre-election campaign environment was dynamic and energetic. Presidential and provincial candidates reached beyond their ethnic bases. Candidates' campaigns were increasingly issue-based rather than personality-based. Most strikingly, candidates took part in the first presidential debates ever held in Afghanistan, one of which included the head of state. In terms of pre-election administration, the IEC is to be commended for the training of election workers and ensuring procedures for an orderly election process were in place.

IRI's preliminary statement issued August 21 noted, "All elections are a process of pre-election environment, pre-election administration, Election Day voting, vote counting and post-election adjudication, resulting in acceptance of legitimate results." Complaints filed with the ECC post-election made clear that some polling locations IRI was unable to observe were subject to voting irregularities. In planning its observation mission, IRI expected to deploy international and IRI-trained domestic observers to some of the provinces where irregularities have since been reported. The decline in security during the lead up to the election dissuaded IRI from deploying international and domestic observers to some locations. Now that the ECC ordered adjudication of complaints is underway, the process to validate results in all polling locations throughout the country must be carried out in a prompt and transparent manner, consistent with established rules.

IRI's follow-on statement of August 28 noted Afghanistan's ECC is an independent body charged with adjudicating electoral complaints. IRI then urged that the ECC to fully consider complaints in a manner that will lend to the Afghan people's acceptance of the country's August 20 elections as a legitimate expression of popular will. IRI furthermore urged that the ECC be able to complete its work before final results are announced.

ELECTORAL ADJUDICATION PROCESS MUST VALIDATE RESULTS

The IEC September 16 released preliminary vote totals revealing President Karzai with 54.6 percent of the vote and top challenger Abdullah Abdullah with 27.7 percent of the vote. This result under Article 18 of Afghanistan's Electoral Law would make President

Karzai the victor as he acquired the simple majority. However, the article specifies the candidate is elected by a majority of “valid” votes and the ECC established under Afghanistan’s Electoral Law issued an order to the IEC to conduct a partial recount due to electoral irregularities.

The IEC and ECC reached agreement with the assistance of election experts invited by the United Nations Special Representative to randomly sample 10 percent of 3,063 ballot boxes identified by the ECC for additional scrutiny. The ECC identified ballot boxes worthy of further investigation under two criteria: 1) boxes with more than 600 ballots cast, and 2) boxes with 95 percent or more of votes cast for a single candidate. Retrieval of ballot boxes began this week along with the audit and examination by the IEC. Once the IEC concludes its audit, findings will be presented to the ECC as early as the end of this week. The ECC will then deliberate on the findings of the IEC audit to decide their course of action as it pertains to adjudication. The process of selecting a sample of questionable ballot boxes is intended to expedite the adjudication process in the event a runoff election is required. As a contingency, the IEC has authorized the printing of ballots for a potential second round.

Simultaneously, the ECC continues to adjudicate electoral complaints. As of September 28, the ECC received nearly 3,000 cases of fraud with 751 assessed as most significant -- priority A. The ECC has adjudicated 249 complaints and dismissed 200, leaving more than 2400 to adjudicate. On September 10, the ECC ordered that ballots cast in 83 polling stations located in three southeastern provinces be invalidated.

RECOMMENDATIONS

As the U.S. government continues to formulate its policy regarding the outcome of the current political situation, I recommend adoption of the following principles:

Legitimacy Precedes Capacity: Support of governance capacity at the district, provincial, parliamentary and central government levels is critical, but desired improvements cannot be achieved unless Afghans believe their officials are legitimately elected. During a conversation about the 1980s Soviet occupation, an IRI partner and Member of the Afghan Wolesi Jirga said “political puppets placed in office by those outside Afghanistan cannot bring the Afghan people together – it doesn’t matter how many troops are deployed, without legitimate leaders, the effort will fail.” This sentiment is reflected in General McChrystal’s assessment which quoted Afghan Defense Minister Wardak who said, “Unlike the Russians, who imposed a government with an alien ideology, you enabled us to write a democratic constitution and choose our own government. Unlike the Russians, who destroyed our country, you came to rebuild.” Or, as two Afghans have told me on separate occasions, “You are the only invaders we’ve ever loved,” because, they said, unlike the British or Russians, “You want what we want for Afghanistan.”

Not honoring Afghans’ expectations for a credible election outcome means that Afghans will lose trust in their leaders and the international community – including the United States. In other words, Afghans will conclude that we don’t want what they want.

Without a legitimate political infrastructure, the U.S. objective to disrupt, dismantle, and defeat al-Qa'ida is not possible. This connection is made in the Administration's Afghanistan and Pakistan report card which establishes as objective 3b "promote a more capable, accountable, and effective government in Afghanistan that serves the Afghan people and can eventually function, especially regarding internal security, with limited international support." Legitimate government is the only route to capable governance.

Rule of Law Must Prevail in the Election: Due process provisions to adjudicate electoral irregularities prescribed in Afghanistan's Electoral Law must be complied with to reach a legitimate outcome. The IEC's release of preliminary results after it had identified potential irregularities among some ballots and before adjudication by the ECC was unfortunate because it intimated that a winner was identified. The adjudication process granted to the ECC must continue until all legally cast ballots are accounted for. Under Afghan Electoral Law, election results are certified by the IEC "after all complaints concerning polling and counting have been adjudicated by the ECC." The ECC's check on the IEC is an essential part of certifying final results. These issues have been at the root of the dispute involving Ambassador Peter Galbraith, who was dismissed yesterday as the Deputy United Nations Special Envoy.

If Needed, an Interim Leader Must be Selected Through a Transparent Mechanism Acceptable to the Afghan People: The Afghanistan Constitution does not establish a clear process to identify an interim leader in the event a protracted adjudication of electoral complaints ensues. Discussions among Afghans have yielded a number of potential solutions should a run-off election be required and postponed until the spring. IRI believes the run-off election should be held at the earliest conceivable time. However, if selection of an interim leader between elections is needed, then this individual should be determined via a transparent mechanism that is acceptable to the people of Afghanistan.

Post-Election Environment Must Focus on Good Governance: Election of legitimate leaders is only a first step and must be followed with a competence to govern by addressing the needs of the Afghan population. General McChrystal highlighted governance as the second component of his new strategy and noted "success requires a stronger Afghan government that is seen by the Afghan people as working in their interests." It is important in this context to understand that while perfection is not required, clear steps must be taken at all levels of government to eliminate corruption and establish models of governance Afghans recognize as empowering them and addressing the country's numerous development challenges.

An important question is whether with different policies we might today be in a different situation. Certainly one can criticize the Bush administration's under resourcing of the war in Afghanistan (even before the invasion of Iraq) and question whether there was too close a relationship with President Karzai for too long, certainly without the skilled diplomacy that marked the early relationship. But just as it was useful to examine the Bush administration's policy during its first seven months regarding the terrorism that led us into Afghanistan, it is legitimate to ask, for the sake of future policy, if a different

Obama administration approach on the political front over the last eight months might have put us in a better situation today.

Early in his term, President Obama, and Vice President Biden and Secretary Clinton all expressed grave misgivings about President Karzai's ability to effectively govern his country. At a certain point in the spring, however (according to press reports) they came to believe that Karzai would win the election and that they would have to work with him in the future. They therefore decided to be evenhanded in their treatment of Afghan Presidential candidates. Pre-election polls, however, showed Karzai with substantially less than 50 percent of the vote (and even with an apparently large amount of fraud, President Karzai provisionally has only 54 percent). Pre-election polling also showed strong voter interest in a joint ticket of former Foreign Minister Abdullah Abdullah and former Finance Minister Ashraf Ghani.

In the 1990s the Clinton administration made no secret of its preferences in elections in, for example, Russia (1996), Slovakia (1998) and Serbia (2000). The Clinton administration decided that it was legitimate to make its preferences known regarding elections that would shape our future policies towards those countries. Arguably, our stake in Afghanistan is at least as important as it was in those cases. The significance of this election's outcome to fighting a rising insurgency and preventing the reestablishment of a Taliban government, with consequences for human rights in Afghanistan and the abilities of al-Qa'ida, begs the question of whether the U.S. should have made its preferences known. This is not a question of historical interest; according to the September 28th 2009 *New York Times*, even before the election's results are determined -- which might lead to a second round of voting -- "The Obama administration has told the government of Hamid Karzai that it believes he will be re-elected as President of Afghanistan" and is currently attempting to fashion a policy based on that perception.

This period of post-election adjudication is an opportunity for the U.S. to clarify its enduring principles to bring populations together under legitimate governments. Whether legitimacy in Afghanistan is achieved through a coalition, runoff election, or alternative outcome, this moment should be seized upon to establish the result the U.S. and, more importantly, Afghans are willing to support.

E. IRI Statement on Afghanistan's Presidential Election Runoff

For Immediate Release

October 21, 2009

Washington, DC – “The International Republican Institute (IRI) was privileged to monitor Afghanistan’s August 20, 2009 presidential and provincial elections. At the time, IRI stated that ‘elections are a process of pre-election environment, pre-election administration, Election Day voting, vote counting and post-election adjudication, resulting in acceptance of legitimate results.’

“Since Election Day, Afghanistan’s Electoral Complaints Commission (ECC) has played a critical role in the vote counting and post-election adjudication process. The result of the process was the announcement that President Hamid Karzai did not reach the 50 percent threshold to avoid a runoff election with his nearest challenger Abdullah Abdullah. The adjudication process has added a measure of legitimacy to the Afghan election process and, as a result, the Independent Election Commission has announced a runoff scheduled for November 7.

“As the process moves forward, it is important that all stakeholders look closely at and solve those concerns raised by Afghan and international monitors and the media. Those include:

- the security environment that contributed to Afghans’ fear of going to the polls;
- the many credible reports of voting irregularities such as ghost polling stations; and
- the use of state resources during the campaign despite legal prohibitions.

“Afghanistan faces a number of challenges in preparing for and holding a runoff election and IRI is evaluating what role it can play in support of the process. The Institute will continue to work with its Afghan partners to support their efforts in ensuring an open and transparent election and will determine in the coming days how it can best support their efforts. It is important to remember that this is an Afghan process and it will be the Afghan people and Afghan institutions that have to determine if the final result is legitimate.”

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