

# U.S. Election Observation Mission to the Afghanistan Presidential and Provincial Council Elections 2009



**FINAL REPORT**

**Revised and Updated,  
August 2010**







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## DEMOCRACY INTERNATIONAL

Democracy International (DI), [www.democracyinternational.com](http://www.democracyinternational.com), provides analytical services, offers technical assistance, and implements projects worldwide for democracy and governance programs for the U.S. Agency for International Development (USAID) and other development partners. DI offers expertise across the full range of DG programming, including election management and administration, international and domestic election monitoring, political party development, local government and decentralization, governance, legislative and institutional strengthening, civil society development and advocacy, voter and civic education, and rule of law. The firm has extensive experience with analytical services, including assessments, evaluations, project designs, democracy assistance studies, survey research, and strategic communications.

Over the past decade, Democracy International has worked in more than 40 countries and in all regions of the world. Since 1985, DI's principals have advised and worked with election management bodies, civil society and election-monitoring organizations, political parties, legislatures, government agencies, and others in more than 70 countries. DI has worked extensively with USAID as well as with other foreign assistance agencies, intergovernmental organizations, international NGOs, and consulting firms.

Democracy International has endorsed the Declaration of Principles on International Election Observation and the Code of Conduct for International Election Observers, announced by the endorsing international election observation organizations at the United Nations in 2005. DI's principals have contributed substantially to the modern practice of international election observation and have helped launch and advised nonpartisan domestic election monitoring organizations around the world and have directed numerous long-term monitoring programs and international observer delegations. In the late 1980s, Glenn Cowan invented the path-breaking, sample-based Parallel Vote Tabulation (PVT) election-monitoring methodology. Eric Bjornlund wrote a comprehensive study of election monitoring, *Beyond Free and Fair: Monitoring Elections and Building Democracy* (Wilson Center Press and Johns Hopkins University Press, 2004).

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## TABLE OF CONTENTS

MAP OF AFGHANISTAN .....	ii
ACKNOWLEDGMENTS .....	iii
DELEGATION MEMBERS .....	v
ACRONYMS .....	ix
EXECUTIVE SUMMARY .....	1
INTRODUCTION .....	5
PREELECTION CONTEXT .....	8
ELECTION ADMINISTRATION .....	13
ELECTION DAY OBSERVATION .....	34
POST-ELECTION PERIOD .....	37
RECOMMENDATIONS .....	49
CONCLUSION.....	57
APPENDIX A: PRESS RELEASES .....	A-1
APPENDIX B: OBSERVER REPORTS AND STATISTICS.....	B-1
APPENDIX C: SAMPLE ELECTION MATERIALS.....	C-1
APPENDIX D: DELEGATE BIOS.....	D-1
APPENDIX E: SELECTED LAWS AND REGULATIONS .....	E-1

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## ACKNOWLEDGMENTS

This report is based on information gathered through the ongoing work of Democracy International (DI) in support of Afghanistan's democratic transition. It relies heavily on the findings of DI's election observation delegation to the 2009 presidential and provincial council elections. It is also informed by DI's ongoing effort to support election reform in Afghanistan. Although we believe this report reflects the collective views of our observer delegation, DI takes full responsibility for its content.

Each member of Democracy International's delegation made a critical contribution to the mission, and we would like to express our sincere appreciation for their work. Delegates contributed generously of their time and participated at considerable personal risk, and they should be recognized for their commitment to democratic development in Afghanistan. We are forever grateful to former Congressman Jim Moody for his ongoing commitment to democratic development in South Asia and for once again serving as our delegation leader, as he did previously in Pakistan. Biographical sketches of the members of the delegation are included in Appendix D.

We deeply appreciate the outstanding efforts of our team of core staff members and long-term observers. David Avery served as Country Director and managed the implementation of DI's long-term and short-term observation, including preparations for the presidential runoff election. Whitney Haring-Smith coordinated logistics and election-day planning and provided analysis of election results and electoral issues throughout the audit process. Bill Gallery coordinated the project's finances, provided operational support in Kabul, offered technical assistance on election monitoring methodology, and provided critical analysis of election issues. Belquis Ahmedi supervised the efforts of DI's long-term observers. Jeremy Wagstaff coordinated media relations, including innovative attention to new media, with assistance from Evan Smith, Sari Sudarsono, and Leslie Knot. Brian Katulis served as mission spokesperson.

DI greatly appreciates the efforts of its long-term observers: David Aasen, Marie Allegret, Tim Fairbank, Chris Jackson, Hursh Joshi, Laurie Knop, Alexis Michel, Greg Minjack, Jennifer McCarthy, Adam Sugar, and Ines Thevarajah. They conducted interviews and collected information from around Afghanistan over a number of weeks. Laurie Knop deserves special recognition for tackling a wide range of additional responsibilities with sound judgment and good spirit. Dr. Najib Barakzai and Bihshita Rahi ensured DI's Kabul office ran efficiently. Javid Jalali provided interpretation and translation for the Kabul office. Abdullah Ahmadzai was an invaluable asset providing high quality and reliable logistics services.

Scott Carnie, as DI Security Director, was responsible for the safety and security of each member of the delegation, a role he performed admirably. Dave Cowey was an invaluable resource for observers on security issues and much more. DI is grateful to the Olive Group for providing personal security details and general security support, and we thank Martin Callan, Kev Ellis, John Campbell, and Mick Brown for their efforts.

DI's home office-based staff supported the mission throughout the life of the project. Bill Gallery and Lawrence Lachmansingh coordinated all aspects of the project from Bethesda. Miki Wilkins led DI's recruitment efforts, oversaw deployment logistics, and served as the primary observer liaison. Jed Ober and Will Covey provided operational, technical, and logistical support in Bethesda and Kabul. Evan Smith led communications efforts from Bethesda and contributed to media relations in Kabul. Bindi Jhaveri coordinated travel. Danielle Pearl supported observer deployment in Bethesda and Kabul. Each of them traveled to Afghanistan to support the project and participate in the mission.

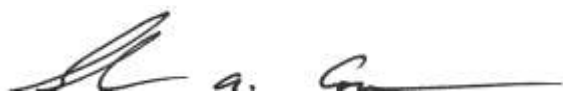
We are grateful as well to Eileen Anderson and Debra Stuckey who patiently sorted out the project's complex accounting challenges. Emily Siedlak provided support to project accounting, operations, and logistics.

Many people contributed to this report. David Avery and Belquis Ahmedi initiated the drafting process, and each long-term observer contributed. Laurie Knop took on considerable responsibility for drafting and quality control. DI staff members Jed Ober, Bill Gallery, and Will Covey helped write and contributed substantively to the report, and Tim Duvall and Jon Gatto provided editing assistance. Eric Bjornlund also edited the entire document.

We would also like to thank the Independent Election Commission of Afghanistan for facilitating observer accreditation and for their cooperation throughout the election process. Grant Kippen and Peter Lepsch of the Electoral Complaints Commission were constantly available to DI observers. Margie Cooke and Barbara Smith of UNDP-Elect provided invaluable access and information. We are grateful to Nader Nadery and Jandad Spingar of the Free and Fair Elections Foundation of Afghanistan, Hannah Roberts and her colleagues from the OSCE Election Support Team, Paul Rowland and members of NDI's election observation mission, representatives of the European Union's Election Observation Mission, and countless other observers.

Finally, we would like to thank the U.S. Agency for International Development and the State Department, including the U.S. Embassy in Afghanistan, for the support they have provided and the confidence they have shown in Democracy International. We would particularly like to thank Ben Garrett, Susan Stamper, and Goranka Henegar for their guidance and Niaz Gul Afghanyar for his logistical support. We are also indebted to Ambassador Karl Eikenberry, Ambassador Tim Carney, and other officials at the U.S. embassy for their support.

Democracy International is grateful to have had the opportunity to organize this important election observation mission and for the continuing opportunity to support democratic development in Afghanistan.



Glenn Cowan



Eric Bjornlund

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## ACRONYMS

ACSF	Afghan Civil Society Forum
AIHRC	Afghanistan Independent Human Rights Commission
ANA	Afghanistan National Army
ANP	Afghanistan National Police
ANSF	Afghan National Security Forces
ANPO	Afghan National Participation Organization
AREU	Afghanistan Research and Evaluation Unit
AWEC	Afghan Women's Educational Center
CCA	Cooperation Center for Afghanistan
CSHRN	Civil Society & Human Rights Network
CSO	Civil Society Organization
DFC	District Field Coordinator
DI	Democracy International
DIAG	Disbandment of Illegal Armed Groups
ECC	Electoral Complaints Commission
EOM	Election Observation Mission
EU	European Union
FEFA	Free and Fair Elections Foundation of Afghanistan
GoA	Government of Afghanistan
IDLG	Independent Directorate for Local Government
IEC	Independent Election Commission
IED	Improvised Explosive Device
IFES	International Foundation for Electoral Systems
ISAF	International Security Assistance Force
IRI	International Republican Institute
JEMB	Joint Electoral Management Body
LTO	Long-Term Observer
MOE	Margin of Error
MC	Media Commission
MJ	Meshrano Jirga
MoD	Ministry of Defence
MoI	Ministry of Interior
MoWA	Ministry of Women's Affairs
NAWA	New Afghanistan Women's Association
NDI	National Democratic Institute
NGO	Non-Governmental Organization
NSD	National Security Directorate
NSP	National Solidarity Program
PC	Provincial Council
PC	Polling Center
PCM	Polling Center Manager

PECC	Provincial Electoral Complaints Commission
P-IEC	Provincial Independent Election Commission
PRT	Provincial Reconstruction Team
PS	Polling Station
RPCF	Regulation on Political Campaign Finance
RTA	Radio Television Afghanistan
SIGAR	Special Inspector General for Afghanistan Reconstruction
SNTV	Single Non-Transferable Vote
STO	Short-Term Observer
TAF	The Asia Foundation
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Program
UNDP-Elect	UNDP Enhancing Legal and Electoral Capacity for Tomorrow
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
WJ	Wolesi Jirga



## **EXECUTIVE SUMMARY**

On August 20, 2009, Afghanistan held critical presidential and provincial council elections. Although these were not the first competitive elections held in Afghanistan, they were the first elections run by an Afghan election commission since the fall of the Taliban. The elections were a major test of the country's prospects for democracy and political stability.

Despite the threat of serious, widespread violence, millions of Afghans turned out to vote in the elections, and initially it appeared they had engaged in a reasonable democratic process, given the conflict that afflicted the country. As the process continued after election day, however, it became apparent that fraud had been widespread. A controversial method for determining the final results further undermined the integrity of the election. Ultimately, the process set back the near-term prospects for a democratic Afghanistan.

Under a cooperative agreement with the U.S. Agency for International Development (USAID), Democracy International organized an international election observation mission for the 2009 elections in Afghanistan. The purpose of DI's mission was to observe and report on the electoral process—including pre-election preparations, election day, and the post-election process—and, to the extent possible, to evaluate the degree to which the elections conformed to international standards. In so doing, the mission would help promote good governance by strengthening democratic election systems and processes. The project complemented ongoing efforts supported by the U.S. government and others to help build a more participatory, representative, and accountable democracy in Afghanistan.

The DI observation mission deployed a team of 62 long- and short-term observers, including noted experts in election administration, election monitoring, and Afghan politics. DI deployed its core team and long-term observers (LTOs) to Kabul in late July. LTOs were joined by short-term observers (STOs) for the week around election day. On election day, the observers visited 13 provinces. DI also conducted a postelection assessment of the impact of the elections on the political climate in Afghanistan and has closely monitored postelection developments.

### **Pre-Election Period**

The newly created Independent Election Commission (IEC) was responsible for administering and supervising election activities in Afghanistan, including voter and candidate registration, the campaign and voting processes, and certification of election results. The UN supervised the administration of elections in 2004 and 2005, but the IEC organized the 2009 elections largely on its own, with the UN assisting in a support role.

There were several issues during the voter registration process including: underage registration, more than one registration per individual voter, lack of impartiality of electoral staff, registration of women based on lists provided by male relatives, inaccessibility of voter registration centers, and lack of a voter list.

The number of women registered for the 2009 elections was lower than for the 2004 elections. Nevertheless, there were implausibly high levels of female registration in some of the more insecure, traditionally conservative, provinces. There is reason to believe that this enabled “proxy voting” (men in traditional communities registering and voting on behalf of women in their families) and may have facilitated fraud in these regions.

Security was a serious cause for concern for women candidates. Poor security and the placement of polling stations in places that were not culturally appropriate for some women, such as government buildings, also disproportionately affected the ability of women to cast ballots. Women’s participation in Afghan politics and elections will continue to be a determinant of the ultimate success of the consolidation of democracy in Afghanistan.

Antigovernment elements pursued an aggressive campaign of threats and intimidation in the run-up to election day. At times it looked as if the escalating violence might prevent the elections from taking place altogether. This ongoing threat of violence had a significant impact on both accessibility and participation. Even in locations where security forces were successful in temporarily dislodging antigovernment elements, a significant portion of the population was still dissuaded from taking part in the process. A number of polling centers did not open due to security concerns.

### **Election Day and Counting**

Democracy International observers reported that election officials were generally well prepared and polling stations were equipped with transparent ballot boxes, ballot papers, indelible ink, and other essential materials. Despite confusion surrounding an election-day order extending the time for polling, the counting process as we observed it generally proceeded smoothly on election day and the day following. DI observers did report the likelihood of stuffed ballot boxes in the south, particularly in Kandahar.

DI observers provided mixed reports on voter turnout. Most DI observers supported the belief shared by election officials, UNAMA, and other observer groups that turnout was significantly lower than expected.

### **Post-Election Process and Sample Audit**

Unfortunately, in the weeks following the election it seemed that, rather than releasing results as they became available and fully explaining its processes, the IEC was managing the announcement of results. Preliminary results were tallied and released at a languid pace. The delays raised suspicions that the government was improperly interfering in the process of announcing the results.

The apparent managed release of results likely contributed to perceptions of fraud in the first-round election. Areas in which Hamid Karzai was likely to perform well were not reported until late in the results-reporting process, and thus many in the international media and the opposing campaigns perceived the large increase in Karzai’s vote share in the last few days of results re-

porting as illegitimate. The lack of transparency in the results reporting process compounded perceptions of fraud.

Mounting concerns about electoral fraud prompted the Electoral Complaints Commission (ECC) to order the IEC on September 8 to conduct an “audit and recount” of ballot boxes in the presidential election in polling stations nationwide for which the preliminary results met certain criteria that suggested the possibility of fraud. The intent of the ECC to investigate potential fraud in a systematic manner should be applauded. But the ensuing audit process was flawed. Throughout the process, the IEC and ECC issued multiple methodological and mathematical corrections. More important, no plan was developed for interpretation of the audit results, and the sampling procedure and statistical analysis suffered from significant methodological flaws.

Democracy International calculated that the total number of votes invalidated by the audit process was approximately 1.26 million votes, about 1 million of which were cast for Hamid Karzai. Under Afghanistan’s electoral law, these decisions were binding. On October 19, DI issued a public statement explaining the significance of the ECC’s decisions. As the DI press release explained, after applying the ECC’s decisions to the preliminary results, Hamid Karzai’s percentage of the vote fell below the 50 percent threshold needed to avoid a second-round runoff election. As a result, a runoff between Hamid Karzai and Abdullah Abdullah was necessary under the law.

Overall, the ECC process, including the audit, began as a challenging procedural, investigative, and legal endeavor. The Commission then compounded those difficulties by failing to clearly explain its work to the Afghan public.

## **Runoff**

Official campaigning for the runoff began on October 24 and was scheduled to end on November 5. At the outset of the runoff process, Abdullah’s campaign issued 17 written demands it considered necessary to ensure that the second round of voting would be conducted fairly. Abdullah issued an ultimatum that his demands for personnel changes be met by October 31 or he would withdraw from the race. On November 1, after none of the major personnel changes that he had called for had been made, Abdullah announced that he “would not participate” in the runoff election. After Abdullah’s withdrawal from the race, the IEC declared the runoff election cancelled and Hamid Karzai elected as president of Afghanistan. Although the practical value of holding the runoff election with only one candidate participating would have been questionable, the Afghan constitution and the electoral law were ambiguous about whether the IEC had the authority to cancel the runoff.

## **Recommendations**

Afghanistan’s 2009 elections revealed numerous flaws both in the country’s election system and in the administrative processes that support it. Based on its extensive observation of the election process, and as articulated in the findings and analysis of this report, DI urges the government of Afghanistan and the international community to consider the following recommendations in or-

der to strengthen elections scheduled for 2010 and to reform Afghanistan's electoral system and improve long-term assistance for Afghan elections.

*Strengthening elections held for 2010:*

1. Maintain the impartiality of the IEC.
2. Establish swift and effective methods for prosecuting electoral fraud.
3. Eliminate the entry points of fraud.
4. Abandon the use of sample-based audits.
5. Increase transparency of election administration and improve coordination between relevant election stakeholders.
6. Develop and present for comment a plan for the tracking and distribution of sensitive elections materials.
7. Establish effective coordination between the IEC and civil society.
8. Strengthen the procedures at the national tally center.

*Reforming Afghanistan's Electoral System and Improving Long-Term Assistance for Afghan Elections:*

9. Replace the Single Nontransferable Vote (SNTV) electoral system.
10. Increase assistance to domestic observation groups.
11. Provide election assistance through multiple implementers.
12. Reform the selection process for IEC and ECC commissioners.
13. Create a civil and voter registry.
14. Re-evaluate the long-term electoral capacity-building strategy.

## **Conclusion**

The deficiencies in the Afghan political system transcend elections and include a number of institutional problems that impede democratic development in the country. Persistent issues include a fragile security environment, obstacles to women's participation in the political process, executive influence on the judiciary and other institutions, a flawed voter registration system, and an underdeveloped political party system that leads to the election of candidates who do not truly represent their constituents. Until these and other issues are resolved, Afghanistan cannot develop into a genuinely democratic state.

Fairer elections can help to alleviate these problems. But without further electoral and institutional reforms, Afghanistan will continue to face challenges in building a political system that is rooted in democracy and a government that is accountable to and can effectively provide for its people.

## INTRODUCTION

On August 20, 2009, Afghanistan held critical presidential and provincial council elections. Although these were not the first competitive elections held in Afghanistan, they were the first elections run by an Afghan election commission since the fall of the Taliban. The elections were a major test of the country's prospects for democracy and political stability.

The declining security situation throughout the country, combined with widespread corruption and poor service delivery, led many to question the legitimacy of President Hamid Karzai's government. Faced with a growing insurgency, the international community promoted the elections as a key step in legitimizing the office of the president and establishing the Afghan government as a credible partner to ongoing international efforts in the country.

To this end, the international community provided substantial support to the election process, primarily through the UNDP-Elect project, which provided direct assistance to the election commission and other stakeholders. Additional projects complemented these efforts, and international security forces provided crucial logistical support, such as transporting election materials to remote areas.

Given the international political context, these elections—in particular the presidential contest—were seen widely as crucial for the future of Afghanistan and were closely watched by the media and the broader international community.

### Democracy International Election Observation Program

Under a cooperative agreement with the U.S. Agency for International Development (USAID), Democracy International organized an international election observation mission for the August elections in Afghanistan. The purpose of DI's mission was to observe and report on the electoral process and, to the extent possible, evaluate the degree to which the elections conformed to international standards. In so doing, the mission would help promote good governance by strengthening democratic election systems and processes. The project complemented ongoing efforts supported by the U.S. government and others to help build a more participatory, representative, and accountable democracy in Afghanistan.

International observers had great potential to contribute to the integrity of the electoral process in Afghanistan. As DI principals have written, "In fragile states the international community has a far greater role in determining the legitimacy of elections than it does in more stable transitional or established democracies."<sup>1</sup> Because these were the first Afghan-led democratic elections since the fall of the Taliban, and because the risk of controversy about election results was high, international election monitoring had the potential to make a significant contribution to stability and future democratization.

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<sup>1</sup> Eric Bjornlund, Glenn Cowan, and William Gallery, "Election Systems and Political Parties in Post-Conflict and Fragile States." *Rebuilding Governance in Post-Conflict Societies and Fragile States: Emerging Perspectives, Actors, and Approaches*, edited by Derick W. Brinkerhoff, (New York: Routledge, 2007), p. 65.

DI signed a cooperative agreement with USAID to conduct this program in early July and immediately began deploying staff members to Kabul to make logistical preparations for the mission. Long-term observers (LTOs) began arriving in Kabul in late July and were joined by short-term observers (STOs) for the week around election day. In total, DI recruited and deployed 62 experts and staff members to observe the August 20 elections. Members of that group included noted experts in election administration, election monitoring, and Afghan politics.

Following the declaration of a runoff election on November 7 between the top two presidential candidates, DI received additional funding from USAID to observe the runoff. DI recruited a 22-member delegation and had begun deploying observers to Kabul when the election was cancelled on November 2.

## **This Election Observation Report**

This report presents DI's findings and provides recommendations for improving the electoral process in Afghanistan before the parliamentary elections scheduled for 2010. Following a description of DI's observation methodology, the report outlines the historical background, political context for these elections, and the pre-election context leading up to election day on August 20. The report then presents the election results and the delegation's observations from election day and the postelection period, including DI's preparations for the aborted presidential runoff. Finally, the report offers recommendations for electoral and political reform.

The information in this report comes from a variety of sources, primarily the findings of DI's pre-election, election day, postelection, and continuing observation missions. DI relied heavily on the extensive expertise and knowledge of its staff and delegates. DI's mission drew on credible local sources of information, including political leaders, candidates, governmental officials, local and international civil society organizations, local election monitoring groups, nonpartisan election monitors, and journalists at both national and provincial levels.

## **Observation Methodology**

Experience throughout the world over the past two decades has shown that international election observers can have a positive impact on a country's successful transition to democracy. By increasing transparency, election observation helps deter fraud and reduce irregularities in election administration, especially in transitional environments such as Afghanistan with the potential for instability and violence. Properly conceived and implemented, comprehensive international election observation not only provides an objective assessment of a given country's electoral process but can also promote the integrity of the elections and related institutions, encourage public participation, and reinforce domestic commitment to democratic politics.

In accordance with the international consensus that election monitoring should assess the entire election period and the Declaration of Principles on International Election Observation, of which DI is an endorsing organization, DI's election monitoring project in Afghanistan had a broad scope. It covered the periods both before and after the vote as well as election day itself. DI's mission included a team of long-term observers (LTOs) that arrived in Afghanistan four weeks



before the August 20 elections to monitor the electoral environment before, during, and after the elections. They met with various international and local actors from the Afghan government, the U.S. government, the International Security Assistance Force (ISAF), civil society organizations, local election observation groups, and political campaigns. For the elections, the DI observation mission included a team of 62 long- and short-term observers. On election day, the observers visited 13 provinces: Badghis, Farah, Ghazni, Helmand, Herat, Kabul, Kandahar, Nangahar, Paktika, Panjshir, Parwan, Kapisa, and Zabul. DI also conducted a postelection assessment of the impact of the elections on the political climate in Afghanistan and has closely monitored post-election developments.

DI's election observation mission to Afghanistan assessed a broad range of substantive issues, including: (1) the administration of the elections, including the processes of voter registration, balloting, counting, and complaint resolution; (2) the legal and institutional framework for the elections, and the credibility and neutrality of electoral authorities; and (3) the political context and environment in which the elections took place, including the extent of freedoms of speech, movement, and association; the freedom of the media; the opportunities for the opposition to compete; and the nature of the campaign.

DI's team began its work in mid-July 2009. This included a core team of international staff members and long-term observers supported by Afghan staff members and security personnel. Short-term observers joined the mission several days before election day. DI's long-term observers deployed to the provinces of Herat, Kabul, Kandahar, Nangahar, Kapisa, Panjshir, and Parwan three weeks before the elections to conduct observations of the pre-election political and electoral environment. The LTO teams gathered valuable information through meetings with government officials, including the Independent Election Commission of Afghanistan (IEC), the Electoral Complaints Commission (ECC), political party agents, and provincial and presidential candidates. They also met with civil society organizations, including domestic monitoring groups and others that provided technical assistance in Afghanistan or observed the elections, such as the European Union Election Observation Mission to Afghanistan, UNDP's election assistance project (UNDP-Elect), The Asia Foundation (TAF), and IFES.

For the election-day observation phase, the DI delegation convened for two days of briefings in Kabul with candidate representatives, the IEC, the ECC, civil society leaders, UNDP-Elect, political observers, journalists, and others. These briefings covered the political situation in Afghanistan, the relevant electoral laws and procedures, the fairness of the campaign period, the activities of other monitoring organizations, and other information relevant to effective and informed observation of the process. DI also provided training on poll watching techniques and accepted international observation standards.

The two-day meeting gave DI's core staff an opportunity to brief observers on the deployment plan and methodology for the mission. In addition, the briefings included information and training on security procedures and on acceptable conduct for election observers, including relevant regulations and policies of the Afghan government, the IEC, and the U.S. government. In accordance with international standards, DI instructed its observers to restrict themselves to observing

the electoral process and to avoid any action that could be interpreted as interfering in the process.

Following the briefings in Kabul, two-member teams of short-term observers proceeded to each observation location. Some were stationed with DI's long-term observer teams in the field, while others were stationed with Provincial Reconstruction Teams (PRTs), secure bases for the coordination of military operations and development assistance, with the support of ISAF. The regional teams arrived in their cities two days before the elections to meet with candidates, local and regional political party representatives, election administration officials, and representatives of other domestic and international monitoring groups to collect information on the local context and security situation.

On election day, DI's observers visited 258 polling stations nationwide. The stations were chosen from selected provinces across the country in consultation with Afghan facilitators and security personnel and with other international observer groups. The day after election day, DI observers returned where possible to polling centers to witness the counting of provincial council ballots. The delegates then returned to Kabul for debriefing, discussion of observations and findings, and preparation of a preliminary observation statement. DI issued a press release on August 22, two days after election day, stating that it was "too early to judge" whether the election was credible. (See Appendix A.) DI's core staff and a small election monitoring team remained in Afghanistan throughout the postelection period to observe the results tabulation, investigation, and audit process.

DI organized and was prepared to deploy approximately 20 international observers for the planned presidential runoff election including two PRTs in Zabul and Helmand and to the cities of Jalalabad, Herat, and Mazar-e-Sharif. Shortly after Abdullah Abdullah suspended his campaign and the IEC's subsequent cancellation of the runoff election, DI aborted its observation of the runoff process.

## **PREELECTION CONTEXT**

### **Historical Background**

Following the fall of the Taliban in November 2001, a December conference in Bonn, Germany, held under the auspices of the United Nations, established a process for the political reconstruction of Afghanistan. The Bonn Agreement called for a number of elections to help establish a "broad-based, gender sensitive, multi-ethnic and fully representative government" that was "not intended to remain in place beyond the specified period of time" of about three years. This process ultimately resulted in the adoption of a new constitution and presidential and provincial council elections in 2004.

The events leading up to the 2004 election help explain the evolution of democracy in Afghanistan and the context for the 2009 presidential and provincial council elections. Many believe that the transition to democracy in Afghanistan began with Hamid Karzai's election as president in



2004. But by the time the Shah monarchy was abolished in 1973, Afghanistan had held 13 nationwide elections for some form of national legislative assembly.

There has been a long tradition of leadership by consensus in Afghanistan. Throughout the country's political history, assemblies of leaders, or *jirgas*, have played a central role in establishing authority and enabling pluralistic decision-making and have served as a ratification mechanism from the most local tribal gatherings to national legislative assemblies. These *jirgas* have always been characterized by an "underlying ethic . . . of equality, every adult male having the right to participate . . . [and] contribute to its decisions."<sup>2</sup> An early example of this pluralistic tradition took place when a *loya jirga* elected Ahmed Shah Durrani, the founder of the Durrani Empire and the modern state of Afghanistan, king in 1747.

These elected *jirgas* were often thought to be little more than mechanisms to validate the dictates of the king or prime minister. Many analysts, however, believe that the elections of 1949, 1965, and 1969 were relatively free and fair.<sup>3</sup> That is not to say the freely and fairly elected members of those *jirgas* exercised and rendered their considered judgments independently. Still, the factors and motivations that guided the members' deliberations do not diminish the relatively democratic manner in which they were elected.

The 2004 presidential contest, which was highly touted and generally accepted as legitimate by the international community, could be considered the fourth significant electoral event in Afghanistan after the fall of the Taliban. The first electoral event began with the UN's selection of 25,000 local representatives who in turn elected 1,500 delegates from eight electoral zones. These 1,500 delegates attended an emergency *jirga* in Kabul in June 2002. In what constituted the second electoral event, these delegates elected Karzai as transitional president, after which the transitional administration was dissolved. As the third electoral event, in December 2003 caucuses elected 450 of the 500 delegates to the constitutional *loya jirga*, which ratified Afghanistan's new constitution in January 2004.

The new Afghan constitution was drafted between December 14, 2003, and January 4, 2004. Officially signed on January 16, 2004, it established Afghanistan as a unitary state and provided for an elected president and bicameral national assembly. According to this constitution, no Afghan law is or can be contrary to Islam (Article 3). The state is obliged to create a prosperous, progressive society based on social justice, protection of human dignity and rights, and the realization of democracy. The state is also charged with ensuring national unity and equality among all ethnic groups and tribes. The constitution further provides that the state shall abide by the UN charter, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights (Article 7).

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<sup>2</sup> Martin Ewans, Afghanistan, *A Short History of Its People and Politics*, p.7, Perennial Press, 2002

<sup>3</sup> Ali Wardak, *Jirga - A Traditional Mechanism of Conflict Resolution in Afghanistan*, University of Glamorgan, UK

## Government Structure and the Electoral System

Under its new constitution, Afghanistan has a bicameral national assembly with a president who serves as the chief of state and head of government. The president is elected by a direct vote through an absolute majority for a five-year term and can be elected for a maximum of two terms. If no candidate receives more than 50 percent of the vote in the first round of voting, the two candidates with the most votes participate in a second-round runoff election. The president has two vice presidents and a cabinet that includes 27 ministers appointed by the president and approved by the national assembly.

The bicameral National Assembly is made up of the Wolesi Jirga (House of the People) and the Meshrano Jirga (House of Elders). The National Assembly's core responsibilities include:

- Modifying, ratifying, or abrogating laws and legislative decrees;
- Approving social, cultural, and economic development programs;
- Approving the state budget and allowing the granting or obtaining of loans;
- Creating, modifying, or abrogating administrative units;
- Ratifying international treaties and agreements (Constitution of Afghanistan, Article 90).

The lower house, the Wolesi Jirga, is made up of 249 representatives elected directly through a Single Non-Transferable Vote (SNTV) system for five-year terms from province-wide constituencies. The number of seats allocated to each province is proportional to the population of that province (Article 83). The constitution requires that at least two women be elected from each province though the mechanism is left to the electoral law. In addition, Kuchi nomads (a pastoralist cultural group that migrates seasonally along Afghanistan river valleys) elect 10 representatives through a single national constituency.

The Wolesi Jirga's main responsibility is to make and ratify laws, as well as to approve the president's actions, in cooperation with the Meshrano Jirga. Specifically, the Wolesi Jirga's duties include:

- Receiving, approving, or rejecting drafts of laws received from the government before final review by the Meshrano Jirga;
- Setting up special commissions to review and investigate government actions;
- Endorsing and enforcing a bill not approved by the president, with a two-thirds majority;
- Interpellation of ministers;
- Reviewing government development programs and the government's annual budget after review by the House of Elders; and
- Approving or rejecting ministerial appointments according to the constitution.

The upper house, the Meshrano Jirga, has 102 members. District councils elect one-third of its members, one per province, for three-year terms. Provincial councils choose another third, again, one per province, for four-year terms. The president appoints the final one-third to five-year terms. Half of the presidential nominees must be women, two must be representatives from the

disabled and impaired communities, and two must be Kuchis (Article 84). Since district council elections were not held in 2005, when previous parliamentary elections took place, each of the 34 provincial councils was instructed to select one of its elected members to temporarily hold a seat in the house until district elections were held.

### *Judicial Branch*

The judiciary is an independent organ of the state composed of the supreme court (Stera Mahkama), the courts of appeal, and the primary courts. The supreme court has nine members that were appointed by the president and endorsed by the Wolesi Jirga. Initially, three judges were appointed for four years, three for seven years, and three for 10 years. All subsequent appointments are for a period of 10 years. Judges for lower courts are proposed by the supreme court and at the approval of the president. In cases where no relevant constitutional provisions or laws apply, courts are allowed to utilize Hanafi jurisprudence (one of the major Sunni schools of modern Islamic judicial theory) (Article 130). The constitution also allows for the application of Shi'a jurisprudence in cases involving Shi'ites (Article 131).

### *Provincial Governments*

Afghanistan is divided administratively into 34 provinces each with a governor appointed by the president. The governor is the representative of the central government and is in charge of all administrative issues in that province. The ministry of interior (MoI) appoints the provincial chief of police, who works in tandem with the governor on issues related to law enforcement.

Provincial councils are responsible for participating in the “attainment of the development objectives of the state and improvement of the affairs of the province in the manner prescribed by laws, and shall advise the provincial administrations on related issues” (Article 139). The constitution makes clear that the government operates according to a principle of centralism under which “the government...shall transfer necessary powers, in accordance with the law, to local administrations” (Article 137).

All provincial council members are elected by direct vote through an SNTV system to four-year terms, and the number of members in each provincial council is based on the population of each province. Subsequently, each provincial council elects one of its members to a seat in the *Meshrano Jirga* by an absolute majority.

### *The SNTV System*

Since its imposition, the Single Non-Transferable Vote system has stirred controversy in Afghanistan. While the framers of the Afghan constitution found the SNTV system simple and straightforward, given that each voter casts only one vote, critics suggest that it continues to stifle the development of political parties in Afghanistan. The system provides little incentive for candidates in multimember constituencies to embrace political party identification. It can also result in a lack of representation for minority groups and rural populations and the election of candidates with little to no support. Some argue that SNTV creates incentives for fraud given

that candidates can emerge victorious with such a small share of the vote. Although the SNTV system remains in effect for provincial council and parliamentary elections in Afghanistan, its role in the electoral system remains under debate.

### *2004 Elections*

The 2004 presidential election, organized by the international community through the United Nations, was held on October 9, 2004. Hamid Karzai garnered 55.4 percent of the vote, three times as many votes than any other candidate.

Although there were allegations of indelible ink wearing off, multiple voting cards being issued, and ballot stuffing, the international community hailed the 2004 election as a success. The general feeling was that simply holding the elections was a success. In addition, women, long repressed by the Taliban regime, embraced their rights as Afghan citizens and participated in significant numbers in the vote.

Hamid Karzai was officially sworn in on December 7, 2004, at a formal ceremony in Kabul. His appointment symbolized a new direction for a country crippled by decades of war. On September 18, 2005, parliamentary and provincial elections were held. Allegations of fraud again delayed the results from being announced until November 12. Turnout, at 50 percent, was significantly lower than it had been in the presidential election. Women won 2 percent of the seats in the *Wolesi Jirga*.

### *Setting a Date for Elections in 2009*

According to the Constitution of Afghanistan, the president serves a five-year term. The constitution also states that the next election should be held no later than 60 days before the end of the incumbent's term. Thus, Karzai's term ended in July 2009, and the election should have taken place by May.

The IEC, however, was concerned about organizing a presidential election in May because inclement weather would cut off many rural areas. It would have been impossible to get the adequate number of people and election materials into place. As a result, the IEC announced the elections would be delayed until August 20, 2009. After allegations by his opponents that Karzai was extending his power unnecessarily, the president called on the IEC to respect the country's constitution and hold the election in May. In March, the supreme court of Afghanistan affirmed the IEC's ruling and announced that Karzai's term would be extended until a new leader had been elected.

## **Legal Framework**

The legal framework for the 2009 Afghan elections starts with the 2004 Constitution of Afghanistan. The Constitution states that the "citizens of Afghanistan shall have the right to elect and be elected" (Article 33). It also establishes the Independent Election Commission and grants it

the authority to administer and supervise all elections (Article 156). The electoral law codifies electoral procedures administered by the IEC.

The electoral law that governed these elections was drafted in 2004 and consisted of 58 articles covering issues such as electoral administration, constituencies, voters, and candidate eligibility and registration for all four election processes (presidential, national assembly, provincial councils, and district councils). It also established the Electoral Complaints Commission. A more in-depth discussion of selection electoral laws and regulations with specific relevance to the 2009 elections is included as Appendix E.

Supporting the IEC and ECC was President Hamid Karzai's presidential decree of noninterference, dated May 20, 2009. In the decree President Karzai, as the country's chief executive officer and the official responsible for IEC appointments, sets forth the Afghan government's policy that prohibits interference by any person or organization, foreign or domestic, with the process of free and fair elections. Violators were subject to arrest and prosecution.<sup>4</sup>

## **ELECTION ADMINISTRATION**

### **Independent Election Commission**

The Independent Election Commission is responsible for administering and supervising election activities in Afghanistan, including voter and candidate registration, the campaign and voting processes, and certification of election results. The UN supervised the administration of elections in 2004 and 2005, but the IEC organized the 2009 elections largely on its own, with the UN assisting in a support role.<sup>5</sup> The president appointed all seven members of the IEC, which included a president and a vice president.<sup>6</sup>

The secretariat is the executive body of the IEC in Kabul, with offices located in all provinces. The secretariat is managed by the chief electoral officer, who is also appointed by the president of the country based on input from the IEC. The secretariat is empowered to select central, provincial, and district-level electoral officials.<sup>7</sup>

For the August 20, 2009, elections, the IEC attempted to communicate regularly with stakeholders. It conducted regular press conferences and coordination meetings with presidential candidates, presidential candidate liaison officers, political party representatives, domestic observers, and international observers.

Although ballot counting in previous elections took place in the provincial capitals, counting for the August 20 poll took place in each polling station immediately after polls closed. Counting of provincial council ballots in Kabul, Herat, Baghlan, and Nangarhar took place on the following

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<sup>4</sup> Presidential Decree 38, 30/2/1388 (May 20, 2009)

<sup>5</sup> International Crisis Group, "Afghanistan's Election Challenges", June 24, 2009  
<http://www.crisisgroup.org/home/index.cfm?id=6176&l=1>

<sup>6</sup> The Joint Electoral Management Body (JEMB) originally had nine commissioners and was reduced to seven under the IEC.

<sup>7</sup> Electoral Law, Chapter II, Article 8

day, August 21, due to the large number of provincial council candidates.<sup>8</sup> Tabulation of results took place in the National Tally Center in Kabul. To win in the first round a presidential candidate had to receive more than 50 percent of the valid votes cast. If no candidate met this threshold, a runoff between the top two candidates was to be held within two weeks of the announcement of the results.<sup>9</sup>

### *Election Operations*

The IEC planned 6,969 polling centers and 28,663 polling stations. The final numbers were subject to security reviews, and a number of polling centers did not open due to security concerns. It was estimated that approximately 164,000 polling staff members would be needed to conduct the elections, including 7,000 polling station managers, 2,500 assistant polling center managers, and 3,000 polling center queue controllers.<sup>10</sup>

Each polling station had five staff members: (1) polling station chairperson, (2) queue controller, (3) identification/inking officer, (4) ballot paper issuer, and (5) ballot box controller. The election commission reportedly recruited 28,655 people to fill these positions.

Approximately 18 million presidential ballots and 18 million provincial council ballots were printed at secure overseas printing houses to ensure quality control and security features to prevent tampering or counterfeiting. For ease of identification, presidential ballots were green and provincial council ballots were brown. In addition, 400,000 sample ballots were printed as part of the public outreach effort.<sup>11</sup> Ballot papers, official ballot stamps, completed election-result forms, and indelible ink were considered sensitive. Important nonsensitive items included empty ballot boxes, voting screens, ballot box seals, tamper-evident bags, and journals. Most nonsensitive materials and supplies were provided in the form of prepackaged polling station kits, counting kits, and polling center kits. The IEC employed 174 logistics and warehouse staff members in Kabul to prepare election materials and deliver them to the provinces. The IEC used a fleet of more than 3,000 vehicles, 3,000 donkeys, three helicopters, one airplane, and additional air assets from ISAF and Afghan security forces, where needed.

### **Electoral Complaints Commission**

The Electoral Complaints Commission of Afghanistan is an independent body responsible for adjudicating all complaints concerning the electoral process. Under Article 52 of the electoral law, the ECC shall have the jurisdiction to consider and adjudicate: (a) complaints relating to electoral offenses, including violations of the law in the conduct of the electoral process, provided that the complaint has been received before the certification of the election results; and (b) challenges to the list of candidates or to the eligibility or qualifications of a candidate raised dur-

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<sup>8</sup> The sorting process for provincial council ballots was also slightly different in these four areas. IEC Polling and Counting Procedures Summary.

<sup>9</sup> Electoral Law, Chapter V, Article 18

<sup>10</sup> Unless otherwise noted, the information in this section on logistics and polling staff is from the August 3 logistics update by the IEC.

<sup>11</sup> Figure on sample ballots is from <http://afghanelections.org/pdf/2009%20Weekly%20Report%20No27.%2028%20July-3%20August%202009.pdf>.



ing the electoral process. The challenges include requirements for candidate's age, citizenship, and voter registration, as well as links to illegal armed groups and restrictions on holding certain government offices.<sup>12</sup>

In 2009, the ECC had five members. Two of them were Afghan nationals, one appointed by the supreme court and the other appointed by the Afghanistan Independent Human Rights Commission. The other three members were experts from other countries, appointed by the special representative of the secretary-general of the United Nations. The ECC also established provincial election complaints commissions (PECCs) in each province. In total, the ECC/PECCs counted 176 staff members, all of whom were Afghans.

When the commission was formally constituted on April 26, 2009, it was entirely dependent on international funding. The ECC only became functional in mid-May, when funds became available, while many PECCs experienced problems establishing their infrastructure and did not become operational until mid-June, just two months before election day. For the period of candidate challenges, the ECC worked through focal points at IEC provincial offices. Those focal points were responsible for collecting challenges and referring them to the ECC in Kabul.

Any person or organization who had a valid interest in the electoral process and who claimed there had been a violation of law regarding the conduct of the electoral process could file a complaint with the ECC.<sup>13</sup> Complaints had to be in writing and could be filed at any provincial branch of the ECC or the central ECC office in Kabul within 72 hours of the occurrence of the alleged violation or the time that it became known to the complainant.<sup>14</sup> Complaint forms were available, but using them was not mandatory.<sup>15</sup>

The ECC/PECCs were empowered to hold hearings and conduct investigations. If a PECC considered a complaint to be well founded, the subject of the complaint was to be notified, if possible, and given an opportunity to respond. Such a response then had to be submitted within five days of notification. At ECC headquarters, three regional teams processed and investigated cases. Provincial commissions could decide on the dismissal of a claim, a warning (appropriate for most minor complaints), or remedial action (e.g., removal of posters) with immediate effect. Those decisions could be appealed. The ECC reviewed all decisions that imposed sanctions or fines before they became final. Despite the focus on capacity-building, international advisors drafted most of the decisions since local capacity to write a legal analysis was largely lacking.

Appeals against the decisions of PECCs could be filed to the ECC within three days of the notification.<sup>16</sup> According to the electoral law, decisions of the ECC were final (Article 52). Complaints filed just before, on, and after election day were sent directly to ECC Kabul and screened as to whether they might have an impact on the final results. If so, they were classified as "Priori-

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<sup>12</sup> Articles 62 of the Constitution and 14, 15 of the Electoral Law

<sup>13</sup> Article 4.1 of the Rules of Procedure of the Electoral Complaints Commission

<sup>14</sup> Article 4.3 of the Rules of Procedure of the Electoral Complaints Commission

<sup>15</sup> Article 4.5 of the Rules of Procedure of the Electoral Complaints Commission

<sup>16</sup> Articles 9.1 and 9.4 of the Rules of Procedure of the Electoral Complaints Commission

ty A” complaints. The electoral law also called for the ECC to complete its work no later than 30 days after the certification of results (Article 52).

## Voter Registration

The voter registration process for the 2009 elections occurred in different locations around the country in four phases between October 2008 and February 2009 (see Table 1). Voter registration began on October 6, 2008, and ended on February 18, 2009, although there were still a number of centers where people could register to vote until the day before the elections.

This process, which was funded by international aid agencies, registered 4.5 million new voters for a total of approximately 17 million voters in the country. Of the new voters, according to the IEC, approximately 38 percent were female.

<i>Phase</i>	<i>Dates</i>	<i>Provinces</i>
First	Oct. 6 – Nov. 4, 2009	Badakshan, Bamyán, Dikundi, Ghazni, Ghor, Kapisa, Kunar, Logar, Nuristan, Parwan, Sari Pul, Takhar, and Wardak
Second	Nov. 5 – Dec. 4, 2008	Badghis, Baghlan, Balkh, Faryab, Heart, Jozjan, Kabul, Kunduz, and Samangan
Third	Dec. 12, 2008 – Jan. 12, 2009	Farah, Laghman, Khost, Nangahar, Paktia, Paktika, and Zabul
Fourth	Jan. 20 – Feb. 18, 2009	Helmand, Kandahar, Nimroz, Uruzgan

*Source: Independent Election Commission of Afghanistan*

The IEC accredited both media and observer organizations to monitor the registration process. The commission accredited 36 media outlets and provided a total of 2,204 accreditation badges to media and observers.

### *FEFA Monitoring of Voter Registration*

The Free and Fair Election Foundation of Afghanistan (FEFA) was the only organization, either international or domestic, to observe the voter registration process. FEFA provided a comprehensive review its observation of the voter registration process through a series of four reports on the phases of voter registration. The following are the major violations that occurred during the voter registration period as reported by FEFA:

#### **1. Registration of People Who Did Not Meet Age Requirements**

The Afghan electoral law set the voting age at 18 (Article 13), but FEFA witnessed many voter cards being given to people who were clearly younger than 18.



When it established October 2009 as the month in which elections would be held, the IEC decided that individuals who turned 18 by September 2009 would be eligible to vote. After the commencement of the registration process, however, the IEC moved the election date up to August 20, 2009, which resulted in a situation where people younger than 18 years of age had acquired voter cards and would therefore be able to vote in the election even though they were underage.

## **2. Individuals Obtained More Than One Registration Card**

The Afghan electoral law states that, “Each voter shall have one vote in the elections and shall vote only on his or her own behalf” (Article 4). During its observation of the voter registration process, FEFA witnessed people registering multiple times on numerous occasions. By interviewing people in the vicinity of the registration centers, FEFA was able to identify a large number of people that actually volunteered to show their multiple cards.

FEFA blamed this problem on the complicity of IEC staff members and the IEC’s failure to put mechanisms in place that would allow it to detect and prohibit this violation. On average, FEFA reported that there were incidents of multiple registrations in 50 percent of registration centers where they fielded observers. This was particularly prevalent throughout the third phase of voter registration, during which FEFA’s observation suggests 85 percent of registration centers allowed multiple registrations.<sup>17</sup>

## **3. Lack of Impartiality and Political Independence of Electoral Staff**

During its observation, FEFA often observed election officials demonstrating bias, in direct violation of the electoral law (Article 9). In addition, FEFA found that some electoral officials were not competent. FEFA cited the example of some IEC staff members using their authority to change the location of voter registration centers to areas that favored particular candidates.

## **4. Registering Women Based on a List that was Provided by Male Relatives**

The Afghan electoral law states that, “Voters and candidates shall take part in the elections on the basis of their own free will. Imposition of any kind of direct or indirect restriction on voters or candidates on the basis of language, religious, ethnic, gender, tribal, geographical, or social status is prohibited” (Article 5.) FEFA witnessed many instances of election officials allowing men to register female family members, often based on lists of women’s names that they brought to the center. Based on the man’s claim that the listed women were his relatives, election officials would provide voting cards based on the names on the list and issue cards without a photograph and with the man’s fingerprint instead of the woman’s.

## **5. Inaccessibility of Voter Registration Centers**

In choosing locations for voter registration centers, the IEC failed to consider certain cultural and practical considerations, including the distance of registration centers from places where many

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<sup>17</sup> 2009 Voter Registration Observation Report, FEFA, p.24

voters lived, centers located in buildings that women were uncomfortable entering, the failure to provide enough Kuchi-specific centers, and the lack of female registration staff members.

## **6. Lack of Observers and Media Registration in Registration Centers**

The IEC's regulations on voter registration provided that media, observers, political party agents, and candidates may be present in any voter registration center upon accreditation. The IEC was slow to process and issue accreditation cards to media and observer organizations, which limited coverage.

## **7. Women's Participation**

The number of women registered for the 2009 elections was lower than for the 2004 elections. FEFA suggested that there were three main reasons for low female participation in the voter registration process in 2009: (1) a relative lack of female registration center staff members, particularly in rural areas; (2) poor security, particularly in the southern provinces; and (3) centers located in government buildings where it may be culturally inappropriate for women to enter.<sup>18</sup>

## **8. Security Situation**

The deteriorating security situation also impeded people's access to voter registration. During the first phase of the voter registration process, there were a large number of voter registration centers that were closed intermittently, or sometimes permanently, in several provinces including Ghazni, Wardak, Ghor, Logar, and Nuristan.<sup>19</sup>

During the second phase of registration, the security forces took additional measures to create a more stable environment for registration to take place, although a handful of incidents did still occur, including several suicide attacks. Although the suicide attacks did not specifically target registration centers, they effectively discouraged people from registering to vote.

At the beginning of the third phase of registration, there were two incidents in which IEC staff members were kidnapped (in Farrah and Paktika provinces). They were eventually released, but this created an atmosphere of insecurity and apprehension and likely deterred people from registering.<sup>20</sup> There were a few centers in Zabul province that could not open at all due to security issues and some centers in Paktika province had delayed openings. There were also reports of "night letters" – notices left in the night threatening the lives of any Afghans working to support the election process – being sent in the provinces of Nangahar, Khost, and Laghman.

The fourth phase took place in the most insecure provinces including Helmand and Kandahar. It was apparent to FEFA observers that security forces did a good job ensuring a portion of the population could register, but the deteriorating security situation did in fact negatively affect registration, particularly in rural areas.<sup>21</sup> The difficult security situation resulted in the inability of the IEC to establish registration centers in seven of the 25 districts in Helmand and Kandahar

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<sup>18</sup> 2009 Voter Registration Observation Report, FEFA, p. 36-38

<sup>19</sup> 2009 Voter Registration Observation Report, FEFA, p.41

<sup>20</sup> United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009

<sup>21</sup> 2009 Voter Registration Observation Report, FEFA, p. 43

provinces. In addition, rumors of Taliban threats to prevent people from registering to vote had a negative impact on participation, especially for women.

The security concerns, however, did not prevent the process from taking place. FEFA estimated that only 20 of approximately 400 registration centers were closed due to security concerns.<sup>22</sup>

## **9. The Lack of a Voter List**

Perhaps the greatest impediment to the election process was the lack of an accurate voter list. The IEC was unable to produce a list of voters that combined those registered in 2004 with those registered in 2009 and eliminated any duplicate registrations. As a result, no voter list was used in polling stations during the August 20 elections. Rather than being pre-assigned a polling station and having their names checked off a list, voters could cast ballots for the presidential election at any polling station in the country. Although this may have simplified the voting process, it also increased the risk of fraud. With fraudulent registration cards, additional votes could be cast at any number of centers.

Many Afghans who previously registered in 2004 re-registered before the 2009 elections not with the intent to cast fraudulent ballots, but simply because the new cards were better. They had photos and other biometric data that made them more useful forms of ID, which are not easy to get in Afghanistan. However, there were also allegations that the voter registration process produced large numbers of fake voter cards, cards that did not correspond to real people.

## **Candidate Registration**

### *Candidate Challenge Period*

Candidates submitted their nominations in writing to the IEC between April 25, 2009, and May 8, 2009. A challenge period between May 16 and May 21, 2009, allowed the public to submit evidence that a nominated candidate was not qualified or eligible to run for office under the applicable laws. The ECC was charged with the responsibility of reviewing challenges and complaints of nominated candidates. Challenges specifically referred to the qualifications, as outlined in the constitution and electoral law, of nominated candidates. Complaints, on the other hand, did not have a cut-off period, could be made throughout the election process, and could relate to any electoral offense or any other violation of an electoral rule. According to the electoral law, challenges and complaints could be filed by any person or entity with a legitimate interest in the elections (Article 36.2), and all decisions of the ECC were final with no further appeal or recourse (Article 52.6).

### *Application of the Challenge and Complaint Procedure*

During the challenge period, a total of 302 challenges were filed from 31 provinces against presidential and provincial council candidates in 26 provinces. Approximately half the presidential candidates had challenges made against them. One presidential candidate and 90 provincial can-

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<sup>22</sup> 2009 Voter Registration Observation Report, FEFA, p.44

didates (including 13 female candidates) voluntarily withdrew their candidacy in response to the complaints received by the ECC office. A total of 57 candidates were disqualified for other reasons. Those included two presidential candidates, one vice presidential candidate, and 54 provincial council candidates.<sup>23</sup>

Among the challenges were allegations of dual citizenship, affiliations with illegally armed groups, criminal activity, and failure to resign as required from government posts. The ECC investigated each challenge, and candidates were informed of the nature of the challenge and given until 4:00 pm on May 29, 2009, to respond and to comply with the eligibility requirements or otherwise show that the challenge was unfounded.<sup>24</sup> The ECC used a clear and convincing standard of proof, and the burden fell to the challenger or complainant to demonstrate that the candidate was not qualified or was otherwise ineligible.<sup>25</sup>

On June 9, 2009, the ECC provided the IEC with the names of two presidential candidates, one vice presidential candidate, and 54 provincial council candidates who did not meet the qualifications required for being successfully nominated. The remaining challenges were dismissed. Of the 57 successful challenges, 56 persons were found to effectively command or be a member of an unofficial military force in contravention of the electoral law (Article 15.3). One of the 56 persons disqualified was also disqualified for having been convicted of a crime. Another presidential candidate was disqualified because he was found to have dual citizenship in the United States.<sup>26</sup>

The ECC also imposed fines ranging from 20,000 to 50,000 Afghanis on two presidential and two provincial council candidates for providing false information to the IEC about their candidacy at the time of their nomination. The ECC sent warning letters to two other candidates for submitting frivolous challenges. As the ECC only dealt with electoral offenses, it referred a significant number of challenges to the Attorney General, the joint secretariat of the Disarmament and Reconciliation Commission, and the Afghan Independent Human Rights Commission.<sup>27</sup>

To determine the order of the multitude of candidates on the ballot, the IEC organized a ballot lottery for presidential and provincial candidates. On June 12, 2009, the commission conducted the lottery in the presence of candidate agents, observer entities, media, and other stakeholders. Before the printing of the ballots, the next candidate in the lottery replaced disqualified candidates. If candidates were disqualified or withdrew after the printing of the ballot, their names would remain on the ballot and would be dealt with during counting as described below.<sup>28</sup>

The ECC received a total of 433 complaints during the two-month electoral campaign period. Approximately one quarter of the complaints concerned the presidential election, 129 complaints concerned provincial council candidates, and the remainder were filed against other organizations or individuals involved in the electoral process, including the IEC. By August 18, 2009, the

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<sup>23</sup> ECC Press Release, June 9, 2009

<sup>24</sup> ECC Press Release, June 9, 2009

<sup>25</sup> ECC Rules of Procedure, article 7.2a

<sup>26</sup> ECC Press Release, June 9, 2009

<sup>27</sup> ECC Press Release, June 9, 2009

<sup>28</sup> IEC Press Release, June 13, 2009

ECC had adjudicated 169 of the complaints and announced that they expected the majority of complaints to be resolved before election day.<sup>29</sup>

## **Campaign Finance**

Afghan law does not place limits on the financing of campaigns but does contain provisions regarding the provenance of funds used for campaigning. Under the electoral law, an electoral offense exists when campaign activities make use of “funds originating from illegal activities” or “foreign funds” (Article 53).

To comply with its duty to ensure that candidates abide by electoral law, the IEC approved on March 25 a Regulation on Political Campaign Finance (RPCF) setting out requirements for proper record-keeping and postelection reporting. This Regulation received further support from an IEC decision that required candidates to produce similar interim campaign finance reports every 15 days throughout the campaign period. The requirements applied only to candidates in the presidential election.

The RPCF provided that only Afghan citizens and registered political parties could contribute to a campaign. It also required candidates to keep records of, and submit reports on, campaign contributions (including loans) and expenses. Further, it limited the scope of contributions made by any arm of the Afghan government to the area of security; all other services and resources offered had to be made freely and equally available to all candidates.

The recording and reporting regulations were not onerous. The provisions required presidential candidates to:

- Register all domestic and foreign assets having an individual value in excess of 100,000 Afghanis (approximately US\$2,000) after publication of the final candidate list;
- Record all campaign contributions and sources, with a receipt being issued for any in excess of 5,000 Afghanis (approximately US\$100);
- Record all expenses, with extra detail (including receipts) for any expenditure in excess of 5,000 Afghanis;
- Ensure all campaign transactions in excess of 5,000 Afghanis go through the candidate’s bank account; and
- Submit a full final report, providing details on the basis of the above records, no later than 30 days after election day. (IEC Decision No. 35 also required interim reports to be filed every 15 days throughout the campaign period.)

Failure to file a complete final report without a satisfactory reason should have resulted in the barring of a candidate from running in future elections. It is not clear, however, what constituted satisfactory reason, and there did not appear to be a penalty for late submission of final reports.

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<sup>29</sup> ECC Press Release, August 18, 2009

Failure to produce interim reports required the IEC to report the candidate to the ECC, which could, in turn, take appropriate action.

## Campaign Period

The Afghan constitution empowers the IEC to regulate the activities of political parties and candidates for office (Article 156). The electoral law (Article 38) and the electoral campaign regulation (Article 3) charge the IEC with responsibility for announcing the election-campaign period, which is to start at least 120 days before the election. The IEC, the media commission, and the ECC are empowered to investigate any claims of campaign violations and adjudicate those claims or refer them for prosecution (Electoral Campaign Regulation, Article 5). The election campaign regulation also limits the role of government officials, directing them to avoid intervening on behalf of specific candidates or parties in either a positive or negative way (Article 7). All campaign activity had to cease 48 hours before the polling day (Article 8). The presidential decree of May 21, 2009 prohibited government institutions and officials from interfering in the process. The decree prohibited interference in the election process, including voter, candidate, and campaign activities and materials. It also prohibited the use of government resources to the benefit or detriment of candidates or the award or termination of government positions for the purpose of influencing any election activities.<sup>30</sup>

Several prominent NGOs charged that the misuse of government resources was a significant issue during the campaign period. In a report on July 27, the Afghanistan Independent Human Rights Commission (AIHRC) concluded that the biggest problem as of that date was the use of government resources to promote candidates. An AIHRC representative commented that a delay in establishing the Electoral Complaints Commission, particularly the provincial offices was unfortunate. He noted that until then the IEC was the only forum to register complaints, even though some of the complaints involved the IEC.<sup>31</sup>

A representative of FEFA agreed that the misuse of government resources was a major problem and criticized the lack of a level playing field for presidential candidates. During the June 16–July 16 observation period, FEFA observed misuse of government resources and lack of impartiality throughout the country.<sup>32</sup> FEFA also stated in a July 7 press release that violations had not decreased since the voter registration and candidate nomination stages of the electoral process.<sup>33</sup>

## Media Environment

The fall of the Taliban in 2001 sparked an unprecedented expansion of media activity in Afghanistan. In most rural areas many communities rely on radio as a source of information. For those

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<sup>30</sup> “Decree of the President of the Islamic Republic of Afghanistan on Noninterference in the Electoral Affairs of Elections 1388 (2009).” [http://www.iec.org.af/assets/PDF/decrees/english/presidential\\_decree\\_non-interference\\_in\\_election\\_process.pdf](http://www.iec.org.af/assets/PDF/decrees/english/presidential_decree_non-interference_in_election_process.pdf)

<sup>31</sup> Interview with Commissioner Mohammed Farid Hamidi, Afghanistan Independent Human Rights Commission (AIHRC), July 27, 2009.

<sup>32</sup> Interview with Shahrzad Akbar, Free & Fair Elections Foundation of Afghanistan (FEFA), July 27, 2009 and [http://www.fefa.org.af/download/Campaign\\_Report%20For%20Website.pdf](http://www.fefa.org.af/download/Campaign_Report%20For%20Website.pdf).

<sup>33</sup> <http://www.fefa.org.af/download/PressReleaseEN.pdf>



Afghans who could afford electricity and a television, alternatives to the state broadcaster, Radio Television Afghanistan (RTA), began to emerge. In 2004, few TV stations covered the election. Five years later, hundreds of different media outlets were accessible, including some 400 radio stations and more than 20 television stations.

Widely described as an unparalleled opportunity for freedom of speech in the region, millions of foreign dollars flowed into Afghanistan to fund radio stations, television networks, and newspapers. In the early days, these media outlets were free to report openly and were not bothered by the government or antigovernment factions. In retrospect, the early days were a golden age, when journalists were largely free from censorship and intimidation.

Media experts agree that media development in Afghanistan has been one of the country's greatest successes since the fall of the Taliban. But the increase in media outlets has not resulted in an increase in the quality of the reporting. In many cases, what started as a movement toward free media in 2001 has morphed into an environment of media factionalism, in which privately run companies compete as soapboxes for those with money or power. According to many analysts, the government and some private media owners exercise strict editorial control over the content that reaches the general public.

For some media outlets, the freedom of expression that existed after the fall of the Taliban seems increasingly threatened. According to a leading figure in the Media Commission, journalists face two major problems: the government and the Taliban. "The government withholds information from the media and in case journalists broadcast [criticisms] against the government, they face jail time and beating. The Taliban also sometimes kills or kidnaps journalists."<sup>34</sup> In July 2009, for example, police officers in Herat beat five journalists for reporting on a public demonstration and police corruption.<sup>35</sup>

### *Media Coverage of the 2009 Elections*

Media coverage has played an important role in educating the country about the electoral process. The IEC accredited 49 national media organizations and 138 international media houses to observe and report on the August 20 elections. TV stations such as TOLO, Ariana, and RTA hosted debates and serious political discussions. This differed markedly from the role media played in the 2004 election.

Even so, journalists faced significant challenges reporting on the 2009 elections. The Taliban and other antigovernment groups increased attacks against journalists and denied reporters access to many areas of the country. Some journalists who monitored government conduct during the elections accused government officials of harassment.

The Institute for War & Peace Reporting reported that one radio station in Ghazni, under pressure from Taliban demands, changed its programming to reflect what the Taliban considered ac-

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<sup>34</sup> DI observer Leslie Knott interview with Sidiqullah Tawhidi, August 15, 2009.

<sup>35</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor. *2009 Human Rights Report: Afghanistan*.

ceptable. Specifically, the station eliminated western-style entertainment programming in favor of religious broadcasts and traditional Afghan music.

The Afghan Foreign Ministry demanded on Wednesday, August 19, that news organizations “avoid broadcasting any incidence of violence” between 6 a.m. and 5 p.m. on election day to “ensure the wide participation of the Afghan people.” The English version of the statement said media “are requested” to follow the guidelines, but the Dari version said broadcasting news or video from a “terrorist attack” was “forbidden.” A previous version in Dari had more strongly said that such reporting was “strictly forbidden” and called for a blackout until 8 p.m.

TOLO television owner Saad Mohseni stated publically that his station was prepared to hold back reports of violence on election day to ensure as many voters as possible would go to the polls. But other Afghan journalists alleged that, by ordering national and international media to censor reports of violence on election day, the government was violating the constitution.

#### *IEC Media Commission Code of Conduct*

There was considerable concern regarding the efficacy of the IEC’s Media Code of Conduct. International journalists complained that the code of conduct was designed to prevent Afghan journalists from accurately reporting on contentious issues important to revealing the true character of candidates. Leading up to election day, the Media Commission reported a number of complaints from candidates against news agencies for biased coverage, despite the code of conduct. Some journalists also alleged that the Media Commission itself was not impartial.

The IEC tracked the percentage of air time that was allocated to each candidate by each news outlet. According to media monitoring figures provided by the IEC on August 12, President Karzai received 72 percent of coverage in government-run media, compared to just 12 percent for Abdullah Abdullah and 5 percent for Ashraf Ghani. The state broadcaster, RTA, argued that the heavy focus on Karzai was a result of his prolific campaigning, which far outpaced the other candidates. According to the IEC, on Aina Television, which is owned by Abdul Rashid Dostum (a Karzai supporter), Karzai received 92.8 percent of coverage, compared to 0.2 percent for Ashraf Ghani.

The Media Monitoring Commission of the IEC accused some electronic and print media outlets of violating the 48 hours period of silence before election day. One local analyst accused some private outlets, including Noorin, Tamadun, Tolo, and Shamshad, of telecasting advertisements in favor of candidates beyond the end of the campaign period.



## Civil Society Engagement and Domestic Observation

After the fall of the Taliban and the accompanying influx of foreign assistance, the number of civil society organizations (CSOs) increased rapidly in Afghanistan. According to the OSCE, there were more than 500 legitimate CSOs by 2003.<sup>36</sup>

There has also been a noticeable increase in CSOs becoming more engaged in electoral activities. Civil society organizations can contribute to elections by verifying that elections run smoothly and that all parties (including the government and candidates) abide by the law.<sup>37</sup> Thus, during the election period, there was an upsurge in civil society activity, which was fueled by the increase in foreign assistance money for election-related programs, including election observation. CSOs like FEFA and the AIHRC had reasonable access to official processes during the pre-election period, although following up on complaints and alleged violations was somewhat problematic. A UNAMA representative admitted that while the IEC and ECC (and PECCs) accept complaints and in theory those complaints could be referred to the Ministry of Justice, there was rarely any follow-up or satisfactory resolution.<sup>38</sup>

The director of a prominent Afghan CSO suggested that although voter interest had at least temporarily decreased, CSO engagement would continue to grow.<sup>39</sup>

### *Domestic Election Observation*

FEFA organized the most comprehensive domestic observer mission for the 2009 elections. Although in previous elections FEFA monitored only the voting and counting processes, this time it observed voter registration, candidate registration, and pre-election activities. Through a series of training-of-trainer (TOT) sessions, provincial representatives received training and then traveled to recruit and train district representatives. Although FEFA originally focused on misuse of government resources, as the election drew closer it switched its focus to reporting on the campaign environment and voter intimidation.<sup>40</sup>

For the 2004 presidential election, FEFA deployed approximately 2,300 observers and monitored 101 districts throughout the country. Approximately 135 observers monitored out-of-country voting in Peshawar, Pakistan. FEFA was unable to obtain visas to monitor out-of-country voting in Iran. For the 2005 *Wolesi Jirga* and Provincial Council elections, FEFA deployed observers to each province in Afghanistan and covered 217 districts including up to 65 percent of the polling facilities.

For the 2009 elections, FEFA reported it deployed 7,368 electoral observers, of which 2,642 were female, to all 34 provinces. Four hundred of these were long-term observers who monitored

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<sup>36</sup> OSCE “Election Support Team to Afghanistan Recommendations on Elections 2005,” October 6, 2005, [www.osce.org/item/html](http://www.osce.org/item/html)

<sup>37</sup> “Towards a Successful 2009 Afghanistan Presidential Election,” Workshop report, by Bob Sharp, December 9, 2009.

<sup>38</sup> Jan Malekzade, UNAMA, Interview by Adam Sugar and Tim Fairbank, 6 August 2009, Jalalabad, Afghanistan.

<sup>39</sup> Naim Nazari, Civil Society & Human Rights Network (CSHRN), Interview by Tim Fairbank, Laurie Knop, and Chris Jackson, 26 July 2009, Kabul, Afghanistan.

<sup>40</sup> Mr. Shaharзад Akbar, FEFA, Interview with Adam Sugar and Tim Fairbank, July 26, 2009, Kabul, Afghanistan.

the entire electoral process, including voter and candidate registration.<sup>41</sup> FEFA estimated that on election day it had 60 percent coverage throughout the entire country and was present in all 34 provinces. Because of security issues, FEFA's weakest coverage was in Zabul and Wardak.<sup>42</sup> This represented a significant increase in observation efforts from the 2004 and 2005 elections. FEFA did not report any observers attacked, injured, or killed.

Thus, domestic election monitoring was more extensive than the last election. That roughly 7,000 observers were deployed is a success in and of itself and suggests that FEFA has the logistical capacity to perform widespread monitoring again in the future.

## Voter Education

Although the actual coverage and impact are difficult to measure, dozens of CSOs reportedly conducted voter education in the lead-up to the elections. The Afghan Civil Society Forum (ACSF), for example, supported voter education through small grants, public outreach, and specific voter education projects. The Cooperation Center for Afghanistan (CCA), which has offices in Kabul, Bamyan, and Balkh, conducted voter education programs in the Northern provinces. The CCA reported that although its programs were successful citizens showed significantly less interest in the elections than in previous years.<sup>43</sup>

The Civil Society & Human Rights Network (CSHRN) had no specific funds for election-related projects but did support a bi-monthly election magazine. The Network had a small amount of funds for general civil education as well as a weekly newsletter and radio program that often discussed election rules and procedures. Informally, the CSHRN organized meetings and debates for its member organizations to discuss electoral, human rights, and women's issues. However, no media or outside organizations or individuals were invited to attend these events.<sup>44</sup>

The Kabul-based Afghan National Participation Organization (ANPO) appeared to be one of the more active and effective civil society organizations. A founding member of FEFA, ANPO trained approximately 1,000 domestic election monitors for the 22 Kabul districts and conducted a long-term public governance radio program. During the months leading up to the election, ANPO produced four weekly political and election-related debate programs that were distributed to more than 40 regional radio stations.<sup>45</sup>

Voter education outreach to women remained a challenge in 2009. Many CSOs, such as the New Afghanistan Women's Association (NAWA) and the Afghan Women's Educational Center (AWEC), were actively involved in voter education campaigns for women. The Afghan Women's Network (AWN) organized one successful initiative, known as the Five Million Women

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<sup>41</sup> [www.fefa.org.af/pressrelease](http://www.fefa.org.af/pressrelease), Election Day Press Statement, August 20, 2009.

<sup>42</sup> Mr. Jandad Spinghar, Executive Director FEFA, Interview with Adam Sugar, August 30, 2009, Kabul, Afghanistan.

<sup>43</sup> Sarwar Hussaini, Executive Director CCA, DI Interview with Tim Fairbank and Laurie Knop, July 28, 2009, Kabul, Afghanistan.

<sup>44</sup> Naim Nazari, Executive Director CSHRN, DI interview with Tim Fairbank, Laurie Knop, and Chris Jackson, July 27, 2009, Kabul, Afghanistan.

<sup>45</sup> Fahim Sadiq, Director ANPO, DI Interview with Laurie Knop and Tim Fairbank, July 30, 2009, Kabul, Afghanistan.

Campaign, that brought together more than one thousand prominent women in a nationwide women's political participation campaign.

Most voter education programs were organized, coordinated, and funded with support from UNDP-Elect. Working at the provincial capital, district, and community levels, UNDP-Elect voter education focused on roles and responsibilities of government institutions and individual voters, information about the IEC and ECC, and how to participate in the electoral process. UNDP-Elect used a variety of outreach methods, including public service announcements, radio and television programs, mobile theater, small seminars, individual meetings, and public workshops. The Open Society Institute and the National Endowment for Democracy sponsored similar voter-education programs.

On the surface, the level of cooperation among CSOs was impressive, and their voter education and election monitoring programs reached a level never before seen in Afghanistan. The actual level of citizen outreach to outlying provinces was unclear. The majority of the country's registered CSOs are based in Kabul, and there was a common perception that most voter education activities targeted the big cities but not much was done in the rural areas.<sup>46</sup>

Nearly half of responding NGOs in one survey identified education and health as their main fields of activity; only 30 percent indicated that they worked in voter and civic education.<sup>47</sup> From interviews with several NGO leaders in Kabul, it appears they have a difficult time articulating their understanding of advocacy and capacity-building programs, and many of the public outreach and civic education programs were vague and abstract. Capacity-building programs of CSOs in Afghanistan fail to provide enough emphasis or resources at the rural-community level.

Compared to previous elections there seems to have been an increase in civic and election education campaigns targeted at women, led by women's NGOs such as AWEC and NAWA. This included the Five Million Women Campaign, spearheaded by IFES with support from the Afghan Women's Network. This campaign sought to help facilitate an engaged and informed voting population by emphasizing the importance and acceptability of women's participation in the electoral process in Afghanistan.<sup>48</sup>

## **Women's Participation**

Women in Afghanistan face profound challenges to participation in elections and public life. These challenges include a very low literacy rate estimated, at around 16 percent for women compared to 31 percent for men, and a high mortality rate, estimated at 1,600 to 1,900 deaths per 100,000 live births (the second highest maternal mortality rate in the world).<sup>49</sup> Social discrimination and violence remain widespread; according to one survey, domestic violence still occurs in

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<sup>46</sup> Afghanistan Civil Society Assessment; How Afghans View Civil Society," by Anika Ayrapetyants, Counterpart International, 2006.

<sup>47</sup> Afghanistan Civil Society Assessment: How Afghans View Civil Society," by Counterpart International (I-PACS), 2006, Afghanistan.

<sup>48</sup> "Advocacy & Networking: Five Million Women Campaign, [www.afghanwomensnetwork.org/advocacy](http://www.afghanwomensnetwork.org/advocacy).

<sup>49</sup> Nilab Mobarez, "Provincial Council Election," United Nations Mission to Afghanistan, May 7, 2009.

an estimated 95 percent of households.<sup>50</sup> Poverty and traditional cultural practices inhibit the ability of women to access basic services and resources and limit their ability to participate in the political process.

After the fall of the Taliban, support and advocacy for the promotion and protection of women's rights began, and, with pressure from the international community, the post-Taliban Afghan government established the first Ministry of Women's Affairs. Women's groups, activists, and human rights organizations from inside and outside Afghanistan ensured that the new constitution contained language ensuring equality of men and women. Specifically, the constitution says, "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law." (Article 22.)

Although the constitution of Afghanistan guarantees equal rights, women throughout the country remain in a position of relative inequality, especially when it comes to decision-making at both personal and public levels. Women represent 27 percent of the National Assembly (68 out of 249 seats in Wolesi Jirga, 23 out of 102 in the Meshrano Jirga) and 26 percent of all civil servants.<sup>51</sup>

For the 2009 presidential campaign, two female candidates registered: Shahla Ata and Dr. Frozan Fana. There were also three female vice presidential candidates in 2009. This compared to one presidential and two vice presidential candidates in 2004. Although these numbers may seem encouraging, women remain politically marginalized, both in the ability to voice their views in the National Assembly and in terms of ministerial representation in the government.

### *Provincial Council Elections*

According to the electoral law, 124 seats are reserved for women in the provincial council elections. Out of 3,324 candidates for provincial elections in 2009, 10 percent (342) were women.<sup>52</sup> This number is comparable to the 2005 election. One reason given for such a low turnout of women provincial candidates was the fact that the Afghan election law states that each provincial council candidate must present signatures and voter registration card numbers from 200 supporters as part of the registration process (10,000 signatures were required for presidential candidates). One analyst suggested that women candidates had particular difficulty convincing men to provide their voter card numbers in support of female candidates.<sup>53</sup>

During the election nomination process for provincial council elections, which took place from April 28 to May 8, 2009, the initial number of women registering to run as provincial council candidates was extremely low. After raising this concern with the IEC, The Asia Foundation

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<sup>50</sup> Freedom House, *Freedom in the World 2009 - Afghanistan*, July 16, 2009, available at: <http://www.unhcr.org/refworld/docid/4a6452d71c.html>.

<sup>51</sup> United Nations Development Fund for Women (UNIFEM), "UNIFEM Afghanistan Fact Sheet 2007," [www.afghanistan.unifem.org/docs/pubs/07/factsheet.html](http://www.afghanistan.unifem.org/docs/pubs/07/factsheet.html). In addition, in 2004, 87 percent of Afghans believed that women need a male relative's authorization to vote; 35 percent of women believed [they would not have permission/ be eligible] to vote; and 18 percent of men admitted they would not allow their wives to vote.

<sup>52</sup> "Afghanistan's Election Challenges, Asia Report No. 171, June 24, 2009, International Crisis Group

<sup>53</sup> Nilab Mobarez, "Provincial Council Election," United Nations Mission to Afghanistan, May 7, 2009.

subsequently broadcast a service announcement on radio stations throughout the country during the last days of the nomination period encouraging women to run. Women parliamentarians and women's rights groups held a number of press conferences encouraging women become candidates, both at the presidential and provincial levels. The number of female candidates who registered in the last three days of the nomination period jumped from 94 to more than 300. TAF believes this is, in large part, attributable to its service announcements.<sup>54</sup>

### *Campaigning*

Women candidates typically found it difficult to campaign. In the provinces, particularly in the more remote and conservative areas, women often had to campaign in their burqas. They also were generally unable to put up posters with their photos, as this was considered indecent and un-Islamic.<sup>55</sup> Women often limited their campaigning to small campaign meetings inside the houses of their female supporters.<sup>56</sup> Most observers believed that the more publicity a female candidate received, the more likely she was to become a target of threats or violence.

### *Security Issues for Female Candidates*

Security was a serious cause for concern for women candidates. It became such an issue that the government offered armed security guards to female candidates. Specifically, the government offered to provide one person of the candidate's choice with a gun, one week's worth of security training, and a salary (equivalent to the lowest grade police officer).<sup>57</sup> Nevertheless, a number of women provincial candidates told DI before the election that the government was not taking security threats seriously enough. They argued that this last-minute plan, as they called it, was inadequate, especially for women candidates in high-risk provinces, particularly the south. Although male and female candidates face many of the same security concerns, there was broad agreement that women were particularly vulnerable.

### *Female Workers and Observers to the Elections*

Election authorities had difficulty finding enough women to work in polling centers throughout the country. Stakeholders estimated that to adequately staff all of the female polling stations, the IEC would need 80,000 female workers. It is unclear how many women the IEC was able to recruit, but it was far short of this number.

According to Najla Ayubi from TAF in Kabul, securing female national observers for the elections was also problematic. The lack of female Afghan observers might have made fraud more possible, given that the women's polling stations were separate from men's.<sup>58</sup>

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<sup>54</sup> Najla Ayubi, DI Interview by Laurie Knop, Tim Fairbank, and Chris Jackson, July 27, 2009, The Asia Foundation, Kabul, Afghanistan.

<sup>55</sup> "Afghan Women Candidates Campaign in Burqas," July 30, 2009 by Rukmini Callimachi, Shirak Pirak, Associated Press.

<sup>56</sup> Female FEFA representative, DI Interview by Laurie Knop and David Aasen, August, 2009, Parwan, Afghanistan.

<sup>57</sup> Vic Getz, IFES, DI Interview by Laurie Knop, August 25, 2009, Kabul, Afghanistan.

<sup>58</sup> Najla Ayubi, Interview by Laurie Knop, Tim Fairbank, and Chris Jackson, July 27, 2009, The Asia Foundation, Kabul, Afghanistan.



### *Participation of Women Voters*

One leading expert on gender issues in Kabul explained to DI that current social norms have led many women to consider the public and political spheres to be a male domain. Many women do not see voting as their responsibility. By extension, they also look for guidance or approval from their husband or family about their choices of candidates about or before running as candidates.<sup>59</sup> Even more than men, women also lack access to media and information.

A number of NGOs, both international and national, conducted campaigns to encourage women to vote and run as candidates at the provincial level. One such example is the Five Million Women Campaign mentioned above. This campaign provided civic education to women throughout the country on their rights to vote and to run as candidates at both the national and provincial levels. This campaign should be seen as a stepping stone to more in-depth regional and provincial public outreach programs for women to understand their rights as individuals, voters, and candidates.

Despite these public campaigns to encourage women to vote in the 2009 elections, many analysts suggest that such efforts were less extensive and less organized than in 2004. Coupled with increased security issues (particularly in the South and East), the decreased participation of women could be seen as a step backwards.<sup>60</sup> Women's participation in Afghan politics and elections will continue to be a determinant of the ultimate success of the consolidation of democracy in Afghanistan.

### *Local Increases in Registration of Women as Possible Indicator of Fraud*

Despite the overall decline in female voter registration, there were implausibly high levels of female registration in some of the more insecure, traditionally conservative, provinces. In the city of Logar, for example, more than twice as many voter cards were issued to women as to men (36,000 women to 14,000 men). An even higher ratio was recorded in the town of Nuristan (31,000 to 12,000). There were similar patterns in the Pashtun-majority southeast. In the 2009 voter registration process, the three southeastern provinces of Paktia, Paktika, and Khost saw 205,000 female registrations against 167,000 males. In contrast, in the neighboring four southern provinces (Kandahar, Uruzgan, Zabul and Helmand), where many of the same conservative cultural norms apply, there were 196,000 women to 363,000 men. There is reason to believe that this enabled "proxy voting" (men in traditional communities registering and voting on behalf of women in their families) and may have facilitated fraud in these regions.<sup>61</sup>

An example of this type of fraud was evident in the 2005 parliamentary polls where 90,000 of the 166,000 new voter cards that were issued in Paktika had women's names. Female turnout during that year's poll was evidently so implausibly high that it has never been publicly released

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<sup>59</sup> Marina Nawabi and Vic Getz, "Barriers and Opportunities for Women's Participation in the Election Process in Afghanistan," May 13, 2009, IFES, [www.ifes.org/features](http://www.ifes.org/features).

<sup>60</sup> Najla Ayubi, DI Interview by Laurie Knop, Tim Fairbank, and Chris Jackson, July 27, 2009, The Asia Foundation, Kabul, Afghanistan.

<sup>61</sup> Afghanistan Human Development Report 2007, Center for Policy and Human Development, p. 164.

– the only province for which such a breakdown was not provided. Despite this history, authorities failed to take any additional action to tighten safeguards against this type of fraud, which would seem to require the complicity of local election staff members. The 2009 voter registration update, for instance, reported that in Paktika 44,000 women had registered, just under the number of men at 45,000. FEFA believed, however, that the only female registration cards directly issued to women in 2009 were provided to those in a hospital.<sup>62</sup>

## Security Situation

Although security was always going to feature prominently in the 2009 presidential and provincial council elections, at times it looked as if the escalating violence might prevent the elections from taking place altogether. Some political actors and analysts went so far as to suggest alternatives such as a Loya Jirga, a state of emergency, or a transitional administration.<sup>63</sup>

The deteriorating security environment was not simply an election-related phenomenon but rather a continuation of the ongoing violence that has plagued Afghanistan in recent years. There were approximately 30 more security incidents reported during the second quarter of 2009 than in the same quarter in 2008, highlighting a disturbing trend in which the number of incidents climbed to record levels.<sup>64</sup> In keeping with these troubling statistics, July was the deadliest month to that date for international military forces, providing an ominous precursor to an August election.

This ongoing threat of violence had a significant impact on both accessibility and participation. The United Nations estimated that of the 360 districts that make up Afghanistan, at least 10 were not under government control while a further 165 were difficult or problematic to access.<sup>65</sup> These areas of instability represented a serious challenge to election planners. Just a month before the election more than 15 percent of proposed polling centers remained in doubt for security reasons. This figure was eventually reduced to 10 percent by election day, with 6,289 polling centers opening around the country.<sup>66</sup>

## Security Forces

Security forces made a concerted effort to secure volatile areas ahead of the August elections and these operations appear to have achieved some success. In Helmand, for example, U.S. forces retook Reig Khan Shin and Nawe Barakzai districts, which had been out of government control, while in North-Central Helmand UK forces claimed to have secured 100,000 Afghan civilians with Operation Panther's Claw, the second and third stages of which were specifically designed to hold ground and prepare for the elections.<sup>67</sup>

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<sup>62</sup> “FEFA’s report on Voter Registration, Third Phase, p.3, [www.fefa.org.af/eng\\_pages/reports/VRP\\_Rep/VRP\\_3.pdf](http://www.fefa.org.af/eng_pages/reports/VRP_Rep/VRP_3.pdf).

<sup>63</sup> International Crisis Group, Asia Report No 171, *Afghanistan’s Election Challenges*. June 24, 2009, p.1.

<sup>64</sup> Project Athena, Trend Overview. April – June 2009.

<sup>65</sup> “The Situation in Afghanistan and its Implications for International Peace and Security”, UN document A/63/751-S/2009/135, March 10, 2009, p.5.

<sup>66</sup> IEC Stakeholders Meeting, Zekria Barakzai. August 30, 2009.

<sup>67</sup> [www.walesonline.co.uk/.../brown-hails-success-of-panther-s-claw-in-afghanistan-91466-24254530/](http://www.walesonline.co.uk/.../brown-hails-success-of-panther-s-claw-in-afghanistan-91466-24254530/)

Even in locations where security forces were successful in temporarily dislodging antigovernment elements, a significant portion of the population was still dissuaded from taking part in the process. Antigovernment elements pursued an aggressive campaign of threats and intimidation in the run-up to election day. Intimidation ranged from “night letters” to threats that anyone found with indelible ink on their finger would have that finger chopped off or worse. In some cases, threats were followed by action. A district coordinator from Wardak (Chak District) was abducted in late July. But in most instances, the threats appear to have been empty, intended only to keep Afghans away from the polls.<sup>68</sup> In addition to affecting voter turnout in some districts, this campaign of intimidation also led to difficulties in recruiting and retaining staff to manage the process.

The Afghan National Police (ANP) appeared to lack both the numbers and the capacity to effectively support an operation of this magnitude. Although the ANP reported that the number of its officers exceeded 75,000, against an agreed ceiling of 82,000, election-security planners posit that the actual numbers were significantly lower, with estimates ranging from 40,000 to 50,000.<sup>69</sup> As with past elections, the government’s response to this shortfall was to hire large numbers of *Arbakai* (tribal security) to secure remote polling centers in 18 of Afghanistan’s 34 provinces.<sup>70</sup> Although these personnel did not receive uniforms or weapons from authorities, their continued involvement in the election process raised serious questions about the perception of intimidation at polling centers.<sup>71</sup>

In addition to a shortage of trained police personnel, several sources commented that the ANP lacked the capacity to effectively plan and execute an operation of this scale. As the lead organization and the “face of elections security,” the ANP should have been the central hub for election-security planning. Its failure to embrace this role, however, appears to have led security stakeholders to plan and prepare in isolation, which resulted in a series of individual plans rather than one coherent strategy. The utter absence of MoI and MoD representation at weekly election stakeholders meetings further demonstrated the problem; ISAF was the only security stakeholder that attended such meetings regularly.

### *Election-Related Violence*

Pre-election violence targeted government officials, candidates, and international forces. The Taliban apparently hoped to demonstrate its reach and to intimidate citizens to deter them from voting on August 20. The insurgency used a three-pronged strategy for disrupting the elections. First, they escalated attacks on coalition forces. This fueled the perception of overall insecurity. Second was a campaign of intimidation against Afghans working on the electoral process. Using fear tactics such as “night letters” and attacks on election officials and candidates, the insurgents hoped to scare a majority of Afghans from going to the polls. The last tactic was attacks on Ka-

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<sup>68</sup> UNDSS SIOC Daily Security Report. August 1, 2009

<sup>69</sup> “Progress toward security and stability in Afghanistan” Report to Congress in Accordance with the 2008 National Defense Authorization Act, US Department of Defense, January 2009, p.9. In April 2007 the Joint Coordination Monitoring Board (JCMB) agreed to a temporary increase to 82,000 from 62,000. Interview with UNDP Elect Security, August 10, 2009.

<sup>70</sup> WSJ. Afghanistan Enlists Tribal Militia Forces, August 12, 2009. [www.online.wsj.com/article/SB124994313594220571.html](http://www.online.wsj.com/article/SB124994313594220571.html)

<sup>71</sup> USIP Special Report 227, “Afghanistan’s Police – The weak link in Security Sector Reform” August 2009.



bul in the days leading up to the August 20 elections. These attacks at the center of the most heavily secured city in the country were evidently intended to ripple through society and weaken international resolve.

Before the elections, there were a number of threats against the IEC staff (including IEC civic educators) if they did not stop their work. As a result, some IEC staff members resigned. Abductions of election officials became an issue toward the end of June and continued through to the August 20 elections. Nine IEC staff members were reported abducted, including three district field coordinators. As discussed above, continued threats to harm election officials hindered the IEC from recruiting enough people, in particular women, to staff all of their provincial offices and polling centers. This phenomenon was noticeably higher in higher-risk provinces, such as Kandahar and Paktika.<sup>72</sup>

Candidates also faced security concerns during the campaign season, and there were several security incidents reported. Incidents included attacks on presidential campaign offices, such as one attack reported in Ghor. Another attack targeted a provincial candidate in Jowzjan province who was killed by armed gunmen just days before the election.<sup>73</sup>

In the final weeks leading up to the election, the security posture in the country underwent a noticeable change as security forces stepped up their efforts to stem insurgent violence and secure major centers. On the streets of Kabul, ANP checkpoints were actively stopping and searching large numbers of vehicles. Despite its name, however, “Operation Ring of Steel” was proving far from impenetrable. On August 15, five days before the elections, at around 8:35 am, a large Vehicle-Born Improvised Explosive Device detonated near the vehicle entrance to ISAF Headquarters, not far from the U.S. Embassy, killing seven and wounding more than 90 people.<sup>74</sup> Indirect fire attacks were also stepped up as a means of intimidation with rockets and mortars targeting populated areas throughout the country.

During the days leading up to the elections, several convoys transporting election materials were attacked, including ones traveling to Kapisa and Ghazni. As polling centers began receiving their election materials a few days before the elections, the number of attacks jumped. In the few days leading up to the elections, polling centers were attacked in 13 provinces.<sup>75</sup> Other reported forms of violence to discourage people from voting included distribution of “night letters,” verbal threats, and rocket attacks.<sup>76</sup>

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<sup>72</sup> United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009.

<sup>73</sup> United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009.

<sup>74</sup> Overseas Security Advisory Council (OSAC), Warden Message: Kabul Suicide Bombing, August 15, 2009. [www.osac.gov](http://www.osac.gov)

<sup>75</sup> These provinces were Badghis, Balkh, Faryab, Helmand, Jowzjan, Kandahar, Khost, Kunar, Logar, Laghman, Nangahar, Paktiya, and Wardak. United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009, United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009.

<sup>76</sup> United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009.

## ELECTION DAY OBSERVATION

For the elections themselves, Democracy International deployed observers to 13 provinces. In total, DI directly observed 258 polling stations, including 95 female stations, across 71 polling centers throughout the provinces of Badghis, Helmand, Herat, Kabul, Kandahar, Kapisa, Nangarhar, Panjsher, Parwan, and Zabul. In three additional provinces—Paktika, Farah, and Ghazni—DI observers were able to conduct interviews but were not able to directly observe polling stations on election day due to security concerns.

The following sections provide DI's general findings over the course of election day with respect to polling procedures, the conduct of election staff, the counting process, domestic observation, and the security situation. A province-by-province account of DI's election day observations and some general observation statistics are provided in Appendix B.

### Polling Procedures

DI observers reported that election officials were generally well prepared and polling stations were equipped with transparent ballot boxes, ballot papers, indelible ink, and other essential materials. In places DI observed, the layout of polling stations was generally effective and clearly communicated to voters and observers alike. PS staff members were generally available to assist voters, including the disabled and illiterate, and their assistance generally appeared impartial.

In some locations, observers reported that polling stations opened later than the planned opening time of 7:00 am. For instance, observers in Jalalabad who arrived at polling stations just before the scheduled opening witnessed widespread confusion and a lack of preparation on the part of IEC staff. The IEC failed to clearly and consistently report the number of polling stations that opened in each province.

There were other relatively minor administrative problems in many polling stations. Hole-punchers intended to mark voter cards often did not work, failing to puncture the laminate of the cards, and in cases we observed polling station staff used scissors to cut the corners of voter registration cards. There were also issues with the effectiveness of indelible ink; observers reported that in some cases indelible ink appeared diluted and easy to wash off.

Observers reported evidently underage boys being employed as PS staff, particularly in Kandahar. Observers also witnessed some apparently underage people trying to vote, although they were prevented from doing so. In other instances voters with ink on their fingers and punctured registration cards were allowed to cast additional ballots.

Observers reported a number of campaign-related violations, including the presence of campaign materials within 15 meters of stations, candidates or their agents campaigning directly outside of polling centers, and PS staff wearing campaign buttons. There were a few reports of PS staff seeming to favor particular candidates. In one province, provincial IEC staff members were deployed to fire PS staff on the spot.

The IEC decided at the last minute to extend the voting period by one hour nationwide. This decision was not well communicated and was largely counterproductive. Many observers reported that the time change raised suspicions of fraud among voters and candidate agents and contributed to unnecessary confusion just before the scheduled start of the counting process.

## **Counting Procedures**

In a number of locations in several provinces, DI observed the presidential and provincial counts on election day and the following day. DI observers were also present at the National Tally Center in Kabul throughout the results tabulation process.

Despite confusion surrounding the extended time for polling, the counting process as we observed it generally proceeded smoothly on election day and the day following. Candidate agents and domestic observers were present at the counts.

Observers felt, however, that the IEC staff tended to be overly rigorous in rejecting ballots, with a general inclination to make technical judgments that ignored voter intent. There were also reports that ballots marked as spoiled were in fact unspoiled, with markings missed because of human error and observations of reconciliation discrepancies.

Although there seemed to be some confusion over which tally sheet to post outside of polling stations and which one to give to candidate agents, the results forms were generally posted in plain view just outside of polling stations.

DI observers did report the likelihood of stuffed ballot boxes in the south, particularly in Kandahar. Some local observers there reported that there seemed to be more ballots cast than there were eligible voters.

## **Turnout**

DI observers provided mixed reports on voter turnout. Generally, in the Northern provinces, turnout seemed to be strong, while in the South security concerns contributed to limited accessibility, particularly for women. DI observers in Kandahar and Helmand reported extremely low turnout. Most DI observers did support the belief shared by election officials, UNAMA, and other observer groups that turnout was significantly lower than expected.

Observers were encouraged by the youth turnout, however. Significant numbers of young Afghans turned out not just to cast ballots but also to assist in the administration of the election as PS staff.

## **Participation of Women**

Poor security and the placement of polling stations in culturally insensitive areas, such as government buildings, disproportionately affected the ability of women to cast ballots. Generally, there were inadequate numbers of female polling stations. In some female polling stations ob-

served, staff members were not prepared for the volume of voters. The IEC was unable to recruit adequate numbers of female PC managers and PS staff, and there was a shortage of female security screeners throughout the country.

Despite these realities, DI observers in most locations reported large numbers of women voters showing up to cast ballots unaccompanied by men. There were also significant numbers of female domestic observers witnessed at polling stations.

## Domestic Observation

Domestic observers were present on election day at most polling centers where there were DI observers. FEFA fielded the majority of observers. It reported 7,368 observers throughout the country, including 400 district-level long-term observers and 6,968 short-term observers. FEFA deployed observers to all 34 of Afghanistan's provinces. FEFA also fielded observers at the National Tally Center in Kabul and at the Media Commission.<sup>77</sup>

Of the 400 district-level, long-term observers, 249 were female, and 2,454 of FEFA's total observation force were women. Most of the domestic observers we saw were male, but DI observers did encounter female FEFA observers in Herat and Badghis provinces, among other places.

Generally, where DI was present, domestic observers maintained impartiality in their observation of the polling and counting process. Some meddling in the counting procedure, however, was reported in Jalalabad and Herat, where domestic observers pressured PS staff members to invalidate certain ballots. In some instances this resulted in a significant change in the results.

## Security and Election Day Violence

At the IEC press conference on election day, Minister of Defense Wardak proclaimed, "Afghans made history by taking part in the elections in a very challenging security environment" even though "the enemies of democracy did everything they could to discourage people from voting."<sup>78</sup> Based on turnout estimates in some areas, however, this strategy appears to have worked. The government reported 135 incidents on election day, with 26 people killed including 17 from the ANSF. Many analysts believed the actual number to be much higher.<sup>79</sup> *The Economist*, for example, put the total number of incidents closer to 400, making it the most violent day in Afghanistan in the whole year.<sup>80</sup>

Although there were no spectacular or complex attacks, the Taliban's strategy appears to have been one of intimidation, designed to deter rather than to actually kill voters. Based on reports of low turnout in many parts of the country, this tactic appears to have been successful. While it is difficult to distinguish between those Afghans who did not participate for security reasons and

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<sup>77</sup> 2009 Presidential and Provincial Council Elections: Final Observation Report. Free and Fair Elections Foundation of Afghanistan (FEFA). January, 2009.

<sup>78</sup> IEC Press Conference, Minister Wardak (Minister of Defense), August 20, 2009. [(6.30pm)]

<sup>79</sup> IEC Press Conference, Official Incident Data. August 20, 2009. (6.30pm)

<sup>80</sup> *The Economist*, Afghanistan's presidential elections, "More votes than voters" Kabul. August 27, 2009.

those who were simply disillusioned with the process or the government, it is fair to say that a combination of these two factors led to a disappointing turnout.

The majority of the polling stations that faced attacks on election day were in areas of the country most vulnerable to such actions, specifically in areas in the South and East and in problem districts in the North such as Kunduz. Apart from direct attacks on the polling centers, other incidents included wider-area RPG and mortar fire, which was more about voter intimidation than direct attacks on the election structures.<sup>81</sup>

## **POSTELECTION PERIOD**

### **Results Reporting Process**

Although most observer organizations applauded the apparent operational success of the electoral process on election day, Democracy International released a preliminary statement two days after the election emphasizing that it was still too early to tell if the process had been a successful step forward for Afghanistan's democracy. Despite the fact that a large portion of polling centers opened and operated successfully and a significant number of Afghans had successfully cast ballots in an extremely challenging security environment, no winner had yet been declared. In our preliminary statement, we urged the IEC to provide partial results and to be fully transparent about their decisions and procedures. Withholding information could undermine the operational successes of election day and ultimately threaten the legitimacy of the entire process.

Unfortunately, in the weeks following the election it seemed that, rather than releasing results as they became available and fully explaining its processes, the IEC was managing the announcement of results. Preliminary results were tallied and released at a languid pace. Between the election on August 20 and the beginning of the runoff campaign on October 24, 27 days were spent tallying and announcing the preliminary results, and 34 days were spent auditing and reviewing the preliminary results. The delays in tallying and counting did not serve the process well. The delays raised suspicions that the government was improperly interfering in the process of announcing the results. Some in the Afghan press also charged that foreign interference in the election process was responsible for the delays.<sup>82</sup>

This apparently managed process undermined the IEC's credibility and therefore the credibility of the entire election process. On September 6, the IEC determined that it would invalidate votes from 447 polling stations it had quarantined, only to reverse itself a day later on the grounds that it did not have the legal authority to invalidate votes.<sup>83</sup> Some in the press and international community viewed this decision as an effort by the IEC to bring Hamid Karzai's vote total above 50 percent in the first round, regardless of whether quarantined or suspect ballots were included.<sup>84</sup>

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<sup>81</sup> United Nations DSS SIOC Daily Security Reports, Kabul, Afghanistan, 2009.

<sup>82</sup> "What does it mean to postpone announcement of election results?" *Anis*, September 15, 2009

<sup>83</sup> Farmer, Ben, "Suspect votes cancelled in Afghan poll," *The Daily Telegraph*, September 7, 2009

<sup>84</sup> Rosenberg, Matthew and Anand Gopal, "Count favors Karzai, includes suspect votes," *Wall Street Journal*, September 9, 2009

The IEC's decision to reverse itself also coincided with the ECC's decision (described below) to issue an audit and recount order for a substantial number of polling stations.

Because of the complexity of the tabulation and audit and the general lack of transparency, most stakeholders, including both leading political campaigns, judged these processes on the basis of their outcomes rather than their integrity. In other words, most stakeholders appeared concerned only about whether or not these processes would result in a runoff. This outcome-oriented approach substantially raised the risks that at least one competing political faction would not accept the results of the process.

### *National Tally Center*

From DI's observations at the National Tally Center, the tabulation process was insufficiently transparent to ameliorate significant concerns about improper interference. DI observers were present regularly at the National Tally Center, where results in Tamper Evident Bags from the provinces were being received, opened, sorted, and entered into the national database through a standard double-blind entry process. Although a viewing area was established for observers and candidate agents, the process remained confusing and opaque. Tabulation center staff members were generally unhelpful in answering key questions regarding the tally process, such as whether ballot boxes had arrived from certain provinces or if a protocol was in place for tallying and announcing results. On one occasion, officials told DI observers that the IEC was prioritizing ballot boxes received from provinces with a small percentage of results reported, but this was never publically substantiated. The delays and changes throughout the nearly month-long process of tabulation raised concerns, particularly about the order in which districts and provinces were being processed.

During the tabulation process, some of the delays of announcements of the preliminary presidential election results were attributed to the need for the national tally center to simultaneously process results from the various provincial council elections. The IEC, however, did not announce provincial council election results for 30 provinces until 10 days after the preliminary, uncertified result for the presidential election and long after the national tally center had ceased operations. This claim that delays were a result of provincial council elections raised further concerns about the transparency of the results tabulation and reporting process.

### *The Preliminary Results*

The IEC began releasing preliminary results for the presidential election on August 25 and continued releasing results until September 16, when it released full preliminary results that did not include 646 IEC-quarantined polling stations. The preliminary uncertified results released on September 16 comprised 23,345 polling stations and 5,662,758 valid votes, of which Hamid Karzai won 3,093,256 votes (54.6 percent), 261,878 votes above the 50 percent threshold re-



quired for victory in the first round of the election. Abdullah Abdullah earned 1,571,581 valid votes (27.8 percent), finishing second.<sup>85</sup>

DI observers and analysts were present at each press conference where preliminary, uncertified results were released, and DI tracked and analyzed the results as they were made public. Based on this work, we believe that the apparent managed release of results likely contributed to perceptions of fraud in the first-round election. Areas in which Hamid Karzai was likely to perform well were not reported until late in the results-reporting process, and thus many in the international media and the opposing campaigns perceived the large increase in Karzai's vote share in the last few days of results reporting as illegitimate. The lack of transparency in the results reporting process compounded perceptions of fraud.

### *The September 8 Audit Order and the Sample Audit*

Mounting concerns about electoral fraud prompted the ECC to order the IEC on September 8 “to conduct an audit and recount of ballot boxes in the presidential election in polling stations nationwide for which the preliminary results” met either (or both) of the following two criteria:

1. The total number of votes cast in a polling station for the presidential election was equal to or greater than 600 (since polling stations were issued six ballot books with 100 ballots each);
2. Any one presidential candidate received 95 percent or greater of the total valid votes cast in a polling station.<sup>86</sup>

The intent of the ECC to investigate potential fraud in a systematic manner should be applauded. The ensuing audit process, however, was flawed. Throughout the process, the IEC and ECC issued multiple methodological and mathematical corrections. More important, no plan was developed for interpretation of the audit results, and the sampling procedure and statistical analysis suffered from significant methodological flaws.

Before issuing the audit order, the ECC issued a number of orders addressing specific Category 1 complaints (600 or more votes per polling station), which invalidated the results from entire polling stations and made the audit order appear to be a response to widespread fraud. At the time the ECC issued the order, eight days before the preliminary uncertified result was announced, the ECC did not know how many polling stations would meet either criterion or how many votes would need to be included in such an audit. Announcements about the number of polling stations that met the two criteria varied because the IEC committed several technical errors in the implementation of the order. Ultimately, 3,376 polling stations were identified that met the audit criteria, which together comprised roughly a quarter of all valid votes in the preliminary uncertified results.

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<sup>85</sup> “IEC - Presidential & Provincial Council Elections - Afghanistan 2009 Elections - Final uncertified results released September 16, 2009 2PM,” available previously at: <http://www.iec.org.af/results/leadingCandidate.html>, accessed on September 16, 2009.

<sup>86</sup> [http://www.ecc.org.af/en/images/stories/pdf/ECC%20ORDER%202009-9-8%20en%20dr%20\\_%20Final.pdf](http://www.ecc.org.af/en/images/stories/pdf/ECC%20ORDER%202009-9-8%20en%20dr%20_%20Final.pdf)



When the full preliminary results were issued in mid-September, the ECC and IEC concluded that an “audit and recount” of the polling stations covered by the September 8 order could not be completed in a reasonable timeframe that would allow a runoff election, if one were to be required, to be held in 2009. Moreover, there were significant concerns about conducting audits in provincial centers as initially planned. After more than a week of negotiations among the IEC, ECC, and various diplomatic stakeholders, the IEC and ECC agreed to employ a sampling procedure to determine the findings of the ordered audit. The sample audit would examine 358 ballot boxes, which would be brought to an audit center in Kabul. No recount was planned or conducted. Two UN-appointed consultants developed the sampling procedure. Democracy International has not identified any precedent for using sampling to determine an election result in a developing country context.

At the time the sampling procedure was agreed upon, the IEC the ECC had no plan for interpreting the sample results and applying them to the overall set of polling stations covered by the audit. Despite having drawn a random sample of polling stations on September 24, the ECC did not decide on a formula for interpreting the findings until October 4, less than 24 hours before the opening of ballot boxes began in Kabul. The initial announcement of the formula was met with confusion regarding how exactly it would be interpreted mathematically, which led to a second announcement by the ECC outlining the mathematics of the procedure. This second announcement contained mathematical errors that subsequently were determined to make the initial formula inappropriate for the sampling method in question, and thus the formula was re-issued on October 11. This series of decisions and clarifications damaged both the credibility of the ECC and the audit process.

The population of suspicious polling stations was originally stratified into three categories based on the two aforementioned criteria for suspicion: (1) polling stations with 600 or more valid votes; (2) polling stations with 100 or more valid votes in which one candidate received 95 percent or more of the vote; and (3) polling stations in which both 600 or more valid votes were cast and one candidate received 95 percent of the total vote. A random sample of polling stations was drawn from each of the three categories. After the discovery that the sample had not been drawn correctly, apparently as a result of confusion regarding the translation of the order, a decision was made to include three additional categories to cover polling stations that had been unintentionally excluded.

Ultimately, six separate random samples were drawn, one for each category. Next, a “coefficient of fraud” was determined by dividing the number of invalidated votes in each sample category by the number of pre-audit valid votes in that category. Invalidation rates (or “coefficients of fraud”) ranged from 53 percent to 96 percent.

The invalidation rates were then applied to the votes of each candidate in the six strata, which came to be known as the “collective punishment” approach. The approach was best described to one DI observer as “using one stick to beat both the guilty and the innocent.”

Democracy International calculated that the total number of votes invalidated by the audit process was approximately 1.26 million votes, about 1 million of which were cast for Hamid Karzai.

### *The Audit as a Flawed Approach*

The statistical approach employed in the sample audit process did not meet the basic requirements necessary to employ statistical sampling. For a sample-based audit process to produce a result that could instill confidence, the assumption of a normal distribution would need to hold true. There was no evidence to suggest the incidence of fraud was normally distributed across a population of polling stations in Afghanistan. Rather, where fraud exists, a normal distribution cannot be assumed. In short, sampling the entire population based on the assumption of the normal distribution of fraud is simply an invalid statistical approach.

Beyond the lack of foundational integrity, a number of other issues existed with the methodology employed for the sample audit.

First, units of analysis were inconsistent in the sampling and application of coefficients. The audit process investigated the likelihood of the incidence of fraud at the polling-station level, but claimed the ability to produce a coefficient that could be applied at the individual voter level to discount individual votes, not polling stations. By changing from one unit of analysis (polling stations) to another (votes), the process infers findings for a population that has in effect not been sampled or investigated at all.

Second, the ECC inaccurately asserted the Margins of Error (MoEs) for its calculations were close to half a percentage point. This assertion was incorrect because the audit process investigated the proportion of fraudulent ballot boxes in a sample, not the proportion of fraudulent votes. As such, the sample sizes were simply too small to produce such low MoEs and high levels of confidence.

The ECC also implied that based on these “low” MoEs, the application of its “collective punishment” coefficient (invalidating the votes of all candidates at the same percentage) was accurate within half a percentage point. Even if the ECC’s MoEs were accurate, they make no statement about the confidence of applying a coefficient to a population, only in the confidence that if another random sample was drawn, the same coefficient would be calculated.

Third, the stratification of the sample was fundamentally flawed. The inability of DI analysts to recreate the audit category samples, as well as the inclusion of three additional categories late in the audit process, call into question the stratification of the sample. Sample stratification should be based on homogeneous characteristics that are thought to have some varying effect on the question under investigation. Stratifying the sample by provinces, for example, would have merit on the basis that the incidence of fraud might have been more prevalent in some provinces than in others. Unfortunately, there is no statistically sound reason why type of suspicion – such as polling stations with 600 or more ballots or polling stations with greater than 95 percent votes cast for one candidate – can serve as a basis for sample stratification.

Fourth, one of the ECC's guiding principles was logically inconsistent. As explained above, it was not possible to make judgments on individual votes given the audit procedures, only on ballot boxes at polling stations. The ECC's audit process, therefore, imposed a double standard. The ECC invalidated entire polling stations based on the principle that where fraud existed the voting process was compromised at that location. But it abandoned this principle by applying a coefficient to a candidate's vote total, in essence arguing that some votes can in fact be salvaged from compromised polling stations.

Last, the "collective punishment" approach contributed to the creation of a flawed incentive structure for the future. By invalidating the votes of all candidates by the same percentage, all those who tempted to commit fraud in future elections could take from this the following lesson: for every percentage point by which you fraudulently increase your candidate's vote total, your competitors will be stripped of one percentage point of their votes, fraudulent or not. Although authorities will not allow the guilty party to keep its fraudulent votes, it will reward that party by taking votes away from its competitors.

While the audit process may have provided the means by which to reach a political solution regarding the next step in the election process, the audit was based on a series of flawed approaches.

### *IEC-Quarantined Polling Stations*

Separate from the ECC audit process, the IEC decided on its own to withhold the results from certain suspicious polling stations, pending further review. In a press release on September 12, the IEC laid out three criteria for quarantining stations:

1. The number of the votes cast and recorded was more than the number of the ballot papers handed over to a center on election day;
2. The number of votes cast and recorded in a polling station was more than 1000;
3. The votes were cast at locations that were not scheduled to open or, based on IEC information, did not open as a result of security conditions.

The IEC initially announced these criteria on September 16 to cover 579 stations, but that number was later increased to 646 stations. In early September, the IEC announced it would invalidate the quarantined polling stations, then believed to number 447. But the IEC then reversed its own decision a day later, concluding that it did not itself have the legal authority under the electoral law to invalidate results. The IEC then referred all quarantined stations to the ECC for a determination of their validity. After the ECC review of these stations, 18 were ruled acceptable, having no evidence of fraud. The ECC ruled that for 344 polling stations (not covered in other complaints) there was clear and convincing evidence of fraud. The ECC also ruled that no other polling stations from the quarantined stations could be included in the final results by the IEC without first applying audit and recount "coefficients of fraud," if applicable. It is not clear that the IEC did in fact apply the "coefficients of fraud" to the remaining quarantined stations.

### *The Post-Election Complaints Process*

In total, the ECC received 2,854 election complaints on and after election day. Of these complaints, there were 604 complaints ruled to be “Priority A” complaints regarding the presidential election, meaning that the complaint could affect the vote outcome at one or more polling stations. The total number of polling stations covered in these Priority A complaints is not known, but the ECC decided to invalidate 210 polling stations on these grounds. Comparing the total number of votes invalidated by the ECC including the audit, the Priority A complaints process accounted for less than 5 percent of the total votes invalidated.

Many in Afghanistan sharply criticized the ECC process as being led by foreigners and used by the international community to influence the election process. These criticisms came to the fore when one of the ECC Commissioners, Mawlawi Mustafa Barakzai, briefly resigned from the ECC on October 12; he charged that the three international representatives on the ECC were “making all decisions on their own.”<sup>87</sup> President Karzai rejected Barakzai’s resignation on October 14 on the grounds that Barakzai needed to continue to serve “in the larger interest of the Afghan nation.”<sup>88</sup> It is not clear what formal authority Karzai had to reject Barakzai’s public resignation. A supreme court appointee, Barakzai never filed a formal written withdrawal, which prevented the supreme court from appointing a replacement. The episode, which occurred just days before the ECC’s announcement of its findings from the sample audit, further reinforced an image of the ECC as embattled and politicized.

Overall, the ECC process, including the audit, began as a challenging procedural, investigative, and legal endeavor. The Commission then compounded those difficulties by failing to clearly explain its work to the Afghan public. Even though the ECC faced enormous political pressure, it was responsible for its own decision-making, particularly regarding the audit and sampling procedure, and thus bears responsibility for the flawed process.

### *IEC Decision to Order a Runoff*

After the ECC issued its decisions publicly on October 19, the IEC faced the question of how to interpret the ECC’s rulings. Some, including the ECC, believed that the interpretation of the decisions was clear-cut: the IEC should implement the announced formulas and announce a result accordingly.

On October 19, DI issued a public statement explaining the significance of the ECC’s decisions. Under Afghanistan’s electoral law, these decisions were binding. As the DI press release explained, after applying the ECC’s decisions to the preliminary results, Hamid Karzai’s percentage of the vote fell below the 50 percent threshold needed to avoid a second-round runoff election. (See Table 2.) As a result, a runoff between Hamid Karzai and Abdullah Abdullah was necessary under the law.

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<sup>87</sup> Reid, Robert and Heidi Vogt, “Problems beset Afghan vote recount,” *Associated Press*, October 12, 2009

<sup>88</sup> “Karzai Rejects Barakzai Resignation,” *Pajhwok*, October 14, 2009, available at: <http://www.pajhwok.com/viewstory.asp?lng=eng&id=83084>

**Table 2: Interpretation of ECC Audit Findings**

<i>Candidate</i>	<i>Uncertified Valid Votes</i>	<i>Invalidated Votes from Audit</i>	<i>Invalidated Votes from Category A Complaints</i>	<i>New Valid Vote</i>	<i>Percentage of Vote</i>
Hamid Karzai	3,093,256	954,526	41,276	2,097,454	48.29%
Abdullah Abdullah	1,571,581	191,554	10,098	1,369,929	31.54%
Others	997,921	115,322	6,540	876,059	20.17%
Total	5,662,758	1,261,403	57,914	4,343,441	100.00%

*Notes: DI's calculations were based on publically available data from the IEC and ECC*

The IEC argued that it had the right to reject the ECC’s findings in the case of the audit because the audit fell outside the scope of the regular ECC complaints process. Only a small fraction of the polling stations in the audit had a separate Priority A complaint against them. Supporters of Hamid Karzai also applied political pressure in an attempt to force the IEC to reject some or all of the ECC’s findings regarding the audit.

After much well-publicized political wrangling, the IEC accepted the ECC’s decisions and announced that they had been implemented, resulting in Hamid Karzai’s vote share being reduced to 49.67 percent. Two days later, the IEC revealed that Abdullah Abdullah had received 30.59 percent of the remaining post-audit valid vote. It is still unclear exactly how the IEC calculated the final certified results, which were inconsistent with DI’s calculations from publicly available numbers. DI requested, but never received, clarification on the calculations used by the IEC.

### *The Politics of the Runoff Campaign*

Official campaigning for the runoff began on October 24 and was scheduled to end on November 5. Campaigning was almost entirely process-oriented, with little public debate about any substantive policy issues. Neither candidate held major rallies with their supporters or made major trips to the provinces. The central public arguments in the aborted runoff campaign concerned whether any IEC Commissioners, most notably IEC President Azizullah Ludin, would be replaced before the runoff election.

At the outset of the runoff process, Abdullah’s campaign issued 17 written demands it considered necessary to ensure that the second round of voting would be conducted fairly. Abdullah’s conditions called mostly for a wide range of officials to be replaced, including three cabinet ministers. President Karzai, who appointed the IEC Commissioners and cabinet ministers, refused to make any changes to either body before the second round of voting. The electoral law and the Afghan constitution were ambiguous as to whether the president had the formal legal power to remove the IEC chairperson. Nevertheless, Karzai would have very likely had the political capacity to force a resignation if he had wanted to do so. The IEC did make some minor changes to its provincial and district election staff, most notably by not re-hiring six provincial election officers and rotating eight more to new provinces.

Abdullah subsequently issued an ultimatum that his demands for personnel changes be met by October 31 or he would withdraw from the race. On November 1, after none of the major personnel changes that he had called for had been made, Abdullah announced in a speech at the *Loya Jirga* tent in Kabul that he “would not participate” in the runoff election.<sup>89</sup>

### *Runoff Preparations*

Under international pressure, the IEC began preparations for the runoff in mid-September, well before the runoff was formally announced in mid-October. By mid-September, polling kits were already in the provincial centers. The two remaining items – indelible ink, which has a limited shelf life, and ballots, which could not be printed until there was a formal determination on the results – were produced and shipped in early October, arriving in Kabul a week before the runoff was announced by the IEC. As a result, the major challenges in preparing for the runoff were determining which polling centers would open and whether certain election officials would be remain in place.

The IEC released a new manual of procedures for the runoff election. As a result of the truncated timeline for the runoff, the IEC did not conduct a comprehensive, on-the-ground civic education campaign. Instead, it relied on public service announcements using print, broadcast television, and radio media. The IEC also made a number of other procedural changes, including reducing the size of the polling station staff from five to three and introducing the use of a star shaped hole punch for voter registration cards. (In the first round, circular shaped hole punches failed to penetrate the lamination of voter registration cards.)

In late October, the IEC announced it would attempt to open 6,322 polling *centers* on the runoff election day, more than were open on August 20, but slightly less than 17,000 polling *stations*, which was approximately 6,000 fewer stations than were open in the first round. This decision came despite the UN’s recommendation that that the number of polling centers be reduced to 5,817, and it raised concerns that the runoff process would be no fairer than the first round.<sup>90</sup> Nonetheless, the IEC argued that Afghan and international security forces would be able to secure the increased number of polling centers across the country.

An analysis of the locations of the polling centers also raised concerns about the quality of a runoff election. For example, Paktika, a province that was widely recognized to have significant problems with the quality of its first-round vote, was scheduled to have more than 160 additional polling stations than were reported in the preliminary uncertified results from September 16. Within some provinces there appeared to be evidence of a shift toward a higher density of polling stations outside of major cities. In Kandahar, for example, the province planned less than 100 fewer polling stations than were reported in the uncertified pre-audit results, but Kandahar City had almost 250 new polling stations planned; this meant there were nearly 150 more stations planned outside of Kandahar City than were reported in the preliminary uncertified result.

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<sup>89</sup> Constable, Pamela, “Status of Afghan runoff unclear as Karzai’s chief rival withdraws,” *Washington Post*, November 2, 2009, available at: <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/01/AR2009110100605.html>

<sup>90</sup> Vogt, Heidi, “Fraud surrounds women voters in Afghan election,” *Associated Press*, October 31, 2009



The unexpected increase in the number of polling centers in rural areas in provinces that had proved to be problematic in the first round raised concerns.

### *Cancellation of the Runoff Election*

On November 2, after Abdullah's withdrawal from the race, the IEC declared the runoff election cancelled and Hamid Karzai elected as president of Afghanistan. The IEC announced that the runoff election was cancelled because only the two leading candidates from the first round could participate and one of those two candidates had announced his nonparticipation.<sup>91</sup> The legal and procedural basis for this conclusion was debatable, since Abdullah had not filed any formal written withdrawal notice with the IEC, as this had been the procedure for withdrawal of a presidential candidate in the first round. Although the practical value of holding the runoff election with only one candidate participating would have been questionable, the Afghan constitution and the electoral law were ambiguous about whether the IEC had the authority to cancel the runoff.

### **Provincial Council Results**

The IEC released the first results for the provincial council elections, which took place concurrent with the presidential elections on August 20, only on September 26. The preliminary results covered 30 of Afghanistan's 34 provinces; they did not include Ghazni, Kandahar, Nangarhar, or Paktika. Throughout November and December, the IEC released final certified provincial council results province by province. By December 26, the IEC had released final certified results for all provinces, with Kandahar, Herat, and Takhar the last provinces to have final results released.

### *Quantitative Review of Preliminary Provincial Council Results*

To determine whether there were unusual patterns in the provincial council results, DI conducted a province-by-province assessment of the preliminary results, which highlighted some potential concerns. Suspicious patterns – where multiples of 10, 50, and 100 valid votes – were present in the results. Although far from conclusive, these patterns may have indicated collusion among candidates. The results of this analysis are listed in Table 3.

These tests provided only rough indications of possible fraud, however. The analysis identified polling stations that were the most likely to contain suspicious results. Several other criteria could potentially indicate fraud—such as polling stations with more than 540 total votes and ones with more than 90 percent of votes cast for one candidate—that could suggest more questionable results in each province. Because of the significant problems with the polling-station-level results for the presidential election, DI did not compare the provincial council results with polling station results from the presidential election. Although not a definitive indication of fraud, some of the reported results differed so significantly from what would normally be observed that they raise serious questions about the validity of the provincial council results.

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<sup>91</sup> <http://www.iec.org.af/assets/pdf/pressrelease/pressrIECDecision20091102.pdf>



<b>Table 3: Review of Preliminary Provincial Council Results</b>				
<i>Province</i>	<i>PS Reporting &gt; 1 Valid Vote</i>	<i>% PS Reporting a Multiple of 10</i>	<i>% PS Reporting a Multiple of 50</i>	<i>% PS Reporting a Multiple of 100</i>
Badakhshan	920	10.54%	1.96%	1.30%
Badghis	371	12.40%	4.58%	3.77%
Baghlan	663	10.86%	3.02%	1.06%
Balkh	1330	8.12%	1.35%	0.68%
Bamyan	403	12.16%	2.23%	1.74%
Daikondi	554	9.57%	2.53%	1.08%
Farah	360	14.44%	4.72%	4.17%
Faryab	837	11.11%	2.63%	1.67%
Ghazni	866	25.06%	16.40%	13.51%
Ghor	796	11.18%	3.39%	2.89%
Helmand	455	24.18%	16.04%	14.95%
Herat	1722	11.50%	2.26%	1.34%
Juzjan	510	9.41%	2.35%	0.78%
Kabul	2524	9.83%	2.14%	0.91%
Kandahar	864	22.57%	15.63%	14.81%
Kapisa	319	13.17%	2.82%	2.51%
Khost	353	28.33%	20.11%	19.83%
Kunarha	495	13.54%	4.24%	2.63%
Kunduz	579	10.71%	1.90%	0.69%
Laghman	495	10.91%	4.04%	2.42%
Logar	304	11.18%	2.96%	2.30%
Nangerhar	N/A	N/A	N/A	N/A
Nimroz	162	12.35%	4.32%	3.09%
Nooristan	120	54.17%	48.33%	47.50%
Paktia	616	24.51%	18.67%	18.02%
Paktika	411	59.37%	48.91%	44.77%
Panjshir	310	9.35%	1.94%	0.97%
Parwan	519	11.75%	2.70%	1.54%
Samangan	367	9.54%	2.45%	0.82%
Sar-i-Pul	454	7.71%	1.76%	0.88%
Takhar	936	9.51%	1.60%	0.64%
Urozgan	212	9.43%	2.83%	0.94%
Wardak	232	18.10%	11.64%	9.91%
Zabul	159	11.32%	2.52%	1.26%

*Source: Independent Election Commission of Afghanistan*

*Notes: PS reporting a multiple of 10 expected by slightly less than ten percent, those reporting a multiple of 50 slightly less than 2 percent, and those reporting a multiple of 100 slightly less than 1 percent.*

*ECC Process of Provincial Council Review*

For the provincial council elections, approximately 630 Priority A complaints were filed with the ECC.<sup>92</sup> The ECC delayed responding to all provincial council complaints until it completed its work on the presidential election on October 18. Analyzing the provincial council results for fraud and taking appropriate corrective action was much more difficult with the provincial council results than for the presidential results because the margins between the candidates were much smaller. As a result, the elimination of even a single station could indeed affect the results of a particular race.

DI analyzed a sample of provinces to assess the ECC review process. This limited analysis indicated that there was not necessarily a strong correlation between suspicious patterns of vote totals in the uncertified results from the IEC and the number of votes invalidated by the ECC. Consistent with its mandate, the ECC appears to have invalidated results in the provincial council elections primarily in response to complaints that presented verifiable evidence. As a result, invalidations appeared to be much more common for reasonably accessible provinces close to Kabul (such as Panjshir and Kapisa), while those provinces that were less accessible (Helmand and Farah) had far fewer ECC-invalidated votes than one might expect based on the vote patterns. These results are displayed in Table 4.

<i>Province</i>	<i>Total Valid Votes</i>	<i>Votes Invalidated by ECC</i>	<i>% Change</i>	<i>Changed Outcomes</i>
Farah	89,253	-1,081	-1.20%	0
Helmand	123,842	-2,699	-2.20%	0
Kapisa	61,600	-6,044	-10.90%	1
Panjshir	38,895	-3,318	-9.30%	1
Sar-i-Pul	119,805	-163	-0.10%	0
Urozgan	28,326	0	0.00%	0
Zabul	14,997	0	0.00%	0

*Notes: Calculated by DI using IEC and ECC data*

The ECC faced serious methodological challenges identifying and developing sufficient evidence of suspicious voting patterns in provincial council elections. It also faced real financial constraints, which limited its ability to conduct comprehensive investigations in all provinces. While a broad review of the provincial council elections, as occurred for the presidential elections, would not necessarily have been practical, with additional resources and more time the ECC could have perhaps more effectively scrutinized the provincial council results.

<sup>92</sup> Email communication with ECC official, November 3, 2009

## RECOMMENDATIONS

Afghanistan's 2009 elections revealed numerous flaws both in the country's election system and in the administrative processes that support it.

The Afghanistan and Pakistan Regional Stabilization Strategy released in January 2010 by the U.S. Office of the Special Representative for Afghanistan and Pakistan highlights the importance of supporting Afghan efforts to reform the electoral system. This document put forward two milestones for success: (1) "political agreement on the way forward for elections scheduled for 2010 and beyond," and (2) "implementation of agreed reforms to elections and related laws."<sup>93</sup>

Relevant stakeholders should pursue both a short-term tactical and a long-term strategic approach toward strengthening Afghanistan's ability to hold credible and acceptable elections. With legislative elections scheduled for September 2010, concrete steps can be taken in the short term that will improve the quality of the election process. At the same time, however, larger reforms that cannot be enacted before an election in 2010 remain crucial for the long-term strengthening of Afghanistan's democratic system.

Based on its extensive observation of the election process, and as articulated in the findings and analysis of this report, DI urges the government of Afghanistan and the international community to consider the following recommendations for needed reforms.

### Strengthening Elections Scheduled for 2010

**Maintain the impartiality of the IEC.** The perceived partiality of the IEC in 2009 was one major contributing factor to the ultimate failure of the electoral process to win the confidence of the people of Afghanistan and the international community. If the IEC continues to be perceived as biased, the people of Afghanistan may forever question the legitimacy of their election commission and the efficacy of elections as a means of choosing leadership. The IEC must avoid even the appearance of partiality and should make every effort to instill confidence in candidates, voters, and international stakeholders that the IEC is in fact the independent institution Afghanistan needs to run successful elections. If the IEC becomes tainted through its own actions, the government of Afghanistan should act to ensure that impartiality is restored.

**Establish swift and effective methods for prosecuting electoral fraud.** The government of Afghanistan should grant an appropriate government body the jurisdiction to swiftly prosecute and punish those implicated in electoral fraud. While the ECC played a vital role in providing an avenue for complaints to be heard and investigated, no existing institution appears to have both the authority and the political will to prosecute individuals guilty of electoral offenses with the speed necessary to create incentives that could deter the fraud committed in 2009.

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<sup>93</sup> "Afghanistan and Pakistan Regional Stabilization Strategy". Office of the Special Representative for Afghanistan and Pakistan. January 2010, p. 10.

**Eliminate the entry points of fraud.** The IEC should examine possible entry points for fraud and develop systems by which to mitigate the risk. Specific examples of entry points for fraud include the distribution of sensitive election materials, the certification of tally sheets, and the counting and tallying processes. By identifying these vulnerabilities, Afghan and international actors can focus their efforts on deterring the fraud that occurred in 2009.

The prevention of widespread fraud cannot and should not depend on the honesty and integrity of each and every election official. Although all effort should be taken to recruit and train an election workforce of the highest integrity, it is even more important that systems that provide avenues for corruption should be reformed. Checks and balances must be better distributed throughout the process of administering elections so that one corrupt district field coordinator is not be able to undermine the entire election in his or her district.

**Abandon the use of sample-based audits.** Sample-based audits should not be used to correct for fraud. Random sampling should be used to determine whether the incidence of fraud was widespread enough to warrant further concern, not to make calculations about the extent of fraud within potentially fraudulent polling stations. Using random sampling to invalidated election results is both unprecedented and fundamentally flawed.

The specific methodology used in the 2009 sample audit applied the same invalidation rates to all candidates. If adopted as a response to potential fraud in the future, this method could actually create incentives for fraud. The approach also sets a precedent for simplistic expediency rather than thorough investigation; instead of pursuing fraud diligently and comprehensively, it employs a shortcut that compromises the basic democratic principle of counting every vote.

**Increase transparency of election administration and improve coordination between relevant election stakeholders.** Throughout the 2009 election process the individuals and organizations collectively responsible for the success of the election effort too often came to operate as competing rivals rather than as complementary actors. The lack of transparency, effective communication, and coordination among election stakeholders contributed to an environment of uncertainty and mistrust. Better communication and coordination among electoral authorities, implementers, and international assistance organizations would help strengthen the administration and integrity of the election process by creating an environment of collective oversight that did not exist in 2009.

**Develop and present for comment a plan for the tracking and distribution of sensitive elections materials.** The IEC should develop a clear and comprehensive plan for the distribution of sensitive elections materials that includes a clear strategy for tracking the transit of materials to and from Kabul. The IEC should maintain a temporary operations room with the specific task of overseeing the distribution of sensitive election materials. Election authorities should brief international and domestic observers before and at the conclusion of major operations for the transport of sensitive election materials.

**Establish effective coordination between the IEC and civil society.** The IEC and Afghanistan's civil society organizations should work together to support the election process. Civil socie-

ty organizations should mobilize their networks to help fill the gaps in the IEC's staffing capacity. The Afghan Women's Network, for example, could provide female security screeners at polling stations throughout the country. Such partnerships would help fill critical needs and also strengthen civil society's confidence in the IEC by establishing CSOs as true stakeholders in the election process. The international community should provide funding for such partnerships.

**Strengthen the procedures at the national tally center.** The IEC should revisit the design of and procedural rules employed at the national tally center in Kabul. Safeguards in the data entry process should be strengthened. Specifically, the IEC should erect walls between the three data-entry stations and ensure no communication takes place between line managers. The IEC staff should be better trained for communicating the intake and tallying procedures to observers and other stakeholders and explaining specific problems with visibly quarantined ballot boxes.

### **Reforming Afghanistan's Electoral System and Improving Long-Term Assistance for Afghan Elections**

**Replace the SNTV system.** The use of the SNTV electoral system stifles the emergence and growth of political parties, limits fair representation for the Afghan people, and provides greater incentives for fraud and intimidation on election day. The international community should support Afghan civil society groups and political actors in their study of alternative systems to SNTV and encourage the Afghan government to change the election system for future legislative and provincial council elections.

**Increase assistance to domestic observation groups.** As with most fledgling CSOs in Afghanistan, the Free and Fair Elections Foundation of Afghanistan needs to strengthen its capacity. It would benefit from the incorporation of long-term capacity-building and technical assistance into its core plan, particularly when it comes to analyzing data gathered by its observers.

FEFA must also work on identifying potential CSOs for its coalition in all of the provinces so it can coordinate and train these local CSOs well in advance of elections. These CSOs in turn can identify appropriate observers that can receive more in-depth training on the observer process before the election process. Observer reporting forms should also be simplified.

The international community should increase funding and technical assistance to domestic observation groups and ensure that this support extends beyond a specific election cycle. Although FEFA provided a much-needed domestic observation of the 2009 elections, increased assistance should be provided to help support the development of additional domestic observation capabilities or new organizations. Domestic election monitoring can help build a culture of accountability in the administration of elections and can provide broader election-day coverage than can international election observation missions. Support should be provided between election cycles to ensure the continuity and professionalization of observation groups.

**Consider providing election assistance through multiple implementers.** The international community should explore whether election assistance can be provided through multiple coordinated efforts, rather than through one implementer, as was largely the case for the 2009 elections.

Support to domestic election observation groups should no longer be administered through UNDP-Elect, the organization primarily responsible for providing technical assistance to the election commission. This creates a conflict of interest and places an additional burden on UNDP's administrative, management, and technical capabilities. By decentralizing assistance, the international community would also increase the likelihood that problems would be detected earlier and should make implementers more accountable.

**Reform the selection process for IEC and ECC commissioners.** The new leadership of Afghanistan's electoral authorities has already been appointed for 2010. This should not, however, prohibit long-term reform of the selection process from taking place. President Karzai has an opportunity to show the Afghan people and the international community that he is serious about strengthening his country's democracy by supporting the parliamentary approval of IEC and ECC appointments.

**Create a civil and voter registry.** Significant improvements to the voter-registration system cannot be made before parliamentary elections and should not be pursued in that timeframe. The goal of developing a civil registry, however, should not be abandoned. The London Conference on Afghanistan of 2006 culminated in the Afghan Compact, which recommended the creation of a civil and voter registry by the end of 2009. Although this deadline was not met, the government of Afghanistan and the international community should refocus on this goal after the next round of elections.

**Re-evaluate electoral capacity-building strategy.** The October 2009 quarterly report of the Special Inspector General for Afghanistan Reconstruction (SIGAR) highlights the need for a long-term strategy on building and sustaining Afghan electoral capacity.<sup>94</sup> An additional SIGAR audit report recommended that UNDP hire a capacity-development advisor who would be tasked with implementing a strategic plan for the transfer of skills and knowledge to Afghan election officials.<sup>95</sup> The international community must move forward with developing a long-term, sustainable capacity-building strategy for the IEC to contribute to the consistent administration of credible and acceptable elections in Afghanistan. A first step toward this goal would be to implement the SIGAR's recommendations as soon as possible.

## Consensus Recommendations

In addition to the recommendations listed above, DI has compiled and synthesized consensus recommendations from a wide range of Afghan civil society organizations, international observer missions, assistance organizations, and independent election experts. DI drew these recommendations from a comprehensive analysis of 437 recommendations presented by this broad group of stakeholders in Afghanistan's election process. DI has compiled and made public all of these recommendations in a separate document titled "Recommendations for Electoral Reform in Afghanistan," which is available for download at [www.democracyinternational.com](http://www.democracyinternational.com).

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<sup>94</sup> Quarterly Report to the United States Congress of the Special Inspector General for Afghanistan Reconstruction. October 30, 2009.

<sup>95</sup> "Strategy and Resources Needed to Sustain Afghan Electoral Capacity". Special Inspector General for Afghanistan Reconstruction. September 22, 2009.



From this analysis, Democracy International has identified the following 34 recommendations, which reflect the opinions of a wide range of stakeholders, as the points of major consensus for electoral reform in Afghanistan. DI did not develop these recommendations independently but rather synthesized them from more than 50 source documents. These recommendations should form the basis for an all inclusive discussion of comprehensive electoral reform in Afghanistan.

The key consensus recommendations for electoral reform in Afghanistan are as follows:

1. **The use of the SNTV system should be reconsidered.** There is broad agreement that the Single Non-Transferable Vote system impedes the development of political parties in Afghanistan and prevents fair and accurate representation of Afghanistan's diverse population. A public consultation process should take place to solicit the opinions of relevant Afghan actors and international election experts to determine the best alternative system for Afghanistan. One alternative that has been presented is a mixed SNTV-proportional system.
2. **Rationalize the electoral calendar:** The calendar by which Afghanistan holds elections must be rationalized. Under the current design, Afghanistan will need to hold elections nearly every year for the foreseeable future. This puts unnecessary strain on stakeholders to the election process and prevents proper legislative bodies from undertaking necessary changes to the election system. Some observers have proposed the adoption of a two-tiered election cycle with presidential and parliamentary elections in one tier and provincial council and municipal elections in another, staggered by two years.
3. **The IEC and ECC should be vested with more sanctioning authority.** Both institutions should be further empowered to impose sanctions in a swift and immediate manner on those found guilty of electoral offenses, including public officials.
4. **The Electoral Law should clarify the role the Provincial Council plays in Meshrano Jirga elections.** The law should clarify the IEC's role in such elections, the quorum necessary for elections to take place, and the procedures for replacement of provincial council members elected to the Meshrano Jirga.
5. **Appointment process for IEC commissioners should be consultative.** Nearly all stakeholders agree that the process for appointment of IEC commissioners, including the chairman, should be changed to allow for a check on executive authority. Most agree the National Assembly should play a role, either by submitting the list of candidates to the president or by approving the president's selections through the legislative process. Some argue that civil society should be responsible for presenting the list of potential commissioners.
6. **IEC must be more proactive in ensuring staff impartiality.** The IEC must establish a more sophisticated vetting process to ensure the political impartiality of its staff. Clear



penalties should be established for abuse of power and safeguards, such as assigning staff to work in provinces away from their homes, should be put in place.

7. **IEC must act more transparently.** The IEC should immediately develop and implement a broad civic engagement strategy that builds public confidence in the election process. As part of this strategy the IEC should invite a broad group of stakeholders including members of civil society, candidates, and political parties to attend plenary sessions.
8. **IEC must develop a better recruiting program for marginalized populations.** The IEC should develop systems to ensure the adequate recruitment of staff to serve marginalized populations, particularly in hard-to-reach areas. The IEC should seriously consider a partnership with civil society in this endeavor.
9. **The list of polling locations must be finalized early in the process.** Although the changing nature of the security environment may prevent a list of polling locations from being entirely static, the IEC and relevant security actors should strive to identify the final list of polling locations as early as feasible. Ample time should be provided to communicate the list of polling locations to observer organizations and civic educators, and any changes should be announced publicly and with proper explanation.
10. **Technical assistance to electoral institutions should be provided through different mechanisms.** Assistance to the IEC, ECC, and domestic observer groups should be managed through different mechanisms. By no means should the same advisors have overlapping responsibilities with different institutions. Advisors should be embedded with organizations, and the organizations should have a voice in the nature of the assistance they receive.
11. **Support women's political participation.** Increased assistance should be provided to female candidates and legislators. Programs should also aim to increase female participation at all levels of the political process. Efforts should be made to educate male candidates and elected officials about the important role of women in the process.
12. **Registration cards should have photos.** To prevent proxy voting, particularly by men for women, registration cards should include photos for both men and women.
13. **Conduct a national census and consider national ID cards.** The international community and the government of Afghanistan should prioritize conducting a national census to create a civil registry. The use of national ID cards should be seriously considered.
14. **The voter registry must be addressed.** If the voter registry is to be used for elections in 2010 it must be updated and duplicates removed. A consultative process should be conducted with Afghan actors and international experts to assess Afghanistan's voter registration needs and to present a strategy to solve this problem. The use of a civil registry as a foundation for a voter list should be considered.

15. **Constituency delimitation must be prioritized.** The MoI and the National Assembly should work in coordination with the Central Statistics Office to prioritize district, municipal, village, and local administrative-unit delimitation. Consideration should be given to creating electoral precincts.
16. **Establish a broad-ranging, continuous civic education program.** A civic education program should be developed and implemented that covers a broad range of civic responsibility topics and targets all Afghans. The program should be continuous and broadly supported and should specifically target the marginalized and hard to reach areas.
17. **The role of the media should be clarified and their independence ensured.** The law on mass media should be clarified to ensure reasonable access and to encourage a fair and balanced role for the media in the election process. The independence of outlets should be guaranteed, particularly of Radio Television Afghanistan. Further training should be provided to journalists and other outlets on the media's role in a democracy.
18. **Sustained support should be provided to domestic monitoring organizations.** The international community should provide long-term sustained support to existing domestic monitoring organizations and additional CSOs. Technical assistance should focus on expanding their capacity to monitor other aspects of governance and to conduct effective advocacy campaigns.
19. **Candidate registration and eligibility should be stricter.** To prevent irrational numbers of candidates from contesting elections, the IEC should develop a more robust set of procedures to verify the legitimacy of candidate registration materials. Candidate registration should perhaps require the endorsement of more voters.
20. **Additional support for political parties should be provided.** The international community should increase its support for political party programs and consider incentives for parties that engage marginalized populations such as youth, women, and minority ethnic groups.
21. **Overhaul the process for preventing candidates with links to IAGs.** The IEC should not be responsible for determining links to Illegally Armed Groups. The IEC should determine candidate eligibility based on a list provided by another organization. Which organization is responsible for determining ties should be clarified. The international community should provide any intelligence that could improve the list.
22. **Guidelines on the use of public resources in campaigning should be established.** Access to public resources must be equitable and strict guidelines with clearly defined sanctions should be adopted. A transparent system should be developed and authorities should be more proactive in pursuing violators.

23. **Stronger campaign finance regulations should be adopted.** All candidates should be required to release public financial disclosures on personal assets as well as periodic reports on campaign fundraising.
24. **Develop a long-term electoral capacity development strategy.** The international community should work with the IEC and other electoral stakeholders to develop a long-term electoral capacity-development strategy. [Assistance to electoral institutions must be tailored to build self-reliance. International advisors should not be developing plans but assisting in their development.]
25. **Investigate the entry points of fraud.** A full investigation of fraud in the 2009 elections should be conducted in order to make recommendations to strengthen the process and develop detailed procedures for the detection and mitigation of fraud.
26. **Track and secure election materials more effectively.** More effort should be taken to secure the chain of custody of sensitive election materials including clear and binding procedures for tracking all election materials.
27. **Reassess where counting takes place.** The counting and reconciliation process should begin as soon as is practicable after the polls close. Given the security challenges that exist with a count at the polling-station level, serious consideration should be given to conducting the count at the provincial level. If counting is conducted at the provincial level, procedural plans must take into account access requirements for observers and candidate agents at the polling station and provincial level.
28. **Redesign the results forms.** The results forms should be assessed for improvements, such as including the number of entries on the list of voters at each polling station.
29. **IEC should establish clear procedures for investigation, quarantine, and annulment.** The IEC should establish specific criteria and transparent procedures for investigation, quarantine, and annulment. This process should be well publicized, and observers and candidate agents should make sure to fully understand it.
30. **Constitute the ECC early and provide it with necessary funding.** The ECC must be constituted early so as to provide it with the time necessary to build effective and transparent national and provincial-level complaints adjudication processes. It should receive all necessary funding.
31. **The ECC should adopt more open complaints processes.** The ECC should adopt more transparent investigation and adjudication procedures and properly educate observers and agents in their use.

32. **The ECC should be a permanent body and its authority and independence from the executive strengthened.** The ECC should be permanent and should be empowered to impose sanctions. Its independence from executive influence should be strengthened.
33. **The authorities of each level of government should be clarified.** One institution should be the ultimate constitutional arbiter. The authorities of each level of government should be clarified and checks and balances established. The role of the supreme court in the election process should be clarified.
34. **Strict consequences should exist for electoral offenses.** Strict consequences should be established for public officials found interfering in the election process and swift and immediate action should be taken. Any citizen implicated in fraud should be referred to and prosecuted in the judicial system swiftly.

## CONCLUSION

The deficiencies in the Afghan political system transcend elections and include a number of institutional problems that impede democratic development in the country. Free and fair elections are a necessary, but not sufficient, condition for the development of a robust democratic system. In the absence of political institutions that are truly representative and in the face of independent centers of authority that are not accountable to Afghan citizens, free and fair elections do not amount to a solution on their own. These persistent issues include a fragile security environment, obstacles to women's participation in the political process, executive influence on the judiciary and other institutions, a flawed voter registration system, and an underdeveloped political party system that leads to the election of candidates who do not truly represent their constituents. Until these and other issues are resolved, Afghanistan cannot develop into a genuinely democratic state.

In addition to these concerns, Afghanistan's leadership has not demonstrated the political will to implement true electoral reform, especially given the context of widespread security issues and economic instability. Electoral reform is, however, inextricably linked to these security and economic problems. It is an integral aspect of the overall political reform and development needed to strengthen the Afghan institutions necessary to address the widening economic and security crises.

Recent developments have not been encouraging. The willingness of President Karzai and his cabinet to reform the electoral system through decree, with little to no consultation with the wide range of Afghan electoral stakeholders, was troubling. Recent reports that government officials throughout Afghanistan have begun to threaten and intimidate civil society advocates are equally disturbing. Those Afghans who struggle in their effort to strengthen Afghanistan's democratic system should not be dismayed, however. The fate of the Afghan democracy depends on the strength of their resolve.

Resolving Afghanistan's electoral problems, of course, will not by itself be enough to create a sustainable democratic political system. The ongoing war in Afghanistan underscores the fact that the country faces a broader set of governance challenges, including state building, rule-of-law reform, civic education, and the security environment, which must be overcome for democracy to develop in Afghanistan.

Fairer elections can help to alleviate these problems, however. But without further electoral and institutional reforms, Afghanistan will continue to face challenges in building a political system that is rooted in democracy and a government that is accountable to and can effectively provide for its people.

## APPENDIX A: PRESS RELEASES

### FOR IMMEDIATE RELEASE

August 22, 2009

#### TOO EARLY TO JUDGE IF AFGHANISTAN ELECTION IS CREDIBLE

**Kabul, Afghanistan** – For the August 20, 2009, elections in Afghanistan to be credible, at a minimum the Independent Election Commission (IEC) must conduct a fair and transparent vote count and the Electoral Complaints Commission (ECC) adjudicate reported instances of fraud in a timely and effective manner, Democracy International said on Saturday.

“Those voters who were able to get to the polls have spoken. Now we need to wait and ensure that the IEC has heard them,” Glenn Cowan, Democracy International principal, said.

Organizing an election in a time of war presents serious challenges. However, Democracy International (DI) observed that the security environment was better than anticipated and permitted the election to go forward. Democracy International’s election observation mission’s initial findings include:

- *Violence and intimidation disenfranchised voters in a significant portion of the country. In more secure areas, however, Afghans generally were able to cast votes freely.*
- *Overall, administrative problems on election day did not by themselves affect the legitimacy of the vote.*
- *The lack of a voter list created the opportunity for significant fraud. The ECC should investigate any such claims.*
- *The lack of a voter list makes it hard to assess voter turnout. Our observations suggest it was very low in some areas of the country, especially the south.*
- *It would be premature to draw conclusions about the overall legitimacy of the process until the votes are tabulated and the results verified.*

#### **Security**

While violence was not as widespread as feared, the threat of violence may have deterred millions of citizens from voting. As long as violence and intimidation disenfranchise large numbers of Afghan voters, elections here will continue to be flawed.

#### **Administration**

Concerns have been raised about administrative flaws on election day, including ineffective indelible ink and hole punches, and inconsistent training of polling station officials. Although these problems should be addressed for future elections, by themselves they did not negate the legitimacy of the vote.

**Voter List**

The inability to produce a voter registration list for use at the polling stations on election day was a major failure in the process. The absence of such a list, when combined with problems with identification cards, provided an opportunity for significant fraud. This makes it crucial for the IEC to be particularly diligent in its vote-count audit procedures.

**Voter Turnout**

The absence of a comprehensive voter list makes it difficult to assess voter turnout. Because there is no accurate number of registered voters, it is not possible to accurately determine *the percentage of eligible voters* who cast ballots. Accordingly, the *total number of people who voted* is the only meaningful measure of turnout. Election day observations, however, indicate that turnout was low in at least some parts of the country.

**Vote Count**

The IEC's decision to withhold the vote count until five days after election day is unfortunate, particularly given the uncertain political environment. While we understand that the IEC wishes to avoid any confusion from releasing partial results, the transparency of the vote tabulation process should be the overriding concern. Releasing partial results and a clear explanation of the tentative nature of those results enhances public confidence and improves the process by increasing transparency. This is especially important given the lack of any independent check on the vote counting process, such as might have been provided by a parallel vote tabulation.

Democracy International will issue its postelection statement after the release of results by the IEC.

On election day, Democracy International's observers were deployed to 13 of the country's 34 provinces. The provinces are Badghis, Farah, Ghazni, Hilmand, Hirat, Kabul, Kandahar, Nangarhar, Paktika, Panjsher, Parwan, Kapisa, and Zabul. DI's delegation is led by former Congressman Jim Moody, an expert in South Asian politics and U.S. foreign assistance. Congressman Moody is joined by both of Democracy International's principals, Eric Bjornlund and Glenn Cowan, who have organized and led dozens of international election observation missions in more than 35 countries over the last 25 years.



**FOR IMMEDIATE RELEASE**

September 22, 2009

**TRANSPARENT AUDIT PROCESS CRUCIAL TO LEGITIMACY OF  
AFGHANISTAN'S ELECTIONS.**

**Kabul, Afghanistan** – The planned recount and audit of results from Afghanistan's August 20 Presidential Election must proceed in a transparent and timely manner if the election is to have any legitimacy in the eyes of the Afghan people or the international community, Democracy International said on Thursday. "Afghanistan's Independent Election Commission and Electoral Complaints Commission were established to protect the integrity of the electoral process," said DI Principal Glenn Cowan. "Their work is now at its most crucial stage."

Unless satisfactorily addressed, credible reports of ballot stuffing and other irregularities being raised by domestic and international observers, the media, the diplomatic community and others will undermine the electoral process. The preliminary results released yesterday by the Independent Election Commission (IEC) include a large number of potentially fraudulent votes that need to be investigated further before final results are certified. The recount and audit process mandated by the Electoral Complaints Commission (ECC) is essential to the credibility of the election and should receive the full support of the international community and Afghan political leaders.

"The decision by the ECC to require this audit presents an opportunity to legitimize the electoral process by purging fraudulent results from the tally", said Cowan. "The results of this effort will determine the legitimacy of this election and it should be supported wholeheartedly by the international community."

The Afghan government and all political actors should allow the IEC and ECC to conduct the audit without interference and produce a final certified result that reflects the legitimate votes actually cast by the Afghan people as accurately as possible.

**Next Steps for the IEC and ECC**

The IEC and the ECC should quickly establish and make public detailed procedures and a timeline for how the audit will be conducted, including clear standards by which to determine the validity of a polling station's results. The process should be open to all interested parties, including candidate agents, the media, and domestic and international observers, and the results of the audit should be immediately and publicly disseminated.

The IEC should take this opportunity to release more detailed information on the preliminary results, including explanations for any polling station results it has invalidated or quarantined. There have been numerous instances of unexplained changes in provincial results after the IEC has released them, which has further contributed to the current perception of widespread fraud.

The IEC should also release results for the Provincial Council elections. These results should already be tallied and will provide a useful cross-check against which to compare the Presidential results. They are important in their own right and should not be left in limbo during the audit process.

Finally, those found to have committed fraud should be prosecuted as provided by law. A culture of electoral fraud should not be tolerated by the Afghan government or the Afghan people.

The ECC and the IEC were created to ensure the legitimacy of Afghanistan's elections. These organizations must work together to address the issues before them to help restore the credibility of their country's electoral process.

**FOR IMMEDIATE RELEASE**

October 2, 2009

**DI PRINCIPAL GLENN COWAN TESTIFIES BEFORE CONGRESS**

*Earlier today, DI Principal Glenn Cowan testified before the U.S. House of Representatives Subcommittee on the Middle East and South Asia on the topic of the Afghan Elections. The following is a copy of his written statement:*

Mr. Chairman and members of the subcommittee, thank you for inviting me to testify here today. The issues surrounding the Afghan elections are crucial both for the democratic development of that country and for U.S. foreign policy in the region, and I am pleased to be able to share my thoughts and observations on what has happened so far and where the process should go in the future.

The August 20 elections in Afghanistan have yet to produce a credible result. On election day my organization, Democracy International, fielded more than 60 international observers throughout the country, including in the cities of Kabul, Kandahar, Jalalabad and Hirat, and to Provincial Reconstruction Teams in Helmand, Ghazni, Paktika, Zabul, Farah, and Badghis provinces. Initial reports from them and from other observer groups were largely positive. Despite the fact that violence and intimidation kept some voters and observers away from the polls in many areas, in much of the country Afghans were able to cast their votes freely. The voters and polling station officials we observed conducted themselves admirably in the face of threats from the Taliban, and the basic administrative procedures of the election largely worked.

Despite the apparent success of election day, however, we cautioned at the time that the overall legitimacy of the process was far from certain. Afghanistan's Independent Election Commission (IEC) still needed to tabulate and verify ballots. In addition, the Electoral Complaints Commission (ECC), a dispute resolution body with three of five members appointed by the UN, still needed to investigate thousands of complaints. There were pre-election concerns about the ease of ballot manipulation in an election conducted without a voter registry and fears of biased or corrupt local and provincial election officials. The inability of domestic and international observers to access the most daunting and problematic areas of the country compounded these concerns.

The month since election day has done significant damage to the credibility of the elections and the IEC. The ECC received more than 2,000 complaints on and after election day, including hundreds that it believed could have a material effect on the result of the election. The results reporting process managed by the IEC proceeded slowly and fitfully, with the IEC releasing partial results every few days. The commission claimed a need to release geographically diverse vote counts, but in the event this practice was not followed – northern areas were reported considerably before southern areas, leading to the appearance of a late surge by Karzai. The IEC did not report a complete preliminary result for the Presidential race until September 16, 27 days after the election. It did not release Provincial Council results until September 26, more than five

weeks after election day, and results from four key provinces – Kandahar, Paktika, Ghazni, and Nangarhar – are still being withheld. The significant delay and manipulation in the release of results has created an environment of suspicion that has substantially damaged trust in the IEC and the overall election process.

These elections were the first managed by an Afghan-led election commission. To date they have not been conducted well. The IEC failed to produce a useable voter registry, issued hundreds of thousands or even millions of duplicate voter ID cards, appointed substantial numbers of local staff members who either assisted in or failed to report significant election day fraud, was opaque in its strategy for release of election returns, and despite repeated assurances failed to screen out potentially fraudulent results through qualitative or quantitative evaluations as the votes were being tallied.

In a questionable decision, the IEC included in its preliminary result as many as 1.4 million votes (out of a total of just under 6 million) from more than 3,000 polling stations deemed suspicious by the ECC, either because those polling stations have more than 95 percent of votes cast for one candidate (with more than 100 total votes cast) or because they have 600 or more total votes cast. These ballots are the subject of an ongoing audit mandated by the ECC.

The lack of clarity and transparency and the inability of the IEC to produce an acceptable set of election results have led to the extraordinary process of using statistical sampling of the suspect polling stations to determine whether a second-round runoff election is required. This week, the ECC and IEC will examine 313 of the 3,063 polling stations affected by the ECC's audit order and will, by an as yet undefined set of criteria, decide if this contest will go to a runoff.

Through this process, the ECC might still purge some number of fraudulent votes from the tally to produce a final certified result that more closely reflects the votes actually cast by Afghans on election day. But political expediency will have prevailed over the basic democratic principle of accurately counting every vote.

Unfortunately, even if this unusual auditing approach results in a runoff election, unless there are drastic improvements to the way these elections were conducted, there is little reason to expect that another contest held in October will be any more legitimate. An election held three or four weeks from now will be run by substantially the same officials who ran the flawed election in August, particularly at the provincial and local levels. It will be held using the same flawed system, under a similar or worse security situation, and likely with fewer observers and candidate agents present.

Democracy International expects to send an international delegation to observe any planned runoff, and we will report on what we find. Our fear is that nothing substantive will have changed and the behavior of those who cheated in August will be repeated. Should this occur, the Afghan people will be aware of it and are unlikely to grant legitimacy to a president chosen by such a flawed process.

Successfully reforming Afghanistan's election system in time for an October runoff is highly unlikely, but there are steps that can be taken to improve the process and potentially forestall a repeat of what happened in August:

- To help restore some measure of confidence in the IEC, President Karzai should replace the current leadership with officials accepted by both candidates in the runoff.
- The ECC should exercise its power to prohibit individuals from working for the IEC for up to 10 years whenever clear and convincing evidence of their complicity in electoral fraud can be found.
- The Afghan government should immediately begin investigation and prosecution of those who manipulated and defrauded the August elections. Unfortunately, at present most Afghan political players, particularly at the local level, do not take penalties for electoral crimes seriously. The threat of criminal investigations with possible prison sentences might forestall such widespread violations of electoral regulations in the second round.
- The ECC should order the IEC to immediately impound any results from the runoff that meet the criteria of its first-round audit order and to exclude these votes from the results until they undergo a comprehensive review.
- Candidates should deliver public messages calling for their supporters to respect the rule of law and comply with electoral regulations. To date, candidates have not spoken strongly enough against manipulation of the vote, contributing to an atmosphere of impunity.

Even if these steps are taken, it is likely that many of the problems seen in the first round will plague any runoff. Given the environment of suspicion created in the first round and the widespread lack of trust in the IEC and the overall election process, it is far from certain that a runoff election will be sufficient to produce the legitimacy desired by the Afghan people and the international community.

**FOR IMMEDIATE RELEASE**

October 19, 2009

**DEMOCRACY INTERNATIONAL FINDS RUNOFF REQUIRED BASED ON ECC AUDIT FINDINGS**

*Democracy International issued the following press release today:*

**Kabul, Afghanistan** – At 5PM today, the Electoral Complaints Commission (ECC) released the long anticipated decision resulting from the audit of polling stations that met the criteria of its September 8, 2009, audit and recount order.

Democracy International has analyzed the results from data previously released and believes the ECC audit decisions should result in a runoff election, according to Afghanistan’s Electoral Law. Our calculations suggest the percentage rejection of the ballots cast in each of the audit categories will reduce President Hamid Karzai’s level of support to approximately 48.29% of the overall vote. This reduces his vote share below the 50% threshold necessary for a first-round victory, and should necessitate a runoff election between Hamid Karzai, and the second-place candidate, Dr. Abdullah Abdullah. The IEC has a responsibility to certify the results based on the ECC’s decisions.

In addition, the ECC has decided to invalidate 210 polling stations based on “Priority A” complaints, 147 of which are included in the IEC’s published preliminary result.

Based on DI’s analysis of the preliminary results and understanding of the ECC’s audit process, we believe the combined impact of these decisions is:

<b>Candidate</b>	<b>Valid Vote in Preliminary Uncertified Result</b>	<b>Invalidated Vote from ECC Audit Findings</b>	<b>Priority A Invalidated Vote</b>	<b>Valid Vote After the ECC Published Decisions</b>	<b>Final Post-Audit and Post-Complaint Percent based on Published Decisions</b>
Hamid Karzai	3,093,256	954,526	41,276	2,097,454	<b>48.29%</b>
Dr. Abdullah Abdullah	1,571,581	191,554	10,098	1,369,929	<b>31.54%</b>
Others	997,921	115,322	6,540	876,059	<b>20.17%</b>
<b>Total</b>	<b>5,662,758</b>	<b>1,261,403</b>	<b>57,914</b>	<b>4,343,441</b>	<b>100.00%</b>

*Note: Some percentages may not add precisely to 100.00% because of rounding to two decimal places.*

The ECC has now given a decision on the audit process, the results of which appear to require a runoff election to be held. The IEC should now review the operational requirements to hold that election and set a date for the earliest possible polling.





## **APPENDIX B: PROVINCIAL REPORTS AND OBSERVER ELECTION DAY STATISTICS**

### **Provincial Observer Reports**

#### **Zabul**

DI observers visited 15 polling stations (14 Male, 1 Female) in Qalat. At each of the PSs visited the level of organization seemed reasonable. A number of violations were reported, including the wearing of candidate buttons, polling officials not being clearly identified, and campaign posters within 15 meters of the stations. There was only one female PC with one PS in Qalat. The PEO reported this was due to the difficulty in recruiting female polling staff. It was centrally located and a steady flow of enthusiastic women were observed turning up to vote, despite the level of threats against voters by the Taliban in this province.

In general, turnout in Qalat appeared to be low, although estimates varied widely. Voters did start to appear in larger numbers after a slow morning and 09:00 AM rocket attack, and police presence near PCs was reported as sufficient.

Three PCs (17 PSs) were closed in Shajoy and Karbak districts due to security concerns. The PECC reported that it was unable to travel safely more than 10km outside Qalat.

#### **Badghis**

DI observers visited three male and three female PSs. In general, the elections here were characterized by competent election administration, an absence of intimidation or violence and a high level of participation and enthusiasm, including large numbers of young men and women.

Polling was conducted in a secure and positive environment. The PEO and other election officials were pro-active, visible, and engaged. There was an effective layout of outdoor polling spaces, particularly at the male polling center. Polling station workers observed by DI demonstrated a high level of adherence to procedures and maintained the secrecy of the vote. Female FEFA observers were present at least part of the day at both PCs.

Election staff was overwhelmed by a particularly high turnout at the female PC and police were aggressive in controlling the surge of voters attempting to enter.

#### **Hirat**

DI observers visited 25 polling stations, including 13 female PSs. The PEO reported that 15 PSs in outlying districts did not open due to security concerns. Observers also learned that Taliban sympathizers burned election materials in Guzara and Shindand.

Polling staff assisted illiterate voters when necessary, but for the most part did not have to provide more than a cursory explanation. Observers were impressed by the ability of election officials to cooperatively resolve problems.

Police presence in polling stations was adequate but not oppressive. Police officers searched men while female IEC staff screened women. ANA and ISAF had a presence further away from the polls as expected.

Large numbers of women were observed going to the polls unaccompanied by men, and female polling stations had a sufficient number of female polling staff. In larger polling centers, the PC Manager had a deputy, who was always a woman. They interacted freely with their male counterparts and were confident in their interactions with male candidate/party agents and international observers.

### Count

A young female IEC official observing the count intervened at a male PS when party agents repeatedly strayed into the cordoned-off area. She forced them to back up ten feet and to stop touching the ballots. The 35 older men in the room followed her instructions and did not challenge her authority. Observers felt there was a tendency of IEC staff to be overly rigorous in rejecting ballots during the count.

Observers reviewed a large pile of spoiled ballots at one PS and discovered that a significant portion (20-40%) were in fact unspoiled. Many of the ballots had valid marks on the second or subsequent pages, possibly indicating human error.

Election officials did not appear to use voter intent in determining whether a ballot was valid or invalid. Polling officials tended to be overly technical in their interpretations (i.e. rejecting ballots when the mark extended slightly out of the box).

During the count, DI observed three polling stations with small discrepancies in the reconciliation. The candidate and party agents remained patient while election officials resolved the problems.

### **Kabul**

DI observed 48 polling stations in Kabul (21 male and 17 female) and found that virtually each phase of the election (i.e. turnout, administration, security, participation, and overall environment) could best be described as "routine." There were long queues at several PCs in the morning (as many as 200-300 men and more than 100 women at one PC) but election staff at all centers generally seemed poised, well-equipped and prepared.

There were issues with the indelible ink at three of five PCs visited in the morning by one observer team. A Provincial Council candidate and a political party agent both claimed that the ink was extremely diluted and washing off easily. The party agent displayed his finger which did

show a somewhat faded purple ink. DI observers in Kabul and elsewhere tested the ink and found that while initially the ink appeared faded after several minutes it darkened.

Women, while outnumbered by men, were nonetheless very visible and observed in large numbers, both as staff and voters.

Security in Kabul was tight, with checkpoints or security forces seen every thousand meters. Despite the heavy police presence, voters appeared largely calm.

### **Panjsher**

DI visited 19 polling stations (including 12 female PSs) and reported that voters and election officials followed IEC procedures. Only minor technical problems were observed.

Polling stations observed by DI opened on time at 07:00 and the first voters arrived at 07:40. DI did not see long lines outside of polling stations; at most voters had to wait 10 minutes at the door before being granted entry by the queue controller. The highest number of voters at any PS was less than 300, a turnout consistent with the PEO's assessment.

Candidate/party agents and FEFA observers were numerous at the large PCs and were present at each PS visited, including in rural areas. Election officials, agents and observers were all properly credentialed. DI observed polling staff at two PCs in Bazarak prevent voters from attempting to obtain multiple ballots near the close of the polls.

DI observed a full cross-section of the population, including a large number of Panshiris who were bused in from Kabul. Transportation was reportedly provided by a Panshiri businessman who was also a Provincial Council candidate who was a supporter of presidential candidate Dr. Abdullah Abdullah.

Rural PSs were equally well-equipped, well run and orderly. Voters reportedly had to travel no more than 90 minutes to access a PS, which is better than had been anticipated before the election.

The PEO reported that voting for Kuchi nomads and prisoners in the provincial jail proceeded normally.

### Count

Counting started on time at 16:00 and followed IEC procedures under the observation of party and candidate agents and domestic and international observers. There was minor confusion at several PSs over which tally sheet to post and which one to give to agents. Results were posted at all PSs visited except for one PC which had 3 out of 5 PS tally sheets posted.

## **Kandahar**

DI observers visiting 42 PSs (including 16 female) reported that stakeholders differed on the actual number of PCs open in the city (IEC: 77, Police: 72) and number of PCs closed due to security or other reasons. Electoral officials generally seemed well-trained and followed proper polling procedures in almost all PCs visited, although at times PC managers had difficulty controlling the numerous candidate agents.

In at least three PCs under-age boys were working as polling staff. One PC Manager stated that high school students were recruited to work given the shortage of polling staff. Other than a shortage of female security screeners there was a sufficient number of female polling staff. No female FEFA observers were seen.

In one PC observers noted that voter registration cards were returned to individuals only after ballots were cast, allowing for the possibility of a voter forgetting to retrieve their card from the polling staff.

Turnout appeared very low, based on election day observations and compared with IEC and ISAF estimates of eligible voters. Observers and candidate agents often outnumbered voters in Kandahar city.

In two locations (PC 35 and PC 41) campaign posters of Karzai and a Provincial Council candidate were plastered over the entrance of the center.

### Count

Ballot boxes appeared to have been stuffed in at least three PCs, based on observations of low turnout in Kandahar city and inspections of ballot boxes from outlying districts. Security was worse outside of Kandahar city, but when observers later inspected ballot boxes at the warehouse from outlying districts they were overfilled. Interviews with local Afghans confirmed that in many cases there seemed to be more ballots cast in small villages than there were eligible voters.

At several PCs there was a discrepancy between the numbers of Presidential and Provincial Council ballots cast. Election officials attributed this to Kuchi voters, although the designation and storage of spoiled ballots also appears to have been a factor. Observers saw numerous ballots that were neither in valid ballot piles nor set aside as spoiled.

## **Nangarhar**

DI observers visiting 76 polling stations (52 male, 24 female) reported no serious violations. Election officials interviewed knew their roles well and polling procedures were conducted properly. In several PSs election staff had not received their ID cards. In most PSs staff were helping voters requiring assistance. Election officials, UNAMA and other observer groups concurred that turnout was lower than expected.

After receiving complaints that polling staff were interfering with the vote and supporting specific candidates, the IEC sent representatives to fire several poll workers on the spot in Kama, Kuz Kunar and Jalalabad.

A prominent Provincial Council candidate (and incumbent) was observed at mid-day methodically moving from one PC to another in Jalalabad in a large armed convey harassing voters and intimidating polling staff in an effort to generate additional votes.<sup>96</sup>

### Count

Provincial Council counting was observed on August 21 and in general started on time, was well-organized and heavily attended by candidate/party agents and domestic observers. All Presidential tally sheets were properly posted and there were small crowds taking down figures.

### **Parwan**

DI observers visited six PSs (including three female) and reported that election staff were efficient, professional and assisted voters when necessary while maintaining the secrecy of the vote. Individuals without voter registration cards were prevented from voting. In all instances voting was orderly, protocol was maintained and women appeared to be well-educated about the process. FEFA observers and candidate agents were present.

### **Kapisa**

In Kapisa DI observed voting in eight PSs (including four female). Polling staff were seen turning away individuals with voter registration cards that were clearly under-age. One PS closed at 15:50 after running out of ballots. In another PS a man without ink on his finger and carrying a registration card which had already been punched was allowed to vote. Candidate agents raised this with the PS ID officer, who stated that the man was very religious and did not want to be inked near prayer time. In some places ink was not applied systematically and when it was the ink either seemed to have dried out or have been tampered with.

A sufficient number of technical irregularities observed at 3 PSs (PC 34, PSs 1, 2 and 3) raised suspicions. The behavior of election staff, voters and security seemed out of place and the high level of confusion and disorganization appeared avoidable. The poor conduct of the polls at this site was particularly glaring compared with the orderly elections observed at other PCs in the area. The high number of ballots cast was also suspicious.

An armed policeman was present inside the PC and was handling ballot materials and working as if he were polling staff. There were no complaints about this and no one appeared intimidated by his presence. A number of observers and candidate agents present did however make numerous complaints about forced voting for Karzai in districts where PCs did not open.

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<sup>96</sup> Haji Jamal Qadir, seen by local Olive Group fixer and confirmed by FEFA Executive Director.

## Helmand

DI observers visited three polling stations (including two female) in Lashkar Gah. Overall the election here seemed reasonably well-run. Voters and polling staff were engaged and relatively enthusiastic. Female PSs appeared to be better organized and more orderly.

Technical violations observed included the wearing of candidate buttons, polling officials not being clearly identified and campaign posters within 15 meters of the stations. There were a number of cases of individuals with inked fingers attempting to vote multiple times as well as individuals attempting to use voter registration cards with clipped corners. At the same time one PC manager reported that many people asked not to be inked because of security concerns and that polling staff complied.

Turnout appeared to be significant lower than in previous elections, although estimates varied widely. Although there were a number of IED/rocket attacks the intensity was characterized as typical by the PRT and voters, including women, continued to come out to vote. Central Lashkar Gah was secure but other areas of the city were not.

## Observation Statistics<sup>97</sup>

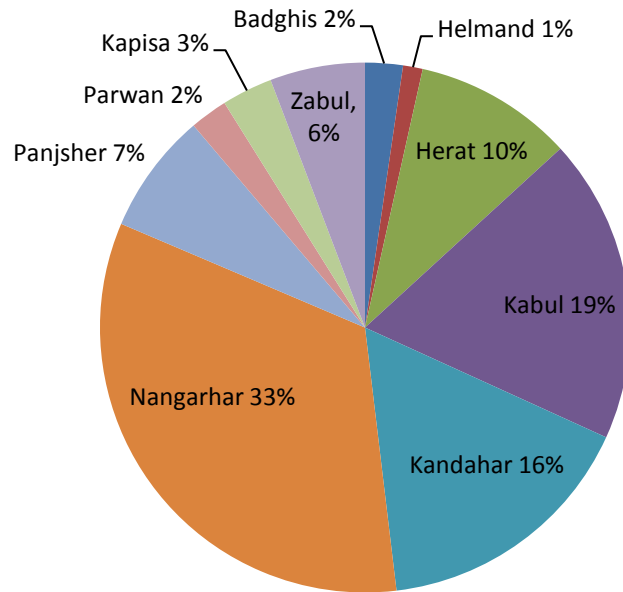
*Number of polling stations by province, setting, and type*

Province	Setting	Type
<i>Badghis</i>	<i>Rural</i>	<i>Regular</i>
<i>Helmand</i>	<i>Urban</i>	<i>Hospital</i>
<i>Herat</i>	<b>Total</b>	<i>Other</i>
<i>Kabul</i>		<b>Total</b>
<i>Kandahar</i>		
<i>Nangarhar</i>		
<i>Panjsher</i>		
<i>Parwan</i>		
<i>Kapisa</i>		
<i>Zabul</i>		
<b>Total</b>		

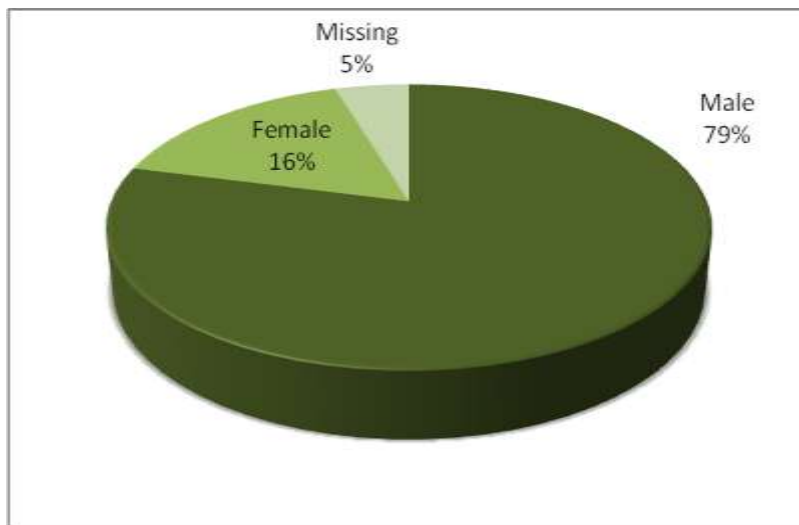
<sup>97</sup> All data collected from Democracy International Election forms. Not all statistics may sum to 100% given rounding and omission of missing responses.



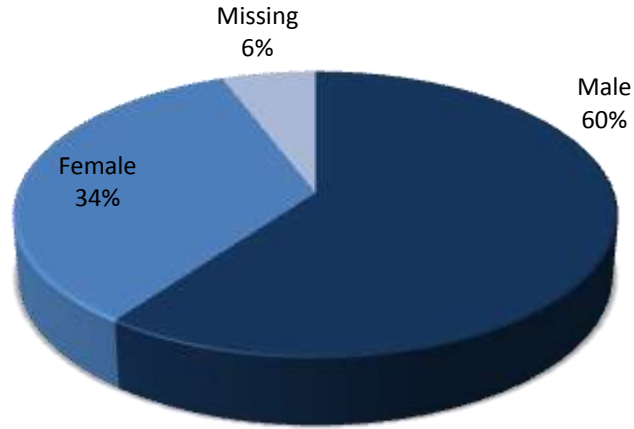
*Percent distribution of polling stations by province*



*Gender of the polling center manager*

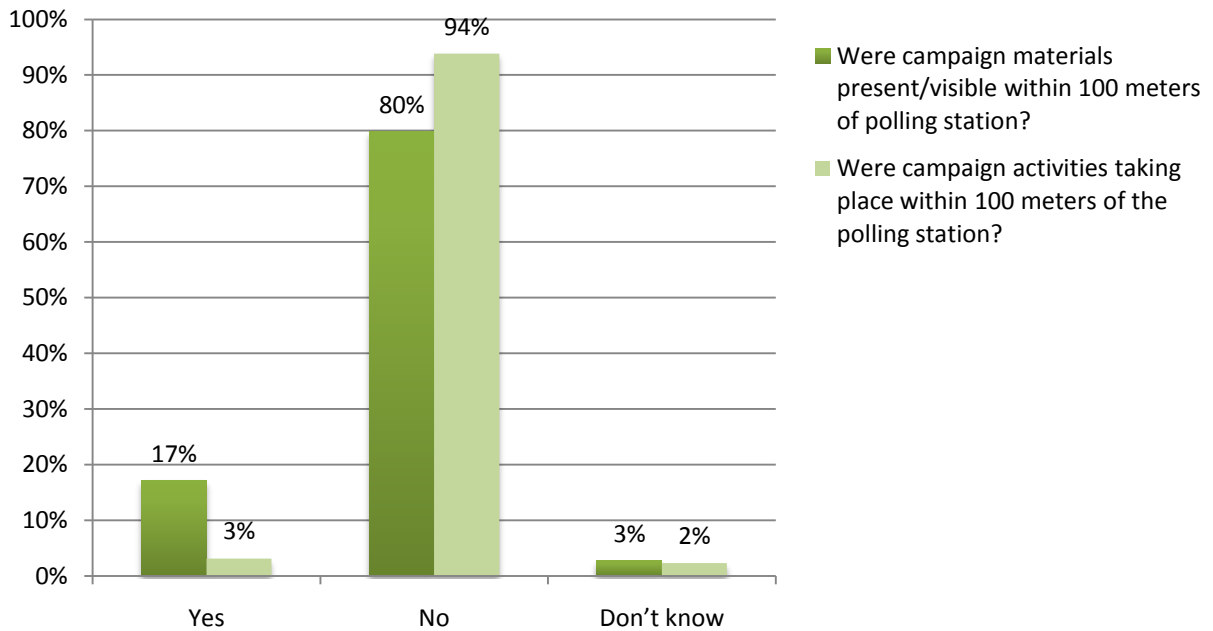


*Gender of polling station chairperson*

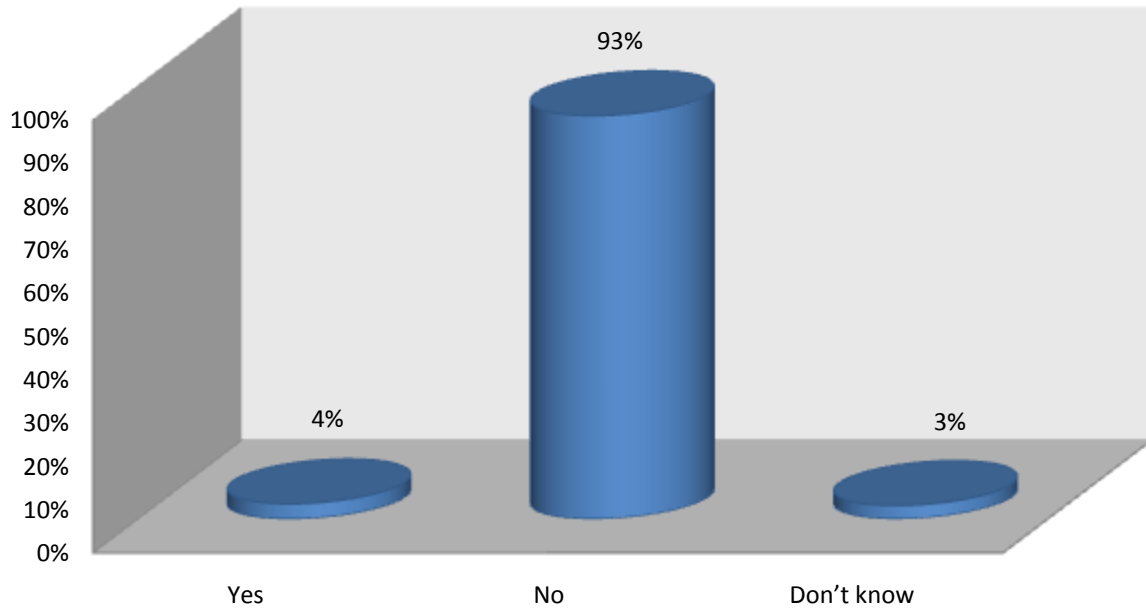


**Outside the Polling Station**

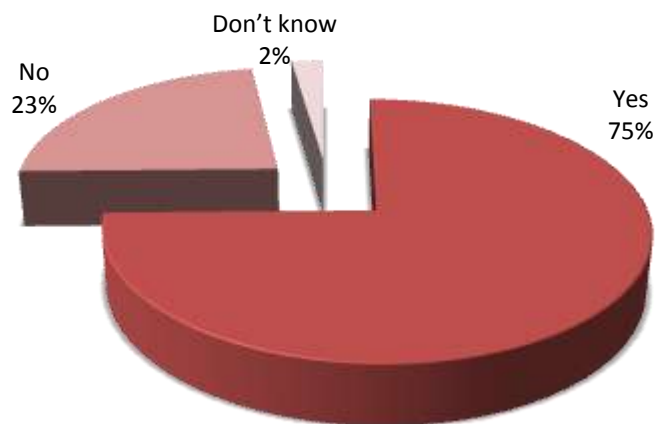
*Presence of campaign materials and activities*



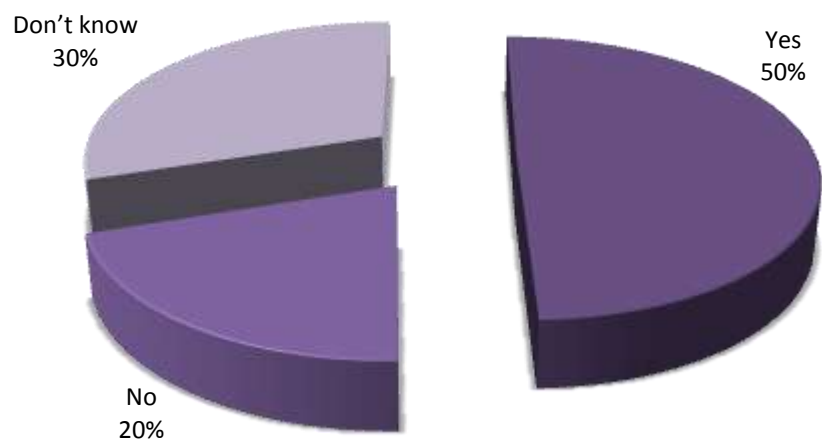
*Were there any signs of intimidation taking place outside of the polling station?*



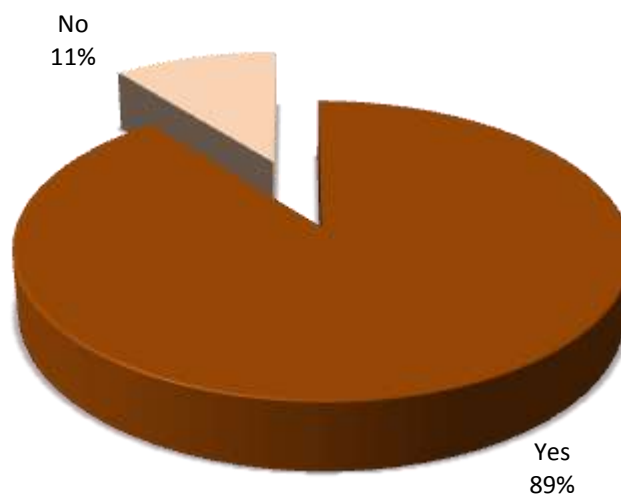
*Was the polling station accessible for persons with disabilities?*



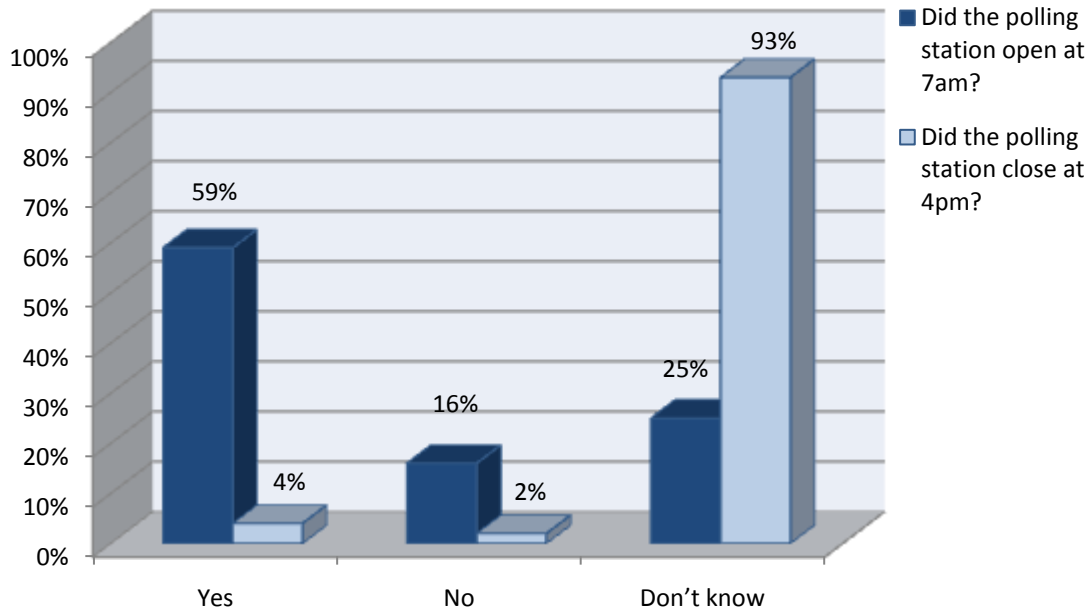
*Was there a separate polling station for men and women?*



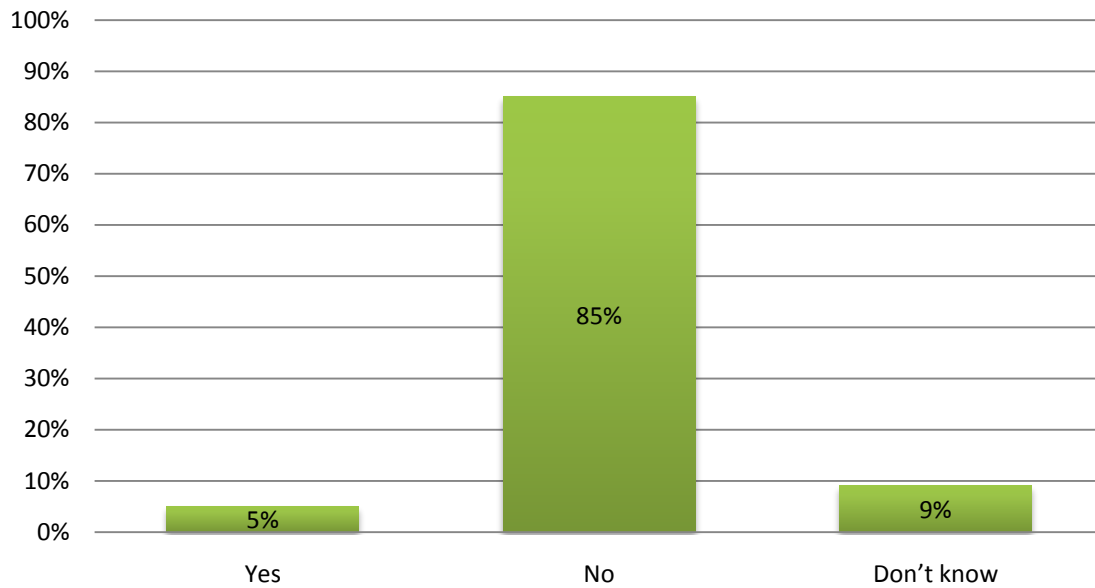
*Was the polling staff wearing their ID cards?*



*Polling station opening and closing*



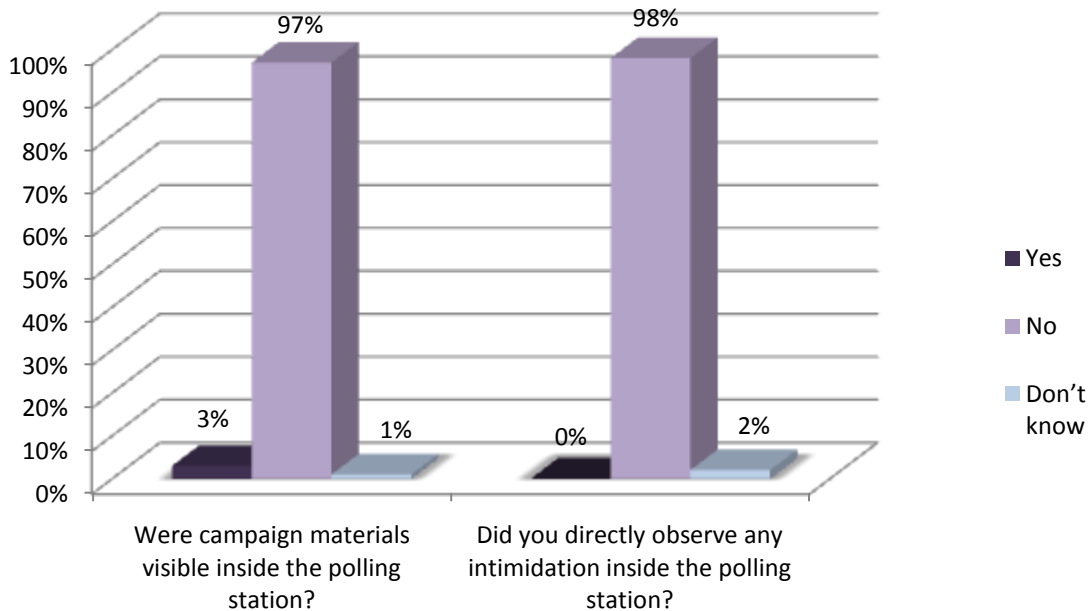
*Were there any other irregularities in the vicinity of the polling station?*

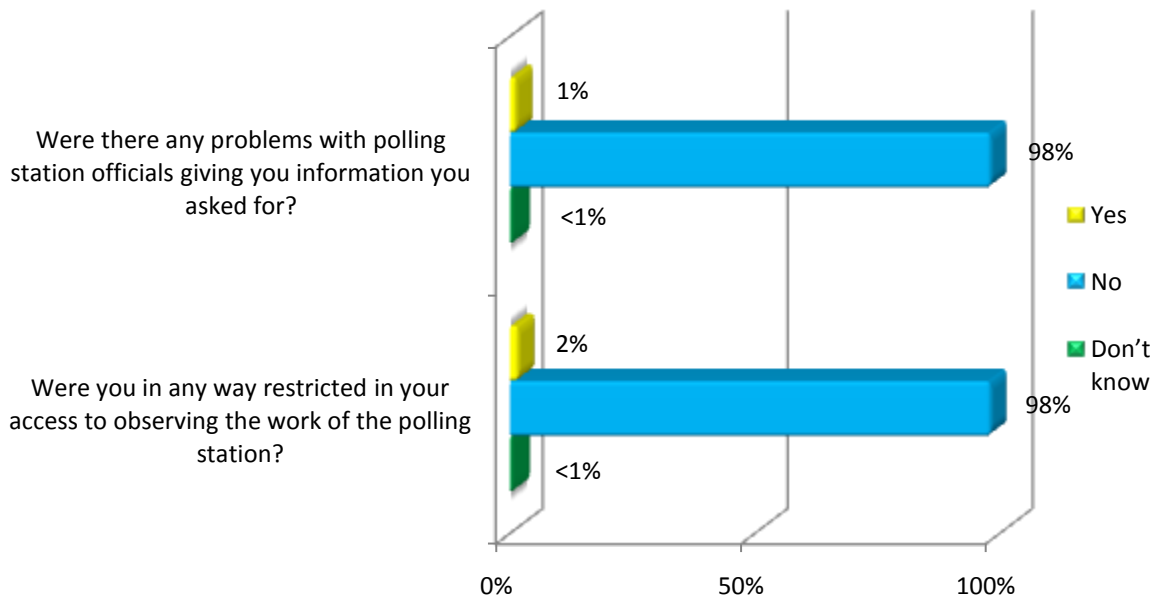
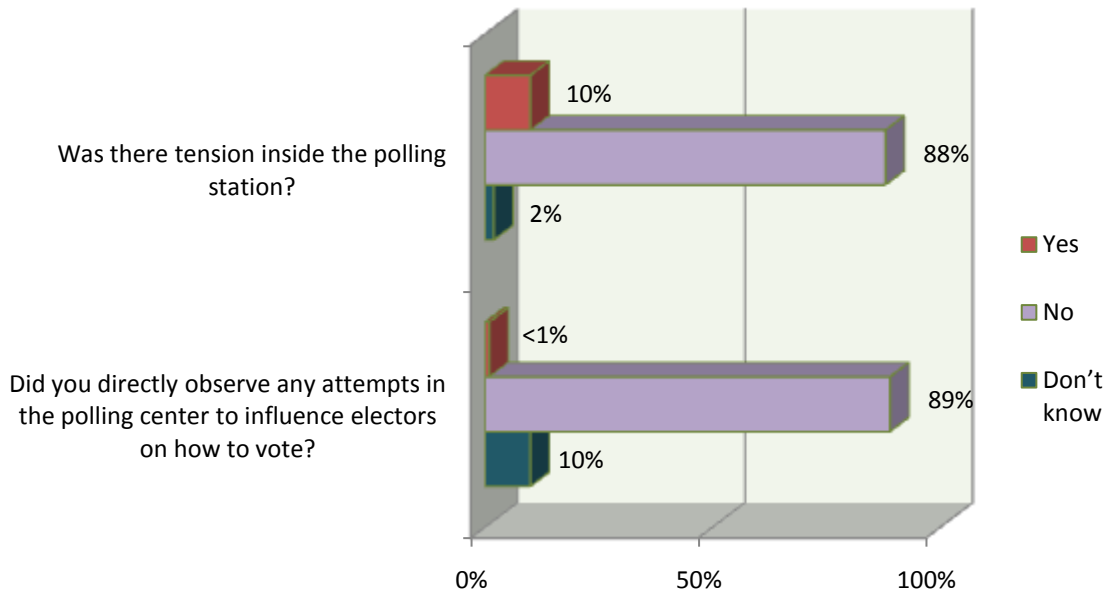


### Polling Center and Station Information

	Average	Minimum	Maximum	Standard Deviation
How many polling stations are at this polling center?	<b>9.49</b>	1	20	4.189
How many people had voted so far at this PS at the time of your departure?	<b>189.14</b>	0	1250	289.434

### The Polling Station—Environment and Atmosphere

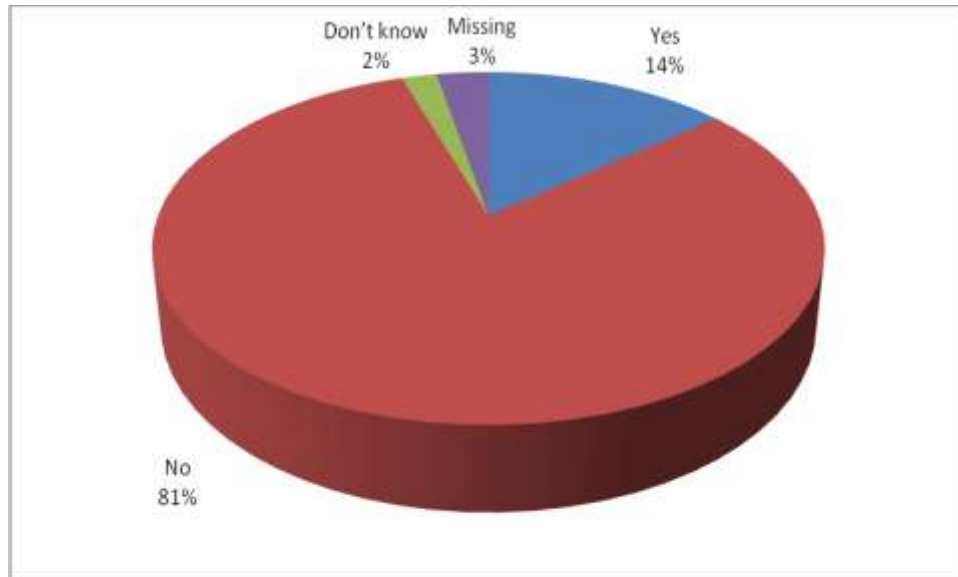






### Unauthorized Persons

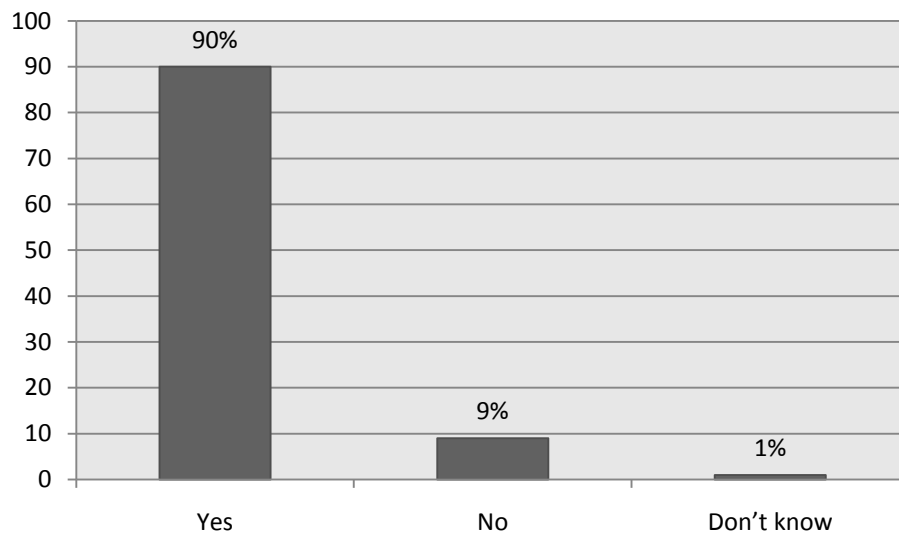
*Were unauthorized persons present inside the polling station?*



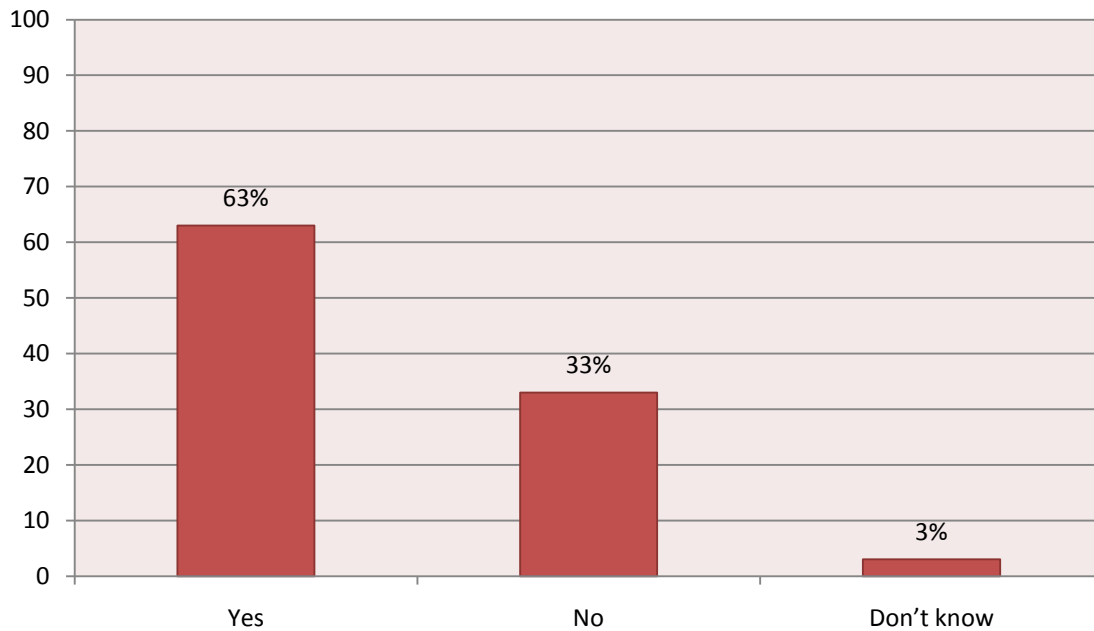
*Of the 37 cases (14%) where there were unauthorized persons present inside the polling station, 27 incidents included the police, 2 the military, and 8 other.*

### Authorized Persons

*Were representatives from parties/candidates present?*



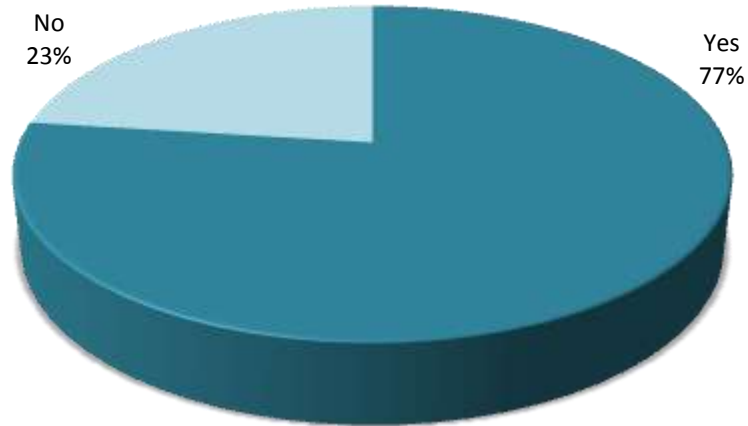
*Were domestic observers present?*



*Of the 163 polling stations where there were domestic observers, FEFA were at 149 (58% of total polling stations), AIHR were at 2, and 12 had other domestic observers.*

### Election Material

*Were all necessary election materials present?*



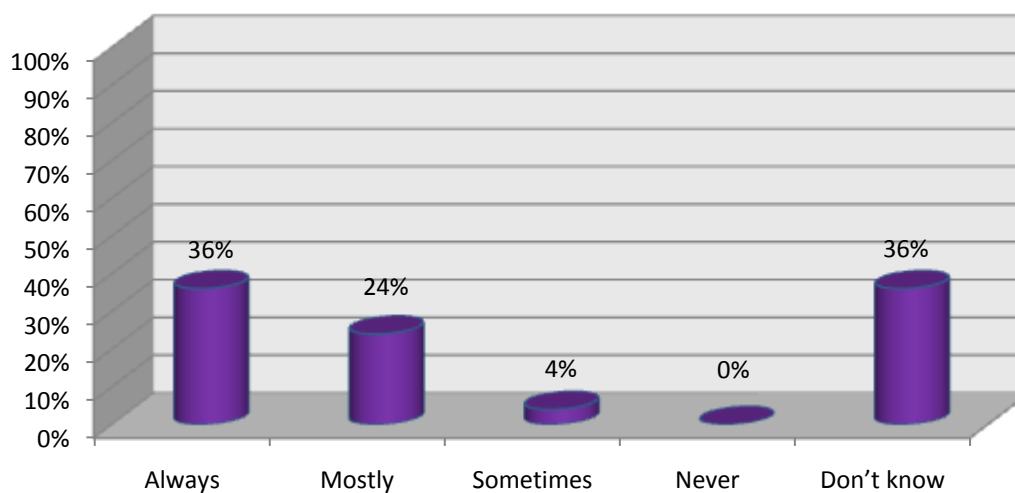
*If no, what problems were present?*

	<b>Number of Incidents</b>
<b>Problems with ballot papers</b>	17
<b>Problems with protocols</b>	21
<b>Problems with other materials</b>	21

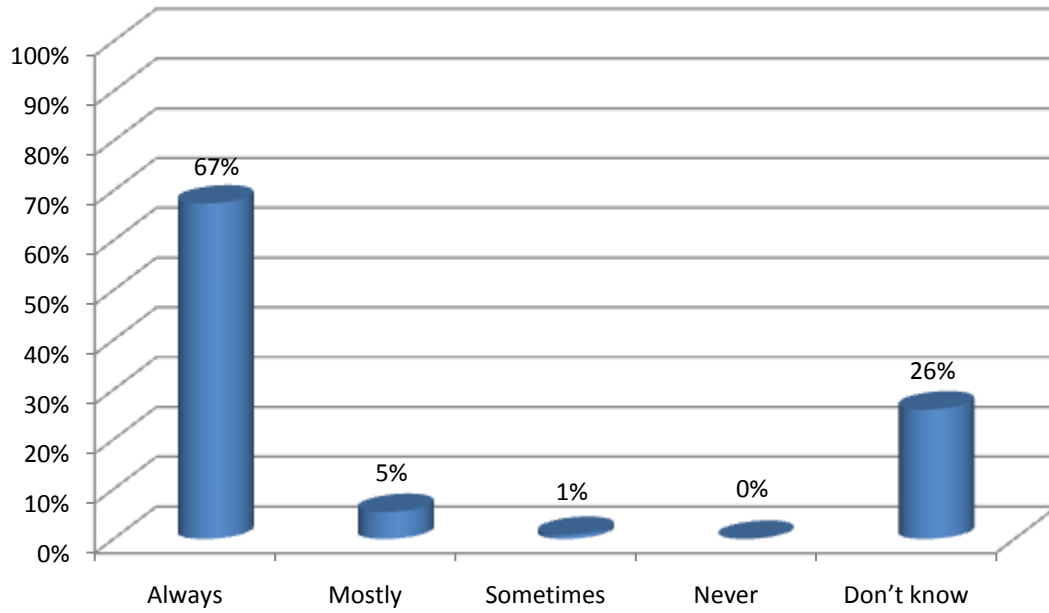
**Voting Procedures**

	<i>Always</i>	<i>Mostly</i>	<i>Sometimes</i>	<i>Never</i>	<i>Don't know</i>
Did voters show the required ID before being allowed to vote?	71%	0%	0%	0%	28%
Were ballot papers stamped before being issued to voters?	70%	<1%	0%	0%	29%
Was ink applied to each voter's finger upon the issuing of ballot?	73%	<1%	0%	<1%	26%

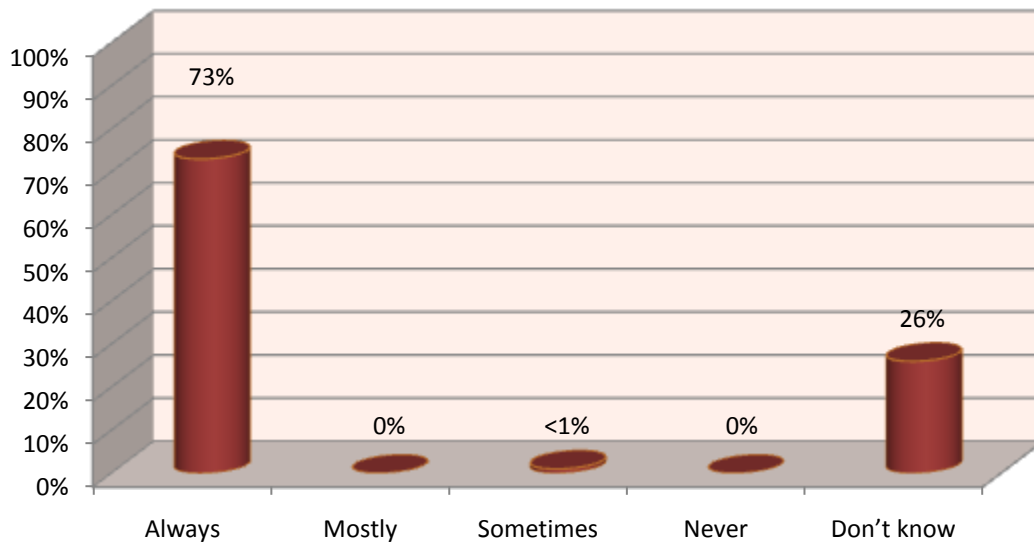
*Did polling station officials explain the voting process to voters?*



*Were voters marking their ballot in secret?*



*Were voters individually placing their completed ballot paper in the ballot box?*



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**Possible Irregularities**

	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
Did you observe any problems with the ballot box/es seal?	1% (N=3)	88%	10%
Did you observe multiple voting?	0%	78%	22%
Did you observe proxy voting?	0%	78%	22%
Did you observe electors voting in groups?	0%	78%	22%
Did you observe voters using pre-marked ballots?	0%	78%	21%
Did you observe the same person "assisting" numerous voters?	1.2% (N=3)	77%	22%
Was the secrecy of the vote breached?	2% (N=4)	81%	17%

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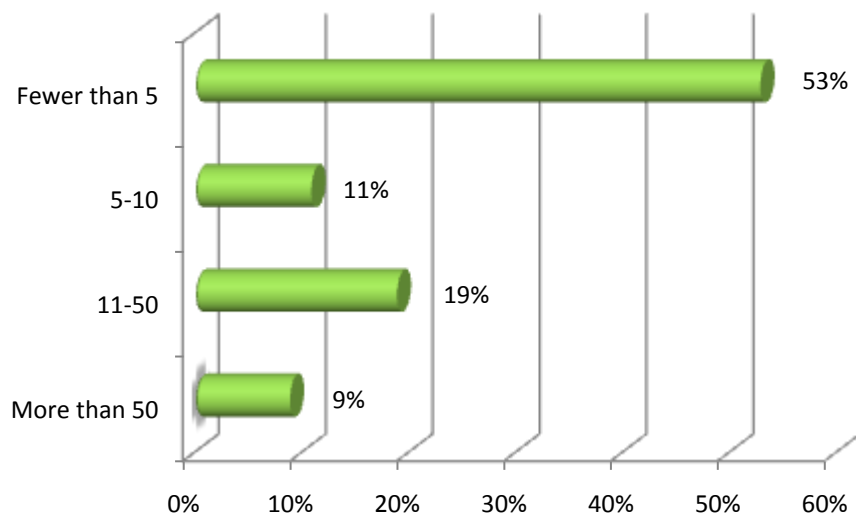
**Refused Electors and Official Complaints Submitted**

	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
Was any person refused from voting for legitimate reasons?	2% (N=6)	75%	18%
Was any person refused from voting for inappropriate reasons?	<1% (N=1)	73%	18%
Have any official complaints been submitted at the polling station?	2% (N=4)	72%	22%

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### Number of voters during visit

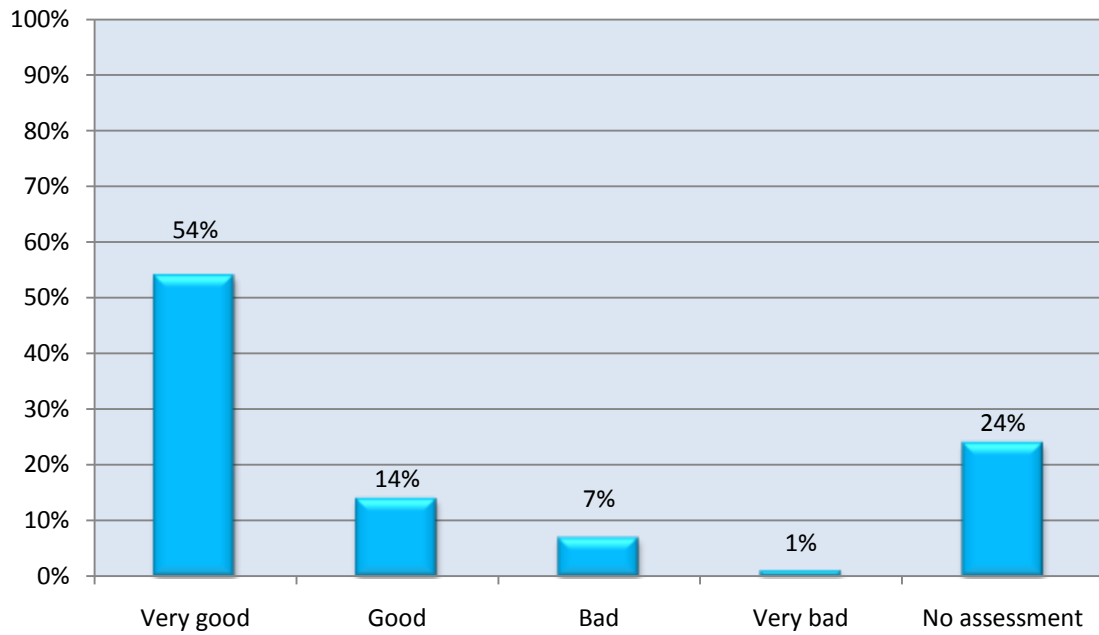
*How many voters cast their ballots while you were observing at the polling station?*





### Overall Assessment

*How do you rate the conduct of voting at this polling station?*



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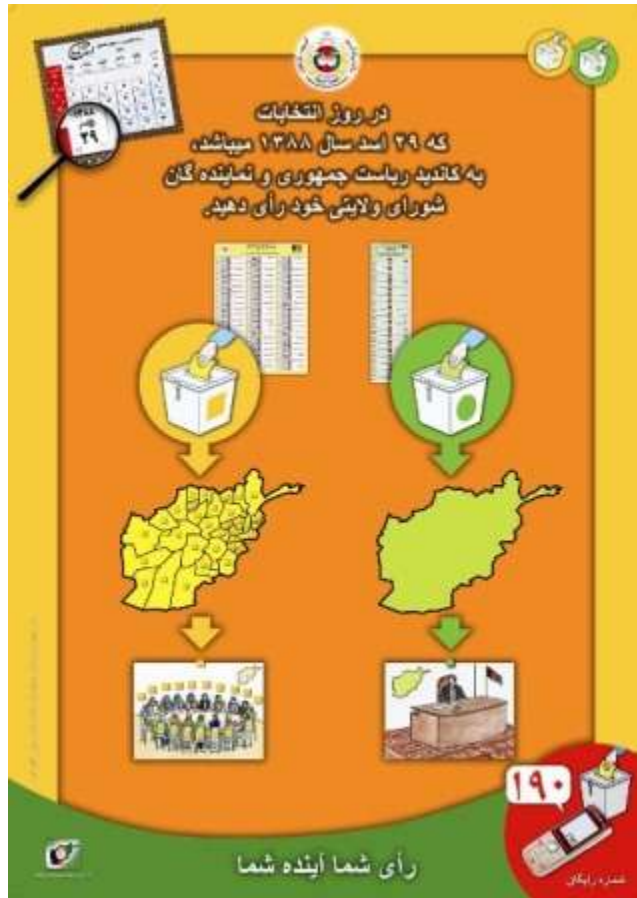
**Evaluation**
*Ratings of...*

	<i>Very good</i>	<i>Good</i>	<i>Not good or bad</i>	<i>Bad</i>	<i>Very bad</i>	<i>Don't know</i>
General environment/circumstances	28%	49%	12%	6%	0%	5%
Procedures followed	36%	40%	5%	1%	0%	17%
Voters' understanding of procedures	22%	35%	<1%	1%	0%	40%
Officials' understanding of voting procedures	41%	33%	1%	1%	0%	23%
Performance of polling station members	38%	44%	4%	1%	1%	11%
Transparency of voting process	38%	30%	4%	1%	0%	26%
Performance of party/candidate representatives	16%	40%	9%	2%	<1%	32%
Performance of domestic observers	23%	21%	7%	1%	2%	44%

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## APPENDIX C: SAMPLE ELECTION MATERIALS

Voter Education Poster: Parliamentary and Provincial Council Ballots (Pashto)



Source: Independent Election Commission of Afghanistan

*Voter Education Poster: "How Does a Polling Station Work?" (Dari)*



Source: Independent Election Commission of Afghanistan

*Voter Education Poster: Customizable Polling Station Announcement (Pashto)*



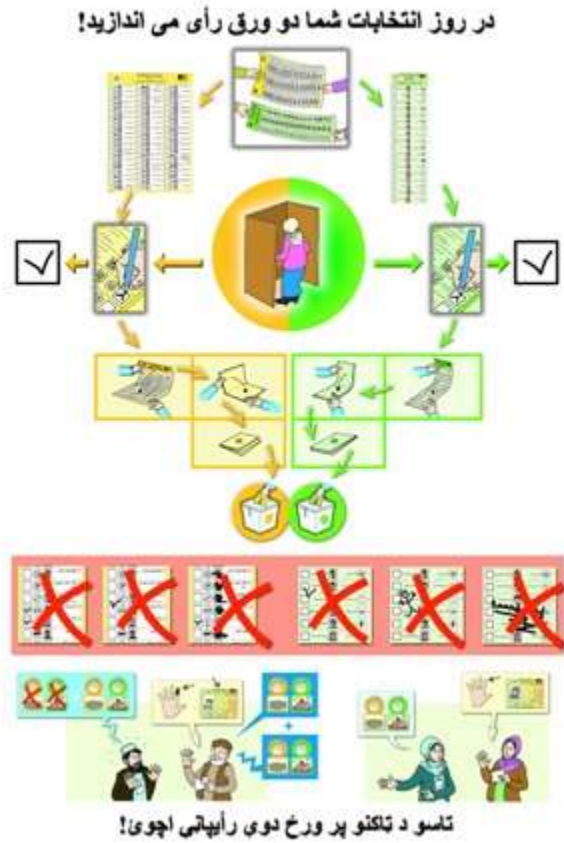
Source: Independent Election Commission of Afghanistan

*Voter Education Poster: Youth Vote (Dari)*



Source: Independent Election Commission of Afghanistan

*Civic Education Flipchart (Dari & Pashto)*



Source: Independent Election Commission of Afghanistan





## APPENDIX D: DELEGATE BIOS

### **The Hon. Jim Moody, Ph.D. – Delegation Leader**

Jim Moody served five terms from 1983 to 1993 as a Member of the U.S. Congress from Wisconsin. In the Congress, he served on the Ways and Means Committee and authored measures on taxes, health, and international trade. He is currently a Senior Financial Advisor at a major brokerage firm. He served as leader of Democracy International's international election observation mission to Pakistan in 2008.

From 1998 to 2000, Dr. Moody served as President and CEO of InterAction, an association of 165 American NGOs working overseas in economic development, environment protection, disaster relief and refugee assistance. From 1995 to 1998, he was Vice President and CFO of the International Fund for Agricultural Development, a U.N. agency based in Rome. Between 1993 and 1995, he taught at the Kennedy School of Government at Harvard and the Medical College of Wisconsin. Earlier in his career, Dr. Moody served as Country Director for the Peace Corps in Pakistan and Bangladesh and as Field Representative for CARE in Yugoslavia and Iran. He also served as an economist for the federal government. He was an assistant professor of economics at the University of Wisconsin and served as a State Senator in the Wisconsin State Legislature. Dr. Moody received a B.A. from Haverford College, an M.P.A. from Harvard University, and a Ph.D. from the University of California, Berkeley.

### **Glenn Cowan – DI Principal and Project Director**

Glenn Cowan is a co-founder and principal of Democracy International. For nearly 25 years, he has advised on election monitoring, vote count verification, public opinion research, and political organizing in more than 30 countries on behalf of USAID, the UN, the National Democratic Institute for International Affairs, The Carter Center, The Asia Foundation, and the Organization of American States (OAS). He has observed elections and led or advised election observation missions in dozens of countries around the world, including Pakistan.

Before founding DI, Mr. Cowan served as Vice President and Washington Director of Opinion Dynamics Corporation, a national survey research firm, and as Managing Director of Public Strategies, Inc., a public affairs and public relations firm. He served as Asia Regional Director at NDI from 1999 to 2000.

In the late 1980s, Mr. Cowan invented the path-breaking parallel vote tabulation (PVT) election-monitoring methodology to deter or detect fraud in the aggregation of results in transitional and post-conflict elections. He is a co-author of *The Quick Count and Election Observation*, an NDI manual on vote count verification. For the past year, working through The Asia Foundation, Mr. Cowan has provided technical assistance to the Free and Fair Election Network in Pakistan on its election monitoring methodology, including its ambitious and critically important plans for a national PVT.

Mr. Cowan was a senior national staff member in the 1980 Carter and 1984 Mondale presidential campaigns. Earlier in his career, Mr. Cowan advised county and municipal governments for the New Jersey Department of Community Affairs and New Jersey Housing Finance Agency. He has served as an elected city commissioner and public safety director in Lambertville, NJ and, from 2001 to 2005, as an elected member of the town council of Kensington, Maryland.

Mr. Cowan received a B.A. in political science from Rutgers College and did graduate work at the Graduate School of Public and International Affairs, University of Pittsburgh. He served with the U.S. Army in Vietnam as an infantry officer in 1971-72.

### **Eric Bjornlund, J.D. – DI Principal**

Eric Bjornlund, a co-founder and principal of Democracy International, has designed and directed democracy and governance programs over the last two decades in 30 countries in Africa, Asia, Eastern Europe, the former Soviet Union, and the Middle East. A lawyer and development professional, Mr. Bjornlund has extensive experience in international and domestic election monitoring, election systems and administration, political party building, legislative development, constitutional and legal reform, civic and voter education, and civil society advocacy as well as evaluation methodology and public opinion research. He has managed or participated in more than 20 election observation missions. From 1989 to 2000, Mr. Bjornlund worked for the National Democratic Institute for International Affairs (NDI) in various senior positions in Washington and overseas, including Senior Associate and Asia Director and Country Director in Indonesia and the Palestinian territories. From 2000 to 2001, he was a fellow at the Woodrow Wilson International Center for Scholars. In 2004, he served as Field Office Director for The Carter Center in Indonesia.

Mr. Bjornlund has written and spoken extensively about transitional and post-conflict elections, democratization, legal reform and international democracy promotion. He is author of *Beyond Free and Fair: Monitoring Elections and Building Democracy* (Wilson Center Press and Johns Hopkins University Press, 2004) as well as numerous book chapters, articles, essays and reports about transitional and post-conflict elections, democratization, legal reform and international democracy promotion. Mr. Bjornlund has testified on many occasions before the U.S. Congress and at the United Nations. He has spoken at conferences and universities throughout the world and has appeared often on television and radio programs as an expert commentator.

Earlier in his career, Mr. Bjornlund practiced corporate and international law at Ropes & Gray in Boston, Massachusetts, one of the largest law firms in the United States. He holds a Juris Doctor from Columbia University, a Master in Public Administration from John F. Kennedy School of Government at Harvard University, and a Bachelor of Arts *magna cum laude* from Williams College.

### **David Aasen**

David Aasen is an expert in managing development programs in post-conflict and transitional countries. His 20-year career has included work on conflict mitigation, post-conflict demobiliza-

tion and reintegration, refugee repatriation, humanitarian assistance, media development, and civil society and legislative strengthening. He has managed technical assistance projects in Afghanistan, Bosnia and Herzegovina, Burundi, Kyrgyzstan, and Pakistan for USAID, UNDP, and the OSCE as well as UN missions in Mozambique and South Africa. He has also worked in the Gulf and the Near East. Mr. Aasen also has served as Washington representative for a legal reform organization and as a congressional aide. He has presented papers and lectures to the Middle East Studies Association, the Center for Strategic and International Studies, and other academic forums.

### **Belquis Ahmadi, LL.M.**

Belquis Ahmadi is Election Officer for Democracy International's International Election Observation Project in Afghanistan. She has served since 2004 as the senior Afghan advisor to the International Organization for Migration (IOM), The Asia Foundation and the United Nations on election-related issues in Pakistan, Jordan and Afghanistan. In addition, Ms. Ahmadi has worked as a consultant with The Asia Foundation/Asian Development Bank on a project on Legal Empowerment and Economic Development for Women and Disadvantaged Groups, centered in Bangladesh, Indonesia and Pakistan. As Senior Legal Expert for Management System International (MSI), she worked on the promotion of women's human rights in Afghanistan.

Ms. Ahmadi helped found the Afghan Women's Network in Kabul and worked for several NGOs on behalf of women in the early 1990s. She spent several years working for the International Committee of the Red Cross and CARE International in Kabul and then worked in Peshawar, Pakistan with Afghan women activists and refugees. She served as co-editor of the Afghan Mosaic from 1998 to 2000.

From 2000 to 2004, Ms. Ahmadi was a program coordinator for Global Rights Partners for Justice, in which capacity she was responsible for managing the Afghanistan program, designing and conducting trainings for attorneys and judges to build capacity on fair trials, legislative advocacy, and establishing Global Rights' office in Kabul. In 2003 she became the Afghanistan and Pakistan program coordinator for the International Human Rights Law Group and worked on the Iraqi election in Jordan in 2005.

In 2005, Ms. Ahmadi acted as Senior Advisor to the International Organization for Migration/United Nations Assistance Mission for Afghanistan in Pakistan, assisting the Director of the Out of Country Registration and Voting Program in negotiations with refugee camps elders to allow women's participation in the registration and voting process and increasing media attention for women's right to vote. Also in 2005, she acted as principal advisor to the Chief Electoral Officer of Afghanistan in the Joint Electoral Management Body Secretariat, providing legal and policy analysis regarding parliamentary elections and managing relationships with the President's office, other governmental bodies, and political parties.

Ms. Ahmadi earned a Master of Law (L.L.M.) from the Georgetown University Law Center, Washington, DC in 2003 and an LL.B. from Kabul University in Afghanistan in 1992.

**Abdullah Ahmadzai**

Mr. Abdullah Ahmadzai served as a Kuchies liaison officer, National Area Manager, National head of field Operations, Chief of Operations counterpart, chief of operations, in Joint Election Management Body (JEMB) and Independent Election Commission (IEC) from 2002 to 2005. He also served as a Senior National Capacity Building Advisor, Deputy Chief of Party in The Asia Foundation and in the end of 2009 he was the Vice president of ASPIRE ( Afghanistan Logistic Services company a ASPIRE – Afghanistan). He has attended many workshops in India and UAE on governance and beside national languages he has knowledge of English and Urdu languages as well.

**S. Sameera Ali**

Ms. Ali has worked on and consulted for Democratic campaigns in Virginia, New Hampshire, New Jersey, Missouri, Iowa and Minnesota. She served as the Midwest Political Director for Joe Lieberman's 2004 Presidential Campaign. In 2006, Ms. Ali served as political director for NDI's Kazakhstan programs, where she oversaw the training of political party members and activists. She has most recently served with NDI in Dhaka, Bangladesh as a long-term Parliamentary Election Observer and liaison between political parties, government and NGOs.

**Marie Allegret**

Marie Allegret is an expert in election observation, governance and democratization, post-conflict and gender. She has served as an international election observer for the EU and the OSCE in Albania, Belarus, the Democratic Republic of the Congo, Nigeria and Ukraine. Ms. Allegret served as an Electoral Advisor for the United Nations in Ivory Coast. She has also worked in the private sector in Central and Eastern Europe and the Caucuses. Ms. Allegret holds a M.Sc. in Economic History, Patterns of Development from the London School of Economics, a M.Sc. in International Negotiations from Sorbonne Nouvelle in Paris, and a B.A. from Jussieu University in Paris.

**Jim Arkedis**

Jim Arkedis is the Director for the PPI's National Security Project, which fosters the integration of sound security strategies and the campaign trail.

Before joining the PPI, Arkedis was a counterterrorism and security analyst for five years at the Naval Criminal Investigative Service, specializing in Europe, North Africa, and the Middle East. In that capacity, he produced daily threat analysis on Islamic extremist trends, intents, and capabilities vis-a-vis the Department of Defense, and regularly briefed Admirals, Assistant Secretaries, and Agency Directors on relevant security scenarios. He has published extensively within the confines of the intelligence community.

Arkedis received a Masters degree in European Studies and International Economics from the Johns Hopkins School of Advanced International Studies (SAIS) in 2002 following a BA from the University of Notre Dame. He has studied in Bologna, Italy and Angers, France, respectively.

### **Samantha Aucock**

Samantha Aucock is an international elections and conflict prevention practitioner, with more than eight years of experience. She has provided support to such countries as Afghanistan, Egypt, Ethiopia, Guyana, Indonesia, Iraq, Nepal and Timor-Leste in the areas of civic and voter education, public outreach and election observation. She has worked with The Carter Center, the International Foundation for Electoral Systems (IFES) and the United Nations. In Afghanistan, Ms. Aucock has worked with IFES to provide technical assistance to the Independent Election Commission and the UN in the area of voter education and public outreach for the 2009 elections as well as for the parliamentary and provincial elections. Ms. Aucock is currently working with IFES in Egypt to develop and deliver voter education material. She has a Masters degree in Conflict Resolution from the University of Bradford (UK, 2007) and a First Degree in Economics from the University of Natal (South Africa, 1991).

### **David Avery – DI Afghanistan Country Director**

David Avery is currently the Democracy International Afghanistan Country Director and he directs DI's International Election Observation Mission. He was Chief of Operations to the Joint Election Management Body (JEMB) in Afghanistan in 2004 and 2005 and also served as the Chief of Elections for the UN Assistance Mission in Iraq in 2005 and 2006. Mr. Avery is a pre-eminent election expert with more than 20 years of experience administering elections in post-conflict and conflict environments and providing technical assistance to governments worldwide.

### **Ashley Barr, JD**

Ashley Barr is an international expert in the field of democracy and governance, with particular expertise in the areas of civil society, human rights, rule of law and election observation, who has managed democratic development programs on three continents for more than 15 years. Ms. Barr currently provides democracy and governance consulting services to The Asia Foundation (TAF) in Pakistan, Bangladesh and Cambodia in the areas of rule of law, civil society, and election observation. For Pakistan's important national elections in 2008, she served as the Election Program Team Leader for TAF in the country, managing activities related to domestic election monitoring and voter education in collaboration with the Free and Fair Election Network (FAFEN). In Bangladesh she provided technical assistance to TAF and the domestic Election Working Group (EWG) for City Corporation elections in August 2008. Ms. Barr managed other international and domestic election observation missions in Bangladesh (2001), Sierra Leone (2002), Guatemala (2003), and Liberia (2005) and observed or worked on elections in Venezuela (2000), Zambia (2002), and Cambodia (1999). From 2000 to 2006, Ms. Barr was the Assistant Director for Human Rights and Rule of Law at the Carter Center, based at the Center's headquarters in Atlanta, Georgia, and she has also worked overseas for the National Democratic Institute, PACT and the Inter-national Human Rights Law Group. She served in Pakistan as a Fulbright

Scholar from 1994 to 1996. Ms. Barr has a JD and an MA from the Harvard Law School and a BA (Philosophy) from Georgetown University.

### **Ellen Bork, JD**

Ellen Bork is a foreign-policy analyst and political party expert with more than 20 years of real-world experience advising political parties and legislators in the U.S. and abroad. She currently serves as Director of Democracy & Human Rights at the Foreign Policy Initiative. She has worked in democracy and foreign policy at the U.S. Department of State, on Capitol Hill and in nonprofit organizations, including Freedom House and the International Republican Institute. From 2002 to 2007 she was deputy director of the Project for the New American Century. Her writing has appeared in the Washington Post, the Wall Street Journal and the Financial Times, among other publications, and she has observed elections in Cambodia, Indonesia, Afghanistan and Ukraine. Ms. Bork graduated from Yale College and the Georgetown University Law Center, and was admitted to the bars of the District of Columbia and Pennsylvania.

### **Scott Carnie**

Scott Carnie currently serves as Director of Security for Democracy International's Election Observation Mission to Afghanistan. Mr. Carnie is an operational planning, risk and crisis management, and security specialist with extensive operational experience in both a military and civilian context in the Balkans, the Middle East, Asia, and Africa. He has developed risk management and resilience strategies to support and advance technical objectives with particular emphasis on post-conflict environments. Mr. Carnie served as the Director of Security for the Joint Election Management Body in Afghanistan for the 2005 National Assembly and Provincial Council Elections. In this capacity he was the principal electoral security advisor, responsible for developing the election security strategy and coordinating host-nation and international security actors. Mr. Carnie also provided election security support for the International Organization for Migration (IOM) during the 2004 Presidential Election in Afghanistan, where he provided strategic policy advice on all safety and security-related issues, developed an integrated risk management strategy to support operations, and liaised with national and international security stakeholders to ensure policies and procedures remained commensurate to the threat. He also conducted a comprehensive threat assessment in support of —Out of Country|| Elections in Pakistan for the 2004 Afghan Presidential Elections and developed and delivered a detailed security training module for IOM personnel and international election monitors.

Before his work in Afghanistan, Mr. Carnie served in the Security Information Coordination Cell of the United Nations Mission in Kosovo (UNMIK), where he provided strategic advice and analysis on all security and risk related issues. He also served in Special Operations in the Australian armed forces from 1993 to 1996 and as a Special Operations Team Leader in the Canadian Armed Forces from 1997 to 2000. During his military career, Mr. Carnie developed and implemented operational security policies and procedures including personnel security, physical security, information security and communications security.



### **Michael Cohen**

Michael A. Cohen is a Senior Research Fellow at the New America Foundation and runs the Privatization of Foreign Policy Initiative, which examines the growing influence and impact of non-state actors in U.S. foreign policy. He is also the author of *Live From the Campaign Trail: The Greatest Presidential Campaign Speeches of the 20th Century and How They Shaped Modern America* (Walker Books: 2008).

Before joining New America, Mr. Cohen served in the U.S. Department of State as chief speechwriter for U.S. Representative to the United Nations Bill Richardson and Undersecretary of State Stuart Eizenstat. He has worked at the Carnegie Endowment for International Peace and Foreign Policy magazine, and as chief speechwriter for Sen. Chris Dodd (D-CT). Mr. Cohen serves on the board of the National Security Network and has taught at Columbia University's School of International and Public Affairs.

Mr. Cohen holds a bachelor's degree in international relations from American University and a master's degree from Columbia University.

### **Susanne Cooper**

Susanne Cooper is an experienced development professional with specialization in project implementation and management, including logistics and finance; post-conflict experience with Internally Displaced Persons and military liaison with peacekeeping troops; and conflict resolution. She has field experience in the Balkans, Central Asia, southern Africa, and Southeast Asia. Ms. Cooper has served in short and long-term election observation roles in Albania, Bosnia, Kazakhstan, Kosovo, Macedonia, Montenegro and Ukraine and has worked with REACT, OSCE, ODIHR, USAID, and UNV Peace Corps. She has also organized election observation missions, including handling logistics, providing security briefings, and advising election commissions. Ms. Cooper received an M.A. in political science at California State University in Chico, California and a B.A. in political science from George Washington University in Washington, D.C.

### **Will Covey**

Will Covey is a Program Assistant at Democracy International. He recently completed an M.A. in International Relations and Conflict Management at the Johns Hopkins School for Advanced International Studies (SAIS). Mr. Covey worked at the International Foundation for Election Systems (IFES) from 2004 to 2006. He served as an Operations Associate for IFES in Baghdad, Iraq in 2006 and also assisted on the Iraq and Afghan out-of-country voting programs. Previously, he worked for the Advocacy Project on efforts to strengthen women's and other civil society groups in Eastern Europe and Afghanistan. Mr. Covey has a B.A. from Johns Hopkins University, where he majored in International Relations. He speaks German.

## **David Cowey**

Towards the end of a 23 year career as a police officer with the South Australian Police Department Cowey was seconded to the Australian Federal Police for deployment as a United Nations CivPol in East Timor for the UNTAET mission. On returning from East Timor Cowey took up a posting with the United Nations as a Security Officer with the UNMIK mission in Kosovo. He spent two years in the UNMIK mission. Since leaving Kosovo Cowey has worked as a security consultant in Iraq, the Philippines and the Solomon Islands.

In Sept 2007 David Cowey took up a Project Security Manager position with an international risk management firm in Afghanistan. He managed cash-in-transit operations and lead Afghan PSD teams in escorting personnel and equipment across Afghanistan. Later Cowey moved onto other projects within Afghanistan before coming to work for Democracy International.

## **Tim Fairbank**

Tim Fairbank is the co-founder and managing director of Development Transformations (DT). Previously, Mr. Fairbank was the director for democracy and rule of law at MPRI, where he was responsible for the design and management of programs related to security sector reform, rule of law, civil society development, and institutional capacity building.

Mr. Fairbank spent a number of years working in the Eurasia division of the National Democratic Institute for International Affairs (NDI), where he worked to support democratic elections, political parties, parliaments, civil society development, and civil service training in countries in transition. In addition to his position of senior program manager at the Institute's headquarters, he worked several years in the field directing programs in Ukraine, Kazakhstan, Moldova and Georgia. He served as NDI's first country director in Moldova, as director of civic programs in Ukraine, as acting director in Kazakhstan, and as an advisor to programs in Azerbaijan and Kyrgyzstan. Mr. Fairbank has conducted more than a dozen political and election-related assessments as a member of Organization for Security and Cooperation in Europe (OSCE) and NDI international delegations.

Mr. Fairbank earned his B.S. in political science from Santa Clara University and his master's degree, with distinction, from the School of Foreign Service at Georgetown University, where he was also a Huffington Junior Fellow in Diplomacy at the Institute for the Study of Diplomacy.

## **Patrick Fn'Piere**

Patrick Fn'Piere is a public policy and international affairs executive with more than 25 years experience in the public and nongovernmental sectors. Currently engaged as a senior advisor with the Office of Transition Initiatives (OTI) at the US Agency for International Development (USAID), Mr. Fn'Piere specializes in public sector reform/management, governance, conflict resolution and strategic communications. Before joining OTI, Mr. Fn'Piere was the Senior Vice President at the Pacific Council on International Policy, a leading foreign policy think tank. Earlier, he served as Director of the Inter-America & Pacific Region of the United States Peace

Corps (1997-2001). Mr. Fn'Piere has also served as the Senior Advisor for Governance in the Center for Democracy and Governance at the U.S. Agency for International Development (1993-1997). Before joining USAID, he was Vice President for Public Affairs at the National Institute for Dispute Resolution (1989-1993), Public Affairs Officer for the League of Women Voters and a public and political affairs consultant. Mr. Fn'Piere holds a BA degree in political science from LaSalle University in Philadelphia, PA. His graduate studies were in philosophy at Villanova University, PA.

### **Jim Fremming**

Jim Fremming has been active in international development and social science research for twenty years as a performance management specialist, evaluator, strategic planner and trainer. His diverse background includes advanced training in political science and substantial experience in civil society, governance and equitable economic development. He has extensive experience in Africa, including work in Ghana, Guinea, Malawi, Morocco and Nigeria. In Nigeria he was Team Leader for assistance to USAID/Nigeria's Democracy and Governance Team in revising its results framework and performance management plan, developing a team management plan, and coordinating data collection with in-country partner organizations for baseline performance information. Recent work has included the development and refinement of program performance management plans as well as the design and delivery of training workshops on performance-based evaluation and monitoring for the World Bank Institute, U.S. Agency for International Development (USAID), and other organizations. He participated in a Democracy International evaluation of USAID's Civil Society Program in Kosovo, implemented by IREX. Mr. Fremming has taught political science at three major universities, designed and managed congressionally sponsored pro-gram evaluations at the U.S. Government Accountability Office, and served public and private sector clients in the U.S. and 20 other countries as an evaluation consultant.

### **Bill Gallery**

Bill Gallery was a Senior Program Officer for Democracy International and served as Operations Director for DI's Election Observation Program in Afghanistan. Mr. Gallery participated in DI's evaluation of political party assistance in Pakistan in December 2007, and he served as lead organizer of DI's election observation mission to Pakistan in February 2008. He also provides research assistance for DI's Survey Research Program in Indonesia and for DI's Vote Count Verification Study. For DI and The Carter Center, Mr. Gallery participated in an election observation mission to Venezuela in December 2006, and he co-authored a book chapter on —Election Systems and Political Parties in Post-Conflict and Fragile States, in Derick W. Brinkerhoff (ed.), *Rebuilding Governance in Post-Conflict Societies and Fragile States: Emerging Perspectives, Actors, and Approaches* (New York: Routledge 2007). During a leave of absence from DI in 2008, Mr. Gallery worked for the Obama for President Campaign in policy research and field organizing in Washington and Ohio. Before joining DI in 2005, Mr. Gallery worked as a field organizer for the Florida Democratic Party in the 2004 presidential campaign. He graduated in 2004 from Harvard College, with a degree in Environmental Science and Public

Policy, and he was an active member of the International Relations Council. He is proficient in Spanish and has a working knowledge of Chinese (Mandarin).

### **Clark Gibson, Ph.D.**

Clark Gibson is Chair and Professor of Political Science and Director of the International Studies Program at the University of California, San Diego. He studies the politics of development, democracy and the environment, and he has explored issues related to these topics in Africa, Central and South America, and the United States. The results of this work have appeared in journals such as *Comparative Politics*, *World Development*, *Annual Review of Political Science*, *Social Science Quarterly*, *Human Ecology*, *Conservation Biology*, *Ecological Economics*, and *African Affairs*. Professor Gibson's research about the politics of wildlife policy in Africa appears in his book, *Politicians and Poachers: The Political Economy of Wildlife Policy in Africa* (Cambridge 1999). He has also co-edited two volumes: *People and Forests: Communities, Institutions, and Governance* (MIT 2000; co-editors E. Ostrom and M. McKean), which uses techniques from the natural and social sciences to examine the local governance of forests; and *Communities and the Environment: Ethnicity, Gender, and the State in Community-Based Conservation* (Rutgers 2001; co-editor A. Agrawal), which explores the complex and multilayered linkages between communities and their natural resources. Professor Gibson's latest book analyses the political economy of foreign aid and offers suggestions for its improvement (*Samaritan's Dilemma: The Political Economy of Development Aid*, Oxford 2005; co-authors E. Ostrom, K. Andersson, and S. Shivakumar). His current research focuses on the accountability between governments and citizens in Africa. Professor Gibson participated in a comprehensive election monitoring project for important transitional elections in Zambia in 1991.

### **Steve Griner**

Steve Griner is a Senior Specialist at the Unit for the Promotion of Democracy at the Organization of American States (OAS). At the OAS since 1993, Mr. Griner has observed more than 20 elections in Latin America and the Caribbean. He serves as the Coordinator of the Special Program of Support to Guatemala and currently manages the OAS Inter American Forum on Political Parties. From 1990 to 1993, Mr. Griner worked at the National Democratic Institute for International Affairs (NDI), where he worked on election observation, civic education and other democratic development programs throughout the world. In 1989-90 he worked as a Peace Corps Volunteer in Guatemala in Appropriate Technology. Mr. Griner graduated from Texas A&M University with degrees in Modern Languages and Business Administration and earned a Masters Degree in Latin American Studies and International Economics at the Johns Hopkins School of Advanced International Studies.

### **Raja Karthikeya Gundu**

Raja Karthikeya Gundu works as a Researcher in the Governance program at the Center for Strategic and International Studies. He has previously conducted research at the U.N. Security Council and the U.S. House of Representatives. He has worked on a USAID program in Afghanistan and also led the North Africa regional business division for a multinational corporation. His pub-

lications focus on the politics and security of South Asia and the Middle East, and he is a regular commentator on these issues for Voice of America. Mr. Gundu has a Master's degree in International Affairs from Georgetown University and a MBA from India. He speaks French, Urdu, Hindi, Farsi and colloquial Arabic.

### **Lianne Gutcher**

Lianne Gutcher is a journalist and communications professional with broad international experience. She has worked with the European Commission (Brussels), the Bloomberg News, the Sunday Herald and The Scotsman (UK) in positions ranging from reporter to head of the news team. In Afghanistan from 2007 to 2009, Ms. Gutcher was the senior print editor of the Sada-e Azadi newspaper, a bi-monthly, trilingual newspaper published by the International Security Assistance Force (ISAF). Ms. Gutcher obtained a BA from the University of Leeds (England, 1998) and an MSc from the London School of Economics (England, 2000).

### **Whitney Haring-Smith**

Whitney Haring-Smith is the Logistics Manager for DI's Afghanistan Election Observation Mission. Mr. Haring-Smith is a Rhodes Scholar and is currently pursuing a D.Phil in Politics at Oxford University, where he focuses on armed civil conflict in his research. He served as a long-term election observer with The Carter Center in Indonesia in 2009 and as an election observer in El Salvador in 2006, and he lead an election observation team to Mauritania in 2007. Mr. Haring-Smith has worked in Afghanistan, Indonesia, Iraq, Mauritania, Pakistan and Sri Lanka and has worked with the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR) and the Free and Fair Election Network (FAFEN), the principal domestic election monitoring coalition in Pakistan. He also has U.S. domestic political campaign experience in Connecticut. Mr. Haring-Smith received his B.A. in political science from Yale University in 2007.

### **Jackie Harris**

Jackie Harris is former Director of Elections for Fairfax County, Virginia and for Albemarle County, Virginia and has nearly 20 years of election administration experience in the United States. As Director of Elections for Fairfax County, Ms. Harris directed the recruitment and training of more than 2500 volunteer election officers and reorganized voter registration processes and systems. She has also served as a guest lecturer at American University and George Mason University on election management and voter registration. On the national level, Ms. Harris served on a task force for the training of election administrators. She has also provided oral and written testimony to the U.S. House Committee on Administration on Effective Voter Registration List Maintenance. Ms. Harris currently serves as an election consultant to the Virginia State Board of Elections.

**Barak Hoffman, Ph.D.**

Barak Hoffman is the Director of the Center for Democracy and Civil Society at Georgetown University. Previously, he was a Post Doctoral Fellow at the Center on Democracy, Development, and the Rule of Law at Stanford University. Professor Hoffman has also worked for the Federal Reserve, the United States Agency for International Development, and the United States Department of the Treasury. He participated in Democracy International's election observation mission to Pakistan in 2008. Professor Hoffman received his Ph.D. in political science from the University of California, San Diego, and his M.A. and B.A. in Economics from Michigan State University and Brandeis University.

**Susan Hyde, Ph.D.**

Susan Hyde is Assistant Professor of Political Science at Yale University, and is affiliated with the MacMillan Center for International and Area Studies and the Institution for Social and Policy Studies. She earned her Ph.D. from the University of California, San Diego in 2006. Before joining the Yale faculty she was a Research Fellow in Governance Studies at the Brookings Institution in Washington, D.C. Her research interests include international influences on domestic politics, elections in developing countries, international norm creation, and the use of natural and field experimental research methods. Her current research explores the effects of international democracy promotion efforts, with a particular focus on international election observation. She has served as an international observer with The Carter Center and the Organization for Security and Cooperation in Europe for elections in Albania, Indonesia, Nicaragua, and Venezuela, and has worked for the Democracy Program at The Carter Center. She teaches courses on international organizations, democracy promotion, the global spread of elections, and the role of non-state actors in world politics.

**Chris Jackson**

Christopher Jackson is a lawyer with a military and electoral background and is currently deployed as a long-term observer in Afghanistan with DI. In his 30-year career, Mr. Jackson has served with the U.S. Army and worked in various civilian and military legal positions in California. He provided support to the Iraqi Electoral Commission in 2005-06 on behalf of the U.S. Army. Mr. Jackson holds a Juris Doctorate from Pepperdine University and a BA in international relations from the University of Southern California.

**Bindi Jhaveri**

Bindi Jhaveri is a Program Assistant at Democracy International. She recently completed coursework for an M.A. in International Development at American University, where she focused on governance, peace and conflict, and rural development in sub-Saharan Africa. Ms. Jhaveri is currently completing a thesis on development policies in post-conflict Rwanda. She served as a Peace Corps volunteer in Bacheniya, Niger from 2004 to 2006. Ms. Jhaveri has a B.A. from University of California, Berkeley, where she majored in political science. She is fluent in Hausa and proficient in Spanish and French.



**Robert Johnson, Ph.D.**

Robert Johnson is a professor in the Faculty of History at Oxford University, where his research interests include the history of war and military and naval history in the nineteenth and twentieth centuries, with particular interest in the First World War, the Indian Army and the —Sideshow; wars in Central Asia, Afghanistan, Pakistan, Iran and South West Asia; and conventional operations, strategy, tactical developments, guerrilla and revolutionary warfare, intelligence and counter-insurgency. Professor Johnson received his Ph.D. from Exeter University in 1999. Earlier in his career, he served in the British Army.

**Hursh Joshi**

Hursh Joshi is an experienced international election observer and a media relations professional with policy development and project management experience. Currently a long-term election observer for DI in Afghanistan, Mr. Joshi also observed recent elections in Bangladesh, Georgia and Montenegro with the OSCE. He has worked as a media advisor to the British Army, a policy advisor at the UK Ministry of Finance and Economics, and a program officer for the Department for International Development (DfID). Mr. Joshi holds a postgraduate certificate in Applied Economics and Statistics and a Master of Research in Media and Communications from the University of London and a BA in Philosophy from Bristol University.

**Omar M. Kader, Ph.D.**

Omar Kader is the Chairman and owner of Planning and Learning Technology, Inc., a consulting firm that specializes in training, evaluation, technical assistance, and the integration of appropriate technological tools, performance measures and information systems to improve management operations and learning. He previously served as the Executive Director of the United Palestinian Appeal and Executive Director of the Arab-American Anti-Discrimination Committee. Dr. Kader is a board member of the Institute for the Study of Diplomacy at Georgetown University and the Middle East Policy Council. He has served as an international election observer in Palestine, Ye-men, Indonesia (with DI and The Carter Center), and Pakistan (with DI). He holds a Ph.D. in International Relations from the University of Southern California.

**Brian Katulis**

Brian Katulis is a Senior Fellow at the Center for American Progress. His work examines U.S. national security policy in Middle East with a focus on Iraq. He is also a Senior Advisor to the Center's Middle East Progress project. Mr. Katulis lived and worked in the Middle East for the National Democratic Institute and Freedom House, including projects in Egypt, Iraq and the Palestinian territories. He participated in Democracy International's evaluation of political party assistance in Pakistan in December 2007, served as spokesperson and press liaison for DI's election observation mission to Pakistan in February 2008, and participated in DI's postelection mission to Pakistan in April 2008. From 2000 to 2003, Mr. Katulis worked as a senior associate at Greenberg Quinlan Rosner Research. He has published articles in *The Los Angeles Times*, *The Washington Post*, and *The Christian Science Monitor*, among other publications. Mr. Katulis



received a graduate degree from Princeton University's Woodrow Wilson School for Public and International Affairs.

### **Robert Kellman**

Robert Kellman serves as Middle East Business Director for Penn, Schoen & Berland, a strategic research consultancy. He has a wide array of international business and political experience, having worked at the World Bank and for a number of political campaigns. Reporting to Mark Penn, Mr. Kellman acted as the liaison between PSB and the Hillary Clinton for President Campaign. He later served as Deputy Political Whip during the 2008 Democratic National Convention for then candidate Barack Obama.

Before joining Mr. Penn's staff, Mr. Kellman worked for the World Bank concentrating on water distribution plans and urban education in the Middle East and Africa. His work sought to increase local populations' input in World Bank projects through improving ground communication and coordination among local populations, government officials, NGOs, and World Bank officials. Previously, Mr. Kellman initiated and developed extensive research programmes in Egypt, Jordan, Syria, Lebanon and Turkey.

Mr. Kellman has a Bachelors Degree from the University of Michigan Honors College and a certificate in Arabic and Middle Eastern History from the American University of Cairo.

Mr. Kellman is based in Dubai, United Arab Emirates.

### **Laurie Knop**

Laurie Knop is a project manager with 12 years of experience working in international development. Currently a long-term observer for DI in Afghanistan, Ms. Knop has observed elections in Haiti where she also served with the Peace Corps, the World Bank and the Quisqueya International Organization for Freedom and Development, a U.S.-based NGO that she co-founded to work on development projects in Haiti. Ms. Knop has a BA in Anthropology from Dickson College.

### **Leslie-Ann Knott**

Leslie-Ann Knott is an expert photo and video producer. Beginning with the Canadian Broadcasting Corporation in 2003, she developed current events radio programs. Ms. Knott has a particular interest in Afghanistan, where she has lived and worked for the past five years. During this period she has helped set up four women-managed radio stations and taught photography to women and children. She produced and did the still photography for the —Out of the Ashes|| documentary, which is about the Afghan cricket team's journey to the World Cup in 2011. Ms. Knott has a M.Sc. in international development and communication from the University of Reading in the UK.

### **Nancy Kreider**

Nancy Kreider, a professional in the education and health care fields, now pursues a second career in human rights, democratization and good governance support. During a total of 11 deployments as an OSCE voter registration and election advisor to countries including Bosnia and Herzegovina, Croatia, Kosovo, Montenegro and Ukraine, Ms. Kreider has worked with refugees, displaced persons, and local victims of conflict to provide procedural training and monitoring of all aspects of voter registration and polling policy. She has also directed a program for elderly developmentally disabled persons in Columbus, Ohio, and has volunteered as a Peace Corps trainer in the Solomon Islands and with the American Red Cross Disaster Services. Ms. Kreider holds an M.A. in Speech Pathology and Audiology from Northern Illinois University and a B.A. in Interpersonal Communications from the College of Wooster in Wooster, Ohio.

### **T. Kumar**

T. Kumar has worked in Asia and Africa and served as a human rights monitor in many Asian countries as well as in Bosnia, Haiti, Guatemala and South Africa. He also served as director of several refugee ships and refugee camps. Mr. Kumar served as the United Nations Representative for Peace Brigades International and was a consultant to the Quaker United Nations Office. He also monitored several elections around the world with the Organization for Security and Cooperation in Europe (OSCE) and with former President Carter and served as a Judge of Elections in Philadelphia. He has also assisted foreign election observers to monitor U.S. elections.

Mr. Kumar frequently lectures at the Foreign Service Institute where U.S. diplomats are trained, and he often testifies before the U.S. Senate and House of Representatives. He has been interviewed by CNN, BBC, NPR and other media outlets. He is also a Professor at the Washington College of Law's Academy on Human Rights and Humanitarian Law. Mr. Kumar holds an advanced degree in law from the University of Pennsylvania Law School.

### **Lawrence Lachmansingh**

Lawrence Lachmansingh is a development consultant in the areas of governance and conflict prevention, with particular expertise in conflict management, elections and civil society participation in democratic processes. Over the past 15 years, in addition to Democracy International, he has worked for the Canadian International Development Agency, the National Democratic Institute, The Carter Center, the United Nations Development Program, and the U.S. Agency for International Development, and others. Mr. Lachmansingh is an expert on elections and democratic development. Since 1998 he has provided technical assistance to local election monitoring groups in Cambodia, Indonesia, Malaysia, Nepal, Sri Lanka, Sudan, and Zimbabwe. From 1991 to 1998, he volunteered with and eventually headed the Electoral Assistance Bureau, the leading domestic election monitoring organization, in his native Guyana. Mr. Lachmansingh has an M.B.A. degree from Dalhousie University in Halifax (Canada) and a B.A. in Theology from the University of the West Indies (Jamaica).

### **Hardin Lang**

Hardin Lang is a Senior Fellow in the International Security Program at the Center for Strategic and International Studies in Washington DC. His areas of research include post-conflict reconstruction, the role of military in economic stabilization during conflict, and Afghanistan, Iraq and Pakistan. From 2005 to 2009, he served as Senior Political Affairs Officer at the United Nations Department of Peacekeeping Operations, where he provided strategic and policy guidance and operational support to peacekeeping and political missions in Afghanistan, Haiti, Iraq and Nepal and during period of global —surge|| in UN peacekeeping. He deployed extensively to the field to provide technical support for security, reconstruction and electoral operations, including for the 2005 parliamentary elections in Afghanistan. Previously, Mr. Lang served as Special Assistant to the Special Representative of the Secretary-General for the United Nations Assistance Mission for Iraq (2004-05); as Senior Operations Officer and Country Program Manager for the International Organization for Migration, Iraq Mission (2003-04); and Political Affairs Officer for the United Nations Interim Administration Mission in Kosovo (2000-02). He has also worked for the United Nations Human Rights Verification Mission to Guatemala, where he monitored post-conflict elections, and for the International Center for Human Rights Research and the Association for the Development of Central America in Guatemala. Mr. Lang has a Masters in Public Affairs from the Woodrow Wilson School at Princeton University, a Masters of Science in the History of International Relations from the London School of Economics and Political Science, and a Bachelor of Arts in Economics from Oberlin College.

### **Scott Lansell**

Scott Lansell is the Director for Civil Society and Governance at World Learning. Scott Lansell previously served as Sr. Director of Programs and Strategic Operations at IFES. As a member of IFES' Executive Team, Lansell was the senior supervisor and manager of all of IFES' regional program initiatives which included assistance in more than 27 countries supporting democratic development efforts in elections, civil society, governance and rule of law. He also served as senior director of IFES' U.S. Election Services unit where IFES has offered technical advisory services to more than a dozen U.S. States and jurisdictions.

Since joining IFES in 1993, Lansell developed, managed, and participated in dozens of on-site technical missions including election observations, pre-election technical assessments, on-site technical assistance efforts, civic advocacy programs, and civic education efforts. With IFES, he traveled throughout the former Soviet Union, Central and Eastern Europe, the Middle East, Africa, the Caribbean, and Asia promoting democracy and governance initiatives.

Prior to IFES, Lansell served at USAID as an International Cooperation Specialist for the Baltic Republics and Bulgaria and served as USAID's Interim Representative in Lithuania and Albania. Lansell holds a bachelor's degree in political science from Miami University in Ohio and a master's in business administration from George Mason University in Virginia.

### **James Long**

James Long is a researcher and consultant in the field of international development, with particular expertise in the areas of voting and elections, public opinion, political economy of development, African politics and civil wars. Currently, consulting with South Consulting in Kenya, assessing progress on the National Accord, Mr. Long has written and spoken widely on general and specific electoral issues in Africa. He created and managed the exit poll for the 2007 elections in Kenya. He holds a BA in International Relations from the College of William and Mary (2003) and an MSc in African Politics from the University of London (2004). Mr. Long is currently pursuing a Ph.D. in Political Science from the University of California, San Diego.

### **Jennifer McCarthy**

Jennifer McCarthy is a civilian expert at the Department for International Development, London, England, where she manages projects in post-conflict environments. Ms. McCarthy is currently completing a Ph.D. in geography at King's College in London, England and is completing a thesis with a focus on Afghanistan. Ms. McCarthy has extensive experience in Afghanistan, most recently as the Area Coordinator for the Agence d'Aide à la Coopération Technique et au Développement (ACTED). She has worked on development, post-conflict reconstruction and advocacy campaigns in Afghanistan, Indonesia and Myanmar and has worked with CARE Australia, The Afghan Center and Canadian Women for Women in Afghanistan. Ms. McCarthy received her B.A. in Art History and German Studies from McGill University.

### **Stephen McInerney**

Stephen McInerney serves as Director of Advocacy for the Project on Middle East Democracy and Editor of the POMED Wire blog and the Weekly Wire digest. He has more than six years of experience in the Middle East, including graduate studies in Middle Eastern politics, history, and the Arabic language at the American University of Beirut and the American University in Cairo. His commentary on Middle East politics and U.S. foreign policy has appeared in publications including the *Washington Post*, *Foreign Policy*, the *Arab Reform Bulletin*, *The Daily Star* and the *New Republic*. He has spoken on Middle East affairs with numerous media outlets including MSNBC and CBS News.

### **Alexis Michel**

Alexis Michel is a development expert from France with expertise in legal issues relating to democratization, international law and human rights, and election systems and processes including legislation, administration and voter/candidate registration. He has extensive experience working in difficult and post-conflict environments, including Burundi, the Democratic Republic of the Congo, Ivory Coast and Nigeria. Mr. Michel's experience in designing and drafting election-related projects and reports includes recent projects on the role of civil society in the Middle East for the Electoral Reform International Services (a UK-based NGO) and work on civic education and candidate registration for the 2005 Afghanistan parliamentary elections in Badakhshan Province. He also provided expert advice to the UNDP and the Iraqi Electoral Commission for the

2005 Iraq parliamentary elections. He has participated in numerous international election missions for major international donors, including EU and OSCE observation missions in Belarus, Bosnia and Herzegovina, Cambodia, the Democratic Republic of the Congo, Georgia, Indonesia, Nigeria, and Ukraine. Mr. Michel holds a Post-Graduate Degree (DEA) in Comparative Politics and Political Sociology, a Master in Political Science, and a License Degree in Law from the Nanterre University of Paris.

### **Greg Minjack**

Greg Minjack has honed a wide range of strategic and tactical skills during a 25-year career as a political campaign manager, grassroots organizer, federal lobbyist, congressional staffer, direct marketing executive, and international political consultant. In 1992, drawing on his experience in U.S.-based legislative, campaign and party politics, Mr. Minjack launched the initial operations of the National Democratic Institute for International Affairs (NDI) in Russia by opening NDI's Moscow office and serving as its first resident country director. While residing in Moscow, he travelled to more than 35 cities in the former Soviet Union to conduct seminars, training sessions, and consultations on political party organization, campaigns and election strategy, message development, and tactical plan implementation. He was also a member of NDI's monitoring delegation to the 1992 election in the Republic of Georgia when Eduard Shevardnadze was first elected to national office.

Based on his work in Russia, Mr. Minjack has built an international political practice that has included campaign consulting for political parties and civic groups in Albania, Azerbaijan, Bangladesh, the Bosnian entity of Republika Srpska, Republic of Georgia, Indonesia, Russia, Serbia, Turkey, and Ukraine. He serves as a Washington representative for many of his international clients and works closely with democracy-focused nongovernmental organizations and —think tanks. Mr. Minjack currently serves on the board of directors of The Supporters of Civil Society in Russia (SCSR), the chairman of which is former Ambassador to Russia, Thomas Pickering.

Mr. Minjack worked for President Carter's 1980 re-election campaign and for Congressman Bob Carr, who served on the House Committee on Appropriations. His other U.S.-based political and campaign activities have included Mondale for President; Paul Kanjorski for Congress; Bob Carr for Congress; referenda in the states of Maine, Massachusetts, and Oregon; and Democratic Congressional Campaign Committee's Incumbent Retention Director. He is a graduate of the College of William and Mary in Virginia.

### **Austan Moghrabi**

Austan Moghrabi is a Consultant at the World Bank Institute on issues of Governance and Anti-Corruption. He recently completed an M.A. in Democracy and Governance at Georgetown University where he focused on institution building, the role of religion in politics, and theories and methods of democratic consolidation in the Middle East/North Africa region. Before working at the World Bank Institute, he worked as an intern for the USAID Mission in Morocco (Fall 2008). In Morocco, Mr. Moghrabi worked with the program office to develop a Country Assistance Strategy for 2009-2014, and he worked with the Democracy and Governance and Economic

Growth teams to design new programs for implementation under the new strategy. From fall 2007 to summer 2008, he worked as a research assistant at the National War College on issues related to nuclear proliferation, post-conflict negotiations, and peace-keeping operations. Mr. Mogharabi graduated from Claremont McKenna College in 2007 where he majored in government with a minor in legal studies and a concentration on the theories and practice of leadership. He is proficient in Farsi and Spanish, and has a reading knowledge of Arabic and Hebrew. He is a native of Lacanada, California.

### **Rani Mullen**

Rani Mullen is an expert on decentralization and local governance. She has worked with the Asian Development Bank (Philippines), the World Bank (Washington, DC), the Center for International Education (Chile), and USAID (India) as a consultant, focusing on economic and social development issues. Ms. Mullen was also the Asia Project Manager at the Liechtenstein Institute on Self-Determination (Princeton University, 2002-05), where she managed a grant focused on state-building in Afghanistan and the Asia region. Currently, Ms. Mullen is an Assistant Professor at the College of William and Mary (Virginia, USA), where she teaches on state-building and development in Afghanistan, among other things. Ms. Mullen obtained a BA from the University of New Hampshire (1989), a Masters in International Relations from the Johns Hopkins University (1993) and a Ph.D. in Public Affairs from the Princeton University (2002).

### **Damian Murphy**

Damian Murphy has a decade of experience in international democratic development and domestic politics. He currently manages Freedom House programs in Central and Eastern Europe and works on the Advocacy and Outreach team. Before joining Freedom House, Mr. Murphy was the National Field Director for the U.S. Global Leadership Campaign, a coalition of businesses and NGOs that advocate on behalf of funding for international affairs. Previously, he worked at the National Democratic Institute for International Affairs (NDI) on democratic development projects related to elections and political parties in Albania, Ethiopia, Serbia, the Philippines and the West Bank and Gaza. Mr. Murphy also worked on parliamentary and judicial development programs for the Center for Democracy. In the U.S., Mr. Murphy was a Get-Out-the-Vote Deputy Director in Pennsylvania for the Obama campaign in 2008 and was a Regional Field Director for the John Kerry presidential campaign in Ohio in 2004. He worked on press and voter contact programs for the Chuck Robb for Senate (2000) and Bill Bradley for President campaigns. Mr. Murphy has a degree in World Politics from the Catholic University of America and a Masters degree in International Security from Georgetown University.

### **Mark Naftalin**

Mark Naftalin currently works at the International Peace Research Institute, Oslo (PRIO), where he conducts research on refugees and conflict. He has previously worked in Angola, Rwanda, Macedonia and Austria in the fields of disarmament, refugees and decentralization. He has undertaken election observation with various groups including the OSCE, The Carter Center and the U.N. in Africa, Asia, the Balkans and Eastern Europe. Mr. Naftalin holds an MA in Political



Science, a Graduate Certificate in Peace Research from the University of Oslo, and a Certificate in Human Rights Law from the Academy of Law at the European University Institute.

### **Jed Ober**

Jed Ober is a Program Officer at Democracy International, which he joined in mid-2009. He provides logistical, administrative, and technical support for overseas programs and home office and business development operations. He manages DI's programs in Indonesia and Timor-Leste and also supports DI's program in Afghanistan. During 2009 he served as Logistics Coordinator based in Kabul for DI's Afghanistan Election Monitoring Program and was principally responsible for preparing DI reports on the election process and related issues. In 2010 he has continued to split his time between Kabul and Bethesda working on DI's Afghanistan program.

Before joining DI, Mr. Ober worked as a Legislative Assistant at the Project on Middle East Democracy. As part of his graduate study, he conducted opinion research in the West Bank that examined the connection between the political perceptions of Palestinians and public support for armed resistance. In 2007, Mr. Ober worked in the public relations office at An-Najah National University in the West Bank city of Nablus. He also has extensive experience working on U.S. elections for Democratic candidates. He most recently worked on the delegate relations team for Secretary of State Hillary Clinton's presidential campaign and on the political floor team at the 2008 Democratic National Convention.

Mr. Ober received an M.P.P. in 2009 from the Georgetown Public Policy Institute, where he focused on U.S. electoral processes and the politics of the Middle East. He earned a B.A. from the University of Colorado, where he double majored in international affairs and economics. He is proficient in German.

### **Norman Olsen**

Norm Olsen is an internationally accomplished manager and evaluator of programs aimed at building institutional capacity and partnerships in the area of democratic development. He has worked in Latin America, Southeast Asia, and Africa over the past 40 years with USAID, MSI, IMPACT and Achievable Solutions, where he is currently a Senior Partner. Mr. Olsen has an MA in Political Science from American University, a BSc in economics from the Foreign Service Institute and a BSc in Political Science from Western Washington University.

### **Agnieszka Paczynska, Ph.D.**

Agnieszka Paczynska is an Associate Professor at the Institute for Conflict Analysis and Resolution and Associate Faculty at the Center for Global Studies at George Mason University. Her research interests include the relationship between economic and political change and conflict, distributive conflicts, post-conflict reconstruction policies, and the relationship between globalization processes and local conflicts. Her book, *State, Labor, and the Transition to a Market Economy: Egypt, Poland, Mexico and the Czech Republic* (forthcoming Penn State University Press, 2009) explores the conflicts between organized labor and the state generated by structural



adjustment and in particular the privatization of the public sector. Her research on this project was funded by grants from International Research and Exchange Board (IREX), the Social Science Research Council (SSRC), and the American Council of Learned Societies (ACLS), among others. During the 2008-09 academic year, Professor Pacynska was a Franklin Fellow working in the Office of the Coordinator for Reconstruction and Stabilization at the State Department on post-conflict re-construction planning. Dr. Paczynska has been a research fellow in the Sociology Department of the Warsaw School of Economics and at the School of Humanities and Social Sciences of the American University in Cairo, as well as a junior fellow at the Center for the Study of Post-Communist Societies at the University of Maryland, College Park. She has also worked at Search for Common Ground and the Brookings Institution and has served on election observing missions to Ethiopia and Liberia. She holds a Ph.D. in political science from the University of Virginia.

### **Danielle Pearl**

Danielle Pearl is a Program Assistant at DI and a recent graduate of Georgetown University's Master's program in Democracy and Governance. During the summer of 2008, she worked with youth advocacy and independent journalists' associations in Rwanda to develop a program to promote youth human rights journalism. In 2007 she worked on economic development efforts in Banja Luka, Bosnia and Herzegovina. Ms. Pearl previously participated as a short term observer with the SHARE Foundation for the 2008 presidential elections in El Salvador, and served as Executive Assistant to the Head of Mission for the OSCE-ODIHR Limited Election Observation Mission to the United States 2009 General Elections. She wrote an undergraduate honors thesis on Journalism and Democratization in Croatia, and is currently working on a master's thesis on state failure. She holds a B.A. in International Affairs from the University of Georgia.

### **Sabhita Raju**

Sabhita Raju is currently the acting head of the Good Offices Section at The Commonwealth, a voluntary association of 53 countries that support each other and work together toward shared goals in democracy and development. Ms. Raju has organized, led and participated in several election observation missions and has been involved in mediation efforts to address pre-and post-electoral violence, including in Cameroon, Gambia, Seychelles, and most recently in Fiji in February of this year. She is a co-author of *Introduction to Citizenship for Young People in the Commonwealth*, published by the Commonwealth Secretariat.

### **Bruce Carlisle Robertson, Ph.D.**

Bruce Robertson is Chair of Advanced South Asia Area Studies at the Foreign Service Institute, Department of State. He is an adjunct professor at the Johns Hopkins University, Baltimore, Maryland, and Professor of interfaith studies at the Ecumenical Institute of St. Mary's Seminary and University, a Pontifical Institute. Among his publications are *Raja Rammohan Ray, The Father of Modern India* (OUP, 1995) and *The Essential Writings of Raja Rammohan Ray* (OUP, 1999), about the thought and political reforms of Raja Rammohan Ray, the 19th century Indian reformer, as well as book chapters and numerous published articles on topics ranging from liter-

ary criticism, translations from modern and classical Indian languages, and U.S. foreign policy, to human rights and religious freedom. In 1997 he lectured in the Asia Society Texas Center Amoco Distinguished Lecture Series commemorating the 50th anniversary of Indian independence. Born, raised and educated in India through high school, Professor Robertson has been a columnist focusing on anecdotal cross-cultural human experience for *The Hindu*, one of India's leading international newspapers. He has written a film script for a forthcoming feature film. Professor Robertson received a B.D. (M. Div.) from the Princeton Theological Seminary, did graduate research at Mansfield College, Oxford, and earned his Ph.D. from the University of Pennsylvania.

### **Emily Siedlak**

Emily Siedlak is currently a project assistant with Democracy International. M. Siedlak graduated from Miami University (OH) in 2008 with a double-major in Diplomacy & Foreign Affairs and Spanish, as well as a minor in Latin American Studies. While at Miami, she took part in the Transatlantic Seminar on the European Union and wrote an analysis of relations between the European Union and NATO after enlargement. In the fall of 2006, Ms. Siedlak spent a semester in Valencia, Spain with the University of Virginia's Hispanic Studies Program. The next year, she was an intern-scholar with the Center for Strategic and International Studies America's Program. After graduation, Ms. Siedlak moved to Washington, DC to intern with the U.S. Department of State and then began the DG program in fall 2008. Her only election experience was as an impartial observer in Northern Virginia on November 4, 2008.

### **Steve Siegler, JD**

Steve Siegler is a diverse international practitioner in the field of private and public sector management, with particular expertise in electoral support and election observation. Mr. Siegler has worked with multilateral organizations (e.g., UN, IOM, OAS), international NGOs (e.g., NDI, Medecins du Monde), and government (e.g., White House, Departments of State, Defense, Interior and Agriculture) and has undertaken election observation in Pakistan, Senegal, Haiti, Cambodia, South Africa and Indonesia, among others. Since 1996, Mr. Siegler has been the Director of Cabot Square Capital, a private equity investment firm. He received a BA from Williams College (1979) and a JD for Columbia University (1984).

### **Michael Signer**

Michael Signer chairs the Progressive Policy Institute's E3 Initiative, an organization of small and mid-size energy companies that is developing and driving new policy frameworks in four areas: efficiency, national security, regulatory reform, and infrastructure investment.

Signer was a candidate for the 2009 Democratic nomination for lieutenant governor of Virginia, running on a platform that included substantial promotion of green tech and environmental protection. He previously practiced law at Wilmer Cutler Pickering Hale & Dorr in Washington, D.C., was appointed deputy counselor to Governor Mark Warner in Richmond, and was the chief foreign policy advisor to the 2008 presidential campaign of John Edwards.

Signer recently served as Senior Policy Advisor at the Center for American Progress Action Fund, where he directed the Homeland Security Presidential Transition Initiative, credited with helping the Obama administration decide to merge the Homeland Security Council and the National Security Council. He is a principal of the Truman National Security Project and an adjunct professor at Virginia Tech, where he teaches graduate classes on Islamic fundamentalism, political theory, democracy, and foreign policy. In 2009, Governor Tim Kaine appointed Signer to the Virginia Board of Medicine, a four-year term. He also was appointed to Arlington County's Emergency Preparedness Advisory Committee.

Signer holds a Ph.D. in political science from the University of California at Berkeley, a J.D. from the University of Virginia School of Law, and graduated magna cum laude from Princeton University. He lives in Arlington, a block from his elementary school.

### **Harris Silver**

Harris Silver was the Director of Security for Democracy International in Afghanistan. He is a board-Certified Protection Professional (CPP) under the American Society for Industrial Security (ASIS) and an Associate Business Continuity Professional (ABCP) under the Disaster Recovery Institute (DRI Canada). He is presently employed as the Manager of High Risk Deployments for the Canadian Broadcasting Corporation in Toronto, Canada. From 2004-2007, he led projects in various regions of Afghanistan for the US State Department and the United Nations in the disarmament, demobilization and reintegration of ex-combatants, parliamentary and provincial council elections, and on displacement of the opium economy through development and community mobilization. Mr. Silver served as an Infantry Officer in the Canadian Forces in both airborne and mechanized units, attaining the rank of major, and was awarded the Canadian Forces Decoration in addition to other campaign medals.

### **Ranjit Singh, Ph.D.**

Ranjit Singh is an Assistant Professor at the University of Mary Washington in Virginia and is the Director of the Middle East Studies Certificate Program. An accomplished writer and researcher on issues relating to the Middle East region and democracy and governance, Professor Singh has worked since 1994 in support of democratic elections, including through international observation, in South Africa, Namibia, Bangladesh, Liberia, and the West Bank and Gaza. Mr. Singh earned a Ph.D. in Foreign Affairs from the University of Virginia (2005), an MA in Arab Studies from Georgetown University (1992), and a BA in Political Science from the Mary Washington College (1989).

### **Evan Smith**

Evan B. Smith is a Program Officer at Democracy International. He recently completed the Masters Degree program in Democracy and Governance at Georgetown University, where he was President of the Forum for the Study of Democracy and Autocracy. His interests include elections and election administration, international democracy promotion, transitional justice, and post-conflict reconstruction. He was previously a graduate intern at Democracy International,

and in February 2008 he helped organize and participated in DI's election observation mission to Pakistan.

Mr. Smith served for three years as an election administrator at the local and state levels, where he has worked on issues relating to voting technology, election law, poll worker training and recruitment, voter information management, and public relations. In 2007 he worked as a graduate intern with the Pew Charitable Trusts' electionline.org project, a nonpartisan, non-advocacy website providing up-to-the-minute news and analysis on election administration and reform. Mr. Smith received his undergraduate degree from the University of Virginia, where he studied Foreign Affairs and History, focusing on political transitions, elections and voting, and Japanese history.

### **Sari Sudarsono**

Sari Sudarsono is a journalist and organizer from Indonesia. She has worked as a correspondent or producer for the Los Angeles Times, CBS News, BBC Television, Al Jazeera, National Geographic Channel, Discovery Travel Channel and as a reporter/researcher for the International Herald Tribune, the New York Times, and Harper's Magazine. She has also worked on reports on such topics as terrorism, conflict, Islamic law and domestic workers for the International Crisis Group, Global Witness, Human Rights Watch and the World Bank. In 2009, she served as the office coordinator for the international election observation mission to Indonesia of The Carter Center. Ms. Sudarsono has a Bachelor's degree from the Faculty of Economics at the University of Indonesia.

### **Adam Sugar**

Adam Sugar is an accomplished management professional with extensive international and domestic experience in the governmental and private sectors, with a specialization in project management. He is currently deployed as a long-term observer in Afghanistan with DI. Earlier, Mr. Sugar worked with the USG, including the White House and State Department. From 1998 to 2005, Mr. Sugar served as a short- and long-term election observer in Bosnia and Herzegovina, Kosovo, Macedonia, Tajikistan and Ukraine with the OSCE. He holds a BA in political science from the University of Illinois.

### **J. Alexander Thier**

J Alexander Thier is Director for Afghanistan and Pakistan at the US Institute of Peace and chair of the Institute's Afghanistan and Pakistan Working Groups. Thier leads USIP efforts in Afghanistan and Pakistan, where he has lived and worked on and off since 1993. He is co-author and editor of, *The Future of Afghanistan* (USIP, 2009) and was a member of the Afghanistan Study Group, co-chaired by General James Jones and Ambassador Tom Pickering, and co-author of its final report. He is also a member of the Pakistan Policy Working Group and co-author of its 2008 report, *The Next Chapter: The United States and Pakistan*.

Thier has been with USIP since 2005, when he joined as senior adviser in the Rule of Law Center of Innovation. He built up the Institute's rule of law programming in Afghanistan, including its pioneering work on establishing relations between Afghanistan's state and non-state justice systems. Thier was also director of the project on Constitution Making, Peacebuilding, and National Reconciliation and expert group lead for the Genocide Prevention Task Force.

Before joining USIP in 2005, Thier was the director of the Project on Failed States at Stanford University's Center on Democracy, Development, and the Rule of Law. From 2002 to 2004, Thier was legal adviser to Afghanistan's Constitutional and Judicial Reform Commissions in Kabul, where he assisted in the development of a new constitution and judicial system.

Thier has also worked as a senior analyst for the International Crisis Group, a legal and constitutional expert to the British Department for International Development, and as an adviser to the Constitutional Commission of Southern Sudan. Thier worked as a U.N. and NGO official in Afghanistan during the civil war from 1993 to 1996, where he was the officer-in-charge of the U.N. Office for the Coordination of Humanitarian Assistance to Afghanistan in Kabul. He also served as coordination officer for the U.N. Iraq Program in New York. An attorney, Thier was a Skadden fellow and a graduate fellow at the U.S. National Security Council's Directorate for Near-East and South Asia. He received the Richard S. Goldsmith award for outstanding work on dispute resolution from Stanford University in 2000.

Thier has appeared as an expert commentator on NPR, CBS and the BBC and has written in the New York Times, The Washington Post and the Los Angeles Times, among others. He has a B.A. from Brown University, a master's in law and diplomacy from the Fletcher School at Tufts University and a J.D. from Stanford Law School.

### **Ines Thevarajah**

Ines Thevarajah serves as Legal Analyst for Democracy International's International Election Observation Project in Afghanistan. She is a licensed judge and prosecutor and an expert in international humanitarian assistance with more than 10 years of experience in legal issues pertaining to international and domestic election observation, refugee and peacekeeping issues, post-conflict peace-building and reconciliation, and international justice. After completing a European Master in International Humanitarian Assistance from the Institute for International Law of Peace and Armed Conflict at the University in Bochum, Germany, Ms. Thevarajah worked on post-conflict property law issues for the United Nations High Commissioner for Refugees in Livno, Bosnia and Herzegovina and in Colombo, Sri Lanka. She has since gone on to serve as a senior legal advisor to the International Criminal Court, the Justice and Peace Commission in Timor-Leste, and the United Nations Stabilisation Mission in Haiti. Ms. Thevarajah has been extensively involved as a short- and long-term election observer in Indonesia, Iraq, Timor-Leste and the United States.

## **Jeremy Wagstaff**

Jeremy Wagstaff, currently serving as Communications Director for the Democracy International Afghanistan Election Observation Mission, has worked as a journalist since 1986 for the BBC, Reuters, *The Wall Street Journal*, and the *Far Eastern Economic Review*. He has held various positions from correspondent to editor. Before joining BBC, he worked as freelance journalist for a magazine writing about espionage and politics. Thereafter, most of his time has been spent in Asia, covering revolutions, wars, colonial retreats and elections, including the Burmese uprising in 1988, the guerrilla war in Cambodia from 1987 to 1991, Thailand's popular uprising in 1992, the Taliban takeover in Afghanistan in 1996, the transfer of Hong Kong from Britain to China in 1997, the independence movement in East Timor from 1993 until 1999, and the fall of Suharto and its aftermath in Indonesia from 1998 until the present. Since 2000 Mr. Wagstaff has been writing about technology as well and has since 2004 appeared regularly on the BBC World Service. From 2000 to 2007, he wrote a weekly technology column called —Loose Wire|| for the *Wall Street Journal* (his final column in the Journal appeared on December 28, 2007) and *Far Eastern Economic Review*. His interest in technology grew out of a realization that it was changing the way journalists—and the world—work. The focus of his column is how to make technology practical for average people. In 2005 he published *Loose Wire*, a personal guide to making technology work for you. He also keeps a blog dedicated for technology issues.

Mr. Wagstaff studied History at the University of Exeter and earned his master's degree in South East Asian Studies at the School for the School of Oriental and African Studies (SOAS) at the University of London.

## **Carol Wang**

Carol Wang is currently a Special Assistant to the Director, Liechtenstein Institute on Self-Determination, at Princeton University and an Advisor to the Permanent Representative of Afghanistan to the UN. She has done research into copyright laws and volunteered with the Lingfang Township in Hunan Province, China. Ms. Wang received a BA from the Woodrow Wilson School of Public and International Affairs at Princeton University in 2007.

## **Marvin G. Weinbaum, Ph.D.**

Marvin Weinbaum is professor emeritus of political science at the University of Illinois at Urbana-Champaign and is currently a scholar-in-residence at the Middle East Institute in Washington, DC. He served as analyst for Pakistan and Afghanistan in the U.S. Department of State's Bureau of Intelligence and Research from 1999 to 2003.

Professor Weinbaum earned his doctorate from Columbia University in 1965, and he joined the Illinois faculty in the same year. At Illinois, he served for 15 years as the director of the Program in South Asian and Middle Eastern Studies. Professor Weinbaum was awarded Fulbright Research Fellowships for Egypt in 1981–82 and Afghanistan in 1989–90, and was a senior fellow at the United States Institute of Peace in 1996–97. Dr. Weinbaum has been the recipient of research



awards from the Social Science Research Council, the Ford Foundation, the Hewlett Foundation, IREX, the American Political Science Association, and other granting agencies.

Since retiring at Illinois, Professor Weinbaum has held adjunct professorships at Georgetown and George Washington universities and lectures regularly at the U.S. Foreign Service Institute. At the State Department he was a recipient of its Superior Honors Award. Since leaving the Department, he has assumed numerous consultancies, both with government agencies and the private sector.

Professor Weinbaum's research, teaching and consultancies have focused on the issues of national security, state building, democratization and political economy. He is the author or editor of six books, including *South Asia Approaches the Millennium: Reexamining National Security*, co-edited with Chetan Kumar in 1995, and *Afghanistan and Pakistan: Resistance and Reconstruction* in 1994. In all, Professor Weinbaum has written more than 90 journal articles and book chapters, mostly about Pakistan, Afghanistan and Iran, but also on Egypt and Turkey. Among his recent publications are book chapters for edited volumes dealing with the U.S.-Pakistan partnership in counterterrorism, Pakistan's political culture, state building and security in Afghanistan, and the politics of human rights in Turkey, Iran and Afghanistan.

### **Miki Wilkins**

Miki Wilkins is a Program Officer at Democracy International. Ms. Wilkins recently completed an M.A. in Democracy and Governance and a Certificate in Arab Studies at Georgetown University, where she focused on the politics, society, and culture of the Middle East and North Africa region. As a David L. Boren Fellow in 2008-2009, Ms. Wilkins studied Arabic and conducted research in Damascus, Syria. Her research interests include the relationship between religion and politics and the ways in which social networking and civil society support politics. During the summer of 2008, Ms. Wilkins studied Arabic in Oman with a fellowship from the U.S. Department of State. She worked at Democracy International as a graduate intern from January to May 2008 and rejoined DI in the spring of 2009. In the summer of 2007, she lived and studied Arabic in Damascus, Syria. In the fall of 2006, she worked at the National Democratic Institute for International Affairs on programs aimed at improving the strength of political institutions in Lebanon, the West Bank and Gaza, Jordan, Egypt and Syria.

Ms. Wilkins is a 2001 graduate of Georgetown University where she majored in government with a concentration in political theory. She is fluent in Arabic and Modern Greek and proficient in Spanish.





## APPENDIX E: SELECTED LAWS AND REGULATIONS

There are a number of Electoral Laws and Regulations that have a significant impact on the 2009 elections that merit specific discussion. The selected laws and regulations are first set forth below in the manner they were intended to be applied and enforced, and afterwards there is a brief discussion about the election reality.

Articles 2, 3, 4 and 5 fall under the General Provisions of Chapter One of the Electoral Law and provide the necessary language for elections through free, universal, secret, and direct ballot. The General Provisions also guarantee that voters shall have equal rights of participation in the elections and that each voter shall have one vote in the elections and shall vote only on his or her own behalf. Lastly, the General Provisions provide that voters and candidates shall take part in the elections on the basis of their free will and that imposition of any kind of direct or indirect restriction on voters or candidates on the basis of language, religious, ethnic, gender, tribal, geographical, or social status is prohibited<sup>98</sup>.

It is the duty of the IEC and ECC to manage the election process so that the conditions for free and fair elections are met as set forth in the General Provisions. To that end the remaining articles of the Electoral Law are designed to implement and enforce the general provisions for free and fair elections. Among those is Article 9 and its commitment to impartiality and confidentiality. Electoral officials are commanded to perform the duties assigned to them in an impartial and unbiased manner and may not seek or receive instructions from any government or non-government official or authority, except the Director of the Secretariat of the IEC. Prior to taking office, electoral officials shall declare, officially and as specified by the Commission, that throughout the electoral process they will fulfill the duties assigned to them with decency, truthfulness, and confidentiality<sup>99</sup>.

Article 17 requires that voters, prior to receiving the ballot paper, prove their identity by showing their voter registration cards<sup>100</sup> and Article 34 provides for the use of a voters list<sup>101</sup>. Because the voters list was deemed too unreliable there were no lists at Polling Centers during the 2009 elections. Instead, voters were asked to show a registration card and photo identification and had their fingers inked to minimize the incidences of multiple voting. The photo IDs were not always required out of respect for traditional customs forbidding women to show themselves in public<sup>102</sup>. Observers and agents are controlled by the IEC under Article 42, which specifies the rights and duties of observers, as well as the procedures for the accreditation of national and international election observers and agents of political parties and of independent candidates<sup>103</sup>.

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<sup>98</sup> Electoral Law, Chapter I, articles 2,3,4, 5

<sup>99</sup> Electoral Law, Chapter II, article 9

<sup>100</sup> Electoral Law, Chapter IV, article 17

<sup>101</sup> Electoral Law, Chapter VIII, article 34

<sup>102</sup> IEC, Final Polling and Counting Procedures, Chapter III, Polling

<sup>103</sup> Electoral Law, Chapter VIII, article 42

Article 47 concerns the details of sealing of ballot boxes such that as soon as the ballot box is full or balloting has ended, the Chairperson of the polling center, in the presence of accredited agents and election observers, seals the box in the prescribed manner and allows any accredited Agent who may wish to do so, to record the number of the seals. Thereafter, the Chairperson of the polling center delivers the ballot boxes and packets to the Counting Center in accordance with the Commission's instructions<sup>104</sup>.

Article 48 states that votes shall be counted in counting centers determined by the Commission<sup>105</sup>.

Article 52 establishes the Electoral Complaints Commission, which is discussed more fully hereafter. However, there are several points to be made at this juncture. The first is that the ECC develops and implements its own procedures for considering and adjudicating complaints, and that the ECC on its own initiative and in the absence of a formal complaint or challenge may investigate alleged or suspected violations of the Electoral Law. Lastly, the decisions of the ECC shall be final and the body shall discontinue its work no later than 30 days following the certification of results<sup>106</sup>.

Article 54 lists the possible postelection sanctions and penalties, the most severe of which is, prior to the certification of results, that the ECC order a recount of ballots, or a repeat of the voting; or invalidate ballot papers not meeting the conditions for validity, or order the count or recount of a ballot paper or a group of ballot papers<sup>107</sup>.

Article 55 allows the ECC to order a re-run of the election in a particular constituency(s) if it determines that the election in that constituency has been flawed<sup>108</sup>.

Supplementing the Electoral Law are several specific regulations promulgated by the IEC. The Regulation on Electoral Campaigns<sup>109</sup>, the Regulation on Political Campaign Finance Disclosure<sup>110</sup>, the Regulation on Counting<sup>111</sup>, the Regulation on Approval of Election Results<sup>112</sup>, and the Regulation on Electoral Challenges and Complaints<sup>113</sup>. The purpose of the regulations is to provide a level of specificity that the Electoral Law itself lacks. Also worth noting, as regulations the procedures are easier to amend from time to time as circumstances dictate as opposed to legislatively enacted laws which require an act of the legislature.

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<sup>104</sup> Electoral Law, Chapter VIII , article 47

<sup>105</sup> Electoral Law, Chapter VIII , article 48

<sup>106</sup> Electoral Law, Chapter IX , article 52

<sup>107</sup> Electoral Law, Chapter IX, article 54

<sup>108</sup> Electoral Law, Chapter X, article 55

<sup>109</sup> Electoral Regulation on Campaigns

<sup>110</sup> Electoral Regulation on Political Campaign Finance

<sup>111</sup> Electoral Regulation on Counting

<sup>112</sup> Electoral Regulation on Approval of Election Results

<sup>113</sup> Electoral Regulation on Challenges and Complaints



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