



PRELIMINARY STATEMENT OF THE NDI ELECTION OBSERVER DELEGATION TO AFGHANISTAN'S 2009 PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS

Kabul, August 22, 2009

This preliminary statement is offered by the National Democratic Institute's (NDI) election observer delegation to Afghanistan's August 20, 2009 presidential and provincial council elections. The delegation visited Afghanistan from August 16 to August 22. The delegation was co-led by: Gary Hart, former U.S. senator; Karl Inderfurth, former U.S. assistant secretary of state for South Asian affairs; John Manley, former deputy prime minister and foreign minister of Canada; Nora Owen, former minister of justice of Ireland; Karin von Hippel, co-director of the Post-Conflict Reconstruction Project and senior fellow at the Center for Strategic and International Studies; Jamie Metzl, executive vice president of the Asia Society; Kenneth Wollack, president of NDI; and Peter Manikas, NDI's director of Asia programs. This observation mission was funded by a grant from the United States Agency for International Development.

The security situation in Afghanistan prevented observer groups, including NDI, from operating in some parts of the country – especially portions of the south and southeast regions – on election day. Nevertheless, NDI deployed more than 100 credentialed observers, including long and short-term international and national observers. The mission's international observers included current and former government, political party and election officials, legislative staff, representatives of democracy and human rights organizations, and academics from 11 countries in Africa, Asia, Australia, Europe, the Middle East, and North and South America. NDI's election day delegation was deployed in 19 of the country's 34 provinces, and observed nearly 500 polling sites.

The delegation's findings were informed by reports from a team of 27 long-term international and national observers, based in regional capitals across Afghanistan. These long term observers have been monitoring the electoral process since July. The NDI observation effort also benefited from ongoing communication with non-partisan domestic organizations that deployed thousands of monitors throughout the country. Prior to the election, the NDI delegation met with provincial council and presidential candidates, political party leaders, the Media Monitoring Commission, government officials, representatives of the Independent Election Commission, the Electoral Complaints Commission, international and Afghan NGOs, women's groups, domestic election monitors as well as members of the diplomatic community and donor aid agencies.

The delegation's purpose was to demonstrate the international community's continued support for advancing the democratic process in Afghanistan and to provide an impartial assessment of the August 20 elections. NDI conducted its activities in accordance with the laws of Afghanistan and the Declaration of Principles for International Election Observation.

The delegation recognizes that the tabulation of results is still underway, official results have yet to be announced, and electoral complaints and challenges still must be considered and resolved in accordance with the rule of law. This is particularly important in the context of Afghanistan's security situation, since many of the most serious election-related problems are likely to take place in areas of the country that are the least accessible to observers and the full extent of such problems may not be known until the results of the polls are carefully analyzed. The delegation, therefore, does not intend to render a final assessment of the election process at this time. Moreover, a runoff will be held if one of the candidates does not garner a majority of the votes cast. Ultimately, it is the people of Afghanistan who will determine the credibility of these elections. Further statements may be released in the post-election period and NDI will issue a final report shortly after the electoral process is completed.

I. OVERVIEW

On August 20th, Afghans voted to elect a president and members of provincial councils for only the second time in the nation's history. The elections were the first to be organized primarily by Afghan institutions and preparations for the elections took place amidst conflict in the southern and eastern regions and sporadic violence in other areas of the country. As election day neared, the Taliban attempted to disrupt the polls through calls for a boycott, threats to retaliate against voters and violence directed at candidates and their supporters. Despite the intimidation and violence, candidates campaigned actively and Afghan citizens demonstrated a keen interest in the electoral process. On election day, the continuing violence often focused on polling sites and sometimes on voters themselves. Nevertheless, Afghans throughout the country participated in the electoral process, often at great personal risk. The Afghan people have shown extraordinary courage and resolve in holding these elections and attempting to move the nation forward on a democratic path.

NDI observers saw the elections unfold in different ways on election day. In those places that Afghans were able to organize elections without violence or the threat of violence, the process was generally orderly. In most of the provinces of the north, west and central regions, the election took place in a relatively peaceful manner. In several provinces in the south, southeast and in pockets in the central region, such as Logar and Wardak, extremist violence disrupted the voting, and, in certain places where voting occurred, the threat of violence appeared to suppress voter turnout, especially among women. The absence of observers in these areas makes an assessment of their quality uncertain. However, while the threats and acts of violence had a significant effect on the election, ultimately violence did not derail the process as many had feared.

Aspects of the 2009 elections were in accordance with democratic principles. Afghanistan had no substantial experience with democracy prior to the fall of the Taliban almost seven years ago and women, under the Taliban regime, were excluded from every aspect of the nation's political and economic life. In the 2009 elections, 38 candidates, including two women, contested for the nation's highest office and 326 women, an increase from 285 in 2005, competed for seats on the provincial councils.

While the outcomes of the elections have not yet been determined, the vigorous campaigns launched by the presidential and provincial council candidates, as well as public opinion polls conducted in the lead-up to the elections, indicated that Afghanistan's political system is more competitive at every level than many have believed. In the lead-up to the presidential elections, major candidates crossed traditional ethnic lines and campaigned in all areas of the country. The candidates often attracted large and enthusiastic crowds; in the nation's less secure regions, campaign activity sometimes took place in the private homes of a candidate's supporters. The elections were remarkably free of clashes involving the supporters of opposing candidates. In addition, public opinion polls conducted in Afghanistan have consistently shown that a majority of Afghans would consider voting for a member of another ethnic group.

During the campaign period, there was also a focus on issues and platforms. This type of campaign was absent in 2004 and 2005. The presidential campaign was the nation's first to include national debates that were widely covered by the news media, and were seen or heard by millions of Afghans. In addition, in many parts of the country, the election was generally well-administered. Election materials were delivered on time, polling station staff was sufficiently trained, international and domestic observers, as well as candidate agents were present and the elections were conducted in a generally transparent manner.

The elections, however, also involved serious flaws that must be addressed in order to build greater confidence in the integrity of future elections. Much work, for example, is needed to improve the electoral administration. A lax registration process led to multiple registrations and the registration of ineligible voters. As a result, there is widespread agreement that substantially more

Afghans are registered to vote than there are eligible voters. This increases the potential for fraud and other types of misconduct, and could erode the Afghan people's confidence in the integrity of the electoral process and in the institutions that emerge from the polls. Other abuses, such as misuse of state resources and proxy voting, were observed in some areas of the country and could adversely affect the credibility of the elections.

In addition, the IEC, whose members are appointed by the president without legislative oversight, is viewed by many key participants in the electoral process as less than independent. While the commission performed many of its responsibilities well, its credibility depends not only on its actions but on the public's perception of its impartiality.

The rights of women in the electoral process require special attention. Despite the growing numbers of women engaging in the political process, barriers still prevent their full participation. Women candidates and political activists, for instance, are frequently the targets of threats of violence, impeding their ability to campaign freely. Women provincial council candidates with whom the delegation met indicated that their ability to campaign was negatively affected by the lack of security. The inability of the Independent Election Commission (IEC) to recruit sufficient female staff to administer women's polling stations could have deterred women from casting their ballots. Women are also most vulnerable to practices such as proxy voting and because the photograph on their voting card is optional, women are also most vulnerable to identity fraud.

Violence and the threat of violence have shaped many aspects of the electoral process. The problem of election-related violence is not fully in the control of Afghan government and electoral officials, but it is critical for the growth and survival of the nation's incipient democratic process that the continuing insurgency is brought to an end. In areas of the country that were least secure, there was a decrease from 2005 in the number of provincial council candidates seeking office (although there was an overall increase in the number of candidates); it affected the IEC's ability to recruit polling staff in some areas of the country and limited the ability of international and domestic observers to obtain access to the portions of the country that were most at risk of electoral misconduct.

This election has demonstrated that millions of Afghans want to participate directly in the country's evolving democratic political system. The August 2009 elections were the latest step on Afghanistan's long road toward constructing a democratic political system. This delegation strongly believes that the international community must continue to assist them in this journey. A democratic and peaceful Afghanistan is in the interest of the Afghan people and the international community.

II. RECOMMENDATIONS

In the spirit of international cooperation, NDI offers the following recommendations:

A. Electoral Oversight and Preparation

1. The Wolesi Jirga should again review the manner of appointment for members of the IEC.

Members of the IEC are now appointed by the president without legislative oversight. To help prevent the appearance or reality that commissioners are acting in a biased manner, a check on executive authority in the selection of commissioners is desirable and would be consistent with international best practices. In 2009, the Wolesi Jirga – the lower house of the National Assembly – presented legislation to the president calling for legislative involvement in the approval of election commissioners. The president did not approve the proposed law. Article 109 of Afghanistan's constitution prevents the legislature from amending the electoral law during the last year of its legislative term, so it is too late for legislative action to affect the next election. However, in the longer term, the Wolesi Jirga

should again launch a review of the law and the president should informally consult with the legislature on commission appointments prior to the 2010 elections.

2. An accurate voters' registry should be prepared.

An accurate voters' list is an important means for preventing electoral misconduct and for assisting the IEC in preparing for the polls. There is widespread agreement, however, that the existing voter registry is grossly inaccurate; in some provinces, registered voters exceed total population estimates. The existence of large number of duplicate and counterfeit registration cards could seriously undermine public confidence in the electoral process.

3. A census of the population of Afghanistan should be conducted as soon as possible.

Accurate population figures are needed to properly allocate seats in legislative assemblies, demarcate district boundaries as well as to assist officials in planning for development programs and help electoral officials make arrangements for elections. Annex III of the Bonn Agreement of 2001 requests the United Nations to conduct a census as soon as possible. A census, however, has not been conducted; though one was planned in 2008, it was indefinitely postponed due to security concerns. Currently, population estimates are prepared by Afghanistan's Central Statistics Office.

4. The international community, in partnership with the Afghan government, should immediately begin preparing for the next election cycle.

Little was done between 2005 and 2009 in preparations for the 2009 elections. Funding gaps and delays affected the implementation of electoral preparations, including the recruitment and training of election personnel, voter education projects, and support for the ECC. Given the impending date of the 2010 parliamentary elections, planning should begin immediately, taking into consideration lessons learned in 2009 and previous elections.

B. Electoral Design and Conduct

5. The IEC should improve the staffing of women at registration and polling centers.

The IEC had difficulty recruiting female staff for registration and polling centers. As the 2009 election approached the IEC indicated it had female staff at only 30 percent of the polling stations allocated for women. Since it is considered culturally insensitive for women to confirm their identity to a male, the presence of female staff at registration and polling sites is critical in protecting the right of women to participate in the electoral process.

6. All candidates for elections should be strongly encouraged to participate in Electoral Complaints Commission (ECC) programs explaining campaign regulations and the complaints process.

Many candidates do not have sufficient knowledge of the electoral process and this deficit results in violations of the election law or the withdrawal of candidates late in the elections process. A better understanding of the roles and responsibilities could better prepare candidates upon launching their campaigns.

7. An independent commission should be established to organize candidate debates.

Three debates were held for the presidential candidates in the lead-up to the 2009 elections. These debates were organized by individual news media organizations. Unfortunately, the participation of all the candidates did not take place in the two televised debates. Establishing an independent commission would increase the candidates' confidence in the impartiality of the debates and secure broader participation.

8. The IEC and the ECC should receive adequate funding to initiate programs to train and retain their staffs.

As the 2009 elections approached, the IEC and the ECC had many new staff members who had no previous experience in election administration. In addition, funding for election administration was received late in the elections cycle, leaving little time to plan and implement training programs. Planning for the 2010 elections should begin immediately and this will require that the international community and the Afghan government provide needed resources to both organizations as soon as possible.

9. Funding for voter education should be increased and greater efforts are needed to reach women voters.

The IEC conducted an extensive voter education campaign, involving religious leaders, mock ballots and television and radio promotion. However, voter education often did not reach many people living in remote rural areas; these regions have the least access to the news media and are often not reached by their messages. In addition, the IEC was unable to recruit female staff, especially in the least secure areas of the country.

10. A clear deadline for the withdrawal of candidates should be established.

The 2009 elections saw candidates withdrawing close to election day; too late for the candidate to be removed from the ballot. This resulted in considerable confusion as to how the votes cast for that candidate will be handled at the polling station and the national tally center. Establishing a clear timeline would help to eliminate the uncertainty surrounding candidate withdrawal.

11. The Wolesi Jirga should review alternatives to the Single Non-Transferable Vote system.

As in the past legislative elections, in the 2009 provincial council elections the SNTV system produced a large number of candidates. While the SNTV system has the advantages of being relatively easy to administer and provides an opportunity for independent candidates it also has several disadvantages; it results in a very low threshold for election (in the past legislative elections a candidate could win a seat in Kabul with less than one percent of the vote) and discourages the participation of political parties. Although it is too late to seek changes for the 2010 elections, a review of the appropriateness of the SNTV system should be high on the agenda for the next session of the legislature.

12. The ECC should be reconstituted as soon as possible following the 2009 elections and provided with the resources needed to prepare for next year's Wolesi Jirga elections.

The electoral law requires that the ECC discontinue its work no later than 30 days following the certification of election results. The ECC had inadequate time to prepare for the 2009 elections and was unable to properly train its staff and inform the public concerning the complaints process well in advance of the elections. In order for the ECC to sufficiently prepare for next year's Wolesi Jirga elections it should be immediately re-established, receive adequate funding and commence its work.

C. The Role of the Media

13. A new media law should be adopted providing for the independence of government operated media.

The Afghan government should transform Radio Television Afghanistan (RTA) into a responsible public service broadcaster available countywide and dedicated to public affairs programming. Its program content should reflect the diversity of Afghanistan's regions and

people. Its independence should be ensured along the lines proposed in the media law that was adopted by the Wolesi Jirga in 2008, but not signed into law by the president.

14. The IEC, ECC and Media Commission should enforce the Media Code of Conduct.

The Media Code of Conduct states that the IEC, ECC and the Media Commission can impose sanctions and take other major steps for any violation of code provisions, including those that specify impartiality, accuracy, fairness and equity. These bodies should take strong action and impose sanctions and appropriate measures for all media, including state-run media, that violate the code.

D. Security

15. Security planning should commence immediately for the 2010 elections.

The issue of security has shaped many aspects of Afghanistan's 2009 elections process—from the ability of candidates to campaign throughout the nation to the ability to recruit and deploy IEC staff, domestic election monitors and international observers, and to secure the right of women to fully participate in the political process. Planning for the security needed for the upcoming parliamentary elections will require the cooperation of the Afghan army, police, and appropriate ministries, as well as the international community. Enhancing security measures will be critical for the success of next year's elections and improving the nation's stability.

16. The IEC should undertake a security assessment of all polling center locations and periodically review security as the elections approach.

The IEC did not undertake a comprehensive review of all polling center locations until late in the 2009 elections cycle. Better preparation is needed to help ensure that security arrangements are appropriate for each site and that there is adequate time to recruit polling officials.

17. The Afghan National Security Forces (ANSF) should be the sole providers of security for polling sites.

The proposed use of militias in the 2009 elections was controversial. There is a lack of transparency in how these proposed militias would function and a lack of clarity regarding their relationship with other security forces, such as the Afghan army, police or the international military forces.

III. ELECTORAL CONTEXT

Legal Framework for Elections

The legal framework that governs Afghanistan's elections consist principally of the nation's 2004 Constitution of Afghanistan, the Electoral Law, the Independent Elections Commission Structure Law, Political Parties Law, applicable presidential decrees and the rules and regulations of the elections commission.

Chapter 1 of Afghanistan's constitution pledges respect for international agreements and treaties, including the Universal Declaration of Human Rights. Article 21 of the Universal Declaration states that "the will of the people shall be the basis of authority of government; this shall be expressed in periodic and genuine elections...." Afghanistan has ratified or signed the major international instruments containing election standards. Chapter 2 of the constitution provides for the protection of fundamental rights and duties essential for the conduct of elections that comply with international standards. These include the rights "to elect and be elected" as well as the rights

of free expression, assembly, travel and to form political parties. Article 156 of the constitution establishes an Independent Elections Commission (IEC). Article 61 of the constitution provides for the election of the president every five years. If none of the candidates for president receive 50 percent of the votes cast in the first round, a second round must be held within two weeks from the date election results are proclaimed. Article 138 of the constitution provides for the election of the members of provincial councils every four years.

The structure and responsibilities of the IEC are contained in Presidential Decree No. 23 and the Electoral Law. The IEC has seven members who are appointed by the president. The commission develops policy and oversees preparations for the polls. The IEC has a secretariat headed by a chief electoral officer and operates 34 provincial offices.

The electoral system used for legislative elections, including elections to the Wolesi Jirga (National Assembly) and provincial councils is the Single Non-Transferable Vote (SNTV) system, in which each voter may vote for one candidate in a multi-member constituency. This system is an uncommon one; in addition to Afghanistan, it is only used in three countries: Jordan, the Pitcarin Islands, and Vanuatu. As in the past legislative elections, in the 2009 provincial council elections the SNTV system produced a large number of candidates. While the SNTV system has the advantages of being relatively easy to administer and provides an opportunity for independent candidates it also has several disadvantages; it results in a very low threshold for election (in the past legislative elections a candidate could win a seat in Kabul with less than one percent of the vote) and discourages the participation of political parties. The SNTV system tends to generate a large number of candidates. They have difficulty distinguishing themselves from one another, and the voters find it challenging to differentiate candidate platforms. Candidates in provincial council races, particularly in large urban areas such as Kabul or Herat, tend to campaign on vague platforms, relying principally on social and familial networks for their votes. In Kabul, for instance, 524 candidates are competing for 29 seats.

The Political Parties Law provides for the registration of political parties with the Ministry of Justice – currently, there are 108 registered parties. No party may register if it has less than 700 signatures. The law states that parties may not oppose the principles of Islam; use force or the threat of force; incite ethnic, racial, religious or regional discrimination; endanger individual rights or disrupt public order; be affiliated with military organizations; or receive funds from foreign sources.

There has been growing dissatisfaction with the election laws, resulting in attempts to revise them. In 2008, for example, the Wolesi Jirga considered changes that would provide greater legislative involvement in the selection of election commissioners. The proposed legislation also would have altered the electoral system to adopt a mixed proportional voting system. No new legislation was adopted however, in part due to disagreement over how to allocate legislative seats to Kuchis (nomadic tribesman). Legislation was passed altering the Political Party Law to raise the minimum number of signatures from 700 to 10,000. The bill, however, was not signed into law by the president.

Article 109 of Afghanistan's constitution prevents changes in the electoral law less than a year before the end of a legislative term. Therefore, it is too late to adopt revisions prior to the Wolesi Jirga elections planned for next year.

Election Administration

Presidential elections in 2004 and parliamentary and provincial council elections in 2005 were administered by the Joint Electoral Management Body (JEMB), which was staffed by internationals and Afghans, and significantly supported by United Nations agencies. Since those elections, JEMB was dissolved and the Independent Election Commission (IEC) has assumed responsibility for election administration. The 2009 polls were the first elections organized and implemented under Afghan leadership.

The IEC consists of seven members appointed by the president. From these members, two of whom are currently women, the president appoints a chairman and deputy chairman. Members and their immediately family members are barred from engaging in political activities. In February 2009, the Wolesi Jirga passed a law requiring parliamentary approval of election commissioners, but President Karzai vetoed the legislation. Because the IEC is an appointed body, it faced the challenge of establishing its autonomy. Irrespective of the actions taken by the commission during this election process, its credibility ultimately rests on the perception of its independence.

Planning for the 2009 elections began late, reflecting the lack of strategic planning by the Afghan government and international donors since the last election four years ago. Much could have been done in this period, such as developing a plan to assess security needs for the coming elections, conducting a census, reconstructing the voter registry, launching voter education drives and refining the complaints process. These were all areas that were identified during the past elections as urgently needing action, but the opportunity to make improvements during this period was squandered.

The final list of polling centers nationwide was released a week before election day and the precise location of the centers was not known by some voters 24 hours before election day. This may have prevented some voters from accessing their nearest polling center and led to their disenfranchisement.

The commission faced budget shortfalls and struggled to recruit and train the 165,000 qualified staff needed for the elections. In particular, the recruitment of female poll station workers was difficult in light of deteriorating security in many parts of the country. A week before the elections, the IEC announced that it had recruited 90 percent of the polling and counting staff needed. NDI observers noted that the trainings for election officials that were hired were conducted professionally and thoroughly.

The distribution of election day materials reflected a well-developed process for the distribution of ballots and polling station equipment, which were delivered on time to polling sites. This is no small logistical feat; Afghanistan lacks a national road system and a large portion of the population lives in remote areas. Approximately 3,500 trucks and more than 3,000 donkeys were used to distribute over 35 million presidential and provincial council ballot papers across the country. The distribution of poll watching credentials for some political party agents did not go as smoothly; the delegation received information that some party headquarters did not receive credentials for their agents until three days before the election, leaving them little time to make arrangements to get to a distant polling site. To monitor the elections, the commission accredited over 203,000 candidate and political party agents, journalists and domestic monitors and international observers.

During the campaign period, 3.4 million mock ballots were distributed and over 600 billboards promoting voter awareness were installed throughout the country. The IEC developed TV and radio programs, as well as sponsored roundtables and community meetings, on the role of observers and candidate agents, election day security, and safeguards to prevent fraud during polling and counting. In addition, the IEC engaged over 1,600 voter educators to operate in teams throughout the country to inform voters on election procedures. However, extensive areas in the south and southeast were not adequately covered due to the security conditions. In addition, the IEC found it difficult to recruit female staff in unsafe areas, further diminishing the impact of voter education campaigns. NDI observers noted that significant numbers of voters were unaware of the possibility of an electoral run-off. Thus, prospective voters might not realize that their votes would have an impact (by depriving another candidate from receiving more than 50 percent of the votes) even if their preferred candidate did not win.

Election Security

The security planned for the elections involved three protective rings, described as concentric circles around the voting process. The inside ring, closest to the polling stations, was the Afghan Police. The second ring consisted of the Afghan National Army (ANA), and the outermost ring comprised of the International Security Force (ISAF), which was to provide support and assistance to the Afghan government as needed.

The delegation also received information concerning the proposed use of government-sanctioned community defense forces, or militias, which would help to provide security if the ANA or the police were not available. The justification for the use of such militias was that they could help to increase participation in the electoral process in insecure environments. There was, however, a lack of clarity as to how these militias might be recruited, funded and equipped, as well as to whom they would be accountable. The IEC decided that it would not provide election materials to polling centers that were not protected by the ANA and police. The NDI mission did not observe any government-sanctioned militias operating near polling sites on election day.

The recruitment, training and equipping of the police has been a continuing problem. While the police are widely considered the first line of defense against the insurgency, their professionalization has been a slow and arduous process. If greater resources are devoted to developing a professional national police force, there will be no need to consider the use of militias in the electoral context.

The IEC made several decisions on the grounds of security, such as the failure to open polling centers in some areas in which they has been planned, the closure of other polling centers, as well as their relocation and consolidation. The basis on which these security decisions were made is not clear. Such decisions could appear to be politically motivated if they are viewed as advantaging one candidate over another. The problem is aggravated if the IEC is viewed as lacking independence from the government.

Electoral Complaints

The Electoral Complaints Commission (ECC) is charged with vetting candidates for compliance with legal qualifications to stand for election and adjudicating allegations of election violations and appeals. It is comprised of five members: three internationals appointed by the United Nations and two Afghan commissioners, one selected by the Afghanistan Independent Human Rights Commission and one by the Supreme Court. In 2005, the ECC was a target for much criticism, largely due to the outsized expectation of what the body could accomplish with available resources. Although a number of candidates were disqualified for having links to illegal armed groups, the general public expected a much higher number of disqualifications. In addition, delays and the lack of timely information about the status of complaints fed a general dissatisfaction and mistrust about the process and its effectiveness.

In the lead up to the August polls, the ECC attempted to address the concerns that arose from the 2005 process. However, commissioner appointment and funding delays led the body to begin activities later than anticipated. Nonetheless, during the candidate vetting period, the ECC disqualified three presidential and vice presidential tickets as well as 54 provincial council candidates – the latter individuals were largely ruled out for having ties to armed groups.

The ECC has a Provincial Election Complaints Commission (PECC) in each of the 34 provinces of the country, enabling nationwide reach to receive and address complaints and appeals. However, similar to the challenges faced by the IEC, the ECC had problems recruiting sufficient numbers of lawyers and investigators, particularly outside the capital. In addition, during the official campaign

period, many candidates reported to NDI long-term observers that the PECC staff was unresponsive, causing candidates and their supporters to be reluctant about filing complaints. Observers also noted the lack of public outreach on the complaints process.

There is widespread agreement that the ECC has performed commendably and carried out a very important mission. However, the need for the ECC also reflects the absence of a functioning judicial system in Afghanistan. Eventually, it should be a duly constituted court system that hears appeals from electoral decisions; these decisions that may have far reaching consequences for the development of Afghanistan's political process.

Voter Registration

Annex III of the 2001 Bonn Agreement requests the United Nations to conduct a census of Afghanistan's population. The most recent complete census was conducted in 1967 and a partial census was begun in 1979 but not completed. Scheduled to begin in June 2008, a U.N.-conducted census was postponed because of deteriorating security in the country. There were also public concerns that the census results could be politicized if conducted in the run up to the 2009 presidential election. Without an accurate census, election officials and observers lack reliable information on population density or the gender breakdown. In the absence of a census, accurate checks on voter registration and voter participation figures have not been possible.

Voter registration for the 2005 elections resulted in a high number of duplicate voter cards. Following those polls, electoral and government authorities decided to connect the voter registry to a civil registry to improve the accuracy of the voter list. However, efforts shifted in late 2008 and early 2009 to update the voter registry with a series of registration drives around the country, resulting in 4.5 million new ID cards. Unfortunately, no effective mechanism was established to prevent those who were already registered from getting a second ID card. The domestic election monitoring organization, the Free and Fair Elections Foundation of Afghanistan (FEFA), observed the voter registration process and found high incidents of counterfeit cards, cards issued to underage voters and multiple cards issued by proxy to village elders. Voter cards were widely bought and sold as the election approached, though this appears to have occurred largely on a retail, rather than wholesale, basis. These factors increase the vulnerability of the electoral process to manipulation and fraud.

In many areas, the number of ID cards issued exceeded the estimated population, including those who are not even old enough to vote. Voter cards for women did not require a photograph. In the south, southeast and east, FEFA noted a high occurrence of males registering in behalf of the female members of their family. There are also several areas where the number of women registrants appears implausibly high – often greatly exceeding the number of registered men – given the prevailing cultural norms in those regions; this led many local and international observers to believe that women's ID cards may be used to cast fraudulent votes on election day. NDI observers noted that such problems may occur throughout the country, but are more likely to occur in the less secure areas – which will have fewer monitors on election day. Some women candidates and activists have proposed the use of a national identity card, which could also be used for voting. If such an ID card is tied to the receipt of government benefits, women might be more inclined to agree to have their photographs taken and used on the card.

The Presidential Campaign

Forty-one candidates were featured on the ballot for the August 20 polls. By election day, three candidates had withdrawn and there were 38 active candidates. This is an increase from the 23 presidential candidates who stood for election in 2004. NDI observers noted that candidates actively campaigned, and the discussion of issues and platforms played a prominent role within the official campaign period. Incumbent President Hamid Karzai ran on a platform of national unity,

soliciting endorsements from diverse power brokers across Afghanistan, including anti-government elements. Abdullah Abdullah, former Northern Alliance commander and former foreign minister under the post-Taliban transitional administration as well as Karzai's cabinet, campaigned on reducing the power of the presidency, switching to a parliamentary system and strengthening provincial governments. Ashraf Ghani Ahmadzai, an academic and former finance minister under the post-Taliban transitional government, put forward a comprehensive platform that prioritized economic progress, employment and education. Ramazan Bashardost, former Planning Minister under Karzai's administration and a sitting parliamentarian whose campaign gained momentum in the final weeks before the polls, ran on a platform of anti-corruption. Two female candidates also participated in this race. The major presidential contenders selected vice presidential running mates to promote ethnic balance.

During the official campaign period, NDI observers noted how candidates were able to conduct campaign activities in provinces of different ethnic bases. For example, Abdullah held a campaign rally in Kandahar that was attended by more than 4,000 supporters, and President Karzai held campaign events in Herat as well as a number of northern provinces.

The major presidential candidates ran as independents with no party affiliation. However, party coalitions helped certain candidates garner votes – Abdullah Abdullah was endorsed by the National Front, a network of multi-ethnic parties generally opposed to the Karzai government.

For the first time in Afghanistan, presidential debates were held and broadcast nationwide over radio and TV. The first debate, held on July 23 and sponsored by Tolo TV, was reported to have been viewed by over 10 million Afghans. Of the top three candidates, only Abdullah and Ghani participated in this debate; President Karzai withdrew from the debate at the last minute. A succeeding debate, held on August 16 on RTA TV, featured Karzai, Ghani and Bashardost. In addition, a radio sponsored roundtable featured all of the major presidential contenders.

The Electoral Media Commission, which was established by an IEC regulation and reports on the media's coverage of the candidates, stated that the election coverage had broadened and deepened in Afghanistan since the 2004 presidential election. The commission's reports also noted a strong bias in favor of Karzai on the state-run television and radio. The commission reported, for instance, that between July 21 and August 4, the government operated RTA Radio devoted 91 percent of its election coverage to Hamid Karzai and only two percent to Abdullah Abdullah and one percent to Ramazan Bashardost, president Karzai's closest rivals. The commission also found that between July 6 and August 4 RTA Television devoted 68 percent of its coverage to President Karzai, 10 percent to Abdullah and three percent to Ashraf Ghani Ahmadzai. The commission asked RTA to explain this unbalance, but took no further action.

The Code of Conduct for the Media, adopted by the IEC, requires that all electoral reports "be prepared with impartiality, accuracy, fairness and equity." Government operated stations failed to comply with the Code. It was unfortunate that the Media Commission did not impose sanctions in response to a violation by the government operated media. It could have taken action on the alleged violation.

Afghanistan's private media, which has proliferated since 2002, provided greater balance in their election coverage than the government operated media.

In 2008, the Wolesi Jirga passed a new media law establishing a public broadcasting system designed to help ensure RTA's independence from government control. President Karzai, however, did not sign the legislation.

Provincial Council Campaigns

Provincial councils are the only elected bodies at the local level and are a key component of establishing a stable and self-sustaining Afghanistan. Provincial councils are the most direct point of contact between citizens and the government. For the August race, 3,196 candidates contested 420 provincial council seats, up by 171 candidates from the 2005 elections. However, this increase was primarily noted in the north, northeast and central regions; in the south and southeast, there were fewer candidates on the ballot. Twenty five percent of the provincial council seats are reserved for women, and 326 female candidates participated in this race, an increase from the 285 women who contested the 2005 polls. In Kandahar and Uruzgon, there are fewer women candidates than reserved seats.

More than 80 percent of the provincial council candidates registered as independents. However, over 30 parties fielded candidates, and 11 parties supported at least 10 candidates. Junbish had over 80 candidates in 10 provinces; Wahdat Islami Mardom had more than 50 candidates in 11 provinces; while Hezb-e-Islami has over 40 candidates in 14 candidates. Candidates running with party affiliations were seen mostly in the northern provinces. A handful of national parties interviewed by NDI were thinking strategically about how to distribute votes on the provincial level to maximize their number of seats. NDI observers noted that Hezb-e-Islami Afghanistan and Hezb Jamhori Afghanistan (the Republic Party of Afghanistan), for example, were directing candidates to only campaign in targeted areas within a province, so as not to waste votes among party contenders.

The tone and visibility of provincial council campaigning varied greatly across the country. There were publicly contested elections in the more secure areas. In the southern part of the country, where the Taliban was actively targeting those participating in the elections, most of the campaigning took place inside the walls of private homes. NDI observers in Kandahar and Kunduz, for example, reported that there was little public campaigning for the provincial council seats, and candidates solicited support from tribal and religious leaders behind closed doors. Long term observers in Kunduz reported that some candidates refused to appear on radio programs, fearing retaliation.

IV. ELECTION DAY

On election day, the country saw elections unfold in different ways – ranging from provinces with high voter turnout and peaceful polling activities to areas where polling stations were subject to violent attacks and polling workers were threatened by the Taliban. Bamiyan and provinces in the north saw, for the most part, orderly polling and relatively high participation. Taliban-issued threats against participation – including cutting off inked fingers – in the south, southeast, east, northeast, some areas of the capital region fueled an environment of fear and tension, resulting in low voter turnout overall and poor turnout among female voters. The night before polling, government officials requested that domestic media refrain from reporting on electoral violence between 6:00am and 8:00pm on election day.

Voting Process

For the north, central and western regions, polling activities were relatively normal, with isolated incidents of intimidation. In these areas, women voted in significant numbers, and polling was conducted generally in an orderly fashion. In Kabul city and Kabul province in general, turnout was lower than expected, and several reports early in the day of possible polling station closures due to the lack of supplies shifted as large numbers of ballots remained at the end of the day. In the south and southeast, several violent incidents disrupted the opening of polling stations and limited voter participation. Observers reported that in a number of unsafe areas, stations did not open at all. The IEC reported that 6,192 polling centers were open on election day.

Midway through election day, the IEC issued an hour extension for poll closing to help boost voter participation. NDI observers reported that since the announcement came late in the day, the extension did not have any impact in increasing voter turnout; in addition, as observers did not witness long queues of voters in any part of the country at midday, the need for the extension was unclear. Some poll workers in different parts of the country did not extend voting hours and proceeded with the vote count shortly after 4:00pm.

Across the country, poll workers experienced problems with punchers intended to perforate used cards. The IEC quickly issued an instruction to use scissors to mark used cards instead, and observers noted that this issue did not disrupt the voting process in a meaningful way. Some observers reported isolated problems related to the indelible ink, but did not have a significant impact on the overall process.

Isolated cases of proxy voting and the use of multiple voting cards by men were seen in a few areas around the country, including in the south and southeast, and observers noted that they did not occur in the frequency that many anticipated.

Throughout the country, posters and other campaign materials were present within 100 meters of polling centers and inside polling stations. Some active campaigning by candidates and their supporters, in violation of the law, were observed in several areas around the country.

Counting of Votes

The counting of ballots for the presidential race was conducted at the end of election day, and the tally for provincial council candidate votes occurred the following day. Given cultural traditions and the anticipation that women would need to return to their homes in the late afternoon, many female polling stations around the country postponed the vote count to the following day. Across the country, observers noted that election officials were knowledgeable of the counting procedures, with female station workers seeming slightly less trained in some provinces.

Participation of Women

Observers reported that aside from Bamiyan and provinces in the north, the turnout of women for this election was notably low. In certain polling stations in the south and southeast, almost no women voted. To fill the staffing gap of female poll workers and searchers, the IEC had recruited the help of mullahs and women's organizations; observers noted that for some schools that served as polling stations, female teachers were present as body searchers and poll workers. A number of Afghan women observers underlined that the presence of males at female polling stations may have deterred women from voting.

Violence on Election Day

Election related violence and threats of violence were reported in various parts around the country, and affected the participation of voters, candidate agents and election monitors. Rockets, mortars and improvised explosive devices (IEDs) were used to target polling stations in certain places in the northeast, east, south, southeast and capital region. In many provinces, polling centers were closed or did not open at all due to threats from the Taliban and other armed groups. In Kabul, violent incidents occurred outside of the 'ring of steel', a series of several checkpoints manned primarily by Afghan National Police and Afghan National Army.

Voter intimidation was seen in various forms, including the harassment of election workers by Taliban and other armed groups. This type of intimidation did not appear to be systematic, but incidents were noted to be heaviest in the south and southeast.

V. THE DELEGATION AND ITS WORK

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process; the right to stand for election; the conduct of voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, and civic activists.

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