

8 Sept 2010: 10 days to E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

For the 2010 Afghan *Wolesi Jirga* elections, the National Democratic Institute (NDI) is conducting an observation mission and analyzing the electoral process before, during and after election day. This mission involves more than 140 international and Afghan observers throughout the country. For more information, visit NDI.org and AfghanistanElectionData.org.

Vetting candidates with links to armed groups Disqualification procedure unclear to candidates and voters

Given the widespread perception that warlords have secured seats on elected bodies, an improved process for vetting political candidates has been recommended repeatedly since the 2004 elections. However, vetting appears to be even more flawed this year than in past elections. Over the last three months, the convoluted vetting process for the 2010 *Wolesi Jirga* polls has continued and, according to the Electoral Complaints Commission (ECC), it could extend up to Election Day. To date, the ECC has disclosed two key reasons for disqualifying candidates: 1) being a member of, or in control of, an illegally armed group [36 candidates as of Sept. 6], and 2) failing to resign from a government position within the allocated timeframe [48 candidates as of Sept. 6]. The ECC continues to investigate complaints of non-resignation from government positions, and reserves the right to disqualify candidates on other grounds.

The primary concern with this year's vetting is not the number of disqualified candidates; rather, it is the lack of transparency of the process. On paper, the procedure starts with the Independent Election Commission (IEC) Vetting Commission (VC), comprised of representatives from the IEC, the National Directorate for Security (NDS), the Ministry of Interior (MoI) and the Ministry of Defense (MoD). The VC is responsible for presenting the list of candidates with links to armed groups to the ECC. Although it is not responsible for investigating alleged links to armed groups, the ECC issues the final ruling on whether to disqualify a candidate.

Earlier this year, the VC presented the ECC with 83 candidates for disqualification. All 83 appealed and produced documentation refuting the VC decision. Instead of reviewing the appeals, the VC simply passed this information to the ECC. The ECC demanded that the VC complete its mandate and investigate the appeals. The VC then exonerated 78 of the accused candidates and handed the ECC a list of 13 individuals - eight of whom were entirely new - for disqualification. After an appeals period for the newly listed

UPDATE: In an earlier report, NDI covered the debate between the Independent Election Commission (IEC) and the Ministry of Defense (MoD) on the final list of polling centers for the 2010 elections. After a Sept. 4 meeting between President Karzai and the IEC leadership to discuss the polling center list, the IEC announced that its original list of 5,897 polling centers is final, although the IEC reserves the right to remove more centers if security deteriorates.

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Media coverage of the 2010 *Wolesi Jirga* campaign

Media environment

Deteriorating security is limiting access to information. For example, Khilid Group reports that its journalists can only travel to 28 provinces; they visited all 34 during the 2005 *Wolesi Jirga* elections. Journalists have been subjected to threats and intimidation. The Afghan National Journalists Union (ANJU) and Reporters Without Borders protested the government's decision to shut down a private TV station on July 27, saying the government circumvented the proper legal channels. President Karzai claimed that *Emroz TV*, which was owned by a *Wolesi Jirga* candidate, committed "national treason," but officials did not specify the exact nature of the allegations. Other media outlets such as *Rab-e-Fardha* and *Kamsar TV* belong to candidates, allowing them unlimited broadcasting.

Electoral Media Commission

Following the electoral decree issued by President Karzai this year, the IEC established a five-member Electoral Media Commission (EMC) more than two months before Election Day. The EMC has a mandate to monitor elections coverage and investigate complaints about breaches of the Media Code of Conduct. The ANJU said Afghan law required the EMC, rather than the government, to rule on shutting down media outlets such as *Emroz TV*. The EMC has received 12 complaints, mainly related to unbalanced campaign coverage. Nine have been resolved through warnings to media outlets to respect the Code of Conduct; remaining complaints are under investigation.

Use of candidate time

Radio Television Afghanistan (RTA), a state-owned broadcaster, signed a memorandum of understanding with the EMC, pledging to provide candidates in Kabul with five minutes of radio time and three minutes of TV time during prime hours every day. Of the 100 candidates who had the opportunity to broadcast their message on free radio time, only 39 candidates chose to avail themselves of the opportunity. According to an RTA employee, women candidates in particular told him they did not want to appear on television, especially during Ramadan. Television broadcasts have garnered more attention: 90 candidates in Kabul have broadcast their messages as of Aug. 22.

Vetting process fails to provide confidence *(continued from p.1)*

candidates, the ECC stated that “some” were able to provide documents proving their innocence. The Special Rep. of the U.N. Sec. General Staffan Di Mistura, among others, expressed disapproval with the process. President Karzai then summoned the VC to his office; and shortly thereafter, the VC provided the ECC with yet another list – this time with 26 individuals to be disqualified. The VC stated that it would be “unreasonable” to allow for an appeals period for these newly identified candidates; the ECC insisted that 48 hours be provided for appeals. On July 7, the ECC announced it had received an official list from the VC with the names of 31 candidates, all of whom were disqualified after failing to submit sufficient evidence during the appeals period.

It is unclear how the ECC determined the final figure of 36 candidates disqualified for links with illegally armed groups. Candidates struggled to decipher the process by which they were vetted and the methods for appealing verdicts against them. A number of candidates deem that they were disqualified not as a result of evidence, but due to arbitrary or potentially politicized decision-making.

Six Difficult Provinces from 2009 and Their Preparations in 2010

In 2009, the election recount process eliminated more than a million votes. This section reviews six provinces that had votes summing up to more than half of all votes invalidated in 2009, and assesses their 2010 election preparations.

Paktika: 189,516 votes eliminated

Last year, Paktika had 89% of its votes invalidated and 1,550 staff were blacklisted for 2010 (out of ~6,000 blacklisted staff nationwide). This year, the IEC dismissed the Provincial Election Officer (PEO) for attempting to rehire ~100 blacklisted staff. Several District Field Coordinators (DFCs) were fired for links to candidates and suspicion of fraud. Despite reducing the number of polling stations by almost 30%, polling staff recruitment remains difficult due to insecurity and illiteracy in the province. Provincial Electoral Complaints Commission (PECC) staff reported having no office equipment or internet, limiting capacity to deal with complaints. In 2009, 30% more voter cards were issued to women than men; but this year, there will be no female polling staff, only one female DFC, no women on the PECC, and no female FEFA observers.

Kandahar: 184,283 votes eliminated

Insurgent activities affect all aspects of the election process. Last year, candidates could visit 15 of 17 districts in Kandahar, and most campaign activities were conducted in the provincial capital. This year, due to insecurity, a majority of candidates have yet to campaign outside of their homes. The IEC regional coordinator received a death threat, warning him to resign. Ten of the 134 DFCs have resigned for security reasons, while civic educators are afraid to work even in Kandahar city. The PEO expects that some recruited polling staff will refuse to work in insecure districts. The heads of the provincial ECC and IEC are from the Popalzai, President Karzai’s tribe, which has led other tribes in the provinces to suspect possible bias. Previously, the provincial IEC was dominated by the Alokozai tribe.

Paktia: 155,725 votes eliminated

The 2010 pre-election period has seen a sharp rise in violent incidents and intimidation of election staff, candidates and voters. In Gardez, the provincial capital, insurgent groups have threatened to cut off the fingers of all who vote. Despite the IEC reducing the number of polling centers in 2009 in Paktia by 40%, international and local officials suspect that fraud in 2010 could exceed last year’s figures, which invalidated two-thirds of the province’s votes and led to blacklisting ~500 of the ~2,000 election staff. Observers in 2010 could face greater challenges in detecting electoral fraud due to the province’s deteriorating security.

Ghazni: 138,340 votes eliminated

Election officials, the PECC and candidates report receiving threats from the Taliban to cease all election activity. Candidates fear to campaign or send agents for training. As one candidate said, “it is better to have untrained agents than beheaded ones.” One Hazara candidate has been killed, and another candidate wounded in a grenade explosion outside his office. Because of direct threats, civic education is conducted primarily through the media. Local officials, candidates and commanders have pressured the PEO to re-hire some of 1,258 blacklisted staff out of the approximately 5,000 election staff who worked on the election in Ghazni last year.

Kabul: 102,800 votes eliminated

According to the IEC regional coordinator, the provincial IEC in Kabul will place staff, specially trained to identify irregularities, on-site in all polling centers to focus on where fraud was perpetrated in 2009. National fraud-prevention measures, such as moving DFCs to new areas, will also be implemented. In addition, a local decision may be made on Election Day to move ballots from rural stations to urban counting locations if security becomes an issue or fraud is detected at those stations. To start counting in Kabul on the day after the Election, as allowed in 2009, is not an option in 2010. This is meant to reduce the opportunity for interference in areas holding uncounted ballots overnight.

Ghor: 79,252 votes eliminated

For the 2009 presidential elections, the IEC invalidated ballot boxes in nine out of ten districts for fraud; but for the provincial council polls, votes were invalidated only in Dawlatyar district following an ECC investigation. The ECC made strong allegations against last year’s PEO, and the IEC transferred him to Badghis. This year, security remains unstable, and insufficient numbers of the Afghan National Security Forces are present to secure several districts. Strong incumbent MPs, former government officials and *Jamiat Islami* Party-affiliated candidates are competing for six seats in Ghor. Local officials expressed concern that competition among well-resourced candidates could increase motivation for fraud.

NDI, which has worked in Afghanistan since 2002, is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. For the 2010 elections, NDI conducted seminars for over 1,700 candidates, organized trainings for political parties and more than 240 women candidates, and provided technical assistance to the Free and Fair Elections Foundation of Afghanistan (FEFA), the country’s largest domestic election monitoring organization. Currently, NDI is developing the capacity of candidate agents nationwide to report on election-day activities.