



STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO AFGHANISTAN
Kabul, December 9, 2013

This statement is offered by an international delegation organized by the National Democratic Institute (NDI) that visited Afghanistan from December 3 to 9, 2013. In advance of the April 5, 2014 presidential and provincial council elections, the delegation examined the political environment, the framework of the upcoming elections, and factors that could affect the integrity of the electoral process. This assessment was conducted four months before election day and two months before the start of the official campaign period.

The delegation included Ambassador Karl Inderfurth (United States), former U.S. assistant secretary of state for South Asian affairs and former U.S. representative for special political affairs to the United Nations; the Honorable Audrey McLaughlin (Canada), former Federal Member of the Canadian Parliament and former leader of the New Democratic Party of Canada; Damaso Magbual (Philippines), chair of the board of directors of the Asian Network for Free Elections (ANFREL) and Executive Committee member of the National Citizens' Movement for Free Elections in the Philippines; and Peter Manikas (United States), NDI Director of Asia Programs. The delegation was assisted by Ans Zwerver, NDI's Country Director for Afghanistan; Raissa Tatad-Hazell, NDI Washington DC-based Director for Afghanistan and Pakistan Programs; Yuosaf Rashid, NDI Afghanistan Senior Advisor on Elections; and Matthew Sternenberger, NDI Washington DC-based Program Officer for Afghanistan.

The multinational delegation met with President Hamid Karzai, Vice President Karim Khalili, *Wolesi Jirga* Speaker Abdul Raouf Ibrahim, candidates from all 11 presidential and vice-presidential tickets, provincial council candidates, election authorities, government and security officials, media representatives, citizen monitoring groups, women activists, youth leaders and international organizations. The delegation offers its findings and recommendations based on the Declaration of Principles for International Election Observation and in the hope of strengthening the democratic process in Afghanistan. In issuing this statement, the delegation does not seek to interfere in nor render a final assessment of the election process. It recognizes that it is the people of Afghanistan who will ultimately determine the legitimacy of the 2014 elections.

The delegation would like to express its appreciation to everyone with whom it met. Without their taking time and sharing their knowledge and insights, the delegation would not have been able to accomplish its mission. NDI has been conducting political development and electoral support programs in Afghanistan since 2002. It appreciates the cooperation it has consistently received from the Afghan government, election authorities, political parties and coalitions, and civil society organizations.

OVERVIEW

Presidential and provincial council elections, scheduled for April 5, 2014, will be a crucial milestone in Afghanistan's political transition. These elections are poised to be the first peaceful transfer of political power in the country's history. As security, political stability and democratic governance are closely linked in Afghanistan, the legitimacy of the country's government rests on

whether the will of Afghan voters is reflected in a credible electoral process. If broadly viewed by the Afghan people as inclusive and transparent, the upcoming polls could play a pivotal role in advancing stability and democratic development. A deeply flawed election, however, could exacerbate political tensions and seriously impair the ability of the new government to meet the security, national reconciliation and economic challenges that lie ahead.

The 2014 electoral race has 11 presidential and vice-presidential tickets that are broadly ethnically inclusive and should present the electorate with a wide range of choices. At the provincial level, 2,713 candidates are contesting 458 seats across the nation's 34 provinces. The campaigns are in the early stages of organization and platforms are currently being developed.

The 2009 presidential and provincial council elections and the 2010 parliamentary polls were marred by widespread fraud and doubts about the independence of electoral authorities. In the lead up to the 2014 elections, key reforms that domestic and international observers raised have been implemented. Laws were passed that put into place a new legal framework and operating structure for the 2014 electoral process. Measures were introduced that involve the participation of Afghan parliamentarians and civil society representatives in selecting nominees to the Independent Election Commission (IEC) and Independent Electoral Complaints Commission (IECC) – this is a marked improvement over a process that, in the past, was dominated by the president. Election planning and the development of electoral operations and fraud mitigation plans were initiated more than a year before the April 2014 polls. New measures – such as a special commission focused on election security – were established to strengthen security planning and coordination between security agencies and election authorities.

These reforms have brought about a guarded optimism among many political and civic actors that the 2014 polls would be an improvement over previous elections. As President Hamid Karzai will not be running as a candidate in 2014 due to constitutional term limits, political activists told this delegation that ‘a new political contest is possible.’

However, there are serious challenges that could impact the integrity of the 2014 elections. Insecurity may prevent candidates and political groupings from campaigning as well as discourage voters from casting their ballot in parts of the country. This could disenfranchise a large number of Afghans from participating in this election. In addition, the history of widespread fraud in previous elections fuels the expectation that the upcoming elections also could be tainted by similar problems. Because the election will take place when large portions of the country may be experiencing winter weather, political contestants and domestic monitoring groups are concerned about the distribution of election materials and how the recruitment and training of IEC and IECC staff – particularly female poll workers – will be conducted. This also may affect voter turnout in particular areas of the country. In addition, candidates fear interference from domestic and foreign sources and are concerned about the possible misuse of government resources to support particular candidates. Nearly all with whom the delegation met expressed concern about the operational timeline involved in conducting a runoff election, and how the current government would transition to a newly elected one.

The new procedures that have been adopted will only improve the electoral process if they are faithfully enforced. This requires a firm commitment by election authorities and law enforcement officials to embrace the rule of law. Misconduct will continue to plague the country's elections until those who undermine the democratic process face consequences for their actions.

The upcoming elections will determine the direction of the country in the years ahead. The victor of the upcoming presidential election will have to lead a new government and tackle momentous challenges in addressing economic and development priorities; promoting reconciliation and national unity; managing Afghanistan's relationship with the international community; and creating stability and security in the face of a resilient insurgency. Therefore, it is imperative that the successor government has the legitimacy that comes from being elected through a credible process. The delegation hopes that its recommendations and the efforts of the broader international community will help Afghanistan accomplish that goal.

OBSERVATIONS AND FINDINGS

Legal Framework for Elections

The legal framework that governs Afghanistan's elections consist of the country's constitution, the 2013 Electoral Law, the 2013 Independent Election Commission (IEC) and Independent Electoral Complaints Commission (IECC) Structure Law, the 2009 Political Parties Law, IEC rules and regulations, Presidential Decrees on Codes of Conduct for Security Forces and Government Officials.

Article 61 of Afghanistan's constitution provides for the election of the president every five years. The presidential term expires on May 22nd of the fifth year after the presidential election. Polls to elect a new president must be held within 30 to 60 days prior to the end of the presidential term. 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 that election results are announced. The constitution is silent on bridging mechanisms should the conduct of elections fail to meet these timelines.

Article 138 of the constitution provides for the election of the members of provincial councils every four years. Given this provision, provincial council elections should have taken place in 2013. The IEC declared earlier this year that these elections would be held in 2014, alongside the presidential polls, due to logistical challenges and funding issues.

Afghanistan uses the single non-transferable vote (SNTV) system for provincial council and legislative elections, in which each voter may vote for one candidate in a multi-member constituency. While this system has the advantage of providing an opportunity for independent candidates to seek elective office, it also has a number of disadvantages: it results in a low threshold for election (a candidate could win a seat in a provincial constituency with less than 1 percent of the vote) and discourages the participation of political parties.

The SNTV system tends to generate a large number of candidates – as examples, 166 candidates are competing for 19 provincial council seats in Herat; 442 candidates are competing for 33 seats in Kabul. Candidates have difficulty distinguishing themselves and their platforms from those of other candidates, and voters are often unable to find meaningful distinctions among candidates. As a result, ethnicity or personal connections tend to influence voter choices.

Unlike the framework of Afghanistan's previous elections, the new electoral law and IEC/ IECC structure law – enacted in July 2013 – were developed by the National Assembly rather than being issued by presidential decree. These new laws evolved from a lengthy, complex yet consultative process that engaged political parties and civil society organizations.

The 2009 Political Party Law provides for the registration of political parties with the Ministry of Justice and requires parties to have a minimum of 10,000 members from at least 22 provinces. To date, 59 parties have registered with the Ministry of Justice. By NDI's analysis, despite the hindrances of the SNTV system, political parties are supporting provincial council candidates in 30 provinces. One of the 11 presidential candidates indicated an affiliation with a political party when he filed his candidacy.

The IEC and Election Administration

The IEC/ IECC structure law adopted a new mechanism to select IEC commissioners through a consultative process involving the National Assembly and civil society. The law provides that a committee comprised of representatives from the *Wolesi* and *Meshrano Jirga* (lower and upper houses of the National Assembly), the Supreme Court, the Afghan Independent Human Rights Commission, and civil society groups focused on elections would review applicants and develop a short list of nominees for each body.

For the IEC, the committee selected 27 candidates from more than 340 applications; from this list, the president appointed nine commissioners. The new law also provides that the leadership of the IEC commission (chairman, deputy and secretary) shall be elected from among the commissioners; in the past, the IEC chairman was appointed by the President. The structure of the IEC includes a secretariat headed by a chief electoral officer and 34 provincial offices.

Similar to the last presidential election, Afghan electoral and government institutions are leading the preparations for the 2014 polls. Strategic planning to improve the IEC's operations and capacity began in 2010 and an operational plan for the 2014 cycle was initiated earlier this year. The delegation noted that candidates and civil society groups have responded positively to these efforts, saying that these early preparations increase their confidence that the IEC will be able to administer a proper election.

Responding to the fraud that occurred in the 2009 and 2010 polls, election authorities have developed measures to prevent similar misconduct in 2014. The IEC's operational plan includes improved balloting procedures and fraud mitigation measures. Anti-counterfeit reproduction features include the use of unique serial numbers for individual ballots and ballot packs, and indelible ink containing the highest concentration of silver nitrate safe for use on human skin. Voters will be required to mark two fingers, instead of just one, with this ink. Tamper-evident tape will be applied on the results sheets, making it more difficult to alter written information after the count. The commission also has a database of over 11,000 blacklisted staff who engaged in misconduct in previous electoral cycles; these individuals will be barred from involvement in the 2014 polls.

The IEC's plans reflect a recognition that the successful conduct of the 2014 elections depends on broad public support and the comprehensive involvement of multiple stakeholders. In the pre-election period, information on the electoral process is being disseminated through various means and with the involvement of several other bodies. The IEC and a number of ministries, including the Ministry of Haj and Religious Affairs, signed a memorandum of understanding (MoU) to disseminate key election messages through mullahs. A similar agreement was signed with the Ministry of Rural Rehabilitation and Development for election messages to be publicized through community councils. In addition, the IEC has signed MoUs with several

domestic civil society groups and international organizations focused on supporting the elections. Furthermore, the IEC plans to reach out to candidates and political parties to coordinate the deployment of candidate and party polling agents and maximize their coverage across the country.

Planning efforts to determine and finalize the list of polling stations for the 2014 elections began much sooner in comparison with previous elections. In addition, assessments on security threats relevant to polling station locations are being conducted earlier and in close coordination with the Ministry of Interior. This is a significant improvement from the last presidential election, when planning began late and the list of polling stations was released just days before the election.

However, even with these plans, candidates and civic groups are concerned that the IEC could face substantial challenges in recruiting and training poll workers – particularly female staff – due to inclement weather and low literacy levels in parts of the country. They stated that the 2009 presidential election, which was held in August, experienced major shortfalls in recruiting qualified women in the rural areas to serve as election officials and female body searchers (for female voters passing through the security perimeter of polling centers). Moreover, the training of election officials in 2009 was inconsistent and its quality varied by location. Observer reports from 2009 also noted a correlation between poor recruitment and training of election officials in areas that experienced a high frequency of ballot box stuffing.

The wide sharing of information on the IEC's electoral preparations could enhance public confidence in the polls. However, candidates and civic groups mentioned a lack of awareness of the IEC's fraud mitigation strategy. The delegation noted that the IEC has plans to bring candidates together this month to share information on anti-fraud measures.

Electoral Complaints

The delegation noted that the new IEC/IECC structure law provides for the establishment of the Complaints Commission as a permanent and independent body; previously, this commission was constituted 120 days before an election and dissolved shortly after the announcement of final election results. Under the new law, the body's five commissioners are chosen through the same mechanism as the selection of IEC commissioners. The selection committee, which includes the leadership of the National Assembly and civil society representation, chose 15 nominees, from which the President selected five to serve as commissioners.

The Complaints Commission was established only two months ago and is undergoing significant logistical and operational challenges in standing up its headquarters and provincial offices. Given the performance of provincial ECCs in previous elections, candidates and civil society groups expressed concerns about the capacity and training of ECC staff, the need to ensure that procedures are applied uniformly, and that the provincial commissions act in a transparent manner. Candidates and civic groups also mentioned the importance of strong communication between the IEC and ECC, and harmonized procedures between the two bodies. The delegation noted that this is particularly significant in elections where there is a high likelihood of a tight contest among presidential and provincial contenders.

A heavy reliance on the administrative adjudicatory process to protect the integrity of the elections places a significant burden on the ECC. There is a danger that this reliance on administrative procedures will create the impression that elections are decided on the basis of negotiation and fail

to reflect how votes were actually cast. In neighboring countries, re-polling, rather than administrative procedures, is more frequently relied upon to resolve disputed electoral outcomes.

Presidential and Provincial Council Candidates

In the candidate nomination period, which ran from September 16 to October 6, a total of 27 presidential candidate teams (a president and two vice-presidential candidates per team) and 3,056 provincial council candidates submitted their nominations. After reviewing the applications, the IEC announced that only 10 presidential candidates (all male) and 2,677 provincial candidates were included in the preliminary list. Following the period for challenges and appeals, the IEC announced on November 20 that 11 presidential candidates and 2,713 provincial council candidates could contest the 2014 polls. The IEC stated that all other applications were denied due to improper documents and violations such as dual nationality and the lack of a university degree.

Candidates and civil society groups expressed concern that the IEC did not inform individual candidates about the reasons for their disqualification. This has caused some apprehension about a lack of transparency in this process and the work of the IEC.

Nearly everyone with whom the delegation met assumed that a second round presidential election would be required. They stressed the importance of having an operational timeline and regulations in place without delay and to inform the electorate how a runoff would be conducted.

The delegation also noted that, as the April elections could be the first peaceful transition of power in Afghanistan's history, there is a need for a plan to facilitate the transition from the current government to a newly elected one.

Electoral Security

Everyone with whom the delegation met cited security as a key concern for the 2014 elections. All described how, in 2009 and 2010, security affected every aspect of the electoral process – including the placement of polling centers, the recruitment of election workers, the ability of candidates to campaign freely, voter turnout, and the presence of election monitors and candidate agents. In past elections, fraud was perpetuated in parts of the country most affected by the insurgency. Polling stations that were beyond the scrutiny of observers, due to security reasons, were highly vulnerable to electoral wrongdoing.

During the period of NDI's assessment mission, the Bilateral Security Agreement (BSA) and the timing of its signing were prominent issues. The delegation met with candidates from all 11 presidential and vice-presidential tickets, and all considered the BSA as an important issue that could affect the election – connecting the security transition to the country's political and economic transition processes.

In the lead up to the 2014 elections, the Taliban issued statements on their rejection of the democratic process and their intention to disrupt the elections. The uneven capacity of national forces across the country has fueled popular concern about increased insecurity and the possible return of insurgent control in certain regions of the country after 2014. The delegation noted, however, that candidates, political groupings and civil society recognize an increase in the Afghan National Security Forces' (ANSF) skills and competence to perform its duties, compared to their capacity in 2009.

With the transfer of security responsibilities from international forces to Afghan army and police forces, security preparations for the upcoming elections are being led by Afghan entities. In advance of the April 2014 polls, and in coordination with the IEC, a special commission on election security has been formed by the Ministry of Interior (MOI). This body, which includes members of the ANSF and the National Directorate of Security, is responsible for securing polling sites, election workers, candidates, voters and observers. It is also tasked with promoting electoral neutrality among the security forces.

As in the 2009 polls, the security planned for the April elections involves multiple protective rings, described as concentric circles around the voting process. The inside ring, closest to the polling stations, will be guarded by the Afghan National Police (ANP). The Afghan National Army (ANA) is tasked with providing the second perimeter of defense. For the 2014 polls, the outermost ring is comprised of ANA air detection assets and artillery support by the International Security Assistance Force (ISAF).

This security arrangement is being used in the ongoing voter registration process. The MOI has described that, despite public apprehension attributed to the security environment, the voter registration process has borne far fewer security incidents than anticipated.

Threat assessments conducted earlier by the MOI reveal that, of 6,845 polling centers, 132 are of the highest threat level and 259 are not active or inaccessible. An assessment to determine the final list of polling centers that can be secured is expected to be completed in early January 2014.

The MOI stated that the security of women is a top priority in the electoral process. It has a plan to recruit and train 13,000 female personnel to provide security for female voters and polling staff across the country. Given the difficulties involved in recruiting qualified women, the MOI intends to coordinate with the Ministry of Women's Affairs, the Ministry of Labor, the Ministry of Rural Rehabilitation and Development, and provincial councils and governors to find such personnel. In light of cultural norms, the MOI also has allocated resources to support the travel of *maharams* or male relatives for the deployment of these female personnel. The delegation noted the MOI's attention to this detail and its overall effort to tackle the challenging process of recruiting female security personnel.

Voter Registration

Afghanistan does not have a voter registry or voters list. Eligible voters may cast ballots for president at any polling station nationwide and voters of provincial council candidates may vote at any polling station in the province in which they reside. Observers of previous elections highlighted that without an accurate census, election officials and monitors lack reliable information on population density and the ethnic and gender composition of the population. The delegation noted that, in the absence of a census, accurate checks on voter registration and voter participation figures are not possible.

Voter registration for previous elections resulted in a high number of duplicate voter cards. Following the 2005 polls, electoral and government officials decided to connect the voter registry to a civil registry to improve the accuracy of the voter list. However, efforts shifted in 2009 to update only the voter registry with a series of registration drives around the country, resulting in 4.5 million new ID cards. In the lead up to the 2010 elections, an additional 376,000

citizens were registered. Unfortunately, no effective mechanism was established to prevent those who were already registered from getting a second ID card. This increases the vulnerability of the electoral process to manipulation and fraud.

The IEC made earlier proposals to the government to obtain resources to develop a voters list that would identify all eligible voters and link each voter to a polling station – a measure that would help prevent fraud and multiple voting. These proposals were not accepted, and the IEC has resorted to the acceptance of old voter cards. A new system of computerized IDs was to be launched this year through a joint effort by the Ministry of Interior and Ministry of Information and Communication. However, this is on hold as parliament deliberates a Law on Civil Registry. Given these factors, the IEC proceeded with a voter registration 'top-up' to issue voter cards to first-time voters (including those who turn 18 by election day), returnees, and those who have lost or damaged cards.

IEC voter registration programs have been ongoing since May 2013 and are anticipated to end two weeks before election day. This effort has involved the use of standing as well as mobile registration units. The IEC indicated that the latest registration drive has registered over 3.2 million voters; of this figure, 34 percent are women. Registration has been initiated in all but four of the country's 400 districts (the 259 polling centers cited as inaccessible or not active by the MOI are in these four districts).

While many regard the latest voter registration drive as a necessary activity to engage citizens in the 2014 process, some candidates, political activists and civil society groups have remarked on the drive's low outreach to women in rural areas and the difficulties that potential voters in remote areas have in accessing some registration centers.

Public Participation in the Electoral Process

A recently released survey of the Afghan people, conducted by The Asia Foundation, found that 56 percent say that the outcome of the 2014 elections will make a positive difference in their lives. Continued public confidence in the 2014 electoral process will depend, in large measure, on voter turnout and the participation of the electorate, domestic monitors, and candidate agents on polling day. A number of steps are being taken by several electoral stakeholders to enhance participation.

Women's Participation

All candidate teams value the electoral participation of women and intend to involve specific outreach to women in their campaign strategies. Domestic monitoring groups are making a particular effort to promote the participation of women in election observation activities. Three women are running as vice-presidential candidates. The IEC conducted consultations in the 34 provinces to engage mullahs, women focused organizations, community leaders, political parties, civic groups and other stakeholders on how to increase citizen and women's participation in elections. As mentioned earlier, the MOI stated that the security of women is a top priority in their strategy and planning.

The reserved seat system ensures that women have a significant presence in provincial councils. However, this quota is not constitutionally guaranteed. The new electoral law reduced the women's quota from 25 percent to 20 percent of seats. The delegation noted that the number of women

contesting in the 2014 provincial council race is less than in 2009 (308 versus 328). Each of the 34 provinces has the minimum number of women candidates to meet the altered women's quota for council seats.

As in previous elections, concerns about the right of women to participate in the electoral process have been raised by civil society groups, candidates and political groupings. Decades of oppression, entrenched social and cultural stigmas, and low levels of education continue to inhibit the participation of women. Those who run as candidates, particularly at the local level, do so in spite of enormous barriers and at great personal risk. These women are often vulnerable to harassment and threats of violence against themselves and their supporters.

There are concerns about whether polling stations for women would be sufficiently staffed, and whether measures are in place to ensure the secrecy of their ballot. As mentioned earlier, there are concerns about the recruitment and training of female poll workers, particularly in areas of low literacy. The delegation noted that the respective recruitment processes of the IEC, MOI and domestic monitoring groups to find qualified women to serve as election workers, security personnel and monitors may end up competing for the same set of qualified women.

While outreach plans include engaging women's groups, the IEC and MOI have yet to connect with some women-focused organizations in Kabul. Such groups may be helpful in mobilizing their members to fill election personnel gaps in other provinces.

Youth Engagement in the Electoral Process

Approximately 60 percent of Afghanistan's population is under the age of 35. The ability of candidates and political groupings to capitalize on the hopes and frustrations of young people, and gain their votes in the 2014 elections, will be an important test of their legitimacy and influence. As young voters may constitute an important swing vote, candidates plan to incorporate approaches in their campaigns to reach young peoples. The media also has been active in engaging the general public and young people – through mobile technology and social media – in publicizing information on the electoral process, the candidates, and the voter registration process.

The 2014 electoral process is an opportunity for young Afghans to positively influence the direction of the country. It provides them with a path to channel their political energy and initiate support for the country's democratic process. All stakeholders have identified the need to engage young people in the electoral process; however, it is not clear whether there are sufficient plans in place from the IEC and political groupings to draw this substantial demographic into the process.

Voter Education and Get-Out-The-Vote (GOTV) Campaigns

The IEC is supporting a civic education program on the voter registration process, which is being conducted through the media and community sessions. It also plans to reach out to community and religious leaders, women focused organizations, political parties and civil society groups to implement GOTV campaigns.

The IEC, political parties, the media, civil society groups and monitoring organizations are incorporating the use of technology – including SMS-based and interactive voice recognition (IVR) mobile phone applications to engage the electorate and share information on their activities

and campaigns. There are opportunities for universities and shuras to take an active role in promoting voter education and GOTV campaigns.

Media

In previous elections, news media has played an active role in promoting public awareness on the electoral process as well as reporting and documenting fraud. Since the last presidential poll, private media has continued to proliferate and provide balance to government-run media's political coverage. The media today is a major actor on Afghanistan's national stage.

Article 61 of the new electoral law provides for the IEC's establishment of a temporary Media Commission, a body tasked with 'monitoring the reporting, fair broadcasting of the electoral campaigns and addressing violations and offenses committed by the media.' The body shall have five members selected among the country's media professionals. The IEC established this commission on November 24, 2013.

For the 2009 elections, the Media Commission facilitated presidential candidate roundtables. In 2009, and for the first time in Afghanistan, presidential debates were held and broadcast nationwide over radio and TV. These were sponsored by Tolo TV and viewed by millions of citizens across the country. For the 2014 electoral campaign period, Tolo TV intends to support a series of debates featuring presidential and vice-presidential candidates.

While the MoI's electoral security plan includes protection for journalists, the delegation noted that many journalists have not been informed of the details of this plan.

Election Monitoring

Afghan civil society organizations are a significant participant in the electoral process and in the run-up to the 2014 polls. Several groups are working on various issues including election monitoring, advocacy for electoral transparency, and the participation of women in the election process. The candidates, election authorities and security officials with whom the delegation met stated the importance of the role of domestic and international monitors in observing, deterring and reporting electoral fraud.

Many candidates are concerned about the ability of domestic monitors and polling agents to access polling sites across the country. All candidates stressed the need to ensure that security resources are allocated for the protection of domestic observers, particularly in areas of high security risk.

The Free and Fair Elections Forum of Afghanistan Organization (formerly the Free and Fair Elections Foundation of Afghanistan or FEFA), the country's principal domestic monitoring organization, will be deploying approximately 10,000 non-partisan election monitors across the country. Other organizations – including the Transparent and Fair Elections Foundation (TEFA), the Afghanistan National Participation Organization (ANPO), and the Afghanistan Youth National and Social Organization (AYNSO) – plan to deploy an additional 2,500 observers nationwide.

The European Union, the Organization for Security and Cooperation in Europe (OSCE) and other organizations are considering plans to mobilize international observers for the upcoming elections. There is a broad recognition that international monitors would not have the same reach and access as domestic monitors, and both the candidates and security officials are realistic about the limited

ability of international monitors to observe polling sites in remote areas. Nonetheless, given the high likelihood of a close presidential race and a possible runoff, candidates raised the need to have international observers present in-country on election day, and during the results tabulation, complaints period and finalization of results.

RECOMMENDATIONS

The delegation respectfully offers the following recommendations in the spirit of international cooperation and with the hope that they will be helpful – particularly in the four months before the April polls – in promoting inclusive, transparent and credible elections.

Transition Planning

- ***Promotion of Fair Elections and Peaceful Transition of Power.*** The IEC and nonpartisan groups should support efforts to bring together all presidential candidates to promote a common commitment to fair elections and a peaceful transition of power. Convening events could be conducted at the beginning and throughout the campaign period.
- ***Transition Plan for Handover of Power.*** As is done in many democracies throughout the world, the development of a transition plan would help facilitate a smoother transfer of power to the incoming government. This would help the new administration rapidly familiarize itself with all aspects of government, including security matters.

Election Administration

- ***Public Outreach on the Work of the IEC and ECC.*** To promote transparency and public confidence in the electoral management bodies, the IEC and ECC should have public information programs that enable the Afghan public to learn about and track their activities.
- ***IEC and ECC Staff Recruitment and Training.*** To increase voter confidence in the capacity of the electoral management bodies, the IEC and IECC should have uniform standards for the recruitment and training of electoral personnel at the national and local level.
- ***Public Communication of IEC Anti-Fraud Strategy.*** The IEC should make a concerted effort to communicate its fraud mitigation strategy to candidates, political parties/coalitions and the public. This should include detailed information on the control and custody of ballots and sensitive materials.
- ***IEC Dialogues with Civil Society, Media, Political Parties at the Provincial Level.*** To magnify the impact of stakeholder dialogues being conducted at the national level, the IEC should facilitate similar activities at the provincial level. This would enable opportunities for provincial actors to engage the IEC on matters that affect the electoral participation of civic groups, political activists and media at the local level.

- ***Contingency Planning.*** The IEC should take steps to ensure that all polling stations have a sufficient number of ballots and engage in contingency planning for areas in which polling stations may be closed due to security or other reasons.
- ***Consideration of Re-polling.*** For the upcoming or future elections, the ECC should consider using its powers under Article 26, Section 10 of the new IEC/IECC structure law which permits the use of re-polling to ensure the integrity of the vote.
- ***Timeline of the Presidential Runoff Election.*** The IEC should review its timeline for a runoff election and develop a contingency plan in the event that the existing timeline cannot be met. This should be done in a transparent manner and in consultation with candidates, political parties and civil society.
- ***Reinforcement of Non-Interference and Government Neutrality.*** Civil servants and the security forces, both at the national and provincial level, should observe the codes of conduct outlined in the presidential decrees on non-interference, issued in September and October 2013. The IEC and ECC should determine mechanisms to monitor the observance of these decrees. Civil society and media can also contribute to monitoring the observance of these measures.

No international actors or organizations should interfere with Afghanistan's electoral process.

Security

- ***Public Outreach of MOI's Electoral Security Plan.*** To enhance voter confidence in the electoral process, the IEC and MoI should conduct public outreach programs and publicize their security plans for candidates, election workers, domestic monitors and voters. Voter education campaigns should include clear descriptions of the roles and responsibilities of the security forces in the electoral process as well as the security plans for areas of high risk.
- ***Security of the Afghanistan-Pakistan Border on Election Day.*** To enhance voter participation in regions that – due to security concerns – have experienced lower voter turnout in past elections, the international community should continue to engage Pakistan in possible measures to keep the Afghanistan-Pakistan border secure on election day, as was done in the lead up to the 2004 elections.

Voter Education, Public Participation and Election Monitoring

- ***Promotion of Voter Education.*** To increase voter engagement, robust voter education is needed and should involve the use of various media to reach urban and rural voters. Voter education campaigns should incorporate tailored approaches to communicate with young voters and women. Government-run and private radio and television should continue to be engaged to broadcast public service programming and announcements related to the electoral process and fraud mitigation.

- ***Protection of the Right of Women to Participate in the Electoral Process.*** To address potential gaps in recruiting election workers in areas of low literacy, the IEC could consider engaging and deploying women from neighboring provinces or other areas of the country. Practical measures, such as access to personal facilities, should be taken into account in planning polling centers.
- ***Issue-Based Electoral Platforms.*** Candidates should develop issue-based platforms that address the major issues facing the nation, including the peace process, economic development and the rights of women. Televised debates among the presidential and vice-presidential candidates will provide an opportunity for the media to question the candidates on proposed policies and programs. This should compel the candidates to be specific in their promises and encourage a more issue-based campaign.
- ***Measures to Ensure Election Monitoring.*** The IEC should ensure that domestic monitoring groups and candidates are informed about the procedures needed to accredit monitors and receive credentials in a timely manner. In turn, candidates, political parties and domestic monitoring groups should submit applications for observer credentials without delay. The IEC and domestic monitoring groups should discuss how to engage provincial election authorities and enable monitoring activities. The training of IEC and IECC personnel, particularly at the provincial level, should include a specific orientation on the role of polling agents and citizen monitors. International monitors should coordinate their plans and activities with domestic observers.

THE PRE-ELECTION ASSESSMENT MISSION

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 considered by the NDI pre-election assessment mission were: 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.

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