

# NDI AFGHANISTAN ELECTION UPDATE

Issue 3, November 5, 2009 (E-day cancelled)

The 2009 Presidential and Provincial Council Elections



## NDI CALLS FOR REVIEW OF AUG. 20 ELECTION

In a Nov. 3 statement, NDI called for a rigorous, impartial, high-level inquiry into the failures of the election process that allowed systematic and widespread fraud surrounding the Aug. 20 presidential balloting.

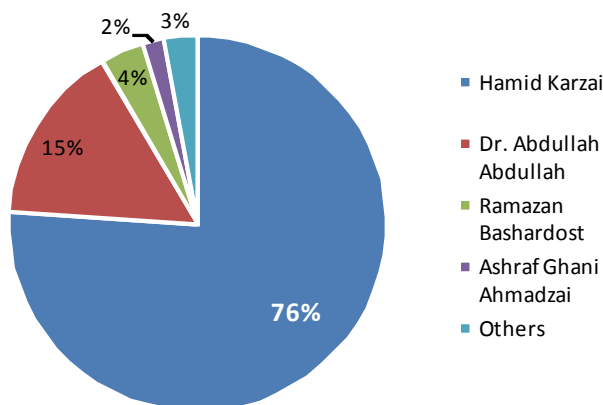
The inquiry is needed "to reduce tensions, establish credibility for future Afghan elections, and reinforce the legitimacy of the Afghan governing institutions and the effectiveness of international electoral assistance," the Institute said.

NDI recommended that the review be carried out by noted international and Afghan experts and suggested a model similar to the Independent Review Commission that examined the 2007 elections in Kenya.

"Afghans deserve a full account of the vulnerabilities that allowed the fraud to take place, identification of those who were responsible for the failures, as well as the fraud, and an appraisal of reforms that are required to prevent a recurrence in the 2010 parliamentary (Wolesi Jirga) and future elections," NDI said. "A formal review should not only examine the nature of flaws and failures, it should offer recommendations for reform that, if adopted, could secure authentic elections in the future and build Afghan confidence in the country's political institutions."

As part of NDI's long-term observation of the 2009 elections, the Institute has fielded a team of analysts based in Kabul to follow developments, analyze electoral data and provide an independent assessment of the process. NDI is also drawing on information gathered by more than 40 of its national staff based in eight regions around Afghanistan.

**% of Uncertified Votes Removed per Candidate\***

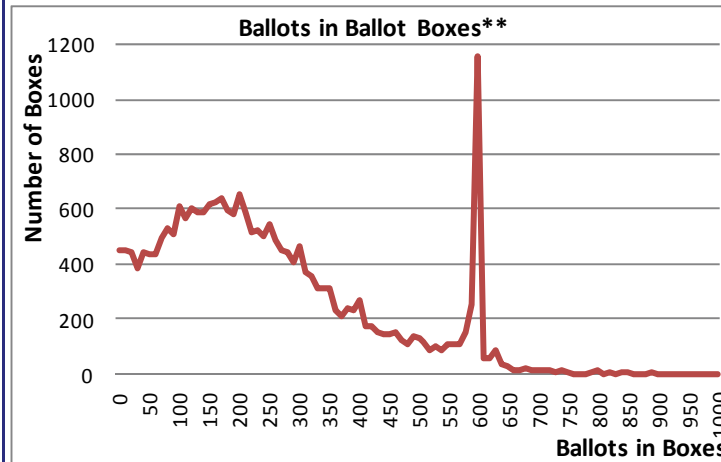


## NDI ANALYSIS:

### 76 PERCENT OF REMOVED VOTES FAVORED KARZAI

In the wake of widespread fraud and irregularities during the Aug. 20 polling, 18 percent of the votes received were excluded from the final tally. Of those removed votes, 76 percent were in favor of incumbent President Hamid Karzai and 15 percent were in favor of Dr. Abdullah Abdullah.

An NDI analysis confirms that ballot box stuffing was the major method of fraud. Seventy-eight percent of the statistical sample of suspicious ballot boxes audited by the Independent Election Commission (IEC) were deemed



fraudulent. The frequency of boxes with 591 to 600 ballots was statistically abnormal. (See chart.) Polling stations were designed to receive 450 voters and were allocated 600 ballots each. The spike in the number of boxes containing close to 600 votes suggests systematic ballot box stuffing.

### SOME AFGHANS DEFEND, OTHERS CHALLENGE LEGALITY OF IEC DECISION TO CANCEL RUNOFF

On Nov. 2, the IEC announced it had cancelled the runoff and declared Karzai the elected president. IEC officials cited their authority to do so under Article 156 of the constitution that establishes the



**CLOSURE** Karzai supporters in Herat celebrate the election of their candidate

IEC to “administer and supervise every kind of elections” and Article 49 of the Electoral Law that states, “results of the election are final and binding once they have been certified by the Commission.”

There were mixed reactions across Afghanistan to the IEC decision. The first day following the decision, the opposition was largely silent. One exception was the governor of Balkh province who, in a meeting with NDI, called the election illegal and insisted Afghans had the right to protest the decision. Among Karzai supporters, NDI observers in cities as far-flung as Herat, Kandahar, Jalalabad and Khost saw celebrations. Local politicians praised the fact that the election had been brought to a close, saving money and lives, and congratulated Karzai. Many of the congratulatory sentiments, however, were immediately followed by pleas to the new Karzai administration to reign in corruption, curb drug trafficking, strengthen the judicial system and improve security, among other things.

On Nov. 4, two days after the IEC decision, Abdullah said in a press conference that the IEC decision had “no legal basis” and called the Karzai administration “illegal.” Despite his rhetoric, Abdullah told reporters he would not appeal the decision to the Supreme Court. In a Nov. 4 meeting with NDI, Abdullah’s deputy campaign manager, Saleh Registani, insisted that the IEC cannot make Karzai president without an election. “The IEC made a political decision not a legal decision,” Registani told NDI.

During the Nov. 4 session of the legislature (Wolesi Jirga), NDI saw members engage in a heated debate over the legal reasoning behind the IEC decision and whether it had the authority to declare Karzai president. The session ended in a chaotic shouting

match and members left the session before it was gavelled to a close.

## **TO THE END, ABDULLAH CAMPAIGN LEFT DOOR OPEN FOR RUNOFF**

Before the IEC declared Karzai the elected president, Abdullah had reduced his list of demands to one, a senior advisor to Abdullah told NDI. In a Nov. 4 meeting with NDI, Registani said that in Abdullah’s final meeting with Karzai before the IEC announcement, he whittled his requirements for participating in the election down to just the removal of the head of the IEC, Dr. Azizullah Ludin. Karzai refused, said Registani, saying that Ludin was innocent of Abdullah’s accusations of partiality toward the president.

The Abdullah campaign maintains it had not officially withdrawn from the election. To do so, said Registani, they would have had to officially file documents with the IEC. This ambiguity was apparent in the words Abdullah chose when he announced he would not participate in the runoff. In the Nov. 1 press conference, he did not use the Dari words for boycott (*tahrīm*) or withdraw (*enserāf*). He said he “will not participate” (*sherkat nami konam*). The word choice was intentional, Registani told NDI. Abdullah was still willing to run if his concerns about the partiality of the IEC were resolved.



**BOWED OUT Abdullah, right, campaigned with running mates Chergah Ali Chergah,**

### **NDI'S OBSERVATION MISSION**

The Institute’s election observation mission began in July 2009 with long-term observers and more than 100 national and international observers from 11 countries for the Aug. 20 polls. After election day, NDI continued to monitor the presidential and provincial council vote tally as well as the complaints process. The Institute’s team of international election analysts, based in Kabul, are covering key issues such as electoral administration, security of the elections, women’s participation as well as regional developments. The effort includes a specific focus on the southern and eastern regions, areas of the country that experienced serious problems around the Aug. 20 elections.

NDI is drawing information from a broad network of partners and sources across the country, as well as over 40 of the Institute’s national and international staff based in Balkh, Bamiyan, Herat, Kabul, Kandahar, Khost, Kunduz and Nangarhar.

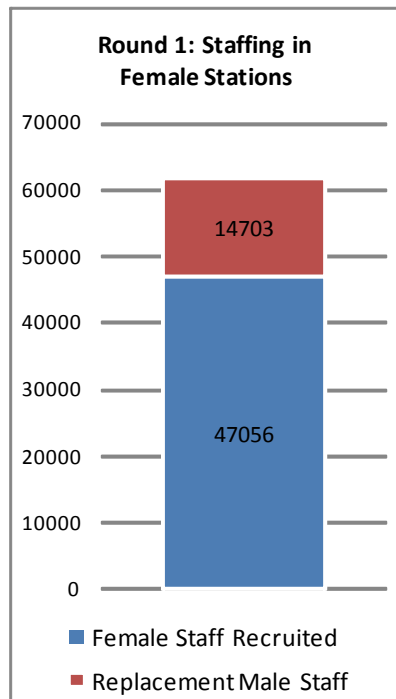
The Institute’s election observation mission in Afghanistan is funded through a grant from the U.S. Agency for International Development.

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## A LOOK BACK: RUNOFF PREPARATIONS

### IEC DECIDED NOT TO HIRE FEMALE SECURITY SEARCHERS

Before the cancellation of the runoff, election officials were on the way to a missed opportunity to improve polling procedures affecting women's participation. In meetings with NDI observers, IEC officials said the short timeframe leading up to the planned Nov. 7 election made it difficult to address the problems women faced during the Aug. 20



voting. In the intervening two months, NDI analysts saw little focus or energy put into improving security for women voters, training more female polling station workers or reducing the incidence of proxy voting on behalf of female household members. In fact, before the runoff was cancelled, the IEC officially decided not to hire female security searchers for the polling centers. The head of the IEC gender unit at the time acknowledged to NDI that the decision would likely increase the risk to women voters and suppress female turnout. No reason for the decision was given. During a meeting of the Afghan Women's Network on Nov. 1, IEC officials present did not have detailed information about what changes had been made since the first round elections. Before the runoff was cancelled, the Afghanistan Independent Human Rights Commission told NDI it expected the women's turnout to be "extremely low" given the logistical difficulties that winter roads present for women and a general feeling of disenchantment with the process among many women.

### AFGHAN OBSERVERS WERE PREPARED TO MONITOR RUNOFF

In advance of the scheduled runoff, Afghan domestic election observation organizations were prepared to field monitors for the Nov. 7 election. The non-partisan Free and Fair Election Foundation of Afghanistan (FEFA), which had mobilized over 7,000 observers for the Aug. 20 elections—33 percent women—intended to deploy a similar number for the second round. FEFA completed three days of training for its provincial coordinators on Oct. 30, covering IEC's procedural changes for the runoff and FEFA's modified observer checklist developed to improve FEFA's data collection and analysis. The Afghan Independent Human Rights Commission (AIHRC), a semi-governmental body that had been jointly monitoring the election process with the UN's mission in Afghanistan, had planned to deploy 388 observers on Nov. 7. Domestic observers were able to reach many of the insecure areas of the country that were inaccessible to other observers. However, they were still unable to reach areas of the country that were the most insecure, limiting their ability to document—or deter—the type of fraud prevalent in the Aug. 20 polling. In the future, security forces need to transport and protect monitors in insecure areas so that the elections can be observed in all parts of the country.

