AFGHANISTAN ELECTION OBSERVATION MISSION 2014 – FINAL REPORT

JANUARY 2015

Democracy International

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January 2015

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ABOUT DEMOCRACY INTERNATIONAL

Democracy International, Inc. provides analytical services, technical assistance and project implementation for democracy, human rights, governance, and conflict mitigation programs worldwide. Since its founding in 2003, DI has worked with civil society organizations, political parties, election management bodies, government agencies, legislatures, justice sector institutions, and others in more than 70 countries and in every region of the world, including some of the most challenging environments. DI's core capabilities and principal focus are in international democracy and governance (DG) assistance.

DI offers expertise and practical field-based experience across the entire range of democracy, human rights and governance (DRG) programming. DI has extensive experience and a long track record of successful performance including: (1) promoting participatory, resilient, and inclusive political processes and government institutions; (2) supporting institutions and leaders to be accountable to citizens and to the law; (3) protecting and promoting universally recognized human rights; and (4) working with development agencies and implementing partners to promote the integration of DRG best-fit principles and practices in development programming.

Democracy International also has extensive experience with analytical services, including assessments, evaluations, project designs, democracy assistance studies, survey research, quantitative methods, M&E, and strategic communications. DI holds indefinite quantity contracts with USAID for Democracy and Governance Analytical Services; Support That Augments Rapid Transition (START), Rule of Law, Programming Effectively Against Conflict and Extremism (PEACE), and, previously, for Elections and Political Processes.

DI has conducted extensive election monitoring and election support programs. DI has advised on domestic election observation or parallel vote tabulations for elections in Afghanistan, Bangladesh, Cote d'Ivoire, Ecuador, El Salvador, Georgia, Ghana, Indonesia, Lebanon, Macedonia, Mozambique, Pakistan, Sudan, Tunisia, and Ukraine, among many others. DI conducted comprehensive election observation projects in Pakistan in 2008, in Afghanistan for presidential and provincial council elections in 2009 and parliamentary elections in 2010, and in Egypt for the January 2014 constitutional referendum and May 2014 presidential election. DI has also supported election observation missions in Indonesia, Sudan, and Venezuela. In Afghanistan, DI deployed a core team of experts and long-term observers to observe the April 2014 presidential election and June 2014 runoff election.

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MAP OF AFGHANISTAN

Map credit: University of Texas at Austin

ACKNOWLEDGMENTS

This report is based on Democracy International's observation of Afghanistan's 2014 elections process, which included observation of the two rounds of elections and the comprehensive audit that occurred thereafter. It is also informed by DI's ongoing effort to support election reform in Afghanistan through the Afghanistan Electoral Reform and Civic Advocacy (AERCA) program. Although we believe this report reflects the collective views of our observer delegation, DI takes full responsibility for its content.

Each member of Democracy International's observer delegation showed incredible commitment to the mission as demonstrated by fact that the core team and observer delegation remained intact through both rounds of the election and the audit process. Observers participated at considerable personal risk and should be recognized for their commitment to supporting Afghanistan's ongoing democratic development.

DI is grateful for the commitment, effort, and professionalism of its long-term observer delegation which included Joseph Derdzinski, Jon Hartough, Hannah Holloway, Amandine Roche, Tessa Nordin, Brian O'Day, Karl Rahder, and Silvia Susnjic. They conducted their work with great enthusiasm, diligence, and professionalism. Due to the demands of the unprecedented scale and scope of the comprehensive vote audit, additional observers were quickly mobilized, trained, and deployed to supplement the long-term observers. These observers were a key element in fulfilling the international community's commitment to the Agreement on the Formation of a Government of National Unity, agreed to between the two candidates and supported by U.S. Secretary of State John Kerry. The entire delegation worked in extremely challenging conditions and we are thankful for their commitment to the mission.
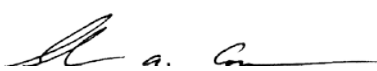
DI's Security Director, Nick Maroukis, and his team were responsible for the safety and security of each member of the delegation. We would like to thank our AERCA security team—Paul Beck, Gert Ferreira, Kyle Kellam, Hunter Kersey, Colin Little, and Jacob Van Zyl—for providing critical support for the observation mission with special thanks to Konrad Rosenkranz-Galindo. DI is also grateful to the entire GardaWorld team for providing personal security details and general security support, with special thanks to Nigel Hoyland, Steve Johnston, Bobby McCabe, Peter McKinley, Rob Millington, and Peter Skender.

DI staff members Zekria Barakzai, Julia Fusfeld, Aman Haile, Chris Jackson, Nick Maroukis, Greg Minjack, Dan Murphy, Jed Ober, and Naomi Rasmussen helped write, edit, and contribute substantively to this report.

We would also like to thank the Independent Election Commission of Afghanistan for facilitating observer accreditation and for their cooperation throughout the election process. Deryck Fritz, Daniel Hinchcliff and Oskar Lehner, of the UNDP, and Andreas Lovold, of UNAMA, provided invaluable access, information, and coordination assistance to our mission. DI also wishes to acknowledge the excellent work of the U.N.'s Special Representative of the Secretary General, Ján Kubiš, and his deputy, Nicholas Haysom.

Finally, we would like to thank the U.S. Agency for International Development and the U.S. Department of State, including the U.S. Embassy in Afghanistan, for the support they provided throughout the mission and the confidence they continue to show in Democracy International. We would particularly like to thank William Hammink, James Hope, Jessica Zaman, Belma Ejupovic, Susana Grau Batlle, Suzanne Truchard, Jean-Marc Gorelick, and Dawn Carmin. We are also indebted to Ambassador James McKinley for his attention and support during the mission.

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

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ACRONYMS AND ABBREVIATIONS

AERCA	Afghanistan Electoral Reform and Civic Advocacy
ACSEN	Afghanistan Civil Society Elections Network
ANPO	Afghanistan National Participation Organization
ANSF	Afghan National Security Forces
AYNSO	Afghan Youth National and Social Organization
CSO	Civil Society Organization
DI	Democracy International
ECC	Electoral Complaints Commission
EMB	Electoral Management Body
EOM	Election Observation Mission
FEFA	Free and Fair Election Forum of Afghanistan
IEC	Independent Election Commission
IECC	Independent Electoral Complaints Commission
LTO	Long-Term Observer
MP	Member of Parliament
NLO	New Line Organization

NTC	National Tally Center
NUG	National Unity Government
SMB	Similarly Marked Ballot
SMERF	Similarly Marked Elections Results Forms
SNTV	Single Non-Transferable Vote
STO	Short-Term Observer
TEB	Tamper Evident Bags
TEFA	Transparent Election Foundation of Afghanistan
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
VIC	Voter Identification Card

EXECUTIVE SUMMARY

Afghanistan's 2014 presidential and provincial council elections proved a major challenge in the country's continuing democratic transition. These elections were the fifth held since the fall of the Taliban and were the first administered under a legal framework that was adopted through a democratic legislative process rather than through presidential decree. Given the prospect of a democratic and peaceful transfer of power, Afghans and the international community alike looked upon these elections as a critical opportunity to consolidate the gains made toward democratization and as an important milestone in Afghanistan's political history.

After an election process that lasted more than six months, and included both the country's first presidential runoff election and a historic and unprecedented comprehensive audit of ballot boxes, Dr. Ashraf Ghani was inaugurated as president on September 29, 2014. Shortly thereafter, President Ghani swore in Dr. Abdullah Abdullah – the runner up in the presidential runoff election – as the Chief Executive Officer of Afghanistan, a new position created as part of a unity government agreement signed by the two candidates in the aftermath of the runoff election. The provincial council elections concluded on October 26 with the announcement of the final certified results by the Independent Election Commission of Afghanistan (IEC).

With funding through a cooperative agreement with USAID, DI organized an international election observation mission for the 2014 presidential and provincial council elections. DI established its election observation mission in February 2014 and observed all phases of the election process, including the first round election held on April 5, the presidential runoff election of June 14, and the comprehensive audit of ballots cast in the runoff.

Pre-Election Context

DI deployed two-person Long-Term Observer (LTO) teams to Balkh, Herat, Nangarhar, and Panjshir provinces to assess the pre-election environment and to observe election day. Due to security concerns in the days preceding the elections, the LTOs returned to Kabul by March 31 for the remainder of the mission for the first round.

The pre-election period was notable for the intensity and breadth of campaign activity, and the corresponding media coverage, of the presidential and provincial council candidates and their organizations. Many individuals involved attributed the active campaigning to public enthusiasm created by the sheer number of candidates running and campaigning (both presidential and provincial council), the anticipation of the election of a new president, and the perception that the elections would be truly competitive. Most Afghans viewed the 2014 elections as a national priority, which resulted in civil society organizations from a range of sectors leveraging their community ties for the purpose of civic education and public outreach.

Afghan security forces, which managed the security for the elections entirely, were under enormous pressure to create a secure environment for this significant political transition. The adverse security environment prevented the uninhibited ability of the IEC to manage the election process, candidates to campaign, citizens to vote, and observers to validate the process. As witnessed in this electoral cycle, this provided opportunities for both legitimate and politically manufactured doubt about the administration and outcome of the elections.

First Round Election

The first round of voting on April 5 was widely considered a success. At the vast majority of the polling stations DI observers visited, they observed that the election administration procedures for opening, voting, closing, and counting were properly adhered to. DI observed few violations and does not believe these infractions impacted the overall voting process in these locations. Election day initially appeared to be relatively peaceful; there were no major incidents in Kabul and few reports from the provinces. Following election day, the reports of what happened in the districts showed that there had actually been considerable violence. DI noted a substantial increase in the number of domestic observers compared to previous elections.

Based on the observations and opinions of the members of our teams who were assigned to the National Tally Center in the post-election period, DI is confident that the receipt and management of the tally process was performed transparently and according to IEC procedures. Further, anomalies with tamper-evident bags and associated results sheets detected during the IEC's intake and entry processes were handled according to IEC procedure.

The IEC released partial results of the presidential election from the first round of voting incrementally on a rolling basis beginning on April 13. Complete preliminary results were released on April 26, and final results were released on May 15. The final results indicated that Abdullah Abdullah won 45 percent of the votes, Ashraf Ghani came in second place with 31.5 percent, and Zalmai Rassoul came in third with 11.37 percent. Since no candidate won a majority of the votes, the IEC conducted a runoff in which Abdullah and Ghani competed for the presidency.

The IEC released partial preliminary results from the provincial council elections on May 20, but final results were not released until October 26, five months later. The adjudication of the provincial council election complaints was deferred due to the controversy about the presidential runoff election, and, consequently, postponed the release of the final results, creating problems for the continuity and functioning of government at the provincial and national levels.

Runoff Election

The campaign period for the runoff was highly active. In addition to the diversity of the finalists' tickets, the campaigns secured a complex array of inter-ethnic, inter-family, and regional political leader endorsements of the finalists by the first round's runners-up. Although differences of political affiliation within families are common in democratic societies, the endorsement of competing candidates by members of the same family is a new phenomenon in Afghanistan.

DI deployed LTO teams to Balkh, Herat, Kabul, and Panjshir. With a few exceptions, DI observers saw the election being administered according to the prescribed procedures, including the opening and closing of the polling stations and the counting of ballots. Reports on turnout were mixed, with many observers noting that turnout seemed lower than on April 5 based largely on their assessment of the length of voter queues. DI's international observers also noted that election day seemed much quieter than the first round. Official tallies of voters in the immediate post-election period, however, showed turnout exceeded that of the first round. This inconsistency became a source of controversy, and the basis for official complaints filed with the IECC that would eventually lead to a full audit of all ballots cast.

Based on complaints by individual citizens and the candidates' campaigns, the IEC conducted two rounds of sample audits. The preliminary results of the runoff showed Dr. Ashraf Ghani with a commanding lead with 56.4 percent of the total votes cast, compared to 43.5 percent for Dr. Abdullah Abdullah, which represented a shift from the first round.

Shortly after the runoff election concluded and the IEC began to tally preliminary results, the election process became engulfed in controversy. Much of this controversy stemmed from allegations from Dr. Abdullah's campaign of widespread fraud and negligence on behalf of the IEC. The allegations of fraud were not widely disputed. As a result, by the time the second-round complaints-adjudication process was underway, public confidence in the electoral institutions had diminished so much that Dr. Abdullah and his supporters were threatening to abandon the process altogether and establish a parallel government.

With the fate of Afghanistan's first peaceful transfer of power at stake, U.S. Secretary of State John Kerry traveled to Kabul in an attempt to broker a deal between the two candidates that could salvage the process. After a series of intense negotiations, the candidates agreed to participate in a comprehensive audit of 100 percent of the ballot boxes from the runoff election that would culminate in the formation of a national unity government.

Audit

Presidential candidates Abdullah Abdullah and Ashraf Ghani reached an agreement on July 12 that called for an audit of all ballots cast in the runoff election, ending the political stalemate. The IEC held primary responsibility for conducting the audit with the United Nations in an advisory role. The audit required the presence of international observers and candidate agents.

DI deployed a contingent of international observers to observe the audit process and served as the facilitator for all U.S.-funded international observation efforts. In addition, DI represented the U.S.-funded groups at regular technical committee meetings held at the IEC and chaired by the UN, where audit procedures and challenges were discussed.

The audit concluded on September 4 and on September 21, the IEC declared that Ashraf Ghani was elected the next president of Afghanistan and that the official final results would be published in the near future. At the time of writing, however, the IEC has still not released the official final results. The serious allegations of widespread fraud from both candidates remain unsubstantiated.

The agreement between the two candidates to conduct the audit and to form a national unity government may have salvaged Afghanistan's chances for a peaceful transfer of power, but it also abandoned the chance for a democratic one. This marked the third consecutive national election to be decided outside of the parameters of Afghanistan's democratic legal framework. The audit began without the necessary procedures in place and represented the preference for an ad-hoc dispute resolution mechanism as opposed to relying on Afghanistan's established institutions and election-dispute-resolution processes. This is a dangerous precedent and should be avoided during future election processes in Afghanistan.

Unity Government

The idea of forming a national unity government was originally agreed upon by the candidates in a political framework document adopted on July 12, which also explained the terms of the comprehensive audit and the candidates' agreement to participate in it. The unity government was further detailed on September 20 with the adoption of a framework for the transitional government that was signed by both candidates. On September 29, the same day that President Ghani was inaugurated, Dr. Abdullah was sworn in as Chief Executive Officer (CEO) thus formalizing the unity government agreement and officially making the two election rivals jointly responsible for the future of their country.

The two most notable provisions of the unity government agreement are the decision to hold a constitutional Loya Jirga within two years to consider the creation of an executive prime minister position and the immediate creation of a CEO position, the roles and responsibilities of which were largely left undefined. In addition, the agreement calls for the creation of a special commission on electoral reform. At the time of this report's writing, the special commission has still not been established, despite the agreement stating that it should be created immediately after the establishment of the government.

Recommendations

To consolidate democracy and establish that democratic elections under law are the only legitimate method of electing leaders and transferring power in the country, Afghanistan must restore and enhance public confidence in its election process and its election management bodies, the IEC and the IECC. Accordingly, we offer the following recommendations to be considered before any future elections are conducted:

1. Release the election results.

2. Establish an electoral reform process.

3. Investigate and prosecute election fraud.

4. Develop an effective voter registration system.

5. Reform the electoral management bodies.

6. Conduct public education to strengthen public confidence in elections.

7. Consider conducting rolling or phased elections.

8. Increase ballot access thresholds.

9. Change the electoral system for provincial and legislative elections.

10. Review the use of presidential runoffs.

11. Strengthen post-election tallying, re-count, and auditing procedures.

12. Improve procedures for IEC and IECC hearings.

Conclusion

The people of Afghanistan and the international community hoped that 2014's elections could be a means to achieve two important ends: first, that they would lead to the first peaceful and democratic transfer of executive power in the post-Taliban era, and second, that the process would further the consolidation of democracy in Afghanistan and further strengthen the country's democratic framework adopted at Bonn more than a decade ago. A peaceful transfer of power did occur, but the process that led to it was not democratic. Although the unity government appears to be popular among Afghans today, not one citizen voted for it. Like the elections before it in 2009 and 2010, this one was decided by resorting to ad-hoc procedures rather than relying on those outlined in the constitution, the electoral legislation that was democratically adopted in 2013, and the rules and regulations adopted by the IEC and the IECC. Rather than deciding the outcome of the election through a democratic process, politicians decided the outcome through a political agreement that to date has prevented the actual results from being announced. In addition, it potentially set a precedent whereby runners-up can secure positions of power irrespective of the preferences of voters.

This election process further highlighted the need for Afghanistan to finally embrace a genuine process for electoral and broader constitutional reform. Although this election process should not be considered a real step forward for democracy in Afghanistan, it has created genuine hope that progress is possible and that Afghanistan's democratic moment is not fleeting. Notwithstanding the challenges detailed in this report, Afghans turned out in large numbers to participate in these elections. The democratic spirit among Afghans is strong and resilient.

The problems that plagued the 2014 process were predictable. Since 2004, recommendations from both domestic and international observation organizations have been largely ignored, particularly as they pertain to the key structural issues with the electoral system, with voter registration, and with the independence and impartiality of the electoral institutions. For once, however, it appears that Afghanistan's government, and, most important, its leaders, recognize the need for comprehensive reform and have the will to pursue it. If the unity government that emerged from this process does follow through with the commitments it has made to pursue and implement political reform, it will make a critical and potentially transformational contribution to the future consolidation of democracy in Afghanistan. If so, this process and the emergence of Afghanistan's current government will have contributed immeasurably to the future stability of the country.

INTRODUCTION

Afghanistan's 2014 presidential and provincial council elections proved a major challenge in the country's continuing democratic transition. These elections were the fifth held since the fall of the Taliban and were the first administered under a legal framework that was adopted through a democratic legislative process rather than through presidential decree. Given the prospect of a democratic and peaceful transfer of power, Afghans and the international community alike looked upon these elections as a critical opportunity to consolidate the gains made toward democratization since 2001 and as an important milestone in Afghanistan's political history.

After an election process that lasted more than six months, and included both the country's first presidential runoff election and a historic and unprecedented comprehensive audit of ballot boxes, Dr. Ashraf Ghani was inaugurated as president on September 29, 2014. Shortly thereafter, President Ghani swore in Dr. Abdullah Abdullah – the runner up in the presidential runoff election – as the Chief Executive Officer of Afghanistan, a new position created as part of a unity government agreement signed by the two candidates in the aftermath of the runoff election. The provincial council elections concluded on October 26 with the announcement of the final certified results by the Independent Election Commission of Afghanistan (IEC). The political uncertainty in the period after the runoff election created an environment of crisis that saw a substantial economic downturn in Afghanistan and an increase in insurgent attacks across the country. With new leadership in place, Afghans and the international community are hopeful that the National Unity Government (NUG) will succeed, but also cognizant of the significant work that lies ahead to further define the nature of Afghanistan's new government and repair the broken democratic process that necessitated its creation.

As has been well documented, including by Democracy International's election observation missions, Afghanistan's 2009 presidential and provincial council elections and 2010 parliamentary elections suffered from serious fraud and misconduct and as a result failed to earn Afghanistan's election institutions the public's confidence. The 2014 election process once again revealed the fundamental flaws that exist in Afghanistan's electoral framework and democracy. The problems that arose were similar if not identical to those that plagued each Afghan election conducted since 2004. In that sense, the narrative of the 2014 elections was unfortunately predictable, due largely to the lack of political will to address the issues that have been consistently and uniformly identified by international and domestic observers over the past decade. These chronic deficiencies have had a corrosive impact on the credibility of Afghan elections and must be addressed for the sake of the democratic legitimacy of the country.

Democracy International in Afghanistan

Democracy International has deployed international election observation missions to Afghanistan's last three elections: the 2009 presidential and provincial council elections, the 2010 parliamentary elections, and the 2014 presidential and provincial council elections. After the 2009 elections, DI maintained its presence in Afghanistan and began assisting Afghan stakeholders to develop and advocate for electoral reforms. Since that time, DI has worked to foster an inclusive and productive dialogue on electoral reform among Afghan stakeholders. With the support of the U.S. Agency for International Development, DI has managed the Afghanistan Electoral Reform and Civic Advocacy (AERCA) project, through which DI supports an Afghan-led electoral reform process by engaging with reform-minded civil society activists, advocacy organizations and elected officials and by facilitating public opinion research on electoral reform issues.

DI's Election Observation Mission

With funding through a cooperative agreement with USAID, DI organized an international election observation mission for the 2014 presidential and provincial council elections. DI's election observation mission sought to enhance public confidence in the 2014 election by (1) serving as a key impartial source of information regarding the election process for the participants, local stakeholders and the international community, and (2) helping to set expectations for the election process among domestic political and civil society stakeholders, local and international media, and the international community.

DI established its election observation mission in February 2014 and observed all phases of the election process, including the first round election held on April 5, the presidential runoff election of June 14, and the comprehensive audit of ballots cast in the runoff. DI's core team of election experts mobilized in early March to closely observe the pre-election environment. The team held individual meetings and attended press conferences and other events with key electoral stakeholders, including candidates and their campaigns, electoral management bodies, and civil society organizations, among others.

In preparation for the April 5 elections, DI deployed two-person Long-Term Observer (LTO) teams to Balkh, Herat, Nangarhar, and Panjshir provinces to assess the pre-election environment and to observe election day. DI recruited highly skilled professionals with significant experience in election observation in Afghanistan or in other conflict-affected transitional environments. After two days of briefings in Kabul, the LTOs traveled to their observation locations on March 22. The teams met with the provincial IEC representatives, the provincial complaints commissions, domestic observation groups, civil society organizations, representatives of the United Nations Assistance Mission in Afghanistan (UNAMA), and other international observer groups. Due to security concerns in the days preceding the elections, the LTOs returned to Kabul by March 31 for the remainder of the mission. While DI planned to deploy five additional two-person teams as Short-Term Observers (STOs) to Balkh, Helmand, Kabul, and Kandahar, serious security incidents, particularly an attack on the Serena Hotel in which an international

election observer lost his life, led to the re-organization of the mission and the cancellation of the STO component of the observation.

In Kabul, the core team and LTOs met with numerous key electoral stakeholders, including presidential and provincial council candidates and their campaign staff, domestic observation and civil society groups, journalists, and representatives of the election management bodies (EMBs). On election day, DI deployed 16 international observers. They observed the opening of 19 polling stations, voting at 89 stations, and the closing and counting of ballots at six stations.

On April 7, DI began observing the tabulation process at the National Tally Center (NTC) in Kabul as tamper-evident bags (TEBs) containing result sheets from the provinces began arriving at the IEC headquarters. Concurrently, members of DI's core team began to observe the complaints adjudication process at the Independent Electoral Complaints Commission (IECC). DI's LTOs and some members of the core team left Afghanistan on April 15, but the mission's Legal Expert and Elections Administration Expert remained in Kabul to manage a team of local national staff to observe the post-election period. The team observed the work of the EMBs daily until the IECC completed the complaints adjudication process and the IEC announced the final results of the election on May 15. Throughout the period before the presidential runoff election DI participated in a series of meetings with Afghan and international stakeholders to analyze the results and consequences of the first round election.

In preparation for the presidential runoff election, DI deployed the same delegation of LTOs to Kabul on June 7. The observers were briefed on June 8 and 9 and deployed to their observation locations on June 10. DI deployed the LTO teams to Balkh, Herat, Kabul, and Panjshir. Capitalizing on their familiarity with the cities they were based in before the first round election, the observers were able to quickly reconnect with past contacts and hold several productive meetings with stakeholders before the election on June 14. On election day, DI observed the opening and voting at more than 110 polling stations and the closing and counting at 10 stations. The LTOs were debriefed in Kabul on June 15 and 16 and departed Afghanistan the next day.

Again, members of DI's core team remained in Kabul to manage a team of local national staff to observe the post-election period, including the results tabulation and complaints adjudication processes. When the candidates agreed on an audit of all ballot boxes, brokered with support from U.S. Secretary of State John Kerry, on July 12, DI immediately began deploying the remaining core team members and international observers. DI mobilized more than 50 international observers during the course of the seven-week-long audit and maintained a presence of 10 DI observers at IEC headquarters until the conclusion of the physical audit on September 4. The core team remained in Kabul to observe the remaining audit activities and complaint adjudication proceedings. In addition, DI served in a central coordination role for all U.S. government-supported observers of the audit and represented the group at daily technical meetings where the candidates' campaigns, the IEC, and UN representatives discussed and decided on administrative, procedural and technical issues that arose throughout the audit.

Core team members, with the assistance of local national staff, continued to observe the electoral process after the conclusion of the audit, and attended the inauguration of the president on September 29. They continued to observe the provincial council result tabulation and complaint adjudication processes until the announcement of the final provincial council results on October 26.

This Election Observation Report

This report presents DI's key findings from the 2014 election cycle. In the first section of the report, we present the historical background and legal framework for the 2014 elections, as well as our key findings during the pre-election phase. Next, we discuss our first round election day observations and what we learned during the post-election phase leading up to the presidential runoff. Similarly, we present our runoff election day observations and those from following the controversy that eventually culminated in the agreement to conduct a comprehensive audit. After providing an overview of the audit process, we present the outcome and our observations. Finally, we provide a list of recommendations for reform that we believe, if implemented, will improve the integrity, credibility, and transparency of future Afghan elections.

PRE-ELECTION CONTEXT

Historical Background of Afghan Elections

After the fall of the Taliban in 2001, Afghan leaders and the international community worked to establish a political framework for the democratic development of Afghanistan. This framework, commonly known as the Bonn Agreement, created a plan for the installation of a transitional government and subsequent elections. A representative body, or Loya Jirga, convened and drafted a new constitution, which established a presidential system of government. The constitution called for direct presidential, parliamentary, and provincial council elections in the near term, beginning with a presidential election in 2004.

The 2004 presidential election was conducted by the Joint Electoral Management Body, an entity composed both of Afghans and representatives of the international community chosen and supported by the United Nations. An estimated 70 percent of Afghans turned out to vote in the election, with Hamid Karzai receiving more than the 50 percent of votes necessary to avoid a runoff election. Despite allegations of widespread fraud, the result was broadly accepted by the Afghan people and hailed by the international community as a major step forward in Afghanistan's democratic transition.

On September 18, 2005, Afghans cast ballots for parliamentary and provincial council candidates. This time, however, only approximately 50 percent of registered voters chose to participate. The elections were marred by some of the same allegations of fraud that were raised after the 2004 elections, such as problems with indelible ink, ballot stuffing, and charges of multiple voting. These allegations and the subsequent investigation delayed the announcement of final results until early November 2005. Many voters reported confusion about the Single Non-Transferable Vote (SNTV) electoral system and a lack of knowledge of individual candidates. These factors may have contributed to the significantly lower turnout than in the 2004 election.

The SNTV system has been criticized because it inhibits the development of political parties by creating disincentives for candidates in the same province to form coalitions. It also prevents broad representation in an elected body by favoring those candidates with bases of support in urban areas. Under SNTV, voters in each province cast only one vote, despite being represented by multiple individuals. This leads to fragmentation in the vote and results, in many instances, in members being elected with a small percentage of the vote. This was especially prevalent in Kabul where a large number of candidates competed and winning candidates were often elected with extremely small percentages of total votes cast.

The 2009 presidential and provincial council elections were held on August 20, 2009. In contrast to the 2004 and 2005 elections, a new Independent Electoral Commission of Afghanistan (IEC) conducted the 2009 elections rather than the UN-supported Joint Electoral Management

Body, supported by an Electoral Complaints Commission (ECC) with both Afghan and international community members. By all measures, these elections were more problematic. Allegations of fraud, while present in previous elections, were significantly greater in scope and scale. There were major incidents of violence, which may have contributed to low turnout, which was estimated at less than 40 percent. The initial results indicated a landslide victory for President Karzai, who appeared to have exceeded the 50 percent threshold needed to avoid a runoff election between him and the runner up, Dr. Abdullah Abdullah. However, the allegations of fraud resulted in more than 2,500 official complaints being submitted to the ECC. The vast majority of the complaints concerned ballot stuffing, voter intimidation, ghost polling stations or other types of electoral fraud. In response to these complaints, the ECC determined that the results of the election in more than 3,000 polling stations were considered suspicious. Because of time constraints and logistical challenges, the ECC decided it was not possible to conduct a full audit and recount of all polling stations with suspicious results. The commissioners eventually ordered an audit and recount of a random sample of approximately 10 percent of those polling stations for which results would be extrapolated to the full population of suspicious polling stations. After the sample audit was finished, the ECC ordered the invalidation of an estimated 1.26 million votes—more than 1 million of which were for Karzai. As a result, Karzai's vote total fell below the 50 percent needed to avoid a runoff election between him and Abdullah. On the same day the ECC released its decisions, Democracy International issued a statement urging the IEC to certify the results based on the ECC's decisions and hold a runoff election as required by Afghanistan's Electoral Law.

Initially, Karzai refused to accept the ECC's decision and insisted that he had won outright in the first round. In response to significant pressure from the international community, however, President Karzai eventually agreed to accept the ECC's decision and participate in a runoff election against Dr. Abdullah. The runoff election was scheduled for November 7. Shortly thereafter the announcement that a runoff would be held, Dr. Abdullah's campaign issued a statement demanding that the government address the fraud that had occurred in the first round. Notably, he demanded personnel changes at the IEC. His demands culminated in an ultimatum that he would withdraw from the race if he was not satisfied that the runoff would be conducted fairly. The IEC essentially ignored Abdullah's demands and on November 1, 2009, he announced that a transparent election would not be possible under the current conditions and withdrew from the race. One day later, the IEC announced the cancellation of the scheduled runoff election and declared President Karzai the winner.

After the 2009 election and the subsequent controversy, there was widespread support for election reform. The problems with the SNTV system that surfaced in 2005 and 2009 further contributed to the argument for reform. Although President Karzai publicly supported calls for reform, he believed that foreign interference rather than the issues identified by observers was the major problem that needed to be addressed. As a result, he moved unilaterally to amend the election law by decree during a parliamentary recess and in doing so eliminated any role for foreigners on the ECC. His decree was broadly criticized as undemocratic and the lower house of parliament voted to reject it. Vetoing a presidential decree requires the approval of both the upper and lower houses of parliament in Afghanistan, however, and the upper house

refused to consider the rejection of the decree. As such, the decree remained in force and served as the electoral legal framework for the 2010 parliamentary elections.

While the decree remained in force, in April 2010 President Karzai did ultimately allow for two international members to be on the ECC. This was seen as an overture to the international community but also as pragmatic on Karzai's part since the international community expressed frustration and reluctance to support a process that was unlikely to avoid the problems of the past. Furthermore, the president replaced the IEC chairman and chief executive with two individuals who were widely seen as credible and competent. These were undeniably positive developments, but the lack of any changes to the SNTV system meant that the problems that arose in the 2005 election were likely to surface again in 2010.

The parliamentary election was held on September 18, 2010. Once again, there were widespread allegations of fraud. The IEC announced preliminary results on October 20 and final results for all constituencies except Ghazni province on November 24. Immediately after the election, the ECC began investigating complaints. The IEC and ECC would eventually disqualify numerous candidates and invalidate more than 1.3 million of the estimated 5.6 million votes cast. This meant that 24 candidates who had been initially declared winners had not won seats after the announcement of final results. On December 1, 2010, the IEC announced results for Ghazni. The candidates who were denied victories formed an advocacy group to demand that the election results be invalidated and a new election held.

Under Afghan law all decisions of the ECC are final, and there was, therefore, no legal recourse for the candidates to pursue their grievances. Nonetheless, on December 26, President Karzai issued a decree that established a special court to investigate the results of the election. Many observers questioned the legality of this action, but the special tribunal began investigating the results of the election regardless. In June 2011, the special tribunal ordered the removal of 62 sitting Members of Parliament (MPs), creating further controversy. Throughout the rest of the summer and into the fall of 2011, the controversy continued, with various numbers of MPs being threatened with removal. In the end, the IEC ordered 21 candidates from 12 provinces removed from office.

This tumultuous process finally concluded in November 2011, more than a year after the 2010 election. The lasting controversy highlighted the already urgent need for electoral reform in Afghanistan.

Legal Framework of the 2014 Elections

Afghanistan's constitution and electoral laws establish the legal framework for Afghan elections. The constitution states that "the citizens of Afghanistan shall have the right to elect and be elected" (Article 33). The constitution also establishes the Independent Election Commission (IEC) and grants it the authority to administer and supervise all elections (Article 156). The Electoral Law governed the administration of the 2014 elections, along with the Law on the Duties and Structures of the Independent Election Commission and the Independent Electoral Complaints Commission, both of which were passed by parliament and ratified by President Karzai in July 2013. These laws are notable for being the first election laws in Afghanistan to be

adopted through a democratic legislative process. Previous elections, in contrast, were conducted based on electoral laws adopted by presidential decree.

CONSTITUTIONAL FRAMEWORK

The constitution of Afghanistan does not prescribe details of the administration of the electoral process. It assigns such details to the election law for definition. The constitution does, however, address several key election-related issues, including election dates and schedules and the formation of an Independent Election Commission.

The constitution identifies a range of dates within which elections for president and the Wolesi Jirga must be held. The constitution also defines the terms of all elected offices and specifies the dates of the expiration of mandates and length of election periods. The terms of office for the president and the Wolesi Jirga expire on May 21 and June 21, respectively, of the fifth year after the previous election. Elections for these bodies must be conducted 30 to 60 days before these dates (Articles 61 and 83). These constitutionally defined dates, however, have not yet been met for any office, from president to parliament, or provincial and district councils in any election held to date. The constitution directly and specifically defines the method of electing the president and requires a runoff election in cases when a candidate fails to achieve an absolute majority (50%+1 of all valid votes cast). Article 156 of the constitution states "the Independent Election Commission shall be established to administer and supervise every kind of elections," leaving all of the remaining details of the commission to the electoral laws.

ELECTORAL LAWS

The two new election laws passed in 2013 address additional details of election administration. Specifically, the Law on the Duties and Structures of the IEC and the IECC governs the composition and conduct of the country's election administration bodies. The Electoral Law provides the legal framework for administering elections and addressing election-related violations and complaints.

The new laws contain notable provisions that address the independence of the EMBs and the quota for women's representation, among other issues. The laws call for a selection committee composed of a broad spectrum of Afghan stakeholders to submit a list of candidates for the president to consider for appointment to the IEC and IECC. While this mechanism is more inclusive than the previous law which granted the president the sole authority to appoint the commissions' leadership, it still falls short of providing a check on the executive, given that the president ultimately decides the appointments. The laws also establish the IECC as a permanent, rather than a temporary body. Despite these and other positive aspects of the new laws, they fail to address some of the major issues with the previous laws. For example, the 2013 electoral laws reduce the quota for women's representation in the provincial councils from 25 to 20 percent, making it even harder for women to compete equally with male candidates in elections for provincial councils. Also, the new electoral law maintains the SNTV system for electing provincial council and parliamentary representatives, which continues to stifle the growth of political parties in Afghanistan.

Voter Registration

Afghanistan has no central registry of voters. In other countries, voter registration is used to plan elections and to identify voters at polling stations on election day. In Afghanistan, voters are only assigned to provinces and not specific polling locations; no list is maintained to prevent multiple registrations and voting and to confirm participation. The lack of a reliable database of voters continues to hinder effective administration of Afghan elections and supports the claims of those who wish to discredit Afghanistan's electoral processes.

As in the pre-election periods in 2009 and 2010, voter registration top-up exercises were conducted in a phased approach between May 2013 and March 2014. This process added approximately 3.6 million additional voter identification cards. As a result, more than 21 million voter cards were in circulation for the first round of the elections on April 5. This number was up from the approximately 18 million cards in circulation during the 2010 parliamentary elections.[1] There are an estimated 12 million eligible voters in Afghanistan.

The lack of accurate information about voters continues to handicap the work of the EMBs, security forces, civil society organizations, and candidate campaigns. Nobody is certain about key population and voter registration data that are needed to plan and implement inclusive, credible, and transparent elections. There is a serious lack of basic demographic statistics necessary to plan elections well, including the number of Afghan citizens; the number of Afghan citizens eligible to vote; the number of Afghan citizens presently registered to vote (knowing the number of Afghan voter identification cards is not equivalent as citizens could have re-registered for every cycle); and the places where eligible, and registered, citizens reside.

This information should inform procurement and distribution of election materials, recruitment and deployment of personnel, and the establishment of polling centers and stations. Similarly, supporting government agencies need this basic information to deploy security services, establish chains-of-custody, protect sensitive materials, and secure polling centers. Civil society organizations need these data to develop effective civic education campaigns, plan for observation efforts, and more. And, just as important, candidates and political organizations need these data to plan and conduct their campaigns, recruit and deploy agents, and track voter turnout and results. The lack of accurate and certifiable demographic information on the nation's population increases the risk of electoral fraud.

A serious effort to address the problems with Afghanistan's current voter registration system has not been undertaken. Repeated top-up exercises have only contributed to the problems with the system by enabling multiple registrations and creating a market for surplus VICs. Whereas a voter registration system should be a tool to prevent fraud, Afghanistan's has actually enabled it.

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[1] Independent Election Commission

The Campaign Period

The 2014 pre-election period was notable for the intensity and breadth of campaign activity, and the corresponding media coverage, of the presidential and provincial council candidates and their organizations. Although DI observers had limited direct access to campaign events across the country, the mission was able to follow the activities of the candidates and campaigns with the assistance of local national staff as well as through media monitoring.

Based on what DI's observers were able to discern during the campaign period, the political environment was competitive and the campaigning vigorous. Interviews with candidates, campaign staff, and other election stakeholders attributed the active campaigning to public enthusiasm created by the sheer number of candidates running and campaigning (both presidential and provincial council), the anticipation of the election of a new president, and the perception that the elections would be truly competitive.

MEDIA ENVIRONMENT AND CAMPAIGN COVERAGE

The private media sector has continued to expand and strengthen since Afghanistan's 2009 and 2010 elections. The media sector is vibrant, even if there are questions about its fairness and independence. Private media outlets are often thought to be, or accused of being, affiliated with partisan political, ethnic, or oligarchic interests.

With the growth and activity of this increasingly vibrant sector, journalists and their employers are being exposed to greater risks in fulfilling their obligation to cover and report the news – especially as it relates to politics and elections. This reality was highlighted by the murder of a highly respected journalist and his family in the March 2014 attack on the Serena Hotel. While that journalist was not the only casualty of the campaign period, his death prompted Afghan journalists to band together to proactively refuse to report terrorist attacks for 15 days in an attempt to deny anti-government groups the publicity they seek and thrive upon.[2] This type of boycott raises its own questions about the role and responsibilities of journalists and the media sector. The omission of terrorist attacks from the news left a strong impression among the Afghan public and international community that the election environment was more peaceful and the security services were more successful in preventing such incidents than was anticipated. The impression of a more secure election cycle, one shared even by DI's observers, later proved to be incorrect once actual incident data was collected and reported from around the country.

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[2] Tolo News, "Afghan Journalists Boycott Coverage of Taliban After Reporter's Killing," March 22, 2014, http://www.tolonews.com/en/afghanistan/14286-afghan-journalists-boycott-coverage-of-taliban-after-reporters-killing.

TABLE 1: REPORTED ATTACKS ON JOURNALISTS DURING 2009, 2010, AND 2014 ELECTIONS PERIODS

Election Year	Election Type	Reported Incidents Involving Journalists
2009	Presidential & Provincial Council	34
2010	Parliamentary	5
2014	Presidential & Provincial Council	41

Source: Nai, http://data.nai.org.af[3]

In Afghanistan, the IEC establishes a Media Commission to regulate and monitor the media throughout electoral cycles. The IEC's Media Commission also served its role as a watchdog and arbiter on matters of compliance with their Code of Conduct for the Media, which set standards for the media to participate impartially and with journalistic integrity throughout the electoral process. The Electoral Law authorizes the IEC to establish the Media Commission at least 90 days prior to election day and to dissolve it within 45 days after the announcement of the final results (Article 61(1) and 61(6)).

The Media Commission was authorized to investigate and adjudicate media violations during the entire election period, including the pre-election campaign and silence periods.[4] In addition to this oversight responsibility, the commission held informational conferences, public hearings on the adjudication of media violations, and conducted media advisory meetings with media representatives from Kabul and the provinces.

The commission issued weekly narrative reports and periodic quantitative reports on its monitoring activities, covering all phases of the campaign.[5] Throughout this time, the commission was very active, issuing 37 fines to various media outlets for violations of the code of conduct.[6]

The members of the commission have since made recommendations to increase the entity's efficacy, including a recommendation to extend the operational term of the commission to five years instead of the limited period now defined in the law.

The Media Commission fulfilled its role by actively engaging with the media and was diligent in policing and adjudicating complaints and violations of the code of conduct. Its ability to command the attention of media organizations and their compliance with the code of conduct was limited to its ability to issue fines of up to 100,000 AFN (approx. US$ 1,786). Based on its own

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[3] Nai is a media-focused, Afghan non-governmental organization. The reported incidents occurred during the election period—defined as beginning with the official campaign period through the announcement of the final results—but are not necessarily related to election activities.

[4] Media Code of Conduct violation definitions can be found at: http://www.iec.org.af/pdf/code_of_conduct/english/media_code_of_conduct.pdf

[5] Media Commission reports can be found at: http://www.iec.org.af/2014-01-21-04-25-48/media-monitoring

[6] Media Commission decisions can be found at: http://www.iec.org.af/2014-01-21-04-25-48/moc-decision

reporting, the commission imposed a total of 670,000 AFN (approx. US$ 11,964) worth of fines during the cycle.

Civil Society Engagement

Afghanistan's civil society has grown substantially over the last several years. As of April 2012, nearly 5,000 registered civil society organizations (CSOs) were operating around the country.[7] Community-based groups, that are not officially registered organizations, are also important actors in Afghanistan's civil society landscape.

Most Afghans viewed the 2014 elections as a national priority, which resulted in CSOs from a range of sectors leveraging their community ties for the purpose of civic education and public outreach. Some CSOs implemented voluntary campaigns while others operated internationally funded projects. Several organizations conducted domestic observation missions. International donors funded many civil society initiatives through implementing partners working in Afghanistan, such as Democracy International, Counterpart International, Creative Associates, The Asia Foundation, National Democratic Institute, International Foundation for Electoral Systems, and United States Institute for Peace.

THE AFGHANISTAN CIVIL SOCIETY ELECTIONS NETWORK

In the interest of increasing their level of influence leading up to the elections, many CSOs joined together in a single election-focused network in 2013 to undertake joint advocacy initiatives and promote coordination on electoral issues. An initial group of 11 CSOs established and launched the Afghanistan Civil Society Elections Network (ACSEN) in July 2013, with the network's governing board composed of notable civil society organizations, including domestic observer groups Afghanistan National Participation Organization (ANPO), Free and Fair Election Forum of Afghanistan (FEFA), and Transparent Election Foundation of Afghanistan (TEFA). Over the course of the electoral cycle, ACSEN grew into the largest election-focused civil society network in Afghanistan with more than 150 CSO members in all 34 provinces of the country.

ACSEN conducted numerous influential activities throughout the electoral cycle. During the pre-election period, ACSEN signed Memoranda of Understanding with the IEC, IECC, and key line ministerial departments to facilitate the implementation of elections-focused civic education and advocacy campaigns by its member organizations throughout the country. ACSEN member CSOs utilized the network's Memoranda of Understanding to implement public outreach campaigns at the provincial, district, and village levels. The network conducted more than 20 national conferences, campaigns, and press conferences with civil society and electoral stakeholders to advocate for the improvement of electoral processes before and after the elections. The network also served as an effective coordination mechanism between Afghan civil

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[7] USAID, "2012 CSO Sustainability Index for Afghanistan," http://www.usaid.gov/sites/default/files/documents/1866/AfghanistanCSOSI_2012.pdf.

society members and the EMBs by distributing voter information to its member organizations and providing feedback to the IEC and IECC on challenges reported by CSOs and their constituencies in engaging in the electoral process. In January, ACSEN launched a voluntary campaign to mobilize the network's CSO members to recruit female poll workers and security personnel for election day, addressing the significant challenge of the disenfranchisement of women due to inadequate numbers of female polling station staff.[8] ACSEN collected profiles of more than 4,000 urban and rural potential female recruits within a month.[9] The IEC and Ministry of Interior utilized the database to fill critical staffing needs throughout the country.

The network's rapid membership growth and achievements within a relatively short period of time illustrate an increasing interest among CSOs to work collaboratively. Most Afghan CSOs have limited scope and geographic reach, so membership in a network, such as ACSEN, enables them to enhance their impact and participate in national-level advocacy.

PUBLIC OUTREACH AND CIVIC EDUCATION

The role of CSOs in conducting civic education, voter information, and public outreach activities during the electoral cycle was critical to increasing awareness among voters, particularly in rural areas. Although the IEC recruited and trained 3,000 civic educators—approximately 88 per province—to increase the public's understanding of the electoral process around the country, the IEC's Public Outreach Department acknowledged the need for civil society groups to complement these efforts. To prevent external entities circulating misinformation about the elections, the IEC worked closely with CSOs to ensure consistent, accurate messaging. The IEC held coordination meetings, encouraged CSOs to submit their outreach materials for review, and provided materials developed by the EMBs for CSOs to distribute leading up to the April elections.

In addition to distributing brochures and putting up posters, CSOs used a range of other mediums to reach the Afghan public, including conferences, trainings, community meetings, mobile theater, and radio programs. Among the variety of initiatives, there were a few prominent themes, including discussions of elections from an Islamic perspective and increasing the participation of women and youth.

Several organizations worked with local mullahs and Islamic religious scholars (*ulema*) to promote the positive relationship between Islam and the electoral process. These activities involved bringing mullahs and *ulema* together to discuss elections from an Islamic perspective, often specifically focusing on women's right to vote, and circulating that message more broadly to influence others through recorded messages or face-to-face interaction with their commu-

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[8] In its report on women's participation in the 2009 elections, SIGAR highlights its finding that the lack of female staff at polling stations is a significant deterrent for eligible women voters. SIGAR, "Barriers to Greater Participation by Women in Afghan Elections," October 28, 2009.

[9] "ACSEN Supporting Afghan Women – 2014 Elections," https://www.youtube.com/watch?v=cIDOwK5WvLs.

nities. The Ministry of Hajj and Religious Affairs supported these efforts. Ministry representatives attended provincial- and national-level conferences and worked with ACSEN to disseminate elections-related messaging to more than 4,000 registered mosques around the country. These messages focused on the equitable participation of men and women in the election and the positive relationship between Islamic principles and democratic elections. In order to reach rural communities, civil society organizations Foundation for Culture and Civil Society, Future Leaders Organization, and Training and Human Rights Association for Women sponsored the participation of conservative rural-based mullahs in provincial level conferences with esteemed urban *ulema* and mullahs in southern and eastern Afghanistan.

Many campaigns focused on increasing the turnout of women. CSOs collaborated with media organizations to broadcast public service announcements to reach urban and rural areas of the country and conducted community outreach programs aimed at changing commonly held perceptions that women do not have the right or responsibility to vote in Afghanistan. For example, the American non-profit organization Bond Street Theatre implemented a mobile theatre voter education project in less accessible provinces, including Bamyan, Kandahar, Kunduz, and Nangarhar. Working with Afghan theatre partners, they reached more than 150,000 people. All-female troupes brought voter information to women in remote areas. While there continues to be an emphasis on addressing social and cultural barriers to women's participation in the elections, there was also some attention on structural barriers that disenfranchise female voters, such as ACSEN's recruitment of adequate female staff at polling stations.

Although there was an increased interest in youth participation in the 2014 elections compared to the 2009 elections, Afghanistan still faces challenges in mobilizing youth to actively participate in elections, particularly those in rural areas. One of the more notable initiatives targeting youth was a national electoral anthem competition held by Sound Central, an organization that hosts an annual music festival in Kabul. Winning male and female music videos were promoted as the youth national anthems of the 2014 elections and were widely broadcast on TV, radio, and social media platforms.

Although the number, quality, and creativity of the initiatives civil society implemented exceeded similar programming in the 2009 elections, it remains difficult for CSOs to reach rural communities, which make up an estimated 75 percent of Afghanistan's total population.[10] As a result, many public outreach and advocacy initiatives are restricted to provincial capitals and their surrounding districts. In addition, due to the limited implementation timeframe of many of the elections-focused civic education projects—usually four to six months—it is difficult to assess their impact on voting behaviors. During focus group discussions with ACSEN civil society members, many CSOs remarked on the repetitive and cyclical nature of civic education programming with public outreach initiatives largely restricted to the election period and rarely discussed afterwards. CSOs also noted a need for revising and expanding the current, minimal

[10] Afghanistan's Central Statistics Organization

civic education curricula in the formal educational system and translating high-level concepts of democracy and governance to relate within the social context and daily lives of Afghans.

Security Environment

Afghan security forces, which managed the security for the 2014 elections entirely, were under enormous pressure to create a secure environment for this significant political transition. The lead up to the election season was not encouraging as 2013 was reported to be the second most violent fighting season since 2001 (with 2011 being the worst). As such, the prevailing security environment facing the election was expected to be volatile. As of mid-December 2013, the UN recorded a 20 percent increase from 2012 in total security incidents (19,161 compared with 16,481).

By mid-June 2013, the security lead passed from the International Security Assistance Force to the Afghan National Security Forces (ANSF). During the winter of 2013, ANSF began election security planning and used the data from 2013 as the benchmark of what to expect from anti-government elements. As noted above, anti-government elements were very aggressive in 2013 with a 40 percent increase in activity over the previous year. However, neither 2011 nor 2012 were election years, which had seen a sharp increase in violence in the past. ANSF was ultimately unable to reduce election-related violence, which proved to be as pervasive as during the 2009 and 2010 elections.

Against this security background, the December 2013 IEC/Ministry of Interior security assessment for 6,845 polling centers was that 1,144 were considered low risk; 3,457, normal; 758, medium; 1,174, high risk; and 312, "inactive" (i.e. could not open for security or logistical reasons). The overwhelming majority of inactive polling centers were cited as under enemy control. In effect, the Ministry of Interior had advised that it would be unable to open significant numbers of polling centers in 11 provinces: Helmand (39% of polling centers closed), Badghis (28%), Farah (27%), Ghor (20%), Parwan (13%), Zabul (4%), Logar (4%), Herat (2%), Uruzgan (2%), Ghazni (2%), and Kunar (2%).

From January 1, 2014, through the end of the first round of the election, May 31, the UN recorded 6,864 security-related incidents. That represented an increase of 22 percent over the same period in 2013 and an increase of 40 percent over 2012. Incidents in the south, southeast and east of the country accounted for 3,917 of the total number of incidents during the period. Of particular note was the increased violence in the eastern part of the country.

The high number of security incidents is mainly attributed to the election period, given operations by the ANSF to prepare for the elections and attempts by the Taliban to disrupt them. There were also a number of incidents against the main candidates and their offices. The Taliban was deeply divided over attacking the 2014 elections but claimed to have carried out 1,088 attacks nationwide at polling centers and on vehicles and convoys carrying election materials.

The Taliban was not the only armed threat against the election process. Hizb-e-Islami-Gulbuddin is currently ideologically and politically allied with the Taliban, but its fighters some-

times clash with the Taliban over control of territory in the group's main centers of activity in provinces to the north and east of Kabul. Hizb-e-Islami-Gulbuddin is not considered a full-time force on the Afghanistan battlefield and has focused primarily on high-profile attacks; thus the elections presented them with an attractive target. During the elections they did attack the process but with the view of achieving political ends for their party and its supporters.

Another anti-government element group, the Haqqani Network founded by Jalaludin Haqqani, is often cited as a potent threat to Afghan security. The Haqqani Network, which has control over large parts of Khost province, is believed to be closer to Al Qaeda than to the Taliban. This group played a role in disrupting the elections in eastern Afghanistan, particularly in Nangarhar, Paktya and Logar, and was responsible for the March 2014 attack on the Serena hotel.

Afghanistan's adverse security environment hindered the ability of the IEC to manage the election process, candidates to campaign, citizens to vote, and observers to validate the process. As witnessed in this electoral cycle, this provided opportunities for both legitimate and politically manufactured doubt about the administration and outcome of the elections.

PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS, APRIL 5

The first round of the 2014 Presidential and Provincial Council elections was held on April 5. Ten candidates vied for the presidency initially (Annex B), and more than 2,713 candidates, including 304 women, competed for provincial council seats. The leading candidates on the presidential ticket were 2009 runner up Dr. Abdullah Abdullah, former finance minister Dr. Ashraf Ghani, and Zalmai Rassoul, a former foreign minister in the Karzai administration and widely perceived as the president's favored candidate.

Election Day Observation

On election day, Democracy International directly observed 95 polling stations at 21 polling centers across Kabul, of which 44 percent were female polling stations. DI collected data with a standard procedural checklist that observers filled out while observing at each polling station. The core team also debriefed the observers that evening to gather qualitative information not represented on the forms.

At the vast majority of the polling stations DI observers visited, they observed that the election administration procedures for opening, voting, closing, and counting were properly adhered to. Nearly all polling stations we observed opened after 7:00 a.m., the mandated opening time. Most of the stations were open between 7:30 and 8:00 a.m., and in a few cases there was a delay of up to two hours. Even in cases of more significant delays, we observed voters patiently waiting in line to cast their ballots. All necessary materials were present and staff diligently checked voter registration cards, validated ballots, and inked voters' fingers, with only a few exceptions. The counting of ballots was done according to the procedures adopted by the IEC.

DI observed few violations and does not believe these infractions impacted the overall voting process in these locations. DI observers witnessed seven instances in which campaign materials were present outside within 100 meters of the polling station and noted one station where such materials were inside. There were police, military, or other unauthorized individuals observed inside 21 percent of the stations, but they did not appear to be interfering with the voting process or the staff's work.

Election day initially appeared to be relatively peaceful; there were no major incidents in Kabul and few reports from the provinces. Following election day, the reports of what happened in the districts showed that there had actually been considerable violence.[11] There were two primary areas where election-related attacks were perpetrated; the east/southeast and the northwest regions of the country. Many of the incidents in the east/southeast were in districts that border Pakistan, specifically, southern Nangarhar, Paktia, and Khost. These areas are within easy reach of cross-border insurgent groups and are active throughout the "fighting season." The northwest area, on the other hand, does not face the same intensity throughout the "fighting season" but reached high levels of insecurity during the election period. It appears that insurgents in the southeast temporarily switched their focus of operations to the elections while the insurgents in the northwest had to intensify their operations in an attempt to disrupt the electoral process.

DOMESTIC OBSERVATION

Democracy International noted a substantial increase in the number of domestic observer organizations in the 2014 elections compared to previous elections in Afghanistan. Domestic election observers were present at most stations (68%) DI visited and candidate agents were nearly ubiquitous (98%). The domestic observers were mostly from FEFA and TEFA, although DI observers did note the presence of other domestic observation groups at a few stations. Candidate agents represented several provincial council and presidential candidates. The IEC accredited a total of 68 domestic observer organizations and issued more than 15,000 observation badges to domestic observers; this is more than three times the number of domestic organizations accredited in 2009 and nearly twice the number of domestic observers reported in that year.

Before monitoring election day polling, domestic observers reported on pre-election activities, including voter and candidate registration processes as well as the campaign period. During the first round of elections on April 5, FEFA organized the largest domestic observation mission with a reported 9,963 observers (including 468 LTOs) deployed in all 34 provinces, covering 310 districts. TEFA also organized a large nationwide observation mission with a reported 8,952 observers in 34 provinces. ANPO also conducted regional and provincial domestic observation efforts with a reported 750 observers in 13 provinces (Ghazni, Helmand, Kandahar, Khost, Kunar, Laghman, Logar, Nangahar, Nuristan, Paktia, Paktika, Uruzgan, and Zabul) in southern and eastern Afghanistan, Afghanistan Youth National and Social Organization (AYNSO) reported 350 observers in five provinces (Badghis, Farah, Ghor, Herat, and Nimroz) in western Afghanistan, and New Line Organization (NLO) reported 1600 observers in 15 provinces (Balkh, Bamyan, Ghazni, Herat, Kabul, Kandahar, Kapisa, Kunduz, Logar, Nangarhar, Pak-

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[11] The United Nations reported 688 incidents and the Ministry of Interior reported 1,088 incidents. The discrepancy between the two figures is likely due to different definitions. The UN probably only reported incidents that were specifically election-related or targeting the IEC whereas the Ministry reported a broader range of incidents.

tia, Paktika, Parwan, Uruzgan, and Wardak). On election day, AYNSO, ANPO, and NLO operated a joint call center at the Intercontinental Hotel in Kabul to receive real-time reports on security, voter turnout, fraud, and the number of unused ballot papers, among other things, from their observers.

Domestic observers reported a high turnout as well as some voting irregularities. In many locations, observers were prevented from being present during the opening of polling stations. Observers reported the shortage of ballot papers in select localities and the use of low quality ink as significant shortcomings of the process. Similar to the irregularities in the 2009 elections, underage and proxy voting, particularly for female voters, were also recurring challenges across the country. One of the most frequent violations was campaigning within or near polling centers.

Domestic observer organizations shared their findings and provided recommendations through various statements and reports. FEFA, for instance, provided two lessons learned reports following the April elections, which focused on the shortage of ballots and the complaints adjudication process.[12] Domestic observation organizations particularly highlighted the need for the IEC and IECC to facilitate the timely access of all stages of the electoral process for domestic observers, including the complaints adjudication process.

Tallying of Results and Complaints Adjudication

Although the scale and scope of the pre-election and election day observation operations were modest compared to DI's missions in 2009 and 2010, DI's post-election observation of the activities of the IEC and IECC were robust. DI's core team observed all aspects of the post-election processes at the IEC's National Tally Center (NTC) and at IECC headquarters. Specifically, DI observed all of the electoral institution's public activities, beginning with the intake of tamper-evident bags (TEBs) containing the vote tallies performed at the polling stations through the adjudication of election complaints and announcement of the preliminary results.

DI began to observe the tabulation of results at the NTC on April 9. DI's observer teams worked in two daily shifts from 8:00 a.m. to 4:00 p.m. and from 4:00 p.m. to 9:00 p.m. Our observation of the tallying process continued until the process concluded on May 16.

DI observers followed and documented the entire results tallying process, which was composed of the following activities:

- TEB Intake Processing – Tamper-Evident Bags returning from the provinces were brought to the intake office where they were logged into the results sheet tracking system database to confirm receipt and update the TEB inventory;

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[12] FEFA, "Series of Lessons Learned 1st Report," http://www.fefa.org.af/index.php/election-2014/212-series-of-lessons-learned-1sth-report; and "Series of Lessons Learned 2nd Report," http://www.fefa.org.af/index.php/election-2014/214-series-of-lessons-learned-2nd-report

- Results Sheet Scanning – After the results sheets were entered into the inventory database, they were moved to the NTC for scanning into the results database;

- Entry of the Digitized Results Sheets – Copies of the digitized results sheets were distributed to IEC tally center staff who keyed in the results of each tally sheet. The entry process was repeated by a different data entry operator in a standard double-blind operation; and

- Review and Verification of Data Entry – Upon completion of the entry process, each polling station's results sheet was matched against the original scan and the double entries. Any discrepancies resulted in further review by IEC supervisors. This cycle was repeated until the entries and original results sheets were reconciled, or the results sheets were referred to supervisors to isolate and investigate the discrepancy.

Space for observers, both domestic and international, in the NTC was limited. Initially, observers were limited to a raised platform on one side of the room. This vantage point allowed observers to view the entire room, but at a distance that prevented clear and close-up scrutiny of the IEC's work. This was especially true of the scanning, digitizing, and the data entry processes. Eventually, observers were granted access to the center aisle of the tally center, which allowed for somewhat closer inspection.

DI's observers reported incidents and issues involving the tally process to the core team on a daily basis. Most of the reports they filed described the following categories of issues:

- Missing or mismatched results sheets;

- Results sheets that were missing tamper-evident tape covering results notations; and

- Filing of formal complaints by candidate agents on a variety of grounds, including the legitimacy and authenticity of TEBs and the results sheets they contained.

Based on the observations and opinions of the members of our teams who were assigned to the NTC, DI is confident that the receipt and management of the tally process was performed transparently and according to IEC procedures. Further, anomalies described above with TEBs and associated results sheets detected during the IEC's intake and entry processes were handled according to IEC procedure.

Members of the core team also attended all public meetings, hearings, and press conferences of the IECC to address their work with complaints filed in the pre-election period, and in the post-election period related to election day processes. The coverage of the work of the IECC by DI observers continued through the final adjudication process and IEC data entry of the greatly delayed results of the provincial council elections on October 12.

First Round Results

The first round of voting on April 5 was widely considered a success. High voter turnout and reports of very few security incidents contributed to a sense of guarded optimism among Afghan and international stakeholders to the process. The general impression of a successful election was reinforced throughout election day, and in the post-election period, by state-

ments from domestic and international observers. International media outlets and commentators generally accepted the assessment of a surprisingly successful election and this was reflected in reporting after April 5.

Projections of voter turnout were high as reports of ballot shortages began surfacing within hours of the opening of polling stations, which, in turn, fueled excitement and optimism about the success of the election. The reported turnout was surprising and unanticipated, especially to those stakeholders who had expressed concerns about over-balloting.[13] By midday on election day, it became clear that rather than too many ballots, many polling stations were depleting their allotments of 600 ballots for each election (presidential and provincial council) as early as 11:00 a.m. The rapidity with which voters were going through the process, and exhausting ballot supplies, raised its own questions about potential fraud. Based on a timed test, the IEC predicted a much slower pace of casting ballots than what was reported.

It is possible that some instances of ballot shortages were caused by fraud. According to DI's calculation, however, it was also possible for 600 voters to cast their ballots at a polling station before noon. To confirm, DI reached out to observers who were present for the entire voting process in polling stations that ran out of ballots before closing. One domestic observer at a polling station in Herat that ran out of ballots by mid-day responded, "Let me confirm that I have been with [candidate] agents and FEFA observed before the IEC people lock[ed] the boxes, they showed the empty boxes to the observers…and more than 300 agents were present to see the empty boxes, but in that polling center they run out of ballot papers at 12:00." With his testimony that he saw the ballot box empty at opening and witnessed voting throughout the morning, this observer invalidates the assumption that if a polling station ran out of ballots early, it was necessarily due to ballot box stuffing.

PRESIDENTIAL ELECTION

The IEC released partial results of the presidential election from the first round of voting incrementally on a rolling basis beginning on April 13. Complete preliminary results were released on April 26, and final results were released on May 15.

Table 2 shows the results of the first round presidential election, including the preliminary and final, showing the effect of the IECC's decisions.

TABLE 2: FIRST ROUND PRESIDENTIAL VOTE TOTALS

Candidate Name	Preliminary Votes	%	Final Votes	%	Difference between Preliminary and Final
Abdullah Abdullah	2,973,706	44.94	2,972,141	45.0	0.06
Mohammad Ashraf Ghani Ahmadzai	2,082,417	31.47	2,084,547	31.5	0.09

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[13] Over-balloting is a problem of the allocation of sensitive materials where the number of ballots significantly exceeds the number of voters. The availability of surplus ballots can be a factor in the perpetration of electoral fraud.

Zalmai Rassoul	759,540	11.48	750,997	11.37	-0.11
Abdo Rabe Rasool Say-yaf	468,340	7.08	465,207	7.04	-0.04
Eng- Qutbuddin Hilal	180,859	2.73	181,827	2.75	0.02
Mohd. Shafiq Gul Agha Sherzai	106,673	1.61	103,636	1.57	-0.04
Mohammad Daoud Sul-tanzoy	30,737	0.46	30,685	0.46	0.00
Hedayat Amin Arsala	15,394	0.23	15,506	0.23	0.00
Totals:	6,617,666	100	6,604,546	100	-0.02

Source: Independent Election Commission of Afghanistan, http://www.iec.org.af/results/en/elections#

PROVINCIAL COUNCIL ELECTIONS

The IEC released partial preliminary results from the provincial council elections on May 20, but final results were not released until October 26, five months later. The delay in finalizing and releasing the provincial council results was largely due to the controversy that arose from the presidential runoff election and led to the comprehensive audit, which will be further explained in subsequent sections. The adjudication of the provincial council election complaints was deferred, and, consequently, postponed the release of the final results, which created significant problems for the continuity and functioning of government at both the provincial and national levels. This undermined the public's perception of the IECC's competency and credibility. It also prevented the election of provincial council members to the Meshrano Jirga, which is required to occur within 15 days of the final results of the election (Article 27(1), Electoral Law). That delay, in turn, tarnished the legitimacy of the Meshrano Jirga and prevented it from performing its legislative functions at the national level.

Table 3 shows one effect of the SNTV system by displaying the small percentages of votes the winning candidates received and the vote aggregates for the provincial council delegations.[14] This reinforces the previous recommendations of DI and other observer organizations that the SNTV system should be abandoned, or at least modified substantially to require greater qualifying thresholds for ballot access to reduce the number on candidates on the ballot.

TABLE 3: VOTES RECEIVED BY WINNING CANDIDATES IN PROVINCIAL COUNCIL ELECTIONS

Province	Ballot Position of Highest Voter Getter	Leading Candidates' Vote Count	Leading Candidates' Percentage
Kabul	63 of 457	9,409	1.47
Badakhshan	45 of 118	7,932	2.72
Takhar	20 of 117	9,269	3.04
Heart	5 of 166	15,266	3.22

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[14] Full provincial council results by province can be found on the IEC's website at http://results.iec.org.af/en/elections/prview/1.

Helmand	16 of 99	3,635	3.37
Kunduz	18 of 107	7,811	3.88
Daikondi	54 of 72	6,915	4.02
Baghlan	68 of 152	10,957	4.13
Kandahar	15 of 74	11,818	4.99
Ghazni	45 of 84	18,417	5.01
Ghor	2 of 61	15,633	5.32
Balkh	14 of 123	20,825	5.46
Samangan	59 of 60	7,703	5.54
Paktia	24 of 66	12,410	5.63
Sar-i-pul	15 of 43	9,023	6.26
Nimroz	25 of 38	2,843	6.40
Nangarhar	87 of 118	17,964	6.42
Khost	31 of 63	7,150	6.45
Bamyan	44 of 53	11,225	6.67
Jawzjan	35 of 59	9,775	6.92
Farah	15 of 30	4,266	7.53
Badghis	25 of 32	9,890	8.06
Wardak	41 of 46	7,853	8.31
Faryab	15 of 52	21,420	8.39
Laghman	30 of 53	6,879	8.85
Kapisa	37 of 49	6,141	9.28
Urozgan	12 of 33	2,034	9.30
Kunar	33 of 34	9,960	9.53
Parwan	62 of 86	14,387	10.12
Logar	35 of 40	2,249	10.56
Nooristan	11 of 43	6,826	10.97
Paktika	35 of 35	21,387	12.98
Zabul	7 of 20	2,923	15.22
Panjshir	24 of 30	7,912	18.93

Source: Independent Election Commission of Afghanistan,
http://www.iec.org.af/results/en/finalresults/prview/2

It appears that voters used discretion when casting their single vote for their provincial councilors given that not one candidate listed first on the ballot in any of the 34 provinces got the most votes. Only 5 percent of candidates appearing in the first position on the ballot finished in the top three places, and only 8 percent of the candidates listed in the top three ballot positions placed in the top three vote getters. These figures further suggest that voters searched the ballots, which were multiple pages in some provinces, to locate their preferred candidate rather than simply selecting one of the first names listed.

THE COMPLAINTS ADJUDICATION PROCESS

There are common elements to minimizing the subjective nature of and establishing public confidence in any adjudication process. Perhaps the most important elements are clearly defined and published procedures that are applied consistently and fairly. Specific rules of evidence and burdens of proof are required so the public and parties understand the rules by which facts will be determined.

Beginning with the first round, the IECC heard a chorus of complaints and suggestions that in order for the process to be more transparent the IECC should: expand the complaint-filing process to include SMS complaints in addition to telephone complaints, hold deliberations in public, hold more press conferences, publish more results online, and give reasons for decisions. In an early attempt to satisfy the calls for transparency, the IECC announced and held a series of public hearings for the most serious cases. The concept was good but failed in its execution because there were inadequate procedures to run the hearings.

Transparency vs. Procedure

The IECC, and later the IEC during the audit process, was under pressure to be more transparent. Part of the problem is the misinterpretation of what transparency means in terms of an adjudication process. In the adjudication process, transparency is achieved through well thought out procedures that are easily understood, that are fair, published publically and in advance, and applied consistently and neutrally. Transparency does not necessarily mean open hearings, though they can and are often part of a transparent process.

The common confusion about how the principle of transparency is applied in an adjudication process was apparent from the IECC's first round of public hearings at the Intercontinental Hotel. In the absence of strong procedures the candidates, their agents, and the public at-large questioned the competency and fairness of the IECC commissioners. The lack of procedures left the IECC vulnerable to Abdullah's public accusations of bias and fraud, which he started alleging against the IEC and IECC months earlier.

For instance, calls were made for the IECC to publicly deliberate about the complaints. Not only was this unnecessary, it was unreasonable and goes against the global practice of how most judicial systems handle adjudications, whether in criminal or civil cases and whether by jury or judicial panel. Deliberations should be private in order to avoid undue influence from external parties on the process.

Procedural Deficiencies

There were several procedural deficiencies that undermined the integrity of the IECC. The IECC's first round of public hearings started with the vague definition of what constituted a serious case. Originally, complaints were to be categorized as Class A, B, C, or D. Class A cases were complaints that had a direct effect on the election outcome, met procedural requirements, and had supporting documentation. Class B cases were those that met procedural requirements and had supporting documentation, but did not have an impact on the outcome. Class C were those properly filed but unsupported and Class D were those that did not meet any requirements. As actually implemented, Class C encompassed the original Class C and Class D cases.

The public hearings were conducted in an ad-hoc manner and lacked the appropriate decorum by the representatives of the IEC and candidates that constituted the respective parties. The hearings also lacked basic rules of evidence and an announced burden of proof. What transpired left observers and parties questioning the IECC and the process for basic competence as the IECC allowed seriously questionable items, in particular video footage, to be admitted as evidence when they clearly lacked any probative value or credibility.

One of the most critical failures was that the IECC announced its decisions without a clear and substantiated reason for each decision. It is imperative that all decisions are written and the reasoning explained given the evidence presented. Parties may not agree with a particular decision, but if the adjudicating body offers a rational basis for a decision the party adversely affected is more likely to accept the decision. If the party does not accept the decision, it proves far more difficult to litigate the matter extra-judicially to the public—typically through the media—against a reasoned basis.

Finally, there is an issue concerning the lack of due process in the complaints adjudication procedures. The IECC is a hybrid quasi-judicial body tasked with the duty of adjudicating election complaints. In some instances the IECC can undertake its own investigation of complaints in similar fashion as grand juries can investigate alleged crimes. At the heart of such a process is the concept of due process. Due process means that there are reasonable rules for allowing aggrieved parties to state their claims or for accused parties to be informed of the accusations against them and to have a fair opportunity to reply and defend against the accusations.

To minimize the subjective nature of its decisions, the IECC should establish and adhere to minimum procedural and evidentiary standards recognized globally as standards for judicial proceedings. The purpose of such standards is to give individuals and groups confidence that persons are being treated fairly and evenly.

PRESIDENTIAL RUNOFF ELECTION, JUNE 2014

After it was determined that a runoff election was necessary, DI again deployed its observers to Kabul and began to observe all phases of the runoff election. DI ultimately observed the runoff process until the inauguration of the president and the announcement of the final provincial council results.

Pre-Election Period

The mission's core team maintained its presence in Kabul during the pre-election period leading up to the presidential runoff election. In the interim period between elections, the core team monitored media coverage of the campaigns and the work of the IEC and IECC, and conducted meetings with the campaign staff of the finalists and the runners-up along with other stakeholders in the process.

CANDIDATE CAMPAIGNS

The campaign period for the runoff was highly active. In the absence of other presidential candidates and large numbers of provincial council candidates, the media and the public were focused exclusively on the presidential finalists' campaign activities. Both candidates' campaigns appeared to be robust and their scope, national. Since ethnic groups are mostly regionally-based in Afghanistan, both candidates (Pashtun Ghani and Tajik/Pastun Abdullah) implemented national campaigns due to the ethnic diversity of their tickets.

In addition to the diversity of the finalists' tickets, the campaigns secured a complex array of inter-ethnic, inter-family, and regional political leader endorsements of the finalists by the first round's runners-up. Although differences of political affiliation within families are common in democratic societies, the endorsement of competing candidates by members of the same family is a new phenomenon in Afghanistan.

After the completion of the first round of the election, both campaigns quickly secured major endorsements that functionally removed ethnicity from the public aspects of the campaign. Some of these endorsements deserve mentioning for their sheer novelty. Abdullah secured endorsements from Zalmai Rassoul and Gul Agha Sherzai, both Pashtuns from Kandahar, and Jamil Karzai, a relative of President Karzai. Ashraf Ghani was endorsed by Ahmad Zia Massoud, a Tajik from Panjshir, brother of Ahmad Shah Massoud, and running mate of Zalmai Rassoul.

Leading political families also crafted endorsement strategies that would serve to hedge and protect their political standing in the aftermath of the election. This aspect of the endorsement

process seems to support the view that Afghan elites expected the campaigns, and the election, to be truly competitive. The permutations of inter-family endorsements were noteworthy, with the following being among the most remarkable:

- Mahmood Karzai supported Abdullah, while his elder brother and first-round presidential candidate Qayum Karzai endorsed Ghani;
- Jamil Karzai, nephew of president Karzai, endorsed Abdullah, while the president's other nephews, Hashmat and Hekmat Karzai, endorsed Ghani;
- Ahmad Zia Massoud, the running mate of first-round candidate Zalami Rassoul, supported Ghani, while his brother, Ahmad Wali Massoud, the chairman of Massoud foundation, endorsed Abdullah;
- Haji Din Mohammad, the brother of Nangarhar-based Haji Qadir, and his son Haji Zaher, were active members of the Ghani team, while his other brother, Arsalai, was the campaign manager of Abdullah team;
- Khaleq Farahi, the director general of the Independent Directorate of Local Governance supported Ghani, but his brother, Naim Farahi, endorsed Abdullah;
- Shahrani, a senior advisor to President Karzai, endorsed Ghani, while his son, and running mate of first-round candidate Qayum Karzai, endorsed Abdullah;
- Zalmai Mojadidi, a Tajik member of parliament from Badakhshan, endorsed Ghani, while his brother and son supported Abdullah.

These inter-ethnic and inter-family endorsements contributed to a robust campaign period in the lead up to the runoff election and further highlighted Afghans' enthusiasm for the political process.

IEC PREPARATIONS

The IEC struggled to hold the runoff election on time, consistent with the legal requirement to hold the election within two weeks after the date of the announcement of the first round final results (Article 20(2), Electoral Law). Logistical challenges contributed to the delay, including the preparation of ballots, the distribution of sensitive election materials, and staffing challenges. In addition, significant security incidents affected the process, most notably an attack on IEC headquarters that destroyed some sensitive election materials and a subsequent attack on the IEC provincial office in Kabul. These incidents further hindered the IEC's ability to meet the two-week deadline, which in itself was likely unrealistic given the challenges of holding elections in Afghanistan. The runoff election was eventually held ten full weeks after the first round of voting.

CIVIL SOCIETY ENGAGEMENT

Civic education and public outreach initiatives were more limited in advance of the second round of elections. The timeframe between the announcement of the first round election results and the June 14 presidential runoff election did not allow as much time for planning and implementing activities. In addition, many CSOs had either run-out of funding from their initial public outreach programming activities for the first round or extended their activities for the same beneficiary groups in the same geographic area.

ACSEN continued its collaboration with the EMBs on public outreach leading up to the runoff election. ACSEN coordinated with the IEC to obtain more election-related materials for further distribution by its CSO members in the provinces. After the first-round election, the IECC reported that a significant number of complaints filed were either not relevant to the electoral process or were not accompanied by the necessary supporting documentation that would enable the provincial IECC offices to follow-up.. In an effort to inform voters and candidate agents of the complaints-filing process, ACSEN collaborated with the IECC to develop infographics and public service announcements for broadcast on TV and radio.

Amidst allegations of fraud after the runoff election, Afghan CSOs sponsored advocacy conferences and peaceful messaging campaigns to mitigate the escalation of the political stalemate into violence. USAID funded the broadcast of a series of messages highlighting the successes in voter turnout and fulfillment of civic responsibilities by Afghan citizens during the 2014 elections. ACSEN coordinated with the National *Ulema* Council and the Ministry of Hajj and Religious Affairs to implement a national electoral reconciliation conference with representatives from the presidential candidates' camps, mullahs, and *ulema* to advocate for a peaceful resolution. ACSEN also broadcast peaceful messages from interviews with *ulema* and sound bites from the conference on TV, radio, and social media platforms.

Election Day Observation

On election day for the runoff, Democracy International directly observed 100 polling stations in 22 polling centers in Balkh, Herat, Kabul, and Panjshir provinces. Thirty-six of the polling stations DI observed were for female voters. DI observers collected data at each polling station using a standard procedural checklist that focused on election administration, the voting environment, and on potential violations, including interference with the voting process. With a few exceptions, DI observers saw the election being administered according to the prescribed procedures, including the opening and closing of the polling stations and the counting of ballots. Although DI noted several procedural infractions, DI did not observe any violations that appeared to disturb the voting process. DI observed minor campaign infractions on both sides. In Herat City, for example, DI observers witnessed Ghani supporters attempting to bring campaign materials into a polling station and an Abdullah poster was seen on the door of a polling station in Mazar-e-Sharif. DI also observed a couple of instances where polling station staff may have interfered in individual voting in Mazar-e-Sharif and Kabul by assisting with voting process.

Given the turnout of candidate agents in the first round and the stakes of this election, it was unsurprising that DI observers witnessed a heavy presence of candidates agents at every polling station they visited. At three of the 100 stations we observed—two in Balkh and one in Panjshir—we did not see an agent for Dr. Ghani.

There was a slight rise in election-related violence on runoff election day, including in Kabul. Between the first round and the runoff election, many insurgent commanders had reportedly been replaced for lack of dedication in pressing attacks against the election process. Some commanders in eastern Afghanistan were even executed for negligence and dereliction of du-

ty.[15] The attacks during the runoff election followed the same pattern and intensity as the first-round election day around the country with an increase in the northeast and in Kabul.

DOMESTIC OBSERVATION

In preparation for the June 14 election, the IEC coordinated with civil society to increase the number of domestic observers by accrediting an additional 2,784 individuals from domestic observation groups to observe the runoff elections. The major domestic observation groups—FEFA, TEFA, AYNSO, ANPO, and NLO—continued their observation missions within largely the same geographic areas as the first round, although increasing the number of observers they deployed. More than 18,000 observers were reported to have deployed for the runoff election.

Many of the challenges and polling irregularities that were observed in the first round were also reported during the runoff, including the obstruction of observer access to polling stations, proxy voting, campaigning within the parameters of polling centers, and ballot shortages. Domestic observers noted an increased level of interference of government officials, particularly local police and security personnel, in the administration of the runoff. Domestic observers also reported a greater number of complaints of electoral fraud in the second round, with both FEFA and TEFA expressing concerns of rising ethnic divisions as one of the main motivators of increasing electoral fraud. The IEC reported 8.1 million voters; however, domestic observers contested this figure. TEFA reported that no more than 6 million voters cast a ballot.[16] FEFA reported lower voter turnout in high voting areas from the first round, while noting an increased turnout of women voters in the south and southeast.[17] Domestic observers' reports on the lower voter turnout and increased levels of fraud during the runoff elections significantly contradicted the IEC's election day statements of increased voter turnout and reduced instances of electoral fraud when compared to the April 5 elections.

Tallying of Results

Democracy International's core team and Afghan staff monitored the public activities of the IEC and IECC beginning immediately after the runoff election was completed. As in the period after the first round elections, DI observers were present at all publicly accessible venues of both EMBs throughout the post-election runoff period in the lead up to the announcement of the preliminary results. As was the case with the work of the IEC and IECC after the first round of elections, DI's observers reported that the EMBs substantially complied with their mandated procedures.

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[15] Tolo News, "Mysterious Militants Kill Taliban Commanders," June 15, 2014, http://www.tolonews.com/en/afghanistan/15133-mysterious-militants-kill-taliban-commanders.

[16] Tolo News, "Turnout in Runoff Less than First Round," June 19, 2014, http://www.tolonews.com/en/afghanistan/15306-turnout-in-runoff-less-than-first-round.

[17] FEFA, "Presidential Runoff Preliminary Report," June 17, 2014, http://www.fefa.org.af/index.php/election-2014/220-presidential-runoff-preliminary-report

Preliminary Runoff Results

The runoff election was held on June 14, 17 days later than prescribed by law, which states that a runoff election should be held within two weeks after the date of the announcement of the final results of elections (Article 20(2), Electoral Law). Based on the IEC's schedule and procedures, the final first round results should have been released on May 14, so the presidential runoff should have been held no later than May 28.

As was the case with the first round on April 5, reporting from the media and observers reflected both excitement and anxiousness. Reports on turnout were mixed, with many observers noting that turnout seemed lower than on April 5 based largely on their assessment of the length of voter queues. DI's own international observers also noted that election day seemed much quieter than the first round. Official tallies of voters in the immediate post-election period, however, showed turnout exceeded that of the first round. This inconsistency became a source of controversy, and the basis for official complaints filed with the IECC that would eventually lead to a full audit of all ballots cast.

Comparing the voter turnout data from the two rounds across polling stations based on volume—in other words, the number of ballots cast—illustrates that more ballots were cast in low-volume polling stations in the second round. There appears to have been increased participation in the runoff in polling stations with between 25 and 225 ballots cast and decreased participation in polling stations with totals between 225 and 525 ballots cast. The IEC increased the number of polling stations in the second round by 10 percent, which could explain this trend. The additional polling stations provided voters with more options, thus potentially thinning out the volume of voters at any one particular station. This could also explain why observers were left with the impression that fewer voters participated in the runoff.

Preliminary results of the runoff were announced on July 7, more than three weeks after the June 14 runoff election day. According to the IEC, a total of 6,172 polling centers, composed of 22,828 polling stations, opened on election day. Among these, 299 polling stations opened but received no ballots. A total of 193 polling centers, composed of 579 polling stations, did not open for various reasons, including insecurity and lack of IEC staff. Voter turnout for the runoff was reported to be 8,109,493 voters, of whom 5,057,613 (62.37%) were male, and 3,051,880 (37.63%) were female. This turnout figure includes 7,972,727 valid votes and 136,766 invalid votes.

Based on complaints by individual citizens and the candidates' campaigns, the IEC conducted two rounds of sample audits. In the first round, 299 polling stations were audited. Of these, 21 polling stations were affected, leading to the invalidation of 250 votes cast in favor of Ghani, and 684 votes cast in favor of Abdullah. In the second round, 1,930 polling stations were audited. Of these, 114 polling stations were affected, leading to the invalidation of 6,474 votes cast in favor of Ghani and 4,428 votes cast in favor of Abdullah. The preliminary results eventually announced reflected results from ballots cast in the remaining 22,778 polling stations. The preliminary results of the runoff showed Dr. Ashraf Ghani with a commanding lead with 56.4 percent of the total votes cast, compared to 43.5 percent for Dr. Abdullah Abdullah, which represented a shift from the first round.

TABLE 5: PRELIMINARY PERCENTAGES OF VOTES WON BY RUNOFF CANDIDATES

Presidential Candidate	Total Votes	Percentage of Total Vote
Dr. Mohammad Ashraf Ghani Ahmadzai	4,485,888	56.44%
Dr. Abdullah Abdullah	3,461,639	43.56%
Totals	7,947,527	100%

Source: Independent Election Commission of Afghanistan, www.iec.org.af

The IECC's complaints-adjudication process proceeded slowly amidst significant controversy, until both campaigns came to an agreement, brokered in part by U.S. Secretary of State John Kerry, on July 12, 2014, that called for a complete audit of all votes cast in the runoff election. The audit was intended to determine the final results of the presidential runoff, and, thus, the next president of Afghanistan.

Runoff Controversy

Shortly after the runoff election concluded and the IEC began to tally preliminary results, the election process became engulfed in controversy. Like the presidential election in 2009, much of this controversy stemmed from allegations from Dr. Abdullah's campaign of widespread fraud and negligence on behalf of the IEC. The most damning claim was directed at the IEC's Chief Electoral Officer, Zia-ul-Haq Amarkhail, who the Abdullah campaign alleged orchestrated fraud directly in support of Ghani. Several days after the runoff election, Abdullah's campaign released a series of tapes that reveal alleged recorded conversations among Amarkhail, other IEC personnel, and members of Ghani's campaign that imply their involvement in a plan to stuff ballot boxes.[18] The allegations of fraud were not widely disputed. As a result, by the time the second-round complaints-adjudication process was underway, public confidence in the electoral institutions had diminished so much that Dr. Abdullah and his supporters were threatening to abandon the process altogether and establish a parallel government.

After the release of the tapes, Dr. Abdullah publically announced a series of demands. First, he demanded the removal and prosecution of the Amarkhail, a thorough investigation of his alleged crimes, and the appointment of a new CEO to be agreed upon by both campaigns. He also demanded a re-vote in provinces deemed to have experienced massive electoral fraud. Next, he demanded the invalidation of all contingency polling stations added in the second round. In addition, he wanted an audit of an agreed-upon list of polling stations. Finally, the Abdullah camp demanded the presence of candidate agents from both campaigns for every IEC decision and the establishment of an entirely new complaints mechanism.

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[18] BBC News, "Questions mount as Afghan 'vote fraud' tapes emerge," June 22, 2014, http://www.bbc.com/news/world-asia-27766126.

Under intense pressure, Amarkhail ultimately resigned his post, but this was not enough to satisfy Abdullah and his supporters. With the fate of Afghanistan's first peaceful transfer of power at stake, U.S. Secretary of State John Kerry traveled to Kabul in an attempt to broker a deal between the two candidates that could salvage the process. After a series of intense negotiations, the candidates agreed on July 12 to participate in a comprehensive audit of 100 percent of the ballot boxes from the runoff election that would culminate in the formation of a national unity government. The winner of the election—as decided by the audit findings—would serve as president and a new CEO position would be filled by a nominee of the runner-up that is agreed to by the president. Released on July 14, IEC Decision 27 announced the full audit would be conducted with the presence of candidates' agents, national and international observers, and international advisors in Kabul based on the agreement between the candidates two days before. The IEC scheduled the audit to begin on July 17. After approximately two weeks, the specific procedures for the audit were announced with IEC Decision 33.

On August 8, the candidates signed the Joint Declaration of the Electoral Teams regarding the Lawful Finalization of the Second Round of the Presidential Elections of 1393 and the Formation of a Government of National Unity. In it, the candidates declare their commitment to Afghanistan's constitution, to the contents of the July 12 agreement, and to establish a joint commission that will set a timeline for the completion of the electoral process and draft the text for the political agreement to be signed after the audit concludes.

AUDIT

Presidential candidates Abdullah Abdullah and Ashraf Ghani reached an agreement on July 12 that called for an audit of all ballots cast in the runoff election, ending the political stalemate. In an effort to enhance the credibility of the process in light of the allegations that the IEC was complicit in electoral fraud, the agreement specified the involvement of the candidates' representatives and the international community. The IEC held primary responsibility for conducting the audit with the United Nations in an advisory role. In addition, the audit required the presence of international observers and candidate agents. Furthermore, it was the candidates' understanding that their agents would be present when decisions regarding the audit findings were made.

On July 30 the IEC announced the terms of the negotiated audit in IEC Decision 33. In summary, Decision 33 explained that there would be a general inspection of every ballot box and its contents, specified conditions for recommended and mandatory invalidation of ballot boxes, and detailed procedures for dealing with missing or damaged ballot boxes.

On August 8 the IEC issued additional written guidance for the audit process, and on August 16 it announced Decision 37, which explained that audit checklists would ultimately be entered into the NTC database and described the circumstances under which a recount would be authorized and new results entered, the circumstances under which ballot boxes would be invalidated, and procedures by which the IEC would make final decisions on ballot boxes, including the provision for public hearings. Although these decisions were welcome and provided necessary guidance to IEC audit staff and UN advisors, they were issued well after the audit had actually begun and were open to interpretation. As a result, the audit procedures lacked consistency in application, which challenged the campaigns' confidence in the process.

The audit was a massive undertaking for the IEC and the UN. First, it required all ballot boxes to be transported to IEC headquarters in Kabul. This process went reasonably well, but was time consuming and resource intensive. Once ballot boxes arrived in Kabul, they were stored in various warehouses within the IEC compound. During the seven-week-long process, IEC staff opened each ballot box for scrutiny in the presence of international and domestic observers and candidate agents. For each box, a pair of IEC staff members filled out a checklist that led them through the audit procedure. Once complete, the checklist was submitted to the NTC for intake and tallying. The IEC commissioners eventually made their final invalidation decisions based on those checklists in consultation with UN advisors.

Upon opening a ballot box, IEC staff members examined all the contents of the box and reconciled key pieces of information, such as serial numbers from the ballot boxes and results forms. Then, the IEC staff members would review a sample of bundles of ballots for each can-

didate in an attempt to discern whether ballots had been validated before being used, counted for the correct candidate, or marked similarly, which would be considered signs of fraud. In the event that the IEC staff members, in consultation with the candidate agents, determined that the number of allegedly similarly marked ballots in the selected bundles of ballots exceeded a predetermined threshold, all ballots would be reviewed for potentially similarly marked ballots and recounted.

Eventually, the major focus of the audit was on the issue of Similarly Marked Ballots (SMBs), and subsequently the issue of Similarly Marked Election Result Forms (SMERFs), or also known as Similarly Signed Results Sheets (SSRSs). Most ballots were, not surprisingly, marked with a check mark because all of the pre-election voter education materials used check marks on visual representations of ballots. That alone accounts for some level of similarity. In the context of the audit, however, SMBs were determined to mean multiple ballots marked by the same hand in an effort to commit voter fraud. Even though most ballots were marked with check marks, some were not, and it was common to find "x" marks, single slash marks, circles, proper nouns (such as names), and sometimes even numerals of varying numbers of digits. Among the various styles of check marks seen, some were very distinctive, with extra hooks at one end of the check mark or similar variations. The search for SMBs generally was done by laying ballots out across a table and examining them. With the participation of candidate agents, IEC officials conducted the examinations at the first level. Eventually, the UN created a visual sample of SMBs as a guide for the IEC and UN staff to use while examining ballots for SMBs. No qualified experts in questioned documents were used during the audit process. When IEC officials and candidate agents were unable to agree on what constituted SMBs, UN advisors were asked for their official opinions, which were noted on the audit checklists as recommendations to be considered by the IEC when making the final decision. This process resulted in many bundles of ballots deemed to be fraudulent SMBs.

The most serious challenge to the audit process occurred on August 25 at the first public IEC audit hearing. Although the candidates expected to participate or at least be present when the IEC commissioners reviewed and considered the results of the audit, based on the information compiled at the NTC, the IEC and UN did not allow them access to the deliberations. This disagreement resulted from a misunderstanding among the parties about the terms of the July agreement. The procedure the IEC and its UN advisors adopted was that the information from the NTC would be discussed among the IEC commissioners, a team of IEC lawyers, and UN advisors at private preparatory sessions. At those sessions, recommendations would be made for each decision to be made within a day or two at "public hearings." The only decisions the IEC commissioners made at the public hearing were whether to accept the UN's recommendations made privately during the preparatory meetings. The public hearing was essentially a press conference and a public release of the IEC's decisions.

The next day, on August 26, Dr. Abdullah announced that his agents would no longer participate in the audit process. At the UN's request, Dr. Ghani also withdrew his agents from the audit to ensure that one side did not have greater access to the process. Thus, the audit process continued without the participation of either candidate. The decision to exclude the candidates

from the deliberations process may have also undermined the relationship between the UN and the Afghan government as it relates to future elections.

The agreement between the two candidates to conduct a comprehensive audit of ballots cast and to form a national unity government may have salvaged Afghanistan's chances for a peaceful transfer of power, but it also abandoned the chance for a democratic one. This marked the third consecutive national election to be decided outside of the parameters of Afghanistan's democratic legal framework. The audit began without the necessary procedures in place and represented the preference for an ad-hoc dispute resolution mechanism as opposed to relying on Afghanistan's established institutions and election-dispute-resolution processes. This is a dangerous precedent and should be avoided during future election processes in Afghanistan.

International Observation of the Audit Process

As noted previously, the agreement that led to the audit required the presence of international observers during the review of every ballot box. DI deployed a total of 50 international observers to observe the audit process and served as a facilitator for all U.S.-funded international observation efforts. In addition to DI, three other U.S.-based organizations fielded international observers to the audit process, including The Asia Foundation, Creative Associates, and the National Democratic Institute. DI also represented these organizations at regular technical committee meetings held at the IEC and chaired by the UN, where audit procedures and challenges were discussed.

Domestic Observation of the Audit Process

Several Afghan civil society organizations were able to mobilize domestic observers to monitor the audit process. The IEC accredited seven domestic observation organizations and 338 domestic observers to observe the audit process. Throughout the audit process, domestic observers provided reports and released statements highlighting frequent delays in the process caused by disagreements between the two candidates on the administration of the audit and the criteria for invalidation of ballots. Domestic observers also highlighted the logistical and technical challenges of conducting the audit and noted that the EMBs were caught off-guard by the scale and scope of the audit process.

Following the completion of the audit process, domestic observation organizations and the larger community of Afghan civil society organizations criticized the EMBs for allegedly undermining the electoral process. Civil society organizations have repeatedly called for the prosecution of individuals within the IEC and IECC involved in electoral fraud; as of December 2014, the new government has not addressed these appeals. Civil society observers, however, have welcomed the commitment by the national unity government to undertake fundamental reforms in the legal framework for elections.

Due to the emphasis on resolving the electoral crisis between the two candidates following the runoff election and monitoring the nationwide audit process, there was minimal engagement of international and domestic observers in the tallying of the provincial council elections results as

well as the adjudication of electoral complaints by the IECC. Although provincial council candidates were vocal in their allegations of electoral fraud and violations of the elections processes, domestic observers paid little attention to the status and results of the 2014 provincial council elections.

Security

The audit process focused on a single location: the IEC. The ANSF's initial security arrangements for the premises were inadequate and never improved. The U.S. effort to coordinate the security operations of U.S.-funded missions was beneficial given the weak security system in place. Establishing the UN as the overall security focal point for all observation missions was a further improvement. There were multiple threats on the IEC during the audit. Fighting between candidate agents in the counting and auditing warehouses was frequent, and ANSF seemed incapable of ensuring weapons were not brought into the IEC or into the warehouses. The security concerns of those involved eventually culminated in the presence of the U.S. military at the entrance to audit centers.

Results of the Audit

The unprecedented audit concluded on September 4, 2014, and confirmed the order of the candidates from the preliminary results. On September 21, the IEC declared that Ashraf Ghani was elected the next president of Afghanistan and that the official final results would be published in the near future. As of the writing of this report, however, the IEC has still not released the official final results. Withholding the final results from the presidential runoff election is a violation of the Law on the Duties and Structures of the IEC and the IECC (Article 14(1)).

The audit was imperfect, but the process revealed that it was much harder to find evidence of fraud in this election compared to previous elections. The serious allegations of widespread fraud from both candidates remain unsubstantiated.

The outcome of the audit process was the eventual inauguration of the president, Dr. Ashraf Ghani, on September 29, and the official formation of the National Unity Government that governs Afghanistan today.

UNITY GOVERNMENT

The formation of the National Unity Government (NUG) that now governs Afghanistan was a result of an agreement forged between the two candidates in the presidential runoff election with assistance from U.S. Secretary of State John Kerry. The idea of forming a national unity government was originally agreed upon by the candidates in a political framework document adopted on July 12, which also explained the terms of the comprehensive audit and the candidates' agreement to participate in it. The unity government was further detailed on September 20 with the adoption of a framework for the transitional government that was signed by both candidates. On September 29, the same day that President Ghani was inaugurated, Dr. Abdullah was sworn in as Chief Executive Officer (CEO) thus formalizing the unity government agreement and officially making the two election rivals jointly responsible for the future of their country.

The two most notable provisions of the unity government agreement are the decision to hold a constitutional Loya Jirga within two years and the creation of a CEO position, the roles and responsibilities of which were largely left undefined. The planned constitutional Loya Jirga is intended to consider the creation of an executive prime minister position and to approve additional constitutional amendments to be recommended by a special commission. The agreement explains that the CEO position will only exist until such time the Jirga convenes and creates the prime minister position.

Although Afghanistan's constitution does not provide for a CEO position, some have argued that Article 64, subsection 20, grants the president the power to form commissions for the administration of the country, therefore, allowing the president to create and fill the position of CEO. However, given that the NUG agreement was signed before the inauguration of President Ghani, the agreement is extra-constitutional. The agreement, as well as the July 12 political framework that led to it, now forms a transitional legal framework that will exist until such time as constitutional reforms are adopted and the nature of Afghanistan's future government is thus determined.

In addition, the agreement calls for the creation of a special commission on electoral reform. According to the agreement, the commission should present its recommendations for reform to the CEO and the cabinet, with the goal of introducing necessary reforms before the next parliamentary elections. At the time of this report's writing, the special commission has still not been established, despite the agreement stating that it should be created immediately after the establishment of the government.

More than three months after the inauguration of President Ghani, the NUG announced its nominees for cabinet appointments on January 12, 2015. The NUG has yet to establish the

special commission for the reform of the electoral system. Despite these initial challenges, both the President and CEO appear committed to its success, which is essential for this transitional period to lead to a more enduring government that rests upon a democratically adopted legal framework.

RECOMMENDATIONS

In the wake of allegations of widespread fraud similar to what was witnessed in the 2009 and 2010 elections, serious electoral reform remains essential for democracy to succeed in Afghanistan. To consolidate democracy and establish that democratic elections under law are the only legitimate method of electing leaders and transferring power in the country, Afghanistan must restore and enhance public confidence in its election process and its election management bodies, the IEC and the IECC. Accordingly, we offer the following recommendations to be considered before any future elections are conducted:

1. Release the election results.

The IEC should release the final, audited election results immediately, as transparency is a critical element of effective democratic elections. The citizens of Afghanistan who participated in this process, often at great personal risk, have the right to know what exactly became of the ballots they cast. In addition, Afghanistan's Law on the Structure and Duties of the IEC and the IECC require that the IEC announce the final results of elections.

2. Establish an electoral reform process.

Begin the broad and inclusive electoral reform process called for in the political framework agreed to by both presidential candidates on July 12. The unity government agreement calls for the immediate establishment of a special commission on electoral reform and to date that commission has still not been established. Its creation and work are essential to the credibility of the unity government and the success of future elections in Afghanistan.

3. Investigate and prosecute election fraud.

All measures should be taken to investigate, and where appropriate prosecute, perpetrators of fraud in the 2014 elections, based on Article 69 of the Electoral Law. In addition, the Wolesi Jirga should consider legislation that further criminalizes election fraud, specifically by amending the penal code to include election-related fraud.

4. Develop an effective voter registration system.

Afghanistan has no central registry of voters, making the voter registration system unable to be used to plan elections and identify voters on election day. To combat fraud in and assist the IEC to more effectively plan for upcoming parliamentary and all future elections, Afghanistan should adopt a strategy for voter registration that includes (1) invalidating all current voter

identification cards; (2) re-registering voters for the parliamentary elections; and (3) developing a list of registered voters that can be used before and on election day to more carefully distribute sensitive election materials and that can serve as a means of preventing and discovering fraud at polling stations. An alternative to a complete re-registration process would be same-day registration, which would be better than the current system.

5. Reform the electoral management bodies.

The National Assembly should amend the law establishing the structure of the IEC and IECC and focus specifically on strengthening the independence and neutrality of these institutions. The commissioner selection process should be revised to improve its transparency and reduce executive influence and candidates should be required to have stronger qualifications. Specifically, the IECC commissioners should have judicial experience rather than basic legal training, as their position requires the weighing of evidence and application thereof of multiple bodies of laws and regulations. Internal controls based on global best practices should be introduced into the management structures of both institutions. The formal relationship and interaction between the IEC's CEO and the commissioners should be reviewed.

6. Conduct public education to strengthen public confidence in elections.

The Government of Afghanistan, in partnership with Afghanistan's civil society—through ACSEN member organizations and other groups—should design and implement public education campaigns to explain what happened in the 2014 election cycle and what will be done going forward to improve future elections. The Government should work with civil society to increase their engagement on electoral reform and encourage civil society efforts to increase public confidence in future processes.

7. Consider conducting rolling or phased elections.

The IEC should consider conducting elections in sequential, geographic cycles, which would allow the limited security and logistical assets of the country to be consolidated and deployed to reinforce operations in difficult provinces and districts where government control of polling stations has and will continue to be limited. This would allow greater scrutiny of the electoral processes by candidates, campaign staff members and agents, and observers.

8. Increase ballot access thresholds.

In future elections, candidates for all levels of office should be required to meet higher ballot qualification thresholds so as to reduce the numbers of candidates on ballots. This is especially important in the context of the SNTV system currently in use in Afghanistan, since higher numbers of candidates allow the election of delegations that receive very few votes. Forcing higher qualification thresholds will also facilitate greater involvement of CSOs and political parties in electoral processes as they will be needed to assist candidates in meeting the increased requirements.

9. Change the electoral system for provincial and legislative elections.

The Single Non-Transferrable Voting system should be abandoned at all levels of government. SNTV prevents the accountability of elected officials to their constituents, produces legislative delegations that are more often than not elected with a minority of votes, and resists organization into political parties or even identifiable voting blocs. It is destructive to Afghanistan's further democratic consolidation and should be abandoned immediately.

10. Review the use of presidential runoffs.

The special commission for electoral reform, once established, should work with the IEC, civil society, and the National Assembly to review the use of presidential runoff elections. Alternatives to runoff elections should be considered that would force political consolidation prior to an election instead of after, shorten the transition time between administrations, and eliminate unnecessary security risks, logistical challenges, and costs.

11. Strengthen post-election tallying, re-count, and auditing procedures.

Ad-hoc processes should be avoided in solving election disputes or to determine the results of close elections. Ad-hoc solutions have become the norm in Afghanistan, but the circumstances that have dictated their necessity were predictable. As such, the IEC and IECC, with assistance from the international community, should strengthen its rules and procedures for dealing with such circumstances and in the future rely on rules that have been developed, publicized, and understood by participants before an election process begins.

12. Improve procedures for IEC and IECC hearings.

To enhance the integrity of their decisions, the IEC and IECC should institute key changes to their hearing procedures based on international standards for judicial proceedings. The institutions should set rules and regulations and strictly adhere to them so that candidates and the public at large can be assured the same standards will be applied consistently and decisions will not be partial. Specifically, they should establish consistency for rules of evidence, hearing procedures and time limits, assign the burden of proof to the complainant, and provide the basis for all published decisions, among other things.

CONCLUSION

The people of Afghanistan and the international community hoped that 2014's elections could be a means to achieve two important ends: first, that they would lead to the first peaceful and democratic transfer of executive power in the post-Taliban era, and second, that the process would further the consolidation of democracy in Afghanistan and further strengthen the country's democratic framework adopted at Bonn more than a decade ago. A peaceful transfer of power did occur, but the process that led to it was not democratic. Although the unity government appears to be popular among Afghans today, not one citizen voted for it. Like the elections before it in 2009 and 2010, this one was decided by resorting to ad-hoc procedures rather than relying on those outlined in the constitution, the electoral legislation that was democratically adopted in 2013, and the rules and regulations adopted by the IEC and the IECC. Rather than deciding the outcome of the election through a democratic process, politicians decided the outcome through a political agreement that to date has prevented the actual results from being announced. In addition, it potentially set a precedent whereby runners-up can secure positions of power irrespective of the preferences of voters.

This election process further highlighted the need for Afghanistan to finally embrace a genuine process for electoral and broader constitutional reform. Although this election process should not be considered a real step forward for democracy in Afghanistan, it has created genuine hope that progress is possible and that Afghanistan's democratic moment is not fleeting. Notwithstanding the challenges detailed in this report, Afghans turned out in large numbers to participate in these elections. The democratic spirit among Afghans is strong and resilient.

The problems that plagued the 2014 process were predictable. Since 2004, recommendations from both domestic and international observation organizations, including DI's, have been largely ignored, particularly as they pertain to the key structural issues with the electoral system, with voter registration, and with the independence and impartiality of the electoral institutions. For once, however, it appears that Afghanistan's government, and, most important, its leaders, recognize the need for comprehensive reform and have the will to pursue it. If the unity government that emerged from this process does follow through with the commitments it has made to pursue and implement political reform, it will make a critical and potentially transformational contribution to the future consolidation of democracy in Afghanistan. If so, this process and the emergence of Afghanistan's current government will have contributed immeasurably to the future stability of the country.

ANNEX A: TIMELINE OF KEY EVENTS

2013

May 26	IEC begins voter registration, opening 41 provincial voter registration offices

2014

February 2 – April 2	Presidential candidates political campaign period
March 4 – April 2	Provincial council candidates political campaign period
March 20	Haqqani Network gunmen attack the Kabul Serena Hotel, killing nine people
March 22	Voter registration period ends
April 5	Election day for presidential and provincial council elections
April 26	IEC announces the preliminary results of the presidential election, indicating that none of the candidates received more than 50% of the vote
May 15	IEC announces the final certified results of the first round of voting in the presidential election and that there will be a presidential runoff election between Abdullah Abdullah and Ashraf Ghani
May 20	IEC announces the preliminary results of the provincial council elections
May 22 – June 11	Campaign period for the presidential runoff election
June 14	Election day for presidential runoff election
July 7	IEC announces the preliminary results of the runoff election indicating that Ashraf Ghani won the runoff election with 56.44% of the vote
July 12	After allegations of widespread fraud, the two presidential candidates reach an agreement to conduct a comprehensive audit of the ballots cast in the June 14 runoff, facilitated by the IEC with UN advisors
July 17	Comprehensive audit of all ballot boxes from the presidential runoff election begins at IEC headquarters, Kabul

August 8	Candidates sign the Joint Declaration of the Electoral Teams regarding the Lawful Finalization of the Second Round of the Presidential Elections of 1393 and the Formation of a Government of National Unity
August 26	Abdullah's campaign boycotts the audit and removes their observers from the ballot review. Ghani also withdrew his agents from the audit—at the UN's request—to ensure that one side did not have greater access to the process
September 4	The UN and the IEC complete the nationwide audit of the presidential election
September 20	Ghani and Abdullah sign an agreement that outlines the structure of the national unity government and key commitments
September 21	The IEC declares Ashraf Ghani the President-elect without releasing the final certified results
September 29	Ghani is inaugurated as the President of Afghanistan. Abdullah is sworn in as Chief Executive Officer
October 26	The IEC announces the final certified results of the Provincial Council elections

ANNEX B: PRESIDENTIAL CANDIDATES

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د نوماندانو وروستنی فهرست</th>
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د ټاکنو خپلواک کميسيون

کميسيون مستقل انتخابات

د ۱۳۹۳ کال د جمهوري ریاست ټاکني

انتخابات ریاست جمهوری سال ۱۳۹۳

د نومائدانو وروستني فهرست

فهرست نهایی کاندیدان

شماره در ورق رای دهی	نوع کاندیداتوری	نشان انتخاباتی	تصویر	اسم در ورق رای دهی	شماره کاندید
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8	خپلواک/مستقل			انجنیر قطب الدین هلال Qutbuddin Hilal	7_1_100
9	خپلواک/مستقل			محمد شفیق گل آغا شیرزی Gul Agha Sherzai	28_1_100
10	خپلواک/مستقل			پروفیسور عبدرب الرسول سیاف Abdul Rasul Sayyaf	4_1_100
11	خپلواک/مستقل			هدایت امین ارسلا Hidayat Amin Arsala	37_1_100

ANNEX C: UNITY GOVERNMENT AGREEMENT

Agreement between the Two Campaign Teams Regarding the Structure of the National Unity Government

This period in Afghanistan's history requires a legitimate and functioning government committed to implementing a comprehensive program of reform to empower the Afghan public, thereby making the values of the Constitution a daily reality for the people of Afghanistan. Stability of the country is strengthened by a genuine political partnership between the President and the CEO, under the authority of the President. Dedicated to political consensus, commitment to reforms, and cooperative decision making, the national unity government will fulfill the aspirations of the Afghan public for peace, stability, security, rule of law, justice, economic growth, and delivery of services, with particular attention to women, youth, *Ulema*, and vulnerable persons. Further, this agreement is based on the need for genuine and meaningful partnership and effective cooperation in the affairs of government, including design and implementation of reforms.

The relationship between the President and the CEO cannot be described solely and entirely by this agreement, but must be defined by the commitment of both sides to partnership, collegiality, collaboration, and, most importantly, responsibility to the people of Afghanistan. The President and CEO are honor bound to work together in that spirit of partnership.

A. CONVENING OF A LOYA JIRGA TO AMEND THE CONSTITUTION AND CONSIDERING THE PROPOSAL TO CREATE THE POST OF EXECUTIVE PRIME MINISTER

- On the basis of Article 2 of the Joint Statement of 17 Asad 1393 (August 8, 2014) and its attachment ("…convening of a Loya Jirga in two years to consider the post of an executive prime minister"), the President is committed to convoking a Loya Jirga for the purpose of debate on amending the Constitution and creating a post of executive prime minister.
- After the inauguration ceremony, the President will appoint in consultation with the CEO by executive order a commission to draft an amendment to the Constitution.
- On the basis of Article 140 of the Constitution, the national unity government is committed to holding district council elections as early as possible on the basis of a law in order to create a quorum for the Loya Jirga in accordance with Section 2 of Article 110 of the Constitution.
- The national unity government is committed to ratifying and enforcing a law on the organization of the basic organs of the state and determination of the boundaries and limits of local administration by legal means.

- The national unity government commits to completing the distribution of electronic/computerized identity cards to all the citizens of the country as quickly as possible.
- The above issues and other matters that are agreed to will be implemented on a schedule which is appended to this agreement.

B. THE POSITION OF THE CHIEF EXECUTIVE OFFICER

- Until such time as the Constitution is amended and the position of executive prime minister is created, the position of Chief Executive Officer (CEO) will be created by presidential decree on the basis of Article 50 of the Constitution and Article 2 of the attached Joint Declaration and its annex. The CEO and his deputies will be introduced in the presidential inauguration ceremony.
- The appointment of the CEO with the functions of an executive prime minister will take place through a proposal by the runner-up and the agreement of the President. The CEO will be answerable to the President.
- A special protocol for the CEO will be authorized in a presidential decree.
- The President will delegate by a presidential decree specific executive authorities to the CEO with a view to Articles 60, 64, 71, and 77 of the Constitution. Key elements of authorities will include the following:

  1. Participation of the CEO with the President in bilateral decision-making meetings.

  2. Carrying out administrative affairs and executive affairs of the government as determined by presidential decree.

  3. Implementing the reform program of the National Unity Government.

  4. Proposing reforms in all government agencies and decisively combatting official corruption.

  5. Exercising specific administrative and financial authorities, which will be determined in a presidential decree.

  6. Establishing working relationships of the executive branch of the government with the legislative and judicial branches within the framework of defined functions and authorities.

  7. Implementing, monitoring, and supporting the policies, programs, and budgetary and financial affairs of the government.

  8. Submitting necessary reports and proposals to the President.

  9. The President, as the head of state and government, leads the Cabinet (Kabina), which meets at his discretion on government policy, strategy, budgeting, resource allocation, and legislation among its other functions and authorities. The Cabinet consists of the President, Vice-Presidents, CEO, Deputy CEOs, the Chief Advisor, and ministers. The CEO will be responsible for managing the Cabinet's implementation of government policies, and will report on progress to the President directly and in the Cabinet. To that end, the CEO will chair regular weekly meetings of the Council of Ministers (Shura-e-Waziran), consisting of the CEO, Deputy CEOs, and all ministers. The Council of Ministers will implement the exec-

utive affairs of the government. The CEO will also chair all the sub-committees of the Council of Ministers. Based on this article of the agreement, a presidential decree will introduce and define the new Council of Ministers as distinct from the Cabinet.

10. Providing advice and proposals to the President for appointment and dismissal of senior government officials and other government affairs.

11. Special representation of the President at the international level as deemed necessary by the President.

12. The CEO is a member of the National Security Council.

13. The CEO will have two deputies, who will be members of meetings of the cabinet and meetings of the National Security Council. The functions, authorities, and responsibilities of the CEO's deputies, in line with the CEO's functions and authorities, as well as an appropriate protocol for them, will be proposed by the CEO and approved by the President through presidential decree.

C. APPOINTMENT OF SENIOR OFFICIALS

On the basis of the principles of national participation, fair representation, merit, honesty, and commitment to the reform programs of the national unity government, the parties are committed to the following:

- Parity in the selection of personnel between the President and the CEO at the level of head of key security and economic institutions, and independent directorates. As a consequence of this parity, and the provisions of Sections B (12) and (13) above, the two teams will be equally represented in the National Security Council at the leadership level, and equitably (Barabarguna) represented at the membership level.
- The President and the CEO will agree upon a specific merit-based mechanism for the appointment of senior officials. The mechanism will provide for the full participation of the CEO in proposing nominees for all applicable positions and for full consideration of all nominations. In conformity with the intent of the Joint Declaration and its annex (Article 5), the President and the CEO will consult intensively on the selection of senior appointees not covered by the Civil Service Commission through the above mechanism, which can lead to equitable (Barabarguna) representation from both parties, and with attention to inclusivity and the political and societal composition of the country, with particular attention to women and youth, and persons with disabilities, for state institutions and agencies, including key judiciary and local administrative posts. The two parties are committed to early reform of the Civil Service Commission.
- Enabling broad participation of meritorious personalities and personnel of the country at various levels of the system, using these opportunities for securing enduring peace and stability and building a healthy administration.

D. CREATION OF THE POSITION OF LEADER OF THE RUNNER-UP TEAM

In line with the Joint Declaration of 17 Asad 1393 (August 8, 2014) and its annex, and with the goal of strengthening and expanding democracy, the position of the leader of the runner-up team, re-

ferred to in the mentioned document as the opposition leader, will be created and officially recognized within the framework of the government of the Islamic Republic of Afghanistan on the basis of a presidential decree. The responsibilities, authorities, and honors of this position will be spelled out in the decree. After the formation of the national unity government with the presence of the runner-up team on the basis of this agreement, this position will act as an ally of the national unity government.

E. ELECTORAL REFORM

To ensure that future elections are fully credible, the electoral system (laws and institutions) requires fundamental changes. Immediately after the establishment of the government of national unity, the President will issue a decree to form a special commission for the reform of the electoral system in accordance with Article 7 of the Political Framework. Members of the special commission will be agreed between the President and the CEO. The special commission will report to the CEO on its progress and the Cabinet will review its recommendations and take the necessary steps for their implementation. The objective is to implement electoral reform before the 2015 parliamentary elections.

F. IMPLEMENTATION

Any divergence in views or dispute regarding the interpretation or application of this agreement shall be resolved through consultation between the parties.

The parties express appreciation for the role played by the international community in facilitating the political and technical agreements, and welcome the assurances the parties have received of its support for the implementation of this agreement and its engagement with the government of national unity.

G. ENTRY-INTO-FORCE

Honoring their commitments to the Technical and Political Frameworks of July 12, 2014, and the Joint Declaration of August 8, 2014, as reflected throughout this agreement, the parties reaffirm their commitment regarding the outcome of the election and implementation of this agreement to establish the national unity government, which will enter into force upon signing by the two candidates in the presence of Afghan and international witnesses.

_____   _____

Dr. Mohammad Ashraf Ghani Ahmadzai   Dr. Abdullah Abdullah

The foregoing signatures were witnessed by:

_____   _____

H.E. Jan Kubis, Special Representative of   H.E. James B. Cunningham, Ambassador
the Secretary General of the United Nations   of the United States of America