



OBSERVATION MISSION TO THE 2014 PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS IN AFGHANISTAN

Preliminary Statement September 29, 2014

In the wake of allegations of widespread fraud substantively similar to those unaddressed after the 2009 and 2010 elections, serious electoral reform remains essential for democracy to succeed in Afghanistan. Despite this, the 2014 elections will result in an unprecedented peaceful transfer of power from one president to another with the inauguration of Dr. Ashraf Ghani Ahmadzai on Monday, September 29, 2014.

Unfortunately, final results of the presidential runoff on June 14, as determined by the recently completed comprehensive audit, have not been released by the Independent Election Commission (IEC) of Afghanistan. To date, the IEC has also not released the final results of the provincial council elections, which were held more than six months ago on April 5, 2014.

Democracy International established a comprehensive election observation mission in February and has since observed all phases of this election process including the first round election on April 5, the presidential runoff election on June 14, and the eventual comprehensive audit of the ballots cast in the runoff, including both post-election periods. DI deployed long-term observers for each of the April and June rounds and more than 50 international observers during the course of the seven-week-long audit. They observed pre-election activities, election day operations, vote tallying, data entry, and Independent Election Commission (IEC) and Independent Electoral Complaints Commission (IECC) adjudication hearings. DI's observation team also held numerous meetings with relevant stakeholders in Kabul and in provinces across the country, including with the IEC, the IECC, several presidential and provincial council candidates and their campaigns, civil society organizations, government officials, diplomats, other election observation organizations, and other representatives from the international community.

The internationally supervised audit of the June 14 election was unprecedented in scale and scope. This audit—frequently mischaracterized as a re-count—was a result of a negotiated agreement between Dr. Ashraf Ghani Ahmadzai and Dr. Abdullah Abdullah brokered by U.S. Secretary of State John Kerry on July 12, in response to charges of widespread fraud. Although Afghanistan's election laws outline procedures for addressing complaints about the election process, the country's constitution and election system did not contemplate or provide for the audit that took place. The physical audit of all 22,828 polling station ballot boxes began on July 17 and was completed on September 5, under the scrutiny of international observers and the United Nations.

Given the lack of preparation and the exigent nature of the exercise, the audit was planned and managed in an ad hoc and mostly extra-legal manner. The IEC in effect ceded its jurisdiction to international actors, principally the UN. Policies affecting how ballots would be reviewed and the manner and criteria for their rejection changed almost daily for the first several weeks of the process and remained in flux until the end. Conflict between the candidates' representatives plagued the process. Representatives of Dr. Abdullah eventually withdrew from the process entirely. Regrettably, even after the full audit process, including the final case adjudications, was completed on September 14, a political bargain to withhold the results of that audit failed to respect the diligent and heroic efforts of the thousands of audit participants—including election officials, candidate representatives, and international observers, among others—to determine the real results of the presidential contest.

Nevertheless, in spite of the fraud, both alleged and confirmed, Afghan citizens cast millions of legitimate votes. The international community and Afghan society should recognize, validate and applaud the voters' commitment to the democratic process, as demonstrated by their participation in both rounds of this election in the insecure environment that exists in Afghanistan

Democracy International has observed three full election cycles in Afghanistan: the 2009 presidential and provincial council elections, the 2010 parliamentary elections, and the 2014 president and provincial council elections. Since 2009, DI has worked to foster an inclusive and productive dialogue on electoral reform among Afghan stakeholders, including civil society and the government. Based on this experience, for the sake of the legitimacy of future elections and governments, we urge Afghanistan to undertake a serious, comprehensive effort to reform its election process, including reconsideration of all aspects of the electoral system.

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 urge the Afghan government to:

- ***Release election results.*** Release the final, audited election results immediately as transparency is a critical element of effective democratic and anti-fraud processes; the Afghan public has a right to know, in the greatest detail available, all information about the numbers and origins of all votes cast in the 2014 elections;
- ***Criminalize and prosecute election fraud.*** Criminalize election fraud, including provisions for imprisonment of violators, investigate, and where appropriate prosecute, perpetrators of fraud in the 2014 elections;
- ***Develop an effective voter registration system.*** Use the lessons of the audit to combat fraud in the upcoming parliamentary, and all future elections, with a strategy that includes (1) invalidation of all current voter identification cards; (2) re-registration of voters for the parliamentary election; and (3) development of a list of registered voters that can be used to more carefully distribute sensitive election materials and that can serve as a means of preventing and discovering fraud at polling stations;

- ***Establish an electoral reform process.*** Establish a broad representational process to formulate an agenda of fundamental electoral reforms using the political framework agreed to by both presidential candidates on July 12, 2014, as a starting point;
- ***Reform the electoral management bodies.*** Amend the law establishing the structure of the IEC and IECC immediately, with a special focus on strengthening the independence, neutrality and—most important—the professionalism and sustainability of these electoral institutions;
- ***Conduct public education about elections.*** Design and implement public education campaigns to explain what happened in this election cycle and what will be done going forward to improve future elections. Work with Afghan civil society groups to increase their engagement with the government on the electoral reform agenda and encourage civil society efforts to increase public confidence in future processes.

Democracy International will issue a comprehensive final report on the entire 2014 election process in the coming weeks.

U.S.-based Democracy International (DI) provides analytical services, technical assistance, and project implementation for democracy and governance programs worldwide. Since its founding in 2003, DI has worked in 70 countries and has conducted election observation missions and election-assistance programs in Afghanistan, Albania, Bangladesh, Djibouti, Ecuador, Egypt, El Salvador, Ghana, Indonesia, Liberia, Pakistan, Sudan and South Sudan. Democracy International is a signatory to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers. For further information on Democracy International, visit www.democracyinternational.com.