

30 Nov 2010: 73 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

For the 2010 Afghan *Wolesi Jirga* elections, the National Democratic Institute (NDI) conducted an observation mission and analyzed the electoral process before, during and after election day. This mission involved 164 international analysts and Afghan observers throughout the country. For more information, visit [NDI.org](http://NDI.org) and [AfghanistanElectionData.org](http://AfghanistanElectionData.org).

## IEC announces final results amidst ongoing disputes

Legal challenges, political pressure and “technical problems” are stalling the formation of a new parliament after final election results were released almost one month later than planned.

The Independent Election Commission (IEC) announced results on Nov. 24 for all constituencies except Ghazni province and the Kuchi constituency. The following day, the office of the attorney general (AG) announced that it would issue arrest warrants against IEC and Electoral Complaints Commission (ECC) officials, sparking a legal battle that could delay forming a new parliament. AG representatives later visited the IEC office, obtained copies of personnel files and data from the National Tally Center — the unit that processed electoral returns from across the country — and indicated that they may decide to question several IEC employees.

The attorney general, a presidential appointee, has challenged the final election results publicly, saying that candidates who may have committed fraud and other election-related crimes should be investigated. These actions have bred suspicions among voters and candidates that the presidential palace may be dissatisfied with the final list of winners and could be forcing the IEC’s hand to alter the election results. Some also suspect that *Continued on p. 2*

### NDI Calls for Electoral Reform to Build Public Confidence in the Afghan Electoral Process and Political Institutions

With the release of the final election results, NDI issued a statement on Nov. 24 noting the flaws in the electoral system and tensions resulting from electoral irregularities. NDI called for a comprehensive review of the Afghan electoral system that would lead to reforms. Read the [full statement on NDI.org](#).

## ECC completes adjudication of complaints

*Excludes additional candidates, adjusts number of invalidated polling stations*

On Nov. 21, the ECC announced that it had completed the adjudication of all complaints that had the potential to alter the numerical results of the election and that the relevant decisions had been given to the IEC for implementation. This authorized the IEC to certify the much-delayed final results, despite an uproar among some voters, candidates and government officials who were unhappy with the way in which electoral complaints were handled.

The announcement by the ECC demonstrates three key areas where improved transparency would have aided the process and helped build confidence among electoral participants.

**Exclusion of candidates.** On Nov. 21, the ECC announced the exclusion of 21 additional candidates, bringing the total number of excluded candidates, pre- and post-election, to 118. It remains unclear if the exclusion of the 21 candidates arose from complaints during the polling and counting period or from IEC lists given to the ECC totaling 413 candidates accused of fraud.

The ECC decisions to exclude these 21

candidates have not been posted publicly, and the ECC has yet to provide open and detailed information on the specific grounds for exclusion of each candidate. Disclosing the specific grounds for exclusion would have helped reassure the electorate that the decisions were impartial.

**Invalidated Polling Stations.** Recently, the ECC adjusted the total number of invalidated polling stations from 650 to 344. The adjusted number reflects the removal of stations that were previously invalidated, or never included in the results, by the IEC. The number also reflects 99 stations that had been invalidated by the provincial ECCs (PECCs) but re-validated by the national ECC through appeals. No comprehensive list of the 344 polling stations has been made public, making it difficult to track whether ECC decisions have been implemented. The lack of information and transparency has fueled the perception that political interference may have affected the invalidation process.

**Public posting of decisions.** At the time of the submission of the final ECC decisions to the IEC, only 40 percent of the

decisions on Category A complaints, cases serious enough to affect the numerical results of the election, were posted on the ECC’s website. (On Nov. 14, the ECC reported a total of 2,724 complaints in this category). PECCs have continued not to publicly post decisions at their offices.

A review of the ECC website shows that only six provinces have all their Category A decisions posted. Several of the provinces with the most contentious results, such as Baghlan, Herat, Khost and Kunduz, show the greatest discrepancy between the number of decisions posted and unposted. Provinces such as Paktika and Ghazni show no change in posted decisions for over a month, despite the numerous ECC announcements and press releases of polling station invalidations over the past several weeks. There are no posted decisions for Nimroz province. There is only one posted decision detailing the exclusion of a winning candidate, despite the considerable impact such decisions have on the winning list as well as the electorate.

ECC regulations stipulate that ECC decisions are to be posted *Continued on p.2*

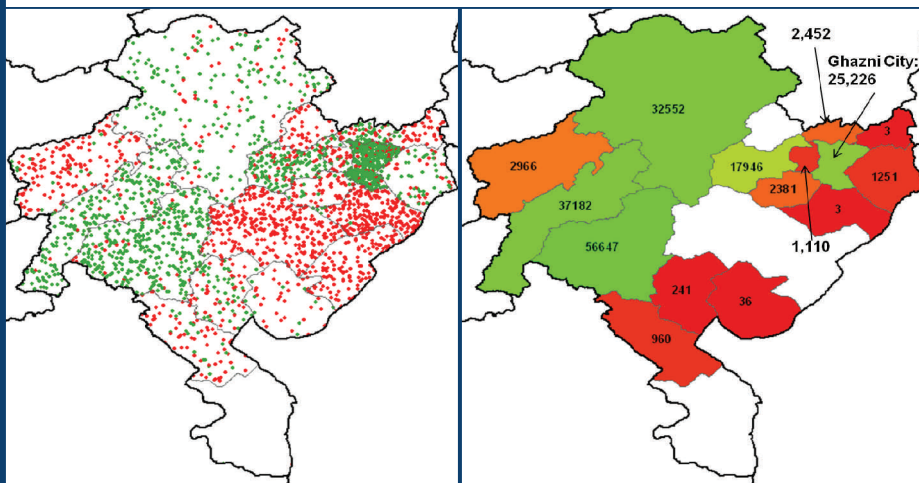
## IEC announces final results amidst ongoing disputes (continued from p.1)

the release of Ghazni province's results, which IEC officials said were delayed because of "technical problems," are being held up by the president's office.

Ghazni, an ethnically mixed province, failed to elect a single Pashtun candidate this year; in 2005, it elected five Hazaras and six Pashtuns. Due to violence and intimidation by armed opposition groups, this year's voter turnout in Pashtun-dominated districts was low. It was far higher in Hazara-dominated areas, and all 11 parliamentary seats of the province were won by Hazara candidates, according to preliminary results released by the IEC on Oct. 20. Pashtun candidates have complained that their supporters have been disenfranchised, and President Karzai, a Pashtun, has called for a fresh election in the province.

Article 61 of the Afghan constitution names the IEC as the body in charge of supervising elections; however, the current government is challenging the commission's decisions. Based on preliminary results, the IEC invalidated 1.3 million votes. The ECC excluded 26 candidates after its investigations revealed that the candidates had engaged in fraud or failed to comply with regulations for those running for office. The attorney general, Mohammad Ishaq Alako, said election officials are now being investigated for taking part in committing electoral fraud. His office has summoned for questioning two IEC and two ECC officials, including the spokesmen for both commissions.

Despite requests for comment, the ECC has yet to make a public statement regarding the controversy.



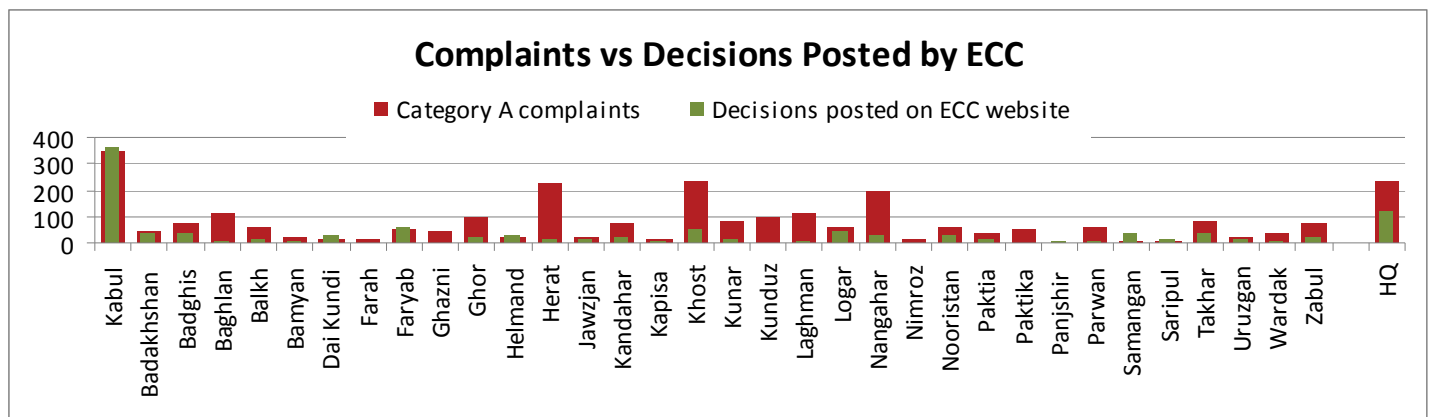
The maps to the left describe the situation in Ghazni. At the far left, the map displays the district-level allocation of polling station closures and invalidations (in red) compared to stations reporting preliminary results (in green). The more Hazara-populated districts in the north and west had fewer stations closed or invalidated. In the near left, the district totals for preliminary valid votes cast are shown, indicating the significantly larger totals in the Hazara-populated districts (in green) compared with the Pashtun-populated districts (in red) in the south and east. *Source: IEC preliminary results, Oct. 20; IEC-provided list of planned stations, Aug. 29*

## ECC fails to post decisions for key complaints (continued from p.1)

on the website, although a deadline was not provided. As per ECC polling and counting complaints procedures, the PECCs are required to post decisions in a prominent place outside their offices for no less than five days. Furthermore, PECCs claim to have been instructed not to provide the media with decisions, as all information must be provided directly by the national ECC. This has been a consistent complaint expressed to NDI by candidates and by various PECCs. NDI also noted that less than one-third of the pre-election day decisions are posted on the ECC website. These are

organized in different formats and tables and arranged by complaint number, making it difficult to trace decisions for specific complaints.

By providing full written decisions - posted publicly in a timely way and with comprehensive information detailing the grounds for the decision - the ECC would have improved transparency in the process. This would provide the means for effective appeal (ensuring candidates and the electorate are adequately informed) and potentially limit the realm of dispute.



NDI, which has worked in Afghanistan since 2002, is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. For the 2010 elections, NDI conducted seminars for over 1,700 candidates, organized training for political parties and more than 240 women candidates, and provided technical assistance to the Free and Fair Elections Foundation of Afghanistan (FEFA), the country's largest domestic election monitoring organization. NDI also trained over 36,000 candidate agents nationwide to report on election-day activities.