



# BRIEFING PAPER

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September 2004

## Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan

### Overview

On October 9<sup>th</sup> millions of Afghans will be going to the polls to elect their next President. They have high hopes – maybe dangerously high – that ballots will replace bullets as the source of power in Afghanistan, and that elections will usher in a more peaceful and prosperous future than the past 2.5 decades of conflict they have suffered through. Even recognising the flaws of the voter registration process, an impressive number of Afghans, both men and women, have demonstrated their desire to vote by travelling great distances, braving intimidation and violence, and dealing with administrative breakdowns to register to vote. More than 10.5 million registration cards have been issued and, with the inclusion of Afghan voters in Pakistan and Iran who will be registered just prior to and on election day, this number could well exceed 11.5 million – roughly half the estimated population of Afghanistan.

The challenge now is to honour the enthusiasm and high hopes of Afghans and to ensure that they will be given a real chance to express their will in choosing first their president, and later members of parliament and provincial and district councils. They deserve elections that are professionally run, logistically sound and well monitored by independent observers. They deserve elections where they have safe access to a polling place, are well-informed about how to vote, can cast their votes in secret free from intimidation, and are confident that their votes will be counted legitimately.

The Joint Election Management Body (JEMB), UNAMA and their partners were given the near impossible task of organising and conducting presidential and parliamentary elections under extremely difficult conditions, and with an unrealistically short timeframe of June 2004 as set out in the Bonn Agreement. To make the task even more difficult, this was to be done with a “light footprint” – that is, with as few international staff as possible in a country where there was no existing experience or expertise in organising and conducting elections. To complicate matters further, despite a deteriorating security situation in Afghanistan, and threats and attacks against the electoral process (which from May through August alone killed 12 election staff and injured 33), NATO member states were unwilling to contribute the troops and resources necessary to adequately defend the electoral process. Fortunately, the decision was taken to delay the presidential elections from June until October, and to delay parliamentary elections until April 2005, which made the task somewhat more achievable. Inevitably, however, corners have had to be cut that will reduce the quality of the elections which, in turn, could reduce the perceived legitimacy of the result.

Ultimately, the success or failure of the elections will depend on the extent to which voters and candidates view the electoral process as credible and accept the legitimacy of the election results. While it is understandable to envision, and indeed expect, logistical failures within such a challenging environment, being complacent about an “acceptable” level of flaws or fraud is a dangerous philosophy. Every polling

### Election Challenges

This briefing paper outlines key challenges and recommendations for increasing the credibility and perceived legitimacy of presidential and parliamentary elections.

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place that fails to open, every polling centre that runs out of ballots, each incident of violence, and each ballot box that is tampered with, taints the legitimacy of the process. It is impossible to know how many flaws in the process it would take to cross the invisible line between an election that is accepted as legitimate and one that is not. But in a political environment of extreme suspicion, distrust and rumour-mongering, every logistical problem could easily give birth to a conspiracy theory which, in turn, could damage the perceived legitimacy of the election.

### Recommendations

The objective of this paper is to highlight major challenges and to provide constructive suggestions on areas where, even at this late date, more could be done to increase the likelihood that presidential and parliamentary elections will be viewed as credible and the results legitimate.

Recommendations for the **presidential elections** are as follows:

- **Security** – More needs to be done to protect the electoral process, including the protection of voters, candidates and marked ballots; the disarmament of armed factions must be accelerated; and NATO should increase rather than reduce troop numbers following the presidential elections to help protect the parliamentary elections.
- **Monitoring/Observation** – Widespread and independent election observation and monitoring should be put in place. While it may be too late to significantly increase the number of international monitors for the presidential elections, on a priority basis additional financial resources and training should be provided to domestic organisations capable of monitoring the elections.
- **Communications and Voter Education** – The JEMB's communications and public information capacity should be increased significantly and frequent and transparent communication with all candidates, stakeholders and the voting public should be prioritised. When procedural or logistical problems arise, candidates and voters should be informed quickly to avoid confusion and suspicion. More resources need to be devoted to voter education if the exercise in democracy is to be a meaningful one.
- **Staffing Needs** – The JEMB must give top priority to recruiting the estimated 100,000 polling station staff that still need to be recruited and trained prior to the elections.

While all attention is understandably focused on the enormous task of conducting the presidential elections, it is important to remember that the challenges inherent in the presidential elections pale in comparison to the challenges posed by the **parliamentary elections** currently scheduled for April 2005. In addition to the recommendations above, which are also relevant for the parliamentary elections, this paper makes the following additional recommendations:

- **Delay Parliamentary Elections** – The current timeframe for holding parliamentary elections is not realistic given the logistical challenges of simultaneously running three elections (lower house of parliament, provincial councils and district councils), organising adequate security, vetting thousands of candidates, and educating voters about a complex voting system. Furthermore, in the ethnically polarised political context of Afghanistan, and in the absence of reliable and widely accepted population data, time will be required to achieve consensus on such politically sensitive issues as apportioning seats to provincial constituencies, achieving consensus on district boundaries, and tying voters to those districts. The political consequences of rushing this process without giving adequate time for consultations to build consensus could result in elections having a destabilising rather than a stabilising effect.

- **Change the Voting System** – All the election experts interviewed for this study were in agreement that a List Proportional Representation (PR) voting system would be better for Afghanistan than the Single Non-Transferable Vote (SNTV) system that was selected at the last minute before the election law was finalised. The election law should be amended to replace the SNTV system with a List PR system which is more likely to lead to a stable parliamentary democracy.
- **Invest in Political Parties** – Many Afghans (including President Karzai) do not like political parties. This bias resulted in a voting system being selected for Afghanistan that is designed to keep political parties weak and ineffective. However, as Afghanistan moves towards a system of parliamentary democracy it needs strong and effective political parties. More support should be provided to political party development to ensure that the political parties of the future in Afghanistan are better than those of the past.

### Conclusion

Afghans deserve elections that meet international standards. Deeply flawed elections will not only be politically destabilising by undermining the legitimacy of the election results, they will damage the longer-term legitimacy of electoral politics and democratic government in Afghanistan. The enthusiasm of Afghans to register to vote and the broad spectrum of candidates contesting the presidential elections are positive developments that are already lending credibility to the electoral process. Doing everything possible at this late date to protect the electoral process through measures such as enhancing security, reducing the number of logistical flaws, increasing voter and candidate awareness of electoral processes, and investing more in independent monitoring, will also be essential to make this first voting experience for most Afghans a safe, positive and legitimate one.

Afghans had high hopes that first the Bonn Agreement, and then the Emergency *Loya Jirga*, would bring about positive political change. Many were disappointed when in both cases they saw these events do more to legitimise the status quo than to usher in a new political era. They complained when large numbers of senior government positions were filled with individuals who represented the old politics of Afghanistan, some of whom were better known for breaking laws than for making laws. The presidential and parliamentary elections now offer what could be the final opportunity for many years to come to de-legitimise the status quo, and the old politics of Afghanistan that have brought the country so much suffering. It will be tragic if this opportunity to legitimise a new political culture and leadership is lost. In the words of one senior government official interviewed for this study, "If Afghans believe nothing is going to change, it will be a big blow to democracy – people want change."

## I. Voter Registration: A Flawed Process?

The Joint Electoral Management Body (JEMB)<sup>1</sup> voter registration process by many standards was a remarkable success. Phase One of the process, which commenced on 1 December 2003 in the eight regional capitals, ended five months later with just 1.9 million people registered to vote. Following the beginning of Phase Two on 1 May 2004, which concentrated on bringing voter registration to rural areas, the registration numbers climbed rapidly, leading to final registration of over 10.5 million voters<sup>2</sup> – 58.7 percent men and 41.3 percent women. The impressive percentage of female voters registered in this deeply conservative society was one of the greatest achievements of the voter registration exercise.

There are, however, concerns that the voter registration effort was perhaps *too* successful, as the final number exceeds the original UN estimate that there were only 9.8 million Afghans eligible to vote on election day – a figure that was subsequently revised upward to 10.5 million voters when it became apparent that registration figures would exceed 100 percent. Indeed, the large number registered in a short period of time in some of the most remote and/or dangerous regions of the country has raised concerns about the credibility of the process and the figures.

While there has never been a proper census in Afghanistan, and population figures remain highly controversial, the Central Statistics Office's (CSO) figures for 2003-2004 (based on an incomplete but fairly extensive pre-census exercise) indicate that some provinces are significantly over-registered. A province by province analysis of the data reveals that thirteen provinces were over-registered,<sup>3</sup> with four provinces – Nuristan, Paktia, Paktika and

Region	CSO Population Statistics	JEMB Registration Numbers	% of Eligible Voters Registered**
Central	5,311,200	1,878,655 (62% men, 38% women)	64.3%
Central Highlands*	691,600	493,999 (47% men, 53% women)	129.5%
East	1,922,900	1,249,334 (58% men, 42% women)	118.1%
North	2,984,500	1,480,626 (52% men, 48% women)	90.2%
Northeast	3,046,900	1,471,968 (55% men, 45% women)	87.8%
South	2,551,300	1,383,698 (79% men, 21% women)	98.6%
Southeast***	1,833,700	1,347,469 (53% men, 47% women)	133.6%
West	2,349,400	1,257,104 (54% men, 46% women)	97.3%
TOTAL	20,691,500	10,562,853 (59% men, 41% women)	92.8%

\* The JEMB and CSO figures for Central Highlands may not be based on corresponding definitions of the same districts.

\*\* Calculations are based on CSO estimates that roughly 45% of the population of the country is below the eligible voting age of 18.

\*\*\* Over-registration in the southeast may be attributable to incomplete CSO census data.

Khost – having over 140 percent registration. Table One illustrates this further, showing how in regions such as the southeast, east, and central highlands, the number of registered voters is significantly greater than the number of eligible voters based on population estimates (although in the southeast this may be due to incomplete CSO census data).

Furthermore, using CSO estimates (which assume roughly 45 percent of the population is under age 18), and assuming a fairly even split between the number of male and female eligible voters, the 6.2 million registered males represent nearly 120 percent of the eligible male voting population.

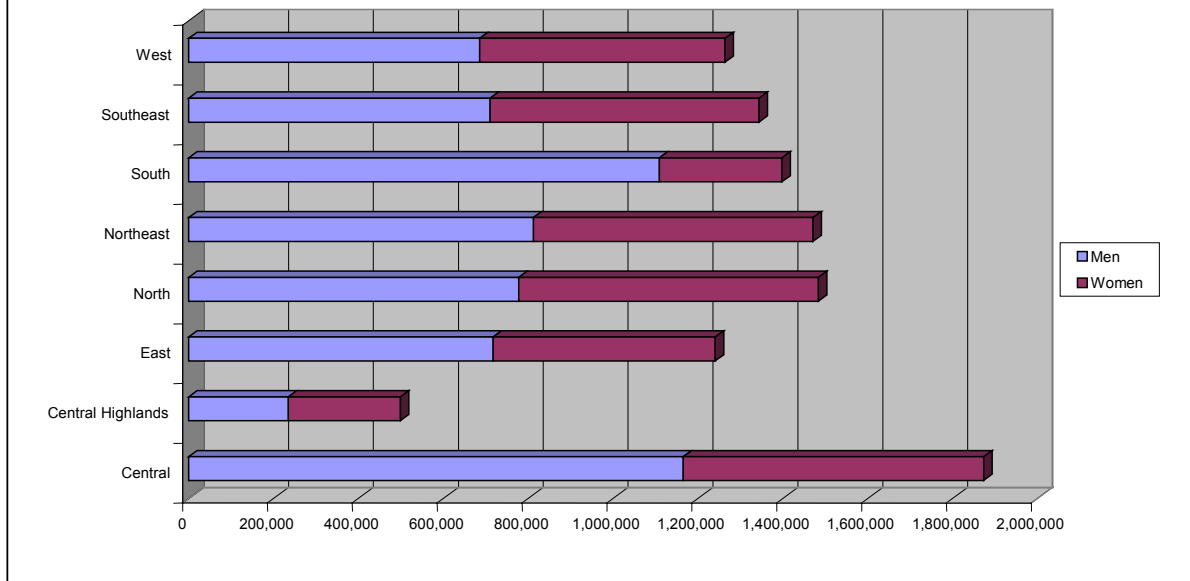
Concerns about over-registration are compounded by the problem of under-registration in specific areas of the country, especially of women. The three most under-registered provinces were Zabul, Kabul and Parwan, which each had less than 60 percent. While the overall percentage of women who

<sup>1</sup> In this paper the term JEMB is used to include both the JEMB and the JEMB Secretariat.

<sup>2</sup> Registration numbers may still be in flux at the time of this report. Due to administrative oversight, one district in the newly created province of Daikundi was overlooked, and it is still unknown whether registration will be conducted in this area. Registration of out of country voters will increase this figure further.

<sup>3</sup> These provinces are: Laghman, Nangarhar, Kunar, Nuristan, Balkh, Khost, Paktia, Paktika, Ghazni, Helmand, Kandahar, Badghis and Herat.

**Table Two: Male and Female Voter Registration by Region**



registered to vote was impressive, in the south only 21 percent of the registered voters were women. In Zabul and Uruzgan Provinces, less than 10 percent of registered voters were female. There was one district, Ajiristan in Ghazni Province, where not a single woman was registered to vote.

There are a number of other concerns about flaws in the registration process. Some of these concerns arose from the way registration itself was handled: individuals registering to vote merely had to state that they were Afghans of at least 18 years of age and had not previously registered to receive voting cards. During the registration process there was very little to preclude an individual from picking up multiple voter cards, perhaps from different registration sites at various times of the process. Instances of multiple registration have been confirmed by UNAMA and the AIHRC, as well as the registration of minors, though it is not possible to estimate the scale and extent to which this has occurred.

While it is clear that there has been over-registration in some areas and under-registration in others, what is less clear is the severity of the consequences for the actual vote. At a minimum, registration flaws may lead to:

- Low apparent voter turnout, especially in those areas with large numbers of multiple registrations. This in turn may lead to accusations of bias if those provinces vote for losing candidates.

- Difficulty for the JEMB in assessing where polling places and ballots will be most needed on election day.
- An increase in the likelihood of multiple voting. The availability of multiple cards removes one barrier against multiple voting and leaves indelible ink applied at the polling site as the last line of defence against fraud.
- Politicisation of registration figures in areas of over registration, and efforts to use registration data to justify additional seats in the parliament, and the creation of new provinces and districts.
- Demands for the voter registration exercise to be repeated for parliamentary elections due to doubts and controversy surrounding the credibility of existing registration data.

**Out of country registration and voting**

The JEMB continues to move forward with plans to enable Afghan refugees in Iran and Pakistan to vote. Voter registration in Pakistan will take place during the first few days of October in Peshawar, Quetta and recognised refugee camps. Afghans in Sindh, Punjab and tribal areas will need to travel to registration sites in other places. According to the JEMB, there will be the capacity to handle an expected 600,000 voters out of an estimated 1.4 million eligible Afghan voters in Pakistan. There are plans for over 20,000 election workers to staff 2,400 polling stations in 300 polling centres. The security and integrity of these polling places will be particularly tested, especially in areas of

strong Taliban influence such as the refugee camps in Balochistan.

In Iran voters will use *Amayesh* identification cards and no advance registration will occur. On the presidential election day 220 polling centres will open, with 1,760 male and female polling stations, which will be staffed by over 10,000 election workers to serve a maximum one million eligible voters.

If ongoing difficulties with organising out of country voting require the cancellation of voting in either Pakistan or Iran, it will be important to cancel out of country voting altogether. Because voters in Pakistan are more likely to be Pashtun,

while voters in Iran are more likely to be Hazara or Tajik, cancellation of the vote in one country but not the other will be perceived to benefit some candidates more than others. Already, there are some who are suspicious that the US \$30 million out of country voting exercise was designed primarily to increase the number of Pashtun voters to help re-elect President Karzai. These suspicions are not allayed by the fact that, at this juncture, there are no plans to organise out of country voting for parliamentary elections. In order to avoid controversy and reassure voters and candidates of the fairness of the process, voting should take place in both countries or not at all.

## II. Presidential Poll, October 2004

The JEMB's Operational Plan for the presidential election does not provide overall success indicators for an acceptable election.<sup>4</sup> The most important indicator of success, however, will be the extent to which the process is seen as credible and candidates and voters accept the legitimacy of the results. While the international community may be willing to accept a deeply flawed election given the current conditions in Afghanistan, the Afghan public may not.

One of the keys to sound and legitimate presidential elections, accepted by candidates and voters alike, is ensuring that flaws are minimised and do not affect any candidate significantly. The challenges identified in this paper, however, suggest that flaws in the process could play a role in determining the final outcome, or at least affect people's perceptions of the legitimacy of the outcome.

It is reasonable, for example, to expect problems of under-registration, election violence and logistical failures to suppress voting in parts of the country. It is also just as likely that over-registration and the ability of commanders to mobilise and intimidate communities, combined with limited numbers of outside observers on the ground, will also affect the overall result.

Election flaws are more likely to affect the final outcome of the presidential vote the more competitive the race becomes. If one candidate is able to win a landslide victory in the first round of the vote then even quite significant flaws may not

have altered the outcome. But if the race is tighter, or if a second round is needed and the second and third placed candidates are close together, then election flaws will take on much greater salience and be much more likely to lead to complaints and question marks over the process.

The impact of a flawed process becomes much sharper when it is considered that no international observation or monitoring organisation is likely to state that the results are illegitimate, even if there is overwhelming evidence of that being the case.

In the short time available before the presidential vote, there are still opportunities for potential problems to be identified and addressed. Every effort must be made to minimise electoral flaws now in order to increase the credibility of the process and the perceived legitimacy of the result. In minimising problems it will be essential for the JEMB to communicate effectively with candidates and voters to reassure them of the legitimacy and transparency of the process.

### Security before and on polling day

Preventing the deteriorating security environment from completely undermining presidential elections remains the most crucial challenge both before the poll and on election day. Violence against staff involved in voter registration and elections continues to be a significant problem across many parts of the country. During the second phase of registration between 1 May and 20 August, 12 registration staff were killed and 33 injured. In August 2004 alone, there were 21 separate election-related security incidents. These included six incidents where improvised explosive devices (IEDs) or mines were placed

<sup>4</sup> Success indicators for the election security campaign were given as: a) the election is deemed free and fair in line with the constitution; b) registered voter turnout is deemed acceptable; and c) the north-south balance in turnout is deemed acceptable.

near voter registration sites or the homes of election workers, four threats or acts of intimidation against JEMB and other elections staff, and four direct attacks (gunfire, rockets and stoning) on voting sites and election officials.

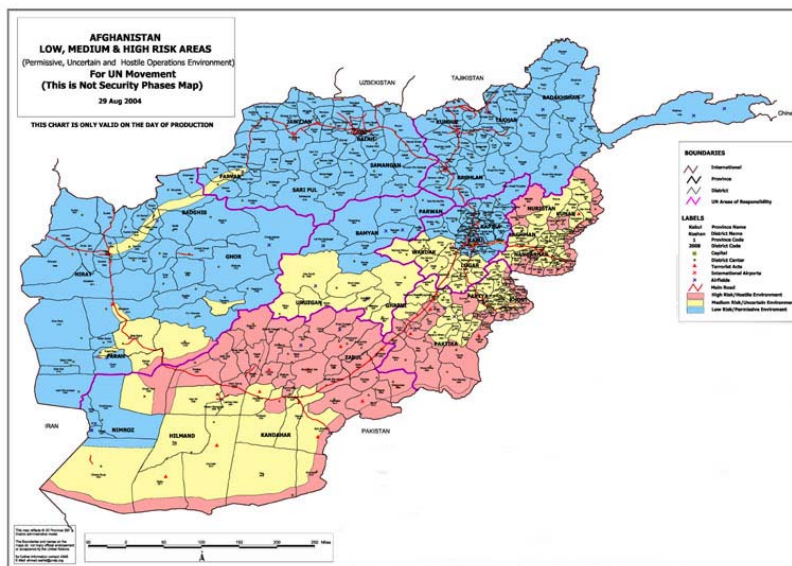
The JEMB has a security election plan that is based on a series of concentric circles. Security at the approximately 5000 polling centres will be provided by Afghan police. Where there are insufficient numbers of police, provincial police commanders are authorised to “deputise” people, recommended by local community *shuras*, to provide security for polling centres.

Security for regional counting centres and area security will be the responsibility of the Afghan National Army (ANA). Overarching area security – the outer circle of security – will be provided by ISAF and the Coalition Forces. ISAF and the Coalition will not have a presence at polling sites.

There are officially 45,000 Afghan police officers, 20,000 of whom will have received training by the election date. However, public confidence in their integrity is generally low, especially when one leaves main city centres. The ANA is more trusted but the lack of troops will preclude them being used for guarding polling centres. Local police, and particularly their “deputised” substitutes (who are often likely to be militia or former militia members) are open to both manipulating the vote and themselves being manipulated by powerful local or regional commanders – some of whom are presidential candidates. In many areas it is likely that hastily recruited polling staff from local villages will be guarded by local police (many of whom are current or former militia members) and observed by local domestic monitors (if there are any monitors at all), all under the watchful eye of the local warlord. This is a recipe for electoral fraud.

Another concern is that at this late date the security plan for protecting marked ballots and moving them from polling stations to regional counting centres remains unclear. The safe and secure movement of marked ballots, and stringent security measures during the counting of the ballots, must be made a top priority.

In the lead up to presidential elections, UNAMA was outspoken on the need for disarmament,



Areas of insecurity as noted by the UN, 29 August 2004

demobilisation and reintegration (DDR) of combatants being a precondition for free and fair elections. While some progress was made, much more remains to be done. It is crucial that the Afghan government, NATO, the Coalition and UNAMA continue to push aggressively for DDR before and after the presidential elections. DDR is seriously behind schedule and keeping the process moving is essential to ensuring that parliamentary elections will not be manipulated and dominated by regional and local commanders.

The international community has encouraged Afghanistan to hold elections in an environment where security is deteriorating, but it has been unwilling to commit the security resources necessary to protect the electoral process. To date the response of NATO member states to addressing Afghanistan's security needs has been extremely inadequate. There are also disturbing reports that the meagre numbers of additional NATO troops committed for the elections will be withdrawn after the presidential elections. Such a step would further call into question the seriousness with which NATO takes the security needs of Afghanistan – a country it calls its “top priority.” Instead of decreasing troop numbers after 9 October, NATO should be increasing its presence to cover the period between presidential and parliamentary elections.

### Election observation and monitoring

While security is crucial, an important way to minimise the worst incidents of election fraud and intimidation, not to mention being able to ascertain the legitimacy of the result, is to flood a



“To vote in the election is everyone’s affair,” reads this voter education poster

post-conflict election with international and domestic observers for the campaign period, vote and count. This has been the strategy used in post-conflict elections in Cambodia, South Africa, East Timor, Haiti, Bosnia, Mozambique and Namibia, and for many other elections held in fragile political environments where enhancing trust was at a premium.

Because of security considerations,<sup>5</sup> and more dubious issues of political will, the October presidential elections will not be adequately observed by independent groups. The lack of credible and comprehensive observation is a serious threat to a legitimate electoral process in Afghanistan. It leaves considerable scope for the manipulation of ballots and the intimidation of voters.

Doubts about the electoral process in Afghanistan meeting international standards have created a dilemma for international organisations that usually send substantial electoral monitoring missions to observe and make judgements on the quality of elections. For example, the Organisation for Security and Cooperation in Europe (OSCE), in the July 2004 Mission Report

<sup>5</sup> These security concerns of course beg the question that if it is too dangerous to monitor the elections is it not too dangerous to vote in the elections.

of its Office for Democratic Institutions and Human Rights, stated its concern that the election process might be so flawed that “scrutiny of the election could challenge public and international confidence in the process, in the event that observation identifies substantial failings, as conditions described in the report could envisage...” The report goes on to note that “election observation can only lend credibility to an election process if indeed the process is a credible one.”

Based on this concern, the OSCE will not send a “monitoring and observation” team, but a small “support team” of between 35-45 individuals. Similarly, the European Union will send a “Democracy and Electoral Support Mission” consisting of 25 individuals. There will also be 36 observers from the Southeast Asia-based Asian Network for Free Elections (ANFREL) supported by The Asia Foundation. Recently, the United Nations put out a call requesting volunteers to assist in elections monitoring across the country, but it is unlikely that at this late stage many internationals will be able to be engaged. This means that with assorted embassy staff, the total international observer presence in Afghanistan for presidential elections will be less than 150.

The position of international observer missions, all of whom have made clear that they will not be issuing public statements on the quality of the election process or the legitimacy of the final results, amounts to nothing less than a damning vote of no confidence in the electoral process. All have apparently adopted the position that *if you can't say anything nice, don't say anything at all*.

Of course, an un-stated reason for not making a pronouncement on the elections could be that it would leave western governments and institutions in the awkward position of having to question the credibility of the electoral process they have pushed, and potentially undermine the victory of the candidate they would like to see win. The apparent lack of interest and importance being given to monitoring the elections, however, risks sending a message that the international community is not actually interested in the quality of the process, only having an end result. This could prove to be tragically short-sighted if it ends up detracting from the long-term credibility of electoral politics in Afghanistan.

Domestically, the Free and Fair Elections Foundation of Afghanistan (FEFA), which is made up of 13 civil society organisations and three individual members, will also monitor the elections. The Afghan Independent Human Rights Commission, which has responsibility to manage national election observers, is an active



member of FEFA and is providing offices and administrative support in each of the regional counting centres. USAID, through the National Democratic Institute (NDI), has provided FEFA with US \$350,000 for its monitoring activities for both presidential and parliamentary elections.

FEFA initially planned to observe 60 percent of polling stations, but with limited resources and capacity it now estimates it will be able to observe only 12 percent. These will only be in Kabul city and the districts of Kabul province, as well as in the 33 other provincial capitals. Most of Afghanistan's approximately 400 districts will therefore have no independent monitors. FEFA does plan to release a report on the freeness and fairness of the election two weeks after polling day.

The only other significant domestic monitoring will be from agents representing candidates and political parties at polling stations and counting centres. NDI hopes to provide training to between 7000-8000 representatives from different candidates before election day, while approximately 28 political parties have been accredited to observe the election.

As of early September, the \$350,000 support to FEFA is the only international assistance being provided for domestic election monitoring. Given the absence of substantial numbers of international observers, the lack of funding and backing from the international community for domestic observers is extremely inadequate, especially in comparison to the nearly \$200 million being spent on the voter registration and election processes. The window of opportunity for recruiting and training domestic monitors and observers is quickly closing, but the international community still has the time (and responsibility) to provide substantially more assistance to organisations that are willing and able to provide independent and neutral domestic observers throughout the country.

### **Potential election day problems<sup>6</sup>**

On election day there will inevitably be logistical or security issues that result in some polling centres opening late or not at all, confusion over how to vote, polling stations that run out of ballots, security incidents, etc... Individually these problems may not be significant. But in an environment of suspicion and distrust logistical failures could lead to conspiracy theories, and

collectively these could undermine the perceived legitimacy of the result.

The key to limiting the scope for conspiracy theories is to do everything possible to ensure that incidents of concern are rarities rather than the norm, and that they are not perceived to hurt or aid any particular candidate(s). As with most issues, JEMB transparency in communicating with voters and candidates will be crucial in dampening rumours of fraud that will inevitably surface with each logistical and organisational breakdown.

Given the colossal task to be undertaken in organising presidential elections in Afghanistan, the JEMB, UNAMA and other organisations supporting the electoral process have done a remarkable job to date with limited capacity working in a dangerous and hostile environment. But a daunting amount of work remains to be done in the short period of time left to minimise the potential for logistical failures, and to increase the chances for elections that are perceived to be successful and legitimate.

### Recruit staff immediately

As time is rapidly running out, the recruitment and training of approximately 125,000 polling station staff and 5000 polling centre staff before election day is one of the most pressing challenges facing the JEMB. Less than one month prior to the polls there is considerable uncertainty as to whether significant recruitment of polling day staff has even begun.

Between 15,000 and 30,000 voter registration staff will probably be retained and retrained as polling day staff, but this still leaves a 100,000 staffing gap. Complicating matters is the requirement that at least 50,000 staff (two out of five staff – the presiding officer and the identification officer – for each of the estimated 25,000 polling stations) need to be literate.

What makes the recruitment and training task even more overwhelming is the need for nearly half of the 125,000 staff to be women, and for 25,000 of these to be literate. If the JEMB cannot recruit significant numbers of female staff, this could reduce the number of female only polling stations, which would restrict the ability of some women to vote.<sup>7</sup>

### Clarify counting procedures

Counting ballots following the polls will be no simple task. The potential for counting confusion is high, particularly given that the procedures for

<sup>6</sup> Figures contained within this section are based on the JEMB. 2004 *Afghanistan Presidential Election Operational Plan Outline*. Kabul. JEMB. 3 August 2004.

<sup>7</sup> In some regions community elders approved by local *shuras* may be able to man female polling stations.

counting votes are still not clear and are likely to be complicated. Moreover, the moving of ballot boxes from 5,000 polling centres to regional counting centres is both a significant logistical and security task. Approximately 3000 ballot boxes will be arriving at each counting centre where they will need to be unloaded, registered, organised by province and counted.

A large number of trained and trustworthy staff will be required to manage the counting process. There will be eight or nine regional counting centres counting close to a million votes each (with the Kabul centre counting considerably more). Results will be released in batches and the count may last for a significant period of time after election day (the JEMB estimates this could take roughly 2-3 weeks).

#### Develop contingency plans for ballot shortfalls

The lack of a voters' roll tied to a particular district or province means that the election authorities do not have an exact mechanism for allocating ballots to polling places. There are district registration figures, but these rely on voters turning up to vote where they registered. However, that is not a foregone conclusion as there is nothing to stop people from voting anywhere they like in the country regardless of where they registered. The JEMB plans to overstock each polling place with 100 extra ballots, but this could prove to be insufficient in some polling centres. In urban areas in particular, where there is a higher degree of mobility, it is difficult to estimate how many ballots each polling station will need.<sup>8</sup> Plans should therefore be in place, at least in urban areas, to move ballots on polling day to polling centres where there are shortfalls.

#### Announce criteria for a second day of voting

With the expectation that some voters will be unable to cast their votes during voting hours on 9 October because of a) violent disruption or b) administrative failures, the JEMB plans to keep polling places open if there are voters still waiting at the official poll closing time of 4 pm. A number of senior election officials also expect that a second day of polling will be needed in areas where polling places failed to open, ran out of ballots, or had integrity issues.

A pre-announcement of a provisional second day is essential to avoid the distrust that voters and candidates may feel if they see one area of the

<sup>8</sup> In South Africa's first democratic elections in 1994, there were massive problems with voters turning up at polling places that did not have enough ballots to allow them to vote. Moving ballots securely and quickly was very difficult and as a result polling hours and days had to be extended in a number of places. This in turn led to claims of rigging elections in certain areas.

country being given extra time to vote. Candidates should also be made fully aware of this possibility and the criteria that will cause polling places to be re-opened on 10 October. Sound and early communication is required to prevent any confusion over a possible second day of polling.

#### Establish and publicise a complaints mechanism

It is important that during and after the poll and count voters and candidates have mechanisms to make complaints. JEMB must quickly finalise the complaints procedures and disseminate information to voters and candidates about how to register possible complaints regarding the elections.

#### **The consequences of a required second round of voting**

If no one candidate receives an absolute majority of the votes in the first round of the presidential election then a run-off between the top two polling candidates is constitutionally required. If necessary, the JEMB plans to hold a second round some time between 20 November and 4 December. This would have both logistical and political consequences:

- When a run-off election is required, the second and third candidates in the first round are usually close together in vote share. This can be particularly controversial when there have been election failures or fraud in the third place candidate's heartland.
- Weather conditions in late November may make polling difficult in the central and mountainous parts of the country.
- Voter education has not yet focused on the necessity and nature of a second round and some voters may be unaware that they need to turn out again or be confused as to the nature of the run-off vote. For example, they may not be aware that they can vote for someone different than in the first round.

#### **Transparent communications and voter and candidate education campaigns**

Evidence from other elections in post-conflict environments suggests that if the election authority communicates effectively with candidates, parties, members of civil society and the electorate they can preclude alienation born of confusion, distrust and inexperience.

For the successful management of the elections it is important that the JEMB effectively and transparently communicates with candidates and

other stakeholders. In some quarters the JEMB is presently seen as biased toward the transitional government. Some candidates are unclear over some of the election procedures and distrustful that the election will be free. A JEMB decision may be perfectly reasonable, but if stakeholders are not on board, seemingly minor decisions can create major problems when the election is in full swing.

A comprehensive public information campaign about election procedures and processes has been slow to take off. Many voters and candidates still lack a basic understanding of how the election will be run or how to go about voting – for example, that their vote is supposed to be cast in secret. There is a crucial need in the remaining time available for a voter education campaign to provide voters with information about the basics of voting procedures and to enable them to make informed decisions.

### III. Parliamentary Elections, Spring 2005?

#### Delay parliamentary elections

Based on lessons learned from the registration process and the organisation of presidential elections, it is important that more time be allowed for the successful holding of parliamentary, provincial and district elections. The current timeframe for elections in April 2005 is unrealistic and unachievable. It is also crucial that when parliamentary elections are held they not only lead to the election of many capable individuals, but enable political parties to flourish. It is widely recognised that political parties are vital to the creation of successful parliamentary democracies. However, at the moment the system for parliamentary elections included in the electoral law discourages strong national political parties.

While there are inherent political and constitutional difficulties in delaying elections for the *Wolesi Jirga* (the House of the People), the spectre of chaotic elections giving rise to controversial and potentially destabilising results is far more ominous. One way to limit concerns that delaying parliamentary elections would give the newly elected president unfettered power would be to consider bringing back some of the elected Constitutional *Loya Jirga* (CLJ) members to serve in a transitional parliament-like institution until a new parliament was elected.

There are a number of factors that make the current timeframe for parliamentary elections unwise and unrealistic. These include the following:

- **Province and district numbers and boundaries.** The June 5, 2004 Presidential Decree on Electoral Constituencies in Afghanistan is incomplete, unclear on which districts form new provinces, and based on an erroneous list presented before the

Days prior to polling	Month	Event
120 days (at least)	Dec 2004	• Decree designating district boundaries to be signed by president
110 days	Dec 2004	• Deadline for lodgement of objections relating to electoral boundaries
90 days (at least)	Jan 2005	• Central Statistics Office (CSO) to provide population figures for each province and district • JEMB to declare election date and publish electoral calendar • Nominations open
75 days prior	Jan 2005	• Deadline for nominations to be filed with JEMB • Judges, attorneys and officials intending to nominate must resign
68 days prior	Feb 2005	• JEMB to finalise decisions relating to eligibility of candidates
61 days prior	Feb 2005	• Candidates to rectify deficient nomination
Date fixed by JEMB	Feb 2005	• Deadline for public objections to candidates
60 days prior (at least)	Feb 2005	• JEMB to re-establish Media Commission • JEMB to exhibit lists of parties and candidates
32 to 3 days prior	March-April 2005	• Campaign period
15 days prior	March-April 2005	• JEMB to certify and exhibit voters' rolls
	April 2005	• Polling day

*Emergency Loya Jirga.* It will take time to achieve consensus on the controversial issues of provincial and district numbers and boundaries.

- **District population figures.** To determine *Wolesi Jirga* provincial seat allocations and the size of provincial and district councils, population figures are required for each of the (close to 400) districts and 34 provinces. The

JEMB is required to finalise this 90 days before elections. To date there is no reliable census data and no political consensus on population or voting age data by province or district. Seat allocations could be done using one of the following sources:

- Incomplete CSO census data for 2003-2004.
- An extrapolation of the 1979 pre-census data.
- JEMB registration figures by province.
- Turnout in the presidential elections.

All of these have methodological and political problems that need to be resolved prior to using them to allocate parliamentary seats.

- **The eligibility of candidates.** The JEMB has allocated seven days to assess whether *Wolesi Jirga* candidates fulfil the electoral law eligibility requirements of citizenship, age, lack of criminal conviction, required presentation of registration cards supporting candidacy and the payment of a deposit. For the 249 places in the *Wolesi Jirga* there will be thousands of candidates nationwide that will need to be vetted. Given that it took considerably longer for the JEMB to vet the 89 presidential and vice-presidential candidates, seven days looks like an unrealistically short period of time to review all *Wolesi Jirga* candidates.
- **Linking voters to provinces and districts and challenges for provincial and district council elections.** For *Wolesi Jirga* and provincial council elections voters will need to be tied to a province for voting purposes. For district council elections voters will need to be registered by district. Yet as of September 2004 there is much confusion surrounding district boundaries. A Ministry of Interior decree lists 361 districts, the CSO uses 388 districts, while more than 400 districts sent representatives to the *Emergency Loya Jirga*.

The linking of voters to districts imposes a significant new threshold to the registration process and may require another round of voter registration. If voters are not rooted to specific geographical areas, election planning becomes much more difficult and the scope for fraud greatly increases.

There are, furthermore, two key outstanding questions for holding provincial and district elections simultaneously with national parliamentary elections as currently planned. Does the JEMB have the logistical capacity to vet candidates at all levels and run the polls and counts? While combining the polls may be efficient, the need for separate counts and enhanced voter education (*so voters are*

*aware of what they are voting for*) will be greatly increased.

According to the JEMB Operational Plan, if the provincial and district elections are detached from parliamentary elections then the Afghanistan Electoral Commission (AEC) is tasked to run such elections with “minimal, or much reduced, international support.” Will the AEC have the capacity to do this, largely unsupported, in late 2005 or 2006?

### **The electoral system: SNTV, the wrong system for Afghanistan**

The electoral law decreed in 2004 announced that the voting system for parliamentary elections would be a Single Non Transferable Vote (SNTV) system. The SNTV system was used in Japan from 1948 to 1993, when it was abolished because of a number of undesirable consequences. Today SNTV is used only in Jordan, Vanuatu, the Pitcairn Islands and (partially) in Taiwan.

Under the SNTV system for Afghanistan, voters cast ballots for *individuals* rather than political parties. Within each region there are a set number of open seats, with a certain number of these reserved for female candidates. This means that if collectively a party wins a majority of the vote, it does not necessarily win a majority of the seats – the numbers of seats won depend on whether individual candidates within the party have performed well. Table Four illustrates this further, and shows how a party can maximise the number of seats it wins by strategically limiting the number of candidates it runs in each district (Party A and Party C). A party that runs too many candidates, and consequently spreads its overall percentage of the vote too thinly, ends up winning fewer seats than it might expect given its percentage of the vote (Party B and Party D).

Likewise, because SNTV guarantees a certain percentage of seats to women, female candidates can be elected to office even if they place very low overall and lack a majority of votes. As Table Five illustrates, a woman may receive only a small percentage of the vote, but if she is the top scoring female candidate she is assured a place in parliament, while men who may have received a larger vote share are not.

The advantage of the SNTV system is that it is simple to vote under and count, and ensures representation of independents in a nascent party system. It does, however, have serious drawbacks for creating stable and legitimate institutions of government, especially in an emerging and fragile democracy like Afghanistan.

- **The relationship between votes and seats won.** First time elections in post-conflict democracies need to do a particularly good job of fairly translating votes cast into seats won for majorities, minorities and independents. Election results are particularly susceptible to challenge if the “losers” feel that the outcome is unfair or rigged, or the voting system has discriminated against their core constituency.

There should also be a reasonable expectation on the part of political actors that if they do relatively well in the vote they will win representation. If an embryonic party wins many more votes than another party they will expect to win more seats than that party. If a single party or movement or alliance wins the majority of votes in the country they will reasonably expect to win a parliamentary majority.

SNTV has the potential to, and in Afghanistan is likely to, violate all these assumptions. This is because the relationship between votes and seats is unpredictable. As has already been demonstrated, under SNTV it is just as likely that a party will win a third of the seats with a third of the votes as the same party with the same percentage of votes winning hardly any seats – much depends on how many candidates each party stands in a province and how their voters distribute their votes across those candidates (see Table Four).

Party	Districts						Total	
	Southeast (3 MPs)		Northwest (5 MPs)		Central (10 MPs)		Seats won	Percent of vote
<b>A</b>	25% 15%	40%	17% 13%	30%	4% 4% 4% 4%	16%	8 (44%)	24%
<b>B</b>	7% 7% 6%	20%	6% 6% 6% 6%	30%	3% 3% 3% 2% 2% 2%	15%	0	20%
<b>C</b>	9% 1%	10%	9% 1%	10%	8% 1% 1%	10%	3 (17%)	10%
<b>D</b>	5% 5%	10%	3% 2%	5%	27% 3%	30%	1 (7%)	20%
<b>Indp</b>	6% 1% 1% 1% 1% 1% (9% for all other indps)	20%	15% 7% 1% 1% 1%	25%	6% 5% 5% 4% (9% for all other indps)	29%	6 (33%)	26%

**Note:** In the columns southeast, northwest and central the percent of votes for each individual candidate is in the left column (the red percentage equals the winning candidate) and the overall percentage of the vote for each party and independents as a group is in the right column.

In large districts – e.g., with 10 or more parliamentary seats – the results can be a lottery when it comes to independents and minority fragments. For example, the first person elected might win their seat with over 50 percent of the vote, while the tenth person elected might win only three or four percent of the vote and only a handful of votes more than the unlucky eleventh placed candidate.

- **The importance of a stable party system and the relationship between the executive and legislative arms of government.**

Afghanistan’s experience with political parties in the past has largely been negative, with the result that many Afghans (including President Karzai) do not like them. As Afghanistan enters a new era of electoral politics, however, the effort should not be on trying to further weaken political parties, but rather to improve and strengthen them so that they play a more positive role in the future than they did in the past.

The experience of many post-conflict democratising states is that the promotion and encouragement of a stable party system is a prerequisite for democracy and stability. In many ways this is less a political statement than a description of reality. Like-minded interests always gravitate together and

Province Profile			
Province	Logar		
Number of members	Five		
Registered electorate	166,000		
Percent of women registered voters	45%		
Assumed voter turnout	50%		
Result			
Candidate	Votes	% of Vote	Elected
Male 1	33,200	40	✓
Male 2	16,600	20	✓
Male 3	8,300	10	✓
Male 4	7470	9	
Male 5	4980	6	
Male 6	4150	5	
Male 7	2490	3	
Male 8	1660	2	
Male 9	1660	2	
Female 1	1660	2	✓
Female 2	180	1	✓

movements, blocks, lists, or alliances are formed because of the necessity of governing. Even in “no party” systems or those that discourage parties (such as Uganda and Jordan) the reality is that the system is dominated by party-like organisations. Manipulating electoral systems to try and eliminate parties merely makes such blocks unaccountable, less democratic and less able to respond to the interests of voters.

While the electoral law in Afghanistan allows political parties to run candidates, the SNTV system reduces the chances of a dynamic and accountable party system taking hold. The parties produced are likely to be fragmented and personality driven. They are likely to be beholden to regional power bases and less so national interests. In established party systems SNTV advantages parties that can work out the optimum number of candidates to nominate, and discipline their voters to distribute their votes equally across the party's candidates. In Afghanistan it is hard to imagine any political party having such rigid organisational ability in the foreseeable future. As a result, the SNTV in Afghanistan will most likely lead to the election of a multitude of independents and small political factions with very small shares of the overall provincial (and national) vote. The *Wolesi Jirga* will be fragmented and government formation and legislative politics exceptionally difficult.

In fledgling democracies that balance legislative power between a directly elected executive and a legislature it is important to facilitate a parliament that is likely to work with the president and not block his or her will at every turn. Gridlock in government, at a time of pressing need for effective policy making, is particularly dangerous. President Karzai may have an aversion to political parties, but if parliamentary elections are held under the SNTV system, and if he is elected president, he may find himself continually trying to stitch together coalitions rather than actually governing.

- **Ensuring the political will of the voter.** It is crucially important that the people of Afghanistan are able to cast their votes easily and express their political preference clearly on the ballot paper. With such high levels of educational illiteracy and the unfamiliarity of multi-party democracy, voters require a simple system with a simple ballot. If the ballot is too complex, millions of voters may be effectively disenfranchised. Voters must also be able to appreciate the relationship between their vote and how government is formed.

With the SNTV system ballots in most provinces are likely to be very long and confusing. In a province electing 15 members of the *Wolesi Jirga* the ballot paper is likely to have over 100 candidates. This is largely because a very small number of votes may be needed to win that 15<sup>th</sup> seat (less than 5 percent – see the simulation results for the election of 11 MPs in Table Four and the victory of five candidates with only four percent of the votes). This generates an incentive for lots of people to run for office.

In a 40-member district, such as Kabul, the ballot will be much longer – possibly 300-400 candidates. A long ballot where individual candidates and their symbols are listed (rather than parties) will be particularly confusing for illiterate voters. There could be hundreds of names and symbols (one for each candidate regardless of their party affiliation), making it difficult for candidates to publicise their unique symbol.

The vote-seat anomalies and vagaries of SNTV, the fragmented parliament it will produce, and the lack of transparency in government formation will all lead to voters having very little understanding of how their single vote contributed to the government of the day.

- **Increasing female representation.** The SNTV, in combination with the gender provisions of the electoral law, may well breed concentrated resentment against the election of female candidates who receive dramatically fewer votes than their male counterparts. This may also hinder gender equity in subsequent elections, as the affirmative action provision is only entrenched for these first elections.

Affirmative action quotas usually give a boost to the advancement of women's interests when:

- a) they are not seen as overtly manipulative by male politicians and voters,
- b) they facilitate the election of independent minded women,
- c) those woman elected have some degree of electoral base and legitimacy, and
- d) it serves the “male” parties' interests to stand female candidates that will appeal to both male and female voters.

#### **Voter education and ballot paper design for parliamentary elections**

If the parliamentary elections are to be held under SNTV, then voter education needs to be significantly increased to give Afghans a fair and equal chance to influence the final vote.

- The ballot will most likely have names and symbols and/or photos of many candidates. The means of widely publicising those symbols/photos need to be put into place. It may be useful to have candidate *and* party symbols for those candidates who wish it.
- The ordering of candidates will be more influential in the parliamentary elections and therefore the method of determining name order on the ballot needs to be fair and consistently applied.
- Voters should be made aware that if they support a given party or block, then accumulating that group's votes on a single candidate is counter-productive.
- Voters should be aware of the gender affirmative action quotas and what that may mean to the seat allocation in their given province.
- One of the strongest lessons of the presidential election may be that the parliamentary elections need to be scheduled in advance as a multi-day staggered event. Logistical planning will be easier but this should be communicated to parties and voters with sufficient notice.

#### **Is there a better electoral system for Afghanistan?**

The Bonn Agreement of 2001 committed the country to a "broad based, gender sensitive, multi-ethnic and fully representative government." SNTV is unlikely to deliver on that commitment. The electoral system most likely to achieve those goals is a provincially based form of List Proportional Representation (PR) that allows party-aligned candidates and independents to win office and incorporates the constitutional requirements of gender diversity in parliament. Initial discussions in Afghanistan on parliamentary voting systems did centre on using a provincially based List PR system. Such a system is still preferable to SNTV and should be reconsidered.

List PR is the system most often adopted for post-conflict elections in emerging democracies. Liberia, Sierra Leone, Mozambique, Bosnia and Herzegovina, Namibia, Cambodia and East Timor all use some variation of List PR, as will Iraq. List PR is used in more established democracies and emerging democracies than any other electoral system. On a political level PR is much better at providing basic ground rules that help bring about lasting stability in a fragile, multi-ethnic, inchoate political climate.

Under List PR, provinces would still form the basis for seat allocation, but voters would vote for parties or independent candidates and not just for individuals. This would mean, for example, that if a party (or slate, block or alliance) won half the votes in Herat they would win half of the fourteen seats. Either those seats would be filled from an ordered list of candidates posted before the election or voters would actually have the ability to express a preference for a candidate on the ballot when they choose their party.

#### **Why is List PR preferable to SNTV?**

There are five key reasons why List PR would be a better choice for Afghanistan's legislative elections.

- The system would transparently – some would say fairly – translate votes cast into seats won. A block winning 30 percent of the national vote will win approximately 30 percent of the seats. Likewise, smaller parties are likely to win some representation even if their vote is geographically dispersed. Significantly, one party or ethnic group will not win a parliamentary majority with a minority of votes.
- List PR also encourages the emergence of nationally based multi-ethnic parties that cut across regions and communal groups. The system rewards maximising every vote (even if they are cast in areas where a party is less strong) and thus at the margins can encourage broader campaigns than those that appeal primarily to kinship ties.
- List PR would work against the most extreme forms of party fragmentation in the legislature. An overly fragmented *Wolesi Jirga* would make effective government particularly challenging. As noted earlier, List PR would preclude anti-presidential blocks from controlling parliament without winning an absolute majority of national votes.
- SNTV will entail long ballots with a variety of potentially confusing symbols for individual candidates. A List PR ballot consists of primarily national party symbols. Levels of spoiled ballots in societies with large numbers of illiterate voters are few when List PR is used but can be much higher when more complex ballots are involved.
- The constitutional requirement of two women per province (when there are four or more MPs to be elected) is easiest to achieve through a List PR system. Nineteen of the twenty parliaments in the world with the highest numbers of women MPs all use some form of proportional representation, and

dozens of countries with gender quotas use List PR. Under List PR gender quotas encourage parties to run women candidates reasonably high on their lists to maximise their chance of winning the quota seats outright. If after vote counting female candidates are not among the four highest vote winners (under a province needing to elect two women for four seats), the system operates so that the highest female vote winner from the party that won the seat fills the quota. In this way female candidates “fill” a given party’s allocated seat, but they will not (as under SNTV) take the seat “away” from a winning party with far fewer votes.

The SNTV system, as has been demonstrated, is likely to hold back the development of key constitutional arms of government, as well as negatively impact upon the constitutional

provision for gender quotas in parliament. To change from the SNTV system to a List PR system would require revisiting and revising the election law, but this is legally possible and should be a government priority immediately after presidential elections. Otherwise, there is a real danger of SNTV leading to political instability, as the elected parliament is fragmented and national political parties do not emerge as representatives of core constituencies. Such a scenario would both feed dissatisfaction among the population towards the elected president and government, and undermine the legitimacy and long-term sustainability of the electoral system.

## IV. Ways Forward for Legitimate Elections

Afghans have high hopes that presidential and parliamentary elections will not only provide them with their first opportunity to elect their leaders, but will usher in a new political era of peace and stability. Whether or not these hopes are realized will partly depend on the perceived legitimacy of the election results. The legitimacy of the election results, in turn, will to a considerable extent be determined by the perceived credibility of the electoral process. Presidential and parliamentary elections that enable Afghans to vote freely and fairly, and to understand how their individual votes contribute to the formation of government, will be critical to the long-term legitimacy of electoral politics and democratic government in Afghanistan.

The international community has strongly encouraged Afghanistan to hold elections in less than ideal circumstances. It therefore has a responsibility to do everything possible to try to ensure that the elections meet international standards. While time is running out there is still more that can be done to reduce flaws in order to increase the chances that the election results will be accepted as legitimate. The following issues should be prioritised:

- **Security on polling day and for parliamentary elections.** Given the deteriorating security situation across Afghanistan, the threat of violent attacks against voters, candidates and election staff remains the most destabilising challenge for successful elections. The need to protect marked ballots during transport and counting

is another vulnerability that requires urgent attention.

For both presidential and parliamentary elections it is critical that the government of Afghanistan, NATO, the Coalition and UNAMA continue to push forward the DDR agenda.

NATO must also ensure that it does not contribute to the deteriorating security environment by reducing its troop levels after presidential elections. NATO should instead increase its troop numbers to provide security for the difficult task of organising and holding parliamentary elections.

- **Prioritise and support observation and monitoring.** Afghanistan deserves a better monitored election than it is getting. There is still time for the international community to invest more in supporting the recruitment and training of neutral and independent domestic observers for presidential elections. Much more attention and resources should be given to organising international and domestic monitors for the parliamentary elections than was done for the presidential elections.
- **Public information and voter awareness.** On a priority basis the JEMB’s communications and public information capacity should be significantly boosted. Public information campaigns must be increased in scale and scope to ensure voters and candidates understand the basic procedures and processes that underlie elections. This should include dissemination of



information regarding the possibility of a second day and a second round of voting. A formal mechanism for registering complaints also needs to be articulated so that voters understand what they can do in the event that they have a grievance. Electoral legitimacy requires electoral authorities to be transparent and open in their communications to prevent rumour and conspiracy theories from taking hold and undermining the entire process. In addition to effective communications it is important that voters and candidates have confidence in the JEMB's independence from government, UNAMA and others.

- **Staffing needs.** At this late date it is alarming that the JEMB still needs to recruit and train an estimated 100,000 polling staff before the presidential elections. This must be given urgent attention. Potential problems arising from failure to recruit and adequately train enough male and female elections staff could significantly impact on the quality of the voting process and the ability of voters to cast their ballots. This, in turn, could contribute to questions over the legitimacy of the entire process.
- **Delay parliamentary elections.** Parliamentary elections should be delayed in order to address issues surrounding the vetting of candidates, drawing of district boundaries, apportioning of parliamentary seats, educating candidates and voters, etc. A rushed and flawed parliamentary election will create more problems than delayed parliamentary elections. A transitional measure to ensure that the elected president

does not have unfettered power during the period between presidential and parliamentary elections could be to re-convene the Constitutional *Loya Jirga* in some form to serve as an acting parliamentary body until elections can be held.

- **Change the election law and system.** The Single Non-Transferable Vote system needs to be changed to a List Proportional Representation (PR) system. A List PR system is more likely to lead to a stable parliament with vibrant national political parties and facilitate executive and legislature cooperation rather than gridlock. To do this the election law should be revised.
- **Invest in political parties.** Functioning parliamentary democracies need strong and effective political parties. Under the SNTV voting system Afghanistan is heading for a fragmented parliament with small parties that do not represent national constituencies. The generally bad reputation of political parties in Afghanistan should not lead to the conclusion that they should be kept weak and ineffective, but rather that they should be supported and strengthened to do a better job in the future than they did in the past. There needs to be much more investment and support both from the Afghan government and the international community to develop political parties that can unite the country and become the backbone of legitimate parliamentary democracy in Afghanistan.

### About the Afghanistan Research and Evaluation Unit (AREU)

The Afghanistan Research and Evaluation Unit (AREU) is an independent research organisation that conducts and facilitates action-oriented research and learning that informs and influences policy and practice. AREU also actively promotes a culture of research and learning by strengthening analytical capacity in Afghanistan and by creating opportunities for analysis, thought and debate. Fundamental to AREU's vision is that its work should improve Afghan lives. AREU was established by the assistance community working in Afghanistan and has a board of directors with representation from donors, UN and multilateral agencies and non-governmental organisations (NGOs).

Current funding for AREU is provided by the governments of Sweden, Switzerland and Great Britain.

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**Afghan Presidential Candidates, October 2004**

<p><b>Abdul Latif Pedram (National Congress of Afghanistan)</b> Background: Writer; poet; journalist; returned from brief exile in France Ethnicity: Tajik</p>  	<p><b>Ahmad Shah Ahmadzai (Independent)</b> Background: Deputy PM and Minister of Interior, 1992-1994 Ethnicity: Pashtun</p>  
<p><b>Hamid Karzai (Independent)</b> Background: Head of TISA and Interim Administration; Deputy Foreign Minister, 1992-1994 Ethnicity: Pashtun</p>  	<p><b>Abdul Hasib Aarian (Independent)</b> Background: Former police colonel Ethnicity: Tajik</p>  
<p><b>Humayun Shah Aasifi (National Unity Party)</b> Background: Minister under King Zahir Shah; lived in exile for 20 years Ethnicity: Pashtun</p>  	<p><b>Wakil Mangal (Independent)</b> Background: Former editor of <i>Jihad</i> magazine; publisher of several books Ethnicity: Pashtun</p>  
<p><b>Mir Mohammad Mahfuz Nedahi (Independent)</b> Background: Lecturer at Kabul University; former Minister of Mines and Industries Ethnicity: Pashtun</p>  	<p><b>Abdul Hadi Khalilzai (Independent)</b> Background: Teacher; lawyer; prosecutor Ethnicity: Pashtun</p>  
<p><b>Haji Mohammad Mohaqiq (Independent)</b> Background: A commander during <i>jihad</i>; Minister of Planning under TISA and AIA Ethnicity: Hazara</p>  	<p><b>Mohammad Abraham Rashid (Independent)</b> Background: Studied in Germany; worked with Afghan-German refugee body in Pakistan Ethnicity: Pashtun</p>  
<p><b>Sayed Ishaq Gailani (National Solidarity Party)</b> Background: From influential religious family; active in the <i>jihad</i> against Soviet occupation Ethnicity: Pashtun</p>  	<p><b>Mohammad Yunis Qanouni (Afghanistan National Movement)</b> Background: Interior Minister in Interim Administration; Education Minister in TISA; a leader of the Northern Alliance Ethnicity: Tajik</p>  
<p><b>Dr. Abdul Satar Sirat (Independent)</b> Background: Professor; Minister of Justice &amp; Deputy PM under King Zahir Shah; leading figure at Bonn Ethnicity: Uzbek</p>  	<p><b>Masooda Jalal (Independent)</b> Background: Doctor; candidate for President in Emergency <i>Loya Jirga</i> Ethnicity: Tajik</p>  
<p><b>Abdul Hafiz Mansoor (Independent)</b> Background: Former head of Kabul TV and radio; writer; Active in <i>jihad</i> Ethnicity: Tajik</p>  	<p><b>Sayed Abdul Hadi Dabir (Independent)</b> Background: A <i>jihad</i> commander against the Soviet occupation Ethnicity: Tajik</p>  
<p><b>Dr. Ghulam Farooq Nejrabi (Afghanistan Independence Party)</b> Background: Medical doctor and lecturer of medical faculty Ethnicity: Tajik</p>  	<p><b>Abdul Rashid Dustum (Independent)</b> Background: Leader of <i>Junbesh Milli Islami</i> Deputy Defence Minister in TISA Ethnicity: Uzbek</p>  