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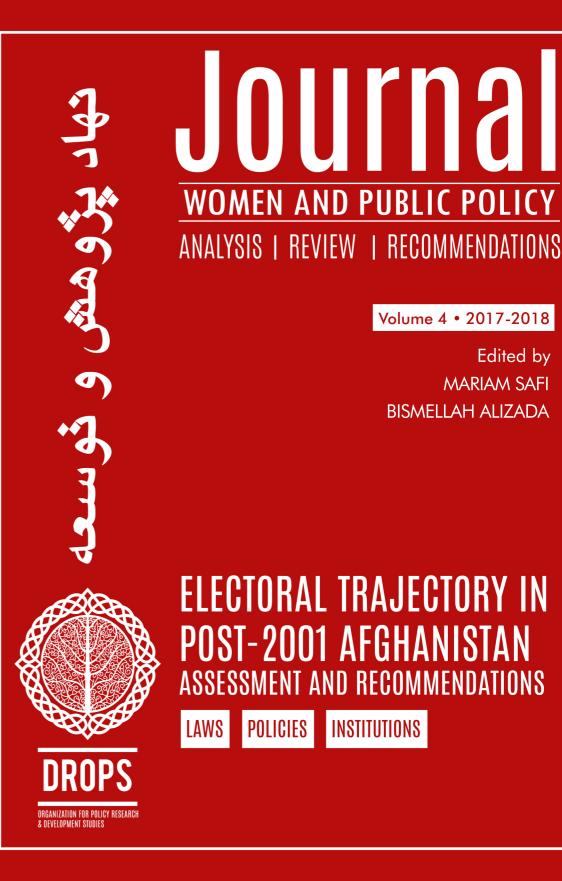dropsafghanistan.org | mariamsafi@dropsafghanistan.org

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ELECTORAL TRAJECTORY IN POST-2001 AFGHANISTAN
ASSESSMENT AND RECOMMENDATIONS

LAWS | POLICIES | INSTITUTIONS

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Electoral Trajectory in Post-2001 Afghanistan: Assessment and Recommendations

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Organization for Policy Research and Development Studies (DROPS)

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Preface

Election is a key component in the practice of real democracy, especially for Afghanistan—a country that has made a journey from dictatorial regimes in the past to one that is guided by the will of the people in the post-Bonn era. I am therefore delighted that the Organization for Policy Research and Development Studies (DROPS) has themed the 4th volume of its Women and Public Policy Journal (WPPJ) on elections and electoral processes—a subject of immense national importance for Afghanistan. Like peace, which was the theme of the 3rd volume of the WPPJ and a priority for the Afghan government, electoral processes too are a vital policy issue for the country.

A democratic system of government is based on the citizens' freedom and right to elect their representatives to run the political affairs of their country and to safeguard and promote the country's national interest. There is a direct correlation between the activities and efficacy of a country's political and administrative leadership and the level and quality of political maturity among its citizens. This is so because it is the citizens of the country who elect their representatives based on clear definitions of their values and their political maturity. Thus, the peoples' choices give shape to the country's leadership and its conduct and efficacy.

Today, there is immense enthusiasm and excitement among the people of Afghanistan to participate in elections to elect their preferred representatives. This is a sign of promising prospects for stronger and more mature political leadership in the country. Additionally, today, the people of Afghanistan debate about politics, politicians and candidates for political offices; assess the performance and conduct of previous office holders, comparing it with public expectations; and evaluate the

candidates' strategies and programs, to ultimately identify those most suitable and deserving to take office.

It is the outcomes of elections that have determined the legitimacy of democratic governance in countries as well as those countries' abilities to overcome crises. Additionally, the management of elections; the competence and capability of institutions and officials responsible for conducting elections; and the criteria based on which authorities responsible for organizing elections are appointed—all play a crucial role in determining the levels of freedom, fairness, transparency and impartiality of the election.

I once again appreciate that DROPS chose elections and electoral processes as the central theme for the 2018 volume of its WPPJ. This is an earnest and timely effort to deepen the understanding on elections and electoral processes and to raise awareness among Afghanistan's citizens on the various aspects of the subject via policy-oriented research and analysis. I am confident that such discussions and academic endeavors will play a constructive role in promoting and raising awareness in the society.

Professor Hamidullah Farooqi

Chancellor of Kabul University and Advisor Minister to the President in Higher Education Affairs

October 2018

Editor's Note

Fourteen years have passed since the first presidential election was held in post–2001 Afghanistan. Since then, the trajectory of electoral processes has witnessed varied experiences and opinions among voters regarding polls and their results. The expressions of optimism, largely on election day, followed by a sense of discontent and disappointment that normally take root immediately after the election best illustrates local perceptions of the last two polls in Afghanistan. This duality in public sentiment is a manifestation of the public's enthusiasm for democratic governance on one hand, coupled with their perception of the electoral process and institutions responsible for it as illegitimate and corrupt on the other. Widespread accusations of fraud, political patronage, manipulation, and lack of transparency are but few of the many factors that continue to fuel these perceptions. The 2004 presidential election and the 2005 parliamentary election had generated tremendous optimism around the establishment of a new system of governance, one Afghans hoped would give them a voice in maintaining checks and balances on the government. However, the troubling outcomes of the 2009 and 2014 presidential elections and the delay in conducting the parliamentary election that was originally scheduled for 2015, eroded this hope. Nonetheless, the 2018 parliamentary and the 2019 presidential elections have given Afghanistan's electoral system another chance at redemption. The outcomes of these elections hold great potential to revitalize and renew public trust and hope.

Afghanistan's experiences of free elections date back to 1949 when the first relatively free poll was held to establish the 7th parliament. But it was not until the 2001 Bonn Agreement following the US–led intervention

that ushered the era of democratic governance in Afghanistan under an elected president. In 2004, the first-ever presidential election was held in the country, followed by the parliamentary and provincial council elections in 2005. Surpassing expectations, an estimated 8 million Afghans voted. Though accusations of fraud and manipulation did arise, there were no substantial political disagreements or accusations of corruption that were significant enough to thwart the process or the results. The national and international troops had ensured a relatively safe environment; the Joint Electoral Management Body was largely successful in monitoring the voting process; electoral credibility was broadly maintained through the presence of 5,321 domestic and 121 international observers, 22,000 political party observers and 52,000 candidate accredited observers; and polling was opened up and facilitated for 800,000 Afghans in Pakistan and Iran—marking an out-of-country exercise, which was the most extensive post-conflict refugee vote. Thus, the results of the 2004 and 2005 elections brought optimism and a belief among voters that those elected were, for the most part, representatives of the people and their demands.

Apart from issues surrounding the ability of national and international stakeholders in securing elections amidst rising levels of violence, the 2009 presidential election and 2010 parliamentary election was unable to carry forward the strides made during the previous election. Compared to the 2004 experience, accusations of corruption and manipulation were far more acute in the 2009 presidential election. The 2009 presidential race went to a runoff on 7 November 2009 after nearly 1 million votes cast for President Hamid Karzai were invalidated owing to fraud. The runoff was subsequently canceled by Afghanistan's Independent Election Commission (IEC) when Karzai's top challenger, Dr. Abdullah Abdullah, withdrew from the race citing lack of measures to guard against a repetition of widespread fraud. Abdullah's withdrawal left many with the feeling that the electoral process was flawed. Similarly, the 2010 parliamentary election too witnessed several accusations of corruption causing a year-long delay in the new parliament taking office. Most recently, the 2014 presidential election—though successful in facilitating the first peaceful

transfer of power in the country's history—also gave way to disagreements that almost led the country to the brink of another civil war. With neither of the two leading contenders, Dr. Ashraf Ghani and Dr. Abdullah, able to secure a majority, a runoff was called. However, repeated interruptions caused by accusations of fraud, threats by both candidates to leave the process, and intimidations of potential violence by their supporters eventually led US Secretary of State John Kerry to intervene and broker an agreement between the two contenders, culminating in the fragile National Unity Government (NUG) we see today. With the results of the runoff not having been released till 2016, the leaders of the NUG continued to bicker over the outcome, which deeply impacted their ability to govern with a united approach. This has been evident in the NUG's inability to deliver on the substantial electoral reforms they had agreed to bring about as part of the 2014 NUG agreement. Disagreements between both camps on issues such as voter registration, electoral fraud and security saw the parliamentary elections—initially scheduled for 2015—face repeated delays till President Ghani eventually issued a decree extending the term of the parliament until fresh elections could be held. The combination of all these issues has resulted in serious questions being raised regarding the legitimacy and credibility of democracy in Afghanistan and the laws, policies and institutions that govern it.

Even as the parliamentary election was announced for 20 October 2018 and the presidential election, for 20 April 2019, the public has largely felt disaffected by its political elite. According to the IEC, 8.8 million voters have registered and the number of parliamentary candidates stood approximately at 2,565. While these figures are similar to those witnessed in the 2010 parliamentary election, two positive changes cannot be underestimated. First, this time around, an impressive number of educated and experienced youth hailing from diverse professional backgrounds decided—against the backdrop of insecurity, manipulation by political parties, and considerable potential for corruption—to run for parliament. Second, a substantial section of this youth is comprised of female candidates—and their numbers have gradually increased from 328 in 2005, to 406 in 2010, and 417 in 2018. These two changes indicate the

possibility of a future parliament in which a more balanced composition of personalities and perspectives can prevail and this will undoubtedly facilitate a shift towards a more democratic, forward thinking and informed legislature.

That said, these changes notwithstanding, the parliamentary and presidential elections are likely to face their share of challenges. Beyond physical security are questions of technical security and transparency of the elections, which will be conducted using a new biometrics system that could reduce instances of corruption at the ballot box but will by no means be able to eliminate it entirely. Moreover, one of the concerns regarding the 2018 parliamentary election has been the low number of international observers—the lowest ever witnessed since 2004. As for the presidential election, security, funding, and the rather brief timeframe between the two elections will present the biggest challenges to the exercise.

The 2018 and 2019 elections undeniably present Afghans with crucial opportunities to strengthen democracy in the country. However, if the experiences of the past are repeated, this will have an irreversible impact on the trajectory of electoral processes, and ultimately, on democracy and participatory governance in the country. Thus, improving, strengthening, and upholding the laws, policies and institutions that govern electoral processes is fundamental to ensure transparency, integrity and credibility of the elections and their outcomes.

To that end, offering insights on ways to address existing gaps, essays in this volume draw on theory, practice, and lessons learnt to provide a clear assessment of the laws, policies and institutions that define Afghanistan's electoral processes, and offer recommendations for remedies and improvement.

Mariam Safi

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Organization for Policy Research and Development Studies (DROPS)

October 2018

Electoral Bodies in Afghanistan: An Assessment

FARKHONDA TAHERY[1]

Afghanistan has been practicing democracy since the collapse of the Taliban regime in late 2001. Since then, the country has held two parliamentary elections (2005 and 2010) and three presidential elections (2004, 2009, and 2014). All these elections were administered by electoral bodies—i.e. the Independent Election Commission (IEC) and the Electoral Complaints Commission (ECC)—which have been established according to the constitution and laws concerning elections. However, the electoral bodies have not been able to manage elections in a transparent, neutral and acceptable manner.

This essay assesses the factors that impeded the ability of the IEC and the ECC to manage the 2014 electoral crisis. Furthermore, this essay argues that the 2016 election law fails to ensure the independence and neutrality of these bodies as the new IEC and ECC face certain legal, structural and practical barriers that undermine their independence and neutrality.

THE INDEPENDENT ELECTION COMMISSION (IEC)

The IEC is one of the two electoral bodies in Afghanistan. It was established as per the provisions of Article 156 of the Afghan constitution and Article 11 of the 2016 Election Law, and has a mandate "to administer and supervise every kind of elections as well as refer to general public opinion of the people in accordance with the provisions of the law."[2] The IEC is

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1. Farkhonda Tahery is a is an undergraduate student of sociology and philosophy at Kabul University.
2. The Election Law (2016), Article 11.http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

comprised of seven commissioners: Chairperson, Deputy (Operations), Deputy (Admin and Finance), Secretary (Spokesperson), and three other members. The commissioners are selected by the president from a list of 21 shortlisted applicants prepared by the Selection Committee in accordance with Article 12 of the election law that has laid out the eligibility criteria of the applicants. The commissioners gain their positions in the commission through a free, secret, and direct internal election.[3]

The mandate of the IEC is explained in the Duties and Authorities chapter of the 2016 Election Law, most important of which are:

1. Administration and supervision of all types of elections and referenda
2. Determining and verifying polling centers
3. Issuing accreditation letters to candidates and observers
4. Official announcement of the elections results
5. Recruitment of the staff of the secretaries and provincial commissions

According to Article 14(3) of the 2016 Election Law, four members of the IEC will be appointed for a period of five years while the remaining three will be appointed for a period of three years. The tenure of the commissioners, however, would be prematurely terminated only under the following circumstances:

a. Faking of the documents
b. Conviction for committing crime
c. Breaching provisions of laws and the constitution
d. Membership in the political parties
e. Continuous absence from the job
f. Suffering from an incurable disease

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3. The Election Law (2016), Article 11. http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

THE ELECTORAL COMPLAINTS COMMISSION (ECC)

The Electoral Complaints Commission (ECC) was established under the Article 28 of the 2016 Election Law "[f]or the purpose of addressing objections and complaints arising from negligence, violation and identification of crimes related to elections."[4] The 2016 Election Law authorizes the ECC, the final body to decide on the elections and candidates, to "remove a candidate from the final list of candidates if proved based on credible documents that he/she was not eligible to nominate according to the provisions of this law."[5] Article 30 of the 2016 Election Law stipulates that the Central and Provincial Complaints Commissions have the authority to:

1. Address objections against the list of candidates and voters
2. Requirements and qualifications of the candidates brought forward during the election
3. Complaints arising from the electoral violations provided the complaint is filed in accordance with the provisions of this law within the due period
4. Issue advice, warning and order of corrective action to the person or organization that has committed the violation
5. Impose cash fines, depending on the case, in accordance with the provisions of this law
6. Issuing the order to recount votes in specific polling centers prior to announcement of the election results
7. Invalidate ballot papers that do not fulfilling the necessary requirements

The ECC is comprised of five commissioners who are selected by the president from a list of 15 candidates shortlisted by the Selection Committee based on the criteria outlined in Article 12 of the 2016 Election Law. Then, the commissioners elect the chairperson, deputy chairperson, and the secretary of the Central Complaints Commission through a free, secret and direct vote.[6]

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4. The Election law (2016), Article 28. http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

5. The Election Law (2016), Article 30. http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

6. The Election Law (2016), Article 29. http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

HOW HAVE THE IEC AND THE ECC GOVERNED PREVIOUS ELECTIONS IN AFGHANISTAN?

The IEC and the ECC have governed all presidential and parliamentary elections in post-2001 Afghanistan. These bodies, however, have been accused of incompetence in administering elections.[7] Such shortcomings have, at times, resulted in full-fledged crises. The year-long crisis in the aftermath of the 2014 presidential election is a clear example. This essay thus focuses only on the 2014 presidential election.

The IEC, the ECC and the 2014 Presidential Election

Some observers argue that "there is an agreement among all stakeholders [domestic and foreign]that Afghanistan was a much better place for elections in 2014 compared to 2010."[8] They maintain that in 2014, the legal framework was stronger and the electoral process was more "intra-Afghan" rather than being dominated by international actors.[9]Compared to the previous electoral law, the authorities of the IEC and the ECC were better delineated in the 2013 Electoral Law that governed the 2014 elections. According to this law, the ECC was a permanent body and had the final authority to determine the validity of votes. Nonetheless, there were weaknesses both in the legal framework and the way in which it was implemented. In the 2014 election, the authorities of the IEC and the ECC were played down and a new government was formed based on a political agreement.[10]

Furthermore, the Taliban's interference was insignificant in 2014.[11] However, during the 2014 presidential election, the Taliban encouraged

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7. Coburn, Noah. "Afghanistan: The 2014 Vote and the Troubled Future of Elections." Chatham House, March 2015. https://www.chathamhouse.org/sites/default/files/field/field_document/20150319Afghanistan2014VoteCoburn.pdf.

8. Jayakody, Aruni. "The state of electoral dispute mechanisms in Afghanistan", AREU, August 2014. https://areu.org.af/wp-content/uploads/2016/02/1420E-The-state-of-electoral-dispute-mechanisms-in-Afghanistan.pdf

9. Ibid.

10. Coburn, Noah. "Afghanistan: The 2014 Vote and the Troubled Future of Elections." Chatham House, March 2015. https://www.chathamhouse.org/sites/default/files/field/field_document/20150319Afghanistan2014VoteCoburn.pdf.

۱۱. شعیب شریفی و لوئیز آدمو، "تحقیق بی بی سی: ۷۰ درصد افغانستان در معرض تهدید طالبان قرار دارد"، بی بی سی، ۲۰ جنوری ۲۰۱۸، گرفته شده در ۳۰ اپریل ۲۰۱۸ از:http://www.bbc.com/persian/afghanistan-۴۲۸۸۱۵۶۱

people to vote for Dr. Ashraf Ghani who shared their ethnicity and who had agreed to show more flexibility towards the group if he won.[12]

Despite all these factors, in practice, the 2014 election was the biggest failure of democracy in Afghanistan. There was widespread fraud, which illustrated the underlying weaknesses of the electoral institutions.[13] These weakness included challenges to the manner in which fraudulent votes were to be addressed; lack of trust in electoral institutions; and the lack of outreach between electoral institutions, the candidates and other key stakeholders.[14] It was precisely this inability to arrive at an unambiguous outcome in the 2014 presidential election that resulted in the current, somewhat combustible National Unity Government (NUG) comprised of President Dr. Ashraf Ghani and (the newly established position of) Chief Executive Officer (CEO)Dr. Abdullah Abdullah.[15]

The electoral crisis in the 2014 presidential election was resolved only temporarily by a political compromise by both camps to form the NUG. Therefore, as part of the NUG agreement on introducing necessary reforms to ensure full credibility of future elections, in 2015, the Special Electoral Reform Commission (SERC) was established through a presidential decree.[16] The SERC was tasked with proposing a reform package for the electoral systems (laws and institutions such as the IEC and the ECC).

Subsequently, the SERC suggested a reform package comprising 11 recommendations, which included three specific reforms in the electoral bodies. These reforms pertained to changing the composition of the selection committee; decreasing the numbers of IEC commissioners from

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12. Giustozzi, Antonio. "The Taliban and the 2014 Presidential Elections in Afghanistan." In Elections and the State: Critical Perspectives on Democracy Promotion in Afghanistan, 557–73. 6th ed. Vol. 16. Journal Conflict, Security & Development. Taylor & Francis, 2016.

13. Josef Goldstein, "E.U. confirms wide fraud in Afghan Presidential runoff election", The New York Times, 16 Dec 2014. https://www.nytimes.com/2014/12/17/world/asia/afghan-voting-fraud-detailed-in- new-report.html

14. Jayakody, Aruni. "The state of electoral dispute mechanisms in Afghanistan", AREU, August 2014. https://areu.org.af/wp-content/uploads/2016/02/1420E-The-state-of-electoral-dispute-mechanisms-in-Afghanistan.pdf

15. Adili, Ali Yawar, and Martine Van Bijlert. "Update on Afghanistan's Electoral Process: Electoral Deadlock Broken - for Now." Afghanistan Analysts Network, December 18, 2016. https://www.afghanistan-analysts.org/update-on-afghanistans-electoral-process-electoral-deadlock-broken-for-now/.

16. "Special Electoral Reform Commission Announced." ToloNews, March 12, 2015. http://prod.tolonews.com/afghanistan/special-electoral-reform-commission-announced.

nine to seven and ECC commissioners from seven to five; and changing the mechanism for addressing the complaints. The objective was to implement electoral reforms before the parliamentary elections then scheduled for 2015. It was in September 2015 that seven of the 11 recommendations submitted by the Commission were approved through a presidential decree.[17] The approved recommendations were to be implemented in the upcoming parliamentary election, whereas the remainder was to be considered for future elections after the parliamentary elections. Nonetheless, although the package was approved by the president and the cabinet, civil society organizations held that that some of the suggested reforms were unrealistic due to shortage of time and lack of necessary infrastructure and capabilities. Eventually, even the parliamentary election was postponed to 2018 after several delays.

THE 2016 ELECTION LAW, THE IEC, AND THE ECC: WHAT ARE THE GAPS?

The 2016 Election Law came into force by a presidential decree.[18] [19] Although there has have been a heavy emphasis on (and expectations for) the independence and neutrality of the electoral bodies, there are certain legal barriers to their implementation, jeopardizing their independence by giving more room for inference by the president in the process.

The Selection Committee and the Issue of Neutrality

The Selection Committee is the body responsible for gathering and vetting applications for the posts of IEC and ECC commissioners, and subsequently presenting a shortlist of candidates to the president for final selection. Therefore, it is an influential body as it determines the range of choices the president has in appointing the people who will manage the next election.[20] Changing the composition of the Selection Committee

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17. "ERC Welcomes Presidential Decree." ToloNews, September 7, 2015. https://www.tolonews.com/afghanistan/erc-welcomes-presidential-decree.

18. Article 109 of the Afghan constitution: "Proposals for amending elections law shall not be included in the work agenda of the National Assembly during the last year of the legislative term."

19. Article 1 of the Election Law: "This law has been enacted pursuant to the provisions of articles 33 and 156 of the Constitution of Afghanistan."

20. Bijlert, Martine Van, and Ali Yawar Adili. "Pushing the Parliament to Accept a Decree: Another Election without Reform?" Afghanistan Analysts Network, June 10, 2016. https://www.afghanistan-analysts.

is one of the most controversial issues in the new election law that gives more ground for the president to control the election. According to the new election law, the selection committee is comprised of:[21]

1. A competent judge of the Supreme Court, with the approval of the High Council of the Supreme Court, as the chairperson of the selection committee
2. One member of the Independent Commission for Overseeing the Implementation of Constitution, as elected by that commission
3. An elected representative of the civil society organizations related to elections
4. An elected representative of the civil society organizations advocating for the women rights.

The judge of Supreme Court, as the chairperson of the selection committee, is the president's key person in the election. Judges to Afghanistan's Supreme Court are appointed at the proposal of the Supreme Court and the approval of the president, and one of these judges would be chairperson of the selection committee.

The same scenario exists in the selection of other members of the Selection Committee. The constitution has vested the president with the authority to appoint the members of the Independent Commission for Overseeing the Implementation of Constitution (ICOIC) with the endorsement of the House of People.[22] The head of the Independent Human Rights Commission is also appointed by the president. Although the inclusion of civil society representatives in the Selection Committee is a positive aspect of the new election law, the selection of civil society representatives too stands questioned. There is no transparent procedure for the selection, thereby giving the president an open hand in bringing people of his choice to the Selection Committee. For instance, the law does not prescribe a rigorous mechanism for the selection of CSO representatives to the committee and does not identify

org/pushing-the-parliament-to-accept-a-decree-another-election-without-reform/.
21. The Election Law (2016), Article 13. http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf
22. The Constitution of Afghanistan (2004). http://www.afghanembassy.com.pl/afg/images/pliki/The Constitution.pdf

detailed eligibility criteria relevant to CSO representation. In fact, it only identifies two types of CSOs–those working on elections and those working on women's rights–from which the representatives can be "elected." Moreover, Article 13(2) states that the CSOs working on the identified issues "are obliged to introduce their representatives for the membership of the selection committee within seven working days of the date of notification. Otherwise, members stated in sections (1, 2 and 3) of the clause (1) of this article will introduce 3 persons each from the organizations mentioned in sections (4 and 5) of the clause (1) of this article to the president; and the president will appoint two persons representing the two organizations as the members of the selection committee."[23] The tight timeframe increases the odds of the president getting the opportunity to choose the CSO representatives as well. As a consequence, essentially, the Selection Committee has the potential to be loyal to the president and not necessarily impartial and neutral.

Furthermore, according to the 2016 Election Law, the president takes the final decision on commissioners shortlisted by the Selection Committee. As result, even if limited by the Selection Committee, electing desired commissioners would not be very challenging for the president.

Finally, given the influence the president directly and/or indirectly wields over nearly all key procedures relevant to the electoral bodies, it begs the question: can the IEC and the ECC function neutrally and independently and can the personnel discharge their constitutionally mandated duties in the letter and spirit of their mandate during the election?

LOOKING FORWARD: ROLES OF THE IEC AND THE ECC IN THE 2018 AND 2019 ELECTIONS

The 2018 and 2019 elections are important for both camps in the incumbent NUG government as well as for several groups currently 'outside' the government in order to secure a large presence in the new parliament so they can use its potential to apply pressure on the government to achieve their political goals.[24] The first step towards conducting the parliamentary

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23. The Election Law (2016). http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf
24. Bijlert, Martine Van. "Electoral Reform, or Rather: Who Will Control Afghanistan's next Election?"

election was taken on 21 November 2017- after a two-year delay—via the appointment of new IEC members. Measures undertaken by the IEC towards ensuring transparency in the 2018 & 2019 elections have been inadequate. Moreover, the Commission has not conducted itself in a professional manner since the appointments of new members.[25] This has resulted inlack of authority, partisan behavior, incompetence in planning, and failure to restore public trust in the electoral process.

In fact, both the IEC and the ECC have been unable to rebuild public trust in elections and the commissions. While the success of the elections depends on the success of the voter registration process, reports show that only 8.9 million people out of 15 million people eligible for voting have registered for the election, and some political parties and some of the senators have raised allegations that 5 million ghost voters exist.[26][27][28][29] Meanwhile, the Central Statistics Organization too announced the existence of 5 million fake national ID cards, and the matter of voter registration stickers have been worrying too.[30] The low public participation in voter registration exercises could be a result of the people's increasing sense of indifference and distrust toward elections.

Furthermore, the parliament publicly announced their distrust in the IEC and its ability to hold a transparent election in 2018 and, the NUG believes that the IEC lacks management ability.[31][32] The IEC chairperson

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Afghanistan Analysts Network, February 17, 2015. https://www.afghanistan-analysts.org/electoral- reform-or-rather-who-will-control-afghanistans-next-election/.

25. "A review of first 100 days of IEC (Independent Election Commission) Performance", FEFA. http://www.fefa.org.af/Home/FtrdDetails?ps=5

26. Afghanistan. Independent Election Commission. Voter Registration Numbers at the Level of the Centers. 2012. http://www.iec.org.af/fa/2012-06-22-16-16-20/vr-statistics-2018-fa.

27. Adili, Ali Yawar, and Thomas Rutting. "The Afghanistan Election Conundrum (8): Controversies over registration",May17,2018.https://www.afghanistan-analysts.org/the-afghanistan-election-conundrum-8-controversies-over-voter-registration/

28. "نگرانی سناتوران از افزایش فروش شناسنامه و برچسب‌های ثبت نام رای دهندگان"، اطلاعات روز، 15 جوزا 1397، گرفته شده در 27 جولای 2018 از:https://etilaatroz.com/61650/

29. " گلبدین حکمتیار: آمار ثبت نام رای دهندگان ۸ میلیون نه، بلکه ۳ میلیون است»، آریانا نیوز، 17 جولای 2018، گرفته شده در 27 جولای 2018 از https://ariananews.af

30. " ملیحه حسن: کتابچه‌های استیکر در بدل 150 افغانی به فروش رسیده است"، خبرگزاری یاش، 15 جوزا 1397، گرفته شده در27 جولای 2018 از : https://yash.news/?p=14953

31. «کمیسیون مستقل انتخابات ۲۸میزان را تاریخ برگزاری انتخابات پارلمانی اعلام کرد»، اطلاعات روز، 12 حمل 1397، گرفته شده در تاریخ 9 ثور 1397 از: http://etilaatroz.com/59052/

32. «طرح کوچک کردن حوزه‌های انتخاباتی افغانستان رد شد،»،تلویزیون یک، ۴ ثور ۱۳۹۷, گرفته شده در ۹ ثور ۱۳۹۷ از :

also confessed to their inability to conduct a transparent election in 2018.[33]Additionally, the IEC lacks a strategic work plan.[34] Finally, the election does not enjoy credibility among the people and leading CSOs engaged in election related work; and its poor performance has not been of help in rebuilding trust.

In addition to the people's indifference towards the election, insecurity poses another major challenge for the electoral bodies' attempts to hold a transparent parliamentary election in 2018.[35] 45% of the Afghan territory is under Taliban control as a result, 948 polling centers and the IEC provincial offices has been unable to determine polling centers in 32 districts. Of the over 7350 polling centers across the country, 122 face medium threat, and 120 face high threat.[36] Moreover, unsurprisingly, the Taliban have not maintained an indifferent stance towards the election process in 2018. The Taliban has threatened the people against participating in the election.[37] The government has failed to ensure the security of the voters' registration process.[38]

CONCLUSION

Afghanistan is taking its baby steps in the democratic process underway since 2001. Elections have been very vital to this effort and the electoral bodies are the key institutions governing election process in Afghanistan. The electoral bodies have been through many legal and structural ups and downs. However, they have been more of a symbol for the drama of democracy than independent bodies governing the elections. The failures of the electoral bodies in the 2014 presidential election resulted

http://www.1tvnews.af/fa/news/afghanistan/34250-2018-04-23-12-01-16

۳۳. «رییس کمیسیون مستقل انتخابات: شفافیت انتخابات را تضمین کرده نمی‌توانیم،» اطلاعات روز، ۵ حمل ۱۳۹۷، گرفته شده در ۸ ثور ۱۳۹۷ از: http://etilaatroz.com/59213/

34. "A review of first 100 days of IEC (Independent Election Commission) Performance", FEFA. http://www.fefa.org.af/Home/FtrdDetails?ps=5

۳۵. الیاس نواندیش، «چرا کار کمیسیون انتخابات به کندی پیش می رود؟»، اطلاعات روز، ۱۳حمل ۱۳۹۷ گرفته شده در ۶ ثور ۱۳۹۷ از: http://etilaatroz.com/59098/

۳۶. الیاس نواندیش، «چرا کار کمیسیون انتخابات به کندی پیش می رود؟»، اطلاعات روز، ۱۳حمل ۱۳۹۷ گرفته شده در ۶ ثور ۱۳۹۷ از: http://etilaatroz.com/59098/

۳۷. وحید مژده، "انتخابات و چالش‌ها"، هفته نامه مجاهد، اول ثور 1397، گرفته شده در تاریخ 2 ثور 1397.

38. For example: the Taliban attack at a voter registration center in Badghis on 23 April 2017; and the Islamic State's suicide bombing attack at a voter registration centre in Kabul on 21 April, 2018.

in a deadlock which was resolved by a political agreement which clearly sidelined the electoral bodies. The excessive authority of the president in the selection of commissioners is one of the gaps in the electoral process. Additionally, the IEC and the ECC have failed to function neutrally and professionally, failing to restore public trust in the elections.

Thus, although the 2016 Election Law—as part of the electoral reforms— is a good step towards reforms due to positive changes in the clarity of mandates of both commissions; the efforts to ensure the neutrality of the electoral bodies and the election process have been inadequate, with several major loopholes continuing to exist.

RECOMMENDATIONS

- The IEC and ECC should develop an accountable, transparent mechanism to address the issue of fraudulent votes and to address interference in the functioning of the IEC and ECC.

- Public trust in the electoral institutions needs to be restored. To this end, the government needs to abide by the principle of neutrality and independence of these bodies. To ensure this, the IEC and the ECC should develop a clear mechanism to settle cases of interference of the government with the electoral bodies so that the legitimacy of votes and credibility of these bodies is safeguarded.

- There should be more checks and a balances with regard to the extent of powers the executive has over the administration and operations of the electoral bodies.

Afghanistan: Political Parties in Post–2001 Elections

HUMAIRA RAHBIN[1]

Throughout Afghanistan's political history, political parties have not had a significant role in politics and have been restrained either by law or by practice. While the post–2001 period has been an entirely new chapter for political parties to grow and contribute to democratization, certain constraints have hindered parties from performing well in the elections and in the overall politics of the country. The 2003 Political Party Law, the 2004 Constitution, and the 2009 Political Party Law (which replaced the 2003 Law), paved the way for the formation and functioning of political parties in Afghanistan. [2] [3] [4]

Nonetheless, there have been many internal and external factors that have undermined importance and role of political parties in Afghanistan's political system, particularly in the election process. Constraints posed by the Single Non–Transferable Vote (SNTV) system, the government's pessimism towards political parties, and corruption are among the key external problems. On the other hand, political parties have also been plagued by key internal challenges including a focus merely on election activities, preference of ethnic, regional and religious identity over ideology, weak party structures, and communications.

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1. Humaira Rahbin is a Policy Advisor at USAID Promote in Afghanistan.
2. Political Parties Law. 2003. http://www.asianlii.org/af/legis/laws/pplogn812p2003101813820726a461/
3. Constitution of Afghanistan (2004) Chapter 2, Article 35. https://www.diplomatie.gouv.fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pdf
4. Political Parties Law. 2009. https://www.ndi.org/sites/default/files/Afghanistan–political–parties– july–2011.pdf

All the above-mentioned challenges have directly impacted meaningful participation of political parties in Afghanistan's elections and politics whereas stronger, healthier and more democratic elections require proactive, well-organized, broad-based and accountable political parties. This essay discusses the situation of Afghan political parties in the post-2001 period and their roles in elections. This essay also attempts to highlight major challenges parties face and discusses how stronger, accountable and well-organized parties can lead to better and more transparent elections in the country. Finally, the essay concludes with recommendations for relevant stakeholders on policy options to change the current unproductive state-of-affairs into a more enabling environment for political parties and the overall democratization process.

EMERGENCE AND FORMATION OF POLITICAL PARTIES IN POST-2001 AFGHANISTAN

Two key periods in Afghanistan's political history resulted in the opening up of legal and practical space for political parties. The first was the first "decade of democracy" (1964-1973) which was the starting point for political party formation in Afghanistan when Afghanistan's then monarch, King Zahir Shah ratified the 1964 constitution. This constitution opened the political space legally for activities and existence of political parties in Afghan politics. However, the King never signed the Political Party Law which could have helped political parties further evolve and thrive. Despite that, however, the 1960s witnessed the growth of political groupings and parties.[5]

Following the overthrowing of the King by his cousin Sardar Daud Khan in 1973 and the latter's ban on activities of political parties and persecution of party members, leftists continued their underground activities and planned to overthrow the newly established presidential system in the country. In 1978, the People's Democratic Party of Afghanistan (PDPA)—supported by the erstwhile Soviet Union came to power after it staged a coup in which Daoud Khan was overthrown and assassinated; and in a year, led to the Soviet occupation of Afghanistan.

5. Larson, Anna. "Political Parties in Afghanistan." United States Institute of Peace. March, 2015. www.usip.org/sites/default/files/SR362-Political-Parties-in-Afghanistan.pdf

The second period began in 2001 after the Taliban regime was toppled by the US, its allies, and the Northern Alliance, followed by the Bonn Process that established a new political system in Afghanistan under Hamid Karzai's leadership. The 2004 Afghan constitution brought a new strong central government and a parliament with two houses: the Wolesi Jirga (National Assembly) and Meshrano Jirga (Senate). The new constitution provides for freedom of association and formation of political parties, but also places certain conditions on them: according to Article 35 of the Afghan constitution,[6]

- Their manifesto and charter must not contravene Islam and principles and values enshrined in the constitution
- Their organizations and financial resources must be transparent
- They must not have military or quasi–military aims and organizations
- They must be affiliated with foreign political parties or other sources
- Formation and operation of a party on the basis of tribalism, parochialism, language, as well as religious sectarianism is not permitted

Besides, based on Article 35 of the constitution, two laws on political parties have been enacted: the first was enacted in 2003,[7] which was subsequently replaced by the one in enacted in 2009 that has since been in force.

Although political parties mushroomed after 2001, the 2009 Political Parties Law played a major role in downsizing the numbers of registered parties from over 100 to 63. The law also increased the membership threshold at the time of registration from 700 members (required by the 2003 Political Parties Law) to 10000 members.[8] According to Afghanistan's Ministry of Justice (MoJ), at present, there are 72 registered political parties in Afghanistan.[9]

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6. Constitution of Afghanistan (2004). https://www.diplomatie.gouv.fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pdf

7. Afghanistan's 2003 Political Party Law, http://www.asianlii.org/af/legis/laws/pplogn812p20031018138 20726a461/

8. Ruttig, Thomas. "Outside, Inside: Afghanistan's Paradoxical Political Party System (2001–16)." Afghanistan Analysts Network and Konrad Adenauer Foundation, May 2018. http://www.kas.de/wf/doc/kas_52347-1522-1-30.pdf?180506145210.

9. "The List of Political Parties That Have Been Licensed by the Ministry of Justice." Ministry of Justice,

ROLE OF POLITICAL PARTIES IN PARLIAMENTARY AND PRESIDENTIAL ELECTIONS IN POST-2001 AFGHANISTAN

Since 2001, Afghans have partaken in three presidential elections (2004, 2009, and 2014) and two parliamentary elections (2005 and 2010). In this period, there have been political parties that have played a role in these elections. In the 2005 parliamentary elections, parties mobilized support for candidates who were formally or informally affiliated to them.[10] Over 100 political parties registered for the 2009 presidential and provincial council elections.[11] For the provincial council race, although over 80% of the 3,197 candidates registered as independents, over 30 parties fielded candidates.[12] The September 2010 Wolesi Jirga election was the second parliamentary poll and the fourth national election conducted since the fall of the Taliban in 2001. Over 2500 candidates—including nearly 400 women—contested for 249 seats in the Wolesi Jirga.[13] In the 2014 presidential elections, parties made considerable breakthroughs in terms of organizational skills and campaign strategy. The National Coalition (comprised of 11 major parties), for example, launched a formidable campaign for its leader, Dr. Abdullah Abdullah—as did the Hezb-e-Islami, one of whose members was nominated as Abdullah's vice presidential candidate in the ticket.[14]

Moreover, declaring affiliation to political parties is rather uncommon in Afghanistan and is something only few politicians and people in the country prefer to do. Both the elected presidents of Afghanistan so far in the post-2001 period have declared no party affiliation and ran as independent candidates. Even MPs and provincial council members, despite being affiliated to certain political parties, do not speak much of it and many

Afghanistan. http://moj.gov.af/fa/page/registered-political-parties-and-social-organizations/1700.

10. "Political Parties in Afghanistan: A Review of the State of Political Parties after the 2009 and 2010 Elections." National Democratic Institute. June, 2011. www.ndi.org/sites/default/files/Afghanistan-political- parties-july-2011.pdf

11. Ibid

12. Ibid

13. "The 2010 Wolesi Jirga Elections in Afghanistan." The National Democratic Institute, 2011. https://www.ndi.org/sites/default/files/Afghanistan-2010-election-observers-final-report.pdf.

14. Larson, Anna. "Political Parties in Afghanistan." United States Institute of Peace. March, 2015. www.usip.org/sites/default/files/SR362-Political-Parties-in-Afghanistan.pdf

have been running in the elections as independent candidates.[1516] In the same scenario, MPs with party affiliations do not necessarily maintain their party's stance in the National Assembly's decision-making process, the occurrence of which has undermined the role of parties in the Afghan political system, particularly in the elections. Even though the Political Parties Law permits the establishment of political parties and provides the legal framework for the same, barring a few instances, in the post-2001 period, political parties have not played a substantial role as a competing force or as policy agenda setters, and have thus not helped the nascent Afghan democracy. Instead, political parties in Afghanistan mostly speak up around election time and during elections campaigns. They conduct press conferences in reaction to certain national issues but hardly ever present viable alternatives and written recommendations to government.

INTERNAL CHALLENGES TO A STRONGER PARTY SYSTEM IN AFGHANISTAN

There is a definite sense of political identity among most of the parties. This is particularly true of political parties that have their roots in the pre-Taliban era. However, for most of these groups, this sense of political identity remained more strongly tied to regional, ethnic, and religious factors rather than political ideology. This is further compounded by the parties' strong identification with a particular leader or specific personalities.[17]

On the other hand, the bias in party structures towards centralization and elite decision-making means that internal party communication is not an essential part of party activity—and since the grassroots is not consulted on policy formulation, they feel little need to develop a party communication infrastructure.[18] Provincial branches have regularly complained of isolation from their party headquarters—cross-provincial communication within parties seems to be non-existent, an unfortunate fact as parties

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15. Members of the Parliament

16. Ibid

17. Teijgeler, René. "Afghan Political Parties: A Short Outline." July 12, 2009. http://www.cultureindevelopment. nl/file.php/135/Afghan%20Political%20Parties–a%20short%20outline%202009.pdf.

18. "Political Party Assessment." USAID, July 29, 2012. https://pdf.usaid.gov/pdf_docs/PNADZ833.pdf.

that would function better as regional entities are forced by the Political Party Law (and a desire for status) to acquire a national veneer.[19] The other important aspect in political party development is self-regulation. Parties usually do not update their constitutions and they usually do not formalize their party procedures; and their activities are more ad hoc than procedural. Moreover, party finances are non-transparent, and there is every indication that the prohibitions against illegal funding are regularly ignored.[20] Meanwhile, though the law prescribes that parties may receive subsidies by the government in connection with elections, due to the pessimistic perception against political parties, there is no such a generosity from the government and nothing in the state fund has been allocated to parties. While parties with jihadi backgrounds have enormous access to financial resources, the New Democratic Parties (NDPs) face immense challenges in terms of their financial sustainability. The NDPs' financial problems and their resultant inactivity have resulted in ground being ceded to warlords to capture partisan engagement in the country and cause more disrepute.[21]

Furthermore, a 2015 report by the United States Institute of Peace (USIP) shows that many party positions have been distributed to relatives of the party leaders and that they do not permit outsiders to occupy the positions because of their fear of security and secrecy challenges. This situation has resulted in disillusionment among the younger generations regarding opting for party membership. Moreover, the added discrimination against women has led to women's disinterest in joining political parties.[22]

EXTERNAL CHALLENGES TO A STRONGER PARTY SYSTEM IN AFGHANISTAN

Within the government, whether under the administration of former President Hamid Karzai or that of incumbent, President Ashraf Ghani,

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19. Ibid
20. Ibid
21. Teijgeler, René . "Afghan Political Parties: A Short Outline." July 12, 2009. http://www.cultureindevelopment. nl/file.php/135/Afghan%20Political%20Parties-a%20short%20outline%202009.pdf.
22. Larson, Anna. "Political Parties in Afghanistan." United States Institute of Peace. March, 2015. January, 2018.
www.usip.org/sites/default/files/SR362-Political-Parties-in-Afghanistan.pdf

strong stances of political parties have always been unwelcome and there is a lack of incentive to promote a robust party system in the country. During Karzai's presidency, he never hid his disdain of and pessimism towards political parties. He always avoided declaring party affiliations. In an October 2003 interview with the BBC, he said "Afghanistan was destroyed, tormented, put through lots of suffering because of the bickering, because of the in-fighting, because of the political agendas of the parties that were not national. Afghanistan needs to have a day off on that."[23] Furthermore, his legal actions and decrees were not favorable to the growth of parties (such as through the enactment of the new Political Party Law in 2009 which placed more restrictions on parties).[24] President Ghani too seems reluctant to create or strengthen any platform that could benefit a political party system in Afghanistan, and his recent tug-of-war with the Jamiat-e-Islami party over power-sharing might have entrenched the reluctance.

Additionally, political parties have also faced an electoral system that is unfavorable for political parties. One of the main drivers of the lack of political party representations during elections is the Single Non-Transferable Vote (SNTV) system that has been the electoral system in all presidential, parliamentary and provincial council elections since 2001. This system promotes independent candidacy and highly limits political party representation, albeit major political parties have, over time, gained experience on ways to navigate these limitations. Additionally, in spite of a special focus on the development of other democratic institutions, the international community has paid little heed to the development of political parties in Afghanistan.[25] The international community has worked with political parties mostly on capacity building for running electoral campaigns, but political organizations have not received significant training on ways to build a political party (or coalition of parties); developing internal party democracy; party platforms; party discipline; agendas; party finance and fundraising, among others.[26]

23. Karzai, Hamid. "President Hamid Karzai of Afghanistan." Interview by Lyce Doucet. BBC. October 1, 2003. http://news.bbc.co.uk/1/hi/talking_point/3139680.stm.

24. Larson, Anna. "Political Parties in Afghanistan." United States Institute of Peace. March, 2015. January, 2018. www.usip.org/sites/default/files/SR362-Political-Parties-in-Afghanistan.pdf

25. Ibid

26. Ibid

CAN A ROBUST POLITICAL PARTY SYSTEM CONTRIBUTE TO HEALTHIER AND MORE DEMOCRATIC ELECTIONS?

A robust party system is key to any democracy, mature or emerging. Parties set political agendas, hold governments accountable, mobilize people's political beliefs and shape the country's politics. And when it comes to the elections, apart from competing to run for offices, parties can mobilize blocs of votes by providing the necessary information for people to decide on whom to vote for and why. Usually parties are known with their performance history, i.e. what they want to do and what change they might bring to the country. It helps people vote with a good understanding of what their votes will result in, instead of voting for independent candidates, numbers of whom can be much higher and therefore making it difficult for the voters to assess as to whom to vote for and what the implications would be.

Afghanistan is a post-conflict democracy, and needs a stable party system. Given Afghanistan's highly centralized administrative and political system—with all the authorities concentrated in Kabul and the executive branch of the government wielding a lot of power—the need for an established political party system seems highly important. A fragmented and disorganized legislature in terms of representation and political consensus coupled with a situation where the president wields disproportionately vast authorities can never practice the "checks and balance" task acknowledged by the constitution. Therefore, representatives in the Wolesi Jirga must be elected through their political parties' channels. Simultaneously, provincial councils will also hold stronger roles beside sub-national governments to be a robust and healthy opposition to incumbent government if they are represented as parties.

In terms of elections, when parties are given stronger roles, they mobilize blocs of votes for their proposed candidates and contribute to strengthening pluralism with each party representing various ideologies and groups of people in the country. People voting for parties are better able to understand what they are voting for (party agendas and policy proposals) and what their expectations are. Moreover, political parties feel more pressure and tend to be more accountable to voters as they face future

elections; and if people's expectations are not met, people either change their choice and vote for a different party in the next election or the party will bring reforms towards increased accountability of their campaign promises. Additionally, during elections, competing parties will adhere to the process more strictly to avoid chances of fraud that may result in their failure. This approach can better guarantee transparency rather than thousands of observers by individual candidates involved in the process and making it difficult and cumbersome for the Independent Election Commission (IEC) to handle the process.

It is also important to note that without addressing the internal problems of political parties, merely changing the system alone cannot guarantee healthier and more democratic elections. Parties with ethnic and regional boundaries, internal corruption, vague policy agendas, and anti-democratic values can negatively impact the situation and revive memories of violence and instability in Afghanistan that was caused by Afghan political parties in the latter half of the 20th century. The more the parties are properly organized, broad-based in terms of representation, and accountable, they can lead the country and the election process in a better direction if a conducive environment is in place. In Afghanistan, traditionally, power has been generated by primordial affiliations: dynastic patronage and spiritual charisma or social interactions within tribes, class, lineages or villages.[27] This system of power generation is dominant in that many parties have been headed by the same person for many years and internal party elections for the senior positions in the parties never occur. In an event of death of the party leader, their family members inherit the leadership, such as in the instance when after Burhanuddin Rabbani's assassination in 2011, his son Salahuddin became the head of the Jamitat-e-Islami party.

CONCLUSION

While the post-2001 era has opened a new chapter for political parties to form, function and run for elections, political parties still do not play a key

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27. Teijgeler, René. "Afghan Political Parties: A Short Outline." July 12, 2009. http://www.cultureindevelopment.nl/file.php/135/Afghan%20Political%20Parties-a%20short%20outline%202009.pdf.

role in the Afghan political system, particularly in the electoral process. The SNTV system limits the political parties' chances of winning elections, and there is an overall lack of incentive to support a robust party system in the country. Parties face immense disrepute in the government and among the public; and the international community has supported political parties a lot lesser than other institution over the past 17 years.

Moreover, political parties in Afghanistan currently lack healthy internal structures and they rarely self–regulate. In many parties, internal elections do not take place for party leadership and senior positions and parties do not consult with their provincial offices on important issues. Barring some major parties with former Jihadi affiliations, newer political parties face severe challenges in terms of their financial sustainability. Parties also have explicit ethnic, regional and sectarian profiles. Despite the fact that political parties are key to democratization in the country, the abovementioned loopholes have hindered parties' performance in the elections and in the Afghan political system as a whole.

However, despite restrictions, political parties, particularly those with Jihadi backgrounds that possess more influence, power and financial resources have been immensely able to create voting blocs and launch formidable campaigns for their candidates. For instance, the Jamiat–e–Islami demonstrated robust strength in the 2014 presidential election which eventually resulted in the formation of the National Unity Government. The ground for a democratic political system in Afghanistan can be paved by strong, broad–based, accountable and democratic party system in the country. A healthy and democratic party system can ensure transparent and fair elections and eventually ensure political pluralism, which is the main pillar of democracy.

RECOMMENDATIONS

- Political parties should focus on identifying clear positions and policy proposals on key issues in the country and stay proactive after the elections as well. Their activities must not be limited merely for electioneering and matters related to campaigns for elections. Furthermore, political parties should abide by the laws. Article 35 of

the constitution and Article 6 of the Political Parties Law explicitly prohibit political party formation on the basis of ethnic, linguistic and religion lines and possession of military or quasi–military aims.

- Political parties should improve their communication and maintain strong ties and establish regular consultation mechanisms with their province based offices and members.

- The government of Afghanistan should allocate financial resources from the state fund to political parties that possess national agendas and have no affiliations with armed groups. This approach can bolster democratic parties and can eventually establish a democratic party system in the country. The establishment of a democratic party system requires parties to initiate self–regulation mechanisms and exercise democratic norms internally. Political parties should not work towards their personal and familial interests and should conduct themselves more professionally.

- Along with competition, political parties (especially those in the opposition) should ideally present policy inputs to the ruling party/ies. Platforms and mechanisms should be established through which different political parties can be consulted on various important issues such as amendments to the electoral law and other national priorities. The ruling party/ies should follow up on recommendations put forth by the other political parties on a regular basis.

- The donor community should pay more attention towards technical assistance for Afghan political parties to further empower them. The training should not just be limited to campaigning in elections but should also include training on fundraising, setting policy agendas, conducting structural reforms, and building capacity.

Re-Imagining Representation to Reboot Afghanistan's Electoral System

WAZHMA AZIZI[1]

Afghanistan has held two parliamentary elections in the post 2001 period. Both the 2005 and 2010 parliamentary elections were held under the Single Non-Transferrable Vote (SNTV) system in which the role of political parties has been marginal. This has stirred a debate about electoral reforms and regarding a switch to Multi-Dimensional Representation (MDR) system, proposed by political parties in the country. This essay explores the background of SNTV in Afghanistan, assesses the 2005 and 2010 elections held under SNTV system to highlight its flaws, and tracks the debates around reform in the election system to change SNTV to MRD system in Afghanistan.

CONSTITUTIONAL PROVISIONS FOR SNTV IN AFGHANISTAN

After the collapse of the Taliban regime in 2001, a transitional government was established at the Bonn Conference in November 2001, tasked with convening the constitutional Loya Jirga and conducting the presidential election. The Constitutional Loya Jirga was convened in December 2003 and ratified a new constitution for the country in which the SNTV was chosen as the electoral system for the country.

In 2004, a province-based proportional representation (PR) system was promoted by the UN for parliamentary election, but it failed in the cabinet because it was poorly explained by an Afghan cabinet minister.

1. Wazhma Azizi is a Women and Youth Outreach Assistant at the Free and Fair Election Forum of Afghanistan (FEFA) where she works on strengthening the political participation of women and youth.

Thus, President Karzai changed the proposed PR system to SNTV.[2] The PR system was rejected mainly because of a widespread distrust of political parties associated with the communist and civil war eras; a misunderstanding of the implication of having a single vote for individual candidates in large multi-member constituencies; and a possible strategy on the part of the executive to limit the emergence of organized opposition. Supporters of the SNTV system, especially the office of the president, have argued that a party-based system is inconsistent with Afghan traditions and, given the ethnic, regional or sectarian character of virtually all the current political parties, that a party system would divide Afghans and lead to factional strife. This position is supported by many Afghans who have negative opinions regarding political parties and movements based on Afghanistan's recent history of factional violence and extremist political movements.

Subsequently, the 2004 electoral law announced that voters would choose between individual candidates rather than parties, but still in the multi-member provincial constituencies originally intended for use in the UN-proposed PR system. Afghanistan's electoral laws provide the framework for conducting elections to the Wolesi Jirga and Provincial and District Councils as per the SNTV system, under which candidates run as independents in multi-member constituencies. Voters in each constituency cast a single vote for a candidate, and the candidate who receives the highest number of votes is elected to the seat allocated to that constituency. As per Afghanistan's laws, roughly 25% of the seats in the Wolesi Jirga and the Provincial Councils are reserved for female candidates.

Although the successful conclusion of the 2004 presidential, and the 2005 National Assembly and Provincial Council elections, represent major achievements for the Afghan electoral administration for which the legislative framework is credited, the experience of those two elections has highlighted a number of shortcomings, as was made clear in the final report of the Joint Electoral Management Body (JEMB) in 2006. According to the report: [3]

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2. Reynolds, Andrew, and Ben Reilly. "The International IDEA Handbook of Electoral System Design." 1997, 53–54.
3. "Political Parties in Afghanistan." International Crisis Group. https://www.files.ethz.ch/isn/10745/b039_political_parties_in_afghanistan.pdf.

- The need for a review of the legal framework was also highlighted by the Post-Election Strategy Group, which was composed of representatives of the JEMB, the Government of Afghanistan, the United Nations Assistance Mission in Afghanistan (UNAMA) and other stakeholders.

- With the successful legislative elections behind us and no election planned, 2006 provides a valuable opportunity to review the framework with an eye to correcting the weaknesses in the current system and also to initiate, for the first time in Afghanistan's post-Taliban history, a national discussion regarding the future of the electoral system, a discussion that will help strengthen the quality and legitimacy of the electoral system.

One of the SNTV's defining characteristics is the limited role it provides for political parties, a characteristic that has received strong opposition from politicians as well as national and international civil society groups who argue that by marginalizing political parties, SNTV impedes the development of strong representative assemblies. Critics have generally proposed some form of party list system.

However, not with standing its political merits, SNTV in Afghanistan has also proved to be difficult to administer. In September 2005, nearly 6.5 million votes were counted in what was, despite significant flaws, perhaps the freest and most competitive election Afghans had ever experienced.[4] Five years later, 2.5 million fewer votes were recorded for the second Wolesi Jirga elections, the results of which were contested in the parliament, in the electoral commissions, and by the judiciary for months.

THE SINGLE NON-TRANSFERABLE VOTE (SNTV)

SNTV is mechanically quite simple. Each voter gets a single vote to cast for a single candidate, and those who win the highest numbers of votes win

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4. Shugart, Matthew Soberg, and John M. Carey. "Electoral Dynamics: Efficiency and Inefficiency." Presidents and Assemblies, 1992, 167–205. ; Fish, M. Steven (Michael Steven). "Stronger Legislatures, Stronger Democracies." Journal of Democracy 17, no. 1 (2006): 5–20. ; Fish, M. Steven, and Matthew Kroenig. "The Handbook of National Legislatures." 2009. doi:10.1017/cbo9780511575655.

up to the number of seats in a given constituency.[5] Strategically, however, SNTV is highly complex. No other electoral system used to select national parliaments presents such great obstacles to the development of parties, or to their ability to turn support among voters into representation. Because there is no vote-pooling under SNTV, any inclination towards collective action among candidates must swim against an overwhelming tide. Under SNTV, a party or alliance can only win representation in line with its overall support if it manages to satisfy three conditions:

1. Accurately anticipate what its support level will be
2. Nominate the correct number of candidates
3. Persuade voters to distribute their individual preference of votes precisely equally across its members

"Errors" in one or more of the above fields will likely translate into the alliance squandering votes. Moreover, if an alliance overestimates support or faces pressure to field too many candidates, its votes will be spread too thinly, rendering each of its individual candidates uncompetitive. And if its voters gravitate too heavily toward one of its candidates, others on its slate are likely to lose out; and if it under nominates, it will end up winning fewer seats despite attracting high numbers of votes.

Estimating voter support ahead of time is difficult even in long-established democracies with stable parties that command strong voter allegiances. In Afghanistan's context, even the first requirement for electoral teamwork among politicians is largely absent as there is relatively little historical basis in terms of previous elections or voting data on which to form expectations about any party or alliance's support in a given province.

SNTV also contains strong disincentives for attempting to distribute votes among allies. Individual candidates under this system always have strong incentives to maximize their own vote totals because securing elections depends only on one's individual vote tally. Indeed, SNTV sets up strong incentives for zero-sum competition among would-be allies,

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5. This element is rendered somewhat more complex by the inclusion of reserved seats or quotas in the SNTV system, as is the case for women and Kuchi candidates. For now, the discussion focuses on the strategic complexity associated with the simplest version of the SNTV system.

since they all essentially end up competing for support from the same kinds of voters. SNTV thus punishes any cooperation among politicians that would foster the development of meaningful parties and stable coalitions, and instead rewards political individualism and "everyone for themselves" strategies.

The pathologies of SNTV also become more pronounced as the size of electoral constituencies grow. In other countries where SNTV has been used, the number of seats in a given constituency has generally been limited to well under ten. In Afghanistan, however, the number of allocated seats per province ranges from 2 (in Nimroz, Nuristan and Panjshir) to 33 (Kabul). This creates several problems. First is the proliferation of candidates. In high-magnitude constituencies, candidates can win with low shares of overall votes cast. This triggers a reinforcing cycle of multiplying candidacies, which heightens expectations for fragmentation of the vote, reducing the vote share necessary to win, and encouraging yet more candidates to throw their hats in the ring. On the other hand, for candidates, this can result in elections proving something of a lottery, with narrow margins between winners and losers and the potential for wild swings in the composition of legislatures across different elections. Meanwhile, voters may well face a ballot with hundreds of different candidates, making the cognitive task of identifying, locating, and indicating one's first choice difficult. As an extreme example, the Kabul ballot had over 400 candidates in 2005, and over 660 in 2010.

Beyond proliferation, the obstacles to cooperation are substantially greater when dozens (or hundreds) of candidates compete, and ironically, these obstacles are more pronounced the more widespread the support for a given alliance. Whereas voters might be reliably divided between two would-be allies, the logistical challenge of dividing votes equally among three, four, or more allies within a constituency is overwhelming, as is the temptation to poach from one's partners.

SNTV IN AFGHANISTAN: THE CASE OF THE 2005 AND 2010 ELECTIONS

Based on previous experience of SNTV in other countries, Reynolds and Wilder speculated in 2004 about how such a system might work if applied to Afghanistan's context, highlighting a number of potential negative consequences that SNTV could have.[6] Using a similar framework, the following section analyses how SNTV has played out in practice over the course of the first two rounds of legislative elections in Afghanistan in 2005 and 2010, focusing on: effective translation of votes into representation; the ability of the electorate to cast clear and effective votes; the establishment of a stable party system; and promoting dynamic women in parliament.

Critically, members of both the 2005 and 2010 Wolesi Jirgas were not supported by a majority of Afghan voters. In 2005, just over two million of all the votes cast were for winning candidates (32%), and thus over two-thirds of all votes were cast for candidates who lost.[7] This was broadly repeated in 2010, when 37% of votes were cast for winning candidates, with 63% "wasted."[8] These "wasted vote" levels are remarkably high when compared to other new and old democracies—indeed, they are among the largest in the world.[9] In some respects, the two-thirds wasted figure substantially understates the total proportion of wasted votes, since under SNTV, support for any winning candidates over and above what is necessary to secure a seat is also effectively wasted. By contrast, in a PR or transferable vote system, such support could also benefit the allies of the most popular candidates. With this factor considered, as many as three-quarters of valid ballots cast in Afghan elections do not contribute to the election of any representative.

6. "Political Parties in Afghanistan." International Crisis Group. https://www.files.ethz.ch/isn/10745/b039_political_parties_in_afghanistan.pdf.

7. Political Parties in Afghanistan." International Crisis Group. https://www.files.ethz.ch/isn/10745/b039_political_parties_in_afghanistan.pdf.; Wilder, Andrew. "A House Divided? Analysing the 2005 Afghan Elections." http://www.refworld.org/pdfid/47c3f3c01b.pdf.

8. Political Parties in Afghanistan." International Crisis Group. https://www.files.ethz.ch/isn/10745/b039_political_parties_in_afghanistan.pdf.; Wilder, Andrew. "A House Divided? Analysing the 2005 Afghan Elections." http://www.refworld.org/pdfid/47c3f3c01b.pdf.

9. "Political Parties in Afghanistan." International Crisis Group. https://www.files.ethz.ch/isn/10745/b039_political_parties_in_afghanistan.pdf.; Wilder, Andrew. "A House Divided? Analysing the 2005 Afghan Elections." http://www.refworld.org/pdfid/47c3f3c01b.pdf.

The central problem with SNTV in Afghanistan is that the system does not allow for a rational translation of support among voters into representation in the legislature.[10] Additionally, in Afghanistan, the system's combination of province-sized constituencies with a lack of strong parties and an absence of cross-cutting ideologies has contributed to often highly localized understandings of what "representation" truly constitutes. While there is recognition among some voters of MPs' formal role in passing legislation and supervising the executive, MPs are also widely viewed and often view themselves as much more direct advocates for their specific constituencies.[11] In practice, this often takes the form of attempts to divert resources or aid to a given area, or advocating on behalf of its inhabitants on anything from dispute resolution to the allocation of university slots. This set of circumstances has fed back into the fragmentation and individualism inherent in the country's current electoral politics as communities compete to elect "familiar" and hence accountable candidates. Conversely, it has also led to a sense of disenfranchisement among communities without "their own" representative. As expected, both sets of elections also demonstrated that SNTV could turn elections into something of a lottery. In 2005, the first seat in each province was won with an average of 11.5% of the vote, but the last seat was won on average with only 5.7%.[12] In 2010, the vote was even more fragmented, with the first seat in each province won with an average of less than 10%.[13]

There is evidence to suggest that despite efforts by the IEC to make ballots accessible to illiterate voters through the use of images and symbols, many Afghans have struggled with the proliferation of candidates and poster-sized ballot forms produced as a result of SNTV.[14] Due to higher illiteracy rates among women, this problem has also had a disproportionately high impact on female voters.[15]

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10. Wilder, Andrew. "A House Divided? Analysing the 2005 Afghan Elections." http://www.refworld.org/pdfid/47c3f3c01b.pdf.
11. Reynolds, Andrew, and Andrew Wilder. "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan." AREU, September 2004.
12. Ibid.
13. Ibid.
14. Ibid.
15. Ibid.

THE DEBATE ON INTRODUCING PROPORTIONAL REPRESENTATION SYSTEM IN AFGHANISTAN

As of 2012, there is broad dissatisfaction across Afghan political and civil society actors with the SNTV system, while the international community has also advocated for reform. Two parliamentary elections have now taken place under SNTV but the political parties and civil society organizations are not happy with the experiences, and have therefore suggested reforms in the electoral system. The various views of what the new system should look like and the practicalities of what the IEC can be asked to administer therefore point to the introduction of some form of mixed electoral system.

The first alternative is a PR system but a pure PR system has not gained enough support among political parties in Afghanistan. The second alternative suggested is a mixed system of voting named Multi−Dimensional Representation (MDR). From the perspective of voters and electoral administrators, this is a subtle variant of the SNTV−PR, maintaining the same advantages while reducing further the obstacles that SNTV presents to the formation of alliances and parties. The difference is that, rather than in a single non−transferable vote, voters in MDR system would be allowed to indicate preferences for up to two candidates on their ballots.[16] In this system candidates would choose whether to join alliances to compete for the national−level PR seats, or alternatively to run as pure independents. As above, votes cast would be counted first in the provincial−level candidate contests, but those votes cast for candidates who were members of national alliances would also enter the pool of votes used to determine the distribution of seats.[17]

MULTI−DIMENSIONAL REPRESENTATION (MDR)

The Special Electoral Reform Commission (SERC)−the commission that was tasked in 2015 by the government to identify proposals for electoral reform−had been unanimous in their desire to change the SNTV system, but had trouble agreeing on what should replace it. After considering

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16. "The September 2005 Parliamentary And Provincial Council Elections In Afghanistan." National Democratic Institute for International Affairs (NDI), 2006.
17. "One Step Forward, Two Steps Back? Lessons Learnt on Women's Participation in the 2009 Afghan Elections." 2010. http://www.iec.org.af/pdf/wsfactsheets/one_step_forward_two_steps_back.pdf.

several possible alternatives, the SERC developed a Multi-Dimensional Representation (MDR) system with multi-member constituencies, which it presented to the government in late 2015.[18] Two dissenting, boycotting SERC members presented their own favored system to the government, which was the first-past-the-post system that the cabinet tried to include in the current law (but failed to reach a consensus on). Opponents of the single-member constituencies fear that the system could fatally split their voter base and/or allow representatives in certain areas to be elected with very low numbers of votes (which is currently already the case in some insecure provinces). They worry that the IEC may be pressured to not only decrease the size of the electoral constituencies, but to also make them single-member.[19]

Although both the PR and MDR formats reward alliances by opening up eligibility to win national PR seats, the PR option has the additional advantage of reducing the "everyone for themselves" character of the provincial-level candidate races. On the surface at least, both these proposed alternatives bear a strong resemblance to the June 2012 IEC proposal, in that they all envision a mix of SNTV and list PR with a two-thirds to one-third division of seats between the two tiers.[20]

CONCLUSION

Elections to the Wolesi Jirga and Provincial and District Councils are held based on SNTV system under which candidates run as independents in multi-member constituencies. Supporters of the SNTV system, especially the office of the president, have argued that a party-based system is inconsistent with Afghan traditions and, given the ethnic, regional or sectarian character of virtually all the current political parties, that a party system would divide Afghans and lead to factional strife. This position is supported by many Afghans who have negative opinions regarding

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18. "One Step Forward, Two Steps Back? Lessons Learnt on Women's Participation in the 2009 Afghan Elections." 2010. http://www.iec.org.af/pdf/wsfactsheets/one_step_forward_two_steps_back.pdf.

19. «Adili, Ali Yawar, and Martine Van Bijlert. «Afghanistan's Incomplete New Electoral Law: Changes and Controversies.» Afghanistan Analysts Network, January 22, 2017. https://www.afghanistan-analysts.org/afghanistans-incomplete-new-electoral-law-changes-and-controversies/.

20. "An Evaluation of the SNTV Electoral System in Afghanistan" (Kabul: Free and Fair Elections Foundation of Afghanistan, 2011); and "Consensus Recommendations for Electoral Reform in Afghanistan" (Kabul: Democracy International, 2010).

political parties and movements based on Afghanistan's recent history of factional violence and extremist political movements. One of the defining characteristics of SNTV is the limited role it provides for political parties. Political parties still push for MDR system as an alternative to the current SNTV in an attempt to gain a more significant role in the legislature.

Meanwhile, as Reynolds and Carey observed, Afghan politics remains characterized by an anemic party system, intense personalization, and a parliament that struggles to establish its role in the policymaking process.[21]

RECOMMENDATIONS

- The SNTV system must be replaced with another system to prepare the ground for a more representative assembly. The SNTV system allows a limited role for political parties to compete in the elections or play a significant role in the legislative branch of the government. It provides a limited representation of votes into parliamentary seats, and instead, dis-incentivizes political cooperation and promotes individualism in politics.

- Broad-based consultations, especially with all political parties, should be institutionalized in the decision-making process to revamp the electoral system so that there is a consensus on the alternative system and the system thus chosen able to last. At present, political parties are major opponents of the SNTV system.

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21. Reynolds, Andrew, and John Carey. «Fixing Afghanistan›s Electoral System.» Afghanistan Research and Evaluation Unit, July 2012. https://cpb-us-e1.wpmucdn.com/sites.dartmouth.edu/dist/2/109/files/2013/02/RC-Fixing-Afghanistans-Electoral-System-AREU-2012-FINAL.pdf.

E-Tazkira: Evolution, Opportunities and Challenges

BAHARA HUSSAINI[1]

The e-Tazkira is a biometric-enabled national identification system. In addition to the information contained in the paper Tazkira, the e-Tazkira contains fingerprints, iris scans, and digital images of citizens, which can help improve identify verification. Additionally, it helps the government know the exact population of the country and gather data on security, social and economic issues. The e-Tazkira can also be used in voting during elections to prevent from re-voting and thus reduce fraud and ensure transparency and fairness in the process.[2]

There is a strong relationship between e-Tazkira and voter registration in Afghanistan. First, e-Tazkira will help facilitate a fair and transparent election since it will better prevent duplicate and fraudulent voter registration—an issue that was experienced in the previous elections. For instance, in the 2014 Afghan presidential election, over 20 million voter registration cards were issued—much higher than the numbers of the population eligible to vote.[34] Secondly, the existence of voter lists would help prevent fraud because the numbers of ballots cast cannot exceed the numbers of verified voters registered based on e-Tazkira.

1. Bahara Hussaini is a Debate Project Coordinator at Afghans for Progressive Thinking.
2. Gulati, Mohnish. "Afghan election and the e-Tazkira challenge." November 12, 2017 https://southasiamonitor.org/detail.php?type=n&nid=4284
3. "Elections in Afghanistan April 5 Presidential and Provincial Council Elections." March 27, 2014. https://www.ifes.org/sites/default/files/2014_ifes_afghanistan_presidential_and_pc_elections.pdf
4. Barmak, Sareer Ahmad. "Rocking the Afghan Vote." Foreign Policy. March 17, 2015. https://foreignpolicy.com/2015/03/17/rocking-the-afghan-vote/

EVOLUTION OF TAZKIRA POLICIES

Different Tazkira Booklets were used by different ruling dispensations in Afghanistan until they were replaced by the A4 Tazkira in 2001. Booklet Tazkiras were distributed during different regimes in Afghanistan. One currently valid Booklet Tazkira is from the Daoud Khan era (1973–1978), which is double stapled; bears a regime seal on the front cover; grids, seals and stamps printed in Pashto language; clerk's modification and addition in Dari language; and contains a photograph. However, A4 Tazkiras are only issued by the Ministry of Interior (MoI) and does not contain the complete biographical information of the holder and details are filled in manually. Registering and getting a Tazkira is mandatory for all Afghans since they cannot enroll in school without having it in urban and rural areas.[5] Nonetheless, the information included in both the Booklet Tazkiras and the A4 Tazkiras do not contain security features, therefore it is easy to forge, and is considered less valuable than an electronic national identity card.[6]

TAZKIRAS AND ELECTIONS

In addition to millions of additional voting cards being issued, the absence of accurate voter statistics related to the size of the electorate in constituencies and the lack of a proper voter registration system also caused problems such as inaccuracies in numbers and availability of polling materials. Thus, additional ballot papers, inaccurate voter lists and lack of credible ID cards damaged the credibility of the 2014 presidential elections that culminated into nearly a year-long crisis.[7] Although it was clear that such a crisis would only be solved if electronic identification cards were distributed and electronic voter registration system was set up, its implementing was impeded by a lack of financial resources and necessary consensus among the involved political parties.[8]

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5. "I Won't Be a Doctor, and One Day You'll Be Sick" Girls' Access to Education in Afghanistan." Human Rights Watch. October 17, 2017. https://www.hrw.org/report/2017/10/17/i-wont-be-doctor-and-one-day-youll-be-sick/girls-access-education-afghanistan.
6. "Gov. slammed for failure to begin e-Tazkiras distribution." Afghanistan Times. August 7, 2017. http://afghanistantimes.af/govt-slammed-for-failure-to-begin-e-Tazkiras-distribution/
7. Ibid.
8. Ibid.

ELECTRONIC TAZKIRA (E-TAZKIRA)

When the crisis was finally resolved by means of a power-sharing mechanism that resulted into the formation of National Unity Government (NUG), it was agreed that to ensure transparency in future elections a number of measures had to be taken, including reforms in the electoral system; issuance of electronic national identification cards (e-Tazkira); and the development of a voter registration database.[9] To that end, the NUG established a Special Electoral Reform Commission (SERC) in 2015 to identify and implement reforms with a special focus on the voter registration system. The SERC proposed a list of reforms, which was partly approved by President Ashraf Ghani in September 2015.[10]

Nonetheless, the matter of issuing e-Tazkiras is not a new one. In 2009, Afghans and international donors believed that the introduction of an e-Tazkira envisioned as to serve as an Afghan citizen's primary form of identification and means of legal entitlements had to be distributed. It was to contain information such as personal and family details, residential details, occupation and status of military services, etc., and would provide accurate population data, standardized ID cards and a reliable voter list for the elections.

Therefore, the Biometric Voter Registration (BVR) methodology considering two sets of biometric data for each applicant was suggested: a full set of digital fingerprints and a facial photograph. Moreover, an effective voter registration must be capable of identifying duplicates cards; the citizen should be able to trust it; and it must allow only registered and eligible citizens to vote at their specific polling stations. Besides identifying duplicate votes to prevent fraud, the voters list must be available in each polling location on Election Day for otherwise the chances of incidents of ballot stuffing are likely to be high. The existence of voter lists would help prevent fraud because the number of ballots cast cannot exceed the numbers of verified voters recorded on the device.[11]

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9. "AAN Resources." Afghanistan Analysts Network. https://www.afghanistan-analysts.org/miscellaneous/aan-resources/the-government-of-national-unity-deal-full-text/.
10. Darnolf, Staffan. "Reducing Voter Fraud in Afghanistan." USIP, November 2, 2017.
https://www.usip.org/sites/default/files/2017-11/pb237-reducing-voter-fraud-in-afghanistan.pdf.
11. Ibid

In 2009, the Afghan Ministry of Communication and Information Technology (MCIT) announced that they would design, print and distribute biometric e-Tazkiras. In cooperation with the MoI's Population Registration Division, the Ministry of Justice, and the Ministry of Finance, the MCIT was the lead implementer of the project. In 2010, the project was outsourced to a private company called Grand Technology Resources.[12] Through this project, 15 million new ID cards were expected to be issued for registering the population of Afghanistan. According to Monish Gulati, besides biometric data, necessary measures were to be put in place to ensure confidentiality, integrity, authentication, non-repudiation and access control.[13] The e-Tazkira project was planned to be implemented in three phases. Phase 1 (October 2010–April 2011) involved setting up a National Data Center and the delivery of 0.5 million ID cards to the MoI. Phase 2 (May 2011–April 2012) included the delivery of 7 million ID cards to five main provinces (Kabul, Herat, Balkh, Nangarhar and Kandahar). Phase 3 (May 2012–December 2013) involved the delivery of 7.5 million ID cards to the remaining 29 provinces. The whole cost of this project was expected to be between USD 101 million and USD 122 million, which the donor countries promised to provide.[14] The IEC had planned to register four categories of people: those who reached the age of 18; those eligible voters who failed to register in the past; those who lost their old voter registration cards; and those whose cards were fully damaged.[15]

Issuing of the e-Tazkiras was planned to be launched by 2011 but that timeframe could not be met due to capacity constraints, security issues, and a lack of consensus on the specifications at the national level.[16] Despite ongoing debates and controversies, in early March 2017,

12. Bjelica, Jelena, and Martine Van Bijlert. "The Troubled History of the E-tazkera (Part 2): Technical Stumbling Blocks." Afghanistan Analysts Network, January 26, 2016. https://www.afghanistan-analysts.org/the-troubled-history-of-the-e-tazkera-part-2-technical-stumbling-blocks/.

13. Gulati, Mohnish. "Afghan election and the e-Tazkira challenge." November 12, 2017 https://southasiamonitor.org/detail.php?type=n&nid=4284

14. Gulati, Mohnish. "Afghan election and the e-Tazkira challenge." November 12, 2017 https://southasiamonitor.org/detail.php?type=n&nid=4284

15. Crilly, Rob. "Afghan election: How do they work?" The Telegraph. March 30, 2018 https://www.telegraph.co.uk/news/worldnews/asia/afghanistan/10743512/Afghan-elections-How-do-they-work.html

16. Bjelica, Jelena, and Martine Van Bijlert. "The Troubled History of the E-tazkera (Part 1):): Political upheaval." Afghanistan Analysts Network, January 25, 2016. https://www.afghanistan-analysts.org/the-troubled-history-of-the-e-tazkera-part-1-political-upheaval/

President Ghani argued in a meeting with the Independent Election Commission (IEC), the Electoral Complaints Commission (ECC) and international donors that the use of technology can ensure transparency in the upcoming elections.[17] In early 2018, President Ghani issued a decree to launch the issuing process of e-Tazkira.[18]

Despite the pressures by the international community, and the pronounced commitment of the Afghan government to issue e-Tazkiras and create an electronic voter registration list, its distribution has not been implemented as planned. Politicians and observers have various opinions as to the causes of this delay. Some maintain that foreigners do not want transparency in Afghanistan and that therefore they are creating obstacles to the process. Others argue that the Afghan government lacks the will to distribute the e-Tazkira due to the disagreement on the amendment of Article 6 of the Afghan constitution that says all citizens of Afghanistan are "Afghans." Despite the debate on the nomenclature, the Deputy Spokesperson for the Afghan President, Shah Hussain Murtazawi, insisted that the government does not have any problem with e-Tazkira distribution and that the process was facing some technical issues. In a nutshell, the process seems to have been blocked due to a lack of political will in the government and the lack of consensus on national identity, leaving no assurance for transparency in 2018 and 2019 elections.

IDENTITY AND NOMENCLATURE: THE DEBATE ON THE TERM ˋAFGHANˋ

In March 2013, the draft of Population Registration Act, which was the basis of the whole project, was sent to the parliament. The parliament agreed on all points except the one on the amendment of Article 6 of the constitution and the nomenclature "Afghan." The parliamentarians were divided on the issue, with one group backing the inclusion of ethnicity in the e-Tazkiras and others insisting on the general term "Afghan" for national identity. Many MPs argued that without the

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17. Popal, Azizullah. "Ghani Stresses Use of Technology in Election." The Killid Group, March 12, 2017. http://tkg.af/english/2017/03/12/ghani-stresses-use-technology-election/.
18. Darnolf, Staffan. "Reducing Voter Fraud in Afghanistan." USIP, November 2, 2017. https://www.usip.org/sites/default/files/2017-11/pb237-reducing-voter-fraud-in-afghanistan.pdf.

addition of ethnicity and nationality in Article 6, this article would be considered unconstitutional.[19] This issue stirred protests from many MPs claiming that this decision is unconstitutional as it would ignore the identity of minority ethnic groups. For instance, Balkh's then Governor Atta Muhammad Noor, who was in favor of incorporating ethnicity in the cards, warned that he will not take the e-Tazkira if ethnicity is not included in the card. When the draft act was sent to Meshrano Jirga (the Senate) the same scenario played out when the touchy topic of Article 6 was discussed. This issue remained untouched until the NUG issued a decree on the distribution of e-Tazkira, which was the fifth commitment in the NUG agreement. In 2014, President Ghani signed into law the Population Registration Act that had been passed by the parliament in 2013—a version that mentioned that neither the ethnicity nor the word Afghan should appear on the face of the cards. Once the distribution of e-Tazkira was announced, it stirred protests in various provinces. In December 2014, the Wolesi Jirga wanted to discuss and amend the Act but ended up being inconclusive as the MPs were highly divided.[20] There were other challenges too that hindered implementation of this project.

E-TAZKIRA: DISTRIBUTION CHALLENGES

There are many challenges that hinder the distribution process of the e-Tazkira. Security is one of the main challenges for implementing the initiative, particularly in rural areas in the country where the government has less control over the territory. It makes it difficult to distribute ID cards and to raise public awareness on its utility during elections. Therefore, this situation requires that the NUG, with support of the international community and the local populations provide security all over the country and also organize a national public awareness campaign ahead of the e-Tazkira distribution.[21]

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19. Bjelica, Jelena, and Martine Van Bijlert. "The Troubled History of the E-tazkera (Part 1):): Political upheaval." Afghanistan Analysts Network, January 25, 2016.
https://www.afghanistan-analysts.org/the-troubled-history-of-the-e-tazkera-part-1-political-upheaval/
20. Ibid.
21. "E-Tazkira to bring efficiency, transparency." The Kabul Times. March 30, 2018.
http://thekabultimes.gov.af/index.php/editorial/13226-e-Tazkira-to-bring-efficiency-transparency.html

The possibility of corruption in the process too is high. In September 2015, President Ghani requested an assessment of the project's susceptibility to corruption.[22] In November 2015, he ordered a technical review of the technical concerns raised in the earlier reports as well as the implications and sensitivities relevant to the e-Tazkira.[23] The review and assessments highlighted concerns on data processing; data security; data storage; possibility of data loss; issues of connectivity; and the lack of a robust testing of the system before its launch.[24] Subsequently, President Ghani asked the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) and the High Office of Oversight and Corruption (HOOAC) to jointly conduct a Vulnerability to Corruption Assessment (VCA) of the project.[25] The assessment found that the possibility of nepotism, discrimination, political interference and ethnic tensions stirred by the word "Afghan" was high in the distribution process.[26] The MEC recommended reforming the administrative structure and human resources procedures of the e-Tazkira Authority (ETA) through a transparent, competitive and merit-based hiring process.[27]

However, some Afghan officials believe that given the time limitations, it will be impossible to register all 15 million voters before the parliamentary elections take place in 2018.[28] Additionally, they are also of the view that the logistics to distribute e-Tazkira to all voters is inadequate. To break the deadlock, President Ghani endorsed the proposed amendments of the draft Population Registration Act that allowed the inclusion of both nationality and ethnicity in the e-Tazkira. Although the amendment of Article 6 and its endorsement by the presidential decree removed the political obstacles that hindered the

22. Bjelica, Jelena, and Martine Van Bijlert. "The Troubled History of the E-tazkera (Part 2): Technical Stumbling Blocks." Afghanistan Analysts Network, January 26, 2016. https://www.afghanistan-analysts.org/the-troubled-history-of-the-e-tazkera-part-2-technical-stumbling-blocks/.
23. Ibid.
24. Ibid.
25. Ibid.
26. Ibid.
27. Ibid.
28. Gulati, Mohnish. "Afghan election and the e-Tazkira challenge." November 12, 2017 https://southasiamonitor.org/detail.php?type=n&nid=4284

distribution of e-Tazkira, some politicians, including CEO Abdullah Abdullah, still remain vocal against the inclusion of the term "Afghan."[29]

On 3 May 2018, Afghan President Ghani, along with First Lady Rula Ghani and several top government officials, launched the e-Tazkira and received their ID cards at an official launch ceremony in Kabul.[30] During the ceremony, President Ghani stated that an important reason for launching the e-Tazkira is protecting lives and properties of his countrymen, arguing that terrorists have taken advantage of the paper ID card. He added that the e-Tazkira is an important step towards better governance, economic development, transparency and delivery of services. CEO Abdullah, however, did not partake in this ceremony and questioned the legitimacy and timing of the process, arguing that the process lacked legitimacy and support of Afghan people. However, he also added that he was not against any specific word in the e-Tazkira and that he is proud of being an Afghan.[31] [32]

CONCLUSION

The use of the e-Tazkira helps the government in many areas including towards addressing crimes, implementing the anti-corruption agenda, and most importantly, ensuring transparency and preventing fraud in the elections. The Afghan government and the international community also believe that in addition to strengthening the relationship between the people and the government, helping the government enhance security by generating accurate population statistics of the country, the implementation of the e-Tazkira will ensure transparency of future elections. The contractor agency (NLO) also believes that e-Tazkira is a guaranteed tool for ensuring transparency in future elections in Afghanistan.[33] Since the

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29. Mohammad Hassan.Khitab, "Ghani endorses changes to Population Registration Act." Pajhwok Afghan News. March 2, 2017.
https://www.pajhwok.com/en/2017/03/02/ghani-endorses-changes-population-registration-act
30. "Ghani Receives First Electronic ID Card." ToloNews, May 3, 2018. https://www.tolonews.com/afghanistan/ghani-receives-first-electronic-id-card.
31. Gul, Ayaz. "Afghan president launches the controversial Nationa ID Cards" May 03, 2018
https://www.voanews.com/a/afghan-president-launches-controversial-national-id-card/4375915.html
32. Gulati, Mohnish. "Afghan election and the e-Tazkira challenge." November 12, 2017
https://southasiamonitor.org/detail.php?type=n&nid=4284
33. "Distribution of Electronic and Booklet Tazkira." Pajhwok, January 24, 2017.
https://www.pajhwok.com/en/2017/01/24/distribution-electronic-and-booklet-tazkira.

e–Tazkira has the biometric data of the voter, it makes the possibility of re-voting less possible and it helps elections to be held in a more transparent and fair manner.[34] Moreover, it will reduce additional expenses since it also serves as voting cards and will be distributed to citizens only once and can be used in any election.[35]

Notwithstanding its advantages, the distribution of the e–Tazkira faces several challenges. First challenge is the widespread security problem. Additionally, corruption and the system's susceptibility to corruption is another challenge ahead of its implementation. Moreover, the implementation of the process faces time limitations given the fast approaching poll dates. Finally, lack of a consensus on the word "Afghan" among ethnic groups is hindering the process of e–Tazkira distribution. This issue is one of the main challenges that prevented the implementation of the e–Tazkira in Afghanistan, as well as caused conflict between Afghanistan's parliamentarians, president, and the CEO.

RECOMMENDATIONS

- For preventing corruption, Afghan government must focus on transparency and accountability. For instance, the recruitment process could be made more rigorous and with oversight. Additionally, for a better and smooth progression of the e–Tazkira project, it would be useful to have an independent evaluation or monitoring group that would regularly monitor and evaluate the progress and transparency of the process. This could so helpful in preventing corruption and mismanagement.

- To ensure that the implementation of the e–Tazkira project is completed in a comprehensive and timely manner, a detailed and realistic implementation plan is vital. Moreover, delegation of duties and responsibilities must be clearly identified and communicated to ensure that the implementation takes place smoothly.

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34. Gulati, Mohnish. "Afghan election and the e–Tazkira challenge." November 12, 2017
 https://southasiamonitor.org/detail.php?type=n&nid=4284
35. "E–Tazkira to bring efficiency, transparency." The Kabul Times. March 30, 2018.
 http://thekabultimes.gov.af/index.php/editorial/13226–e–Tazkira–to–bring–efficiency–transparency.html

Defining Afghanistan's Electoral Constituencies: Suitability of Prevailing Options

GHARSANAY AMIN[1]

Elections are a crucial and critical component in democratic processes to ensure fair representation. Electoral systems are the processes prescribed in laws and the constitution to determine how votes translate into 'seats', such as a typical single presidential seat, a member of parliament's seat or a mayor or local councilor's seat.[2]

In Afghanistan, the constitution and election laws provide the legal grounds for the electoral system. According to Article 83 of Afghanistan's 2004 constitution, "Electoral constituencies as well as other related issues shall be determined by the elections law. The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province."[3]

In 2005, the legal framework governing the electoral process was based on the constitution, electoral law, political party law, executive decrees and regulations issued by the Joint Electoral Management Body (JEMB).[4][5] In

1. Gharsanay Amin is the organizer of the Afghan Girls Leadership Program and the Young Women Leadership Conference, which provide leadership workshops for girls between the ages of 14 and 19.

2. Sisk, Timothy D. "Elections, Electoral Systems and Party Systems: A Resource Guide." International IDEA, 2017. https://www.idea.int/gsod/files/IDEA-GSOD-2017-RESOURCE-GUIDE-ELECTIONS.pdf.

3. The Constitution of Afghanistan (2004). http://www.afghanembassy.com.pl/afg/images/pliki/The Constitution.pdf

4. "Decree of the President of the Transitional Islamic State of Afghanistan on the Adoption of Electoral Law." May 27, 2004. http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN018178.pdf.

5. Dimitroff, Peter. "The September 2005 Parliamentary and Provincial Council Elections in Afghanistan." The National Democratic Institute for International Affairs, 2006. https://www.ndi.org/sites/default/files/2004_af_report_041006.pdf.

the 2010 parliamentary elections, 11 ethnic Hazaras were elected to the parliament from the central Ghazni province and it turned into a political challenge, which was finally resolved by then President Hamid Karzai's intervention. The challenge and the subsequent intervention by the president stirred the debate around electoral constituencies in the country.

This debate has been fueled by two facts: the SNTV voting system and lack of clarity in the electoral law about electoral constituencies. The 2005, 2013 and 2016 electoral laws do not comprehensively address the issue of electoral constituencies in the country, a technical challenge that highlights the lack of legal clarity around the issue and leaves substantial room for controversies and debates. As a result, three alternative options have been recommended by numerous groups, namely single member constituencies; provincial-based multi-member constituencies; and the division of large provinces into smaller constituencies. This essay analyses the three alternative electoral constituencies; and evaluates the potential of each of these alternatives to help fairer representation. This essay also discusses the underlying causes that prevent electoral constituencies in Afghanistan from being defined clearly.

THE SINGLE NON-TRANSFERABLE VOTE (SNTV)

The Single Non-Transferable Vote (SNTV) system is enshrined in Afghanistan's electoral laws. In the SNTV system, each voter has one vote in a multi-member constituency and candidates who win the highest numbers of votes are elected as representatives based on the number of seats assigned to each province.[6] Both the 2005 and 2010 parliamentary elections have been held under SNTV system. In the SNTV system, each voter casts one vote for a candidate, but there is more than one seat to be filled in each electoral district. Candidates with the highest numbers of votes fill these positions. Despite its advantages, SNTV has been one of the underlying causes of the current debate around electoral constituencies in Afghanistan.

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6. Ibid

ADVANTAGES OF THE SNTV SYSTEM

There are advantages of using the SNTV system. It is simple both for voters and administrators, in that voters have to select only one candidate and there are no complex mathematics necessary to determine the winner.[7] However, the most important difference between SNTV and the plurality/majority systems is that SNTV facilitates the representation of minority parties and independent candidates better. The larger the district magnitude (the number of seats in the constituency), the more proportional the system can become. The SNTV system can encourage parties to become highly organized and instruct their voters to allocate their votes to candidates in a way that maximizes a party's likelihood of winning more seats. While the SNTV system gives voters a choice among a party's list of candidates, it is also argued that the system fragments the party system less than purely proportional representation systems do. However, in the absence of a party system in Afghanistan, the country has not benefitted from the advantages of SNTV.

Andrew Reynolds has noted some issues of consequence: translation of votes into seats, the party system, the vote itself, the ability of the elected government to govern, and female representation.[8] Based on that, Sara T. Ghadiri highlighted how these five issues loosely correlate with the concerns of the literature in choosing a system: ethnic, linguistic, and geographic cleavages fall with votes into seats; the ability to govern correlates, with war and instability in everyday life; parties, with lack of developed political culture; the vote itself, with under-education; and gender inequality, with female representation.[9] SNTV increases accountability, as individuals vote for a certain candidate and thereby believe they have a vested interest in the system.[10]

That said, scholars have also noted that it seems as though the only positive with SNTV was in the area of women's representation. The effect

7. Reynolds, Andrew. "The Curious Case of Afghanistan." In Journal of Democracy. 2nd ed. Vol. 17. Johns Hopkins University Press, 2006.

8. Ghadiri, Sara T. "SNTV in Afghanistan: Is There a Better Option?" In Res Publica – Journal of Undergraduate Research, 85–91. 1st ed. Vol. 15. https://digitalcommons.iwu.edu/cgi/viewcontent.cgi?article=1157&context=respublica.

9. Ibid

10. Ibid

of fragmentation due to SNTV allowed 19 women to enter parliament independent of the quota system. The women, on the whole, did not get elected because of their popularity, but rather won by default. Many males still doubt their abilities regardless of whether they won by popularity or default.[11]

DISADVANTAGES OF THE SNTV SYSTEM

Small parties whose votes are widely dispersed may not win any seats, and larger parties can receive a substantial seat bonus, which turns a plurality of the vote on a national level into an absolute majority in the parliament. Although the proportionality of the system can be increased by increasing the numbers of seats to be filled within the multi-member districts, this weakens the voter-MP relationship which is highly prized by those who advocate defined geographical districts. This can serve to promote clientelist politics where politicians as candidates offer electoral bribes to groups of defined voters. Parties need to consider complex strategic questions of both nominations and vote management. Fielding too many candidates can be as counterproductive as putting up too few, and the need for a party to discipline its voters into spreading their votes equally across all a party's candidates is paramount. As SNTV gives voters only one vote, the system offers few incentives for political parties to appeal to a broad spectrum of voters in an accommodatory manner. So long as they have a reasonable core voter base, they can win seats without needing to appeal to ʾoutsidersʾ. Thus, SNTV usually gives rise to many wasted votes, especially if nomination requirements are inclusive, enabling many candidates to put themselves forward.

Another problem with SNTV system is that ʿit encourages an often-bewildering number of candidacies on the ballot, which in turn can impose severe cognitive demands on voters, and produces an unusually high proportion of votes for candidates who win no representation. The system throws up enormous obstacles to the rational translation of support among voters into representation.ʿ[12]

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11. Ibid
12. The Challenging Path towards Democracy in Afghanistan: An Assessment and Critique of National Debates on Alternative Political Systems in Afghanistan: Afghanistan Institute for Strategic Studies; Kabul

THE DEBATE ON ELECTORAL CONSTITUENCIES: THREE PROPOSED ALTERNATIVES

The 2016 election law specifies electoral constituencies for electoral bodies except for the provincial council and parliamentary elections. To address the gap, the Special Elections Reforms Commissions (SERC) was tasked with determining electoral constituencies to be added to the election law. In 2017, the SERC presented three options for constituencies for public consultation:

A. Switching to single-member constituencies where only one representative is elected from each designated constituency
B. Retaining the province-based, multi-member constituencies used in all previous parliamentary and provincial council elections
C. The division of provinces with more than six seats into smaller constituencies.[13]

ALTERNATIVE A: SINGLE-MEMBER ELECTORAL DISTRICT

A single member electoral district (SMD) is an electoral district which only selects one representative from one electoral constituency to the office. Although the Afghan constitution states that the number of delegates should be "proportionate to the population of each constituency" (Hawza), this provision does not clarify the nature of the electoral constituency-either as being majoritarian, proportional, or mixed— for the purpose of Wolesi Jirga elections.

One option under SMD is the majoritarian electoral system using single-member plurality constituencies (also known as the "first-past-the-post" system). Under such a system, Afghanistan will be divided into geographically determined single-member constituencies, which would be comprised of approximately equal populations. The candidates for parliamentary seats will contest elections in one constituency and those who secure the highest numbers of votes in each constituency will be elected to the respective seats in the parliament.[14]

2017: Authors: Zalmai Nishat, Mohammad Irfani and Abdul AhadMohammadi, Assistants: Mohammad HadiAyoobi, Edris Lutfi and Khalid Najwa
13. Adili, Ali Yawar. "The Afghanistan Election Conundrum (3): The Dilemma of Electoral Constituencies." Afghanistan Analysts Network, December 17, 2017. https://www.afghanistan-analysts.org/the-afghanistan-election-conundrum-3-the-dilemma-of-electoral-constituencies/.
14. Norris, Pippa. "Implementing Women's Representation in Afghanistan's Electoral Law: Options for

When the latest election law was passed by a presidential decree in 2016, the issue of transforming the system from multi-member constituency to single-member constituency was discussed. However, the cabinet did not reach a consensus on such a switch. The Second Deputy Chief Executive Officer, Muhammad Mohaqiq, argued that it would not be feasible and that it would create major disputes among the people since people would be confused regarding "which village should go with which district, and which one is small and which one is big. In this conflict situation, it will just add another dispute."[15]

ADVANTAGES OF THE SMD SYSTEM

The SMD system ensures that each constituency has access to a fair and balanced share of services by the representatives because the community members are closer to their MPs.[16] The SMD encourages constituency service by providing voters with an easily identifiable "ombudsman;" maximizes accountability because a single representative can be held responsible and can be re-elected or defeated in the next election; and ensures geographic representation.[17] Therefore, the elected representatives will effectively and efficiently address the needs of their constituents.

The other benefit of this system is that it can result in a more accountable representation. In the SMD system, the constituency has a strong representation and the system is easily applicable and understandable. "When a party's role is strictly to get representatives of the party's interests elected to public office, political parties are inclined to concentrate power and resources so they can have more influence on the electoral process."[18]

Reserved Seats." Harvard University. https://sites.hks.harvard.edu/fs/pnorris/Acrobat/Afghanistan electoral law Norris.pdf.

15. Adili, Ali Yawar. "The Afghanistan Election Conundrum (3): The Dilemma of Electoral Constituencies." Afghanistan Analysts Network, December 17, 2017. https://www.afghanistan-analysts.org/the-afghanistan-election-conundrum-3-the-dilemma-of-electoral-constituencies/.

16. Cunningham, Matthew. "Pro- And Con Arguments Against Single-Member Districts Initiative Filed." Anaheim Blog, July 9, 2014. http://www.anaheimblog.net/2014/07/09/pro-and-con-arguments-against-single-member-districts-initiative-filed/.

17. Staino, Sara. "Single Member and Multi Member Districts." The Electoral Knowledge Network AceProject, November 15, 2006. http://aceproject.org/electoral-advice/archive/questions/replies/577511787.

18. Oquenda, Zachariah. "Single Member Plurality Congressional Districts: The Pros, Cons, and Alternatives." Claremont Journal of Law and Public Policy, March 3, 2016. https://5clpp.com/2016/03/03/single-member-plurality-congressional-districts-the-pros-cons-and-alternatives/.

DISADVANTAGES OF THE SMD SYSTEM

The SMD is not without disadvantages. For one, it limits the choice of the voters to only one elected representative and one specific part of the constituency.[19] This system does not ensure a true and democratic representation, and mostly a majority of the population is under-represented since "the result of the system is proportionally unrepresentative".[20]

Relevance of the constituencies with the citizens is yet another debate in this system. "Single-member districts must be redrawn on a regular basis to maintain populations of relatively equal size; are usually artificial geographic entities whose boundaries do not delineate clearly identifiable communities, and as a consequence, the entities have no particular relevance to citizens."[21] Furthermore, this system also fails to ensure proportional representation of political parties since this system tends to result in over-representation of the majority party and under-representation other parties.

ALTERNATIVE B: MULTI-MEMBER ELECTORAL DISTRICT

Another alternative proposed by the SERC was the multi-member electoral district (MMD). A multi-member electoral district (MMD) is an electoral district electing more than one representative to office. In proportional representation systems, the simple rule is that the larger the district size the more proportional the system.[22]

Under this division, Afghanistan will be divided into 32 provincial constituencies. Parties are also allowed to nominate their candidates within each provincial constituency. According to the SERC, to ensure a fair and balanced representation, women should comprise at least 20% of the nominees in the list of nominees from within each provincial unit. The electors will cast one ballot for their preferred candidate. Due consideration will be given to the party's share of popular votes and each party will get

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19. Cunningham, Matthew. "Pro- And Con Arguments Against Single-Member Districts Initiative Filed." Anaheim Blog, July 9, 2014. http://www.anaheimblog.net/2014/07/09/pro-and-con-arguments-against-single-member-districts-initiative-filed/.

20. Farrell, David M. Electoral Systems: A Comparative Introduction. Palgrave Macmillan, 2001.

21. Ibid.

22. Staino, Sara. "Single Member and Multi Member Districts." The Electoral Knowledge Network AceProject, November 15, 2006. http://aceproject.org/electoral-advice/archive/questions/replies/577511787.

seats based on their proportion for the general party candidates list in each provincial constituency.[23]

Proportional representation systems use multi-member constituencies. In Afghanistan, it is most likely that in such a system, each province would be treated as a multi-member constituency, though it is also possible to treat the entire country as a single constituency or to create smaller constituencies. As such, political parties or similar groups would nominate a list of parliamentary candidates in each constituency. The distribution of seats to parties would be roughly proportional to their share of the vote in each constituency, with the final distribution dependent on the electoral formulae employed.[24] According to the SERC, under this option, the countrywide constituency for 10 Kuchi seats would be retained and Sikh and Hindu seats would be added; and each of the 34 provinces would continue to serve as a constituency for the remaining 239 seats.[25]

ADVANTAGES OF THE MMD SYSTEM

One of the most notable advantages of the MMD is that it is a good reflection of the administrative divisions or communities of interest within the country, making its implementation easy, because:

- It allows for flexibility with regard to the numbers of representatives per district and therefore, the size and geographic composition of the district

- It does not entail the need for changing boundaries even if the population of a district increases or decreases, because the number of representatives elected from the district can be altered

That the numbers of representatives can be altered without changing the geographic definition of the districts works in favor of achieving proportional representation. Another critical element of the MMD is

23. Norris, Pippa. "Implementing Women's Representation in Afghanistan's Electoral Law: Options for Reserved Seats." Harvard University. https://sites.hks.harvard.edu/fs/pnorris/Acrobat/Afghanistan electoral law Norris.pdf.

24. Ibid

25. Adili, Ali Yawar. "The Afghanistan Election Conundrum (3): The Dilemma of Electoral Constituencies." Afghanistan Analysts Network, December 17, 2017. https://www.afghanistan-analysts.org/the-afghanistan-election-conundrum-3-the-dilemma-of-electoral-constituencies/.

that it encourages increased representation of women and a diverse representation of religious, political, and under-represented groups since political parties should have at least a minimum level of a balance when electing the candidates.

DISADVANTAGES OF THE MMD SYSTEM

The MMD, however, cannot ensure proportional representation of all political parties and fair and balanced nomination of diverse rosters of candidates by them. "The degree to which multimember districts are able to do this, however, depends on both the magnitude of the districts and the voting rules employed."[26] In other words, when the district magnitude is higher, the election outcome becomes more proportional for political parties. Additionally, "Block voting within multimember districts will actually produce more electoral distortion than plurality first-past-the-post voting in single-member districts."[27] Another main disadvantage of the MMD is that it weakens the relationship between the electorate and the elected members, which in turn dilutes accountability of the representatives.[28]

ALTERNATIVE C: DIVISION OF PROVINCES WITH MORE THAN SIX SEATS INTO SMALLER CONSTITUENCIES

According to the SERC and the IEC, in dividing provinces with over six seats into smaller constituencies for the Wolesi Jirga, they would be sub-divided in five ways. This means multi-member constituencies will still be in place but the scope of the area the candidates can compete for will be limited. The five ways are:

1. Each of the 22 provinces with one to six seats under the current system would remain one constituency
2. Each of the nine provinces with six to 11 seats would be divided into two constituencies[29]

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26. Ibid.
27. Staino, Sara. "Single Member and Multi Member Districts." The Electoral Knowledge Network AceProject, November 15, 2006. http://aceproject.org/electoral-advice/archive/questions/replies/577511787.
28. Ibid
29. This includes: Badakhshan (9 seats), Baghlan (8 seats), Balkh (11 seats), Takhar (9 seats), Ghazni (11 seats), Faryab (9 seats), Kunduz (9 seats), Kandahar (11 seats) and Helmand (8 seats).

3. Each of the provinces with 11 to 16 seats (currently only Nangarhar, which has 14 seats) would be divided into three constituencies

4. Each of the provinces with 16 to 21 seats (currently only Herat, which has 17 seats) would be divided into four constituencies

5. Each of the provinces with more than 25 seats (currently only Kabul, which has 33 seats) would be divided into six constituencies[30]

Apart from these five options, Kuchis also made a proposal to the IEC asking for the division of their constituencies into seven which means there would be seven unofficial zones across the country (Central, Kabul; Central Highlands, Bamyan; South, Gardez; Southwest, Kandahar; West, Herat; North, Mazar–e Sharif and Northeast, Kunduz). The IEC has stated that if the five proposals are accepted by the government, the proposal suggested by Kuchis will also be given a consideration.[31]

CONCLUSION

Electoral constituencies for parliamentary and provincial councils in Afghanistan have remained both unclear and controversial. Lack of clarity in the election laws and the dissatisfaction with the SNTV system has fueled longstanding debates that have culminated into three main alternatives: single member districts, multi member districts, and division of large provinces into smaller constituencies. As discussed above, the SMD format alone cannot ensure accountability, transparency, and representation in the system. The MMD too (applied with the SNTV system) has not been successful so far since the role of political parties for a strong parliament is crucial and is not ensured and encouraged though MMD and SNTV systems.

We can thus conclude that in terms of addressing concerns of ethnic, linguistic, and geographic cleavages; war and instability in everyday life; lack of a developed political culture; lack of education; and gender inequality, the SNTV system adequately addresses only gender inequality and, partly, ethnic cleavages. Therefore, the SNTV is perhaps not the best choice. A closed–list PR system could be considered, which jump–starts

30. Adili, Ali Yawar. "The Afghanistan Election Conundrum (3): The Dilemma of Electoral Constituencies." Afghanistan Analysts Network, December 17, 2017. https://www.afghanistan-analysts.org/the-afghanistan-election-conundrum-3-the-dilemma-of-electoral-constituencies/.
31. Ibid.

party formation and inter-ethnic conciliation as well as allows for adequate representation of all ethnicities. While such a system might lead to a more unstable government, it would help women get more of a voice and also facilitate an easier voting system based on parties instead of individuals.[32]

Only a strong system can ensure fair, representative, transparent and accountable elections, which is possible through the mixture of both SMD and MMD systems. Thus, Afghanistan needs an electoral system which is a combination of SNTV, proportional representation, and SMD system because solely applying the SNTV system has already failed to address the needs of the people.

RECOMMENDATIONS

- Reforms in the electoral constituencies should not be "radical;" and instead, efforts should aim to build on the current system and implement reforms gradually.

- The current system is extremely complex. To reduce such complexity, until reforms are implemented, fewer numbers of MPs should be elected within each provincial constituency, which would mean fewer candidates, more manageable ballot papers, and a less fragmented voting system.

- Moreover, the complication regarding vote calculation needs to be simplified. Voters not only need to know how to cast their ballot but also know how their vote could ensure a true and democratic representation which in turn results in a strong and stable government.

- To ensure fair representation of women according to Article 83 of the constitution, a proportional representation electoral system could be considered for the Wolesi Jirga in which all the voters can cast two simultaneous ballot votes in the national legislative elections: one for the reserved seats for women, and one for general multi-member constituencies. In such a format, two reserved seats per province will be allocated to female candidates.

32. Ghadiri, Sara T. "SNTV in Afghanistan: Is There a Better Option?" In Res Publica – Journal of Undergraduate Research, 85-91. 1st ed. Vol. 15. https://digitalcommons.iwu.edu/cgi/viewcontent.cgi?article=1157&context=respublica.

The Role and Participation of Women as Voters in Afghan Elections

KHOJASTA SAMEYEE[1]

After the Taliban regime was toppled in 2001 and the new government was set up in Afghanistan with the support of the international community, women's rights and their political participation became an important issue in the country. Afghanistan's constitution contains the general legal framework as well specific provisions for women's participation in elections both as voters and candidates. Based on these legal provisions, women have participated in the past five elections in the country both as voters and as candidates. This essay provides an overview of women's participation as voters in the 2004, 2009 and 2014 presidential elections and the 2005 and 2010 parliamentary elections. This essay also analyzes the factors that hinder women's participation as voters in the elections.

LEGAL PROVISIONS FOR WOMEN'S PARTICIPATION IN ELECTIONS AS VOTERS

The Afghanistan's 2004 constitution contains provisions for women's participation in the presidential, parliamentary, provincial council and municipal elections. Article 33 of the constitution prescribes that all citizens of Afghanistan are entitled the right to vote and to be voted for.[2] This right has also been stipulated in the election laws that have governed elections in Afghanistan in the post-2001 years. These rights have been

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1. Khojasta Sameyee is an International Relations Officer at Radio Azad in Afghanistan.

2. The Constitution of Afghanistan (2004). http://www.afghanembassy.com.pl/afg/images/pliki/The Constitution.pdf

supported by the 2005 electoral law as well. Article 3 of this law stated that all voters participate in the elections based on the principle of equal rights. Article 5 of the same law stipulated that "Voters and candidates participate in elections on their free will. Placing any restrictions on candidates and voters, be it direct or indirect, on the basis of language, religion, ethnicity, gender, place of residence, and social prestige is prohibited." [3] This law governed the 2005, 2009, and 2010 elections.

In 2013, a new election law was passed which too upheld the rights of all citizens to vote and be voted for. Article 5(1) of the 2013 election law stipulated that "Every citizen eligible to vote, both men and women, have the right to register as a voter or candidate and participate in elections." [4] Article 5(4) prohibits any restrictions on voters: "Eligible voters are entitled to equal rights in the elections and they can use this right directly. Placing any direct or indirect restrictions on voters on the basis of language, religion, ethnicity, sex, clan, region, residency and social or occupational status or disability is prohibited." [5] This law governed the 2014 presidential elections in Afghanistan.

In 2016, a new Election Law was passed. [6] Article 5(1) of the 2016 Election Law clearly states that "Every citizen eligible to vote, both men and women, have the right to register as a voter or candidate and participate in elections." [7] Article 5(4) outlaws any restrictions against eligible citizens who participate in the elections: "The eligible voters have equal right of vote in elections which they use directly. Imposing any kind of direct or indirect restrictions on voters and candidates on the basis of language, religion, ethnicity, sex, clan, region, residency and social or occupational status or disability is prohibited." [8]

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3. The Constitution of Afghanistan (2004). http://www.afghanembassy.com.pl /afg /images /pliki/ The Constitution.pdf

4. Ibid.

5. Ibid.

6. Official Gazette Election Law (Islamic Republic Of Afghanistan Ministry Of Justice). Http://Moj.Gov.Af/ Content/Files/Officialgazette/01201/Og_01226_English.Pdf

7. Ibid

8. Ibid

WOMEN`S PARTICIPATION AS VOTERS IN POST–2001 LECTIONS

THE 2004 PRESIDENTIAL ELECTION

Afghanistan held its first presidential election on 19 October 2004.[9] Approximately 8 million people voted, of which women comprised approximately 40%.[10] This was a promising percentage given that awareness among the people, particularly among women, was low regarding the election, its significance, and the role of the people in the process. A favorable security situation across the country, and an emerging hope for a better future, were the main reasons for this high level of participation.

THE 2005 PARLIAMENTARY ELECTION

In September 2005, Afghanistan held its first parliamentary election in the post–Taliban era. The voter turnout in this election was approximately 6 million, of which women comprised 41%.[11] Although the overall participation of people as voters was lower compared to the previous election, the percentage of participation of women as voters did not change much. This was possible due to low electoral fraud and a favorable security situation, and women were able to cast their votes without any fear. In fact, women's participation would have been even higher if female employees had been hired for the election process.[12]

THE 2009 PRESIDENTIAL ELECTION

The second presidential and provincial council election was held in 2009. This election was not a satisfactory one for the people of Afghanistan because the security situation across the country had become challenging. Armed opposition groups were active and posed threats to the government and the election process, causing people to feel apprehensive regarding

9. Gall, Carlotta. "Election of Karzai Is Declared Official." The New York Times. November 04, 2004. https://www.nytimes.com/2004/11/04/world/asia/election–of–karzai–is–declared–official.html.

10. Smith, Scott Seward. "The 2004 Presidential Elections in Afghanistan." https://www.afghanistan–analysts.org/wp–content/uploads/downloads/2012/09/3_Smith_The_2004_Presidential_Elections.pdf.

11. Document titled "Quick glance at women's participation in previous elections," retrieved from Free and Fair Elections Foundation of Afghanistan (FEFA) on July 2018. (original in Dari).

12. "Women in Elections in Afghanistan Challenges and Opportunities for Future Civic Participation." Women's Perspective Series, October 2014. http://www.epd–afg.org/wp–content/uploads/2014/03/WE–paper–English.pdf.

participating in the election.[13] As a result, the general turnout was low, clocking 4.6 million votes—which only represented 31% of the country's total population eligible to vote.[14] Moreover, women's participation as voters decreased from 41% in the previous elections to 38.7% percent in the 2009 election, and given the dip in the overall numbers, women's participation in this election was considerably lower than during the previous polls.[15]

THE 2010 PARLIAMENTARY ELECTION

The next parliamentary election in Afghanistan was held in 2010. Women's participation as voters was 40% in this election.[16] This was slightly higher compared to the 2009 presidential election (38.7%). The security situation was tense during the election, affecting the overall turnout. As a result, the turnout was 1 million voters less the 2009 elections.[17] According to the Independent Election Commission's (IEC) September 2010 report, a total of 938 polling centers in 25 provinces remained closed on election day due to security concerns.[18]

THE 2014 PRESIDENTIAL ELECTIONS

The third presidential election was held in 2014 amidst a dire security situation and political polarization in the country. Women's participation in the run-off of the 2014 election was registered at 38%.[19] A report by the Free and Fair Election Forum Afghanistan (FEFA) blames security,

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13. Ibid.
14. "Barriers to Greater Participation by Women in Afghan Elections." Office Of The Special Inspector General For Afghanistan Reconstruction, October 28, 2009. Https://Www.Sigar.Mil/Pdf/Audits/2009-10-28audit-10-01. Pdf.
15. "The 2009 Presidential and Provincial Council Elections in Afghanistan." National Democratic Institute. https://www.ndi.org/sites/default/files/Elections_in_Afghanistan_2009.pdf.
16. Worden, Scott, and Nina Sudhakar. "Learning from Women's Success in the 2010 Afghan Elections." United States Institute of Peace,, June 2012, 7. https://www.usip.org/publications/2012/06/learning-womens-success-2010-afghan-elections.
17. Nordland, Elisabeth Bumiller And Rod. "Afghan Vote Marked by Light Turnout and Violence." The New York Times. September 18, 2010. https://www.nytimes.com/2010/09/19/world/asia/19afghan.html.
18. Islamic Republic of Afghanistan. "Finalization of Polling Center List for 2010 Wolesi Jirga Elections 5 Sept 2010." Information and External Relations Department, Independent Election Commission. News release. http://www.iec.org.af/pdf/wolesi-pressr/pressr_on_no_changes_pc_list.pdf.
19. Athayi, Abdullah. "Shaping the Future – Women's Participation in the 2014 Elections." Heinrich Böll Foundation. Accessed October 09, 2018. https://www.boell.de/en/2014/06/24/shaping-future-womens-participation-2014-elections?dimension1=as#5.

political, economic, social factors, economical dependency, illiteracy,
dual approaches with women, threatening of female candidates by male
candidates, lack of awareness among women on the political process,
inadmissible traditions and negative publicity against women as factors
that negatively impacted women's participation during the 2014
presidential elections.[20]

Women's participation as voters in all 5 elections in Afghanistan is
summarized in the table below:

20. "Report of the Conference on Evaluating Women Political Participation in 2014 Election." Free and Fair Election Forum of Afghanistan. www.fefa.org.af.

YEAR	2004	2005	2009	2010	2014
Type of Elections	Presidential	Parliamentary	Presidential	Parliamentary	Presidential
Total number of voters	8,128,940	6408,324	4,823,090	5,602,690	first) 7,018,89 (round 8,109,493 (run–off)
Women`s percentage	40%	41%	38.7%	39%	first) 37% (round (run–off) 36%

Source: Multiple sources[21]

KEY OBSTACLES TO WOMEN`S PARTICIPATION AS VOTERS IN ELECTIONS

Social Challenges

Political participation of women in Afghanistan`s society is faced with multiple different challenges, one of which is social obstacles. It is the main challenge preventing Afghanistan`s women from achieving increased development. Afghanistan`s is a traditional and patriarchal society, and over the course of the four decades of civil wars and insurgencies, people`s prejudices against women`s presence in the society and their activities have become entrenched. There is a tendency to relegate women`s roles to those involving childbirth, child rearing, and other domestic matters. That women have their own rights as a human being both in Islam and under Afghanistan`s laws is yet to be fully accepted by the society. Women are often deprived of their basic rights such as education, choice of life partner, inheritance etc. This context must be borne in mind while attempting to understand women`s participation in political life either as candidates or as voters. Given the prevailing social norms, men from most families do not allow the women and girls of their families to be present or partake in social and political processes such as elections, given how elections are manifestation of every eligible citizen asserting their right to make their individual choice to select their leader.

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21. This table was developed by the author and is based on data collected from various sources cited in this paper, and FEFA publications.

Logistical Challenges

Afghanistan is a fairly big country and is divided to 34 province and 363 districts and a large number of villages. When the polling booths are set up during every election, those who live in far off districts and remote areas find that voting centers located far away from them. As a result, the chances of their participation in the process get diminished; and women and girls in particular are more severely affected because many of them do not participate in the elections due to the combined factors of distance and social norms, and consequently, end up not using their votes. Moreover, most of people in Afghanistan live in poverty and do not have disposable income or logistical facilities to transport them to the voting centers and back. This is another reason why many women who live in remote areas do not participate in the elections.

Security Challenges

Lack of security is a tremendous challenge all around the country, as armed groups expand their activities with each passing day. The armed groups seek the collapse the government of Afghanistan, and threaten people to prevent them from working with the government or participating in any of the governmental process, especially election. The armed groups have killed and injured many voters in during elections. People are afraid of the Taliban and are not convinced that the government will provide them with security because the government of Afghanistan always fails on its promise to the people that it will ensure their security on Election Day. In addition to this, for women voters, the inadequate numbers of female police and electoral personnel at the voting centers are some of the other reasons preventing them from exercising their right to participate in the electoral process.

Lack of Awareness

Awareness is the key element for the success of any process. Afghanistan is a traditional and religious country where the women's rights are not fully enforced. Moreover, a large number of women and girls are illiterate and the levels of awareness among those from far off districts and remote

areas are low. Additionally, the media's reach in remote areas is also low, and collectively, all these add to the lack of awareness among women and girls about elections, and their roles and rights–both as voters and as candidates–with regard to the electoral processes.

CONCLUSION

After the fall of the Taliban regime and advent of a democratic form of government, people in Afghanistan found themselves beginning to live a normal life in a fledgling democracy. Both men and women have welcomed elections and have participated in large numbers. However, women's participation has been lower than that of men's participation. The various factors for this occurrence have been outlined above. The state should address those responsible factors and facilitate and foster a conducive environment to ensure that women and men are able to participate in elections and exercise their rights fully and as equals.

RECOMMENDATIONS

- **Increase awareness among women:** Increasing awareness among women regarding their own rights, particularly on electing their leaders, election processes, benefits of participating in elections, and explaining their roles as human beings must be carried out comprehensively by using different kinds of platforms such as radio, TV, print media, social media etc. In the inner districts and remote areas in particular, where people, especially women and girls, are illiterate, religious leaders and influential persons could be roped in encourage and facilitate the participation of women and girls in elections.

- **Increase male family members' awareness about women's rights:** Afghanistan is a country where men have a high influence and a lot of say on the lives of women and girls. Moreover, in the rural areas (and often even in urban areas) men are illiterate and are not convinced of the rights of women and girls. Emphasis should therefore be laid on increasing the knowledge and awareness among Afghanistan's men regarding the rights of women and girls as prescribed both in Islam and Afghanistan's laws. The IEC should launch awareness drives

New Media and Afghanistan's Elections

NASIMA SHARIFY[1]

New medium—also referred to as 'new media'-is a relatively new communication medium that, "like Sky for prior transportation media, bridges the mutually incompatible characteristics of prior communications media [interpersonal medium, and mass medium]."[2] New Media serves not just a 'one-to-one' or 'one-to-many' medium but a 'many-to-many' one."[3]

These interactive, often audience-created, user-driven platforms offer relatively cheaper alternatives to publish information whose flows are unrestricted by borders. These alternatives also often help individuals get their message across to the target audience of their preference. Additionally, new media is considered a public 'educator' since it connects individuals with content and facilitates communication and exchange of information.[4] This is evidenced by the wide use of Twitter, Facebook, YouTube and other websites by people, international organizations, and politicians, among others, for educational purposes and information sharing activities.[5]

In Afghanistan, the use of new media is growing exponentially, and they are also playing an increasingly significant role in the country's political sphere. Through new media, the Afghan population has begun to express

1. Nasima Sharify is a General Project Manager at ACTED-Afghanistan.
2. Crosbie, Vin. "What Is 'New Media'?" Corante, April 27, 2006. https://digmediaman.files.wordpress.com/.../what_is_new_media_by_vin_crosbie.pdf.
3. Ibid
4. Ibid
5. Ibid

its views on a wide range of social, political, and security issues. Thus, new media platforms have begun to play an essential role in raising public awareness on developments within and outside Afghanistan.[6]

New media platforms offer significant and easy ways for candidates and their teams to convey their messages to a wider audience, to campaign during elections, and to report fraud. As these platforms grow in use and coverage, they provide useful alternatives for candidates to reach out to potential voters during the elections when security challenges make campaigning difficult. In the 2009 elections, 82% of Afghans received political news from new media, which better facilitated communication between candidates and potential voters compared to the 2004 and 2005 elections. The new media, especially social media platforms, were used as awareness raising tools during the elections in Afghanistan. It provided people with updates regarding campaigns and election processes in a timely manner.[7]

This essay explores how new media platforms are used during elections in Afghanistan. It provides a brief overview of the evolution of new media in Afghanistan and assesses the extent and ways in which these platforms have used during elections in Afghanistan.

EVOLUTION OF SOCIAL MEDIA IN POST–2001 AFGHANISTAN

Internet access is a prerequisite for access to social media platforms. After the fall of Taliban regime in 2001, people began to have access to internet only in 2002 when the Afghan Wireless Communications Company (AWCC) was awarded the 2G license. There is inconclusive data on how much of the population had access to the internet at the time but it would not be incorrect to presume that it was limited. Since then, access to internet grew steadily in quantity as more of the Afghan population got access to mobile phones and smartphones; but not much changed in connection quality until 2012.

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6. "Media Assistance and Elections: Toward an Integrated Approach." International IDEA Resources on Electoral Processes". International Institute for Democracy and Electoral Assistance, 2015. https://www.idea. int/sites/default/files/publications/media–assistance–and–elections.pdf.
7. "Afghanistan Presidential and Provincial Council Elections August 20, 2009". The International Republican Institute. 2010. http://www.iri.org/sites/default/files/Afghanistan`s%202009%20Presidential%20and%20 Provincial%20Council%20Elections.pdf

2012 was a turning point, as Etisalat, a telecommunication company, was awarded a 3G license, which made mobile internet quicker, cheaper, and of a better quality for the users. Since smartphones entered the Afghan market, mobile internet has become more common and less expensive for users. Furthermore, in 2012, it was reported that over 17 million people in Afghanistan were phone subscribers and one million were internet users.[8] It grew significantly by 2014. According to the spokesperson of the Ministry of Communications and Information Technology, as of 2014 over 2 million people had access to internet; 1.3 million individuals used social media; and 800,000 Facebook accounts exist.[9]

Another study in 2014 showed that 76% of social media users who had smartphones had accessibility to mew media platforms.[10] According to the report, most social media users were educated and young individuals. The report also found that a large majority of social media users were young. Almost 80% of the social media users were between 18 and 30 years of age whereas 22% of the users were between the ages of 15 and 24.[11] The findings are interesting when broken down by gender. The report showed that users above the age of 30 were predominantly male whereas the users under the age of 30 are mixed. This may have important implications for online activities when gender is considered.

Additionally, not all platforms of new media are evenly used, which means some of the platforms are more predominantly used than others. Among all the platforms, Facebook is most widely used in Afghanistan. Close to 95% of social media users have a Facebook user account, and 75% of the social media users have Facebook messenger account.[12] Twitter is the second most commonly used platform. According to the study, 84% of the social media users in Afghanistan use Twitter.[13] There are other social media and communication platforms such as Instagram,

8. Sutton, Jacky. "Afghanistan: Media and Electoral Processes." 2012. https://aceproject.org/ace-en/topics/me/annex/case-studies/afghanistan-media-and-electoral-processes

9. Najib, Sharifi. "Social Media - A Game Changer in Afghanistan's Elections | AJSC." Afghan Journalists Safety Commitee. 6 April 2014. http://ajsc.af/social-media-a-game-changer-in-afghanistans- elections/?lang=en.

10. "Social Media in Afghanistan – Users and Engagement." InterNews. Octoer 2017. https://www.internews.org/sites/default/files/2018-01/Social_Media_Afghanistan_2017-4-pager.pdf.

11. Ibid.

12. Ibid.

13. Ibid.

WhatsApp, Telegram, Viber and more that are relatively less commonly used.

USE OF SOCIAL MEDIA IN ELECTORAL CAMPAIGNS

The growing use of social media has a bearing on political behavior, such as on political participation in the elections.[14] Social media was widely used as a platform for mobilizing people to vote in the elections in 2010 and 2014. During the 2009 and 2014 presidential election as well as during the 2010 parliamentary election, people relied on social media to update themselves on campaigns and programs of the candidates. They also engaged in promoting candidates and their campaigns by posting pictures and videos on social media.

On election days, social media was used for wider communications, means to encourage people to vote, and to explain the proceedings of the occasion. Overall, social media played a significant role in electoral campaigns and subsequently in voter turnout as candidates used the platforms to encourage the public to participate in the process. People also used social media as a forum to discuss and debate the candidates and their proposed policies in their attempts to make an informed decision on election day.[15] Many people posted their photos during voting with their voting cards in their hands, positively encouraging fellow youth to vote and this encouraged many people to vote.[16] These platforms also played an important role in fraud reporting in 2014. Despite all these advantages, use of these platforms also played a role in widening ethnic gaps in the 2010 parliamentary elections and more so in the 2014 presidential elections.

14. Schneider, Sam. "A Double-Edged Sword: Social Media And The Afghan Election". Foreign Policy. 16 October 2014. https://foreignpolicy.com/2014/10/16/a-double-edged-sword-social-media-and-the-afghan-election/

15. "Media Assistance and Elections: Toward an Integrated Approach." International IDEA Resources on Electoral Processes". International Institute for Democracy and Electoral Assistance, 2015. https://www.idea.int/sites/default/files/publications/media-assistance-and-elections.pdf.

16. Najib, Sharifi. "Social Media - A Game Changer in Afghanistan's Elections | AJSC." Afghan Journalists Safety Commitee. 6 April 2014. http://ajsc.af/social-media-a-game-changer-in-afghanistans-elections/?lang=en.

The use of social media has considerably increased among the young and rural demographic in Afghanistan.[17] [18] This group of people mostly use social media for political updates and communication by creating user generated content and expressing political views. This is important during elections as the young and rural demographic plays a key role in the elections and campaigns. As such, candidates and their campaign teams harnessed the potential of social media and the youth and rural demographic to introduce their plans, promises and visions for the future to their target audience across the country.

In short, the new media has been enabling public participation in the elections in many ways such as: educating voters and making them aware about their rights; generating awareness among the people on the development of election campaigns; providing a platform for candidates to share their views; providing a platform for the public to share their views; providing a space for the candidates to debate with each other; reporting the results of the process; raising awareness about elections etc.[19]

IN WHAT WAYS WERE NEW MEDIA USED IN THE ELECTIONS?

The growing role of new media in Afghanistan's socio-political sphere has emerged as a significant platform during elections. It is important to shed light on how voters and candidates used these platforms during election campaigns.

Through social media, candidates and their outreach campaign teams communicated and highlighted their successes to let the population know about their achievements, qualifications, and future programs. These activities included posting videos, pictures, documents, and texts that were meant to highlight that their candidate bears good qualifications and credentials and thus deserves a vote. They also used these platforms to respond to accusations made by rival candidates.

More importantly, they used it to highlight irregularities and fraud during the elections by documenting rigging using their smartphones

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17. Ibid
18. Ibid
19. ˝Media And Elections˝. Aceproject.Org. 2018. http://aceproject.org/ace-en/topics/me/onePage

and interviewing people in the process to draw the attention of the government, election officials and other people to the problems.[20] These activities were extremely vital at times. According to a 2014 report, "Their widespread hands on the involvement in the day of elections provided clue to the mainstream media about irregularities and issues in various parts of the country. This created a very effective monitoring mechanism over election fraud."[21]

When the 2014 presidential elections culminated into a crisis following the allegations of widespread fraud and rigging, the candidates used social media extensively to communicate with the general public and to mobilize them in support of their cause and positions. Dr. Abdullah Abdullah, for instance, used social media widely to mobilize huge crowds of his supporters to protest the results of the election that was not acceptable to his team. The media was trying not to report negative news and only report the positive news under the influence the government, but people got the exact news—both negative and positive—from the social media because it was the only platform on which multiple sides of the story were available.[22]

WHAT INDIRECT INFLUENCE HAVE NEW MEDIA HAD ON ELECTION RELATED ASPECTS?

New media played a key role in advancing ethnically charged debates during and after 2014 presidential elections. On Election Day in the first-round of the 2014 presidential election, supporters of Dr. Ashraf Ghani and Dr. Abdullah—the two leading candidates—posted and uploaded different pieces of information and photos against each other in which they indulged the ethnic gap between Pashtuns and Tajiks.[23] Social media also played an important role in the aftermath of the 2014 presidential elections in the sense that they widened ethnic cleavages in the aftermath of the fraud. The election took an ugly turn with fraud allegations running rife. Social media

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20. Najib, Sharifi. "Social Media - A Game Changer in Afghanistan's Elections | AJSC." Afghan Journalists Safety Commitee. 6 April 2014. http://ajsc.af/social-media-a-game-changer-in-afghanistans-elections/?lang=en.
21. Ibid
22. Latifi, Ali M. "Afghan Electoral Official Resigns Amid Charges of Voting Fraud." VICE News. 23 June 2014. https://news.vice.com/article/afghan-electoral-official-resigns-amid-charges-of-voting-fraud
23. Najib, Sharifi. Ibid.

platforms such as Facebook and Twitter were filled with progressively violent messages and content generated and promoted by both rivals–Dr. Ghani and Dr. Abdullah–and their supporters.[24] "Unsurprisingly, the factions largely split along ethnic lines–Pashtuns versus Tajiks."[25]

Even during campaigns, President Ghani's supporters used social media to mobilize the people, especially Afghanistan's ethnic Pashtun population, by using slogans such as 'Pashtuns, wake up!' and encouraged other individuals on social media to vote for him.[26] Meanwhile, Dr. Abdullah's supporters used social media to mobilize Afghanistan's ethnic Tajik population. Dr. Abdullah's supporters were mostly Tajiks and other northern Afghan groups while Dr. Ashraf Ghani's supporters were mostly Pashtun tribes of the south and east.[27]

CONCLUSION

Access to internet and smartphones have helped tremendously in increasing access to new media across Afghanistan, particularly among the youth and rural demographic. This has enabled them to engage actively in elections. Candidates and their campaign teams have realized the importance of utilizing social media for advancing their agendas and promoting their programs. Candidates and their supporters have also used social media to counters allegations and attacks by rival candidates. At times, such engagements have resulted in widening ethnic cleavages, but on the whole, it has helped them immensely in carrying out their campaigns more effectively.

RECOMMENDATIONS

- Increase Internet accessibility in the rural areas so that people living in those parts have more real time access to information related to elections and other related developments.

24. Nordland, Rod, and Declan Walsh. "President Ashraf Ghani Of Afghanistan Is Sworn In, Even As He Shares The Stage". New York Times. 29 September 2014. https://www.nytimes.com/2014/09/30/international-home/ashraf-ghani-sworn-in-as-afghan-president.html

25. Ibid

26. Schneider, Sam. "A Double-Edged Sword: Social Media And The Afghan Election". Foreign Policy. 16 October 2014. https://foreignpolicy.com/2014/10/16/a-double-edged-sword-social-media-and-the-afghan-election/

27. "Afghanistan Rejects Facebook Ban as Election Tensions Rise." The Guardian. 6 July 2014. https://www.theguardian.com/world/2014/jul/06/afghanistan-facebook-ban-rejected-election-tension.

- Measures need to be put in place to curb and eventually end hate speech on social media during election time and also to prevent fueling of ethnic divides.

- Use new media, especially social media, more widely to motivate the citizens to register to vote and to increase voter turnout, instead of using pressure tactics on the citizens to vote in the elections.

Afghanistan's Electoral System and Institutions: Role of the International Community and Donor Support

MALAHAT MAZAHER[1]

Holding elections is an expression of democracy–in fact, it is one of the pillars upon which democracy is built. It, therefore, follows that the weaker the foundations of the election, weaker the nature of democracy in a country; and consequently, more fragile the political stability. In a fragile state such as Afghanistan, conducting elections is one of the many complex tasks for the government given the lack of proper and strong institutions.

In Afghanistan, presidential, parliamentary and provincial council elections take place every five years according to the Election Law.[2] The 2004 presidential and the 2005 parliamentary elections were widely accepted by the Afghan people and the international community as one of the most important accomplishments of the current political system of the country.[3] Five years later, the 2009 presidential elections and the 2010 parliamentary elections were held. In 2014, the third presidential election was held, which led to a crisis. Moreover, the parliamentary and provincial council elections, which were originally scheduled to take place in 2015, were repeatedly postponed for three and a half years now.[4] All these

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1. Malahat Mazaher is currently pursuing her graduate degree in Sustainable International Development in the US. Prior to this, she worked as Business Development Manager at the Afghanistan Holding Group (AHG).

2. Afghanistan. Independent Election Commission. August 6, 2014. http://www.iec.org.af/pdf/legalframework/law/electorallaw_eng.pdf.

3. Larson, Anna, and Noah Coburn. "Afghan Views of Government and Elections Legitimacy Pending." USIP, July 2017.https://www.usip.org/sites/default/files/2017-07/sr409-afghan-views-of-government-and-elections-legitimacy-pending.pdf.

4. Ibrahimi, Abdul Aziz, and Rod Nickel. "Afghanistan Sets October Date for Much-delayed Elections." Reuters, March 30, 2018. https://www.reuters.com/article/us-afghanistan-election/afghanistan-sets-october-date-for-much-delayed-elections-idUSKBN1H61C1.

elections have been held with the support of the international community and donors, with expenditure amounting to over USD 1 billion.[5]

This paper explores the extent to which the international and donor community have influenced elections and its outcomes in Afghanistan. To that end, this essay also examines several factors that have a bearing on the nature of the elections and its aftermath.

ELECTORAL SYSTEM & INSTITUTIONS: CAPACITY, PERFORMANCE, AND THE INTERNATIONAL COMMUNITY

Elections in Afghanistan are conducted by the Independent Election Commission (IEC). The IEC is tasked with holding six types of elections: Presidential, Parliamentary, Provincial Council, District Council, Mayoral, Municipal Council, and Village Council–all of which are deemed mandatory under the 2004 Afghan Constitution.[6] However, in the past 17 years, the IEC has only been able to conduct presidential, parliamentary and provincial council elections.

For the purposes of this essay, the international community is defined as a group comprised of nation states and international organizations like the UN. The international community has been part of Afghanistan's nation building efforts since 2001. With their help and support, the Bonn Agreement in December 2001 established the Interim Authority (IA), the legal framework of the state, and the judicial system until the promulgation of the 2004 constitution, and an International Security Assistance Force (ISAF) to train the Afghan army.[7]

For nearly two decades, Afghanistan exercised democracy and held elections. The road to democratic transition, however, needs continued support from foreign governments and international organizations. However, it also brings with it a need for striking a delicate balance. The Afghan government is incapable of holding its own elections without the

5. Tamim Hamid, "Over $1Billion Spent on Elections in Afghanistan in A Decade," Tolonews, 27 March, 2017. https://www.tolonews.com/index.php/afghanistan/over-1billion-spent-elections-afghanistan-decade

6. Afghanistan. Independent Election Commission. Electoral System. 2012. http://www.iec.org.af/2012-05-31-16-45-49/electoral-system

7. Afghanistan. Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions ("Bonn Agreement") S/2001/1154. December 5, 2001. http://www.refworld.org/docid/3f48f4754.html.

help of the international community, but too much intervention by the international community could also undermine the trust of the citizenry in their own government and its democratic institutions. Therefore, the international community must always tread a fine line between genuine commitment and overzealous intervention.

Their past support notwithstanding, the international community has been gradually handing over the responsibility of holding elections to the Afghan government and has been increasingly expecting it to take a more direct role and ownership in conducting elections. This coupled with increasing insecurity and instability across the country has hampered the government's efforts to conduct elections at the parliamentary and provincial levels. The other challenge is the failure of institutions leading the electoral process to maintain integrity and competence and to ensure transparency and fairness of the process. For instance, there is no accurate baseline of population statistics at the province and district level, resulting in the absence of a permanent voter registry. Furthermore, the relevant government institutions and electoral bodies lack funding and have performed poorly in conducting and monitoring elections.

NATURE, AREAS AND IMPACT OF DONOR SUPPORT FOR ELECTIONS

The international community and donors have supported all elections since 2004 in financial, technical and security related areas. The sum of over USD 1 billion spent on elections in Afghanistan has all been paid by the international community. The US government, through its agencies such as the USAID, spent USD 208 million between 2004 and 2013 for financial and technical support on various electoral endeavors such as enhancing the government's electoral capacity, increasing electoral participation, and bringing about electoral reform.[8] Similarly, during the 2005 and 2009 elections, the United Nations Mission in Afghanistan (UNAMA) "administered and financed election" and routinely offered material and technical support and monitored the elections to ensure

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8. "Review of USAID/Afghanistan's Electoral Assistance Program (Report Number F-306-14-001-S)." USAID, February 6, 2014. https://oig.usaid.gov/sites/default/files/2018-06/f-306-14-001-s.pdf.

fairness.[9] In addition to the deficit in financial and technical capacity, Afghanistan is marred by continued insecurity that threatens the safety of candidates, electoral officials, voters and voting facilities.

The nature of donor support can be broadly categorized in three phases: before elections, during elections, and after elections. The support itself manifests in a variety of direct and indirect ways, ranging from support for Afghan government as well as non-government actors such as the media, and civil society organizations that focus on elections.

Pre-election Support

In the run up to elections, Afghanistan needs support in the areas of security, technical capacity (including policy-making), and financing, for free and fair elections to be held. The first and foremost help the international community can offer is towards maintaining the overall security situation in the country. This can be done by supporting the national army, the national police and local security forces to improve security in big cities as well as in remote towns and villages.

Another role the international and donor community has played is in providing technical and advisory assistance to the policymaking in building sustainable and trustworthy electoral institutions that serve as the backbone for conducting elections. Technical support has been of various types, such as assisting with voter registration, preparation of ballot and polling centers, and capacity building for the human resources required to conduct and monitor elections. Despite the significance of such pre-election support by the international and donor community, it is vital that neutrality and independence of the process is ensured. In other words, donors should be impartial and neither fund specific candidates nor provide trainings for a party or candidate/s they find favourable.[10]

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9. Tanin, Zahir. Ten Years of the United Nations in Afghanistan: A Closer Look at Recent History, and a Glimpse into What Lies Ahead. 2011. http://afghanistan-un.org/wp-content/uploads/2012/02/Final-article-scan-10-Years-of-the-UN-in-Afghansitan-by-Ambassador-Tanin-Portuguese-Nacao-e-Defesa.pdf.
10. US. Rand Corporation. Democracy in Afghanistan: The 2014 Election and Beyond. By Paul D. Miller. 2014. http://www.dtic.mil/dtic/tr/fulltext/u2/a603642.pdf.

Support during Elections

For elections to be legitimate and widely accepted, they must be fair, inclusive, and be held without coercion or threat thereof. To that end, the international community has contributed tremendously in monitoring and overseeing polling stations on the Election Day, and in the days immediately preceding it. Additionally, donor countries and international agencies have supplied their own monitors to ensure fairness of the process. For instance, entities like the EU, USAID, the Asia Foundation, and some others have played a crucial role as the ʽthird-eyeʼ in monitoring elections, with government agencies and local civil society groups being the other two.[11] For example, during the 2009 presidential election, the IEC maintained 6969 polling stations across the country, of which Democracy International officials visited 258 polling centers to collect data on security, fairness and voter participation and continued their monitoring through the result tabulation and audit period.[12] Monitoring and evaluation is one area of expertise where donor agencies, along with their experts have tremendously shone by making available valuable data and insights that help all stakeholders, including the IEC and the ECC, to improve planning for future elections.

Security is another concern on Election Day and the days leading up to it. The role of the international community in providing security on Election Day and around polling stations is crucial. For example, during the 2014 presidential elections, the international security forces only helped with the logistics, including air transport of ballots and supplies but they played a minimal role in providing security on the day of the election.[13] As a result, the voter turnout was affected. On the other hand, although the role of the international community in providing security is crucial on the day of the election, their overt presence at polling stations could potentially give fodder to the notion that they are taking sides.

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11. Democracy International. Democracy International Election Observation Mission Afghanistan Parliamentary Elections 2010. June 2011. https://democracyinternational.com/media/DI%20Afghanistan%20 2010%20EOM%20Final%20Report_web.pdf

12. Democracy International. U.S. Election Observation Mission to the Afghanistan Presidential and Provincial Council Elections 2009. August 2010. https://democracyinternational.com/media/U.S.%20 Election%20 Observation%20Mission,%20Afghanistan%20Presidential%20and%20Provincial%20Council%20 Elections%202009%20Final%20Report.pdf

13. Graham-Harrison, Emma. ʽAfghanistan Election Guide: Everything You Need to Know.ʼ The Guardian, February 3, 2014. https://www.theguardian.com/world/2014/feb/03/afghanistan-election-guide-candidates-list.

Post–Election Support

Democracy is always a work in progress, especially in new democracies like Afghanistan's. Thus, it requires post–election support from the international community, so such countries can continue their journey towards democracy. One area where international community has shown disproportionately high influence is its role in mediation in the immediate aftermath of the disputed elections. For instance, as evident in the days following the runoff of the 2014 presidential election, allegations of fraud and subsequent threat of parallel government and violence by the apparent runners–up threatened a violent breakdown of any hopes of a political transition.[14] In the backdrop of such threats, a mediated political settlement, such as the one brokered with the heavy involvement of international partners led by the US, presented the National Unity Government (NUG) as a peaceful alternative. Although one can argue of the perils of such power brokering in a nascent democratic process, the subsequently relatively peaceful transfer of power to the NUG lends credence to the logic that governance is more important than pure democratic elections in post–conflict societies. In such circumstances, there are winners and losers, and losers might think they have too much to lose, making it the zero–sum game.[15] Therefore the role of the international community, especially that of the US, has been crucial in holding the order together.

Another role the international community can play in the aftermath of elections, particularly disputed ones such as the 2014 elections, is providing political support for the government born out of international mediation. The international community has lent adequate support to the NUG as the legitimate government in Afghanistan and this has been vital for its political stability and endurance. This has also helped the NUG in gaining legitimacy despite the bitter dispute over the election results whose subsequent outcome the NUG was.

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14. Byrd, William A. "Understanding Afghanistan's 2014 Presidential Election: The Limits to Democracy in a Limited Access Order." USIP, April 2015. https://www.usip.org/sites/default/files/SR370–Understanding–Afghanistan's–2014–Presidential–Election.pdf.

15. Ibid

DONOR SUPPORT AND PUBLIC PERCEPTIONS OF DEMOCRACY

Afghans have expressed support for values of democracy and elections, but certain factors have weakened the enthusiasm. The 2014 election is a major example. The outcome of the 2014 presidential elections undermined their hopes and changed perceptions of the democratic process, because the value of democracy and the impact of a public vote did not meet expectations of transparency. One major example of such ˝meddling˝ is the post–election power–sharing in 2014, brokered by the then US Secretary of State John Kerry, which led to the formation of the NUG despite the fact that one candidate had received more votes than the other. Accusations of fraud and the candidates' unwillingness to accept the results dilute public trust in the sanctity of their votes and on the foreign powers that support the elections.

People were concerned about the transparency of elections even before it was held. A survey conducted in 2013–2014 by the Fair and Free Election Forum of Afghanistan (FEFA) found that 92% of the respondents declared support for the election; 5% opposed the idea; and 75% firmly expressed interest in voting in the then upcoming 2014 elections.[16] However, the survey also found that people harbor concerns over the role of foreign powers in the process. In this survey, FEFA asked the respondents about their perceptions of the influence of foreign countries and international organizations in the 2014 elections, to which nearly half the respondents expressed that they believed foreign countries would influence the upcoming election (87% mentioned the US; 71% mentioned Pakistan; and 63% mentioned Iran).[17] The EU is also viewed as wielding tremendous influence on the elections, while the influence of multilateral organizations such as the UN is viewed as minimal.[18] According to this study, Afghan experts, focus groups' participants and survey contributors believe international entities should fund and

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16. ˝Afghan Perceptions on Democracy and Elections: Report of a Survey.˝ Free and Fair Election Forum of Afghanistan and Federal Foreign Office, Germany, February 2013. http://www.sciencespo.fr/psia/sites/sciencespo.fr.psia/files/Afghan%20Perceptions%20on%20Democracy%20and%20Elections%20final%20report.pdf
17. Ibid
18. Ibid

monitor electoral processes, but only 27% respondents think "foreigners" should not be involved in the process at all, especially when it comes to supporting a particular candidate or political party.[19]

CONCLUSION

The international community has played a vital role in all elections in Afghanistan since 2004, and their support and assistance have been in financial, technical, and security matters in three phases: pre–elections, during elections, and post–elections. Although such support and assistance have enabled the Afghan government to hold its elections and steer the country in its journey towards democracy, it has had its own setbacks as well. The setbacks are evident in the people's perceptions of democracy, electoral processes and institutions because blatant interference in the processes have tarnished the overall image of transparent and fair elections.

RECOMMENDATIONS

- Donors and the international community should focus equally on supporting elections at the local levels such as districts, municipalities and village councils. These local elections offer direct representation to the public on matters that affect daily affairs of where they live. Afghanistan has not been able to conduct these elections so far and without these elections, the foundations of a decentralized government and bottom–up democracy is inconceivable.

- Democratic governance in Afghanistan is increasingly threatened by the lack of security, personal safety, especially when expressing opinions in public. This has negative consequences during elections, and therefore, the international community should provide sufficient security related support for the elections to be held in a free and fair manner across the country.

- The mark of a functioning democracy is that democratic processes such as elections are held in a timely and fair manner. The incumbent NUG has delayed the parliamentary and district councils' elections for over three years now—a fact that has weakened Afghanistan's

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19. Ibid

nascent democracy and the peoples' trust in the process. Therefore, the international community should make their election related support conditional to the process being held in a timely manner.

- The international community should focus more on support for building sound foundations of the electoral and government institutions and extricate themselves from the roles of backroom power brokers in disputes before, during, and after the elections. To this end, the international community should support initiatives and measures like voter registration, and electronic identification cards to be used in the process to ensure transparent and fair elections.

The 2016 Election Law: Strengths and Weaknesses

SARA HAKIMI[1]

Electoral processes in post-Taliban Afghanistan have been vulnerable from the very beginning due to: power politics that seek to shape the electoral infrastructure in the run-up to the elections; fraud during elections; manipulation in its aftermath; and disagreement on the results of the votes. For instance, the 2009 presidential election was tainted by serious allegations of rigging that took the whole process to a run-off. Subsequently, in the 2014 presidential elections, the inability to determine the winner of the elections resulted in the creation of the incumbent National Unity Government (NUG). The NUG is a power-sharing agreement between two rival finalists via which Dr Ashraf Ghani Ahmadzai assumed charge as the president, and Dr. Abdullah Abdullah assumed charge as the chief executive officer (CEO), a newly established position.

To ensure transparency and prevent fraud in future elections, both the president and the CEO incorporated commitment to electoral reforms in the NUG agreement. The reforms were to be implemented ahead of the subsequent parliamentary election that was originally scheduled to take place in 2015.[2] On 16 July 2015, a presidential decree created a 14-member Special Electoral Reform Commission (SERC) to assess the country's electoral system and proposere form recommendations.[3] The SERC came with a full list of recommendations including: the

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1. Sara Hakimi is a Director of the Bonn Desk at the Accounting and Finance Department at Afghanistan's Ministry of Foreign Affairs.
2. Ober, Jed. "Afghanistan's New Election Laws." Foreign Policy. August 06, 2013. http://foreignpolicy.com/2013/08/06/afghanistans-new-election-laws/.
3. Ahmadzai, Mohammad Asif "Electoral reform panel chief, members appointed," Pajhwok. July 16, 2015. 2018 from https://www.pajhwok.com/en/2015/07/16/electoral-reforms-panel-chief-members-appointed

establishment of voter lists based on voters' Tazkiras (ID documents); changes in the composition of the Selection Committee for the electoral commissioners of the Independent Election Commission (IEC) and the Electoral Complaints Commission (ECC); changes in the composition and tenure of the IEC by decreasing the number of commissioners and staggering their terms of service; changes in the requirements for IECC commissioners; and the employment of school teachers and other civil servants as temporary electoral personnel.[4]

On 6 September 2015, President Ghani issued two decrees amending the Election Law and its supplementary Structure Law that clarifies the structures, authorities and duties of the electoral bodies (Structure Law, for short). However, both decrees were rejected by the Wolesi Jirga on 21 and 26 December 2015respectively. Subsequently, both decrees were voted down by the Meshrano Jirga. On 10 February 2016, watered down versions of the draft Electoral Law and Structure Law that had been rejected in 2015 were approved by the cabinet. On 28 February 2018, they were endorsed by two legislative decrees issued by the president and were published in the official gazette on 16 March 2016.[5]

However, the presidential decree resulted in serious disagreements between the NUG and the parliament. To resolve the legal challenge, the government subsequently turned to the Independent Commission for Overseeing the Implementation of the Constitution (ICOIC). The ICOIC ruled that "in this case, the president did not need to go through parliament. The ICOIC based its ruling on a different interpretation than the parliament had previously arrived at of an article in the constitution which prohibits the parliament from discussing the electoral law in the last year of its session."[6] Therefore, in September 2016, the Afghan cabinet

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4. Zia, Hujjatullah. "The Controversy over Electoral Reform." Daily Outlook Afghanistan, the Leading Independent Newspaper. June 30, 2016. http://outlookafghanistan.net/topics.php?post_id=15658.

5. Bijlert, Martine Van, and Ali Yawar Adili. "Pushing the Parliament to Accept a Decree: Another Election without Reform?" Afghanistan Analysts Network, June 10, 2016. https://www.afghanistan-analysts.org/pushing-the-parliament-to-accept-a-decree-another-election-without-reform/.

6. Adili, Ali Yawar, and Martine Van Bijlert. "Afghanistan's Incomplete New Electoral Law: Changes and Controversies." Afghanistan Analysts Network, January 22, 2017. https://www.afghanistan-analysts.org/afghanistans-incomplete-new-electoral-law-changes-and-controversies/.

finally managed to pass a new election law, and in November 2016, the president appointed and inaugurated a new IEC and the ECC.[7]

This paper assesses the new election law and argues that although the new election law shows some improvements compared to the 2013 election law, it has serious drawbacks, including an inability to ensure neutrality of the electoral bodies. Moreover, there are controversies regarding demarcation of electoral constituencies, voter-registration and transparency of the election process which are not clearly addressed by the new election law.

STRENGTHS AND WEAKNESSES OF THE 2016 ELECTION LAW

Strengths

The new election law introduced some new articles and amendments that made it stronger than the previous law. The 2016 electoral law added more articles and details relevant to the IEC. For instance, while the 2013 election law only stated the duties of the IEC in a few articles and lacked details, the new Election Law has a separate chapter on the IEC containing details of members, duties and authorities, and functions. Chapter Two of the Election Law discusses the establishment of the IEC. Article 11 to 27 of the new Election Law contains details on seven members of the IEC; their recruitment process; requirements for commissioners; conditions of termination of commissioners' appointments; duties and authorities of the commissioners; and the budget of the IEC. These details are viewed as strengths in the new Election Law because the information on the duties and authorities of the IEC were vague under the previous law. The new law thus provides more clarity on the functions and responsibilities of the IEC.

Similarly, the framework of the ECC is explained in a more organized manner in Chapter Three of the new Election Law. Additionally, amendments to the ECC are detailed in this chapter. New articles were added, and some were amended. Article 29 to 34 in Chapter Three of the new Election Law discusses the purpose; selection of candidates as members; authorities of the members; the Provincial Complaints

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7. The Election Law (2016). http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

Commissions; recruitment of permanent and temporary staff; and the budget of the Central Complaints Commission. Additionally, the secretariat of the ECC and recruitment of permanent and temporary staff to the ECC are sufficiently detailed.

Furthermore, sections relevant to violations and punishments are stronger compared the 2013 law. For instance, in the 2013law, the first part of the article on punishment divided the perpetrators into categories such as agents, voters, independent candidates, and candidates of political parties, and the cash fine was different for each category. In the new Election Law, this categorization does not exist; and the cash fine for perpetrators in most of the articles have been amended and are more severe. For example, in the 2013 law, the those who indulge in violations in voter registration and candidates were liable pay a cash fine: 12,000 Afghanis (voter); and 50,000 Afghanis (candidate). According to the new Election Law, violations of this kind are punishable by a cash fine of anywhere between 12,000 and 50,000 Afghanis based on the severity of violations and not on who commits it. Therefore, the new law is simplified and easy to understand for the public because it does not have many categories for each kind of perpetrators with different types of punishments and cash fines. Additionally, in most of the articles, the payment is specified or has a range based on the conditions, which makes implementation of punishments easier.

Weaknesses

In the 2014 election, the IEC and the ECC were accused of having overseen widespread fraud in favor of a particular candidate, and it was expected that the new election law would put in place sufficient guarantees to ensure the neutrality and independence of the electoral bodies in future elections. Unfortunately, the amendments were not implemented, and the neutrality of the decisions of these two commissions are under still question.[8]

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8. "Report on November 2016 Mission to Afghanistan." National Democratic Institute (NDI) and the United States Institute of Peace (USIP), 2016. https://www.ndi.org/sites/default/files/NDI_USIP_Report_on_November_2016_Mission_to_Afghanistan_FINAL.pdf.

The new Election Law fails to ensure neutrality of the electoral bodies, i.e., the IEC and the ECC. For instance, one of the core factors that compromised the neutrality of the electoral bodies was president's authority to select IEC and ECC members. Based on Article 13(2) the president wields authority in selection of IEC members: "Civil society organizations…are obliged to introduce their representatives for the membership of the selection committee…and the president will appoint two persons representing the two organizations as the members of the selection committee." Then, as per Article 14(2), the selection committee will introduce 21 shortlisted applicants—who meet the highest qualifications and also taking into consideration the ethnic and gender compositions—to the president. The president would then appoint the members of the IEC from 21 persons shortlisted by the Selection Committee.

Similarly, Chapter Three also gives the president a hand in the selection of ECC members. Article 29(2) states that the president appoints five persons from among the 15 shortlisted candidates introduced by the Selection Committee as members of the Central Complaints Commission, taking ethnic and gender composition into consideration. Moreover, Article 29(3) says that the Central Complaints Commission shall propose to the president by a majority of vote, three persons from among eligible persons to assume the post of the head of the secretariat. The president would then appoint one of them as the head of the secretariat.

These provisions in the new law demonstrate the vast extent of influence the president has in the selection of both members of the IEC and ECC-bodies that are supposed to be independent. The selection of members by the president directly facilitates scope for undue influence on the decisions and duties of these committees. Although the committees are supposed to be independent as per the law, the appointment of the members by the president creates a sense of obligation and loyalty—a situation conducive for quid pro quo actions between the members and the president who might run in future presidential elections himself/herself or support other candidates. Therefore, this law has left the door open for the president's interference in the decisions of these two committees.

Moreover, the new law fails to address issues of voter-registration, electoral constituencies, and changing the electoral system from the Single Non-transferable Vote (SNTV) to a more representative system. Despite debates and discussions on these topics, the new law prescribes SNTV as the electoral system and recognizes the current province-based constituencies for the purposes of elections.

Voter registration is another area where the new falls short. Article 6 states that:

1. Those eligible to vote must personally appear at the polling center and register his/her name in the voters list based on the citizenship Tazkira (National ID) or any document the IEC has specified for identity verification
2. No person can register his/her name more than once in the voters list
3. The voter is obliged to vote at the polling center where his/her name has already been registered.
4. Moreover, for the purposes of preparation of the voters list, Article 8 states that the IEC is obliged to prepare a voters list by polling centers and link it to the national database.

The major issue is that Afghanistan does not have detailed voter lists that link voters with a specific polling center–now a legal requirement in Afghanistan. This makes it difficult for the IEC to know how many ballots to send to each polling center, a situation that potentially enables fraud when there are too many ballots in some areas and disenfranchises people in areas where ballots run out.[9] Therefore, the suggested voter registration solution is open to abuse as insufficient attention is being paid to effectively combat fraud and risk of malpractice.[10]

Additionally, not distributing electronic ID cards and the issue of multiple duplicate Tazkiras that makes it possible for people to register themselves multiple times in different polling centers also pave the ground for

9. Brown, Frances Z. "Local Governance Reform in Afghanistan and the 2018 Elections." USIP, November 9, 2017. https://www.usip.org/publications/2017/11/local-governance-reform-afghanistan-and-2018-elections.
10. Darnolf, Staffan. "Afghan Elections: Will the Voter Registry Be Ready for 2018?" USIP, January 26, 2018. https://www.usip.org/publications/2018/01/afghan-elections-will-voter-registry-be-ready-2018.

fraud and corruption during election. The new law does not mention anything on the process of distribution of electronic ID cards and their usage while citizens register themselves in polling centers. Thus, lack of using technology in registration and not having an accurate and reliable database of voters creates challenges like those in the previous elections.

Demarcation of electoral constituencies was another issue on which there was no consensus. The inability to foster a consensus within the government itself and to practically respond to these concerns finally compelled the government to pass the problem on to the IEC, by tasking them to "determine the Wolesi Jirga and provincial council's electoral constituencies and divide them into smaller constituencies" (Article 35 (2) of the new law). The decree that endorsed the new law further instructed the IEC to conduct a technical study within three months of its establishment on the "better implementation" of Article 35. The deference of the decision enabled the new law to be endorsed by a decree and allowed it to be published in the official gazette on 25 September 2016 without the electoral constituencies changed.[11]

The new law has not changed the country's electoral system. The proposal to shift from a system of single-member constituencies for both the parliamentary and provincial council elections to proportional representative system has been pushed forth by political parties and the parliament but has not been addressed in the current law. The government tried to justify it by arguing that "it would face many legal and technical, as well as practical and implementable obstacles and challenges under Afghanistan's current circumstance."[12] The justification remains vague and unsatisfactory to those who have been trying to push for the reform in the electoral system.

Meanwhile, the demand to strengthen the roles of political parties in the electoral system is based on a proposal by the Special Electoral Reform Commission (SERC) that was established by the government in 2015 to formulate proposals for electoral reform. In December 2015, the

11. Ibid
12. Adili, Ali Yawar, and Martine Van Bijlert. "Update on Afghanistan's Electoral Process: Electoral Deadlock Broken - for Now." Afghanistan Analysts Network, December 18, 2016. https://www.afghanistan-analysts. org/update-on-afghanistans-electoral-process-electoral-deadlock-broken-for-now/.

SERC mainly suggested switching from SNTV to a multi-dimensional representation (MDR) system. However, two SERC members disagreed with it and thus boycotted the meetings; and due to internal divisions, the SERC was split into two camps. The two boycotting SERC members presented their own favored system to the government, which was the first-past-the-post (FPTP) system with single-member constituencies.[13] Ultimately, the government did not incorporate any of those proposed systems into either of the legislative decrees that amended the electoral laws and which were rejected by the parliament, and the electoral system remained unchanged.[14]

CONCLUSION

The new electoral law was subject of several disputes and disagreements until it was endorsed by the president in 2016. In several ways, it is stronger in certain aspects as compared to the 2013 law. First, it has detailed in separate chapters the formation, authorities, duties and members of the IEC and ECC. Second, it has simplified the procedure and details of punishments for violations. However, the new law has several weaknesses as well. First, it has failed to ensure neutrality and independence of the IEC and ECC because it leaves the door open for the president to interfere in selection of IEC and ECC members and influence their decisions. Furthermore, the law has failed to resolve the controversial issues of electoral constituencies and change to the country's electoral system.

RECOMMENDATIONS

- All bodies dealing with election process, such as the IEC and ECC, should be independent in terms of their functions, and selection and appointment of their members both in law and in practice. The two commissions, the IEC and the ECC should have more clarity in responsibilities and authorities and the selection of members of these commissions should be without any political influence and it should be stated in the law.

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13. Adili, Ali Yawar. "Afghanistan Election Conundrum (5): A Late Demand to Change the Electoral System." Afghanistan Analysts Network, March 8, 2018. https://www.afghanistan-analysts.org/afghanistan-election-conundrum-5-a-late-demand-to-change-the-electoral-system/.
14. Ibid

- The issue of E–Tazkira should be included in the Election Law. The law should provide an overview of using technology in the registration of voters and creating an accurate database of all eligible voters. Additionally, the voter registration should be clearly stated; the process should be explained; and institutions should be assigned under the law to carry out the task within a stipulated period.

- There is no international standard dictating the choice of electoral system. The SNTV system has complicated election administration and drives up costs, but other alternatives like an open list system could have done the same. There were legitimate questions about the suitability of a party–based system for these elections. In particular, political parties in Afghanistan are in their nascent stages and distrusted in principle by parts of the population. However, in the long run, a party–based system is far more likely than the SNTV to produce an effective parliament, ensure inclusion of women and other marginalized groups, and foster the development of political party platforms rather than personality–based politics. Therefore, the law should resolve these controversies regarding the changing of the electoral system. It should develop an effective electoral system based on consensus between the government and the legislature and provide initial descriptions on how it is expected to work and how it should be enforced.

Elections in Post-Conflict Afghanistan and Iraq: A Comparison

SORAYA PARWANI[1]

Elections have been the focus of the international community and their peacekeeping missions in post-2001 Afghanistan and post-2003 Iraq. They have served as a symbolic step towards democratization of these countries in the wake of emergence from conflict. This essay is a comparative study of the trajectory of elections in the two countries by exploring their electoral systems and the degrees to which each country was committed to democratic principles. Additionally, this essay highlights the strengths and weaknesses in both countries' trajectories to assess the implications of post-conflict decisions on the contemporary issues each country faces today.

ROLE OF THE INTERNATIONAL COMMUNITY

This section analyzes the role of the international community in the efforts towards rebuilding political institutions in post-2001 Afghanistan and post-2003 Iraq.

In Afghanistan, introduction of democracy through elections was a key mandate for the Bonn Conference, which outlined the political roadmap for re-establishing a sovereign Afghan state. The Afghan Interim Authority (AIA) was created with 30 key members and was chosen by the international forces as vital to the rebuilding process.[2] Moreover, together with the International Security Assistance Force (ISAF), the

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1. Soraya Parwani is an undergraduate student at the University of British Columbia, Canada.
2. "Mission Mandates." Peace Operations Monitor. http://pom.peacebuild.ca/AfghanistanPeaceOperation. shtml.

AIA oversaw the re-building efforts of the state until the Emergency Loya Jirga was convened in June 2002.[3] The inexperienced, and to some extent ill-prepared Loya Jirga was given the official responsibility to approve the new Afghan Constitution in 2004, paving way for the first presidential election in 2004 and the parliamentary elections in 2005. Therefore, the US engaged in Afghanistan's political development to ensure long-term stability that could not have been sustained purely through military efforts.

In Iraq, on the other hand, a US-led coalition of several countries was prompted to invade Iraq without prior UN Security Council (UNSC) approval—citing aggressive actions of Saddam Hussein's government.[4] One of the first policies pursued the in Iraq was the process of de-ba'athification and disbanding of Iraq's National Army, in an attempt to dilute any sympathizers of the previous regime.[5] The military invasion in 2003, coupled with the political occupation of the state institutions thereafter, allowed the US to influence subsequent political process and procedures that followed. Three national-level elections were held in 2005—the election for the Transitional National Authority; the constitutional referendum; and the parliamentary election for the 275-seat Council of Representatives (COR).[6]

Therefore, in a nutshell the US' geopolitical interest in its involvement in Iraq and Afghanistan created the foundations of democracy through the establishment of electoral institutions and electoral systems in the two post-conflict countries, introducing new political orders.

HOW WERE THE ELECTORAL SYSTEMS IN AFGHANISTAN AND IRAQ BUILT?

The centrality of elections to post-conflict peacebuilding raises numerous political choices and dilemmas that can range from the types of electoral

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3. Ibid.
4. Mulcaire, Camille. "Legitimacy and the US-led Invasion of Iraq." E-International Relations, October 17, 2014. https://www.e-ir.info/2014/10/17/legitimacy-and-the-us-led-invasion-of-iraq/.
5. Reiter, Dan. "How Wars End." Princeton University Press, 2009.
6. Mulcaire, Camille. "Legitimacy and the US-led Invasion of Iraq." E-International Relations, October 17, 2014. https://www.e-ir.info/2014/10/17/legitimacy-and-the-us-led-invasion-of-iraq/.

systems, to systems of government, and even formation of electoral bodies.[7] Elections serve two purposes in post–conflict states: first is its role in the termination of war, and second is its role in democratization of the state. Therefore, elections in shaky post–conflict situations can also be used as a tool to minimize the threat of resistance and mobilization from citizens.

Prior to the 2005 parliamentary elections in Afghanistan, approximately 50 political parties indicated their support for the Proportional Representation (PR) system, which was also heavily favored by the UN.[8] However, then President Hamid Karzai disregarded these suggestions and singlehandedly chose the Single Non–Transferable Vote (SNTV).[9] The SNTV system allows a voter to cast a single vote to an individual candidate, and not a political party. The electoral districts follow provincial boundaries and have a specified number of representatives that can be elected to the house. In the SNTV system, the winner is the candidate with the highest number of votes, irrespective of the distribution of votes. The SNTV system becomes extremely contentious when candidates have to run against their own parties and split their voter bases and potentially end up not getting the highest number of votes.[10]

Upon the fall of Saddam Hussein's regime in Iraq, the Coalition Provisional Authority (CPA) and the Iraqi Governing Council (IGC) collaborated with the UN to create the Independent Electoral Commission of Iraq (IECI). The closed–list PR system was chosen as the country's electoral system with the entire country representing a single electoral district. A closed–list system is one where the names/symbols of the parties are indicated on the ballots but the individual names of the candidates are not included. The major political parties partaking in the election were largely divided by sects: the United Iraq Alliance (a predominantly Shia group);

7. Reilly, Benjamin. "Key Issues for Post–Conflict Elections: Timing, Sequencing and Systems." The RUSI Journal, 16–24. 5th ed. Vol. 162. 2017.
8. Ruttig, Thomas. "The IEC Proposal to Move to a Mixed Electoral System." Afghanistan Analysts Network, June 28, 2012. http://www.afghanistan–analysts.org/the–iec–proposal–to–move–to–a–mixed–electoral–system/.
9. Ghadiri, Sara T. "SNTV in Afghanistan: Is There a Better Option?" In Res Publica – Journal of Undergraduate Research, 85–91. 1st ed. Vol. 15.
https://digitalcommons.iwu.edu/cgi/viewcontent.cgi?article=1157&context=respublica.
10. Ibid.

the Kurdish Alliance; and the Iraq Accord Front (a predominantly Sunni group). It was assumed that this system would contribute substantially to the creation of a unified state by increasing nationalistic sentiments. However, it also proved to be dangerous as it placed local majorities in Iraq at a disadvantage while simultaneously promoting sectarianism.

AFGHANISTAN AND IRAQ: DIFFERENCES AND SIMILARITIES IN ELECTORAL SYSTEMS

The two types of electoral systems used in Afghanistan and Iraq have played a role in exacerbating sensitive sectarian cleavages in both countries that have existed for years. The SNTV system in Afghanistan de-incentivized party formation by encouraging citizens to vote for individual candidates rather than a political party. Moreover, it has been proven that SNTV results in a heavy wastage of votes. For instance, in 2005, Afghanistan's Special Electoral Reforms Commission (SERC) announced that the victorious candidates of the 2005 Wolsei Jirga elections obtained only 32% of the total votes cast. In other words, the rest were wasted.[11] Similarly, for the 2010 Wolsei Jirga elections only 37% of the votes cast were for the winning candidates, and the remaining 63% did not translate into seats.[12] Therefore, in Afghanistan, the SNTV system proved to be extremely disadvantageous and frustrating for the majority of the population due to the political outcome not being representative of the majority of votes cast.

Based on the data on the 2010 parliamentary elections, Afghanistan's Independent Election Commission (IEC) concluded that only 1.27% of the politicians ran on the basis of political affiliations—this number rose slightly to 7.63% in the 2014 provincial council elections.[13] Moreover, extensive research in Afghanistan shows that a majority of votes cast are along ethnic or sectarian lines. The SNTV is recognized as zero-sum, providing little incentive for individuals to work together as everyone

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11. Reynolds, Andrew, and John Carey. "Fixing Afghanistan's Electoral System: Arguments and Options for Reform." AREU, June 2012. https://areu.org.af/wp-content/uploads/2016/02/1211E-Fixing-Afghanistans-Electoral-System-BP-2012.pdf.
12. Ibid.
13. Archiwal, Ahmadullah. "Afghanistan's Broken Electoral System." Foreign Policy, November 11, 2015. https://foreignpolicy.com/2015/11/11/afghanistans-broken-electoral-system/.

becomes a competitor (Reynolds and Carey 4).[14] Therefore, the SNTV system also prevents strong party formation along political aims and interests, and promotes identity politics.

In comparison, the Iraqi system fared much better in promoting greater representation of minorities and was transformed through the years to address the immediate contentions. The closed-list PR system of 2004 stirred widespread boycotting of the elections resulting in underrepresentation of the Sunni sect. Given that the Sunni sect makes up the second largest sect in Iraq, their inclusion and involvement in the political structure was needed to ensure a stable and legitimate government. Therefore, the 2005 elections switched from single district to a multi-district system equal to the 18 provincial boundaries. Iraq's 2008 electoral law too brought a range of changes to the system by establishing the use of open list systems, allowing voters to choose different representatives that they supported from the list of parties on the ballot.[15] Previously, citizens were only able to vote for the party and the party themselves would identify their preferred representative. Although significant changes have been made to the initial electoral system introduced in Iraq post 2003, the sectarian divisions have since been embedded within the political institutions of the state. The use of the PR system in which political parties were divided based on ethnic and religious cleavages institutionalized the sectarian division in the country's political system.

ELECTORAL VIOLENCE

The biggest threat to electoral systems is the use of violence as it influences voter-turn out, operational success, and the outcome of elections. The conditions that facilitate the use of violence and positively reinforce it need to be understood by policy-makers and leaders to minimize the threats to democracy. Both Afghanistan and Iraq have witnessed high levels of violence, and, it is important to assess the use of violence as a political tool and its implications on citizen's perception of elections and democracy.

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14. Reynolds, Andrew, and John Carey. "Fixing Afghanistan's Electoral System: Arguments and Options for Reform." AREU, June 2012. https://areu.org.af/wp-content/uploads/2016/02/1211E-Fixing-Afghanistans-Electoral-System-BP-2012.pdf.
15. http://gjpi.org/wp-content/uploads/2009/01/cor_law_36_2008_elections_law_en.pdf

With regard to the use of violence as a political tool, Iraq is split into two periods: the immediate post-conflict era from 2003-2006; and, the Al-Askari mosque bombing period from 2006-2008. The first period saw significant levels of expressive and instrumental violence, whereas the second period showed indications of a civil war. After the Al-Askari bombing, there was mass violence across the state and a mobilization of sectarian militias to attack individuals of other sects. This was followed by sectarian cleansing campaigns; and following extensive research, it was concluded that the locations and timings of the bombings indicate that they were for political purposes as major Kurdish city strongholds did not witness violence.[16] This reaffirms the argument of violence being used by the actors as a means to achieve political objectives rather than violence being mere wanton acts.

A disproportionate share of the political violence in Iraq between 2004-2005 (the immediate post-conflict era) was perpetrated by the Sunni sect, totaling 4103 attacks, compared to the 447 by Shias and 5 by the Kurds.[17]Although institutional electoral infrastructure was developing in Iraq, the institutionalization of politics was not becoming any stronger, which was evident in the increasing use of violence. Therefore, the use of violence immediately in the post-conflict state must be understood within the context of local power struggles between a rising Shia majority rule and the decline of Sunni minority power.

In Afghanistan, the SNTV system enables powerful political figures to successfully compete in campaigns. As a result, many of the actors involved in the political arena were former commanders and militia leaders. However, without proper disarmament, demobilization, and reintegration (DDR) of the militias and presence of international peacekeepers, such individuals stand to gain another chance to utilize their capacity to inflict violence to threaten unarmed political rivals and

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16. Boyle, Michael J. Violence after War: Explaining Instability in Post-Conflict States. Johns Hopkins University Press, 2014.

17. Mozaffar, Shaheen. "Elections, Violence and Democracy in Iraq." In The Bridgewater Review, 5-9. 1st ed. Vol. 25. Bridgewater State University, 2006.

https://vc.bridgew.edu/cgi/viewcontent.cgi?referer=https://www.google.co.in/&httpsredir=1&article=1156 &context=br_rev

the general public.[18] The lack of proper DDR was widely recognized as a factor in the intimidation and violence through the electoral periods. Despite the capacity these actors have, compared to other actors using violence, they abstained from engaging in high levels of violence due to their need to be recognized as legitimate in the elections. Alternatively, a majority of the electoral violence was carried out by insurgent groups, predominantly the Taliban. According to the UN, the Taliban is responsible for over 75% of the civilian casualties in Afghanistan in 2010, 80% in 2011, and 80% in 2012.[19] [20]

Prior to the intervention in both states, violence was utilized locally at a district or provincial levels and often divided by ethno-linguistic sects and power. However, post the political occupation of the states there was a massive disturbance in these sensitive relationships and the purpose of these groups transformed into ones that were political at a state-level. Moreover, in the era of globalization, access to rapid technological improvement and larger communication networks increase the sophistication of the insurgent networks working within these states— undermining the legitimate security forces of the state. Therefore, the 15 years of war in Iraq, and 17 years in Afghanistan has proven there needs to be a different approach to incorporate these actors within the political system. If these factions continue operating outside of the political system, they will continue using violence to terrorize citizens to intimidate the governments into negotiating with them. Therefore, the governments of both countries need to bring them to the negotiating table when their powers are limited.

THE 2018 & 2019 ELECTIONS IN AFGHANISTAN

This section assesses Afghanistan's IEC and EEC on whether they possess the capacity to address the issues outlined in this paper. It has been envisaged that three elections would be conducted between 2018

18. Hussain, Imtiaz. Afghanistan, Iraq, and Post-Conflict Governance: Damoclean Democracy? Vol. 113. International Studies in Sociology and Social Anthropology. Leiden; Boston: Brill, 2010.
19. "Afghanistan Annual Report 2012: Protection of Civilians in Armed Conflict." UNAMA, February 2013. https://unama.unmissions.org/sites/default/files/2012_annual_report_eng_0.pdf.
20. "Afghanistan Annual Report 2010: Protection of Civilians in Armed Conflict." UNAMA, March 2011. https://unama.unmissions.org/sites/default/files/engi_version_of_poc_annual_report_2011.pdf.

and 2019; and to that end, the IEC has been attempting to include biometric data to lower voter fraud, and changing the SNTV system. It was deemed as too late to also include party formation, which has been heavily lobbied for and supported by the electoral bodies.

In 2016, the incumbent government approved a new electoral law and appointed new heads for the IEC and EEC. At the internal level, there are many hindrances that came to play and power struggles between the electoral bodies and the government. An analytical paper by the Afghan Analysts Network effectively summarized the internal discord between the NUG and the Wolsei Jirga in appointing the leaders of the electoral bodies, passing electoral laws, and unconstitutional executive decrees.[21] Moreover, the IEC and EEC also face heavy opposition from the incumbent government when trying to pass laws as they must receive the final approval from the president. However, this requirement should be deemed as unconstitutional due to the conflict of interest in an incumbent who stands to rerun in the upcoming elections. The incumbent is able to engineer the system to their preference prior to the election. As noted in the AAN paper, this is even more contentious as the EEC and IEC have incredible sway in determining the outcome of the elections by being able to assess operations, logistics, and determine the legitimacy of the elections.[22] Moreover, a survey by the Transparent Election Foundation of Afghanistan found that 41% of respondents do not believe that the IEC and EEC are capable of administering transparent elections; and that 30% are uncertain.[23] The internal discord combined with the operational troubles of past elections has drastically decreased voter confidence in the elections and the electoral bodies.

CONCLUSION

The trajectories of elections in both Afghanistan and Iraq have unfolded in distinct ways. However, they do share several marked similarities, including the role of international community in the development of the

21. Adili, Ali Yawar. "Afghanistan Election Conundrum (1): Political Pressure on Commissioners Puts 2018 Vote in Doubt." Afghanistan Analysts Network, November 18, 2017. https://www.afghanistan-analysts.org/afghanistan-election-conundrum-1-political-pressure-on-commissioners-puts-2018-vote-in-doubt/.
22. Ibid.
23. Ibid.

electoral systems; the creation and promulgation of a new constitution; and the increasing rifts between different factions. This trajectory, however, is also marked by some differences: the electoral institutions in the two countries were different and this led them to different ends. In Afghanistan, the electoral system has led to internal discord among the democratic actors and discontent among and various stakeholders while in Iraq the PR system has transformed throughout the years and increased voter turn-out.

RECOMMENDATIONS

- Afghanistan's SNTV system should be replaced with an open list PR system. The open list PR system, as witnessed in Iraq, will incentivize individuals to establish and organize political parties along ideological lines. This will diminish the need for identity politics and patronage relationships and reduce waste votes which will ultimately increase confidence of voters. It is necessary to have organized political parties that respect the law and exercise democratic rules in their structures. Political parties are must for this system. However, political parties in Afghanistan are not close to exercising democracy themselves. The first step towards creating a system that promotes party formation and democratic functioning of those parties is to switch the electoral system to one that is not zero-sum, i.e. not SNTV.

- Include all actors in the democratic process so that they may seek legitimacy by using state systems and institutions to achieve political goals. This will provide them the option of using the tools of democracy to seek legitimacy rather than disrupting the current system with acts of violence that are detrimental to the human security and economic prosperity of the state.

- The electoral bodies' must be made structurally independent of the influence of incumbents in an institutionalized manner. Presidential decrees must be approved through judicial reviews to ensure it is constitutionally sound before it comes into force. This democratic process will minimize internal discord and increase trust among the citizens towards electoral bodies and by extension, towards the democratic process.

Afghanistan: Role of the Media During Elections

SVETO MUHAMMAD ISHOQ[1]

Afghanistan has witnessed nearly four decades of war and devastation, which has had an adverse effect on the country's media, among other sectors. When the Taliban ruled Afghanistan from 1996 to 2001, they banned all media and restricted freedom of information. They even banned all sources of entertainment, including music and sports.[2] Television was banned; there was only one religious radio station—Voice of Sharia—to which 70% of the population listened.[3] There were no private radio stations/TV channels, there was no independent media, and the government chose what to broadcast, and controlled what people would hear.[4] There were only two active TV channels: state run Bakhtar News; and the non-Taliban Badakhshan TV, which was based in Faizabad, Badakhshan, outside the influence of the Taliban, in northern Afghanistan, providing news and movie broadcasts for some hours every day.[5][6]

The situation changed dramatically after the fall of the Taliban regime in late 2001 and the media slowly began to get a positive form. The first independent television station in post–2001, Tolo TV, was established in 2004. Today,

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1. Sveto Muhammad Ishoq is a Schwarzman Scholar and is the first Afghan to receive the Scholarship.

2. Hairan, Abdul Hadi. "Media in Afghanistan Before and After the Taliban" Ovi Magazine. August 15, 2008. http://www.ovimagazine.com/art/3377.

3. Dartnell, Michael Y. Insurgency Online: Web Activism and Global Conflict. Toronto: Univ. of Toronto Press, 2006.

4. Seerat, Rustam Ali. "The Evolution of the Media in Afghanistan." The Diplomat. August 05, 2016. https://thediplomat.com/2016/08/the-evolution-of-the-media-in-afghanistan/.

5. Hairan, Abdul Hadi. "Media in Afghanistan Before and After the Taliban" Ovi Magazine. August 15, 2008. http://www.ovimagazine.com/art/3377.

6. Clark, Kate. "Prime Time in Afghanistan." BBC, May 16, 2001. http://news.bbc.co.uk/2/hi/south_asia/1333652.stm.

Afghanistan has approximately 100 national and provincial TV stations, hundreds of radio stations, and nearly 1,000 newspapers and publications.[7]

Today, the media is able to choose what to broadcast without prior notice to the government. This serves as a check on the government because the media also broadcasts the government's actions.[8] Afghanistan's media now informs Afghan people on both national and global issues. The media revolution one can witness today is a result of the freedom of expression, privatization of the media, and the quality of media publications. In a nutshell, media in Afghanistan has undergone a revolutionary transformation after 2001, both quantitatively and qualitatively.

International journalists now have the courage to come to Afghanistan representing international media outlets, which was near impossible during the Taliban years. Moreover, there are several female journalists working in the media sector today—that which was not the case during the Taliban regime. According to a 2006 survey, the Afghan media's freedom record has been better than countries like Pakistan, China, Iran, and Russia.[9]

Organizations like 'Nai' have been established to support open media. Additionally, the Afghanistan Independent Journalists Association (AIJA) and Afghan National Journalists Union (ANJU) have been established, which work for the rights of the media and journalists.[10] According to a 2015 report, two in three Afghan adults (64.5%) accessed news daily, while roughly four in five (78%) accessed news at least every week.[11] Television and radio thus play an important role in the country today.[12]

This essay explores the role of the media during elections in Afghanistan and focuses solely on presidential elections. For that purpose, this essay

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7. Azami, Dawood. "Elections and Accountability: What Role for the Media?" ODI. March 27, 2014. https://www.odi.org/events/3856-elections-accountability-role-media. Seerat, Rustam Ali. "The Evolution of the Media in Afghanistan." The Diplomat. August 05, 2016. https://thediplomat.com/2016/08/the-evolution-of-the-media-in-afghanistan/.

8. Ibid.

9. Ibid.

10. Hairan, Abdul Hadi. "Media in Afghanistan Before and After the Taliban" Ovi Magazine. August 15, 2008. http://www.ovimagazine.com/art/3377.

11. "Media Use in Afghanistan." Broadcasting Board of Governors. https://www.bbg.gov/wp-content/media/2015/01/Afghanistan-research-brief.pdf.

12. Hemat, Misri Khan, and Mohammad Edmael Youn. "Media and Elections in Afghanistan." Media and Elections in Afghanistan | Asia-Pacific Institute for Broadcasting Development (AIBD). http://aibd.org.my/node/1089.

uses the 2014 presidential elections as a case study to assess the extent to which media played a role in the process. In addition to secondary data, this analysis draws on primary data collected through several in-depth interviews with prominent media outlets and journalists between June and August 2018.

LEGAL PROVISIONS PERTAINING TO MEDIA IN AFGHANISTAN

There are several legal provisions in Afghan laws and the constitution that govern the functioning of the media in the country. Article 34 of the Afghan constitution talks about the freedom of press and expression.[13] However, it also maintains that the ʿdirectives related to press, radio and television as well as publications and other mass media shall be regulated by lawʾ. Specifically, the first law on media in Afghanistan was the Mass Media Law, adopted in 2004, which regulated the relationship between the media and government, media and society, and media and individuals.[14][15] This Law is another way the Afghan government protects the rights of media outlets and the journalists by guaranteeing the right to freedom of speech and thought; protecting the rights of journalists and promoting free and independent mass media. This law also prohibits censorship as long as it contradicts ʿthe principles of Islam and is offensive to other religions and sectsʾ.[16] In 2015, the Media Complaints and Violations Investigation Commission was established, whose responsibility is to review cases related to media and journalists.[17] That said, media laws in Afghanistan have undergone multiple revisions and updates, the latest of which was in 2016.[18]

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13. The Constitution of Afghanistan (2004). http://www.afghanembassy.com.pl/afg/images/pliki/The Constitution.pdf
14. Afghanistan. Mass Media Law. http://elections.pajhwok.com/affiles/pdfs/12-Mass Media Law/12-Mass Media Law-English.pdf
15. Media Law and Policy Programʾ. Report. Afghanistan Development and Empowerment Project, University of Pennsylvania. 2012.
16. Afghanistan. Mass Media Law. http://elections.pajhwok.com/affiles/pdfs/12-Mass Media Law/12-Mass Media Law-English.pdf
17. "Afghanistan." Freedom House. December 01, 2016. https://freedomhouse.org/report/freedom-press/2016 /afghanistan.
18. "Stop Reporting or Weʾll Kill Your Family" Threats to Media Freedom in Afghanistan." Human Rights Watch, January 21, 2015. https://www.hrw.org/report/2015/01/21/stop-reporting-or-well-kill-your-family/threats-media-freedom-afghanistan.

Elections laws, including the 2016 Election Law, have also been supportive of the media. Article 27 of the 2016 law prescribed that a media commission be established during elections to ensure that media outlets broadcast electoral campaigns in a fair and an impartial manner. In 2015, the Regulation on Establishment and Activity of Private Mass Media was passed, tasked with regulating the functioning of private media outlets. It describes the rights and obligations of private media outlets.[19]

The Access to Information law was adopted a year earlier in 2014.[20] It directs the Afghan government to provide information to media outlets and journalists. However, this law has not been enforced well and the government fails to provide information; and even if it does, the information is not always completely reliable.[21]

MEDIA˙S ROLE DURING ELECTIONS: AN OVERVIEW

Since the fall of the Taliban regime, Afghanistan has had three rounds of presidential elections (in 2004, 2009 and 2014) and media played a significant role in all of them. The Afghan media played several roles in the presidential elections, such as raising awareness among people on elections and candidates, observing the elections, influencing people˙s decisions, and influencing candidates˙ behaviors by providing reports and analyses. As Zaki Daryabi, the editor‑in‑chief of the Etilatroz Daily newspaper said in an interview to this author, the media helped more in spreading awareness than the Independent Election Commission (IEC) or the government during elections by reporting and informing.[22]

There were many cases of fraud during the 2009 and 2014 presidential elections that were exposed by the media. Daryabi emphasized that it was the media that revealed issues such as when Kabul Police Chief Zahir Zahir did not allow the ballot boxes to be transferred to their designated

19. ˝Ghani Approves Law on Mass Media.˝ Tolonews, February 9, 2016. https://www.tolonews.com/afghanistan/ghani-approves-law-mass-media.
20. ˝Afghanistan.˝ Freedom House. December 01, 2016. https://freedomhouse.org/report/freedom-press/2016/afghanistan.
21. Majidi, Tariq. ˝Media Outlets Call For Enactment Of Access To Information Law.˝ TOLOnews. December 22, 2016. https://www.tolonews.com/afghanistan/media-outlets-call-enactment-access-information-law.
22. Zaki Daryabi, the editor‑in‑chief of the Etilatroz Daily newspaper, interviewed by the author on 8 August 2018.

destinations in 2014; revealing the names of those indulging in fraud. The media has also attempted to influence people's election-related decisions in a way. Daryabi added that during the 2014 elections, there was a competition between candidates Dr. Abdullah Abdullah and Dr. Ashraf Ghani, and the one who paid the media outlets more was advertised more, thus attempting to influence people's decisions.

Afghanistan's first presidential election was held in 2004. A 2004 report by Asia Foundation states that 'radio was a preferred medium for voter education' and for information about the election procedures during the 2004 elections.[23] According to the same report, television was the third preferred source of information during elections. The radio stations broadcast information about the election process in different formats such as talk shows, interviews and discussions, short one-minute announcements and also radio dramas.[24]

The media played a significant role to the run up to 2009 and 2014 elections. They played a meaningful role as a source of information on the elections, the candidates and their programs and policies. In the 2009 presidential election, all the media outlets actively participated in reporting the election campaign, which was more active compared to the 2004 election, resulting in additional ways for people to be informed. For example, in 2009, there were presidential debates, which was not a feature in the 2004 election. It was the first time Afghanistan had witnessed televised debates between running candidates; and there were many election related programs broadcast by Tolo TV, Lemar TV, Ariana TV and others. People were interested in watching those debates, which also encouraged public debate. The media paved the way for people to learn about the candidates, thereby helping people make informed decisions while voting.[25] According to Sami Mahdi, a presenter and journalist at Tolo TV, during 2014, the media had a much bigger influence on elections and campaigns. He added that the media influenced the mindsets of people and the nominees used it in a very smart way.

23. "Voter Education Planning Survey: Afghanistan 2004 National Elections." Asia Foundation, July 2004. https://asiafoundation.org/resources/pdfs/afghanvotered04.pdf.
24. Ibid.
25. Hemat, Misri Khan, and Mohammad Edmael Youn. «Media and Elections in Afghanistan.» Asia-Pacific Institute for Broadcasting Development (AIBD). http://aibd.org.my/node/1089.

Media also played a significant role towards women's inclusion, empowerment and agency during the elections according to Khaleda Rasheed, a presenter at Zan TV. According to Rasheed, previously, the patriarch of the of the family decided whom his wife, daughter or sister should vote for this happens especially at provincial level where women have weaker authority (socially, not legally) to vote for a candidate of their choice. Male dominance in the Afghan society, Rasheed insisted, has also influenced women's voting patterns but media has now helped women in becoming aware of their voting rights. For instance, now women are seen in election commercials, which encourages other women who watch the commercials to actually go and vote. Thus, women are becoming aware of their voting rights through media outlets, which too has an impact on their participation.

Media as a Source of Information

Citing an Asia Foundation report, Daryabi asserted that TV and radio are the dominant sources of information in Afghanistan. One of the most important roles the media has played in the Afghan elections has been that of providing information and promoting public awareness on the electoral processes. In other words, the media informed the people about elections and electoral bodies and facilitated them with making informed decisions by learning more about the candidates. According to Daryabi, the IEC also uses media outlets to inform the people about the elections.[26]

When the first round of the 2014 election in Afghanistan ended, the mainstream media was filled with the ink-stained fingers demonstrating to the Afghan people that their vote matters and that people actually voted.[27] These images were used as a tool to give hope for the people. It was used as a great motivator and hope-giving tool to the people of Afghanistan. All of these demonstrate the effective role of the media in serving as a source of information in the elections.[28]

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26. Zaki Daryabi, the editor-in-chief of the Etilatroz Daily newspaper, in an interview with the author on 8 August 2018.
27. Atkinson, Darren. "Democracy as Theatre: The 2014 Presidential Elections in Afghanistan." E-International Relations.
https://www.e-ir.info/2014/08/12/democracy-as-theatre-the-2014-presidential-elections-in-afghanistan/.
28. Ibid.

Media as a Means to Ensure Transparency and Accountability

Afghan media has played a vital role towards ensuring transparency and accountability in the previous elections. According to Firdous Kawoosh, editor-in-chief of Hasht-e-SubhDaily, although media played a weaker role in reporting fraud before the 2014 election, they uncovered a lot of fraud during the 2014 election and it suggests that they will perform more effectively in future elections. According to Kawoosh, some of important matters revealed by the media include: more voting cards issued than the real numbers of voters; absence of a database with the IEC to register voters; and the ineffectiveness of the methods used in the election processes.

The media also played the role of a watchdog to ensure integrity in elections. Daryabi shared that electoral institutions, candidates, voters—everyone involved in the election process are more scared of media than other institutions like IEC or the Supreme Court, and that therefore, the media plays a more significant role in preventing fraud. He insisted that the media's revealing of various fraud and malpractices will be more effective if relevant government organizations and think tanks investigate further on the fraud and hold the perpetrators accountable. Many media outlets created a special section dedicated to elections on their websites for people to follow latest news about the elections and relevant debates and discussions. For example, election pages on Pajhwok News and Tolo News in 2014 included news, analyses and other useful contents such as reports.[29]

Another role media plays in ensuring transparency is conducting independent investigative reports on statistics and data provided by electoral bodies and the government. According to Mahdi, figures provided by the IEC cannot be trusted if the media is unable to investigate and verify those figures. The media, however, has found ways to do the job. According to Rasheed, the media recently initiated a campaign called `My ID card is not for sale' to spread awareness on the issue of selling/buying of national ID cards by candidates. These again demonstrate the role of the media in ensuring transparent elections.

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29. Ibid.

THE 2014 PRESIDENTIAL ELECTION: A CASE STUDY

According to a survey by Asia Foundation, media outlets such as TV, radio and newspapers, were the primary source for one-third of Afghans (33.5%) to learn about the candidates and to decide whom to vote for during the 2014 presidential elections.[30] In order to play an effective and professional role during the 2014 election, the media had several preparatory trainings and workshops. One of the most important preparations for the elections was the creation of the electoral Media Commission in 2013.[31] The commission was tasked with monitoring the media's coverage of the elections to ensure fair election coverage and neutrality. In addition to monitoring, this commission was also tasked with the responsibility of 'dealing with complaints and to ensure media compliance with the 48-hour media blackout before the election.'[32]

Additionally, capacity-building programs were developed to build the capacity of the Afghan media in order 'to support the development of transparent, fair and effective electoral institutions by maximizing coverage of the election cycle as a means to induce accountability to the people.'[33] Prior to the elections, a workshop was conducted under the aegis of this program in which over 100 media professionals discussed the role of media, its duty as the 'watchdog', and the criticality of its role in informing the people about the elections. The IEC too was represented in these discussions.[34] In 2013, another workshop was conducted in the provinces, particularly in the rural areas of the provinces in Badakshan, Kunduz, Helmand, Bamyan, Paktika, Paktia, and Samangan.[35] Discussions were also conducted on the roles and responsibilities of the media and how the

30. Warren, Zach, Shahim Ahmad Kabuli Kabuli, Shamim Sarabi, Sayed Masood Sadat, Christina Satkowski, and Aaron Steppe. "Afghanistan in 2014: A Survey of the Afghan People." Edited by Nancy Hopkins. Asia Foundation, 2014. https://asiafoundation.org/resources/pdfs/Afghanistanin2014final.pdf

31. Robinson, Holly, Arezo Malakooti, Philibert De Mercey, and Eric Davin. "'Afghan Media in 2014: Understanding the Audience'." InterNews, February 2015. http://www.altaiconsulting.com/wp-content/uploads/2016/05/Altai-Internews-Afghan-Media-in-2014.pdf.

32. Ibid.

33. Blankenship, Erin. "''Afghanistan Capacity for Media and Elections." InterNews, February 2014. https://dfat.gov.au/about-us/publications/Documents/afghan-capacity-for-media-and-elections-first-midterm-review.pdf.

34. "Afghan Media Embrace a Critical Role in Up-coming Elections." InterNews. March 20, 2013. https://www.internews.org/updates/afghan-media-embrace-critical-role-coming-elections.

35. Ibid

media must ensure inclusion of professional information on the elections, and not be disruptive.[36]

During the 2014 presidential election, the media played various roles such as: coverage of rallies and campaigns; inviting candidates for face-to-face debates; holding various types of debates; organizing TV programs; and thereby bringing healthy competitiveness into the election discourse.[37] These activities constantly retained the people's interest in voting and on election day, the voter turnout was substantial. The next positive move by Afghan journalists was on deciding not to report attacks and threats by Taliban on election day to divert the attention of people to protect the country's national interest but some of the journalists disagreed and opted to stay neutral and let people know what was going on.[38] After several arguments, media outlets collectively decided to not report on Taliban attacks in order to avoid a situation where people would be too scared to take part in voting.[39]

CHALLENGES FACED BY THE MEDIA DURING ELECTIONS

Despite their significant role, media in Afghanistan has faced tremendous challenges since 2001. The Afghan media faces a lot of challenges on a daily basis and these challenges are exacerbated during the elections. Challenges include threats from the Taliban, `insufficient security, lack of access for their investigations, serious revenue and funding shortfalls, stalled media freedom legislation.'[40]

Being a target for the Taliban and other militant groups is a main challenge for the media during elections. For instance, journalists Kathy Gannon

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36. Reventlow, Andreas. "Afghanistan's Media under Severe Pressure as Election Draws near." International Media Support, February 11, 2014. https://www.mediasupport.org/afghanistans-media-under-severe-pressure-as-election-draws-near/.

37. Kate Clark, "Elections 2014 (17): Journalists argue over neutrality, patriotism and the E-Day blackout," Afghanistan Analysts Network, April 30, 2014. https://www.afghanistan-analysts.org/elections-2014-17-journalists-argue-over-neutrality-patriotism-and-the-e-day-blackout/.

38. Ibid.

39. Robinson, Holly, Arezo Malakooti, Philibert De Mercey, and Eric Davin. "`Afghan Media in 2014: Understanding the Audience`." InterNews, February 2015. http://www.altaiconsulting.com/wp-content/uploads/2016/05/Altai-Internews-Afghan-Media-in-2014.pdf.

40. Mujeeb Khalvatgar, ``Huge Media Growth but challenges remain for freedom of expression in Afghanistan``, Asia Radio Today, 7 January 2015. Paragraph 1. http://www.asiaradiotoday.com/news/huge-media-growth-challenges-remain-freedom-expression-afghanistan

and Anja Niedringhaus were covering the run-up to the elections in April 2014 in Afghanistan when an Afghan police officer mistakenly shot both of them, killing Niedringhaus died and injuring Gannon.[41] These incidents illustrate the dangers of being a journalist in Afghanistan, especially during elections. Afghanistan's journalists and media outlets have been a target of attacks and this country has lost a lot of journalists due to the terror attacks. The most recent attack involving journalist fatalities was on 5 September 2018, in which two reporters from TOLO News were killed. The second recent attacks on journalists took place on 30 April 2018 in which nine journalists were killed, and which has now come to be known as the 'the single deadliest attack on the press since the overthrow of Taliban rule in 2001.' According to the Committee to Protect Journalists, a nonprofit organization which aims to promote press freedom worldwide, between 2001–2010, 20 journalists were killed in Afghanistan. And 27 journalists were killed between 2010–2018 alone, indicating a significant 35% increase.[42] This illustrates the sacrifices journalists make while performing their job.[43]

It is easy for the political and religious leaders to establish a media presence because Afghanistan has a fragile media environment, a fact that played an important role in the 2014 presidential election.[44] According to Dawood Azami, a senior journalist with the BBC World Service, "some journalists are using the media as a stick with which to beat those [candidates] that they don't like."[45] The instances of media outlets supporting specific candidates and campaigning for them are other weaknesses of the media during elections in Afghanistan.

41. Theodorakidis, Alexandra. "Violence, Threats and Insecurity: The Challenges of Reporting in Afghanistan." Canadian Journalists for Free Expression, December 1, 2014. https://www.cjfe.org/violence_threats_and_insecurity_the_challenges_of_reporting_in_afghanistan.
42. "Journalists Killed in Afghanistan." Committee to Protect Journalists, 2018. https://cpj.org/data/killed/asia/afghanistan/?status=Killed&motiveConfirmed[]=Confirmed&type[]=Journalist&cc_fips[]=AF&start_year=2010&end_year=2018&group_by=location.
43. Constable, Pamela. "Islamic State Suicide Bombing Kills 25 in Kabul, including at Least 9 Journalists." Washington Post, April 30, 2018. https://www.washingtonpost.com/world/suicide-bombings-in-kabul-kill-seven-including-a-journalist-rushing-to-the-scene/2018/04/30/88ae0af2-4c31-11e8-b725-92c89fe3ca4c_story.html?noredirect=on&utm_term=.e4381c706706.
44. "The Media of Afghanistan: The Challenges of Transition (Policy Briefing #5)." BBC Media Action, March 2012. http://downloads.bbc.co.uk/mediaaction/policybriefing/bbc_media_action_afghanistan_is_in_transition.pdf.
45. Azami, Dawood. "Elections and Accountability: What Role for the Media?" ODI. March 27, 2014. https://www.odi.org/events/3856-elections-accountability-role-media.

Another challenge during elections is insecurity. Daryabi stated there are over 7000 polling centers across Afghanistan, and due to security issues, the media cannot realistically go to each polling center to cover all of them, leaving 30% to 40% of the country out of their reach. As a result, as he explained, the media relies on the IEC's accounts, which could be false. On the flipside, he also flagged the lack of access to IEC documents as another challenge.

Another challenge is that journalists in Afghanistan do not have full freedom of expression, which causes them to be careful about what they write in their articles. For instance, New York Times' Correspondent, Matthew Rosenberg, wrote an article in 2012 arguing that a clique in the government had shaped an interim government hoping to seize power by creating an election stalemate.[46] The reporter was expelled from Afghanistan by former president, Hamid Karzai.[47]

According to Sami Mahdi, lack of experience and lack of literature in investigative journalism in the country is yet another challenge. Deficiency in professional skills of the journalists results in questions being raised regarding the credibility of the journalistic profession. Moreover, the media's unprofessional coverage of elections can risk dividing the country along ethnic groups, which can result in problems and violence among in the country.[48] For instance, due to the lack of professional skills, the Afghan media do not alway scover the elections transparently and sometimes they provide biased information supporting a certain candidate and not being neutral. Certain media outlets, such as Tolo TV or Ariana are perceived to have supported certain candidates in both 2009 and 2014 elections, focusing their reports mostly on positive information about them and focusing on negative information about the other candidates.

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46. Brekke, Kira. "Afghan Officials Delivered Expulsion Order To NYT Reporter With AK47s." The Huffington Post. August 20, 2014. https://www.huffingtonpost.com/2014/08/20/matt-rosenberg-forced-to-leave-afghanistan_n_5695356.html.

47. Ibid

48. Reventlow, Andreas. "Afghanistan's Media under Severe Pressure as Election Draws near." International Media Support, February 11, 2014. https://www.mediasupport.org/afghanistans-media-under-severe-pressure-as-election-draws-near/.

CONCLUSION

Afghanistan's media has tremendously grown both quantitatively and qualitatively after the fall of the Taliban regime in 2001. Afghanistan's legal system supports and governs the functioning of the media via several relevant laws such as the Mass Media Law and the Access to Information Law.[49][50] The Afghan media has contributed significantly during the previous presidential elections by informing people, analyzing, reporting and observing the elections. The media has also influenced people's decisions and candidate's behaviors. One of the main roles the media played in the elections was serving as the source of information. The media also played a significant role in ensuring transparency by acting as watchdogs and reporting fraud in the elections. However, all this has not come without challenges. The media has been restricted by insecurity and lack of access to all polling centers across the country. Additionally, the issue of maintaining neutrality still persists as it is easy for particular people to establish media outlets. Lack of professional experience and lack of freedom of expression have also placed limitations on the role of the media during elections.

RECOMMENDATIONS

- The IEC should provide documentation and reports to the media; explain to the media the reasons behind certain actions so that they can openly report them. The IEC and the media can both benefit from it and have a better role in the future elections.

- Focusing on rural areas is extremely important because fraud happens where public participation in voting is lower. The media must focus on the rural areas, especially remote areas. Therefore, sending reporters and correspondents to these places is crucial to achieving a transparent election in future. Local media outlets can be extremely useful in this regard as it will be easier for local media in rural areas to cover the elections more easily than national media outlets.

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49. Afghanistan. Mass Media Law. http://elections.pajhwok.com/affiles/pdfs/12-Mass Media Law/12-Mass Media Law-English.pdf
50. Afghanistan. [Unofficial Translation]. "Access To Information Law." Integrity Watch Afghanistan. http://www.refworld.org/pdfid/5b165b2b4.pdf

- Media outlets publishing partisan information and fashioning media coverage in favor of certain candidates must be held accountable by the ECC, which must ensure that media outlets remain neutral during the elections and impartially report correct information regarding candidates and parties.

- The security forces should pay particular attention to security of the journalists and reporters during the election so they can expand their coverage of elections both in urban and rural areas.

POLICY BRIEF

Ensuring Electoral Transparency on Election Day

The Role of Observers

POLICY BRIEF

Ensuring Electoral Transparency on Election Day:
The Role of Observers

Published by the Organization for Policy Research and Development Studies (DROPS), Afghanistan, this policy brief is an initiative undertaken under the aegis of the third pillar of DROPS᾿ activities: training and capacity-building programs on policy analysis.

Each year, DROPS conducts a seven-month long policy study workshop, and one of the objectives of the workshop involves developing a policy brief on a timely policy relevant issue researched and authored by the participants of the workshop. The participants of the workshop are youth representing a variety of sectors including the civil service, Civil Society Organizations (CSO), academia, private sector, media outlets etc. The workshop takes a two-pronged approach:

- It provides participants with the necessary tools to understand, analyze, and critique policies

- It equips the participants with the practical skills to conduct and develop a policy brief and/or policy study

As part of the 2018 iteration of the workshop, DROPS᾿ trainees jointly developed a policy brief on the processes involved in the effective monitoring of polling on election day. In writing this policy brief, the trainees utilized both qualitative and quantitative data collection tools. Therefore, in addition to secondary research, the brief is also informed by a series of key informant interviews that the trainees conducted with representatives from the media, political parties, and CSOs.

Edited by DROPS' editorial board, this policy brief was authored by the trainees of DROPS' 4th annual Seven-Month Policy Study Workshop: Ezharulhaq Fazli, Farah Elyaskhel, Farkhonda Tahery, Khojasta Sameyee, Atefa Ibrahimi, Hamed Ahmadi, and Ali Ahmady.

OBJECTIVES

To identify the key factors that caused impediments for the representatives of the media, political parties, and CSOs in the observation and tallying of ballots cast during the 2014 presidential elections.

To study the gaps to draw lessons for the upcoming 2019 presidential elections by using primary and secondary data collection tools.

To develop actionable and measurable policy options and solutions to address these gaps.

POLICY ISSUE

During the 2014 presidential election in Afghanistan, numerous independent observers from the media, political parties and CSOs were fielded to observe and monitor the casting and tallying of ballots on election day. Despite the high numbers of observers, various internal and external factors limited their roles and prevented them from effectively monitoring the elections, thus obstructing the reporting of mass instances of corruption that took place. These factors included: lack of cooperation between the Independent Elections Commission (IEC), its provincial offices, the Elections Complaint Commission (ECC) and the Ministry of Interior (MoI); security related issues; capacity of the observers; interference of local strongmen; and unlawful limitations on the presence of observers in polling and tallying centers. If left unaddressed, failing to address these challenges in future elections could potentially result in the repeat of the same. The absence of corrective measures jeopardizes the transparency and legitimacy of elections; and undermines the electoral process, and ultimately, the future of democracy in Afghanistan.

POLICY RECOMMENDATIONS

1. Afghanistan's National Defense and Security Forces (ANDSF) should ensure the security of all the observers on election day.

2. A practical and efficient mechanism should be created to facilitate coordination, awareness and flow of communication between the IEC, its provincial offices, the ECC and the MoI on the roles, responsibilities, rights, and access of election observers.

3. The IEC and its provincial offices should ensure that election observers have full access to election related information pertaining to the polling and tallying processes before as well as on election day.

4. The ECC must set up a hotline that allows observers to report any action taken by any individual or institution that acts to prevent and/or challenge the ability of observers to monitor the electoral process.

5. Adequate training and resources must be provided to all election observers to enable them to carry out their duties and responsibilities in a professional, efficient, and effective manner.

The rationale, context and means to implement the recommendations prescribed in this policy brief are contextualized at the end of this report.

Introduction

2014 marked a critical juncture for Afghanistan as it had to plug the security gaps created by the withdrawal of the US–led NATO troops; undertake preparations to assume responsibility of all security measures; and create an environment conducive for holding credible presidential and Provincial Council elections. The elections were expected to take the country a step further towards political stability and democratization. Instead, widespread electoral fraud and rigging of ballots pushed the country into a nearly year–long electoral crisis that brought it to the verge of a civil war. The electoral crisis was eventually settled by a power–sharing arrangement brokered by the US, giving birth to the incumbent, the National Unity Government (NUG).

During the 2014 presidential and provincial council elections, observers were fielded from media outlets, political parties and CSOs to monitor the polling and tallying centers on election day.[1] However, these observers were unable to ensure the transparency and integrity of the polls as their roles were limited, and at times completely obstructed due to several factors. Some of those factors analyzed in this brief include lack of cooperation between election bodies, security institutions and line ministries; rising security; lack of capacity among the observers; interference of local actors; and limitations imposed by various stakeholders on the presence of observers in polling and tallying centers.

This policy brief does not try to explain or evaluate the entirety of the multitude of factors that contributed to limiting and obstructing the presence of observers. Rather, it analyzes, evaluates and presents recommendations on some of the key factors that were identified by the authors in their interviews and secondary research. The policy recommendations presented herein are intended to assist policymakers and relevant stakeholders with measures that could help plug gaps and challenges highlighted in this policy brief.

This policy brief begins with an explanation of the legal provisions guiding the role of the media in the elections. It sheds light on the role the media played during the 2014 presidential election and highlights the challenges and factors that restricted its roles. Subsequently, the brief touches upon the legal provisions that have guided the roles of observers from political parties; the roles these observers played in the 2014 presidential election; and highlights factors that limited their role. The final section provides an overview of the legal provisions that guided the role of civil society observers, providing an explanation as to the role they played and the challenges that restricted their ability to effectively carry out their duties on election day.

Media Observers: Successes and Limitations

Depending on the perspective and context, the term ʿmediaʾ can be defined in various ways. In the wider sense of the terminology, "media are channels

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1. Note: in this paper, observation of the election day encompasses observation of polling and tallying centers.

of communication, serving to relay messages to various audiences."[2] This policy brief analyzes the role of election observation played by members of traditional media outlets as it is presumed by the authors that those media observers representing television, radio and print outlets were predominantly fielded for election observing.

Since the fall of the Taliban regime, media has played a significant role in observing elections, facilitated by legal provisions stipulated in Afghanistan's 2004 constitution and the electoral laws of 2013 and 2016.[3] During the elections, media plays the role of a watchdog, monitoring the conduct of government officials and election bodies to ensure that they abide by the principles of transparency, integrity and neutrality.[4][5] They also field observers on election day to monitor electoral activities including the casting and tallying of ballots.[6]

In the 2014 presidential and provincial council elections, 500 media outlets were fielded to closely monitor polling and tallying centers on election day.[7] The IEC issued accreditation letters to these media outlets, allowing them to send 10,000 to 12,000 observers to overlook the voting process, which included reporting on: public turnout; denial of permission to observers to enter polling centers; interference of candidates and local strongmen; early closure of polling centers; and issues surrounding the transfer of ballot boxes.[8][9] Media observers also helped draw attention to peoples' concerns such as shortage of ballot papers, closure of voting centers, and absence/shortage of staff at voting centers.[10]

2. Media Assistance and Elections: Toward an Integrated Approach. The International Institute for Democracy and Electoral Assistance, 2015. https://www.idea.int/sites/default/files/publications/media-assistance-and-elections.pdf

3. Article 34 of the 2004 constitution on freedom of expression and media; Article 4(14) of the 2013 election law on the role of media as observers; Article 4(13) of the 2016 election law on the role of media as observers.

4. A watchdog body is an entity that introduces observers, who are individuals, on the election day.

5. Ibid.

6. Reza Moini. Presidnetial Election in Afghanistan, Local Media on Front Line. Reporters Without Borders, 2014. https://rsf.org/sites/default/files/en_rapport_afghanistan_bd2.pdf

7. ibid.

8. Ibid.

9. Series of Lessons Learned – Independent Elections Complaints Commission & A Flawed Interpretation of the Electoral. Free & Fair Election Forum of Afghanistan (FEFA), 2014. http://www.fefa.org.af/Home/Details?ps=122

10. Afghanistan Election Observation Mission. Democracy International, 2015. http://democracyinternational.com/media/DI%202014%20EOM%20Final%20Report%20-%20Feb%2011%20FINAL.pdf

Despite their crucial role and significant presence, the media faced several challenges that prevented them from comprehensively fulfilling their role as observers in the 2014 presidential election. Media observers flagged the tumultuous security situation as a key challenge. In 2014, the security situation had become extremely fragile as the total number of international troops in Afghanistan which stood at 142,000 at its peak in 2009, had gradually shrunk to about 17,000.[11] The threat of a full withdrawal of US troops had become entangled with the fate of the controversial Bilateral Security Agreement (BSA).[12] These events led media observers to become increasingly apprehensive and cautious in monitoring elections due to the fear of security threats.[13] Reportedly, even several foreign journalists refused to travel to Afghanistan to cover elections due to this reason.[14]

Media observers also faced challenges in accessing polling centers on election day. This was a result of the lack of cooperation and coordination between the IEC, its provincial offices and the MoI on the rights of media observers. According to Mujeeb Khilwatgar, the Managing Director of Nai Organization, despite being in possession of IEC-issued accreditation letters, some media outlets were not permitted by the local police to access voting sites on election day.[15] Khilwatgar told DROPS that in some areas the police had not been informed by the IEC or its provincial offices of the access given to media observers.[16] He also mentioned that in certain instances even the provincial offices of the IEC were not aware of this as it was not communicated to them by the IEC headquarters. Thus, in addition to the local police, even provincial

11. Pamela Constable, "NATO flag lowered in Afghanistan as combat mission ends," The Washington Post, 28 December 2014. https://www.washingtonpost.com/world/nato-flag-lowered-in-afghanistan-as-combat-mission-ends/2014/12/28/5a3ad640-8e44-11e4-ace9-47de1af4c3eb_story.html
12. Ibid.
13. Thomas Ruttig, "Under Fire: The status of the 2014 election observation," Afghanistan Analysts Network, 5 April 2014. https://www.afghanistan-analysts.org/under-fire-the-status-of-the-2014-election-observation/
14. Josh Smith, "Fear of violence sends foreigners packing ahead of Afghanistan's presidential election," Star and Stripes, 24 March 2014. https://www.stripes.com/news/fear-of-violence-sends-foreigners-packing-ahead-of-afghanistan-s-presidential-election-1.274226
15. Ibid.
16. Mujeeb Khilwatgar, Managing Director of NAI, interviewed by DROPS trainee Ezharulhaq Fazli on August 12, 2018 in Kabul.

level IEC offices were found to be refusing media observers access to polling centers on election day.[17]

The third key factor that impeded the media's presence in voting centers on election day according to Khilwatgar was the intervention of agents known to be linked with various candidates who restricted the media's presence and reporting of the voting centers.[18] Many such instances have also been highlighted in a report by the Free and Fair Election Forum of Afghanistan (FEFA), which asserted that agents of candidates interfered with the role of media observers on election day.[19]

Political Party Observers: Successes and Limitations

Under Afghanistan's new democratic constitution of 2004, former Islamist military factions, communist organizations, ethno-nationalist groups, and CSOs were given the platform to transform themselves into political parties.[20] Election laws in the post-2001 period recognized the formation of political parties as important entities in the electoral process. Article 4(13) and Article 4(14) of the 2013 electoral law contained provisions for political parties to introduce supervisors and observers to monitor the election process similar to media observers. The same provisions were carried forward in the 2016 election law, listed under Article 4(12) and Article 4(13).[21]

Under this legal framework, political parties can play an important role as observers on election day. This was reflected during the 2014 presidential election during which political parties received accreditation letters like those issued to observers from the media, allowing them to field 18,330 persons to observe the voting and tallying processes.[22] However, their

17. Mujeeb Khilwatgar, Managing Director of NAI, interviewed by DROPS trainee Ezharulhaq Fazli on August 12, 2018 in Kabul.

18. Ibid.

19. Afghan Perceptions on Democracy and Elections: report of a survey by Free and Fair Election Forum of Afghanistan 2013–2014. FEFA, page 37.

20. Ruttig, Thomas. "Outside, Inside: Afghanistan's Paradoxical Political Party System (2001–16)" Afghanistan Analysts Network and Konrad Adenauer Foundation, May 2018. http://www.kas.de/wf/doc/kas_52347-1522-1-30.pdf?180506145210.

21. The election law has used both "observer" and "supervisor" but the definition it provides for both of them is the same except that and observer can be a natural or legal person while a supervisor is only a natural person.

22. VOADARI. "سه صد هزار ناظر و مشاهد برای انتخابات افغانستان", ۸/۲/۱۳۹۱

participation was not without limitations arising from various internal and external factors.

Internally, observers from political parties lacked the necessary skills to effectively monitor and report on activities during election day.[23] Externally, unnecessary limitations were placed on observers by officials at the polling and tallying centers. For instance, during the registration of voters, as well as during the polling process, some heads of registration and polling centers who were granted the discretion to set time limits on the presence of observers, misused their authority and placed unacceptable time limits on the presence of observers.[24] Intended by the IEC as a measure to avoid overcrowding, this provision was used in a restrictive manner.[25] In some areas, observers' presence was restricted to just three to seven hours.[26] This was also a consequence of the IEC's inability to set a cap on the number of observers to be allowed per polling center which then prompted them to set brief time limits to avoid over-crowding.

Fazl Rahman Orya, a senior member of the Grand National Coalition of Afghanistan, explained that during the 2014 elections, their observers were not allowed by the IEC provincial staff and police to carry recording equipment into the polling and tally centers to document fraud.[27] This, he suggests, created significant problems for observers as their complaints on fraudulent activities they witnessed were not accepted and/or considered valid due to lack of supporting documentation and evidence that could prove their claims.[28]

CSO Observers: Successes and Limitations

The observation role played CSOs on election day may appear to be similar to those played by the media and political parties, but the nature

23. Thomas Ruttig, " Under Fire: The status of the 2014 election observation." Afghanistan Analysts Network, 5 April 2014. https://www.afghanistan-analysts.org/under-fire-the-status-of-the-2014-election-observation/
24. Larson, Anna. "Political Parties in Afghanistan." United States Institute of Peace. March, 2015. www.usip.org/sites/default/files/SR362-Political-Parties-in-Afghanistan.pdf
25. Fazl Rahman Orya, senior member of the Grand National Coalition of Afghanistan, interviewed by DROPS trainee Farah Elyaskhel on August 14, 2018.
26. Ibid.
27. Ibid.
28. BBC Persian "ناظران خواستار بر کناری کارمندان متقلب کمیسیون انتخابات شدند", 18 May 2014

of the CSOs' role is fundamentally different. Unlike representatives of political parties, CSO observers are meant to be impartial entities and are not necessarily driven or bound by party priorities. Thus, the role of CSO observers is extremely critical in ensuring an unbiased monitoring of candidate activities and election processes, and towards ensuring transparency on election day.

The constitution highlights the importance of CSOs in strengthening democracy and encourages their establishment and activities in Afghanistan.[29] Taking advantage of the constitutional provisions afforded to them, thousands of CSOs were created in the post-2001 period. As of July 2018, there were 4338 local NGOs registered with Afghanistan's Ministry of Economy; and as of December 2018, there were 2700 association registered with Afghanistan Ministry of Justice.[30] These CSOs focus on an array of sectors such as health, education, social, cultural, religious, humanitarian, security and political affairs.[31] With regard to elections, their observatory role has been supported in both the 2013 and the 2016 election laws.[32] According to the 2016 Election Law, CSOs can be present at polling and tallying centers to monitor ballots on election day.[33]

Since 2005, CSO observers have been involved in the monitoring of election processes including the casting of ballots and tallying of votes on election day.[34] Based on an estimation by FEFA, a total of 33,000 accreditation letters were distributed to CSOs in the 2014 presidential election.[35] Of this total figure, FEFA fielded 9,500 observers and the

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29. Zia Danish, "Jame Madani dar Qanon Asasi," Rahe Madaniat, December 2014. https://madanyatonline. com

30. "Civic Freedom Monitor: Afghanistan," The International Center for Non-for-Profit Law, 13 July 2018. http://www.icnl.org/research/monitor/afghanistan.html

31. Capital, government type, population, and GDP in all reports are drawn from the Central Intelligence Agency, The World Factbook, available online at https://www.cia.gov/library/publications/the-world-factbook/

32. "2014 Elections observation Report," Free and Fair Election Forum of Afghanistan (FEFA), March 2014. http://www.fefa.org.af/Home/Details?ps=119

33. Ibid.

34. "The 2014 CSO Sustainability Index for Afghanistan," United States Agency for International Development, 2014. https://www.usaid.gov/sites/default/files/documents/1866/2014-CSOSI-report-Afghanistan_r.pdf

35. Mohammad Naiem Asghari, Project Manager at FEFA, interviewed by DROPS Trainee Khojasta Sameyee on 05 September 2018 in Kabul.

Transparent Election Foundation of Afghanistan (TEFA) fielded 8,592 observers across 34 provinces on election day in 2014.[36] [37]

Although no law sets a cap on the numbers of CSOs that can obtain accreditation letters, only a handful of CSOs took on this observatory role.[38] According to TEFA, only three CSOs carried out comprehensive observation of the election and were present across Afghanistan in 2014.[39] These three organizations were FEFA, TEFA, and Election and Transparency Watch Organization of Afghanistan (ETWA). Observers fielded by FEFA, TEFA and ETWA monitored all election processes both before and after elections, including opening of the voting centers, the voting process, the closing of the voting centers, and vote tallying.[40] Monitors from TEFA in particular received a two–day training workshop before the election day and their observers were given a checklist to follow to ensure fairness, freeness, and transparency of votes.[41]

According to Zubair Zahid, a CSO observer who was interviewed by DROPS, these CSOs were thought to have conducted comprehensive observations because their activities followed a proper checklist given to them by the IEC.[42] Other organizations, Zahid said, were not given the same checklists to facilitate their observation activities and thus their efforts were not seen in the same light as these three bodies.[43]

Nonetheless, while these three main CSO observers were seen to be the most effective in monitoring the elections, they too faced their share of challenges. Insecurity was identified as a significant challenge for CSOs. According to FEFA, election observation activities could be carried out

36. Sughra Saadat, Spokeswoman for TEFA, interviewed by DROPS Trainee Farkhonda Tahery on 05 September 2018, in Kabul.

37. Mohammad Naiem Asghari, Project Manager at FEFA, interviewed by DROPS Trainee Khojasta Sameyee on 05 September 2018 in Kabul.

38. Sughra Saadat, Spokeswoman for TEFA, interviewed by DROPS trainee Farkhonda Tahery on 05 September 2018, in Kabul.

39. Ibid.

40. Sughra Saadat, Spokeswoman for TEFA, interviewed by DROPS trainee Farkhonda Tahery on 05 September 2018, in Kabul.

41. Ibid.

42. Ibid.

43. Zubair Zahid, Director of Kherad Foundation, interviewed by DROPS trainee Farkhonda Tahery on 02 September 2018, in Kabul.

in only 65% of the country in 2014 due to increasing security threats.[44] During an interview with DROPS, FEFA explained that five of their observers were kidnapped by the Taliban on election day, one of whom was killed.[45] TEFA Spokesperson Sughra Saadat told DROPS that in 2014, their observers were beaten by the Taliban in Maidan Wardak province and that their reports were taken away from them.[46] Additionally, she noted that two of their observers were killed and three others were abducted on election day.[47]

Threats from local strongmen posed another challenge for CSO observers in 2014. TEFA stated that their observers received threats by local strongmen in Faryab, Baghlan, Kunduz, Paktia, Maidan Wardak, Nangarhar and Ghazni provinces.[48] In some cases, they received verbal threats on their way to the polling centers aimed at deterring them from appearing at the polling sites. In some provinces, their ID cards were taken from them. In more serious cases, such as in Baghlan province, TEFA observers were detained by the Taliban on election day.

Lack of support and cooperation from the government was also highlighted as a factor that impeded the CSOs' efforts to monitor the elections effectively.[49] According to TEFA, the government did not pay heed to their repeated requests for security and simply bypassed them in their security plans for election day processions.[50] The IEC and its provincial offices were also not cooperative with CSOs.[51] According to TEFA, receiving accreditation letters was a challenge for CSOs due to the lengthy bureaucracy involved in the attainment of these letters. TEFA told DROPS that it took the organization one year to obtain their accreditation letter for the 2014 election whereas it was possible to issue

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44. Mohammad Naiem Asghari, Project Manager at FEFA, interviewed by DROPS trainee Khojasta Sameyee on 05 September 2018 in Kabul.
45. Ibid.
46. Ibid.
47. Sughra Saadat, Spokeswoman for TEFA, interviewed by DROPS trainee Farkhonda Tahery on 05 September 2018, in Kabul.
48. Ibid.
49. Sughra Saadat, Spokeswoman for TEFA, interviewed by DROPS trainee Farkhonda Tahery on 05 September 2018, in Kabul.
50. Ibid.
51. Ibid.

them within 48 hours. Additionally, the IEC and its provincial offices refused to provide adequate and timely election related information to CSO observers.[52]

Additionally, in 2014, budgetary issues were an internal challenge that limited the CSOs᾿ abilities to recruit adequate numbers of observers who could be fielded to most (if not all) polling sites throughout the country. TEFA flagged this challenge and explained to the authors of this brief that the CSOs were unable to acquire donor funding to assist them in hiring large numbers of observers.[53] Zahid noted that "Low salaries also resulted in lack of interest by CSO observers to play an active, effective and systematic role in the monitoring and observation of the elections."[54] According to Zahid, many examples of irregularities of CSO observers, including "coming late and leaving early," were also noticed on 2014 election day.[55]

Conclusion

Media, political parties and CSOs participated as observers in relatively large numbers during the 2014 presidential election. Yet, the 2014 presidential election was fraught with corruption, highlighting that much needs to be done to prepare both the observers and a conducive environment to enable their effective participation in ensuring transparency and integrity of the ballots.

As reflected in this policy brief, several factors prevented the observed from comprehensively fulfilling their roles as observers. That said, it should be noted that the factors highlighted in this brief represent only a handful out of the multiple factors that limited full participation of the observers᾿ in monitoring elections in 2014. Thus, this brief only attempts to expand upon a few noted factors as highlighted to DROPS by the various stakeholders that were interviewed.

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52. This was raised by FEFA, TEFA and Kherad Foundation.
53. Sughra Saadat, Spokeswoman for TEFA, interviewed by DROPS trainee Farkhonda Tahery on 05 September 2018, in Kabul.
54. Zubair Zahid, Director of Kherad Foundation, interviewed by DROPS trainee Farkhonda Tahery on 02 September 2018, in Kabul.
55. Ibid.

Observers identified insecurity and intimidation by the insurgent groups as one of the most challenging factors, which resulted from the MoI's inability to ensure security of observers. Another factor was the interference of local strongmen and agents of candidates who imposed limitations on observers. A third factor was the lack of cooperation and coordination between the IEC, its provincial offices, the ECC, the MoI and other stakeholders on issues such as the numbers, timeframes, and roles of observers. There were also various internal factors that each group of observers faced individually that limited the role of their observers. One was the lack of training, particularly for observers fielded by political parties. Another was the lack of donor funding that resulted in CSOs not being able to deploy adequate numbers of observers and which also hampered their capacity to retain volunteers who could observe the elections on their behalf.

To address these challenges, a mechanism for coordination is required that facilitates a free flow of information between the IEC, its provincial offices, the ECC and the MoI. This will clarify and ensure that all election bodies are on the same page on matters such as roles, responsibilities and rights of all observers on election day. Secondly, training programs must be developed for observers to hone their understanding; build their capacity; and to provide them with a toolkit to assist them in not only executing their responsibilities as observers but also to teach them conflict resolution techniques that could help them address the various challenges that may emerge on election day to obstruct their participation on election day.

Policy Recommendations:

1. Afghanistan's National Defense and Security Forces (ANDSF) should ensure the security of all the observers on election day.

The security of election observers should be incorporated in the ANDSF's security plan pertaining to election day activities and should be afforded priority. The security forces should also take effective measures to prevent local actors who pose threats to observers in polling centers.

2. Create a mechanism to facilitate coordination, awareness and flow of communication between the IEC, its provincial offices, the ECC

and the MoI on the roles, responsibilities, rights, and access of election observers.

The IEC and the MoI should coordinate their efforts and also provide their staff who are placed in polling and tallying centers with training on the roles/rights of observers and their responsibilities towards ensuring that observers have an enabling environment to carry out their duties.

3. The IEC and its provincial offices should ensure that election observers have full access to election related information pertaining to the polling and tallying processes before and on election day.

The IEC can facilitate observers' access to information by appointing one staff member for this purpose in each of its polling centers. This staff member should be trained before the election takes place and should be easily accessible on election day to provide information as per the request of observers.

4. The ECC must set up a hotline that allows observers to report on any actions taken by any individuals or bodies which acts to prevent and/or challenge the ability of observers to monitor the electoral process.

The IEC has the experience of using hotlines for public outreach, sharing information with voters, and encouraging people to vote.[56] In the run up to the 2009 presidential election, a hotline service was set up at the headquarters of the Roshan Telecommunication company and was funded by the Elections Project of the United Nations Development Program (UNDP/ELECT).[57] Approximately 25,000 to 35,000 people called the hotline every week to ask questions about elections, a fact that proves how effective and wide-reaching a hotline can be. [58] In 2014, the IEC used a similar toll-free hotline ahead of the presidential election and it also had the same results.[59] However, such hotlines have never been used for

56. UNAMA, "Elections Hotline Rings Non-Stop," 21 June 2009. https://unama.unmissions.org/elections-hotline-ringing-non-stop-0
57. Ibid.
58. UNDP, "Afghanistan election helpline answering 35,000 queries per week," August 13, 2009. http://www.undp.org/content/undp/en/home/presscenter/articles/2009/08/13/afghanistan-voter-helpline-answering-35000-election-queries-per-week.html
59. UNAMA, "Afghan election body starts telephone hotline to answer poll queries," 17 July 2013. https://unama.unmissions.org/afghan-election-body-starts-telephone-hotline-answer-poll-queries

reporting of fraudulent activities on election day. A hotline for registering complaints and reporting fraudulent activities on election day would be practical and increase efficiency in a cost−effective manner.

5. Adequate training and resources must be provided to all election observers to enable them to carry out their duties and responsibilities in a professional, efficient, and effective manner.

Such training should be imparted to observers in cooperation with the IEC. These trainings should focus on honing observers' understanding of election day processes and IEC checklist requirements; building their capacity to monitor polling; and providing observers with a problem−solving toolkit to enable them to resolve issues that may come up election day.

BOOK REVIEW

ˈA Rethink of Geopolitics Involving Afghanistanˈ

JAN AFZA SARWARI[1]

Title: A Rock Between Hard Places: Afghanistan as an Arena of Regional Insecurity

Authors: Kristian Berg Harpviken & Shahrbanou Tadjbakhsh

Publisher: C. Hurst & Co. (Publishers) Ltd.

YEAR: 2016

In the book, A Rock Between Hard Places: Afghanistan as an Arena of Regional Insecurity, both authors K.B. Harpviken, and S. Tadjbakhsh, argue that Afghanistan—situated between regional powers intersecting Central Asia, South Asia and the Persian Gulf—is a victim of its geostrategic location. The authors have taken historical perspectives into account and divided the book into five different chapters comprising a general overview in the introduction; followed by three chapters each discussing one of the three regional neighbors and their roles in Afghanistanˈs security. The final chapter reviews post–2001 policy initiatives and discusses Afghanistanˈs role as a connector of the broader neighborhood.

While mainstream analyses situate Afghanistan at the center or the so-called ˈheartˈ of Asia, Harpviken and Tadjbakhsh situate Afghanistan on

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the margins of three regional security complexes—those of South Asia, Central Asia, and the Persian Gulf—each characterized by deep security rivalries, which in turn informs their engagement in Afghanistan.

In the second chapter, the authors examine the South Asian regional complex and how the relationship between two regional rivals—India and Pakistan—impacts their bilateral relations with Afghanistan. The authors argue that the rivalry between Pakistan and India has been projected onto Afghanistan. The authors argue that Pakistan's engagement in Afghanistan is driven by its three main concerns: the issue of Durand line; the possibility of Pashtun mobilization across Afghanistan's and Pakistan's borders; and the militant-ideological networks operating in Afghanistan. Indian as a rival, the authors describe, is focused on containing Pakistan. Therefore, both seek influence in Afghanistan primarily to address their own security concerns. While Pakistan is interested in ensuring a pro-Pakistan regime in Kabul for creating 'strategic depth', India is attempting to counter Pakistan's influence there. Also, as Afghanistan perceives a threat from militants and terrorists from across her border in Pakistan, Kabul is more comfortable with New Delhi and welcomes aid in the 'security and reconstruction' sectors. Islamabad, however, is uncomfortable with India's increased influence in Afghanistan gained through 'soft power' diplomacy. The roles played by the US, Russia and China in Afghanistan too are explained briefly, with each aligning with either Pakistan or India.

The third chapter analyses the second regional security complex formed by the Central Asian states that were formerly the territories of the erstwhile Soviet Union: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Of these five countries, three share borders with Afghanistan and people of same ethnicity reside on both sides of those borders. Most of these countries have friendly relations with Afghanistan; share common concerns about drug trafficking; arms smuggling; and criminals and terrorists operating across their borders. Nonetheless, the instability and differences between the five countries have resulted in the return of Russia to the region. The 'big powers'' interest in energy reserves has further aggravated the rivalry between the five, but no threat is anticipated to Afghanistan.

The fourth chapter considers the third grouping—of the Persian Gulf countries—primarily Saudi Arabia and Iran. The religious, ethnic and security dynamics, and the role of world powers in informing the political agendas of these countries have been discussed at length. The authors point out that the ideological differences and trust deficit between Iran and Saudi Arabia are the main factors guiding their policies towards Afghanistan, which wants to maintain friendly ties with all countries. The impact of Iran developing nuclear weapons and the resultant response from Saudi Arabia and Israel is also explored in this chapter. Such developments will further draw world powers to the region and destabilize peace. As it is, the threat of narcotics trafficking, terrorism and extremism has had a major impact on the bilateral and regional relations of the Gulf countries vis-a-vis Afghanistan. Moreover, big power rivalry in the region has the potential to destabilize peace in the region, which will have an impact on Afghanistan as well.

The subsequent chapter focuses on the roles played by world powers—Russia, China and the US. The authors highlight that besides oil and mineral resources, the main interest of these external powers is situated in hegemonic ambitions, and the pursuit of gaining influence in this strategically vital region. The influence of bilateral rivalry and economic competition has a direct impact on their power projection in Afghanistan. The authors also examine the scenario of a ˈneutral Afghanistanˈ. They claim that in this role, Afghanistan can be the ˈconnectorˈ for the South Asia with Central Asia, thereby enhancing economic and socio-economic ties. In the end, the authors summarize their findings and conclude that the countries surrounding Afghanistan in the South Asian, Central Asian and the Persian Gulf regions have internal strains and faultlines. Similarly, Afghanistan has internal faultlines in addition to considerable external interference, which hampers its ability to deal with its neighbors. This impacts relations and stability.

Overall, this book is strongly recommended for those interested in regional security studies and political dynamics in Central Asia, South Asia, the Gulf region, and Afghanistan because it challenges mainstream analyses

which place Afghanistan at the 'heart' of a large pan-Asian region whose fate is predicated on Afghan stability. Contrary to the mainstream narrative, Harpviken and Tadjbakhsh situate Afghanistan on the margins of three regional security complexes, each characterized by deep security rivalries, which, in turn, informs their engagement in Afghanistan. The authors highlight the concerns in each of the three security complexes and then shed light on their spillover effects in Afghanistan by articulating how: within Central Asian complex, security cooperation is hampered by competition for regional supremacy and great power support, a dynamic reflected in these states' half-hearted role in Afghanistan; in the Persian Gulf complex, Iran and Saudi Arabia quarrel for economic and political influence, mirrored in their engagements over Afghanistan; and in the South Asian complex, long-standing India-Pakistan rivalries are perennially played out in Afghanistan.

A key USP of the book is the fact that it is informed by historical perspectives. Based on a careful reading of the recent political and economic history of the region and that of Great Power rivalries beyond the region, the authors explain why efforts to build a comprehensive Afghanistan-centric regional security order have failed, and suggest what might be done to reset inter-state relations. This adds diversity to the prevailing predominant analysis on Afghanistan's security and political dynamics.

Peer Reviewers

Dr. SY Quraishi is a former Chief Election Commissioner of India. In his long career in the Indian Administrative Services spanning over four decades, he served at the Election Commission of India (ECI) from 2006 to 2012, during which he served the Election Commissioner, and subsequently, as India's 17th Chief Election Commissioner. Prior to his role at the ECI, he served in various capacities on both federal and state levels, in various ministries and wings of the Indian government. With particular reference to elections, his extensive experience in managing elections in India includes his role as part of the three-member Commission with control, direction and superintendence of the conduct of elections to the offices of President and Vice-President of India; General Elections to the Lok Sabha (2009); and elections in several states. In the management of elections, Dr. Quraishi brought a special focus on people's participation, voters' education and youth involvement in the electoral process through scientific research and interventions; and introducing the Expenditure Control Division at the Commission. He has been an ardent proponent for lending strength to the grassroots level election functionaries. He has also been a professional observer of elections for polls in Myanmar, Russia, South Africa, Pakistan, Sri Lanka, Azerbaijan, and Mozambique, among others. Prior to joining the Election Commission, he was Secretary, Ministry of Youth Affairs and Sports, Government of India; and Special Secretary (Health) & Director General of the National AIDS Control Organization. He also pioneered India's biggest AIDS awareness programme and the IEC campaign called 'Universities Talk AIDS'. Quraishi has published numerous books and articles on issues related to democracy, elections, HIV AIDS and family planning, social marketing, women and child development and Youth.

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