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**STATEMENT ON AFGHANISTAN'S AUGUST 20, 2009 ELECTIONS
BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE
ON THE MIDDLE EAST AND SOUTH ASIA**

**SUBMITTED BY
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Chairman Ackerman, Ranking Member Burton, Members of the Subcommittee, on behalf of the International Republican Institute, thank you for the opportunity to testify today about Afghanistan's August 20, 2009 elections. Established in April 1983, IRI is a nonprofit, nonpartisan organization committed to advancing freedom and democracy worldwide by developing political parties, civic institutions, open elections, and good governance. IRI has conducted programs in more than 100 countries and is currently active in 65 countries.

IRI has had a program in Afghanistan since 2002, was the only American NGO to conduct an observer mission during the 2004 presidential election, observed parliamentary elections in 2005 and was again privileged to monitor Afghanistan's August 20, 2009 presidential and provincial council elections. I'd been to Afghanistan twice while serving in the Bush Administration, and visited again for the 2005 election. I was back in Afghanistan in two of the past three months.

What impressed me most was the enthusiasm and commitment I witnessed among the Afghan people as they prepared to elect for only the second time in their nation's history a president, despite ongoing security threats. Afghan enthusiasm was evident in the campaign posters plastered throughout the country, the time volunteered and distances traveled to attend political rallies, and by interest-groups promoting issues supported by youth, women and other coalitions. The expectation held by an overwhelming majority of Afghans was clear; they wanted a free and fair election process. We know this because an IRI survey of Afghan sentiment conducted July 16-26, 2009 revealed a combined 92 percent of Afghans were somewhat or extremely confident the Afghanistan Independent Election Commission (IEC) would preside over a free and fair election. The same survey found 61 percent of Afghans thought Afghanistan's Electoral Complaints Commission (ECC) was seriously investigating incidents of electoral violations and fraud in the pre-election phase. This data is important because it reveals Afghans believe their investment in this election would be rewarded with a legitimate outcome. Ultimately, in any election, what matters most is that the people in a country believe it to be legitimate.

Rewarding Afghan enthusiasm and participation with legitimate leaders is vital for Afghans and the U.S. as we consider strategy for the country. The legitimacy of the elections will impact Afghan perceptions about the credibility of future governments and the ability of future leaders to effectively address the country's pressing challenges – security, the economy and

unemployment. Without a credible electoral outcome, a resulting Afghan government, and the international community, will be increasingly hampered in addressing these issues. In any country this would be an important issue, but in a country with an insurgency, it becomes crucial; people must believe they are fighting for something, not just against something. Before Afghans and the international community can build the governance, security and economic capacity of their country, legitimacy is crucial.

This statement provides further perspective of Afghan sentiment as shown by IRI polls in the lead up to the August 20, 2009 election, the experience of IRI's observers during the Institute's mission to observe the election, an update on the electoral adjudication process and finally principles we hope will guide future U.S. policy in Afghanistan.

AFGHANS SUPPORT CHANGE AND CREDIBLE ELECTIONS, NOT THE TALIBAN

Over the course of its Afghanistan polling program, which began in 2003, IRI has tracked several indicators to gauge the overall political environment and mood of the population. Survey data is important during the lead up to elections because it provides an understanding of why Afghans vote. As General McChrystal stated in his initial assessment dated August 30, 2009, "gaining their [Afghans'] support will require a better understanding of the people's choices and needs." Brookings Senior Fellows Michael O'Hanlon and Bruce Riedel in their September 1, 2009 *Washington Times* Op-ed noted, "because the population is the 'center of gravity' in this type of war, that makes polling data crucial."

IRI has consistently found that Afghans support change in their country, support the democratic process and do not favor a return to Taliban rule. IRI's most recent poll conducted July 16-26, 2009 revealed 62 percent of Afghans believe their country is headed in the right direction; 24 percent say wrong direction. Nonetheless, when asked if Afghanistan needs to change direction in the next five years, an overwhelming majority of more than eight in 10 respondents agreed; only nine percent stated Afghanistan should remain the same.

IRI polled the popularity of institutions and groups on a five-point scale and the Taliban received the worst performance rating of 1.91. (Comparatively, the Afghan National Army (ANA) and International Security Assistance Force (ISAF) received ratings of 3.79 and 2.8 respectively). Seventy-eight percent of Afghans believe they have more personal freedom since the fall of the Taliban. This sentiment tracks with an October 9, 2004 poll, the day of their first ever presidential election, in which 84 percent of Afghans said they believed living standards were getting better since the end of the Taliban government. At the same time, only 14 percent indicated conditions were "staying the same" and two percent said "getting worse."

IRI found in an open-ended question included in its July 16-26, 2009 survey that 13 percent of Afghans' personal motivation to vote in the August 20, 2009 elections was a "personal interest to participate," second only to "security" at 19 percent. The third reason cited, by 10 percent of respondents, was a stronger better government and reconstruction/development.

PRE-ELECTION AND ELECTION DAY ACTIVITY GENERALLY POSITIVE BUT THE PROCESS IS UNFINISHED

IRI's 29 international delegates on Election Day 2009 monitored more than 150 polling stations in Bamyan, Jalalabad, Kabul and Mazar-e-Sharif. In addition, IRI-trained domestic observers in

Bamyan, Farah, Ghor, Herat, Kabul, Kandahar, Nangarhar and Paktiya monitored an additional 100 polling stations during the course of Election Day.

IRI viewed the 2009 Afghan elections not by the standards of the U.S., but in the context of the 42 countries in Africa, Asia, Eurasia and Latin America in which IRI has observed more than 130 elections. Afghanistan faces a particular combination of challenges such as rugged topography, ethnic diversity, and most of all, decades of insecurity. While issues such as lower turnout, fraud and abuse of state resources brought the elections to a lower standard than the 2004 and 2005 Afghan elections observed by IRI, there were many positive aspects of the 2009 elections, including a vigorous and relatively civil campaign and balanced private media coverage. The pre-election campaign environment was dynamic and energetic. Presidential and provincial candidates reached beyond their ethnic bases. Candidates' campaigns were increasingly issue-based rather than personality-based. Most strikingly, candidates took part in the first presidential debates ever held in Afghanistan, one of which included the head of state. In terms of pre-election administration, the IEC is to be commended for the training of election workers and ensuring procedures for an orderly election process were in place.

IRI's preliminary statement issued August 21 noted, "All elections are a process of pre-election environment, pre-election administration, Election Day voting, vote counting and post-election adjudication, resulting in acceptance of legitimate results." Complaints filed with the ECC post-election made clear that some polling locations IRI was unable to observe were subject to voting irregularities. In planning its observation mission, IRI expected to deploy international and IRI-trained domestic observers to some of the provinces where irregularities have since been reported. The decline in security during the lead up to the election dissuaded IRI from deploying international and domestic observers to some locations. Now that the ECC ordered adjudication of complaints is underway, the process to validate results in all polling locations throughout the country must be carried out in a prompt and transparent manner, consistent with established rules.

IRI's follow-on statement of August 28 noted Afghanistan's ECC is an independent body charged with adjudicating electoral complaints. IRI then urged that the ECC to fully consider complaints in a manner that will lend to the Afghan people's acceptance of the country's August 20 elections as a legitimate expression of popular will. IRI furthermore urged that the ECC be able to complete its work before final results are announced.

ELECTORAL ADJUDICATION PROCESS MUST VALIDATE RESULTS

The IEC September 16 released preliminary vote totals revealing President Karzai with 54.6 percent of the vote and top challenger Abdullah Abdullah with 27.7 percent of the vote. This result under Article 18 of Afghanistan's Electoral Law would make President Karzai the victor as he acquired the simple majority. However, the article specifies the candidate is elected by a majority of "valid" votes and the ECC established under Afghanistan's Electoral Law issued an order to the IEC to conduct a partial recount due to electoral irregularities.

The IEC and ECC reached agreement with the assistance of election experts invited by the United Nations Special Representative to randomly sample 10 percent of 3,063 ballot boxes identified by the ECC for additional scrutiny. The ECC identified ballot boxes worthy of further investigation under two criteria: 1) boxes with more than 600 ballots cast, and 2) boxes with 95 percent or more of votes cast for a single candidate. Retrieval of ballot boxes began this week

along with the audit and examination by the IEC. Once the IEC concludes its audit, findings will be presented to the ECC as early as the end of this week. The ECC will then deliberate on the findings of the IEC audit to decide their course of action as it pertains to adjudication. The process of selecting a sample of questionable ballot boxes is intended to expedite the adjudication process in the event a runoff election is required. As a contingency, the IEC has authorized the printing of ballots for a potential second round.

Simultaneously, the ECC continues to adjudicate electoral complaints. As of September 28, the ECC received nearly 3,000 cases of fraud with 751 assessed as most significant -- priority A. The ECC has adjudicated 249 complaints and dismissed 200, leaving more than 2400 to adjudicate. On September 10, the ECC ordered that ballots cast in 83 polling stations located in three southeastern provinces be invalidated.

RECOMMENDATIONS

As the U.S. government continues to formulate its policy regarding the outcome of the current political situation, I recommend adoption of the following principles:

Legitimacy Precedes Capacity: Support of governance capacity at the district, provincial, parliamentary and central government levels is critical, but desired improvements cannot be achieved unless Afghans believe their officials are legitimately elected. During a conversation about the 1980s Soviet occupation, an IRI partner and Member of the Afghan Wolessi Jirga said “political puppets placed in office by those outside Afghanistan cannot bring the Afghan people together – it doesn’t matter how many troops are deployed, without legitimate leaders, the effort will fail.” This sentiment is reflected in General McChrystal’s assessment which quoted Afghan Defense Minister Wardak who said, “Unlike the Russians, who imposed a government with an alien ideology, you enabled us to write a democratic constitution and choose our own government. Unlike the Russians, who destroyed our country, you came to rebuild.” Or, as two Afghans have told me on separate occasions, “You are the only invaders we’ve ever loved,” because, they said, unlike the British or Russians, “You want what we want for Afghanistan.”

Not honoring Afghans’ expectations for a credible election outcome means that Afghans will lose trust in their leaders and the international community – including the United States. In other words, Afghans will conclude that we don’t want what they want. Without a legitimate political infrastructure, the U.S. objective to disrupt, dismantle, and defeat al-Qa’ida is not possible. This connection is made in the Administration’s Afghanistan and Pakistan report card which establishes as objective 3b “promote a more capable, accountable, and effective government in Afghanistan that serves the Afghan people and can eventually function, especially regarding internal security, with limited international support.” Legitimate government is the only route to capable governance.

Rule of Law Must Prevail in the Election: Due process provisions to adjudicate electoral irregularities prescribed in Afghanistan’s Electoral Law must be complied with to reach a legitimate outcome. The IEC’s release of preliminary results after it had identified potential irregularities among some ballots and before adjudication by the ECC was unfortunate because it intimated that a winner was identified. The adjudication process granted to the ECC must continue until all legally cast ballots are accounted for. Under Afghan Electoral Law, election results are certified by the IEC “after all complaints concerning polling and counting have been adjudicated by the ECC.” The ECC’s check on the IEC is an essential part of certifying final

results. These issues have been at the root of the dispute involving Ambassador Peter Galbraith, who was dismissed yesterday as the Deputy United Nations Special Envoy.

If Needed, an Interim Leader Must be Selected Through a Transparent Mechanism Acceptable to the Afghan People: The Afghanistan Constitution does not establish a clear process to identify an interim leader in the event a protracted adjudication of electoral complaints ensues. Discussions among Afghans have yielded a number of potential solutions should a run-off election be required and postponed until the spring. IRI believes the run-off election should be held at the earliest conceivable time. However, if selection of an interim leader between elections is needed, then this individual should be determined via a transparent mechanism that is acceptable to the people of Afghanistan.

Post-Election Environment Must Focus on Good Governance: Election of legitimate leaders is only a first step and must be followed with a competence to govern by addressing the needs of the Afghan population. General McChrystal highlighted governance as the second component of his new strategy and noted “success requires a stronger Afghan government that is seen by the Afghan people as working in their interests.” It is important in this context to understand that while perfection is not required, clear steps must be taken at all levels of government to eliminate corruption and establish models of governance Afghans recognize as empowering them and addressing the country’s numerous development challenges.

An important question is whether with different policies we might today be in a different situation. Certainly one can criticize the Bush administration’s under resourcing of the war in Afghanistan (even before the invasion of Iraq) and question whether there was too close a relationship with President Karzai for too long, certainly without the skilled diplomacy that marked the early relationship. But just as it was useful to examine the Bush administration’s policy during its first seven months regarding the terrorism that led us into Afghanistan, it is legitimate to ask, for the sake of future policy, if a different Obama administration approach on the political front over the last eight months might have put us in a better situation today.

Early in his term, President Obama, and Vice President Biden and Secretary Clinton all expressed grave misgivings about President Karzai’s ability to effectively govern his country. At a certain point in the spring, however (according to press reports) they came to believe that Karzai would win the election and that they would have to work with him in the future. They therefore decided to be evenhanded in their treatment of Afghan Presidential candidates. Pre-election polls, however, showed Karzai with substantially less than 50 percent of the vote (and even with an apparently large amount of fraud, President Karzai provisionally has only 54 percent). Pre-election polling also showed strong voter interest in a joint ticket of former Foreign Minister Abdullah Abdullah and former Finance Minister Ashraf Ghani.

In the 1990s the Clinton administration made no secret of its preferences in elections in, for example, Russia (1996), Slovakia (1998) and Serbia (2000). The Clinton administration decided that it was legitimate to make its preferences known regarding elections that would shape our future policies towards those countries. Arguably, our stake in Afghanistan is at least as important as it was in those cases. The significance of this election’s outcome to fighting a rising insurgency and preventing the reestablishment of a Taliban government, with consequences for human rights in Afghanistan and the abilities of al-Qa’ida, begs the question of whether the U.S. should have made its preferences known. This is not a question of historical interest; according to the September 28th 2009 *New York Times*, even before the election’s results are determined --

which might lead to a second round of voting -- “The Obama administration has told the government of Hamid Karzai that it believes he will be re-elected as President of Afghanistan” and is currently attempting to fashion a policy based on that perception.

This period of post-election adjudication is an opportunity for the U.S. to clarify its enduring principles to bring populations together under legitimate governments. Whether legitimacy in Afghanistan is achieved through a coalition, runoff election, or alternative outcome, this moment should be seized upon to establish the result the U.S. and, more importantly, Afghans are willing to support.