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Untangling Afghanistan's 2010 Vote

Analysing the electoral data

EXECUTIVE SUMMARY

Afghanistan's second parliamentary election, which took place on 18 September 2010, was surrounded by protracted controversy. Polling day was messy, as could be expected, but the real controversy centred on the audits and disqualifications by the two electoral bodies: the Independent Election Commission (IEC) and the Electoral Complaints Commission (ECC). Although both the IEC and ECC released regular updates and large amounts of raw data, there was little transparency on how and why decisions were made. The outcome of the election appears in many cases to be at best somewhat random, and at worst considerably manipulated – and telling the difference is very difficult.

The current report aims to provide a backdrop to the main controversies by presenting an overview of the publicly available electoral data. It maps what information has been provided, what conclusions can be drawn and what information is still missing – either because it was not shared or because it is not known. The analysis was complicated by the fact that the data was plentiful but incomplete and often contradictory or incompatible. The process of piecing together a rudimentary overview of what happened to the

vote required an inordinate amount of time and energy and does not instil confidence that the IEC and ECC were at all times in control of their data.

The IEC management was faced with a massive challenge, as had been the case during the first electoral cycle of 2004 and 2005 and even more so during the presidential and provincial council election of 2009. The absence of an adequate voter registry; the mass availability of voter cards not linked to actual voters, many of which were gathered with the express intent of perpetuating fraud; and the lack of clarity about which polling centres opened on election day, made the process difficult to control.

The count and audit process, which is the focus of this report, can be divided into two phases: (1) the count and audit by the IEC, culminating in the announcement of the preliminary results; and (2) the adjudication of complaints by the ECC, followed by the announcement of the final results. During the first phase no solid information was provided on the number of votes involved. Early count data was fluid, turnout figures fluctuated, and to this day no reliable figures exist on how many votes were cast or disqualified; the IEC provided information by polling station instead.

When the preliminary results were announced, there was a large and unexplained discrepancy with the early turnout estimates.

The second phase started with the solid figures of the preliminary results, but the process was soon clouded by overlapping and *ad hoc* interventions by both the ECC and the IEC. When comparing the preliminary and final results, what happened to the vote is not immediately obvious. Many of the seemingly unexplained changes can be traced back to the addition of 511 previously not-counted polling stations by the IEC, which contained a total of more than 45,000 votes. In half the provinces between 1,000 and 5,600 votes were added, which is potentially significant enough to have changed the election results. In at least four provinces – Badakhshan, Wardak, Baghlan and Kandahar – significant discrepancies existed for which no documented interventions could be found, while several other provinces show minor but still unexplained discrepancies.

An analysis of the electoral data shows how some provinces were more affected than others. Seven provinces – Nuristan, Paktika, Badghis, Paktia, Ghazni, Khost and Wardak – saw 40 per cent or more of their polling stations not included in the final result (in Nuristan this was even 70 per cent). Other provinces suffered most when their winning or almost-winning candidates were disqualified by the ECC. In Herat, eight candidates were removed, representing almost 58,000 votes. In Zabul the disqualifications resulted in the complete overhaul of the slate of winners and almost-winners.

The IEC and ECC interventions had far-reaching consequences. The IEC claims to have disqualified 1.2 million votes, which could represent around 20 per cent of the total. The ECC disqualified far fewer votes (probably under 300,000), but it targeted winning and almost winning candidates and changed the composition of at least 10 per cent of the parliament. The lack of clarity on the basis for these decisions has fed suspicions of manipulation, while the absence of an effective appeal process makes it difficult to dismiss the protracted post-election wrangling as purely political. If there is to be any hope of less controversy in the future, electoral reform efforts will need to focus on simplified, transparent and more credible disqualification and appeal processes.

This is not just about a messy election. The tumultuous aftermath of the vote illustrates how

the immaturity of the system leaves contested processes wide open to political pressure, factional manipulation and improvisation. It illustrates the fundamental problem that Afghanistan's system of government has no centre of gravity. Authorities are ill-defined. There is no mechanism for arbitration, no power that is respected enough to have the final say.

In the past the main international actors often acted as *de facto* arbiters and enforcers, but their influence and credibility has waned over the years. The contours of a factionalised government, driven by posturing and negotiated *ad hoc* solutions, are in the meantime becoming increasingly clear. With transition looming not much time or patience is left, but the international community may still have the clout and the vision to strengthen credible institutions.

1 INTRODUCTION

Afghanistan's second parliamentary election, which took place on 18 September 2010, was surrounded by great controversy. It was subject to a protracted count and audit processes, which resulted in the disqualification of around 1.5 million votes (although the details remain murky) and the removal of twenty-seven candidates, most of whom had expected to win. When the final results were finally announced they were fiercely contested. Losing candidates staged demonstrations and lobbied the President, and the outcome of the election became the subject of protracted judicial wrangling.

The Attorney General's Office, which had been asked by the President to investigate the matter, indicated it believed there were grounds for prosecution of the main electoral officials and a reopening of the final election results, while the winning candidates demanded that the inauguration go ahead as planned. When it became clear that both the old and the new parliamentarians intended to use the parliamentary building for their meetings, to strengthen their claims, the area was cordoned off by the police. An *ad hoc* Special Court was established by presidential decree on 26 December 2010. The court requested a last minute postponement of the inauguration so that it could finalise its investigations; this was granted by the President but overruled by the main international

actors whose patience was wearing thin. The Parliament was inaugurated on 26 January, but as this report is being finalised the Special Court still threatens to unseat MPs and prosecute electoral officials based on its ongoing fraud investigations.

An analysis of previous elections has shown that the 2010 vote was likely to be contentious and that the process would be besieged by fraud, manipulation and political interference.¹ The international community however chose to believe that the chaos of the previous year would not be repeated, basing its assessment on the improved conduct of the electoral bodies – in particular the Independent Election Commission (IEC) – in the run-up to the elections.² The international community also assumed that the parliamentary election would by its nature be less contested and more manageable than the presidential one, given that winners did not need the wide margins necessary in a presidential election to avoid a run-off (i.e. over 50 per cent of the vote). However, the sheer number of competitors in the parliamentary election, the localised nature of the power struggle and the expectation that most of the candidates would engage in manipulation enormously raised the stakes. And although the IEC had managed to exert greater control over the process before election day, it was unable to maintain these standards once the problems began.

Polling day, as could be expected, was messy. Insecurity in many parts of the country, as well as the complicity of IEC staff and candidate agents, made it difficult for the IEC and independent observer organisations to ascertain what exactly had happened in many polling locations, and soon

everybody was swamped with reports of fraud and intimidation. Some reports were fabricated, making fraud allegations simply another potential tool for manipulation, and most of them were one-sided, targeting only the main rivals. This however did not detract from the fact that many of the fraud allegations were detailed and credible, and were in fact used in the disqualification decisions by the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC).³

The decisions to disqualify votes, polling stations and candidates were, as could be expected, fiercely contested. This was further fed by the opacity surrounding the process. When the final results of the election showed unexpected outcomes, which were seen in some quarters as unrepresentative, unfair and most probably intentional, defending the results as inevitable and based on the votes of the people or the course of the process had become difficult. As in previous elections, the outcome had become at best somewhat random and at worst considerably manipulated – and telling the difference had become very difficult.

The electoral process after election day can be divided into two phases: Phase 1, consisting of the count and audit by the IEC, and that culminates in the announcement of the preliminary results; and Phase 2, concerning the adjudication of complaints by the ECC, after which the IEC implements the ECC rulings and announces the final results.⁴

The analysis of the two phases was complicated by the fact that during the whole first phase no solid information existed on either the total number of eligible voters or the number of votes that were cast, counted or disqualified. And although the second phase started out with a baseline figure – the preliminary election result – the process was soon clouded by overlapping and *ad hoc*

¹ See AAN's analysis of the 2009 provincial council vote (Annex 1 contains relevant excerpts). Martine van Bijlert, *Who Controls the Vote? Afghanistan's Evolving Elections*, Afghanistan Analysts Network, Thematic Report 5/2010, September 2010, http://www.aan-afghanistan.org/uploads/AAN-2010-Controlling_the_vote-final.pdf.

² The Independent Election Commission (IEC) is appointed by the president and is responsible for the organisation of Afghanistan's elections. Initially made up of both Afghan and international commissioners, it was fully 'Afghanised' in the run-up to the 2009 vote. The IEC still receives technical support from international electoral advisers, under the UNDP-led ELECT program. For more detail on the IEC's performance in the run-up to the elections and the challenges it was bound to face see Martine van Bijlert '2010 Election 3: Two totally different worlds', Afghanistan Analysts Network, 16 September 2010, <http://www.aan-afghanistan.org/index.asp?id=1043>.

³ The Electoral Complaints Commission (ECC) is appointed by the president and is responsible for the adjudication of electoral complaints. Although President Karzai initially sought to fully 'Afghanise' the commission in early 2010, he finally agreed to the inclusion of two international commissioners under heavy international pressure. The ECC revised its internal procedures in 2010, deciding to rule only on complaints that related to electoral offences – and explicitly not on those that challenged IEC decisions. The ECC also received technical support from international electoral advisers, under the UNDP-led ELECT program.

⁴ For more detail on the complete electoral process see Van Bijlert, *Who Controls the Vote?* (see FN 1).

interventions. The available data as a result is patchy and at times contradictory or duplicated, and often presented in different and incompatible ways by the IEC and ECC. Obvious efforts were made to suggest transparency by releasing updates and providing large volumes of raw data. However, neither of the electoral bodies have presented detailed information that is complete and easily accessible and that provides a clear overview of their most intrusive decisions.

The aim of this paper is not to provide an exact overview of what happened to the votes in Afghanistan's 2010 parliamentary elections, as this has become virtually impossible to trace. It does however aim to provide a backdrop to the main controversies by presenting an overview of the publicly available electoral data. It maps what information has been provided, what conclusions can be drawn and what information is still missing – either because it was not shared or because it is not known. An analysis of the available information shows that the picture is not the same all over the country. In some provinces tracking what happened is easy, while in other provinces it is not clear how the various decisions have led to the results as certified.

A word of warning for the uninitiated: this is not an easy introduction to Afghan elections; other AAN reports and blogs are probably better suited for that purpose.⁵

The paper starts, in section two, by providing background on the fluidity of the figures, which stems from a lack of clarity on the number of voters and votes cast. Section three discusses which polling stations opened on polling day and which did not. Section four describes the first phase of the count and audit process, when the IEC decided which polling stations to include and which ones to disqualify. Section five discusses the ECC interventions during the second phase of the process, after the announcement of the preliminary results, in particular the disqualification of polling stations and (almost) winning candidates. In section six we find that,

⁵ See Martine van Bijlert, *How to Win an Afghan Election: Perceptions and Practices*, Afghanistan Analysts Network, Thematic Report 02/2009, August 2009 (available at <http://www.aan-afghanistan.org/uploads/2009%20AAN-MvB%20Afghan%20Election.pdf>); Van Bijlert, *Who Controls the Vote?* (see FN 1), as well as the large number of electoral blogs on www.aan-afghanistan.org.

when comparing the preliminary and final results, the available data does not fully add up. Section seven, finally, touches on the problems of holding elections in the context of an immature system.

2 VOTERS AND VOTES CAST: STARTING WITH FLUID FIGURES

The main factors that have undermined attempts to prevent the, by now familiar, loss of control and transparency include the continued absence of an adequate voter registry; the mass availability of voter cards not linked to actual voters, many of which were gathered with the express intent of perpetuating fraud;⁶ and the lack of clarity about which polling centres actually opened on election day. This opens the door to ballot-stuffing and other irregularities on a massive and in some cases highly-organised scale, while the insecurity in large parts of the country precludes effective observation.

Already in 2004 the number of distributed voter cards (10.5 million) exceeded the total number of voters (estimated at the time at 9.8 million) and by 2010 a total of 17.5 million voter cards had been distributed. By then it was widely accepted that an excess of five to seven million voter cards were not linked to actual voters.⁷ The absence of reliable voter lists means that no real safeguards against mass and multiple voting exist. Other fraud mitigating measures, such as the use of indelible ink, are easily and widely circumvented.

Over the years the counting of the votes has been progressively moved further down the chain in an attempt to simplify logistical procedures, lessen the burden of a massive candidate agent presence, and allay fears that votes are taken away to be tampered with. In 2004 counting took place at five regional tally centres; in 2005 and 2009 it was

⁶ See for instance International Crisis Group (ICG), *Afghanistan's Election Challenge*, Kabul/Brussels: Crisis Group, Asia Report 171, 24 June 2009; and Michael Semple, 'Why Buy a Voter Registration Card?' a note circulated on the Afghanistan email list managed by Barnett Rubin, March 2008.

⁷ In the run-up to the election the IEC started to use the figure of 12.5 million estimated voters, while UN SRSF Staffan de Mistura floated the figure of 10.5 million estimated voters in a pre-election press conference on 14 September 2010 (<http://unama.unmissions.org/Default.aspx?tabid=1741&ctl=Details&mid=1882&ItemID=10394>).

moved to count centres in the provincial capitals; in 2010 it was moved to the polling stations, where it was scheduled to take place immediately after the vote closed.

The swift count should have allowed the IEC to come up with early raw baseline figures of the number of votes cast – which it did – but these were later retracted, which resulted in confusion and questions over the extent to which the IEC was in control over its own data.

The first estimate by the IEC was released on 20 September 2010 and indicated that 3,642,444 votes had been cast. A day later the figure was increased to 4,332,871 votes – the explanation for the discrepancy, provided by the IEC, was that in the end more polling centres had returned results than had originally been reported as having opened.⁸ However, when the full preliminary results were released on 20 October 2010 the IEC reported that it had invalidated 2,543 polling stations and that the published results for the remaining 15,201 polling stations added up to a total of 4,265,347 counted votes. During the press conference the IEC chairman claimed that around 5.6 million votes had been cast and that 1.2 million votes had been disqualified. The figure was however not repeated in any public document and has since then not been backed up by detailed data.⁹

The absence of baseline data on how many votes were cast at the polling stations to start with, made tracking the massive disqualifications that took place during the count and audit processes in Kabul difficult. It has, as a result, become impossible to map how many votes (or 'ghost votes') were disqualified where.¹⁰ What

⁸ 'IEC Statement on Retrieval, Turnout and Contingency Materials,' 20 September 2010 (not available on the internet) and 'IEC Statement on Counting, Retrieval of Results Forms and Turnout,' 21 September 2010, http://www.iec.org.af/pdf/wolesi-pressr/pr_statement_on_staff_turnout_and_materials.pdf.

⁹ 'IEC Press Release on Announcement of Preliminary Results for the 18 September 2010 Wolesi Jirga Elections,' 20 October 2010, http://www.iec.org.af/pdf/wolesi-pressr/press_release_on_wj_election_priliminary_result_english_final.pdf. See also Martine van Bijlert, '2010 Elections 27: And finally ... the preliminary results,' Afghanistan Analysts Network, 21 October 2010, <http://www.aan-afghanistan.org/index.asp?id=1243>.

¹⁰ 'Ghost votes' are not linked to actual voters, but are presented for counting anyway. This can be from polling stations that actually opened for voting, or by using

complicated the process was that rather than simply counting votes, the IEC in Kabul was processing and evaluating polling-station result sheets and deciding whether the data on them – which was often messy and suspicious – was worth counting. As a result, the data provided by the IEC as it proceeded revolved around the number of polling stations (either counted or disqualified), rather than the number of votes.

3 WHICH POLLING STATIONS OPENED?

The list of polling centres was finalised and announced a month in advance of the elections. This was a great improvement over what happened in 2009, when the lack of clarity on which centres would open had facilitated the uncontrolled addition of large numbers of 'ghost polling stations' to the count.¹¹ The security institutions decided well in advance of election day that 938 of the 6,835 originally planned sites (i.e. 13.7 per cent) could not be secured and the IEC finalised the 2010 list of polling sites. It consisted of 5,897 polling centres, representing a total of 18,731 planned polling stations.¹²

materials from stations that did not open (the so-called 'ghost polling stations'). Ghost votes can be a large number of ballots cast by a single person holding multiple voting cards; massive ballot stuffing before, during or after polling day (if sophisticated, this would be accompanied by entries of real or fabricated voter card numbers in the voter logs); manipulation of the result sheets that are sent to Kabul; or manipulation of the results during data entry.

¹¹ For more details see Van Bijlert, *Who Controls the Vote?* 22–23 (see FN 1). See also Sandra Khadhouri, *A Review of Suspected Electoral Fraud. 2009 Afghan Presidential and Provincial Council Elections*, April 2010 (unreleased report, available online at http://literature-index.wikispaces.com/file/view/ElectionsReportENGFINA_L2.pdf).

¹² The list can be found here: http://www.iec.org.af/pdf/wj_polling_centers/summery_pc_list.pdf. A polling centre represents the actual polling location and usually consists of several polling stations. A polling station is provided with one ballot box (per election) and a maximum of 600 ballot papers.

Table 1
Percentage of closed polling stations per province (from high to low)

PROVINCE	Polling stations planned	Polling stations closed on election day	Percentage of planned polling stations closed
Ghazni	857	204	23.8
Nuristan	130	31	23.8
Nangarhar	1,225	226	18.4
Jowzjan	398	62	15.6
Badghis	341	47	13.8
Nimruz	124	16	12.9
Laghman	329	40	12.2
Baghlan	639	73	11.4
Logar	301	30	10.0
Kunduz	582	49	8.4
Sare Pol	388	29	7.5
Uruzgan	236	14	5.9
Kapisa	274	16	5.8
Kunarha	332	19	5.7
Balkh	989	52	5.3
Takhar	731	38	5.2
Herat	1,373	52	3.8
Ghor	549	17	3.1
Daikondi	408	12	2.9
Farah	382	11	2.9
Paktika	465	13	2.8
Wardak	399	11	2.8
Parwan	426	9	2.1
Faryab	613	13	2.1
Helmand	500	9	1.8
Khost	405	4	1.0
Kabul	2,341	14	0.6
Badakhshan	714	4	0.6
Kandahar	883	0	0.0
Paktia	412	0	0.0
Bamyan	329	0	0.0
Samangan	292	0	0.0
Panjshir	170	0	0.0
Zabul	160	0	0.0
TOTAL	18,697	1,115	6.0%

Based on IEC Polling Centre Summary List¹³

Note: The percentages have been calculated per polling station and not per polling centre. Although the latter is relevant for the geographic spread of polling locations, the number and percentage of polling stations that have opened is more relevant in terms of number of potential votes, as each polling station represents 600 potential votes (having been provided with 600 ballot papers).

¹³ The IEC Polling Centre Summary List can be found at http://www.iec.org.af/pdf/wj_polling_centers/summery_pc_list.pdf. The IEC later posted an 'Open Polling Stations Status Report' on its website with differing figures (which can be found at http://www.iec.org.af/results_10/pdf/ps_turnout_report.pdf). It is not clear why the figures were altered, but as they were probably based on corrections or interventions that took place after the announcement of the preliminary results, the earlier figures have been used for the calculations in this report.

The pre-election list of polling centres was controversial, as could be expected, and several interest groups complained that their areas had been allocated too few polling locations (and other areas too many).¹⁴ The list of polling sites that were cleared to open was made available on the internet, but no breakdown was provided of the eliminated polling centres in each province – probably in an attempt to side-step accusations of partiality – and the original list was never made public.¹⁵

After election day the IEC released information on the number of polling stations that had opened.¹⁶ Table 1 lists the provinces with most closed polling stations (proportionally speaking) from high to low. The provinces with the largest percentages of polling stations that were cleared but did not open were Ghazni and Nuristan (each 23.8 per cent), Nangarhar (18.4 per cent) and, interestingly, the relatively secure province of Jowzjan (15.6 per cent, representing a total of 62 polling stations). In absolute numbers, Nangarhar and Ghazni had the highest number of polling stations not opening, respectively 226 and 204 stations.¹⁷

¹⁴ For complaints from Ghazni, see for instance *Hasht-e Sobh*, 'Elimination of Polling Centres in Secure Places,' 24 August 2010. The quoted candidates were from both Hazara and Pashtun areas and complained about the decrease of polling centres in, respectively, Jaghori and Malestan, and Ajiristan.

¹⁵ The final polling centre lists can be found at <http://www.iec.org.af/eng/content.php?id=4&cnid=53>. The IEC did not provide details on the eliminated polling centres, other than stating that they had removed from the list 938 centres in 25 provinces.

¹⁶ On election day, IEC announced that 5,355 polling centres reported as open and that the remaining 542 polling centres either reported as closed or did not report at all. On 21 September this figure was revised to 5,510 polling centres as having opened (95%) and 387 not (5%). 'IEC Statement on Counting, Retrieval of Results Forms and Turnout,' 21 September 2010, http://www.iec.org.af/pdf/wolesi-pressr/pr_statement_on_staff_turnout_and_materials.pdf.

¹⁷ On 7 September, after the release of the final list, the IEC announced the additional elimination of 81 polling centres in Nangarhar, which at that time represented 291 polling stations (see IEC, 'On Security of Nangarhar Province 81 Polling Centers,' 7 September 2010, <http://www.iec.org.af/eng/content.php?id=4&cnid=53>). The IEC however seems to have increased the number of polling stations in other locations in order to decrease the impact of the elimination, given that in the end Nangarhar had only 226 polling stations less than planned.

Six provinces reported that all polling stations had opened as planned. For two of them – Bamyan and Panjshir – this was quite plausible, as they are among the most secure areas in the country. They were later also largely left untouched by the IEC and ECC disqualifications. A third province, Samangan, at that time representing 291 polling stations, had recently become somewhat insecure, due to the insurgency's expansion into the north, and later saw a moderate disqualification by the IEC (11 per cent of its polling stations) and a relatively high disqualification by the ECC (around 20 per cent of the remaining preliminary vote).

The remaining three provinces where all polling stations were reported to have opened – Kandahar, Paktia and Zabul – are among the most insecure provinces in the country, rendering the claim rather implausible. Kandahar and Paktia were later hit hard by the IEC disqualifications: a third of their polling stations were removed from the count. Zabul was largely left untouched by the IEC, but saw at least 67 per cent of its counted votes annulled by the ECC.

4 AFTER THE VOTE: IEC COUNTS, AUDITS AND DISQUALIFICATIONS

After polling, the count took place at the polling-station level, after which the totals were communicated to Kabul by phone and the various forms were sent to the count centre in tamper-evident bags, in what was supposedly a fairly fool-proof system. Although the count was meant to take place in the presence of observers on the evening of the election, immediately after the polling station closed, in many cases at least part of the count was postponed until the next morning. In some cases it continued during the consecutive days, usually alongside additional ballot stuffing. As a result, early count data remained highly fluid.

On 21 September 2010, after giving an initial statement of the turnout, the IEC stopped providing information on the total number of votes cast or counted, until the announcement of the preliminary results on 20 October. By that time 1.2 million votes had reportedly been disqualified, while the total number of remaining valid votes (4,156,995) was still more or less the same as the

initial turnout estimate (4,332,871). The IEC failed to provide a satisfactory explanation, although it indicated that the discrepancy was because a large number of votes or polling stations, or both, had been added during or after the initial count at polling-station level, and that this had made it difficult to determine what should be included in the initial turnout figure.

Although no information was available on the total number of votes cast or counted while the count

was ongoing, the IEC did regularly release information on which polling stations were disqualified (usually the whole station was invalidated, but in some cases only the votes for a single candidate were annulled) or where recounts were ordered. Of the 17,582 polling stations reported to have opened on election day, 2,543 were disqualified in full, which represents 14.5 per cent of all open polling stations. The details for each province are given in Table 2.

Table 2
Percentage of disqualified polling stations per province (from high to low)

PROVINCE	Polling stations open on election day	Polling stations disqualified by the IEC	Percentage of open polling stations disqualified
Paktika	452	212	46.9
Nuristan	99	44	44.4
Badghis	294	114	38.8
Paktia	412	159	38.6
Wardak	388	145	37.4
Ghor	532	188	35.3
Kandahar	883	268	30.4
Baghlan	566	172	30.4
Farah	371	100	27.0
Ghazni	653	151	23.1
Herat	1,321	271	20.5
Nangarhar	999	110	11.0
Logar	271	46	17.0
Khost	401	60	15.0
Faryab	600	89	14.8
Kunarha	313	35	11.2
Samangan	292	32	11.0
Kunduz	533	54	10.1
Laghman	289	24	8.3
Badakhshan	710	48	6.8
Sare Pol	359	21	5.8
Kapisa	258	15	5.8
Uruzgan	222	11	5.0
Daikondi	396	16	4.0
Balkh	937	31	3.3
Kabul	2,327	73	3.1
Zabul	160	5	3.1
Jowzjan	336	10	3.0
Takhar	693	20	2.9
Parwan	417	7	1.7
Helmand	491	8	1.6
Bamyan	329	4	1.2
Panjshir	170	0	0.0
Nimruz	108	0	0.0
TOTAL	17,582	2,543	14.5%

Based on IEC Polling Centre Summary List and information provided to observer organisations by IEC

Table 2 shows that in eight provinces – Paktika, Nuristan, Badghis, Paktia, Wardak, Ghor, Kandahar and Baghlan – more than 30 per cent of the polling stations that opened were disqualified by the IEC. None of them come as a real surprise.¹⁸ Two provinces reported no disqualified polling stations: Panjshir and Nimruz (the latter despite consistent and plausible reports of widespread fraud).

When the figures for polling stations closed and disqualified are taken together, a picture emerges of which provinces – by the time of the announcement of the preliminary results – had been most affected by the combination of insecurity (the inability to secure all planned

polling locations) and anti-fraud measures (IEC disqualifications of polling stations). Nuristan was number one: 57.7 per cent of its planned stations either did not open or the votes were invalidated; only 55 of its 130 stations remained. In more than one third of the provinces at least 20 per cent of the polling stations had either not opened or were later disqualified. The provinces that were least affected were Panjshir, where all polling stations were open and counted; Bamyan with only four polling stations disqualified; and, again, Zabul, where only five polling stations were disqualified (Zabul, however, as mentioned before was later hit hard by the ECC). The details for all provinces are given in Table 3.

¹⁸ For more information on provinces with a high incidence of irregularities in the past elections see among others Van Bijlert, *Who Controls the Vote?* (see FN 1) and Van Bijlert, *How to Win an Afghan Election* (see FN 3).

Table 3
Percentage of closed and disqualified polling stations per province (from high to low)

PROVINCE	Polling stations planned	Planned polling stations closed	Polling stations disqualified by IEC	Percentage of planned polling stations closed or disqualified
Nuristan	130	31	44	57.7
Paktika	465	13	212	48.4
Badghis	341	47	114	47.2
Ghazni	857	204	151	41.4
Wardak	399	11	145	39.1
Paktia	412	0	159	38.6
Baghlan	639	73	172	38.3
Ghor	549	17	188	37.3
Kandahar	883	0	268	30.4
Farah	382	11	100	29.1
Nangarhar	1,225	226	110	27.4
Logar	301	30	46	25.2
Herat	1,373	52	271	23.5
Laghman	329	40	24	19.5
Jowzjan	398	62	10	18.1
Kunduz	582	49	54	17.7
Faryab	613	13	89	16.6
Kunarha	332	19	35	16.3
Khost	405	4	60	15.8
Sare Pol	388	29	21	12.9
Nimruz	124	16	0	12.9
Kapisa	274	16	15	11.3
Samangan	292	0	32	11.0
Uruzgan	236	14	11	10.6
Balkh	989	52	31	8.4
Takhar	731	38	20	7.9
Badakhshan	714	4	48	7.3
Daikondi	408	12	16	6.9
Parwan	426	9	7	3.8
Kabul	2,341	14	73	3.7
Helmand	500	9	8	3.4
Zabul	160	0	5	3.1
Bamyan	329	0	4	1.2
Panjshir	170	0	0	0.0
TOTAL	18,697	1,115	2,543	19.6%

Based on IEC Polling Centre Summary List, information provided to observer organisations by the IEC

5 AFTER THE PRELIMINARY RESULTS: ECC RECOUNTS AND DISQUALIFICATIONS

After the announcement of the preliminary results the Electoral Complaints Commission took over. It had received around 6,000 complaints since election day, half of which were identified as 'category A' (i.e. complaints that if upheld could affect the election results) and which had to be processed before the final results could be certified.¹⁹ For the first time far-reaching decisions – for instance on disqualifications and fines – were, in principle, made by provincial-level ECC officials. The ECC central office made no special efforts to ensure that decisions, and the methods for reaching them, were standardised, and it reviewed them only when forced to do so based on an appeal. The quality and transparency of the decisions, as a result, varies wildly.²⁰ The two most intrusive sets of interventions by the ECC consisted of the disqualification of polling stations (and of votes within polling stations) and the disqualification of winning, or almost winning, candidates.

5.1 Disqualification of polling stations by the ECC

The ECC disqualified a total of 334 polling stations after the announcement of the preliminary results.²¹ Table 4 lists the number of polling

stations disqualified per province, from high to low. The provinces that were hardest hit – proportionally – were Nuristan (again), Khost, Logar and Zabul.

Table 5 shows the sequence of closures and disqualifications throughout the process, as well as which provinces were most affected. It shows how many polling stations were planned; how many of the planned polling stations never opened on polling day; how many of the open polling stations were ultimately disqualified by either the IEC or the ECC; and finally what percentage of the planned polling stations did not make it into the final count.

In several provinces 40 per cent or more of their polling stations were not included in the end result – in Nuristan even 70 per cent. The table also shows how different provinces were affected in different stages of the process. Nangarhar and Ghazni for instance lost most of their polling stations on polling day, when a large number of locations did not open. In Paktika, Paktia and Wardak most polling were disqualified by the IEC, while Khost was hardest hit as a result of the ECC disqualifications of whole polling stations.

¹⁹ A summary of the number and type of complaints per province can be found on the ECC website: <http://www.ecc.org.af/en/images/stories/pdf/Decision%20report%20dec%2019.pdf>.

²⁰ Scanned copies of the original decisions can be found here (under post-election day decisions): http://www.ecc.org.af/en/index.php?option=com_content&view=article&id=50&Itemid=56.

²¹ The ECC put out eight press releases between 8 October and 9 November 2010 that detailed, by name and number, which polling stations were disqualified based on the decisions of its provincial offices. A ninth press release on 21 November provided the consolidated list that had been passed on to the IEC, but gave no details on which polling stations had been affected. The consolidated list does not match the information provided in the first eight lists (the latter gave a total of 572 disqualified polling stations, while the former consists of 334 disqualified polling stations). The figures suggest that a large number of duplicate polling

stations – those already disqualified by the IEC before the announcement of the preliminary results – were removed and that other, new disqualifications were added between the eighth and ninth press release. The ECC spokesman confirmed on 5 January 2011 that the figure of 334 disqualified polling stations was the final one (as did the final ECC press release on 30 January 2011). All ECC press releases can be found at http://www.ecc.org.af/en/index.php?option=com_content&view=article&id=47&Itemid=62.

Table 4
Polling stations disqualified by the ECC (from high to low)

PROVINCE*	Polling stations left after the IEC disqualifications	Polling stations disqualified by the ECC	Percentage of remaining polling stations disqualified by ECC
Nuristan	55	17	30.9
Khost	341	102	29.9
Logar	225	36	16.0
Zabul	155	20	12.9
Uruzgan	211	16	7.6
Paktia	253	15	5.9
Paktika	240	12	5.0
Badghis	180	6	3.3
Faryab	511	14	2.7
Wardak	243	6	2.5
Kunduz	479	11	2.3
Kunarha	278	6	2.2
Ghor	344	7	2.0
Helmand	483	9	1.9
Balkh	906	15	1.7
Herat	1,050	14	1.3
Baghlan	394	3	0.8
Kabul	2,254	16	0.7
Takhar	673	4	0.6
Sare Pol	338	2	0.6
Ghazni	502	2	0.4
Badakhshan	662	1	0.2

*The twelve provinces not mentioned had no polling stations disqualified by the ECC.

Based on IEC Polling Centre Summary List information provide to observer organisations by the IEC, ECC Media Release, 21 November 2010²²

²² ECC Media Release, 21 November 2010 can be found at <http://www.ecc.org.af/en/images/stories/pdf/38%20media%20release%20211110.pdf>.

Table 5
Percentage of closed and disqualified polling stations per province (from high to low)

PROVINCE	Polling stations planned	Polling stations closed	Polling stations disqualified by IEC	Polling stations disqualified by ECC	Percentage of planned polling stations closed or disqualified by IEC or ECC
Nuristan	130	31	44	17	70.8
Paktika	465	13	212	12	51.0
Badghis	341	47	114	6	49.0
Paktia	412	0	159	15	42.2
Ghazni	857	204	151	2	41.7
Khost	405	4	60	102	41.0
Wardak	399	11	145	6	40.6
Baghlan	639	73	172	3	38.8
Ghor	549	17	188	7	38.6
Logar	301	30	46	36	37.2
Kandahar	883	0	268	0	30.4
Farah	382	11	100	0	29.1
Nangarhar	1,225	226	110	0	27.4
Herat	1,373	52	271	14	24.5
Kunduz	582	49	54	11	19.6
Laghman	329	40	24	0	19.5
Faryab	613	13	89	14	18.9
Jowzjan	398	62	10	0	18.1
Kunarha	332	19	35	6	18.1
Uruzgan	236	14	11	16	17.4
Zabul	160	0	5	20	15.6
Sare Pol	388	29	21	2	13.4
Nimruz	124	16	0	0	12.9
Kapisa	274	16	15	0	11.3
Samangan	292	0	32	0	11.0
Balkh	989	52	31	15	9.9
Takhar	731	38	20	4	8.5
Badakhshan	714	4	48	1	7.4
Daikondi	408	12	16	0	6.9
Helmand	500	9	8	9	5.2
Kabul	2,341	14	73	16	4.4
Parwan	426	9	7	0	3.8
Bamyan	329	0	4	0	1.2
Panjshir	170	0	0	0	0.0
TOTAL	18,697	1,115	2,543	334	21.4%

Based on IEC Polling Centre Summary List information provide to observer organisations by the IEC, ECC Media Release, 21 November 2010

5.2 Disqualification of candidates by the ECC

The ECC decisions that had the greatest impact on the outcome of the election, however, were the removals of winning candidates from the contest. The ECC removed a total of 27 candidates after the announcement of preliminary results; three were removed for not having resigned from their government jobs in time and the others based on findings indicating massive fraud. The decisions were highly controversial as most of these candidates had come out on top in the preliminary results: 23 had held winning positions, while three others were very close. Only one of the disqualified candidates could not have hoped to secure a seat in Parliament.

The province that was hardest hit was Herat, where eight candidates were removed, (representing almost 58,000 votes), followed by Zabul and Baghlan, each with three candidates. In Zabul the whole slate of winners and almost-winners was overturned. The three candidates that finally won in Zabul received the extremely low results of 756, 752 and 748 votes (the three removed candidates had over 7,000 votes between them, while other candidates with high votes saw their totals diminished as polling stations were disqualified).

Table 6 lists the candidates who were disqualified by the ECC, with their positions and vote counts at the time of the preliminary results.

Table 6
Candidates disqualified by the ECC after announcement of the preliminary results

PROVINCE	Candidate	Preliminary result (rank) and number of votes
Herat	Haji Nessar Ahmad Feizi Ghoryani	(1) 17,906
	Muhammad Maroof Fazli	(4) 7,889
	Ahmad Wahid Taheri	(9) 6,291
	Haji Aziz Ahmad Nadem	(10) 6,131
	Alhaj Gholam Qadir Akbar	(11) 6,099
	Alhajj Rahima Jamee	(15) 3,290
	Seyd Muhammad Shafiq*	5,536
	Mohammad Halim Taraki*	4,615
Zabul	Hamidullah Tokhi	(1) 2,795
	Haji Muhammad Ismail Zabuli	(2) 2,494
	Haji Abdullah Khan Shirzad Hotak*	(3) 1,724
Baghlan	Dr. Muhammad Nassim Modaber	(3) 6,197
	Haji Ashuqullah Wafa	(4) 6,029
	Seyd Hassamudin Haqbin*	792
Paktika	Mahmood Khan Suleman Khel Haji	(2) 7,604
	Muhammad Rahim Katawazai	(3) 4,598
Kandahar	Heshmat Khalil Karzai	(1) 5,814
	Niaz Muhammad Haji Amir Lalay	(6) 4,038
Farah	Massoud Bakhtawar	(2) 3,204
	Abdul Wali Hamidi	(3) 2,824
Wardak	Haji Wahidullah Kalimzai	(2) 2,508
Faryab	Gul Muhammad Pahlewan	(5) 7,372
Badakshan	Tsaranwal Abdul Rauf	(2) 9,703
Helmand	Haji Malam Mirwali	(3) 2,244
Samangan	Alhaj Ahmad Khan Samangani	(1) 19,166
Parwan	Haji Fazl Said Kheli	(2) 12,857
Sarepol	Alhaj Mohammad Rahim Ayubi	(1) 11,373

* Runners-up. All others had expected to win.

Based on ECC media releases and preliminary results released by the IEC on 20 October 2010

The ECC, like the IEC, suffered from a lack of transparency. Although the ECC decisions were posted online, the scanned copies of the original provincial documents – often hand-written – were not always legible. Moreover many decisions lacked evidence and detail on how the commissioners had determined that massive fraud had occurred.²³ The low level of transparency and the absence of an effective appeals process was problematic, given the far-reaching nature of many of the decisions, and helped feed the rather vocal dissatisfaction of the ‘disappointed candidates’.

6 COMPARING THE PRELIMINARY AND FINAL RESULTS

In Phase II – between the announcement of the preliminary results on 20 October and the certification of the final results on 26 November 2010 – multiple simultaneous and sometimes overlapping interventions altered the preliminary results. Information on these interventions is piecemeal and incomplete, and when combined it does not seem to add up to the final results. These interventions included the disqualification of candidates, candidates’ votes or whole polling stations by the ECC, as discussed above, and corrections of vote counts by the ECC; but also a series of last minute interventions by the IEC. These included the addition of at least 511

previously not-counted polling stations and a recount of all previously audited polling stations in at least two provinces (Nangarhar and Badakhshan), the details of which are not publicly available.

When comparing the preliminary and final results, what happened with the votes in the period before the announcement of the final results is not immediately obvious. Table 7 shows the discrepancies between the preliminary and final results. Some provinces saw considerable changes. Zabul for instance lost 67 per cent of its preliminary votes, after the disqualification of three leading candidates and 20 polling stations. Something similar happened in Nuristan, Uruzgan,²⁴ Logar, Khost, Paktika, Samangan, Herat and Baghlan, where a large proportion of the vote was lost through the disqualification of candidates or polling stations, or both. Other outcomes however are less obvious. The final results in Kandahar for instance indicate that additional votes must have been added, as the discrepancy between the final and preliminary result is 7,907, less than the almost 10,000 votes of the two disqualified candidates. This can only be understood by looking at the unplanned IEC corrections that took place after the announcement of the preliminary results.

²³ ECC decisions can be found here: http://www.ecc.org.af/en/index.php?option=com_content&view=article&id=50&Itemid=65.

²⁴ The removal of a large number of polling stations in Uruzgan took place *after* the IEC had already removed two polling centres in Khas Uruzgan before the announcement of the preliminary results, invalidating practically all votes for the two Hazara candidates who had initially come out on top. For more background, see Martine van Bijlert, ‘2010 Elections 20: What if the Hazaras win in Uruzgan?’ Afghanistan Analysts Network, 2 October 2010, <http://www.aan-afghanistan.org/index.asp?id=1189>.

Table 7
Discrepancy between preliminary and final results per province (from high to low)

Province	Valid votes in preliminary result	Valid votes in final result	Discrepancy	Discrepancy as percentage of preliminary result
Zabul	14,291	4,705	-9,586	- 67.1
Nuristan	23,981	14,449	-9,532	- 39.7
Uruzgan	13,136	9,487	-3,649	- 27.8
Logar	36,967	26,902	-10,065	- 27.2
Khost	46,149	34,278	-11,871	- 25.7
Paktika	55,416	43,326	-12,090	- 21.8
Samangan	103,431	84,265	-19,166	- 18.5
Herat	350,381	287,013	-63,368	- 18.1
Baghlan	145,023	121,719	-23,304	- 16.1
Wardak	95,500	81,204	-14,296	- 15.0
Farah	43,428	37,736	-5,692	- 13.1
Kandahar	83,409	75,502	-7,907	- 9.5
Sare Pol	127,396	115,531	-11,865	- 9.3
Helmand	36,502	33,305	-3,197	- 8.8
Parwan	122,486	111,943	-10,543	- 8.6
Paktia	85,777	80,593	-5,184	- 6.0
Faryab	198,922	187,561	-11,361	- 5.7
Kunarha	73,768	70,677	-3,091	- 4.2
Takhar	218,028	215,388	-2,640	- 1.2
Jowzjan	101,861	100,927	-934	- 0.9
Kapisa	45,595	45,271	-324	- 0.7
Laghman	72,534	72,122	-412	- 0.6
Badakhshan	232,415	231,040	-1,375	- 0.6
Balkh	255,910	254,569	-1,341	- 0.5
Ghor	176,661	176,407	-254	- 0.1
Daikondi	150,111	150,113	2	0.0
Bamyan	121,746	121,746	0	0.0
Panjshir	21,686	21,686	0	0.0
Nimruz	17,886	17,886	0	0.0
Badghis	61,881	62,112	231	+ 0.4
Kunduz	114,655	115,476	821	+ 0.7
Kabul	446,262	449,528	3,266	+ 0.7
Ghazni	176,947	179,316	2,369	+ 1.3
Nangarhar	286,854	291,224	4,370	+ 1.5
TOTAL	4,156,995	3,925,007	-231,988	- 5.5%

Based on IEC preliminary results and IEC final results as posted on http://www.iec.org.af/results_10/eng/

6.1 Additional IEC interventions

The two post-polling phases – the count and audit by the IEC (Phase I) and the complaints adjudication by the ECC (Phase II) – were meant to be separate processes. In practice the situation was more confused. The ECC had, first of all, started adjudicating complaints while the IEC was still deciding which votes to count. Given the time pressure this made sense, but it sometimes resulted in multiple decisions for the same polling station that then needed to be reconciled. The IEC, moreover, found itself confronted with a number of mistakes, which were only detected after the count had been finalised and the preliminary results made public, which then needed to be

corrected. Recounts were ordered in Badakhshan and Nangarhar,²⁵ although no details were released on the outcome or consequences. And after observation organisations commented that the polling station numbers did not add up, 511 'missing stations' were located and added to the count.²⁶

Of the 511 polling stations that were processed, 49 were ultimately disqualified and 295 contained no votes. The remaining 167 polling stations added more than 45,000 votes to the count. In half of all the provinces, between 1,000 and 5,600 votes were added, which is potentially significant enough to change the election results. Details are provided in Table 8.

²⁵ For details on the Badakhshan recount process see IEC, 'Fact Sheet on the Corrections Process of the Results Forms for Badakhshan Province,' distributed during the recount on 4 November 2010, http://www.iec.org.af/pdf/wsfactsheets/fs_badakhshan_corrections_20101103.pdf. No details were released on the Nangarhar recount process.

²⁶ Observer organisations noticed that the number of polling stations for which data was posted or that had been reported as disqualified, did not add up to the total number of polling stations that were reported as having opened, and found that 624 or 777 polling stations were missing (depending on the total figure that is used). See for details Martine van Bijlert, '2010 Elections 2010: Loose Ends and Entanglements' Afghanistan Analysts Network, 4 November 2010, <http://www.aan-afghanistan.org/index.asp?id=1290>. In the end 511 polling stations were added (the discrepancy is not explained). A list of the 511 missing polling stations, with vote totals, can be found at http://www.iec.org.af/results_10/pdf/details_of_511_missing_ps.pdf. The details of the stations that were actually added to the count, with the vote totals per candidate, can be found at http://www.iec.org.af/results_10/pdf/511_missing_stations_results.pdf.

Table 8
Polling stations and votes added by the IEC (in Phase II) (from high to low)

PROVINCE	Polling stations (with votes) added by the IEC	Votes added by the IEC	Percentage of the final results
Kabul	25	5,614	1.2
Nangarhar	18	5,196	1.8
Paktia	12	3,507	4.4
Kunduz	12	3,202	2.8
Ghazni	12	3,029	1.7
Balkh	8	2,751	1.1
Wardak	5	2,603	3.2
Kandahar	11	2,491	3.3
Parwan	7	2,444	2.2
Ghor	4	2,230	1.3
Khost	6	1,900	5.5
Paktika	9	1,847	4.3
Faryab	4	1,692	0.9
Badakhshan	6	1,627	0.7
Herat	6	1,212	0.4
Nuristan	2	1,071	7.4
Baghlan	3	747	0.6
Badghis	1	592	1.0
Logar	2	383	1.4
Farah	2	374	1.0
Helmand	3	344	1.0
Uruzgan	6	236	2.5
Takhar	1	124	0.1
Zabul	1	37	0.8
Panjshir	1	24	0.1
Kapisa	0	0	0.0
Nimruz	0	0	0.0
Kunarha	0	0	0.0
Laghman	0	0	0.0
Samangan	0	0	0.0
Jowzjan	0	0	0.0
Sare Pol	0	0	0.0
Bamyan	0	0	0.0
Daikondi	0	0	0.0
TOTAL	167	45,277	1.2%

Based on IEC Detail of 511 Missing Stations²⁷

²⁷ The list can be found at http://www.iec.org.af/results_10/pdf/details_of_511_missing_ps.pdf.

The IEC document listing the added 511 stations shows that 49 polling stations were disqualified because they contained 600 votes or more (in some cases considerably more)²⁸ or based on 'audit reports'. However, a quick scan of the vote patterns in the remaining polling stations still shows suspicious distributions of votes. For instance in a polling station in Paktika, 240 votes were cast for one candidate (and none for anybody else); in a polling station in Khost, two candidates received exactly 100 votes each; in a polling station in Faryab, exactly 599 votes were cast for four candidates only (in instalments of 549, 28, 21, and 1 votes); and in two polling stations in Wardak, one candidate received an implausibly high number of votes (495 and 390) with almost no other votes cast.²⁹

6.2 Piecing together what happened

When all available information is combined, what may have happened becomes clearer (although *why* it happened often remains unclear). This is summarised in Table 9. It lists the discrepancy between the preliminary and the final results per province; provides a summary of the main interventions per province; and shows (in bold) how the two relate. The table shows that in four provinces more votes were added than removed (Kabul, Ghazni, Nangarhar and Badghis, although in the last case only slightly more). In two provinces no changes at all occurred (Nimruz and Bamyan), while in five provinces minor, but unexplained discrepancies occurred (Kapisa, Laghman, Jowzjan, Daikondi and Panjshir), which could point to interference. In some provinces – like Wardak, Badakhshan, Baghlan and Kandahar – the available data did not add up, suggesting significant undocumented interventions.³⁰

²⁸ See 'Details of 511 Missing Stations', http://www.iec.org.af/results_10/pdf/details_of_511_missing_ps.pdf. In some cases the ballot-stuffers or those manipulating the results sheets had clearly exaggerated, returning vote totals of 751 (Bargumtal, Nuristan), 840 (Malestan, Ghazni), 930 (Cheshite Sharif, Herat), 1,187 (Jawand, Badghis), 1,191 (Khanabad, Kunduz) and even 1,603 votes (Chiperhar, Nangarhar) in single polling stations. Each polling station is provided with only 600 ballot papers.

²⁹ The polling stations in question are 701025 5, 901044 4, 2205103 2, 407104 1 and 2. For more details on suspicious vote patterns, see Van Bijlert *Who Controls the Vote?* (see FN 1).

³⁰ With the disqualification of a winning candidate with 9,703 votes, one would expect the final Badakhshan result to have at least 8,076 votes less than the preliminary results (considering that 1,627 votes were added by the IEC). The current discrepancy of 1,375 suggests that an additional 6,701 votes were added, which could be the result of the IEC audit. In Wardak, Baghlan and Kandahar the opposite is the case. In Wardak a winning candidate with 12,508 votes was disqualified, while 2,603 votes were added, which should result in a loss of 9,905 votes (and not 14,296). And although it is true that the ECC disqualified an additional 6 polling stations, these cannot have contained the full 4,391 remaining votes (as this would have meant an average of over 700 votes per station). In Baghlan three candidates with a total of 13,018 votes were disqualified, as well as six polling stations, while the discrepancy between the preliminary and final results was 23,304 votes (there was a minor addition of 747 votes by the IEC). It is impossible that the six polling stations disqualified by the ECC contained the remaining 9,539 votes. In Kandahar the ECC disqualified two candidates with together 9,852 votes, while the IEC added 2,491 votes, leading one to expect a loss of 7,376 rather than 7,907 votes. No record exists of the additional removal of 531 votes.

Table 9
What happened between the preliminary and final results

Province	Discrepancy in number of votes between preliminary and final results	What happened between the preliminary and final results
Kabul	+ 3,266	More votes were added than were removed. Polling stations disqualified by ECC: 16 Polling stations added by IEC: 25 (containing 5,614 votes) <i>(not counting 10 stations with 0 votes)</i>
Kapisa	- 324	Why was the (minor) change made? Polling stations added by IEC: 2 <i>(both with 0 votes)</i> Otherwise no recorded intervention
Parwan	- 10,543	Winning candidate disqualified, votes were added; seems to add up. Candidates disqualified by ECC: 1 (12,857 votes) Polling stations added by IEC: 7 (containing 2,444 votes) <i>(not counting 1 polling station with 0 votes)</i>
Wardak	- 14,296	Results do not add up. Candidates disqualified by ECC: 1 (12,508 votes) Polling stations disqualified by ECC: 6 Polling stations added by IEC: 5 (containing 2,603 votes) <i>(not counting 18 polling stations with 0 votes and 5 disqualified)</i>
Logar	- 10,065	Major disqualifications by the ECC. Polling stations disqualified by ECC: 36 Polling stations added by IEC: 2 (containing 383 votes) <i>(not counting 5 with 0 votes)</i>
Ghazni	+ 2,369	More votes were added than were removed. Polling stations disqualified by ECC: 2 Polling stations added by IEC: 12 (containing 3,029 votes) <i>(not counting 21 with 0 votes and 5 disqualified)</i>
Paktika	- 12,090	Winning candidates disqualified, votes added, votes removed. Candidates disqualified by ECC: 2 (12,202 votes) Polling stations disqualified by ECC: 12 Polling stations added by IEC: 9 (containing 1,847 votes) <i>(not counting 19 with 0 votes and 1 disqualified)</i>
Paktia	- 5,184	Major disqualifications by the ECC were partly offset by IEC additions. Polling stations disqualified by ECC: 15 Polling stations added by IEC: 12 (containing 3,507 votes) <i>(not counting 12 with 0 votes and 1 disqualified)</i>
Khost	- 11,871	Major disqualifications by the ECC were partly offset by IEC additions. Polling stations disqualified by ECC: 102 Polling stations added by IEC: 6 (containing 1,900 votes) <i>(not counting 30 with 0 votes and 2 disqualified)</i>
Nangarhar	+ 4,370	More votes added than removed, recount with unknown outcome. Partial disqualifications by ECC: yes (votes of certain candidate removed) Polling stations added by IEC: 18 (containing 5,196 votes) <i>(not counting 15 with 0 votes and 4 disqualified)</i> IEC recount: yes (result unknown)
Kunarha	- 3,091	Considerable disqualifications by the ECC. Polling stations disqualified by ECC: 6 Polling stations added by IEC: 11 <i>(all with 0 votes)</i>
Laghman	- 412	Why the (minor) change? Polling stations added by IEC: 3 <i>(all with 0 votes)</i> Otherwise no recorded interventions
Nuristan	- 9,532	Major disqualifications by the ECC were partly offset by IEC additions. Polling stations disqualified by ECC: 17

		Additional votes disqualified by ECC: yes Polling stations added by IEC: 2 (containing 1,071 votes) <i>(not counting 3 with 0 votes and 3 disqualified)</i>
Badakhshan	- 1,375	Results do not seem to add up. Candidates disqualified by ECC: 1 (9,703 votes) Polling stations disqualified by ECC: 1 Polling stations added by IEC: 6 (containing 1,627 votes) <i>(not counting 1 with 0 votes)</i> IEC recount: yes (result unknown)
Takhar	- 2,640	Considerable disqualifications were done by the ECC. Polling stations disqualified by ECC: 4 Additional votes disqualified by ECC: yes Polling stations added by IEC: 1 (containing 124 votes) <i>(not counting 2 with 0 votes)</i>
Baghlan	- 23,304	Results do not add up. Candidates disqualified by ECC: 3 (13,018 votes) Polling stations disqualified by ECC: 3 Polling stations added by IEC: 3 (containing 747 votes) <i>(not counting 3 with 0 votes and 1 disqualified)</i>
Kunduz	+ 821	Almost as many votes were added as were removed. Polling stations disqualified by ECC: 11 Polling stations added by IEC: 12 (containing 3,202 votes) <i>(not counting 7 with 0 votes and 2 disqualified)</i>
Samangan	- 19,166	Winning candidate was disqualified. Candidates disqualified by ECC: 1 (19,166 votes) Polling stations added by IEC: 1 <i>(but with 0 votes)</i>
Balkh	- 1,341	Considerable disqualifications by the ECC partly offset by IEC additions. Polling stations disqualified by ECC: 15 Polling stations added by IEC: 9 (containing 2,751 votes) <i>(not counting 13 with 0 votes and 1 disqualified)</i>
Jowzjan	- 934	Why the (minor) change? No recorded interventions
Sare Pol	- 11,865	Winning candidate was disqualified, votes removed. Candidates disqualified by ECC: 1 (11,373 votes) Polling stations disqualified by ECC: 2 Additional votes disqualified by ECC: yes
Faryab	- 11,361	Winning candidate was disqualified, votes removed, votes added. Candidates disqualified by ECC: 1 (7,372 votes) Polling stations disqualified by ECC: 14 Polling stations added by IEC: 4 (containing 1,692 votes) <i>(not counting 5 with 0 votes and 3 disqualified)</i>
Badghis	+ 231	More votes were added than were removed. Polling stations disqualified by ECC: 6 Polling stations added by IEC: 1 (containing 592 votes) <i>(not counting 5 with 0 votes and 4 disqualified)</i>
Herat	- 63,368	Eight candidates were disqualified, votes removed, votes added. Candidates disqualified by ECC: 8 (57,757 votes) Polling stations disqualified by ECC: 16 Additional votes disqualified by ECC: yes Polling stations added by IEC: 6 (containing 1,212 votes) <i>(not counting 13 with 0 votes and 4 disqualified)</i>
Farah	- 5,692	Two winning candidates were disqualified, votes added. Candidates disqualified by ECC: 2 (6,028 votes) Polling stations added by IEC: 2 (containing 474 votes) <i>(not counting 3 with 0 votes)</i>

(The ECC disqualified all polling stations in Porchaman District, but this was implemented before the announcement of the preliminary results.)

Nimruz	0	No change occurred. Polling stations added by IEC: 7 (<i>all with 0 votes</i>) Otherwise no recorded interventions
Helmand	- 3,197	Winning candidate was disqualified, votes removed, votes added. Candidates disqualified by ECC: 1 (2,244 votes) Polling stations disqualified by ECC: 9 Polling stations added by IEC: 3 (containing 344 votes) (<i>not counting 14 with 0 votes</i>)
Kandahar	- 7,907	Two winning candidates disqualified, votes added; results do not add up. Candidates disqualified by ECC: 2 (9,852 votes) Polling stations added by IEC: 11 (containing 2,491 votes) (<i>not counting 46 with 0 votes and 12 disqualified</i>)
Zabul	- 9,586	Three candidates disqualified, votes removed. Candidates disqualified by ECC: 3 (7,013 votes) Polling stations disqualified by ECC: 20 Polling stations added by IEC: 1 (containing 37 votes) (<i>not counting 1 disqualified</i>)
Uruzgan	- 3,649	Considerable disqualifications were done by the ECC, votes added. Polling stations disqualified by ECC: 16 Polling stations added by IEC: 6 (containing 236 votes) (<i>not counting 15 with 0 votes</i>)
Ghor	- 254	Almost as many votes were added as were removed. Polling stations disqualified by ECC: 7 Polling stations added by IEC: 4 (containing 2,230 votes) (<i>not counting 4 with 0 votes</i>)
Bamyan	0	No changes occurred. Polling stations added by IEC: 8 (<i>all with 0 votes</i>) Otherwise no recorded interventions
Panjshir	0	Minor, but unexplained discrepancy. Polling stations added by IEC: 1 (containing 24 votes)
Daikondi	+ 2	Minor, but unexplained discrepancy. Additional votes disqualified by ECC: yes Otherwise no recorded interventions

7 CONCLUSION: HOW A WEAK SYSTEM BREEDS SUSPICION, MANIPULATION AND IMPROVISATION

The analysis for this report was complicated. Electoral data was plentiful but incomplete, and often contradictory or incompatible. The process of piecing together a rudimentary overview of what happened to the vote required an inordinate amount of time and energy. The picture that emerges from the analysis does not instil confidence that the IEC and ECC were at all times in control of their data.

The IEC and ECC interventions however had far-reaching consequences. The IEC claims to have disqualified 1.2 million votes (although no details

were given), which could represent around 20 per cent of the total vote. The ECC disqualified far less (probably under 300,000 votes),³¹ but by targeting winning and almost winning candidates, it changed the composition of the parliament. Although in most cases details were provided on which polling stations or candidates were affected, the underlying reasons for the decisions remained highly opaque. The lack of clarity on what criteria

³¹ The total discrepancy between the preliminary and final results was 231,988. The IEC added 45,277 votes, after it found and re-included the uncounted 511 polling stations. It is unclear what the results of the IEC audits in Nangarhar and Badakhshan were, but they seem to have added an unknown number of votes (probably around 6,700 in Badakhshan, see FN 29). The ECC disqualifications can thus be estimated to have invalidated around 285,000 votes (171,093 of which were as a result of the disqualification of the 27 candidates).

were used for the disqualification of some candidates, and not others, and of large numbers of polling stations, feeds suspicions of possible intentional manipulation. The absence of an appeal process, where in many cases an obligation to better explain or review the decisions was probably warranted, has kept the post-election wrangling going even after the new parliament commenced its sessions and has made it difficult to dismiss the disputes as purely political.

The current electoral system allows for far-reaching disqualifications with virtually no checks, no appeal and only minimal transparency. The question of how to respond if the system malfunctions or is manipulated was left unanswered and remains so to this day. Several judicial organisations sought to fill this gap – including the Attorney General's Office, the Supreme Court, the Independent Commission for the Supervision of the Implementation of the Constitution, and the *ad hoc* Special Court (established *post factum* by the president to investigate electoral fraud) – but the authority and neutrality of each one of them is disputed.

This is not just about a messy election. The tumultuous aftermath of the vote illustrates how the immaturity of the system leaves contested processes wide open to political pressure, factional manipulation and almost unlimited improvisation. This has allowed all parties – the president and his entourage, winning candidates, losing MPs,

factional leaders, the badly organised opposition – to bring to bear the influence they can muster and to push the various judicial and executive organisations to try to either change or uphold the electoral results as they currently stand.

It also illustrates the fundamental problem that Afghanistan's system of government has no centre of gravity; it has no mechanism for arbitration and no power that is respected enough to have the final say. With authorities ill-defined, this leaves a lot of room for posturing, pressure and improvisation. In the past the main international actors – represented by the US, UN and NATO envoys – often acted as *de facto* arbiters and enforcers, but their influence and credibility has waned over the years.

The contours of a factionalised government, driven by posturing and negotiated *ad hoc* solutions, are in the meantime becoming increasingly clear. With transition looming little time and patience is left, but the international community may still have the clout and the vision to strengthen credible institutions. And if there is to be any hope of less controversy in the future, electoral reforms will need to focus on the development of simplified, and transparent and more credible disqualification and appeal processes – although that is obviously easier said than done.

ANNEX 1. Excerpts from: *Who Controls the Vote?*

Although many internationals believe the upcoming parliamentary vote will be less controversial than last year's election, all indications are that it will be messy, fiercely contested and manipulated at all levels. An analysis of the under-reported 2009 provincial council results provides important clues on what this will look like.

The analysis, first of all, indicates that candidate networks in the insecure areas will probably revert to the same bulk vote tactics that they used in the presidential and provincial council elections. The mass availability of additional voter cards and the risk of disqualification will prompt candidates to seek to secure an exaggerated number of votes. Although many have learnt from the 2009 controversies and will try to make the fraud less detectable, in areas where the contest is fierce and conditions are favourable, the fraud is likely to again be blatant, unsophisticated and widespread.

* * *

Second, the analysis demonstrates that in 2009 large-scale, mostly undetected, manipulation took place within the electoral administration and at a relatively late stage – aiming either to neutralise large disqualifications or to bolster the vote of candidates who fell slightly short. It seems unlikely that the 2010 elections will see a mass release of polling centres on the same scale as in 2009, but candidates from all provinces will certainly seek to again manipulate the final processes – with help from within the electoral administration.

* * *

The provincial case studies starkly illustrate that, once fraud has occurred, it is difficult to reconstruct what the real vote would have been. But it has also proven very difficult to prevent fraud, as mitigating measures are widely disregarded and the electoral authorities are faced with a massive loss of control. In 2009 this was caused and exacerbated by several factors, including the continued absence of an

adequate voter registry, the mass availability of voter cards not linked to actual voters (the 'ghost voters'), the lack of clarity about which polling centres had opened on election day (the 'ghost polling stations'), and the resulting fluidity of the count.

* * *

It is highly likely that, despite recent efforts by the Independent Election Commission (IEC) to regain control, 2010 will again see a collapse of the electoral procedure. This is particularly the case as the 2009 elections will have persuaded many candidates that they need to ensure an excess of votes, in case a proportion is disqualified. How the IEC responds to pressure, and to what extent it will be able to maintain a level of resolve and transparency, will largely determine the quality of the upcoming elections.

* * *

The expectation of widespread fraud should not detract observers from flagging specific incidences of gross manipulation or misconduct, whether by the IEC and ECC, or by candidates and their backers. It is the silence, or late and muted reactions, of international observers that have often most confused Afghan voters. The events of the 2009 election, finally, convincingly demonstrate that international observers should preferably follow the electoral process until the very end, as that is when some of the most decisive irregularities take place.

Martine van Bijlert, *Who Controls the Vote? Afghanistan's Evolving Elections*. Afghanistan Analysts Network, Thematic Report 5/2010, September 2010, http://www.aan-afghanistan.org/uploads/AAN-2010-Controlling_the_vote-final.pdf.

ANNEX 2. Planned, opened and closed polling stations (in Phase I)

Planned, opened and closed polling stations (in Phase I)

PROVINCE	Planned polling stations	Polling stations closed on election day	Percentage of planned polling stations closed on election day
Kabul	2,341	14	0.6
Kapisa	274	16	5.8
Parwan	426	9	2.1
Wardak	399	11	2.8
Logar	301	30	10.0
Ghazni	857	204	23.8
Paktika	465	13	2.8
Paktia	412	0	0.0
Khost	405	4	1.0
Nangarhar	1,225	226	18.4
Kunarha	332	19	5.7
Laghman	329	40	12.2
Nuristan	130	31	23.8
Badakhshan	714	4	0.6
Takhar	731	38	5.2
Baghlan	639	73	11.4
Kunduz	582	49	8.4
Samangan	292	0	0.0
Balkh	989	52	5.3
Jowzjan	398	62	15.6
Sare Pol	388	29	7.5
Faryab	613	13	2.1
Badghis	341	47	13.8
Herat	1,373	52	3.8
Farah	382	11	2.9
Nimruz	124	16	12.9
Helmand	500	9	1.8
Kandahar	883	0	0.0
Zabul	160	0	0.0
Uruzgan	236	14	5.9
Ghor	549	17	3.1
Bamyan	329	0	0.0
Panjshir	170	0	0.0
Daikondi	408	12	2.9
TOTAL	18,697	1,115	6.0%

(continued)

PROVINCE	Open polling stations	Polling stations disqualified by the IEC	Percentage of open polling stations disqualified by the IEC	Percentage of planned polling stations closed or disqualified (by the IEC)
Kabul	2,327	73	3.1	3.7
Kapisa	258	15	5.8	11.3
Parwan	417	7	1.7	3.8
Wardak	388	145	37.4	39.1
Logar	271	46	17.0	25.2
Ghazni	653	151	23.1	41.4
Paktika	452	212	46.9	48.4
Paktia	412	159	38.6	38.6
Khost	401	60	15.0	15.8
Nangarhar	999	110	11.0	27.4
Kunarha	313	35	11.2	16.3
Laghman	289	24	8.3	19.5
Nuristan	99	44	44.4	57.7
Badakhshan	710	48	6.8	7.3
Takhar	693	20	2.9	7.9
Baghlan	566	172	30.4	38.3
Kunduz	533	54	10.1	17.7
Samangan	292	32	11.0	11.0
Balkh	937	31	3.3	8.4
Jowzjan	336	10	3.0	18.1
Sare Pol	359	21	5.8	12.9
Faryab	600	89	14.8	16.6
Badghis	294	114	38.8	47.2
Herat	1,321	271	20.5	23.5
Farah	371	100	27.0	29.1
Nimruz	108	0	0.0	12.9
Helmand	491	8	1.6	3.4
Kandahar	883	268	30.4	30.4
Zabul	160	5	3.1	3.1
Uruzgan	222	11	5.0	10.6
Ghor	532	188	35.3	37.3
Bamyan	329	4	1.2	1.2
Panjshir	170	0	0.0	0.0
Daikondi	396	16	4.0	6.9
TOTAL	17,582	2,543	14.5%	19.6%

ABOUT THE AFGHANISTAN ANALYSTS NETWORK (AAN)

The Afghanistan Analysts Network (AAN) is a non-profit, independent policy research organisation. It aims to bring together the knowledge and experience of a large number of experts to inform policy and increase the understanding of Afghan realities.

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