

THE AFGHAN ELECTIONS: WHO LOST WHAT?

HEARING
BEFORE THE
SUBCOMMITTEE ON
THE MIDDLE EAST AND SOUTH ASIA
OF THE
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HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS

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CONTENTS

	Page
WITNESSES	
Mr. Glenn Cowan, Co-Founder & Principal, Democracy International, Inc.	6
J. Alexander Thier, J.D., Director for Afghanistan and Pakistan, United States Institute of Peace	13
Peter M. Manikas, J.D., Senior Associate & Regional Director, Asia Programs, The National Democratic Institute	22
C. Christine Fair, Ph.D., Assistant Professor, Security Studies Program, Edmund A. Walsh School of Foreign Service, Georgetown University	28
The Honorable Lorne W. Craner, President, International Republican Institute (Former Assistant Secretary of State for Democracy, Human Rights and Labor)	49
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Gary L. Ackerman, a Representative in Congress from the State of New York, and Chairman, Subcommittee on the Middle East and South Asia: Prepared statement	3
Mr. Glenn Cowan: Prepared statement	9
J. Alexander Thier, J.D.: Prepared statement	15
Peter M. Manikas, J.D.: Prepared statement	24
C. Christine Fair, Ph.D.: Prepared statement	31
The Honorable Lorne W. Craner: Prepared statement	51
APPENDIX	
Hearing notice	80
Hearing minutes	81
The Honorable Gene Green, a Representative in Congress from the State of Texas: Prepared statement	82
The Honorable Gerald E. Connolly, a Representative in Congress from the State of Virginia: Prepared statement	83
The Honorable Dana Rohrabacher, a Representative in Congress from the State of California: Prepared statement	85

THE AFGHAN ELECTIONS: WHO LOST WHAT?

THURSDAY, OCTOBER 1, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE MIDDLE EAST
AND SOUTH ASIA,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:10 a.m. in room 2172, Rayburn House Office Building, Hon. Gary L. Ackerman (chairman of the subcommittee) presiding.

Mr. ACKERMAN. The subcommittee will come to order. Today because of the size of the panel, I suggest that myself and the ranking or acting ranking minority member make opening statements if we could, and then proceed directly to the panel.

Or if anyone would really care to make an opening statement, we will accommodate that as well.

Mr. GREEN. I would like to make an opening statement.

Mr. ACKERMAN. No problem. I would like to start with a somewhat rickety old joke. A politician, a minister, and an economist are stranded on a deserted island and they fall into a 40-foot steep, steep pit, with nothing to drink or eat. "How do we get out of this?" they ask. "Let us make a lot of noise and someone will hear us," the politician says. That is not going to work. The minister simply says, "Let us pray." The other two question whether or not that is going to work. They turn to the economist, and they say, "Well, what is your plan?" and he says, "It's easy. First, let us assume a 50-foot ladder." Well, some days later the minister and the politician starve to death, and the economist, I fear, was the only soul eventually rescued from that island. And sometime in 2002, he was put in charge of American strategy for Afghanistan.

I have this suspicion because our strategy there to date could be summarized as, Let us assume an effective Afghan Government.

There is, of course, no such thing. Yes, Afghanistan has a President. Yes, there are ministers and ministries. Yes, there are security forces. But to confuse those accessories of governance with an actual, capable effective government is to confuse Pinocchio with a real, live little boy. They might look alike, but the similarities stop there.

The Afghan Government, after 8 years of international sponsorship, is a disaster. Its writ extends only as far as foreign troops can carry it. Its policemen are mostly thieves. Its troops still cannot provide security to its people.

Its ministries are mostly empty, and the ones that are staffed often focus chiefly on graft. Not fighting it, but pursuing it. Much

of its decision-making is non-deliberative, non-transparent, and mostly ineffective, or not intended to benefit the public at large.

What was crafted in Bonn in 2002 as a grand bargain of governance has fallen apart. The people of Afghanistan, who have endured 30 years of warfare, salted with heavy doses of drought and misfortune, and are thoroughly exhausted, but are still not supporters of the Taliban.

But neither are they fans of the system that we and our allies have been propping up. There is no strong center. There are few strong governors. There is almost no effective representation. There is little law and less justice.

Afghans are not only living in something akin to anarchy, but in a kind of conflict-saturated anarchy, and all the while, they hear of the billions—\$38 billion from the United States alone—that is being poured into their desolate and desperate country.

They must wonder, as I do, where has all the money gone? Notwithstanding the near complete absence of tangible or meaningful signs of success, or security, or development, we are not in year one of this conflict. We are in year eight.

Much as I wish the Obama administration could have gotten a fresh start, there is in fact nothing fresh about our struggle in Afghanistan. Following the defeat of the Taliban in 2002, our efforts were underfunded, undermanned, under-thought, and underappreciated.

And well before President Obama even ran for the Democratic Party's nomination, the situation in Afghanistan was already moving sharply in the wrong direction. The recent elections there have only served to bring the rot and decay into public view. Not surprisingly many here are feeling a bit nauseated.

The August elections were, in the words of current senior United States officials, intended to serve as a "critical step toward developing a government that is accountable to its citizens."

Instead, these elections served as a powerful demonstration of how corrupt and awful the Afghan Government really is.

Congress has hard choices to make in the coming weeks and months about this conflict. To many, it strikingly appears similar to another conflict that wore on for many years before finally being cast off by an American public sick of war, and unable to find either a believable strategy for winning it, or a convincing rationale for continuing it.

I would suggest, however, that there are some very significant differences between the war in Afghanistan and the war in Vietnam. But perhaps that is a subject for a different hearing.

The issue before us today can be thought of in three simple questions: With regard to the Afghan elections, (1) what happened? (2) what is happening right now? and (3) what are the implications of these events?

To answer these questions, we are very fortunate to have with us a superb panel of true experts. Most of them were on the ground in Afghanistan during the elections, and can report not only what they saw and heard, but more importantly, what it might all mean. But first before the panel, we are going to hear from Mr. Rohrabacher.

[The prepared statement of Mr. Ackerman follows:]

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October 1, 2009

“The Afghan Elections: Who Won What?”
Rep. Gary L. Ackerman, Chairman
House Subcommittee on the Middle East and South Asia

I'd like to start with a somewhat rickety old joke:

"A politician, a minister and an economist are stranded on a deserted island and fall into a 40-foot steep, steep pit, with nothing to eat. The politician says, "Let's make a lot of noise and someone will hear us." The minister says simply, "Let's pray." The economist says, "Let's assume a 50-foot ladder."

The politician and the minister starve to death. The economist, I fear, was the only soul eventually rescued from that island, and sometime in 2002, was put in charge of American strategy for Afghanistan. I hold this suspicion because our strategy to date there could be summarized as, "Let's assume an effective Afghan government."

There is, of course, no such thing. Yes, they have a president. Yes, there are ministers and ministries. Yes, there are security forces. But to confuse these accessories of governance with an actual, capable effective government is to confuse Pinocchio with a real, live little boy. They might look alike, but the similarities stop there.

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What was crafted in Bonn in 2002 as a grand bargain of governance has fallen apart. The people of Afghanistan, who have endured thirty years of warfare, salted with heavy doses of drought and misfortune, are thoroughly exhausted, but are still not supporters of the Taliban. But neither are they fans of the system that we and our allies have been propping up.

There is no strong center. There are few strong governors. There is almost no effective representation. There is little law and less justice.

Afghans are not only living in something akin to anarchy, but in a kind of conflict-saturated anarchy. And all the while they hear of the billions--\$38 billion from the United States alone—that is being poured into their desolate and desperate country. They must wonder, as I do, where has all the money gone? Notwithstanding the near complete absence of tangible or meaningful signs of success, or security, or development, we are not in year one of this conflict. We are in year eight.

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The recent elections there have only served to bring the rot and decay into public view. Not surprisingly, many here are feeling a bit nauseated. The August elections were, in the words of current senior U.S. officials, intended to serve as "a critical step toward developing a government that is accountable to its citizens." Instead, these elections served as a powerful demonstration of how corrupt and awful the Afghan government really is.

Congress has hard choices to make in the coming weeks and months about this conflict. To many, it appears strikingly similar to another conflict that wore on for many years before finally being cast off by an American public sick of war and unable to find either a believable strategy for winning it, or a convincing rationale for continuing it.

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To answer these questions, we are fortunate to have with us a superb panel of true experts. Most of them were on the ground in Afghanistan during the elections and can report not only what they saw and heard but, more importantly, what it all might mean.

But first, the Ranking Minority Member.

###

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, I certainly see some familiar faces, and I am very anxious to hear the testimony that we are about to receive in this committee.

I would at this point submit for the record a list of observations of the last election that are very disturbing. Now, Mr. Chairman, if we could submit that for the record at this point.

Mr. ACKERMAN. Without objection.

Mr. ROHRABACHER. All right. Thank you. And I am going to be listening intently from a distance, but yet with focus from a distance. It seems clear not only to us here, but also up close to the people of Afghanistan, that the recent elections held there were fraudulent and dishonest.

I would think that all of the sacrifice that we have made, both in blood and in treasure, that we would expect more, and something different than what we got, and what the people of Afghanistan got in that election from a regime that we have been bolstering so many years, and have, and supposedly have influence over.

So here we are after all these years, and all of this money, and all of this sacrifice, and people losing their lives, et cetera, we are left with a display of arrogance on the part of this regime, and it is a regime that holds power, but we supposedly believe in the United States that a regime is not a legitimate government unless it represents the consent of the governed.

And the consent of the governed is not what happened in the last election in Afghanistan. This government is dependent on our largess and our willingness to sacrifice, yes, our young military defenders who go there, and who are willing to give their lives.

I think that the corruption and the dishonesty of this last election makes a mockery of the sacrifices that have been made to defeat radical Islam in their country, and the recent elections, I believe, and as I say, were very demonstrably dishonest and fraudulent.

And we will listen very intently to get details from our panel today, but Mr. Chairman, I would suggest that there is at least one path that we can take, and that is that we should insist that our Government insist that the runoff election be held in Afghanistan.

At the very least that would give the Afghan people a chance to vote up or down on the Karzai administration, and bring up some, at least a new list of characters, who might be able to do better with our help.

So I am calling today on our Government to insist that that runoff election occur so that at least the Afghan people can choose between Karzai and Abdullah as their choice.

I have a resolution that I will be submitting today on the floor of the House. I am putting it in the hopper today that actually makes that United States policy that we should be demanding a runoff election.

And finally let me just say that the corruption that we have seen from the Karzai administration in other areas, where hundreds of millions of dollars are being made by people within that government off the drug trade, et cetera, is a cause for dismay and alarm.

It does not mean that we should give up, but it is something that we should take into consideration when we are trying to determine

whether or not we are going to send any more military forces to Afghanistan.

If Mr. Karzai and his government cannot even conduct a fair and free election, then we should have second thoughts about even considering sending more troops to Afghanistan. This is something that we should all need to think about and discuss.

I am very pleased that we have a hearing today so we can get some advice as to which way to go.

Mr. ACKERMAN. Thank you. As previously announced, all members will have the ability of placing statements in the record, opening statements, if they choose.

I have looked over the CVs of each of our panelists, and it is quite impressive, and would present quite a challenge if I read them all today. Rather than the traditional recitation of degrees and past employments, all of which I assure everybody are very distinguished, I would like to point out that each of our witnesses has a singularly important credential for our purpose today.

Each of them was in Afghanistan either just before or during the August elections. Glenn Cowan, who is CEO, and co-founder, and principal, at the Democracy International, director of the elections monitoring delegation, and was in Afghanistan in July on a survey mission.

Alex Thier, who is the director for Afghanistan and Pakistan at the United States Institute of Peace, and was in Afghanistan just before the elections.

Peter Manikas, senior associate and regional director of the Asia Programs, at the National Democratic Institute, was one of the leaders of the NDI observer mission.

Dr. Christine Fair, an assistant professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University, was a long time observer and was in Afghanistan for most of August.

Lorne Craner, who used to come into this room as the Assistant Secretary of State for Democracy, Human Rights, and Labor, led a 30-person observer mission for the International Republican Institute, of which he is the president.

So with that introduction, let us begin with our first witness, Mr. Cowan.

**STATEMENT OF MR. GLENN COWAN, CO-FOUNDER &
PRINCIPAL, DEMOCRACY INTERNATIONAL, INC.**

Mr. COWAN. Thank you, Mr. Chairman. I appreciate the invitation from yourself and the members of the subcommittee. I would like to start by thanking the United States Agency for International Development, whose support of international election observation has been crucial we think in these elections.

Over the last 30 years the United States has played a vital role in observing important international elections, and it has been, and I hope that it will continue to be, an important element of our support for global democracy.

That said, it is not the responsibility of the world's international election observers to determine the legitimacy of an outcome, because that is a political construct really. Our job is to independ-

ently and objectively report what we observe, in the context within which an election has been held.

International partners have to make judgments based on broader diplomatic and geopolitical concerns about the impact of these elections, and most importantly, of course, the people of the country grant legitimacy based on an internal calculus which is generally beyond our understanding.

That said, the August 20 elections in Afghanistan have yet to produce a credible result. On Election Day, our organization, Democracy International, fielded more than 60 international observers throughout the country, and despite a partial success on Election Day, we said at the time, and cautioned at the time when we spoke with Senators Casey and Brown, and Congressman Space, who were members of a codel a couple of days after the election, we cautioned that the time was not yet there to call this a success process.

The legitimacy of the process was far from certain. Afghanistan's independent election commission still needed to tabulate and verify votes, and the election complaints commission had to resolve thousands of complaints that they had received prior to the election.

There had been, prior to the election, concerns about ballot manipulation. There were hundreds of thousands, if not millions, of ID cards that were presumed to be duplicates.

And I have to say that in the last 40 days since the election, significant damage has been done to the credibility of the process, and to the Independent Election Commission itself.

The results that they have reported have been done very slowly and fitfully. The significant delay and the manipulation in the release of the results have created an environment of suspicion, and have substantially damaged the IEC and the overall election process.

One of the hopes of the international community, and as observers, was as this was the first election to actually be led by Afghans that this would be a signal event in their history.

Even with a partially successful Election Day, on balance, we have to conclude that at this point, these elections were not conducted well at all.

Before the election, we knew that the IEC had failed to produce a useable voter registering. There were reports, and we saw evidence as I have said previously, of perhaps millions of duplicate voter ID cards on Election Day, and it has become apparent that the IEC appointed substantial numbers of local staff, who either assisted in or failed to report significant Election Day fraud.

The commission itself has been opaque in its strategy to release election returns, and despite repeated assurances, failed to screen out potentially fraudulent results with qualitative or quantitative evaluations as had been promised.

This lack of clarity and transparency, and the inability of the IEC to produce an acceptable set of election returns have led to the extraordinary process of using statistically sampling of the suspect polling stations to determine whether or not a second round is going to be necessary.

Even if this unusual auditing approach results in a runoff election, it is not at all certain that a runoff conducted in October will generate a more credible result than has come from the first round.

The same people will be running it, and there will be no time to train further folks. The security situation is going to be worse. The number of observers likely will be fewer. We think there are some things that can be done if there is a second round election, and perhaps it can be somewhat better than the first round.

To begin with, we would recommend that President Karzai replace the leadership of the Independent Election Commission. He has the power to do that. There is time to do that, and there are people who can serve who would be acceptable to both Presidential candidates.

We think that the commission should dismiss those employees who worked for them and did not perform as they should. We think that there should be investigations, and the beginning of some prosecutions of those who so blatantly defrauded this process.

We think, perhaps most importantly, that the Commission should be ordered to impound results from any runoff that fail the tests established by the Elections Complaints Commission, and perhaps naively, we would call on the candidates to tell their inwards to stay in line.

If the candidates have the sense that they can run and win an election, they ought to let their folks back off. Let the selection take place.

Even if these steps are taken, we are very concerned that we are heading toward a second round that may be no better than the first.

I would be pleased to answer any questions that the chairman of the committee might have. Thank you.

[The prepared statement of Mr. Cowan follows:]

Written Testimony for the
Subcommittee on the Middle East and South Asia
Gary L. Ackerman (D-NY), Chairman

on

“The Afghan Elections: Who Lost What?”

by

Glenn Cowan
Co-Founder and Principal
Democracy International, Inc.

Mr. Chairman and members of the subcommittee, thank you for inviting me to testify here today. The issues surrounding the Afghan elections are crucial both for the democratic development of that country and for U.S. foreign policy in the region, and I am pleased to be able to share my thoughts and observations on what has happened so far and where the process should go in the future.

The August 20 elections in Afghanistan have yet to produce a credible result. On election day my organization, Democracy International, fielded more than 60 international observers throughout the country, including in the cities of Kabul, Kandahar, Jalalabad and Hirat, and to Provincial Reconstruction Teams in Helmand, Ghazni, Paktika, Zabul, Farah, and Badghis provinces. Initial reports from them and from other observer groups were largely positive. Despite the fact that violence and intimidation kept some voters and observers away from the polls in many areas, in much of the country Afghans were able to cast their votes freely. The voters and polling station officials we observed conducted themselves admirably in the face of threats from the Taliban, and the basic administrative procedures of the election largely worked.

Despite the apparent success of election day, however, we cautioned at the time that the overall legitimacy of the process was far from certain. Afghanistan’s Independent Elec-

tion Commission (IEC) still needed to tabulate and verify ballots. In addition, the Electoral Complaints Commission (ECC), a dispute resolution body with three of five members appointed by the UN, still needed to investigate thousands of complaints. There were pre-election concerns about the ease of ballot manipulation in an election conducted without a voter registry and fears of biased or corrupt local and provincial election officials. The inability of domestic and international observers to access the most daunting and problematic areas of the country compounded these concerns.

The month since election day has done significant damage to the credibility of the elections and the IEC. The ECC received more than 2,000 complaints on and after election day, including hundreds that it believed could have a material effect on the result of the election. The results reporting process managed by the IEC proceeded slowly and fitfully, with the IEC releasing partial results every few days. The commission claimed a need to release geographically diverse vote counts, but in the event this practice was not followed – northern areas were reported considerably before southern areas, leading to the appearance of a late surge by Karzai. The IEC did not report a complete preliminary result for the Presidential race until September 16, 27 days after the election. It did not release Provincial Council results until September 26, more than five weeks after election day, and results from four key provinces – Kandahar, Paktika, Ghazni, and Nangarhar – are still being withheld. The significant delay and manipulation in the release of results has created an environment of suspicion that has substantially damaged trust in the IEC and the overall election process.

These elections were the first managed by an Afghan-led election commission. To date they have not been conducted well. The IEC failed to produce a useable voter registry, issued hundreds of thousands or even millions of duplicate voter ID cards, appointed substantial numbers of local staff members who either assisted in or failed to report significant election day fraud, was opaque in its strategy for release of election returns, and despite repeated assurances failed to screen out potentially fraudulent results through qualitative or quantitative evaluations as the votes were being tallied.

In a questionable decision, the IEC included in its preliminary result as many as 1.4 million votes (out of a total of just under 6 million) from more than 3,000 polling stations deemed suspicious by the ECC, either because those polling stations have more than 95 percent of votes cast for one candidate (with more than 100 total votes cast) or because they have 600 or more total votes cast. These ballots are the subject of an ongoing audit mandated by the ECC.

The lack of clarity and transparency and the inability of the IEC to produce an acceptable set of election results have led to the extraordinary process of using statistical sampling of the suspect polling stations to determine whether a second-round runoff election is required. This week, the ECC and IEC will examine 313 of the 3,063 polling stations affected by the ECC's audit order and will, by an as yet undefined set of criteria, decide if this contest will go to a runoff.

Through this process, the ECC might still purge some number of fraudulent votes from the tally to produce a final certified result that more closely reflects the votes actually cast by Afghans on election day. But political expediency will have prevailed over the basic democratic principle of accurately counting every vote.

Unfortunately, even if this unusual auditing approach results in a runoff election, unless there are drastic improvements to the way these elections were conducted, there is little reason to expect that another contest held in October will be any more legitimate. An election held three or four weeks from now will be run by substantially the same officials who ran the flawed election in August, particularly at the provincial and local levels. It will be held using the same flawed system, under a similar or worse security situation, and likely with fewer observers and candidate agents present.

Democracy International expects to send an international delegation to observe any planned runoff, and we will report on what we find. Our fear is that nothing substantive will have changed and the behavior of those who cheated in August will be repeated. Should this occur, the Afghan people will be aware of it and are unlikely to grant legitimacy to a president chosen by such a flawed process.

Successfully reforming Afghanistan's election system in time for an October runoff is highly unlikely, but there are steps that can be taken to improve the process and potentially forestall a repeat of what happened in August:

- To help restore some measure of confidence in the IEC, President Karzai should replace the current leadership with officials accepted by both candidates in the runoff.
- The ECC should exercise its power to prohibit individuals from working for the IEC for up to 10 years whenever clear and convincing evidence of their complicity in electoral fraud can be found.
- The Afghan government should immediately begin investigation and prosecution of those who manipulated and defrauded the August elections. Unfortunately, at present most Afghan political players, particularly at the local level, do not take penalties for electoral crimes seriously. The threat of criminal investigations with possible prison sentences might forestall such widespread violations of electoral regulations in the second round.
- The ECC should order the IEC to immediately impound any results from the runoff that meet the criteria of its first-round audit order and to exclude these votes from the results until they undergo a comprehensive review.
- Candidates should deliver public messages calling for their supporters to respect the rule of law and comply with electoral regulations. To date, candidates have not spoken strongly enough against manipulation of the vote, contributing to an atmosphere of impunity.

Even if these steps are taken, it is likely that many of the problems seen in the first round will plague any runoff. Given the environment of suspicion created in the first round and the widespread lack of trust in the IEC and the overall election process, it is far from certain that a runoff election will be sufficient to produce the legitimacy desired by the Afghan people and the international community.

Mr. ACKERMAN. Thank you, Mr. Cowan. Mr. Thier.

**STATEMENT OF J. ALEXANDER THIER, J.D., DIRECTOR FOR
AFGHANISTAN AND PAKISTAN, UNITED STATES INSTITUTE
OF PEACE**

Mr. THIER. Thank you, Mr. Chairman, and ranking member Burton. Once again, I am Alex Thier, the director for Afghanistan and Pakistan at the United States Institute of Peace, and thank you for the opportunity to present my own views on the Afghan elections.

The legitimacy and credibility of the Afghan Government and its international backers are the linchpin of a successful stabilization strategy in Afghanistan. Victory is not guaranteed with improved governance and accountability, but without them failure is assured.

Reversing the current crisis of confidence among the Afghan and American people will require the trust, the just and transparent resolution of the ongoing election conflict, as well as a serious campaign to address the culture of impunity that undermines our efforts there.

We need to put Afghanistan's unresolved election in a broader context of the struggle for this country today. The election represents a pivotal moment in a pivotal year. Public confidence in the political process and the Afghan leadership is so important, because I believe that we do know what success looks like in Afghanistan.

Success is that the path offered by the Afghan Government in partnership with the international community is more attractive, more credible, and more legitimate, than the path offered by the insurgents.

On paper, the government offers a comprehensive array of rights. It promises to subordinate the powerful to the rule of law. It promises education, health care, and economic development, while combating criminality, corruption, and drug trafficking.

These are all things that most every Afghan yearns for, and indeed would fight for. The Taliban, on the other hand, offer much less in material terms, and their ideology is far more extreme than the solidly pragmatic majority of the Afghan people.

But the Afghan Government and its international partners have failed to deliver on many of these key issues. Many Afghans do not feel secure. The government and the international forces are unable to protect the people from the Taliban.

At the same time private militias, drug mafias, and criminal gangs act with impunity throughout the country. Many of these bad actors are government officials or closely associated with those in the government.

No government that is unable to provide security, and which is seen to be corrupt and unjust, will be legitimate in the eyes of the population, and I believe that the most dangerous direction for Afghanistan, and indeed the United States, is if we are seen to be propping up by military force an Afghan Government that is no longer legitimate in the eyes of the people.

And I think the narrative of the 2009 election reinforces this legitimacy crisis in three important ways. The first is that insecurity and apathy gravely depressed turnout on August 20, which may

have been as low as 30 percent, a striking contrast to the 70 percent in the first Presidential election in 2004.

During the campaign several figures, whose avarice and brutality during the civil war in the 1990s actually precipitated the takeover of Afghanistan by the Taliban, were brought back into the national political arena to fulfill a narrow and cynical agenda.

And finally massive organized fraud affirmed the worst fears that the election would be stolen. The ongoing recount of over 3,000 polling stations statistically sampled may encompass up to 2 million votes, or 35 percent of the entire total.

It is possible, for example, that 700,000 votes could be invalidated, and yet President Karzai would still win, simultaneously delegitimizing the electoral process, and ratifying the victory of the candidate in whose name over 80 percent of the fraud was committed.

The continued uncertainty and sense of corruption that have surrounded the results have injected deeper doubt into the minds of Afghan, American, and European populations, about our objectives in Afghanistan, and the likelihood of achieving them.

So let me briefly go to two recommendations. The first is a way forward on resolving the election. The ongoing uncertainty about the outcome of the election has created turmoil, but also presents some opportunity.

It is very much worth noting that the existence of Afghan civil society organizations, and the excellent work of the electoral complaints commission, are a welcome presence and change from previous elections there.

The current process of investigations and recounts has the potential to undo some of the harm of the electoral process, and may serve to demonstrate in the end that the powerful can in fact be subordinated to the law.

But I agree as Representative Rohrabacher said that a runoff election may ultimately be the only way to restore the legitimacy of the democratic process at this point, and I am happy to go into more detail about that.

On a broader level the United States must act aggressively with its Afghan partners in the lead to break the cycle of impunity and corruption that is dragging down all sides, and providing a hospitable environment for the insurgency.

I believe a few clear steps need to be taken after the election is resolved to set a clear tone for the next Afghan Government, and I will just say briefly two points. A demonstration of Afghan leadership must be accompanied by the empowerment of an anti-corruption and serious crimes task force, independent of the government agencies that it may be investigating.

In the first few months, there must be high profile cases against people associated with the government, the elections fraud and other criminality, and they should be highly publicized.

And finally the United States needs to approach this mission in Afghanistan with the same vigor as other key elements of our counterinsurgency strategy. Thank you.

[The prepared statement of Mr. Thier follows:]

"The Afghan Elections: Who Lost What?"
Testimony of J Alexander Thier, U.S. Institute of Peace

Testimony of
J Alexander Thier
Director for Afghanistan and Pakistan
United States Institute of Peace*

before the US House of Representatives
Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia

"The Afghan Elections: Who Lost What?"

October 1, 2009

*The views expressed here are my own and not those of the United States Institute of Peace.

"The Afghan Elections: Who Lost What?"
Testimony of J Alexander Thier, U.S. Institute of Peace

Mr. Chairman, ranking member, and members of the Subcommittee.

I am Alex Thier, Director for Afghanistan and Pakistan at the U.S. Institute of Peace, thank you for the opportunity to present my own views on the Afghan elections.

The legitimacy and credibility of the Afghan government and its international backers are the lynchpin of a successful stabilization strategy in Afghanistan. Victory is not guaranteed with improved governance and accountability, but without them failure is assured. Reversing the current crisis of confidence among the Afghan and American people will require the just and transparent resolution of the ongoing election conflict as well as a serious campaign to address the culture of impunity that undermines our efforts there.

The Big Picture

We need to put Afghanistan's unresolved election in the broader context of the struggle for that country today. The election represents a pivotal moment in a pivotal year: 1) a demonstration of the relative strength of the government and NATO on one side and the insurgency on the other; 2) an exhibition of the resiliency and righteousness of the democratic process and the rule of law, and; 3) a referendum on nearly eight years of partnership between the Karzai administration and the international community.

The purpose of this election was not simply to choose national and provincial leaders for the country, but to demonstrate that choosing leaders through fair and non-violent means is possible, and preferable, in Afghanistan in 2009. Albeit still unresolved, thus far the process is lacking on both counts: a national leader has not been selected and deep flaws have shaken confidence in the prospect of fair elections in Afghanistan.

And why is this so important? I believe that we know what success looks like in Afghanistan: Success is that the path offered by the Afghan government in partnership with the international community is more attractive, more credible, and more legitimate than the path offered by the insurgents.

Is it more attractive? On paper, the government offers people a comprehensive array of rights – to security, to equality, to participate in the political process – and promises to

"The Afghan Elections: Who Lost What?"
Testimony of J Alexander Thier, U.S. Institute of Peace

subordinate the powerful to the rule of law. It ratifies compacts with the international donor community promising to better the lives of its citizens through education, health care, and economic development while combating criminality, corruption, and drug trafficking. These are all things that most every Afghan yearns for, and indeed would fight for. The Taliban offer much less in material terms, and their ideology and theology are far more extreme than the solidly pragmatic majority of the Afghan people would prefer.

But is the path offered by the government credible? Thus far, the Afghan government and its international partners have failed to deliver on many of these key issues. Most importantly, many Afghans do not feel secure. The Taliban use brutal tactics and intimidation to demonstrate to the population that the government and its international backers are unable to protect them. At the same time, private militias, drug mafias, and criminal gangs act with impunity throughout the country. At best, the government seems powerless or unwilling to stop them. At worst, many of these bad actors are government officials or closely associated with the government.

The twin ills of insecurity and injustice lead to illegitimacy. No government that is unable to provide security to its population, and which is seen as corrupt and unjust, will be legitimate in the eyes of the population. Further, the perceived failure to deliver on economic development promises and belief that this stems from both domestic and international corruption has also deeply strained support for the government and the international community. The most dangerous direction for Afghanistan, and the U.S., is that as more U.S. military forces are deployed and fighting spikes, the Afghan population loses confidence in their government, in the post-2001 political process, and, by extension, in the international community.

The Flawed Election

The narrative of the 2009 election reinforces this legitimacy crisis. First, insecurity and apathy gravely depressed turnout on August 20, which may have been as low as 30%, a precipitous drop from the 70% turnout in the 2004 presidential elections. Second, during the campaign, several figures infamous for their brutality and avarice were brought back into the national political arena and convicted drug traffickers close to key candidates were pardoned, all to fulfill a narrow, cynical political agenda. These are the same figures whose conduct during the civil war in the 1990s was so deplorable that the

"The Afghan Elections: Who Lost What?"
Testimony of J Alexander Thier, U.S. Institute of Peace

Taliban were welcomed by many the first time they took over the country. These acts served to heighten the perception of a complete lack of accountability. And third, massive, organized fraud affirmed the worst fears of voters and opposition politicians that the election would be stolen, and that elections are merely horrifically expensive showpieces for the West rather than meaningful processes of political participation and accountability.

The 2009 elections cost \$300 million and diverted significant political and military resources from the counter-insurgency effort. Yet, the continued uncertainty and sense of corruption that have surrounded the results have injected deeper doubt into the minds of the Afghan, American, and European populations about our objectives in Afghanistan and the likelihood of achieving them.

As more information comes to light, the scale of fraud in the elections appears to be dramatic, and may very possibly affect the outcome of the vote. Several hundred ballot boxes have already been excluded due to blatant fraud. The Electoral Complaints Commission (ECC) has further ordered a recount of 3,000 to 3,500 out of 25,000 polling stations. Based on the criteria established for the recount, this may encompass between 1.75 and 2 million votes, or up to 35% of the vote. The ECC is bringing a statistically valid sample of these votes to Kabul for examination over the next few days. On this basis, it will determine how many of the total suspect ballots to exclude from the tally.

A run-off between President Karzai and Dr. Abdullah will be called if Karzai's vote total - currently at 54.6% - falls below the 50% mark. This outcome would require that 524,000 votes for Karzai alone be invalidated, or considerably more if those invalidated votes include ballots for other candidates, which would lower the total number of valid votes cast. For example, even if 700,000 votes are invalidated, including 600,000 for Karzai and 100,000 for Dr. Abdullah, the President would remain above the 50% threshold. This is significant because the legal finding of fraud on such a massive scale and predominantly in favor of one party would simultaneously delegitimize the electoral process and ratify the victory of the candidate in whose name the fraud was perpetrated. Such an outcome may pose untenable problems for the legitimacy of the next government.

Mother nature also plays a role here, as a run-off vote would likely have to be held before the end of October to avoid disenfranchising many Afghans due to snow. That

said, the prospect of leaving the electoral process unresolved until Spring is likely to cause even greater havoc.

A Way Forward?

Resolving the Election

The ongoing uncertainty about the outcome of the election has created turmoil but also presents some opportunity. The existence of institutions and groups in Afghanistan able to detect the fraud – including Afghan civil society organizations and the Electoral Complaints Commission – are a welcome presence. The current process of investigations and recounts has the potential to undo some of the harm of the electoral process, and may serve to demonstrate that the powerful can be subordinated to the law. Both the Karzai and Abdullah camps have said they would abide by the decisions of the ECC and the Independent Elections Commission.

Unless the recount process gives the election a credible (and unexpected) clean bill of health, a run-off election may be the only way to restore the legitimacy of the democratic process at this point. Afghans have intensely watched the election saga in neighboring Iran, and went into this election with a heightened awareness of the potential and dangers of electoral fraud.

A run-off could serve as a shot in the arm for democratic politics in Afghanistan. It would demonstrate that even a sitting president can be subordinated to the will of the people and the rule of law, a first for Afghanistan which might further strengthen confidence in the system. The first round had 38 candidates for president and not a single debate between the frontrunners Karzai and Abdullah. A second round could be a real contest that could provoke further meaningful debate over the country's future at a critical moment.

A run-off election, however, carries risks and burdens of its own. Although better than the worst predictions, election day in Afghanistan this year was a violent affair. Giving the Taliban another chance to disrupt the polling should not be taken lightly. At the same time – the chance to demonstrate that the political calendar in Afghanistan is not held hostage by extremist violence could send a powerful message to the population.

There is also concern that a run-off between Karzai, a Pashtun leader, and Abdullah, who is part Tajik and part Pashtun (but strongly identified with his Tajik roots), could

"The Afghan Elections: Who Lost What?"
Testimony of J Alexander Thier, U.S. Institute of Peace

have a divisive effect on the country. It is true that Afghanistan has never really dealt with the trauma from its civil war in the 1990s, which took on an increasingly ethnic character as the country devolved into a patchwork of warring fiefdoms. But candidates of all ethnicities campaigned around the country in the first round and avoided stoking ethnic divisiveness. Furthermore, the division caused by the suggestion that it is too dangerous for non-Pushtuns to run for President will be far greater than anything caused by a multi-ethnic election contest.

Finally, experience and pressure should be able to substantially reduce fraud in the second round. The electoral commissions and the international community should be able to exclude officials who committed fraud in the first round, more effectively pinpoint problem areas for monitoring, and quickly recognize the distinctive patterns of fraud from the first round. Additional safeguards can also be introduced- like parallel vote tabulation wherein the total voters entering a single station are counted from outside to make sure ballot numbers match the number of bodies going into the precinct. President Obama, other world leaders and diplomats in Afghanistan must also make unrelenting statements that the world's support for Afghanistan's government depends on a cleaner second round.

Tackling the Culture of Impunity

On a broader level, the U.S. must act aggressively with its Afghan partners in the lead to break the cycle of impunity and corruption that is dragging all sides down and providing a hospitable environment for the insurgency.

A few key steps should be taken immediately after the election to set a clear tone for the next Afghan government. First, the Afghan President should make a major speech indicating zero tolerance for corruption and criminality. Second, this demonstration of leadership should be accompanied by the creation of a new, empowered anti-corruption and serious crimes task force, independent of the government agencies it may be investigating. The international community must devote intelligence and investigative support, as well as the manpower to support dangerous raids. In the first few months, several high profile cases including the removal and/or prosecution of officials engaged in criminality, including government officials, should be highly publicized. The U.S. should approach this mission with the same vigor as other key elements of the counter-insurgency campaign.

"The Afghan Elections: Who Lost What?"

Testimony of J Alexander Thier, U.S. Institute of Peace

Finally, the U.S. must put real effort into strengthening Afghan institutions that will be responsible for these matters over the long haul, giving them the capacity and tools they need to lead. At the same time, the U.S. must be realistic in understanding that most Afghan disputes will continue to be resolved at the local level, by traditional councils of elders, tribal and religious leaders working in conjunction with local officials. Rather than fight what works, the U.S. should embrace it and develop ties between the formal and informal systems.

All of these efforts will require significantly more resources and attention than we have devoted to promoting justice and combating impunity over the last eight years – but still a fraction of the cost of elections and military campaigns. Most importantly, it will require political will, from Washington and Kabul, to reverse the perception of injustice that threatens our success.

Mr. ACKERMAN. Thank you. Mr. Manikas.

**STATEMENT OF PETER M. MANIKAS, J.D., SENIOR ASSOCIATE
& REGIONAL DIRECTOR, ASIA PROGRAMS, THE NATIONAL
DEMOCRATIC INSTITUTE**

Mr. MANIKAS. Thank you very much, Mr. Chairman. What I would like to do, if I can, is to submit some written testimony for the record, and also to submit the full statement of NDI's delegation that was in Afghanistan on Election Day, and then just briefly summarize the written testimony.

Mr. ACKERMAN. We will accept it for the record. You can begin.

Mr. MANIKAS. Thank you very much. Just briefly to describe what we did. We had about 100 people in Afghanistan on Election Day, including international and the Afghan observers.

We faced the same constraints, I think, as every other delegation, in that we had limited access to the country because of the security situation. Nevertheless, we were able to get to 19 of the 34 provinces.

And also our delegation was supplemented by a team of long term observers, including Dr. Fair to my right, that were looking at various thematic issues involved in the election, such as security, and that was Dr. Fair's area, but also women's participation, and I can't remember all the others.

We also have an ongoing effort to monitor the current count, and we have a team of people that remained in Kabul watching the recount unfold, and as you all know, in early September the ECC declared that there was clear and convincing evidence of fraud in a number of polling stations, and ordered a recount of polling stations in which there were over 600 ballots in the ballot boxes, 600 being a key figure because that is in excess of the maximum number of estimated voters per polling station.

And polling stations that also had more than 95 percent of the ballots cast for one particular candidate, and the ECC identified over 3,000 ballot boxes that fall into that category, and well over 1 million ballots could be affected.

Clearly if all of those ballots are excluded from the totals in the end it could affect the outcome of the election. NDI's own observers as well identified particularly problems in Nuristan, Paktia, Helmand, and Badgis, as being places at which there was an unusually high turnout, and these are all areas that are quite insecure, and therefore quite suspicious.

Last week, the ECC and the IEC agreed to use a statistical sample instead of inspecting every single affected ballot box, declaring that this approach would both save time, and if a runoff was to be held, it would permit it to be held in a timely manner.

The commissions ordered that all the ballot boxes that are a part of the sample be brought to Kabul to help ensure the efficiency of the audit process.

The entire election I think in the view of the delegation was shaped by a variety of—it was shaped by the security environment that really affected every aspect of the election.

Because so much of the area was insecure, there was a decrease in the number of provincial council candidates taking office. Insecurity affected the IEC's ability to recruit polling staff in many areas,

and as I mentioned, domestic and international observers had limited access to much of the country.

In addition to a lot of the problems that I think we are seeing unfold now, there were also more systemic problems related to the election that were clear I think from the very beginning.

Many date back to the 2004 and 2005 elections in which there was a very lax registration process that led to the generation of really millions of excess registration cards.

There were reports of the misuse of State resources and proxy voting was permitted in a lot of areas. There were also questions raised about the independence of the IEC, whose members are entirely appointed by the President.

Also, the number of women engaged in the political process continued to face a lot of barriers to their participation, including the repeated threats of violence.

Having said all of this, I think it is also important to recognize though that there were some positive aspects to the political process, and it gives a little hope, I think, that Afghanistan could have a credible electoral process if some of these other problems are remedied.

In the lead up to the campaign, unlike 2004 and 2005, all the candidates were able to campaign throughout the country. Mr. Karzai was everywhere, as was Mr. Bashardost, and as was Mr. Abdullah.

There were very few clashes among the supporters of the candidates, suggesting that the ethnic divide may not be quite as acute as we are often led to believe. Afghans have repeatedly said—am I running out of time?

Mr. ACKERMAN. If you could just wrap up.

Mr. MANIKAS. Okay. Sure. I want to go back to the major plan, I guess, that Glenn referred to in regards to the runoff. It is going to be very, very difficult, I think, to restore credibility to this process, and a runoff may be the only hope of doing so.

I mean, ultimately the security of Afghanistan really depends on the legitimacy of the government, and it is very difficult to imagine a situation in which there is support among the Afghanistan people for a newly elected government without a runoff now.

[The prepared statement of Mr. Manikas follows:]

**Statement by Peter M. Manikas, Senior Associate and Director of Asia Programs
National Democratic Institute**
**Before the Committee on Foreign Affairs, Subcommittee on Middle East and South Asia
U.S. House of Representatives**
October 1, 2009

Mr. Chairman and members of the Subcommittee, on behalf of the National Democratic Institute (NDI), I would like to thank you for the opportunity to testify here today.

For the August 20 presidential and provincial council elections in Afghanistan, NDI fielded an observation mission that mobilized more than 100 international and Afghan observers to observe every aspect of the election process, including the campaign, election day and the post-election period. The security situation in Afghanistan prevented observer groups, including NDI, from operating in some parts of the country—especially portions of the south and southeast regions. Nevertheless, NDI's election day delegation was deployed in 19 of the country's 34 provinces. The delegation's findings were informed by reports from a team of long-term international and national observers, based in regional capitals across Afghanistan, who had been monitoring the electoral process since July 2009.

These elections were the first to be organized and administered primarily by Afghans and Afghan institutions. The final results of the presidential race were expected to be released on September 17; however, allegations of widespread vote fraud have delayed the final vote tally and certification of these results. More than 2,000 complaints have been filed with the Electoral Complaints Commission (ECC), and 751 have been classified as potentially serious enough to influence the outcomes at particular polling sites. If no candidate secures more than 50 percent of the vote, Afghan electoral law requires a run-off between the top two candidates. With partial results released, incumbent President Hamid Karzai has 54% of the vote and a significant lead over his main opponent, Dr. Abdullah Abdullah; however, it remains to be seen whether a run-off will be required.

On September 8, declaring that it had found 'clear and convincing evidence of fraud' in a number of polling stations, the Electoral Complaints Commission ordered the Independent Election Commission (IEC) to conduct an audit and recount of polling stations nationwide that had vote totals equal to or greater than 600, or that had returns with any presidential candidate receiving 95 percent or more of the total valid votes cast, provided that more than 100 votes had been cast at the station. It is estimated that more than 3,000 ballot boxes or nearly 1.3 million ballots would be affected by this audit – and the number of ballots being questioned could affect the vote margin that Karzai has secured. Last week, the two commissions agreed to use a statistical sample instead of inspecting every single affected ballot box – declaring that this approach would save time and permit holding a run-off before the end of year, if required. The commissions ordered that all ballot boxes that are part of the sample be brought to Kabul to help ensure consistency in the audit process and allow the broader participation of candidate agents.

Shortly after the election, NDI released a statement with its observations. I have submitted that statement to the subcommittee; but today I would like to highlight some key findings.

One of our most critical findings was that violence and the threat of violence have shaped many aspects of the electoral process. The problem of election-related violence is not fully in the control

of Afghan government and electoral officials, but it is crucial to the growth and survival of the nation's incipient democratic process that the continuing insurgency be brought to an end. In areas of the country that were least secure, there was a decrease in the number of provincial council candidates seeking office; insecurity also affected the IEC's ability to recruit polling staff in some areas of the country and limited the ability of domestic and international observers to obtain access to the portions of the country that were most at risk of electoral misconduct.

The elections involved serious flaws that must be addressed in order to build greater confidence in the integrity of future elections. A lax registration process led to some individuals registering multiple times and the registration of ineligible voters. As a result, there is widespread agreement that substantially more Afghans are registered to vote than there are eligible voters. This increases the potential for fraud and other types of misconduct, and could erode the Afghan people's confidence in the integrity of the electoral process and in the institutions that emerge from the polls. Other abuses, such as misuse of state resources and proxy voting, were observed in some areas of the country and could adversely affect the credibility of the elections. In addition, the IEC, whose members are appointed by the president without legislative oversight, is viewed by many key participants in the electoral process as less than independent. While the commission performed many of its responsibilities well, its credibility depends not only on its actions but on the public's perception of its impartiality.

Despite the growing numbers of women engaging in the political process, barriers still prevent their full participation. Women candidates and political activists, for instance, were frequently the targets of threats of violence, impeding their ability to campaign freely. The inability of the IEC to recruit sufficient female staff to administer women's polling stations could have deterred women from casting ballots. Women were also most vulnerable to practices such as proxy voting and because photographs were optional and not required on their voting cards, women were also most vulnerable to identity fraud.

Mr. Chairman, the serious problems associated with the election have received much attention; however, there were also positive aspects of the electoral process that could be built upon to help inspire future elections. The campaigns launched by the presidential and provincial council candidates, as well as public opinion polls conducted in the lead-up to the elections, indicated that Afghanistan's political system is more competitive at every level than many have believed. In the lead-up to the presidential elections, major candidates crossed ethnic lines and campaigned in all areas of the country. The candidates often attracted large and enthusiastic crowds; in the nation's less secure regions, campaign activity sometimes took place in the private homes of a candidate's supporters. The elections saw very few clashes involving the supporters of opposing candidates. In addition, public opinion polls conducted in Afghanistan consistently showed that a majority of Afghans would consider voting for a member of another ethnic group.

During the campaign period, there was also a focus on issues and platforms. This type of campaign was absent in 2004 and 2005. The presidential campaign was the nation's first to include national debates that were widely covered by the news media, and were seen or heard over radio and television by millions of Afghans.

In the aftermath of these elections, there is growing concern over delays in declaring a winner in the presidential race. Some in the international community are looking for a shortcut, such as a power sharing deal between Karzai and Abdullah, or a *loya jirga* (grand council) that could decide who the president will be. Such devices to bring the elections to a conclusion, however, would undermine the integrity of the democratic process itself and the resulting government would have

little legitimacy with the Afghan people. Moreover, to abandon the elective process at this point would be an affront to the Afghans who defied Taliban threats and risked their lives to participate in the electoral process – this election demonstrated that millions of Afghans want to take part directly in the country's evolving democratic political system.

Some analysts have argued that a second round would be divisive, splitting the country along ethnic lines. There are reasons to believe, however, that the country is not as ethnically divided as it was once thought. Karzai traveled to each region of the country in his efforts to garner support; so too did Abdullah, who, while largely identified with the Tajik-dominated Northern Alliance, actively campaigned in Pashtun areas. As I mentioned earlier, there were few reported clashes between the supporters of the two major candidates – the violence that marred the elections came primarily from the Taliban. Any presidential contenders, moreover, would have to appeal to voters across ethnic lines because no single ethnic group has the votes to determine the winner.

Another major concern with a second round is that it would not likely be any better than the first one. There is hardly any time to prepare for a run-off, and a recurrence of the misconduct that is under investigation is a legitimate concern. However, there are steps that can be taken to address some of the problems that emerged. Among the most important of these is that security could be enhanced to help ensure that voters can safely travel to and from polling stations to cast their ballot, and that candidate agents and non-partisan election observers can safely monitor polling and ballot counting. In selected areas where the Taliban has threatened to retaliate against voters, invisible ink could be used so that those who voted would not be readily identified after they have left the polling station. In addition, the IEC's media commission could also use all of its powers to enforce the media code of conduct, particularly as it relates to government-controlled media.

It has also been suggested by some analysts that Afghans may not be ready for elections through universal suffrage; Afghanistan's tribal culture, it is said, is more accustomed to consensual decision-making with little involvement by ordinary people. In fact, the 2001 Bonn Agreement formulated an ambitious agenda for democratic development that received widespread public support. That support continues today. Since the fall of the Taliban, the views of Afghans have been chronicled by pollsters and who have consistently found that an overwhelming majority of Afghans believe that democracy is the best form of government. The attitudes expressed in these polls are reflected in the efforts of Afghans to rebuild their country and participate in the political process. In addition to the millions of voters who cast their ballots on election day, over 400,000 participated in the 2009 elections as candidates, polling officials, domestic election monitors and candidate agents.

Mr. Chairman, with all the attention that has been focused on the presidential race in Afghanistan, I would like to stress that the outcome of the provincial council elections is also at stake in this process. Provincial councils are the only elected bodies at the local level and are a key component of establishing a stable and self-sustaining Afghanistan. Provincial councils are the most direct point of contact between citizens and the government, and the legitimacy of these offices is critical to the credibility of Afghanistan's governing institutions. For the August race, 3,196 candidates contested 420 provincial council seats, up by 171 candidates from the 2005 elections. However, this increase was primarily noted in the north, northeast and central regions; in the south and southeast, there were fewer candidates on the ballot. Twenty-five percent of the provincial council seats are reserved for women, and 326 female candidates participated in this race, an increase from the 285 women who contested the 2005 polls. In the southern provinces of Kandahar and Uruzgon, however, there were fewer women candidates than reserved seats.

The tone and visibility of provincial council campaigning varied greatly across the country. There were publicly contested elections in the more secure areas. In the southern part of the country, where the Taliban was actively targeting those participating in the elections, most of the campaigning took place inside the walls of private homes. NDI observers reported that in less secure areas, there was little public campaigning for the provincial council seats, and candidates solicited support from tribal and religious leaders behind closed doors. Some candidates refused to appear on radio programs, fearing retaliation.

Allegations of electoral fraud and other concerns surrounding the presidential vote tally have also affected the provincial council vote count. In response to complaints received from candidates and polling agents, the ECC has investigated cases among less secure provinces and found indicators of fraud, such as: votes for candidates inserted inside bundles for other candidates; lists of voters with fictitious voter card numbers; and ballot box seal numbers that did not match figures on the official record. More than five weeks after the election, the IEC has just begun to release preliminary results for the provincial council races – and these results may still change based on ECC decisions on electoral complaints that are still under investigation.

NDI's election statement offered 17 recommendations to address issues on electoral oversight and preparation, electoral design and conduct, the role of the media and security. Among these recommendations, NDI suggested ways to increase the staffing of women at polling centers – as mentioned earlier, this was a significant problem during the recent election, and this is something that the IEC should act upon in the event of a runoff. As Afghanistan is scheduled to hold elections next year to choose representatives for the *Wolesi Jirga* or the lower house of the National Assembly, NDI also suggested measures to improve aspects of the process in the lead up to those polls, including: strengthening the independence and impartiality of the election commission; adopting a new media law providing for the independence of government operated media; and enhancing security planning for the elections.

Mr. Chairman, in Afghanistan, security, stability and democratic governance are closely linked. An effective counter-insurgency strategy requires a legitimate government to protect; and the legitimacy of the current government rests on its ability to retain the confidence of Afghans. That can only be achieved if the next government is viewed as reflecting the will of Afghan voters through a credible electoral process. The process that the Afghan people and the international community have supported should be allowed to run its course – even if that means an extensive audit and possibly a second round of elections.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Dr. Fair.

STATEMENT OF C. CHRISTINE FAIR, PH.D., ASSISTANT PROFESSOR, SECURITY STUDIES PROGRAM, EDMUND A. WALSH SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY

Ms. FAIR. Thank you, Honorable Chairman Ackerman, and distinguished colleagues for the opportunity to contribute to this important contemporary foreign policy issue.

Mr. ACKERMAN. If you could pull your microphone just a little bit closer to you.

Ms. FAIR. I am sorry about that. I have submitted a lengthy statement where I detail my observations about the entire electoral process, from the registration, to the conduct of the election itself.

I am going to concentrate my written remarks upon the impacts of these elections for the insurgency and the United States' efforts to secure its supreme national interests in Afghanistan.

What are the obvious implications of the insurgency stemming from these elections? In truth, going into the elections, there were few outcomes that could have advanced the cause of stabilizing Afghanistan politically or otherwise.

The Karzai government, along with its international partners, has done little to advance governance. Yet, governance is not simply a bromide. Providing good governance is likely a fundamental element of defeating the insurgency.

Rand studies of how insurgencies end find governments with high popularity defeated most of the insurgencies they fought. In contrast, unpopular governments lost to insurgents more than half of the time.

Yet, the data suggests that a successful counterinsurgency campaign in Afghanistan will require the confidence of the citizens in the government. Yet, there is no data that Afghans actually have that support.

In fact, polls conducted by ADC, BDC, among others since 2005, show a continued downward trajectory in support for their government.

Karzai repeatedly demonstrates a lack of political will to deal with the corruption, the trafficking in narcotics, and to find some way of providing better governance at all levels of the state.

Despite the large sums of international assistance, many programs cannot succeed without a dedicated partner in Kabul, and let me offer up one example of the flawed interplay between international assistance and the resolve of the government in Kabul.

And I am going to raise the issue of training the Afghan National Police. It is a belated priority, but I think we all agree that it is indeed a priority now, and it was a fundamental issue in securing the election.

The efforts of training the Afghanistan police has certainly been hampered by the constrained international human and financial resources. But they have also been constrained by the political environment in which these efforts have taken place.

The current program is called the Focus District Development Program, or FDD. It was devised to deal with police corruption. The program takes all of the police out of the district, and it sub-

mits them to 8 weeks of training. It then returns them to the very districts from which they came.

The provincial governor stays in place, and the district governor stays in place. All the other corrupt notables stay in place. So this is akin to dusting off the police officers and putting them right back into the same corrupt system from which they emerged, and then people wonder why recidivism seems to be taking place.

At a minimum this important international activity should be happening in concert with cooperation with Kabul to replace those district and provincial level leaders who are found to be corrupt, as opposed to simply moving them around and making them someone else's problem.

So the training of the police is a really good example of how we cannot succeed unless Kabul does its part. So how can the United States secure its interests in the wake of these very problematic elections?

As evidenced by the peering the elections have crystallized cleavages in domestic political opinion about the next step forward in Afghanistan, with intense discussions surrounding the request for additional troops.

While the debate over scaling up or scaling down troops has seized the public's attention, reconfiguring the footprint or mission of the United States and international troops alone cannot address this problem.

CUSFA General Stanley McChrystal, in his recent assessment, lays out the problem clearly and it is joint. The ISF mission faces two principal threats, he says, the first of which is the existence of organized and determined insurgent groups.

The second threat is the crisis of popular confidence that spring from the weakness of the Government of Afghanistan. Arguably analysts and policymakers focus upon the footprint and mission of United States troops, because it is the one thing that the United States has the most control over.

Washington cannot direct its NATO allies' military and civilian commitment to Afghanistan. It cannot quickly produce Foreign Service Officers, or USAID officers, or other civilian capabilities while sustaining quality.

It cannot quickly reconfigure or improve the way that the United States delivers aid, and it apparently has very little influence over the government in Kabul to provide better governance.

Thus, if one considers what can be done, as opposed to what would be the ideal thing to do, victory in Afghanistan is unlikely if winning means establishing a competent, reasonably transparent government, capable of providing even limited services, and increasingly able to pay for itself.

In other words, the United States needs a Plan B, and Plan B is not simply trying to make Plan A work again. The United States needs a contingency plan which defines victory to more narrowly address the most critical United States security interests.

If the international community cannot prevail in the counterinsurgency campaign again with the Taliban and allied fighters due to shortcomings on the international community's configuration, or due to the shortcomings in Kabul, Washington can secure its pre-eminent objectives of protecting itself against al-Qaeda.

This involves separating out the counterinsurgency from the counterterrorism efforts. The United States and international efforts can and should focus its resources in helping the Afghans take ownership of the counterinsurgency campaign, while the United States reorients and prioritizes its assets and resources toward defeating al-Qaeda, which is actually localized largely in the Kunar Province.

And I don't need to tell you that there are probably more al-Qaeda operatives in Pakistan than in Afghanistan. Therefore, in conclusion, I recommend a reformulation of the question away from whether the United States can protect its interests without a decisive defeat of the Taliban, toward how can the United States secure its interests without such a decisive defeat.

This is the reality of the government in Afghanistan. It is not predicated upon the government that we wish we had in Afghanistan. Thank you.

[The prepared statement of Ms. Fair follows:]

The Afghan Elections: Who Lost What?

Testimony presented before the United States House of Representatives, Subcommittee on the Middle East and South Asia on October 1, 2009.

C. Christine Fair

Assistant Professor, Georgetown University, Security Studies Program in the Edmund A. Walsh School of Foreign Service.

Fair also served as a Long Term Observer of the August 2009 elections under the auspices of the National Democratic Institute (NDI). This testimony draws from her written assessment of the relationship between security and electoral credibility submitted to NDI.

Introduction

On August 20, 2009 Afghanistan's public went to the polls amidst serious security concerns. US officials, among others, prematurely, applauded both the poll's success and the transparency of the process.¹ Within days, it was clear that early optimism was unwarranted. There were irregularities during the registration update process. The campaign period was marred by violence, which drove candidates underground along with their staff and rendered recruitment of electoral and campaign staff incredibly difficult, especially female staff. Election day itself was marred by allegations of serious electoral malfeasance. After the election, the Afghan Electoral Complaints Commission (ECC) reported that it received 2,842 complaints including problems that arose during the campaign period.² Of these complaints, 751 were deemed serious.³

The very credibility of these elections in many ways hinge upon the ECC's ability to adjudicate these serious claims of impropriety. Should the ECC be unable to complete its work to assess the credibility of the August 20 election, the legitimacy of the presidency and of the 34 provincial council elections will remain questionable. While the presidential election has received much of the domestic and international attention, the provincial councils are equally—if not more important—because they comprise the governance bodies that are closest to the people.⁴

Preliminary results suggested that the incumbent Hamid Karzai received 54 percent of the valid tallied votes compared to 28 percent for his main rival, former foreign minister Abdullah Abdullah.⁵ With these figures, a run-off was never likely. Based upon the results of 91 percent of the polling stations, more than 400,000 votes would have to be annulled to precipitate a second round of voting.⁶ Many within and without Afghanistan fear that Karzai's victory was ill-gained.

¹ After visiting a limited number of polling stations on election day, Special Envoy, Richard Holbrooke, declared that the voting he'd seen was "open and honest." See "Afghans vote despite sporadic violence," *Reuters*, August 20, 2009. Available at <http://www.reuters.com/article/latestCrisis/idUSISL384459>. President Obama also called the election a success. See "Obama says Afghanistan poll a success," *Reuters*, August 20, 2009. Available at <http://www.reuters.com/article/asiaCrisis/idUSN20526524>.

² The ECC is reconstituted for every election and has a limited period of operation before and after the election in question. International election experts and monitors have opined that the ECC should be a permanent body and have noted that the ECC has been a neglected organization and ill equipped to deal with the challenges of elections in Afghanistan.

³ Afghan Election Complaints Commission, "Decisions," Available at http://www.ecc.org.af/en/index.php?option=com_content&view=article&id=72&Itemid=65.

⁴ NDI, "NDI Expresses Concerns about Afghanistan Election Fraud Complaints," September 9, 2009. Available at

http://www.ndi.org/files/NDI_Expresses_Concern_About_Afghanistan_Election_Fraud_Complaints_090909.pdf.

⁵ See "First results in provincial Afghan elections released," AFP, September 26, 2009. Available at <http://www.google.com/hostednews/afp/article/ALeqM5j2U9Q15rXq0oVKIyo3JrhXVQ-Wgg>.

⁶ "Fraud watchdog annuls votes in Afghan election," *Reuters.com*, September 10, 2009. Available at <http://www.reuters.com/article/asiaCrisis/idUSSP529844>.

The ECC has already cancelled the ballots of several polling stations in Ghazni, Paktika and Kandahar provinces, all in the controversial Pashtun belt in the south.⁷ The National Democratic Institute found numerous grounds for concern including suspiciously high voter turn out in some of the most insecure provinces of Nuristan, Paktia, Helmand and Baghdis. In those provinces, many polling stations reported more than 600 votes each. This figure is nearly 100 percent of the estimated votes for those stations.⁸ The electoral process is far from over. The Independent Electoral Commission (IEC) cannot announce the final results until the ECC has adjudicated the various complaints before it and until the IEC has been able to implement the ECC's recommendations. Given the ECC's limited resources, investigating the numerous cases before it could take months.⁹

Despite the fact that Afghanistan's electoral institutions have not resolved the outcomes of the August 20 presidential and provincial council elections and despite evidence that up to twenty percent of the votes cast may have been fraudulent, Washington—along with its NATO allies—accepted President Karzai as the winner.¹⁰

Ostensibly this decision was driven by electoral calculus. Even if the ECC's findings necessitated a run-off, Karzai would be expected to prevail. This decision to accept Karzai as the legitimate president—despite the fact that the ECC has not been able to complete its own evaluation of the numerous fraud allegations—will pose problems for the US government as it considers expanding its military and other commitments to Afghanistan when the government of Afghanistan itself is mired in allegations of serious wrongdoing. A credible victory may be less about math and more about perceptions of the process and the ECC has a clear role to play in shaping the way the public views the quality of these elections.

This testimony discusses the various flaws in the electoral process and what implications the elections may have for US security interests in Afghanistan. First, this testimony describes how the security situation limited the election's maximal credibility. Second, it expounds the impacts that the security situation imposed upon the electoral process from beginning to end. Third, it examines security on election day itself. Fourth, it lays out a number of implications for the Afghan insurgency and the counter-insurgency effort. This written testimony concludes with a discussion of US policy options in light of the twin challenges of a deepening insurgency and the rapidly deteriorating credibility of the government in Kabul.

Security: Shaping the Credibility of the 2009 Elections

⁷ "Fraud watchdog annuls votes in Afghan election," *Reuters.com*.

⁸ NDI, "NDI Expresses Concerns About Afghanistan Election Fraud Complaints."

⁹ "Fraud watchdog annuls votes in Afghan election," *Reuters.com*.

¹⁰ See Giles Whittell, "US accepts Hamid Karzai as Afghan leader despite poll fraud claims," *The Times*, September 29, 2009. Available at <http://www.timesonline.co.uk/tol/news/world/Afghanistan/article6853123.ecc>.

Since 2005 in particular, the Taliban and allied anti-government elements have continued to consolidate their positions in the south, southeast and east and have steadily made inroads into areas of the north such as Kunduz, Baghlan, Badghis, and Faryab. In May 2009, there were more than 1,000 security incidents according to the United Nations—a first since 2001. Overall for 2009, there was a 43 percent increase in monthly security incidents relative to 2008.¹¹ In 2008, out of more than 350 districts in Afghanistan (not all district boundaries are agreed upon), the government did not control ten and access was restricted in another 165.¹² As the recently published security map from August 2009 suggests, this situation has likely worsened since 2008. (This map is given below in Figure 1.)

Given the escalating insecurity in the months leading up to the presidential elections, which were initially scheduled to take place in May of 2009, concerns raged within and without Afghanistan about the capacity of the Afghan government and its international allies to conduct a maximally credible electoral exercise, especially in the most insecure parts of the country.¹³ Ultimately, the security environment—along with other logistical and political issues—was used to justify delaying the elections to August 2009.

After protracted discussions and deliberations, the Independent Election Commission (IEC) announced in late January that the elections would be postponed until August, citing security among factors as important justifications for the verdict.¹⁴ With the impending arrival of an additional 21,000 US troops, the delay ostensibly would allow those troops to arrive in theatre before the rescheduled election.¹⁵ The delay was therefore rationalized on the grounds that a delayed election could be more secure than one held within the constitutionally mandated timeframe.

The postponement was ultimately sanctioned by the Afghan government and by its international partners. This decision allayed fears of some proponents of the delay who argued that the security environment would inhibit the Pashtun vote without the additional infusion of foreign troops and increased capacity of Afghan forces. Without securing these Pashtun areas and providing their residents with maximal opportunities to vote safely, advocates of the delayed election believed that the election would face other credibility issues stemming from suppressed Pashtun participation. Pashtuns—without

¹¹ See United Nations, General Assembly Security Council, “The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General,” June 23, 2009. Available at http://www.afghanconflictmonitor.org/UNSG_Afghanistan_S2009323.pdf.

¹² General Assembly Security Council, “The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General,” March 10, 2009. Available at <http://www.rclcfweb.int/rw/rwb.nsf/db900sid/MUMA-7Q53XM?OpenDocument>.

¹³ Carlotta Gall, “Allies Ponder How to Plan Elections in Afghanistan,” *New York Times*, April 11, 2009. Available at <http://www.nytimes.com/2009/04/12/world/asia/12kabul.html>.

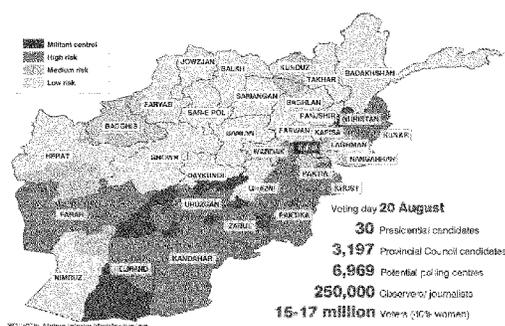
¹⁴ “Afghanistan delays presidential election,” *CNN.com*, January 29, 2009. Available at <http://edition.cnn.com/2009/WORLD/asiapcf/01/29/afghanistan.election/index.html>; John Dempsey and J. Alexander Their, “Resolving the Crisis over Constitutional Interpretation in Afghanistan,” USIP PeaceBriefing, March 2009. Available at http://www.usip.org/files/resources/USIP_0309_2.PDF.

¹⁵ Golnar Motevalli, “Extra U.S. troops in Afghanistan by mid-July,” Reuters, May 31, 2009. Available at <http://www.reuters.com/article/topNews/idUSTRE54U0LZ20090531?feedType=RSS&feedName=topNews>.

supporting census data—believe they comprise a majority in Afghanistan and Pashtuns largely provide the personnel for Taliban leadership and cadres alike. Needless to say, the Pashtun belt is also where Karzai expected his strongest support.

While the reasons for postponing the elections at first seemed sound, international stakeholders soon realized that the adverse consequences were significant. First, with Karzai's legal tenure lapsing in May, coincident with the onset of the insurgents' fighting season, the international community needed to support "government continuity." For many Afghans—perhaps even President Karzai himself—supporting continuity of government was tantamount to support for the incumbent. Efforts to dispel the notion either failed to impress Afghans or were seen as US efforts to find a new alternative to Karzai.¹⁶ The net impact is that many Afghans suspected that the election was an exercise reflecting Washington's interests—as Taliban propaganda claimed. Second, the timeframe for the postponed elections would leave little time to conduct a run-off should they be necessary. As the winter settles in, Afghanistan's impassable terrain would render distributing new ballots and other election materials as well as other logistical aspects of holding a run-off election nearly impossible until the spring.

Figure 1. Afghanistan's Insecurity



Source: BBC Online, "Election Security Map," August 19, 2009. Available at http://news.bbc.co.uk/2/hi/south_asia/8194230.stm

Security: Impacts upon the Election Process

¹⁶ For further discussion, see Martine van Biljert, *How to Win an Afghan Election*, Afghanistan Analysis Network, August 2009. Available at www.aan-afghanistan.org/.../2009%20AAN-MvB%20Afghan%20Election.pdf.

¹⁶ United Nations, General Assembly Security Council, "The situation in Afghanistan and its implications for international peace and security."

Unexpectedly, the voter registration update process was relatively pacific. Security incidents were few but serious: registration centers could not open in eight districts (five in Helmand, two in Ghazni and one in Wardak).¹⁷ Reportedly, registration was nominal or limited in large swathes of the south and southeast.¹⁸ This figure likely underestimates the hardship of registration imposed upon potential voters in insecure areas because an unspecified number of registration centers had to be relocated to nearby districts. Travel to far away centers would have been difficult for many in the countryside due to Afghanistan's inhospitable terrain and lack of widely available transport.¹⁹ In the end, approximately 4.5 million voters were registered during the registration update, 38 per cent of whom were women.²⁰

In the run-up to the 2004 and 2005 elections, over-registration was one of the first indications of potential fraud. In 2004, there were some 10.5 million voter cards distributed, which exceeded the estimated number of voters of 9.8 million.²¹ In some of the most insecure areas such as Nuristan, Khost, Paktia and Paktika, registration suspiciously exceeded the estimated number of voters by 140%. The 2005 voter registration update added another 1.7 million voter registration cards.²²

For the 2009 elections, a further 4.4 million registration cards were added, bringing the total number of voter registration cards to an improbable 17 million. The Free and Fair Election Foundation of Afghanistan estimated that about one in five of the new cards went to under-age boys and another one in five was a duplicate. While women's registration was over-all low given security and cultural considerations, the numbers of registered women actually exceeded that for men in some of the most insecure areas. In Paktia, election officials report that nearly twice as many women registered than men. Given the extreme conservatism that precludes women from leaving the home, it is unlikely that this is a measure of women seizing their legal right to franchise. Men are generally able to obtain voting cards for women simply by supplying a list of women who are alleged family members.²³

¹⁷ See International Crisis Group, *Afghanistan's Election Challenges* (Brussels, Kabul: ICG, June 2009), p. 23. The United Nations reported that nine could not open; however, no information about the location of those centers was provided. See United Nations, General Assembly Security Council, "The situation in Afghanistan and its implications for international peace and security."

¹⁸ See Martine van Biljert, *How to Win an Afghan Election*.

¹⁹ Mobile teams were used to continuing registering persons although persons interviewed in Kabul, Herat and elsewhere by the author suggested that persons were not familiar with the mobile registration units.

²⁰ United Nations, General Assembly Security Council, "The situation in Afghanistan and its implications for international peace and security."

²¹ As there is no census, the United Nations Assistance Mission to Afghanistan (UNAMA) estimated the potential number of voters by extrapolating information from the 1974 census and other sources. It is possible that UNAMA under-estimated the voter population but it is unlikely that would explain the large numbers of registered voters. See van Biljert, *How to Win an Afghan Election*.

²² See van Biljert, *How to Win an Afghan Election*.

²³ See Anand Gopal, "Afghan Voter Registration Marred," *Christian Science Monitor*, December 23, 2008. Available at <http://anandgopal.com/afghan-voter-registration-marred/>. See also Carlotta Gall, "Fears of Fraud Cast Pall Over Afghan Election," *The New York Times*, August 3, 2009. Available at <http://www.nytimes.com/2009/08/04/world/asia/04election.html>.

However, insurgent threats continued after the registration update period. Moving into the pre-election period, Taliban leader Mullah Mohammad Omar called for a boycott arguing that the election would be a US-driven process to produce figureheads to act at the behest of Washington. At the local level, anti-government elements issued night letters threatening those who vote with beheading.²⁴ In this phase, election staff were threatened and kidnapped; female workers were particularly vulnerable to intimidation which made hiring female employees very difficult; there were isolated attacks on convoys of election materials (i.e. in Wardak); assaults on persons with voter cards at Taliban checkpoints, and the murder of at least two provincial council candidates in May (one in Khost and one in Ghazni). In addition, police were attacked in several incidents near registration centers.²⁵ Pre-election violence escalated as August neared with violence (including death) and threats of violence against provincial council candidates, members of the IEC and staff working on various campaign teams.²⁶ The pre-election security environment forced candidates, campaigners, electoral staff as well as voters to limit their mobility and conceal their actions as much as possible. Again, women were disproportionately affected.

Security on Election Day

Election security was the primary responsibility of the Afghan National Security Forces (ANSF), with the Afghan National Police (ANP) forming the first line of defense of the polling centers. The Afghan National Army (ANA) formed the second perimeter of defense. The NATO-led International Security Assistance Force (ISAF) would deploy only in extremis.²⁷ In initial planning stages, “high-risk” polling centers were to receive ten police, “medium risk” center were to get six and low risk centers were to get four. However with only 86,000 police—up to 30,000 of which are “ghost police,” this structure was impossible: if one assumes an average of 8 police for each of the 7,000 estimated polling stations, some 56,000 police would be required, which is at or in excess of the total end strength of the country’s entire police force leaving aside other policing duties.²⁸ In some provinces, the shortages of police are striking. In Paktia province, police figures are estimated to be as low as 30 police per district, allowing criminals and anti-government forces to act with impunity.²⁹ Equally problematic recruitment of female search agents (as well as polling agents) began only a few weeks before the election.

²⁴ See International Crisis Group, *Afghanistan’s Election Challenges* (Brussels, Kabul: ICG, June 2009), p. 23.

²⁵ However police have been and remain a frequent target of insurgents due to their vulnerability, exposure, poor training and equipment. See International Crisis Group, *Afghanistan’s Election Challenges* (Brussels, Kabul: ICG, June 2009), p. 23.

²⁶ The Afghanistan NGO Safety Office, “The ANSO Report,” 1-15 July 2009; The Afghanistan NGO Safety Office, “The ANSO Report,” 16-30 July 2009.

²⁷ Author meetings with NATO officials in Kabul. Mazar-e-Sharif in March 2009.

²⁸ Author interviews in Kabul, Jallalabad, Herat in August 2009.

²⁹ See International Crisis Group, *Afghanistan’s Election Challenges* (Brussels, Kabul: ICG, June 2009), p. 23.

Three days before the election, the shortfall for female polling and search agents exceeded 42,000 country-wide.³⁰

President Karzai's brother-in-law and head of the Independent Directorate for the Protection of Public Properties and Highways by Tribal Support, Arif Noorzai, developed a 10,000 man-strong national militia program, ostensibly to provide additional security for polling centers largely in the southern Pashtun belt.³¹ Opponents of the program were concerned that they were being used in insecure Pashtun areas—not non-Pashtun areas that were equally insecure. If the rationale was purely driven by a desire to protect the opportunity to vote for at-risk voters, then one would have expected the program to be used elsewhere. More disturbing, the government provided little public information about how they would be used, paid, recruited and finally demobilized.

Given that the program bears the imprimatur of Karzai's brother-in-law, the possibilities for conflicts of interest are obvious. This lack of transparency and clear connections to Karzai motivated public distrust of the program. Many Afghans reject this "solution" of using militias and prefer that the government recruit and train Afghan police who have an official status and who have an official chain of command—even if the police are corrupt and do not serve their constituents.³²

Several weeks after the election, there has been virtually no transparency about how many of these militia members showed up on election day and what they actually did.³³ This has fostered suspicion that these militia members—beholden to Karzai and his brother-in-law—engaged in nefarious activities in support of the incumbent.

In addition to this Noorzai central initiative, there were several local provincial militia initiatives. For example, the Herat provincial government announced that it planned to recruit 1,000 men who would be armed to help the police on election day.³⁴ Other provinces also sought to implement some expedited version of the American militia program (Afghan Public Protection Force (APPF)), which Washington has marketed as a "local initiative."³⁵

While election centers and voters had inadequate security, candidates and workers associated with electoral bodies and human rights organizations among others were also

³⁰ Jerome Starkey and Kim Sengupta, "Afghan women to miss out on vote in landmark election," *The Independent*, August 17, 2009. Available at <http://www.independent.co.uk/news/world/asia/afghan-women-to-miss-out-on-vote-in-landmark-election-1773091.html>.

³¹ See Rahim Faiez, "Afghanistan hires 10,000 tribesmen to secure polls," Associated Press, August 11, 2009. Available at <http://www.google.com/hostednews/ap/article/ALeqM5gH6zTk0ZvJGJlu7bpEh3P2uECEwD9A0NHPO0>.

³² Author interviews with candidate workers, security officials, human rights and electoral workers in Kabul, Jalalabad, Kunduz, and Herat in August 2009.

³³ Jessica Weinstein, "Tribal Guards Add Little," *The Washington Times*, August 27, 2009. <http://www.washingtontimes.com/news/2009/aug/27/tribal-guards-add-little/print/>.

³⁴ See "Herat Arms Villagers to Secure Voting," Institute for War and Peace Reporting, August 18, 2009. Available at http://www.iwpr.net/?p=arr&s=f&o=355270&apc_state=hengarrc0e025be5972ba41024aa5c7c30dca12.

³⁵ For more information about the APPF, see Institute for the Study of War, "The Afghan National Police."

at risk due the simple lack of adequate security forces. Candidates complained that they had inadequate or no security. The Ministry of Interior agreed to compensate candidates for their security detail, provided that they could identify and hire such protection. However, it wasn't clear how these guards would be armed or through which process the ministry would reimburse candidates. Female candidates and electoral workers were especially vulnerable given the various sources of threat that females face in Afghanistan.

By most accounts, election day itself was relatively peaceful. While no comprehensive publicly available data have been released about the numbers of election-day violent incidents, international sources interviewed by the author suggest that there between 100 and 250 incidents related to the elections. ISAF, which monitored election-related security events between July 1 and August 20, 2009, reported that there were 1,050 "election-related" events, including 584 reports of insurgent planning or threats to conduct an attack against an election-related target; 288 reports of insurgents engaging in propaganda or threatening Afghans against voting, and 178 actual attacks that can be attributed to the election process including those that targeted election officials, observers, candidates, polling centers, logistical convoys etc. (See Figure 2 below.) Unfortunately, ISAF did not observe election-related violence *after* the election and did not define *what* comprises an event to be recorded and with what verification. Contrary to the expectations of some analysts, the Taliban did not execute a spectacular attack. The Taliban did not execute a spectacular attack in either the 2004 or 2005 elections.

Even though election day was generally peaceful, there were several serious concerns that require additional analyses and understanding. First, the exact locations of polling stations were not revealed until the day before the elections in insecure areas. There were serious differences of opinion between the security forces and the IEC about the disposition of polling centers deemed to be "unsafe." Such a determination led to either stations remaining unopened (about 10 percent of the 7,000 stations) or being co-located to safer locations. Such arrangements clearly imposed hardship upon voters either by outright disenfranchising them or by requiring them to make long journeys to relocated centers. While men may be in a position to make such a journey, it would have been quite difficult for women. And as has become apparent in the weeks after the election, such a determination also created opportunities for electoral fraud. Worse yet, many Afghan and international observers feared that such moves were used to permit electoral fraud.

Second, the government did very little to educate the public about the security arrangements on election day. Many persons interviewed by this author in Afghanistan in the run-up to the election suspected that this may have been deliberate noting that the fewer voters that show up would make any electoral malfeasance easier to execute. Of course, this is unlikely to be true: but it is ultimately the perception that matters most.

Third, as there has been no census since 1974, there is no real way of knowing how many legitimate voters there are in Afghanistan. (The registration update did not remove people who died for example and did nothing to ensure that persons did not have multiple registration cards.)

Fourth and related to the third, because of the obvious security constraints upon both international and domestic election observers, it was nearly impossible to conduct an independent assessment of actual voter turnout versus ballots returned. Similarly, while domestic observers may have been present in the district capitals and other secure areas, it is doubtful that they could have penetrated remote, insecure areas or commander-controlled areas. In such circumstances, it is doubtful that election staff members were in a position to enforce fraud-mitigation measures even if they were inclined to do so.

Implications for the Insurgency?

Going into the elections, there were few outcomes that would have advanced the cause of stabilizing Afghanistan politically or otherwise. The Karzai government, along with its international partners, has done little to advance governance. Providing good governance is not merely a bromidic formulation, rather a likely key element in defeating the insurgency.³⁶ Provision of governance in Afghanistan is retarded by corruption at various levels; the inviablity of the justice system and other rule of law apparatus; and by the influence of militias, warlords and other sub-state actors engaged in violence and criminal enterprises. Evidence from analyses of other counterinsurgency campaigns suggests that poor governance capacity discourages support for the government which in turn debilitates counterinsurgency efforts. RAND studies of how insurgencies end found that governments with high popularity defeated most of the insurgencies they fought. Unpopular governments, in contrast, lost to insurgents more than half of the time.³⁷

The data suggest that a successful counterinsurgency campaign in Afghanistan will require the confidence of the citizens in the government. Unfortunately, the available data suggests that prospects for such confidence are retrenching. ABC, with BBC, has conducted four polls every year since 2005. In the most recent poll from February 2009, the percentage of respondents who thought the country was going in the right direction plummeted from 77 percent to 40 percent, coincident with the Taliban's resurgence. In the same period, approval ratings for Karzai declined from 84 percent to 52 percent support for the Afghan government retrenched from 80 percent to 49 percent. At first blush, these recent figures may not seem terribly alarming.³⁸ By the end of his term, US President George Bush had only a 33 percent approval rating.³⁹ Nancy Pelosi, Speaker of the House of Representatives, enjoys a meager 18 percent approval rating.⁴⁰ While the absolute numbers may not be disquieting, the declining trend line in Afghan assessment of their president and government is.

Prior to the flawed August 20 elections, Hamid Karzai has been unable to gain the confidence of his citizenry. The international community too has grown wary of his ability to steer his country out of danger. He has repeatedly demonstrated a lack of

³⁶ Seth G. Jones, *Counterinsurgency in Afghanistan* (Santa Monica: RAND, 2008); Ann Hironaka, *Neverending Wars: The International Community, Weak States, and the Perpetuation of Civil War* (Cambridge, Mass.: Harvard University Press, 2005); Fearon and Laitin, "Ethnicity, Insurgency, and Civil War," pp. 75–90. On the importance of building institutions, see Roland Paris, *At War's End: Building Peace After Civil Conflict* (New York: Cambridge University Press, 2004).

³⁷ Seth G. Jones, *Counterinsurgency in Afghanistan* (Santa Monica: RAND, 2008), p. 20.

³⁸ ABC News, "Support for U.S. Efforts Plummets: Amid Afghanistan's Ongoing Strife," February 9, 2009. Available at <http://abcnews.go.com/images/PollingUnit/1083a1Afghanistan2009.pdf>.

³⁹ See "Washington Post-ABC News Poll," January 17, 2009. Available at <http://www.washingtonpost.com/wp-srv/politics/documents/postpoll011709.html>.

⁴⁰ CBS, "CBS News Polls: Bailouts, The Economy and the President-March 12-16, 2009," CBS, March 17, 2009. Available at http://www.cbsnews.com/htdocs/pdf/poll_031709.pdf. Unlike the polls querying President Bush's approval, a large fraction (47 percent) of respondents either did not know or did not have an opinion of Pelosi.

political will to deal with corruption, the trafficking of narcotics, and to find some way of providing better governance at all levels of the state. Despite the large sums of international assistance, many programs cannot succeed without a committed partner in Kabul. This is true of building an array of civilian capabilities as well as building credible and competent Afghan national security forces.

For example, international efforts to build the country's police forces have been hampered by international human and financial resources and by the political contexts in which police training takes place. The current program, Focused District Development (FDD), extracts all of the police from particular districts and sends them for training. After completing their training at a police training facility, they return to their district under the guidance of international mentors. However, the newly trained police return to the district where the district and provincial governors remain in place along with other corrupt notables. There is little point in dusting off the police only to re-insert them into the same corrupt networks that motivated the corruption in the first instance. At a minimum, FDD should be coordinated with replacing corrupt district and provincial governors with more trustworthy stewards of governance. Unfortunately corrupt governors are rarely retired; rather, they are simply ordered to new districts or provinces or other desirable government portfolios. Without coordinating police efforts with governance reform, limited training resources are potentially squandered.

Similarly, President Karzai has shown repeated insouciance about the country's expanding narcotics problem. Not only are two of his brothers long-reputed to be heavily involved in the racket, he recently pardoned five heroine-traffickers (in military uniforms) because one of the men was tied to his re-election campaign. As one former U.N. official remarked of this decision, "Karzai is pulling out all the stops in his bid to get reelected."⁴¹ Afghan officials at many levels of governance are accused of being deeply implicated in illicit activities including the narcotics business. How can international counter-narcotics programming succeed without a dedicated partner in Kabul and in the provinces and districts?

While the degree to which narcotics proceeds fund insurgents is debated, a recent Congressional report claims that the narcotics trade likely provides anywhere between \$70 million to \$500 million per year.⁴² Moreover, the narcotics trade has fostered a network of collusion between insurgents and criminal groups, resulting in a new phenomenon for Afghanistan: the arise of narcotics cartels. As Antonio Maria Costa, the executive director of the United Nations Office on Drugs and Crime, has noted that "the drug trade in Afghanistan has gone from being a funding source for insurgency to

⁴¹ Quoted in Farah Stockman, "Karzai's pardons nullify drug court gains: Well-known traffickers set free ahead of election." *Boston Globe*, July 3, 2009. Available at http://www.boston.com/news/world/middleeast/articles/2009/07/03/presidential_pardons_nullify_victories_against_afghan_drug_trade/.

⁴² Afghanistan's Narco War: Breaking The Link Between Drug Traffickers And Insurgents: A Report To The Committee On Foreign Relations, United States Senate, August 10, 2009. Available at <http://foreign.senate.gov/afghan.pdf>.

becoming an end in itself."⁴³ This is in addition to the more quotidian—but equally devastating—effects of corrupting the banking center, encouraging informal banking transfer and undergirding the entire economy with illicit funds. It also raises the economic opportunity cost of engaging in any licit agricultural activity making programs like crop substitution and alternative livelihoods unlikely to succeed.

The electoral process also attests to the degree to which Karzai is interested maximally in self-interest and amply capable of undermining further his own base of credibility. While accusations of fraud are widespread against Abdullah Abdullah, Karzai's main rival, the primary onus of demonstrating a clean campaign is upon Karzai. As the incumbent, he stands accused of positioning district and provincial governors, and chiefs of police who are positively disposed towards him. He is also accused of using state media to his advantage among other actions to tip balance the elections in his favor.

While mathematically, it is unlikely that the ECC would have invalidated enough votes to prompt a run-off, the election remains tainted with impropriety. Martine van Bijlert, co-director of the Afghanistan Analysts Network in Kabul, remarked that while "The standard line in this kind of case is that there were irregularities, but that they didn't affect the outcome of the elections. Reports from the provinces suggest otherwise. They suggest that these irregularities were actually designed to affect the outcome of the elections and that they probably did."⁴⁴

The international community—especially the United States—bares some blame. It has sidelined Karzai and the government in general. Karzai has no control over the international forces operating in his country and the government has incomplete visibility into the various activities ongoing in Afghanistan. The sectoral approach to rebuilding Afghanistan has failed in part because each of the activities (security sector reform; governance, rule of law, and human rights; and economic and social development) were deeply vertically integrated. Security sector reformed the vast majority of the resources with the predictable result that the Afghan government still is incapable of providing governance or rule of law and remains riven by corruption despite the infusion of billions of dollars in aid since 2001. Moreover, it is far from obvious that the instruments of state building available to the United States and its partners are effective. There are long-standing criticisms of corruption in USAID contracting, leading many to note that for every dollar spent, 90 cents returns to the United States.⁴⁵

At the same time, the international community cannot hold Afghanistan to a different standard than it holds for itself. While it is true that Afghanistan is plagued by numerous law and order problems, the international community has shown considerable willingness

⁴³ See Richard A. Oppel, "U.N. Sees Afghan Drug Cartels Emerging," *The New York Times*, September 2, 2009. Available at http://www.nytimes.com/2009/09/02/world/asia/02afghan.html?_r=1&scp=1&sq=taliban%20%2470%20million%20opium&st=cse.

⁴⁴ Ben Arnoldy, "Afghan election fraud allegations mount as Karzai lead widens," *Christian Science Monitor*, August 26, 2009. Available at <http://www.csmonitor.com/2009/0826/p06s05-wosc.html>.

⁴⁵ See discussion in C. Christine Fair and Seth G. Jones, *Securing Afghanistan: Getting on Track* (Washington DC: USIP, 2009).

to undermine Afghanistan's interests by advancing its own including the standing up of so-called "grass roots" militias, supporting the postponement of elections, relative lack of accountability on civilian casualties (although new ISAF commander, General McChrystal may change this), and by perusing extra-constitutional solutions. For example, the international community had first encouraged President Karzai to work out some sort of power sharing deal with Abdullah to stave off expected political fallout of the flawed election. Yet is far from clear how such a solution would have comported with Afghanistan's own constitution. Recent declarations of support for Karzai's presidency before the ECC completes its task have also cut short an important domestic process vital to the legitimacy of the election.

Securing US Interests in the Wake of the August 2009 Elections?

The August 20, 2009 elections have brought into light serious cleavages in domestic political opinion about the next steps forward in Afghanistan. On the one hand are those proponents who argue for a robust counter-insurgency strategy to be resourced with additional troops and other human and financial resources. On the other are those who argue for an increased separation of the counterinsurgency effort from the counter-terrorism effort with the Afghans taking up the primary responsibility for the former while the United States retains its commitment to the latter.

One of the features of this debate is the request for additional troops for the Afghan theatre. While the debate over scaling up or scaling down troops has seized the public's attention, reconfiguring the footprint or mission of US and international troops alone cannot address the problem. Commander ISAF General Stanley McChrystal, in his Commander's Initial Assessment of August 30, 2009, lays out the joint problem clearly:

The ISAF mission faces two principal threats and is subject to the influence of external actors. The first of which is the existence of organized and determined insurgent groups working to expel international forces, separate the Afghan people from GIROA [Government of the Islamic Republic of Afghanistan] institutions, and gain control of the population. *The second threat... is the crisis of popular confidence that springs from the weakness of GIROA, the unpunished abuse of power by corrupt officials and power brokers, a widespread sense of political disenfranchisement and a longstanding lack of economic opportunity.* ISAF efforts have further compounded these problems. These factors generate recruits for the insurgent groups, elevate local conflicts and power-broker disputes to a national level, degrade the people's security and quality of life, and undermine international will.⁴⁶

Arguably, analysts and policy makers focus upon the footprint and mission of US troops in Afghanistan because it is *one* of the few things that the United States can directly

⁴⁶ Commander NATO International Security Assistance Force, Afghanistan, *Commander's Initial Assessment*, August 30, 2009. Redacted version available at http://media.washingtonpost.com/wp-srv/politics/documents/Assessment_Redacted_092109.pdf.

control. Washington cannot direct its NATO allies' military and civilian commitment to Afghanistan; it cannot quickly produce Foreign Service officers or USAID officers or other civilian capabilities while sustaining quality; it cannot quickly reconfigure and improve the way it delivers aid; and it apparently has very little influence over the government in Kabul to provide better governance.

Thus if one considers what *can* be done—as opposed what would be ideal to do—victory in Afghanistan is unlikely if “winning” means establishing a competent, reasonably transparent government capable of providing even limited services and increasingly able to pay for itself.

The international community, while it has made numerous missteps, cannot succeed without real reformers at the central, provincial and district levels. General McChrystal, while maintaining that the war is “winnable” conceded the importance of governance and his new strategy calls for a more intense focus upon diminishing corruption among local officials among other course corrections.

Persuading Karzai to address corruption and other governance failings will require political will in Washington, European capitals, and within Kabul and the provincial capitals. Such a focus upon governance and corruption will certainly put the international community and the Karzai-led government on a collision course as many within Karzai's government (and near and extended family) stand accused of having deep ties to a variety of criminal enterprises.

Lineaments of a “Plan B”?

Clearly, the United States needs a contingency plan which includes redefining “victory” to more narrowly address key US national security interests. This “plan B” should not be reconfiguring plan A in hopes that it will succeed the second time around. The US government, across all branches, must engage in a serious public debate to clearly identify preeminent US interests in Afghanistan as well as the requisite domestic and international resources that are needed to secure those objectives. Equally important, Washington must ask to what extent these objectives require collaboration and input from Kabul. Can the US protect its interests in spite of serious conflicts of interest with the government in Kabul?

If the international community cannot prevail in counterinsurgency campaign against the Taliban and allied fighters due to shortcomings in the international community's configurations and/or to the shortcomings in the Afghan government, Washington likely can secure its pre-eminent objectives of protecting itself against al Qaeda.

This involves separating out the counterinsurgency effort from the counter-terrorism effort. US and international efforts can and should focus resources upon the Afghan security forces and civilian institutions to better enable the government of Afghanistan to

deal with the insurgency, including forging some form of political solution with the Taliban. Indeed, the insurgency is for the Afghans to defeat.

Surely, this will require reconfiguring relations with President Karzai. President Karzai's government must be held accountable on issues of corruption, good governance, and other aspects of transparency. So far, President Karzai has rendered his weakness a primary source of strength through which he has been able to garner significant international resources without delivering better governance. At the same time, U.S. agencies must also be held accountable for its utilization of resources through outcomes-based measurements of success.

While the United States and its partners continue assisting Afghanistan to take ownership of the insurgency, the United States should continue focusing resources on the counterterrorism mission targeting al Qaeda rather than the Taliban. Al Qaeda's presence in Afghanistan is restricted largely to the Kunar province, across from Pakistan's Bajaur tribal area. Needless to say, the most pressing international terrorist threats are resident in Pakistan, which provides the critical logistical conduit for supporting the counterinsurgency effort in Afghanistan.

Clearly this approach of disaggregating the counterterrorism and the counterinsurgency missions will not relieve the requirement to secure better governance and accountability in Kabul itself. The United States and its partners can increase the troop presence in Afghanistan and orient these troops towards training Afghan National Security Forces. The international community can refocus resources to help establish sub-national forms of governance and provision of rule of law. *However, all of these efforts will be undermined by corruption, lack of commitment to improve governance, and fiscal unsustainability.*

Thus in conclusion, I recommend a reformulation of the question away from *whether* the United States can protect its interests without a decisive defeat of the Taliban towards *how* the United States can do so without such a comprehensive defeat. This is the question that must be raised and answered with utmost urgency.

Biography

C. Christine Fair has a PhD from the Department of South Asian Languages and Civilization in 2004 and an MA in the Harris School of Public Policy. Prior to joining the Center for Peace and Security Studies (CPASS), within Georgetown University 's Edmund A. Walsh School of Foreign Service, she has served as a senior political scientist with the RAND, a political officer to the United Nations Assistance Mission to Afghanistan in Kabul, and as a senior research associate in USIP's Center for Conflict Analysis and Prevention. Her research focuses upon political and military affairs in South Asia. She has authored, co-authored and co-edited several books including *Treading Softly on Sacred Ground: Counterinsurgency Operations on Sacred Space* (OUP, 2008); *The Madrassah Challenge: Militancy and Religious Education in Pakistan* (USIP, 2008), *Fortifying Pakistan: The Role of U.S. Internal Security Assistance* (USIP, 2006); among others and has written numerous peer-reviewed articles covering a range of security issues in Afghanistan, Bangladesh, India, Pakistan, and Sri Lanka. She is a member of the International Institute of Strategic Studies, the Council on Foreign Relations, serves on the editorial board of *Studies in Conflict and Terrorism*, and is the Managing Editor of *India Review*.

Mr. ACKERMAN. Thank you. Mr. Craner.

STATEMENT OF THE HONORABLE LORNE W. CRANER, PRESIDENT, INTERNATIONAL REPUBLICAN INSTITUTE (FORMER ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR)

Mr. CRANER. Chairman Ackerman, Congressman Burton, and members of the subcommittee, thank you for the invitation to testify today. Mr. Chairman, it has become fashionable of late to say that people in certain usually poor countries are not ready for democracy.

In Afghanistan, some in government may not be ready for democracy, but the people are as they showed during the campaign. The pre-election environment was dynamic and energetic, with candidates reaching beyond their ethnic strongholds in issue rather than personality based campaigns.

Private media's campaign coverage was very balanced. Most striking were the unprecedented first Presidential debates, one of which included the head of state. In terms of pre-election administration, the Independent Election Commission is to be commended for the training of election workers, despite a lack of international funding.

Turnout was not as high as in past elections, but as Gary Hart, who co-lead NDI's delegation, put it, I do not know of one country, including my own, where faced with the threat of death for voting the turnout would be 40 percent.

And Afghans expected that their votes would count. A July IRI survey revealed that 92 percent were confident in the IEC, and 61 percent believed that the Electoral Complaints Commission was doing a good job.

In other words, Afghans believe that their investment in this election would be rewarded with a legitimate outcome. Over 100 IRI delegates and domestic observers on Election Day monitored more than 250 polling stations.

I noted above many positive aspects, but issues such as fraud and abuse of State resources, many of these issues under government control, brought the elections certainly to a lower standard than those in 2004 or 2005.

While IRI noted that the pre-election environment, pre-election administration, and Election Day voting, we were able to observe, still seemed credible. We also stated that much attention would be paid to the vote counting and post-election adjudication.

And it is in these two areas that trouble first became apparent and persists. As the United States Government continues to formulate its policy, I recommend adoption of the following principles.

Number one, legitimacy precedes capacity. Governance is critical, but cannot be achieved unless Afghans believe that their officials are legitimately elected. Many cite Afghanistan as the graveyard of empires, including they intimate the United States.

They forget a crucial difference. As an IRI partner and Member of the Afghan Wolesi Jirga said of the 1980 Soviet occupation, political puppets placed in office by those outside Afghanistan cannot bring the Afghanistan people together. It does not matter how

many troops are deployed, without legitimate leaders the effort will fail.

Or as two Afghans have told me on separate occasions, you are the only invaders we ever loved, because unlike the British or Russians, they say, you want what we want for Afghanistan.

Not honoring Afghan's expectations for a credible election means that Afghans will lose trust in their titular leaders and in the international community, including the United States. In other words, Afghans will conclude that like the British or Russian empires, we don't want what they want.

Number two, a rule of law matters. A legitimate government can only come about if due process provisions to adjudicate electoral irregularities are followed. These issues have been at the root of the dispute involving Peter Galbraith, who was dismissed yesterday by the U.N.

Third, if needed, an interim leader must be selected through a transparent mechanism acceptable to the Afghan people; and fourth, after the election, we must focus on good governance.

Election of legitimate leaders must be followed by addressing the needs of the Afghan people. This is an issue that General McChrystal has highlighted as the second component as my colleague noted.

Mr. Chairman, I close my written testimony by offering critiques of both the Bush and Obama administrations approaches to Afghanistan. In President Bush's case, under-resourcing the war and staying too close for too long to an ineffective leader, it is important that the Obama administration not repeat those two mistakes.

Others are better qualified than me to address the issue of resourcing currently being discussed with the Pentagon, but in doing democracy work, I have gotten to know a few things about ineffective leaders.

Early public misgivings by the administration about President Karzai's confidence and abilities disappeared in the spring when there was an apparent conclusion that he would win the election.

Pre-election polls, however, showed that Karzai was substantially less than 50 percent of the vote, and even with an apparently large amount of fraud, he was able to gain only 54 percent provisionally.

Pre-election polling also showed strong voter interest in a joint ticket of Abdullah and Ghani. This is not a question of historical interests. According to the September 28, 2009 New York Times, even before the results are determined, which might lead to a second round of voting, the administration has told the government of Karzai that it believes that he will be reelected, and is currently attempting to fashion a policy based on that perception.

The Clinton administration in a number of countries, Russia, Nicaragua, Slovakia, and Serbia, decided that it was legitimate to make its preferences known regarding elections that would shape our future policies toward those countries. Arguably our stake in Afghanistan is at least as important as it was in those countries.

This period of post-election adjudication is an opportunity for us to clarify our enduring principles to bring populations together under legitimate governments. Whether legitimacy in Afghanistan is achieved through a coalition, a runoff election, or an alternative outcome, this moment should be seized upon to establish a result

that we, and more importantly, Afghans, are willing to support. Thank you.

[The prepared statement of Mr. Craner follows:]



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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
LORNE CRANER, PRESIDENT, IRI
OCTOBER 1, 2009**

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 Bamyán, 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 Wolesi 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.

Mr. ACKERMAN. Thank you, and I thank our entire panel. There seems to be a general consensus on the panel questioning the legitimacy of the election, and a sense of direction that we have an obligation to try to set things right, or to encourage them to set things right, because the government under the current cloud is not legitimate.

I guess my question may be more about us than about Afghanistan and their election. If we have that as a moral obligation do we have a right to pick and choose where to apply our moral obligations?

There seems to be a more aggravated population, at least judging from the street reaction, in Iran, and yet we have not insisted or pronounced that that government is not legitimate, and should have an election.

We seem to pick and choose, and we seem to pick and choose, I think, based on the ability of pushback of the administration in the country that we are talking about. Is it legitimate for us to do that?

Certainly it would be in our interests if we are talking about where our interests lie, to see a different result most likely in Iran based on the leadership choices that were before their public. How do we deal with that?

And the follow-up question, I guess I would have, and I am going to more strictly observe the 5-minute limitation on our members, and be less generous with us than we did with the panel. So I will be mindful as should the panel.

And my follow-up question would be if we make that determination and insistence, the leverage we have it appears is whether or not we send more troops. If we send more troops or don't send more troops, based on their reaction to our suggestion that the election was not legitimate, who are we punishing, us or them?

And why don't we start in the same order as before. Mr. Cowan, and I would like to hear from all five of you. So if we could keep the answers succinct it would be great.

Mr. COWAN. The question is somewhat beyond the writ of the international election observation, but I do have some experience in these questions having been assigned to CORDS in Vietnam in one of our first major efforts to take an interagency approach to a counterinsurgency war.

I don't think that we can walk away from Afghanistan based entirely on an illegitimate election. I think the stakes for the United States are potentially too high for us to simply assert that their government is not legitimate, and we will not deal with it.

Mr. ACKERMAN. Okay. Let me in the interests of getting everybody in, I will pass on an answer to the first question, which was probably more philosophical and esoteric, and ask you each to comment for ½-minute maybe if there is no runoff, and our insistence or suggestion is not adhered, do we send troops anyway?

Mr. COWAN. I think that depends on our views as to whether or not those troops can reasonably participate in a fully engaged interagency solution in Afghanistan, which means that you would have to have complete engagement of the State Department, USAID, et cetera.

Mr. ACKERMAN. Thank you. Mr. Thier.

Mr. THIER. I do want to say to your first question that in the case of Afghanistan, we are not neutral commentators. What we do will be seen as a decision. If we allow the election to go forward without a recount, we will seem to have been supporting that decision, and so whatever we do bears weight ultimately.

The reason that I believe, and maybe not fully, but the likelihood that additional resources are needed in Afghanistan is because the crisis today in Afghanistan is not predicated on these elections.

The crisis is predicated on 3 or 4 years of decline, and unless we are able to get our arms more effectively around this problem of insecurity and injustice, then Afghanistan will collapse, and I think that Afghanistan's collapse has very grave repercussions for Afghanistan, Pakistan, and the United States.

Mr. ACKERMAN. It appears that my time has expired. Mr. Burton.

Mr. BURTON. You know, I really appreciate, Mr. Chairman, the testimony, and I think that Mr. Rohrabacher and I were just talking a minute ago, and we think the testimony has been very, very good.

But one of the missing links in this whole issue is having a direct testimony from the people in the field. I think that General McChrystal needs to be here, and we need to make a request as quickly as possible to get him here.

If time is of the essence, and if we are going to need 40,000 troops, and if we are going to have to have another election over there, we really need to get from the Ambassador and the Commanding General as much information as possible.

No disrespect to those who are here, because I think your testimony was very, very good, but I think it is extremely important that the Foreign Affairs Committee and the Armed Services Committee make a request to have them here as quickly as possible.

Mr. ACKERMAN. If the gentleman will yield, I believe, Mr. Berman has as his intention to invite the General within the next 2 weeks.

Mr. BURTON. In the next 2 weeks?

Mr. ACKERMAN. Yes.

Mr. BURTON. Well, that's very good. That is very good. I really appreciate that, and I think in addition to that, I think the Ambassador who is over there in Kabul also ought to be here. So I hope that is included in the mix.

What I would like to ask is—and I don't know that the panel should—well, maybe this is just a general question that I ought to throw out, and anyone can answer if they want to.

But in a situation like this—and I don't want to be partisan, but I think it is important that when you have something that is of such gravity as this issue, is this decision, should not the President be very, very engaged, and shouldn't he be contacting, or be contacted, by the officers in the field, the Commander in the field, more than once since, say, 70 days?

I mean, I know that we were in other conflicts, because of the political significance, as well as the military significance, the Commanders-in-Chief were in contact on at least a biweekly basis with the commanders in the field so we could make decisions rapidly if we needed more troops, or needed more equipment over there.

So if somebody wants to answer that question, how frequently do you think that the commander in the field should be in direct contact with the Commander-in-Chief and the Secretary of Defense? Anybody? If you are afraid of that one, I will ask another one. Nobody wants to tackle that?

Mr. ACKERMAN. They know a mine field when they see one.

Mr. BURTON. I see. Well, let me just say that whoever the Commander-in-Chief is, whether it is President Obama, or whoever it is, I think on an issue as important as this, Mr. Chairman, the President needs to be engaged on a very regular basis.

I am not saying every day, or every week, but on a regular basis, he and the Secretary of Defense. And I know that they had a meeting the other day, the National Security Council did, and they had McChrystal on a teleconference, which I think was a step in the right direction, but I hope that they do more of that.

Let me just ask this question. In the short run, and I would like to have your opinions on this, if we don't send the troops can there be a free and fair election, and is the threat of people losing their hands, their fingers, or their lives if they go vote, is there a risk that people simply won't come to the polls, and that you won't get a true picture of what the people want over there?

And will the 40,000 troops be able to, if we start getting them over there rapidly, will that be an encouragement for people to vote, and will that stabilize the situation?

Mr. CRANER. Congressman, I think if there is a more stable and secure environment, you will see more people voting, but I think no matter how many people vote, if the government is not committed to having an honest election, you would have a repeat of what just happened. And to go back to Mr. Ackerman's second question—

Mr. BURTON. Well, before you get to that, let me just ask since I only have about 35 seconds here, you know, that is a big country, and there is an awful lot of people that are going to be needed to watch the election, poll watchers, to make sure that this is an honest election.

Do you think that we can get the number of poll watchers there to make sure that there is a free and fair election, especially with the Taliban running around threatening people?

Mr. CRANER. Yeah, I do. I think the number that was out there this time provided the early reports of early problems within a few days of the end of the election. Clearly you would need more in the south because that is where the most problems occurred, and that is where the greatest insecurity is.

But certainly with more troops and more observers, you would have an even better picture.

Ms. FAIR. Well, I have a somewhat different view. Even domestic observers could not get into the most insecure districts. They were perhaps in the district capitals, but they were not in the countryside, which is where a lot of the alleged malfeasance appears to have taken place.

It is also not just the number of troops. It is what the troops are actually doing. We are in an unfortunate situation where putting more troops to engage in kinetics, i.e., on an enemy focused oper-

ation, has really put us in the unfortunate situation of killing about as many civilians as the insurgents do.

So that is not a terribly good track record, and the Afghans do not blame the insurgents for the civilian casualties. They blame us, even the civilian casualties caused by the Taliban.

So we have to think not only about the number of troops, but also what those troops will be doing, training versus kinetics.

Mr. ACKERMAN. Thank you. Mrs. Berkley.

Ms. BERKLEY. Thank you, Mr. Chairman. First, let me thank each of you for being here. I appreciated the information. I was in Afghanistan about 1 year ago, and I remember looking down as we were flying in on a military flight, and my immediate reaction was this is a hell hole.

I didn't see—there wasn't a road. There wasn't a stream. There wasn't a farm. There wasn't any housing. And I just looked down and I was astounded at how barren the landscape was.

And after we arrived and spent time on the military base talking to our people, and meeting with Karzai, and our Ambassador, I felt that the hell hole extended beyond just the geography, and that we were in a world of hurt being there.

And I was very conflicted at the time. It is 1 year later, and I am still conflicted. I am not surprised at the results of the election, or the way the election was conducted. It is just the tip of the iceberg, and punctuates what I have seen as a descent in good governance or any governance over the last few years.

It does not appear to me that Karzai either has the will or the interest in leading a government that can be of benefit to his people. The corruption is widespread and well known, and I do not believe that he has the support of his people.

Consequently, we saw a great amount of fraud and deceit in this past election. I was very interested in Mr. Ackerman's question, and I would like to give the rest of my time to the panel to answer Mr. Ackerman's question.

And if I may start with whoever he left off with, I think that would be of benefit because that was my question, and I think it gets to the very heart of the issue, and I thank you again for being here.

Mr. ACKERMAN. That would be Mr. Manikas.

Mr. MANIKAS. I am sorry, what exactly—could you repeat the question?

Mr. ACKERMAN. The question went to the issue, do we pick and choose which countries that have apparently disingenuous elections, that we insist that they have reruns, runoffs, redos, recalls, try agains?

Mr. MANIKAS. It seems to me that we have a special obligation with respect to Afghanistan because of the nature of our involvement there, and also because of the promises that we have made to the Afghan people, which is what makes I think the outcome of this election so important.

I mean, we told people that we wanted them to participate in this electoral process, and they did so at great risk often times, and I think that is why it is so important that we let this play out and have a runoff if one is required.

Ms. FAIR. To add on to that, we have not been completely innocent in the way in which this election has played out. I was there in May 2008. It was very apparent that the independent director of local governance was really functioning as the Karzai re-election campaign. Everyone knew this. USAID funded it.

When Mr. Karzai's brother-in-law, Norzid, decided to stand up a 10,000-person militia. ISAC blessed it. So not only is there the obligation that people took on great risks to vote, it is also that we have been implicit in this process that ultimately culminated in this fraudulent election. So I think we ultimately have some substantial responsibility to bear in this.

Mr. CRANER. The United States has asked for other elections to be rerun that were not as bad as this, and I think back to Ukraine just before the Orange Revolution. In the example that you raised, Iran, certainly they deserve another election.

Is it intrinsic to what our greatest national interest there is, atomic weapons? It is not clear that an election is intrinsic. I would make the case in Afghanistan, and I think you have heard from this panel, that without legitimate governance victory in that war is almost impossible.

Ms. BERKLEY. Mr. Chairman, if I can reclaim my last 26 seconds. My concern is if the United States is seen supporting and propping up a corrupt—yet another corrupt and ineffective government, we will pay a huge price, and I do not believe the Afghan people will reward us for doing this.

Quite the contrary, they will condemn us and we will never be able to reclaim the upper hand in this war against terrorism, if that is what we are doing there.

Mr. CRANER. And that is why fixing this election problem is really, really important to our mission there.

Ms. BERKLEY. Thank you.

Mr. ACKERMAN. I would ask unanimous consent that the gentleman be given 1 extra minute that she would yield to me.

Ms. BERKLEY. I will accept the minute, and yield it to you.

Mr. ACKERMAN. Thank you. In listening carefully to the responses that we just had from a panel that seems to have seen this train heading for the crash before Election Day, if we do have this obligation to after the fact be critical, and demand a redo, are we not guilty of the crime of being accessories before the fact by not speaking out and alerting the government there, and the rest of the international community, that we think a fraud is about to be perpetrated, so that perhaps their behavior would change before they commit the crime?

And I guess it is an opinion rather than a factual question that anybody could answer, even if you are not one of the experts who were there. So I forego the answer in view of the fact that my time is up again. Mr. Rohrabacher.

Mr. ROHRABACHER. Ms. Berkley noted the ruggedness of the Afghan territory, and described it as a hellhole, and I guess—and quite frankly you suggested that you don't know that area well. I do.

And let me suggest that the Afghanistan that counts is not the territory, but it is the people, and the people of Afghanistan are

more rugged than the territory, or they would have not succeeded in surviving all of these years.

Ms. BERKLEY. I could not agree with you more.

Mr. ROHRABACHER. And that ruggedness and that strength of the Afghan people has given them a degree of integrity, personal integrity and courage that I have rarely seen in other parts of the world where life is much easier.

The Afghan people, for those of us who know them, have earned our respect over and over again for their personal integrity and courage, and they should have earned the gratitude of the American people over and over again as well for the battles that they have fought, and has had direct relationship to our own national security, both when they defeated the Soviet Army back in the 1980s, which brought about the demise of the Soviet Union, which was the greatest threat to our own national security.

And then after 9/11, after we had walked away from them after the war with the Soviet occupation forces, they then rose up again, and it was the people of Afghanistan, not American troops, that dislodged and drove the Taliban out of their country.

We only had 200 American troops in Afghanistan when the Taliban were driven out. They were driven out by the Northern Alliance, but also a coalition of people of Afghanistan, and then we decided to shift our focus and go to Iraq, and again left them to sleep in the rubble.

Ms. BERKLEY. If that is the case, if I could ask you then why do we need to commit another 40,000 troops if the Afghans are so self-sufficient?

Mr. ROHRABACHER. Let me just note that you are assuming that that is my position, which is wrong. I am the last one to answer that question. I would suggest that if we do not have and keep faith with the people of Afghanistan directly, rather than making deals with a corrupt government, 40,000 more troops won't make any difference in Afghanistan.

We must, and in fact, I would suggest, that the first step of regaining the faith of the people of Afghanistan is to insist on a run-off election that is not conducted—and this is my question—that is not conducted by the Afghan Government itself, but conducted by international organizations.

Is that possible that they could have international organizations, rather than the Government of Afghanistan, which we all know is so corrupt that they can't be counted on to actually conduct the elections, rather than observe the elections? Very quickly.

Mr. COWAN. Thank you, Congressman. Congressman Burton, you may remember that we were together members of a Presidential observation of the Namibian elections.

Mr. BURTON. Yes, I remember.

Mr. COWAN. And that was an interesting model, because although conducted by the colonial power, the South Africans, the United Nations oversaw those elections in every polling station in the country.

That is a model that is possible in Afghanistan, but not possible in the near term, and if such an attempt were made, there would have to be an interim government appointed, and they would likely have to call a Loya Jirga in order to provide for such a thing con-

stitutionally, which might be a good outcome, but it would take some time to effectuate.

Mr. ROHRABACHER. And does the panel agree with that assessment?

Mr. THIER. Let me just say that I do think that the Independent Election Commission, were it truly independent, together with the Electoral Complaints Commission, which is an international Afghan hybrid, are capable of running a free and fair election.

The problem was not that those institutions could not run the election. It is just that there was so much fraud and a lack of independence in that commission. So I think we could do a better job with the institutions that are in place, which frankly would also provide for a greater degree of Afghan leadership, which is very important for people to see.

Mr. ROHRABACHER. But we should insist, and I know that I am running out of time, Mr. Chairman, but we should insist that there at least be a runoff election, and that we just don't accept this result because it would—frankly it would provide an illegitimate government as an alternative to the radical Islam and the persona of the Taliban.

And that is not a proper choice for the situation in Afghanistan right now, for the people of Afghanistan. Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you for holding this hearing. Welcome to the panel. I will ask this question of the panelists, and maybe starting with you, Glenn, and it is good to see you again.

In your review of observing the elections, those of you who were there, did Karzai in fact win this election, the allegations of fraud notwithstanding?

Mr. COWAN. Thank you, Congressman. We probably will never know. I think the process by which these votes have been counted, and the auditing process now taking place, is not a legitimate way to have done this, and I do not think we will ever know what the real votes cast would have produced.

He certainly could have come close to winning, but whether or not he did in any event is unclear, and will probably never be a matter of fact.

Mr. CRANER. We at IRI did some pre-election polling on this question. These are all provisional results that we are getting from the Election Commission. We had predicted from various polls that Mr. Abdullah would get around 28 percent. We were within 2.3 percent in our polling.

We had said that Mr. Bashardost would get 9.2, and we were within 0.8 percent of the provisional results. We had said that Mr. Ghani—the number that he got, I am sorry, those were all the numbers that they got in provisional results, 2.7, and we were 3.30.

With Mr. Karzai, we were 10 points off, with 54 percent. So take those results, and as Glenn said, we will probably never know, but I think the point that some of us are making is that this is not our fate to accept these elections.

We have a say here in whether there is another round of elections, and that say goes to these issues that Peter Galbraith has been talking about how they should be conducted.

Mr. CONNOLLY. Well, I am glad that you bring that up. I worked with Peter Galbraith for 10 years in the Senate Foreign Relations Committee. He is our former Ambassador to Croatia.

We just had published reports today that he has been terminated in his post with the United Nations because of a dispute that he had with the chief U.N. official who was responsible for observing these elections. What is your take on that?

Mr. CRANER. I have not seen Peter's letter that was in today's New York Times. I would have to look at that. But I think as a general matter that Peter was sticking up the most rigorous possible examination of the selection, and that is what I mean by saying that it is not our fate to accept this first round. It is within our control to insist that it be better done.

Mr. CONNOLLY. And if I could clarify my question, Mr. Craner. That is exactly what I am getting at, but it looks like with that termination, the United Nations is prepared unfortunately perhaps to do just that. Namely, to certify an election that is alleged to have been achieved by widespread fraud.

Mr. CRANER. Again, our fate is not decided by the United Nations, nor is the Afghan people's fate. I think we as a government have a right to insist that the U.N., which is renown for running elections in the world, and ran the 2004 and 2005 Afghan elections, that they would do a decent job here.

Again, if we don't get this issue straight of the legitimacy of the government, it is probably not worth sending another 40,000 troops, or even continuing there. It really needs to be fixed.

Mr. CONNOLLY. Isn't, Mr. Manikas, one of the problems—I mean, I am very familiar, and certainly a fan of the work of NDI, but perhaps one of the—and I could throw out a slight criticism of the NDI approach.

On elections, it is often a top-down approach. It is a national election, often sometimes irrespective of the fact is that local governments have not in fact built up a democratic tradition.

And it seems to me that generally democracy is built from the bottom up, and not the top down, and did we not just witness that in these elections in Afghanistan? We are trying to impose or help create a structure that has in fact never existed in Afghanistan.

And the local tribal culture may involve democratic elements, but certainly in towns and villages across Afghanistan, they don't have such a culture or tradition.

Mr. MANIKAS. I do not think that is the case. I think it is the case that every poll that has been done over the past 7 or 8 years has shown an overwhelming support among the Afghan people for a democratic process.

There are institutions that are created by Afghans, not by the international community. There are things that have grown out of the Bonn process, which the Afghans, I think, have enthusiastically endorsed. I don't think this is a matter of institutions or an electoral process being imposed on Afghans.

Mr. CONNOLLY. Mr. Chairman, my time is up, but I sure wish I had time to challenge that statement.

Mr. ACKERMAN. The chair is contemplating a possible truncated second round depending on how this goes. Mr. McMahon.

Mr. MCMAHON. Thank you, Mr. Chairman, and thank you for convening this very relevant and interesting hearing, and to all the witnesses, thank you for coming today. Mr. Craner, you indicated that it is within our power to compel a further election or a runoff if you will.

Can you just walk me through that process, because I think what I sat here and learned is that I think that everybody in this room agrees that there were high irregularities in the election.

That following the best interests of the Afghan people and the American people, and the world, that Mr. Karzai not remain in that position. But coming from local politics in New York, it is not the first time that I looked at the results of the election, I was not happy with it.

But through the process how do we—I think we all see the same goal here, but tell me how we get there.

Mr. CRANER. Well, there was an Independent Election Commission, and unusually there was a separate Election Complaints Commission. You usually don't have that. The two are usually together.

So clearly there was an understanding that there was going to be a problem, or there might be a problem here. The Election Complaints Commission has insisted on being quite rigorous throughout the process.

They have—and this again gets to the dispute between the head of the mission and Mr. Galbraith about how rigorous the Election Complaints Commission is going to be in looking at these results.

I do not think given our stake in Afghanistan, but also given our presence there, that we are the main—the United States is the main presence there, that it is out of the question for the United States to say we think this is an important issue, and we think it should be decided in a particular way, that it should be looked at rigorously.

Mr. MCMAHON. But who has the power to impose that decision? Does that Commission have the procedural power to say—

Mr. CRANER. Yes.

Mr. MCMAHON [continuing]. No, Afghan, you are a free nation, and we are telling you—

Mr. CRANER. Yes.

Mr. CONNOLLY [continuing]. To do a new election?

Mr. CRANER. The final results cannot be validated until the Election Complaints Commission has signed off on them. The issue has been what small portion of the vote is the Election Complaints Commission going to be allowed to look at to determine that.

It is partly driven by a desire to get this over with. It is partly driven by a desire to get this over with quickly so that if there was going to be a second round, it could have been held before the winter.

If you open up other options, if you say it will be okay if we have a second round in the springtime because this is a really important election, then the Election Complaints Commission can be freed up to do the work that it should be doing.

Mr. MCMAHON. But can't the Karzai government then declare legitimacy and refuse to cooperate? You were saying that we were fairly elected, and now you are trying to actually take away the independent votes of the people?

I am not for that. I am just curious, because we are sort of in the room here far, far away, saying what should happen. I just am not seeing the process that would bring that about.

Mr. CRANER. If there were a popular perception in Afghanistan that this had been a very clean election, I think you would be able to do that. I think the popular perception in Afghanistan is probably very much like it is here, which is that this was a very bad election.

So I think for him to say, well, this Election Complaints Commission really doesn't have any standing, and the Afghan people have made their wishes known, but the Afghan people have not made their wishes known through this election process.

Mr. MCMAHON. I understand. I agree, but I just am not clear how procedurally you make that happen. Mr. Thier.

Mr. THIER. Well, let me say that I think that you are right to point out officially there is a gray area, and it would be very difficult, because ultimately it is the Independent Election Commission that will certify the results.

I think what we have not dealt with effectively over the last number of years, and certainly it is pertinent right now, is that the United States pays for most of the Afghan Government budget.

We provide the security, and we paid for most of this election, and ultimately we have to decide where—not only where our principles lie, but where our future lies in Afghanistan.

And if we determine, as I think virtually every witness here has said, that we cannot succeed in Afghanistan over the next 5 years with the incredible pall of illegitimacy that this election has left.

Then we have to get down to brass tacks, and that means that we can make very serious demands, and it is not just us. We are there with 41 other nations. I don't believe that President Karzai, with the lack of popular support for the legitimacy of the election, and the lack of popular will amongst the international community that pays all the bills, can stand up against that credibly.

Mr. MCMAHON. Well, I understand that it is more the weight of our authority, as opposed to some—yes, Dr. Fair?

Ms. FAIR. Well, just one quick point. In some sense with the announcement that we have already acknowledged that Karzai, either through the force of a recount, or through the basis of the previous tallies, is going to be the President, we have already undercut in some measure those very important domestic institutions like the ECC.

I would actually turn the question around. How can the ECC come to the determination that a runoff is appropriate when major international stakeholders have already basically said that we are going to be acknowledging Karzai as the continued President.

Mr. MCMAHON. Thank you. I will adopt that question in the next found. Thank you, Dr. Fair.

Mr. ACKERMAN. Mr. Costa.

Mr. COSTA. Thank you, Mr. Chairman. Some of us, or I guess all of us have been to Afghanistan a number of times, and you look

at the flip side of comparison analysis with Afghanistan and Iraq, and you have got the majority of people, 70 percent or more, live in rural areas, versus Iraq, that live in urban areas.

You have got literacy rates where I think still 80 percent or more of the population of Afghanistan are illiterate. You have got a life expectancy that is—I mean, the slog here, the investment that you clearly, Mr. Thier, noted that we have made thus far, and the one that we are going to have to continue to make to be successful, I think the American people truly need to understand the significance of the financial commitment, as well as the manpower, and the lives that are out there.

Could you give me an assessment of how long you think it will take—we have been there 8 years—to straighten this out given the lack of focus that has been placed there to turn this around, the Plan B sort of, Dr. Fair, that you noted, and what that Plan B is, because it can't be just rearranging Plan A?

Mr. THIER. I think that it is critical to note that although we have been there for 8 years, we have not been trying for 8 years to accomplish many of these hopeful objections.

Mr. COSTA. Clearly.

Mr. THIER. And so I don't know that the 8 years is necessarily a good metric, because I think that it is a scary number. I believe that going forward that essentially a 5-year plan of transition, where we focus very heavily on developing Afghan capacities over the next 2 years—

Mr. COSTA. Using smart power, combined with our military force?

Mr. THIER. Exactly. I still believe—I lived there 4 years of the civil war in Afghanistan in the 1990s, and things can get a whole lot worse. The Afghan people are very resilient, and what exists in a lot of the country right now, with the exception of the east and the south, is relatively positive to where that country has been for the last 30 years. So for those—

Mr. COSTA. When you talk about the east and the west like that, for what percentage of the population are you saying things are relatively positive?

Mr. THIER. I think that for about 70 percent of the population, there are certainly threats of insecurity, but they are not living in armed conflict. They are living in an environment where there are opportunities to improve their lot.

And many people have. Economic growth has been considerable over the last 8 years, and so it is a question of being able to balance this positive growth with the downward trends that we have seen over the last 3 to 4 years.

One of the most important things about this whole debate, I believe, is that while the national elections are important, ultimately politics, society, and economy in Afghanistan are local, and we need to pay a lot more attention than we have to dealing with things at a local level than the national level.

Mr. COSTA. Well, with 70 percent of the people living in rural areas, that is a more difficult challenge.

Mr. THIER. It is a more difficult challenge, but at the same time those people have survived through decades of conflict, and it is not as though they have just lived in chaos.

They have governed themselves, and they have fed themselves, and there is a great well of capacity among the Afghan people to persevere.

Mr. COSTA. Dr. Fair, Plan B?

Ms. FAIR. Yes, I have a really different view. I mean, I spent my career looking at the South Asia region, and so I am always thinking about tradeoffs. What we do in Country X, is that what we need to do in Country Y.

The problem that we have in Afghanistan is that the counterinsurgency lurch is very clear. Locals win counterinsurgency, not foreigners. Our Government has not stepped up to the plate.

They have not been able to support our international resources on something very basic as training police. So by putting so much United States resources into counterinsurgency, as opposed to counterterrorism, we are actually in a really ironic situation.

I think that most people would agree that we have far more significant terrorist threat, as well as the threat of nuclear proliferation, residing in Pakistan. But because we want to send more troops to Afghanistan, we need Pakistan ever more as a logistical supply route.

So it is very ironic that we are trying to engage a counterinsurgency battle on behalf of the Afghans, which we can't win realistically speaking, and because of this commitment, we are unable to put needed pressure on Pakistan to do what it needs to do to diminish what I would argue is even a greater terrorist threat, and of course the enduring nuclear proliferation threat resides there as well.

Mr. COSTA. In recent years—and quickly my last question, and I don't know if you can get a head nodding agreement among all of you, but President Karzai, who many of us have met, has been referred to in some cases as not much more than the Mayor of Kabul.

Would you concur all of you that his ability to reach out to the provinces and to have a truly national government is still that limited?

Ms. FAIR. He can reach out, but not in ways that are necessarily productive.

Mr. COSTA. Well, that is part of the problem. Is everybody's head nodding on that? Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you very much for repeatedly providing us with timely hearings and provide great consternation. Let me just offer my thoughts of a country that I went into shortly after the—probably in the spring of 2002, I recall.

And I think at that time it was Chairman Karzai and the palace in Kabul, and it was dark, and riddled with bullets, and so I saw it in its last state if you will. Certainly there have been steps toward progress in Afghanistan that I think we should give credit to.

In talking to Afghan parliamentarians, there is still a concern about the treatment of women and girls. We have made some strides, and then we have fallen back. I would just point that out in terms of governance and where we are, and how they relate to these elections.

Let me pose these questions. I am not sure, Mr. Craner, but I was coming in as you were saying—and I hope I didn't misinterpret, but I was coming into the room, and it seems you said something about not sending troops.

You can like shake your head if I am incorrect, but I am going to get a question to you. But did I hear you when I was coming in correctly?

All right. I am going to pose the question, and pose the question to Ms. Fair, and I appreciate the other witnesses, too, and Mr. Thier. And I would just go down the line and answer the question.

One, I was speaking to some international press, and I was speaking in an off the record conversation also to a British parliamentarian, who said that the United States has gone on record internationally that we want our man to win.

If I missed it in the domestic press, somebody needs to let me know, and that would be Karzai. We made our point when I thought we were trying to stand back and let the process go forward.

Second, I am going to weave this into this question of the dilemma that is facing the administration on surging up or looking at some other options. My understanding of the defeat of the Russians was the nationalistic posture that Afghans take, and they don't let up.

So my question is how do we think we are going to change that? Do we not need to find—and let this not be humorous, and let me qualify it so that it is not manipulated and abused across the world of dialogue—but can we find the good Taliban? Don't they exist? Are they not an underpinning—are there not some people who are Taliban? We have gotten that name, and so maybe it should be a different name, and you can help me out.

To work on this thing called counterterrorism, which I think is a valid point, I need to understand it. But I think it is a valid point. You can work on the bad guys. I mean, I think we should work on the bad guys.

But I don't know if a surge and the whole idea of presence with NATO dropping down is going to work; and lastly, if this gets settled is Karzai the gentleman who could pull people together if this election could be legitimized? Mr. Craner.

Mr. CRANER. On your first question, 2 days ago apparently in New York, there was a meeting reported on by the New York Times that indicated that we had basically said to Karzai that you have won, even though the election process was not quite done.

Ms. JACKSON LEE. Thank you. I will look that article up.

Mr. CRANER. And the Soviets versus us question, clearly you have to—you may not be able to always get to the leaders of a counterinsurgency, but you have to starve them of their foot troops, and if you have a counterinsurgency strategy with a legitimate government, you can do this.

Is Karzai capable of pulling people together? As my colleague noted, yes, but not the right people.

Ms. JACKSON LEE. All right. Thank you. Dr. Fair.

Ms. FAIR. The issue of our man actually began circa March, when everyone agreed that the election would be postponed, and because of the unfortunate consequence of the international community

being forced to support continuity of government as the peak insurgency season began, and everyone read that as being tantamount to support for the incumbent.

So there was some realities about the politics and the needs for the insurgency. I believe very strongly that we need to remember that there are two military missions in Afghanistan right now.

One is the counterinsurgency mission, which targets the Taliban. Ms. JACKSON LEE. Right.

Ms. FAIR. And the second is the counterterrorism mission, which brought us into Afghanistan, which focuses upon al-Qaeda. There are two very separate missions that remain separate today.

Going to the point about flipping the Taliban, I think that even the term Taliban is not terribly helpful. Many of the fighters that are currently associated with the Taliban infrastructure, they are opportunists. They are entrepreneurs of violence, and yet I think they can be brought into a system, and that is how insurgencies end, a politicalization of those combatants that can be politicalized.

Mr. ACKERMAN. Thank you. The chair will attempt to have a second round. The found will be limited with everybody's consent to 3 minutes per member. The chair will go last in case we run out of time.

I remind you that 3 minutes means if your question is 2 minutes and 10 seconds, each panelist will have 10 seconds left. Mr. Connolly.

Mr. CONNOLLY. I thank the chair. I certainly—

Mr. ACKERMAN. I am sorry, Mr. Rohrabacher, or would you like to go and bat cleanup?

Mr. CONNOLLY. I certainly would defer to my colleague if he wishes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. We are in a war right now with radical Islam, and the radical Islamists coalition declared war on us. They attacked us and slaughtered 3,000 of our people.

What happens in Afghanistan has a lot to do with the outcome of that war, and I know when I was a young man, and I had spent some time in Vietnam doing—I was not in the military, but doing some other work there.

And I came back and talked to my father, who had fought in the Korean War, and had actually pulled the first DC-3 into the Pusan perimeter, and I was telling him about how concerned I was about Vietnam, and how I felt the dynamics would mean that our sacrifice would mean nothing.

And he told me that it was much worse in Korea, and he said look at it today. At least in Korea, they have a democratic government on our side now, et cetera, and what would it be like if we had not stayed in Korea, or we had not won in Korea, or at least prevented them from being taken over by the communists.

It would have been a whole different world, and in fact the communist's surge throughout the world might have succeeded, and it might be a totally different world today. Well, I believe that unless we succeed in Afghanistan, it will be a totally different world.

But it doesn't necessarily mean that it is all based on our military forces, and sending people like my father when he was a young man into Korea to do their fighting. It seems to me that as

in the Cold War, the outcome was the fact that we did make stands, but also that we allied ourselves with people like the Afghan people.

In fact, we allied ourselves with the Afghan people who helped defeat the Soviet empire, and today unfortunately, Mr. Chairman, it seems to me that we have tried to ally ourselves with an elite in Afghanistan, and create some sort of alternative elite in Afghanistan, rather than going to the people themselves and allying ourselves with what is or what I consider people of high integrity and courage, who are open to a friendship with the United States.

If we permit this election result to go unchallenged, and we don't have a runoff, I think that it will be an insult to the people of Afghanistan. It will undermine our efforts to actually succeed there, because our success depends on an alliance with the people there, and not with a coalition of crooks.

And an alliance with a coalition of crooks that run the central government. So, with that said, I have appreciated the testimony today, and I again would ask my colleagues if they would like to join me in a resolution, which I will be submitting today, calling for at least the runoff election.

And if any of us are considering supporting 35,000 additional troops for Afghanistan, we should go on record demanding that the people of Afghanistan not be insulted with a fraudulent election.

At least pulling that out in a little way by offering a runoff to the people that would be run hopefully in a more fair and honest manner. Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman. I want to go back to my truncated conversation with Mr. Manikas. You were citing polls that overwhelmingly the Afghan people favor free elections.

And you seemed to take issue with the fact that there was—a minor assertion—that there was not really a tradition of democratic elections, certainly at the national level in Afghanistan.

I want to give you a chance to comment on both, because one wonders about how accurate polling would be in a country like Afghanistan, with 80 percent illiteracy at least, with a sense of no nationhood.

Most Afghans, if you ask them where they come from, they will cite their tribe, not Afghanistan. So the sense of nationalism in Afghanistan is very limited. I was there in February, and I can't remember a national election in Afghanistan that put in a relative free stable government, or even a free unstable government.

So I would like you to have a chance to respond to that, but point number two, and to anyone else on the panel real quickly, even if we succeed in getting a runoff election, one of the concerns that I have got is that we are raising expectations that if we only got to a free election with that individual, who in fact really is elected, all will be well.

And I am really worried about raising that expectation, because I just think it is just not true, and I think even with a freely elected government—relatively freely elected government—we have got a lot of trouble in Afghanistan, and elections sadly may not be the crux of the problem. Mr. Manikas.

Mr. MANIKAS. I agree that polls are somewhat problematic. There has been though three different organizations—the Asia Foundation, the IRI, CSIS, here in Washington that have been doing polling, and have come up with pretty consistent results over the past 7 or 8 years.

On the electoral process itself, I think the participation of a large number of Afghans, both back in 2004 and 2005, and this current election, demonstrates a commitment to the electoral process.

In addition to the millions of people who voted in this election, there were over 40,000 Afghans who participated as candidates, as domestic election monitors, as polling officials, and all at personal expense and risk. I think those factors demonstrate a commitment to the institutions that they created.

Mr. CRANER. I think that everything that Peter said is right. I think what the Afghan people are not—I mean, nobody raised this issue of are the Afghan people ready for democracy in 2004 and 2005 when the elections were pretty well run.

It has come about because there was a fraudulent election. But the fraud was not committed by the Afghan people. As Alex noted, it was 80 percent by the government. There were other people who committed fraud, but it was 80 percent by the government.

I think what the Afghan people really want to see is something in between elections called democracy. That means that the state has an interest in their welfare, and they are not seeing that. I think that is the problem.

Mr. ACKERMAN. Thank you. Ms. Jackson Lee.

Ms. JACKSON LEE. I am on a marathon. Mr. Craner, could you say again, no troops? I am just going quickly. Did you say no troops, or—

Mr. CRANER. I said it is difficult to make the case for troops unless you can sort out the selection.

Ms. JACKSON LEE. Right.

Mr. CRANER. In other words, this election is critical.

Ms. JACKSON LEE. Let me put on the record that I believe that we should have a legitimate runoff, but I will ask Mr. Thier, and Dr. Fair, again. Mr. Thier, I didn't get to you, and so I want to get an answer to this question.

My point about—and my dear friend and I are probably on the same page. We have traveled to Afghanistan at different times. My point on nationalism is the idea that they will stand against an outside force, whether they are tribal or otherwise, and that I think was part of the defeat of the Russians.

The question is whether there is any value for us to be there in that military point if we are not doing democracy and focusing on who we can negotiate with. So, Mr. Thier, if you would answer that about any value.

Let us say the election gets a reelection, and we have some unity in the government. We talked about democracy. Get into this point about where we go next with this so-called democratic government.

Dr. Fair, just help me again in distinguishing on your counterterrorism. What tools will you use for counterterrorism? Are you promoting counterterrorism over the insurgency fight? Dr. Thier, and Dr. Fair, I think I have time for both of you to answer quickly.

Mr. THIER. Yes, I believe fully in the premise of your question about nationalism, but I think that the benefit for the United States is that fundamentally Afghan nationalism has been consonant with American goals since 2001.

I believe that there are great and strong national traditions in Afghanistan, and I think that for the most part that they have been supportive. I think the talk of xenophobia, and a graveyard of enterprises, has largely fallen flat in Afghanistan.

It is only—it is not that the Afghans fear the Judeo-Christian armies of the United States taking over Afghanistan. It is that when they see what we have developed and what we have delivered with the Karzai government that they have grown skeptical. And so what they want from us—

Ms. JACKSON LEE. Can we win their hearts and minds without a surge of troops?

Mr. THIER. I think that the question of troops to support what Mr. Craner said is less important than the question of how we deal with the fundamental premise of creating a responsible and legitimate civilian government. You could probably—

Ms. JACKSON LEE. I hear that. Thank you, Mr. Thier. Dr. Fair.

Ms. FAIR. The point of the counterterrorism issue actually feeds right off of this. So why we went into Afghanistan was because al-Qaeda—

Ms. JACKSON LEE. Absolutely.

Ms. FAIR. So the counterterrorism struggle focuses narrowly on al-Qaeda. They are largely localized in the Kunar Province, and of course—

Ms. JACKSON LEE. And what tools do we use?

Ms. FAIR. Special operators, another thing probably not—

Ms. JACKSON LEE. I understand that. Okay. Different from what we have with massive groups walking around.

Ms. FAIR. No, counterinsurgency is targeting the Taliban. The Taliban is created from goals from al-Qaeda.

Ms. JACKSON LEE. Right.

Ms. FAIR. Which was a national terrorist organization that went to harm us or our allies everywhere if possible. The Taliban largely is focused on domestic issues, largely focusing on undermining the government in Kabul.

So to win the counterinsurgency affair, that is not for us to win. That is for the Afghans to win. That requires the Afghans to take a handle on this governance issue.

We can send in trainers, and we can train the police. We can train the military, but if this does not happen in concert with the Ministry of the Interior reform, and Ministry of Justice reform, the Afghans will not win the counterinsurgency struggle against the Taliban.

Going back to your other point, most insurgencies do end with some political resolution. These are not al-Qaeda in Iraq where everyone was foreign. It is not as if they came back. They never left.

So there will ultimately have to be some resolution of that, and that goes back again to the credibility of this government in Kabul. How can an incredible government deal with the insurgency in political terms?

Ms. JACKSON LEE. Mr. Chairman, thank you very much.

Mr. ACKERMAN. Thank you. My final issue that I would like to bring up. It seems historically that when we become involved with uncredible as you call them regimes, and the people remedy that situation, regardless of how long it might take them, that our alliance with that regime that then gets overturned does not sit well with the people who are demanding justice.

And I could cite examples from Cuba, to the Shah of Iran, and everybody else before and after, and in between. If we continue to back, assuming that whatever insistence we might have, and the final disposition of Mr. Rohrabacher's suggestion of insisting on a runoff that they may not accept, and we continue to send troops, do we look like participants in a sham government that is not legitimate?

Do we look like enablers of that process of election stealing, and are we no longer welcomed in a region of the world that we see presently as critical to some of our concerns?

Mr. COWAN. Mr. Chairman, I think that 5 years ago, we acceded to a Karzai regime demand that they not have true separation powers in their government, and we permitted a single non-transferable votes system for the election of their legislature, which stripped that body of the ability to be managed and run by political parties.

So there are no political parties in the country, and they do not act as a check against unbridled executive power. That is one of the central problems in the country, in companion with the fact that we did not—

Mr. ACKERMAN. Are we the bad guys by participating and propping up an illegitimate government?

Mr. CRANER. I think at this point that we need to call on a change in the way that the legislature is elected so that we can have checks in that government, yes.

Mr. ACKERMAN. Thank you. Mr. Thier, how are we viewed if our pleas, if we make them, are ignored for a runoff and legitimate election, a new election, and we continue to be supportive or cooperative with the regime, which is really them being cooperative with us?

Mr. THIER. Well, I think it comes down to ultimately how the next year plays out. I think that this election crisis will flow into the question of how we effectively deal with the accountability of the government.

And again it is not the election that precipitated this crisis. It is the fact that the government has not performed credibly or legitimately. I think that there are steps that could be taken, regardless of who becomes President, that would improve the performance of the Afghan Government, and would improve people's perceptions of us and the Afghan Government.

And so it goes beyond the elections. It is these other things about dealing with the cultural of impunity that we need to address.

Mr. ACKERMAN. Mr. Manikas.

Mr. MANIKAS. I think what we say about the process will also matter. It is not just support for an illegitimate government, but how honest we are in describing what actually occurred.

Mr. ACKERMAN. Dr. Fair.

Ms. FAIR. I agree with everything that my colleagues have said, and I would like to add the addendum that we also have to be introspective and look at the places at which we knew that the election was going down a pre-cooked path, and we actually subsidized, funded, or supported those mechanisms, or at a minimum acquiesced to them, and some of these mechanisms were clearly evidenced as early as May 2008.

Mr. ACKERMAN. Mr. Craner.

Mr. CRANER. I would say the answer to our question is yes, but it is within our power to change that.

Mr. ACKERMAN. Thank you. Mr. Ellison, do you have a question, or two, or three?

Mr. ELLISON. Yes, sir, Mr. Chairman. Thank you.

Mr. ACKERMAN. Well, I would yield the chair to you, because I have to be in one of those places that I can't tell you about, and learned things that I never heard. So you can yield yourself the time. I believe we are on a 3-minute regime right now.

Mr. ELLISON [presiding]. I will yield myself 3 minutes. Let me begin with you, Dr. Fair. Was there any evidence that you have seen that suggested to you that perhaps our policy, either explicit or implicit, was that we kind of thought of Hamad Karzai as our guy, and therefore, we are not as judicious as we could have been as we saw these election irregularities developing, and then culminating in what we now are talking about today?

Ms. FAIR. Yes.

Mr. ELLISON. Could you elaborate on that?

Ms. FAIR. Yes, absolutely. In my various trips to Afghanistan, it really was not until March 2009 on this year where I actually began hearing very serious rumblings amongst the international community actors there in Kabul, that maybe the worst thing for the insurgency would be 5 more years of Karzai.

But at that point, they had already acquiesced to postponing the election, and that meant that everyone had to rally around continuity of governance, which of course Karzai took to mean continuity of the incumbent governance.

And so that sort of put into play a very difficult structural situation that no one could really extricate itself, from which we could not extricate ourselves. When Ambassador Eikenberry made a very visible effort to meet the other contestants that was then construed as the United States trying to find another alternative.

But I look at the Afghan policies as being very similar to the Pakistan policies, and that is that we are always trying to find our guy to execute our interests in a relationship that we say is transactional, but in fact we never get the returns to the investment from those transactions.

Mr. ELLISON. In your view, would Dr. Abilis, assuming that he prevailed in the election, and it looks as if so far he hasn't, if he did, would that necessarily be a bad thing for the United States, and our stated goals of protecting ourselves from al-Qaeda, and other transnational terrorists that might gather ground in Afghanistan?

Ms. FAIR. Well, again, I really do like to make a distinction between the counterinsurgency, which is dealing with the Taliban, and the counterterrorism campaign, which deals with al-Qaeda.

I believe that you can actually secure our goals against al-Qaeda, irrespective to some measure to what happens with the counterinsurgency. Had there been a more credible outcome in this electoral process, irrespective of who wins, it would have facilitated the prospects for the counterinsurgency campaign, because it would have added a grain of credibility to the government.

Had Karzai not won, or had there been a runoff, it would have been an important signal to Karzai that he is not our man, and that in fact he is answerable to his constituencies, and he has to perform.

So it is counter-factual that in fact we don't have a credible electoral outcome. We don't have a Presidential candidate. And finally everyone talks about the Presidential candidate. Remember, these are provincial council elections as well.

And the Taliban, there is a lot of evidence that they were floating proxies, and that they were keen about the outcomes of the provincial council elections. So let us also remember that there were multiple elections taking place, and I would argue that the provincial council elections are just as important.

Mr. ELLISON. I am out of time, and I will yield now 3 minutes to Congressman Rohrabacher.

Mr. ROHRABACHER. Thank you very much. Just some final thoughts. First of all, a thank you to the panel, and all of you have given us food for thought. We face some really important decisions about what our policy is going to be in Afghanistan.

I am reminded that years ago, like 25 years ago, I was actually walking into Afghanistan, walking through Afghanistan, with a Massoud combat unit to the City of Jalalabad, which was then under seize by Massoud forces.

And I had a beard and the whole business then, and a young man came running up from the back of our little band of insurgents, and came to me and said that I understand that you are an American, and I said yes.

And he spoke English very well. A 16- or 17-year-old boy, and he said, "I know that you are involved in politics," and I said, "Yes. Yes, I am." And he said, "Are you a donkey or an elephant?" And I said, "Well, I am an elephant." And he said, "I thought you were."

Now, here is a guy, a young person in Afghanistan, and he had an AK-47 over his shoulder, marching into a battle on the other side of the world, and he knew about our political system.

He knew about us, and it was an amazing thing to me, and I often wondered—and that was 20 or 25 years ago. He must be near 40 years old now. We have to keep faith with that young man.

I don't know if he ever survived the war or not, but many of them like him marched off and had incredible courage, and changed the course of history with what they did.

And I think that our major challenge right now is to keep the faith with people like that, that young man with such incredible courage and integrity, and knowledge, and a longing to make his country better, and allying with us in order to do so.

I don't know if he survived or not, but I do know that Abdul Hawk did not survive after 9/11. He went in to try to reorganize, and tried to help his people fight off this radical Islamic element.

I know that Commander Massoud, both of whom I know were close friends of mine—Commander Massoud, of course, was murdered in the days right before 9/11. Some of us believe that was part of the whole 9/11 plan of the Taliban, and al-Qaeda, to kill Commander Massoud, to make sure that the United States did not have a method of retaliating against them.

So that would be the equivalent of George Washington and Thomas Jefferson being killed during the American Revolution. Now what would that have done to the United States after the war, after our revolution, and how would it have impeded our progress?

And so there is hardship to be overcome right now that has been brought upon us by the circumstances of history, and the loss of leadership. We must do our best to pay back this debt to the people of Afghanistan, and I believe our future, the future of the world that we will create, will be determined on how we handle this.

And whether or not we keep faith with those people, like that young man who understood us and wanted a free country, and wanted a country where his people would grow better, or whether or not we just succumb to making coalitions with elites, even if they are crooked elites, and run crooked elections.

I don't think that is keeping faith with those people, and that will not serve us in the years ahead. So with that said, thank you, Mr. Chairman, and thank you all for testifying today.

Mr. ELLISON. And if the gentleman would yield, I have just one quick question that I would like to ask, just one fast one, and I would like to ask it to the panel for a quick answer.

So if the outcome of this thing is that—well, let me ask it this way. Whether we have a runoff election—or should we have a runoff election? That is my question. Not we. What am I talking about. They. Should they have a runoff election?

Mr. COWAN. We will know in the next couple of days whether or not there will be a runoff. I think a runoff would be one way of adding some legitimacy to this process, but it is not at all likely that such a runoff in and of itself is sufficient to give us a legitimate outcome.

Mr. THIER. I believe that a runoff election is the best of a series of problematic options for dealing with the crisis that has been created by this election.

Mr. MANIKAS. A runoff is the best option to restore legitimacy to the process.

Ms. FAIR. Agreed. My only concern is that some of the issues that were present in the election will remain present in the election, namely the security issues, the logistical issues, the not completely independent nature of the IEC. So some of the same institutional problems will not be erased in the course of a runoff.

Mr. CRANER. My answer is, yes, it would help, and I would say that it is not going to hurt things at all if it is in the springtime, and it will enable us to fix some of those problems.

Mr. ELLISON. With that, we will thank the panel, and this hearing will conclude.

[Whereupon, at 11:08 a.m., the subcommittee hearing was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

Subcommittee on the Middle East and South Asia
Gary L. Ackerman (D-NY), Chairman

September 29, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on the Middle East and South Asia to be held in **Room 2172 of the Rayburn House Office Building**:

DATE: Thursday, October 1, 2009

TIME: 9:00 a.m.

SUBJECT: The Afghan Elections: Who Lost What?

WITNESSES: Mr. Glenn Cowan
Co-Founder & Principal
Democracy International, Inc.

J. Alexander Thier, J.D.
Director for Afghanistan and Pakistan
United States Institute of Peace

Peter M. Manikas, J.D.
Senior Associate & Regional Director
Asia Programs
The National Democratic Institute

C. Christine Fair, Ph.D.
Assistant Professor
Security Studies Program
Edmund A. Walsh School of Foreign Service
Georgetown University

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON MESA MEETING

Day Thursday Date 10/1/09 Room 2172

Starting Time 9:10 Ending Time 11:10

Recesses (_____ to _____)

Presiding Member(s) Ackerman, Ellison

CHECK ALL OF THE FOLLOWING THAT APPLY:

- Open Session
- Executive (closed) Session
- Televised
- Electronically Recorded (taped)
- Stenographic Record

TITLE OF HEARING or BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

The Afghan Elections: Who Lost What?

SUBCOMMITTEE MEMBERS PRESENT:

McMahon, Jackson-Lee, Berkley, Costa, Ellison, Klein, Connolly (VA), Green (TX), Burton, Inglis, Rohrabacher

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not Members of HIRC.)

Delahunt

HEARING WITNESSES: Same as meeting notice attached? Yes No

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Ackerman, Green, Rohrbacher, Cowan, Their, Manikas, Fair, Craner

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____

or
TIME ADJOURNED 11:10



Subcommittee Staff Director

**Statement of Congressman Gene Green
“The Afghan Elections: Who Lost What?”
House Foreign Affairs Subcommittee on the Middle East and South Asia
October 1, 2009**

Thank you, Mr. Chairman, for holding this hearing today and I'd like to welcome our panel.

This was the first post-Taliban elections that were run by the Afghan government itself.

Yet with allegations of pervasive fraud, it is unclear whether the election will produce a legitimate government in the eyes of the Afghan people whatever the outcome ends up being, and I think it is critical that we address this possibility today.

The Independent Election Commission and the U.N.-backed Electoral Complaints Commission said that their relying on statistical sampling rather than an in-depth investigation of alleged voting irregularities is 'based on international standards,' and would help ensure the credibility of the Aug. 20 election.

But by some estimates, more than 20% of the 5.5 million votes cast are suspect.

Additionally, these investigations into ballot fraud and the prospect of extending the nation's troubled election until next spring, has created strains in an international community heavily invested in its outcome.

We know this too well as President Obama and his team grapple with our Afghanistan strategy going forward.

I look forward to the testimony of our witnesses-- particularly, their predictions on the outcome of the recount, and then their analysis of what would happen during any of the three subsequent actions should Karzai fail to get 50% of the recounted vote- whether there is a runoff election, a negotiated settlement, or a constitutional review.

Thank you again, Mr. Chairman, for holding this hearing and I look forward to the testimony of our witnesses.

The Honorable Gerald E. Connolly (VA-11)

MESA Subcommittee Hearing: The Afghan Elections
Thursday, October 1, 2009
9am

Mr. Chairman, thank you for holding this hearing.

There is considerable discussion about the United States' military strategy in Afghanistan: Whether we should increase our troop numbers, what our ultimate goals are, and how we can prevent Afghanistan from once again becoming a safe haven for al-Qaeda and the Taliban. In order for Afghanistan to be a stable, peaceful country, the presence of a legitimate government with a well-trained security force is necessary. Democratic discourse and election participation are important preliminary steps in establishing such a government.

As Ambassador Holbrooke has said several times, the U.S. does not support a specific candidate in Afghanistan's presidential elections. However, we do support an election that leads to a functional government. Unfortunately not everyone shares this goal. The Taliban attempted to disenfranchise Afghan men and women by violent means, such as mortar attacks and death threats. Even today, they hijack buses, ambush convoys, and plant roadside bombs—reprehensible actions that target Afghan civilians. Reports indicate that these types of attacks are rising. Attempts to rule by fear are intolerable.

Though external interference by the Taliban played a factor in the election, there were other problems as well. An initial vote count showed that President Karzai received an adequate number of votes to remain President, but the people of

The Honorable Gerald E. Connolly (VA-11)

Afghanistan and the international community voiced skepticism at the authenticity of the results. To date, 2,800 complaints have been filed with the U.N.-appointed Elections Complaints Commission (ECC), and the ECC determined that 750 of those had a “material effect” on the election. Secretary General Ban Ki Moon indicated that final certification of the results by the ECC may take place as early as this month.

The world is waiting for the certification of these results. An ideal election would have had mass participation from several tribes and ethnic groups and would also have included the participation of Afghanistan’s women. Though turnout in the August elections was only 35%, several factors indicate that there is an interest among the Afghan people to have a voice in their government. Before the election, 44 candidates originally registered to run for President, and in the provincial elections, 3,200 candidates competed for 420 seats. The men and women of Afghanistan have a right to participate freely in their government.

A stable Afghan government built on open and inclusive principles would benefit the Afghan people, the international community, and the United States.

PREPARED STATEMENT OF THE HONORABLE DANA ROHRBACHER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Rohrabacher: Nearly one in four votes in last month's Afghan presidential elections were cast at polling stations now subject to a recount and audit for possible fraud.

Approximately one-third of Mr. Karzai's 3,100,000 votes were cast at polling stations that face a recount and audit of ballot boxes. Based on the criteria set by the Electoral Complaints Commission (ECC), a United Nations backed Afghan and international panel that is the ultimate arbiter of the election, almost 3,000 of the 23,000 polling stations would be subject to the fraud review. Those polling stations account for a large proportion of ballots, some 1,350,000 of 5,660,000 total votes. The ECC said that it had found "clear and convincing evidence of fraud in a number of polling stations" in the southern and eastern provinces. The analysis also shows that slightly more than a quarter million of Mr. Karzai's votes came from polling

stations where he received exactly 600 ballots and no other candidate received a single vote. On September 10, 2009, the ECC ordered the invalidation of certain ballots from 51 polling stations in Kandahar province and from 27 polling stations in Ghazni province, and ordered the International Election Commission (IEC) to invalidate results from 5 polling stations in Paktika province.

Between the election on August 20, 2009, and September 8, 2009, the ECC has received a total of 2,842 election complaints. Grant Kippen, a Canadian and the chairman of the ECC, said the irregularities found include ballots not being folded, meaning they would not fit in a ballot box slot, identically marked ballots, and overly large counts at polling stations.

Mr. Chairman I have given you only a few examples of gross evidence of election fraud. The Afghan people and indeed the world needs a legitimate government in Afghanistan. I hope that this hearing sheds some light on what can be done to address this problem and under your excellent guidance I'm sure that we will meet the challenge. I look forward to hearing from our witnesses today.