

Calendar No. 94113TH CONGRESS
1ST SESSION**S. RES. 151**

Urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2013

Mr. CASEY (for himself, Mr. MCCAIN, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. CARDIN, Mr. KIRK, Mr. DONNELLY, and Mr. COONS) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 25, 2013

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Urging the Government of Afghanistan to ensure transparent and credible presidential and provincial elections in April 2014 by adhering to internationally accepted democratic standards, establishing a transparent electoral process, and ensuring security for voters and candidates.

~~Whereas Afghanistan's Independent Election Commission has affirmed that Afghanistan will hold presidential and pro-~~

vincial elections in April 2014 and parliamentary elections in 2015;

Whereas Afghanistan's current electoral process was established in 2004 by the Constitution of Afghanistan;

Whereas the Tokyo Mutual Accountability Framework conditions some international assistance to Afghanistan on the holding of credible, inclusive, and transparent elections in 2014 and 2015, among other measures to improve governance;

Whereas Afghanistan lacks a comprehensive and accurate voter registry, and previous voter registration drives have resulted in duplicate or fraudulent registrations, according to a report by the National Democratic Institute;

Whereas security concerns and voter intimidation have impeded the ability of people in Afghanistan to cast votes reliably and safely in past elections;

Whereas Afghan women in particular are prevented from meaningful participation in the electoral process due to the security environment, the scarcity of female poll workers, and lack of awareness of women's political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan;

Whereas Afghanistan's 2009 presidential election was characterized by inadequate security for voters and candidates, low voter turnout, and widespread fraud, according to the National Democratic Institute;

Whereas Afghan officials, including President Karzai and Attorney General Mohammad Ishaq Aloko, disputed the results of Afghanistan's 2010 parliamentary elections and established a Special Election Tribunal to investigate allegations of fraud;

Whereas, following the 2010 parliamentary elections, Democracy International's Afghanistan Election Observation Mission concluded that comprehensive electoral reform is necessary to ensure a free, fair, and credible election process in 2014;

Whereas the Honorable Hamid Karzai is the first democratically elected president of modern Afghanistan and has served two terms in that position;

Whereas the Constitution of Afghanistan states, "No one can be elected as president for more than two terms.";

Whereas President Karzai stated on January 11, 2013, alongside President Barack Obama, "The greatest of my achievements [:] will be a proper, well-organized, interference-free election in which the Afghan people can elect their next president.";

Whereas, on several occasions since the late 1970s, civil war has broken out in Afghanistan over the legitimacy of the Afghan government;

Whereas United States taxpayers have invested more than \$89,500,000,000 in reconstruction and humanitarian assistance to Afghanistan since October 2001, according to the Special Inspector General for Afghanistan Reconstruction (SIGAR);

Whereas a democratically elected and legitimate government that reflects the will of the Afghan people is in the vital security interests of Afghanistan, the United States, its partners in the NATO International Security Assistance Force (ISAF), and Afghanistan's neighbors; and

Whereas the most critical milestone for Afghanistan's future stability is a peaceful and credible transition of power

through presidential elections in 2014. Now, therefore, be it

Whereas Afghanistan's Independent Election Commission has affirmed that Afghanistan will hold presidential and provincial elections in April 2014 and parliamentary elections in 2015;

Whereas Afghanistan's current electoral process was established in 2004 by the Constitution of Afghanistan;

Whereas the Tokyo Mutual Accountability Framework conditions some international assistance to Afghanistan on the holding of credible, inclusive, and transparent elections in 2014 and 2015, among other measures to improve governance;

Whereas Afghanistan lacks a comprehensive and accurate voter registry, and previous voter registration drives have resulted in duplicate or fraudulent registrations, according to a report by the National Democratic Institute;

Whereas security concerns and voter intimidation have impeded the ability of people in Afghanistan to cast votes reliably and safely in past elections;

Whereas Afghan women in particular are prevented from meaningful participation in the electoral process due to the security environment, the scarcity of female poll workers, and lack of awareness of women's political rights and opportunities, according to the Free and Fair Election Foundation of Afghanistan;

Whereas Afghanistan's 2009 presidential election was characterized by inadequate security for voters and candidates, low voter turnout, and widespread fraud, according to the National Democratic Institute;

Whereas Afghan officials disputed the results of Afghanistan's 2010 parliamentary elections and established a Special Election Tribunal to investigate allegations of fraud;

Whereas, following the 2010 parliamentary elections, Democracy International's Afghanistan Election Observation Mission concluded that comprehensive electoral reform is necessary to ensure a free, fair, and credible election process in 2014;

Whereas the current president of Afghanistan is serving a second elective term and the Constitution of Afghanistan states, "No one can be elected as president for more than two terms.";

Whereas the current president of Afghanistan has committed to not seeking another term in office;

Whereas, on several occasions since the late 1970s, civil war has broken out in Afghanistan over the legitimacy of the Afghan government;

Whereas United States taxpayers have invested more than \$89,500,000,000 in reconstruction and humanitarian assistance to Afghanistan since October 2001, according to the Special Inspector General for Afghanistan Reconstruction (SIGAR);

Whereas a democratically-elected and legitimate government that reflects the will of the Afghan people is in the vital security interests of Afghanistan, the United States, its partners in the NATO International Security Assistance Force (ISAF), and Afghanistan's neighbors; and

Whereas one of the most critical milestones for Afghanistan's future stability is a peaceful and credible transition of power through presidential elections in 2014: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) affirms that the electoral process in Afghan-
3 istan should be determined and led by Afghan ac-
4 tors, with support from the international community,
5 and should not be subject to internal and external
6 interference;

7 (2) expresses its strong support for credible, in-
8 clusive, and transparent presidential and provincial
9 elections in April 2014;

10 (3) urges the Government of Afghanistan to
11 conduct the elections in full accordance with the
12 Constitution of Afghanistan, to include maintaining
13 the quota for women’s parliamentary participation;

14 (4) honors the sacrifice of United States, coaliti-
15 tion, and Afghan servicemembers who have been
16 killed or injured since October 2001 in defense of
17 the democratic rights of the Afghan people;

18 (5) recognizes the substantial investment made
19 by the United States taxpayers in support of sta-
20 bility and democracy in Afghanistan;

21 (6) recognizes the contributions made by the
22 government of President Hamid Karzai to the demo-
23 cratic progress of Afghanistan, including statements
24 by President Karzai committing to hold presidential
25 elections in 2014 and not seek a third term;

1 (7) recognizes that transparent and credible
2 elections will safeguard the legitimacy of the next
3 Afghan government and will help prevent future vio-
4 lence by groups that may be ready to contest a proc-
5 ess perceived as rigged or dishonest;

6 (8) recognizes that a democratically elected and
7 legitimate government is as important to ensuring
8 the long-term stability of Afghanistan as the suc-
9 cessful training and fielding of the Afghan National
10 Security Forces;

11 (9) urges the Government of Afghanistan to
12 recognize the independence and impartiality of the
13 Independent Electoral Commission (IEC) and an
14 elections complaints mechanism with clear jurisdic-
15 tion over the final results, and urges all parties not
16 to interfere with their deliberations;

17 (10) urges the Parliament of Afghanistan to
18 pass legislation that will establish a consultative and
19 inclusive process for appointing elections commis-
20 sioners and allowing election disputes to be resolved
21 transparently and fairly;

22 (11) urges the IEC to adopt measures to better
23 mitigate fraud, include marginalized groups, and im-
24 prove electoral transparency of the polling and

1 counting process and communicate these measures
2 clearly and consistently to the people of Afghanistan;

3 (12) urges the Government of Afghanistan to
4 support a credible and effective electoral complaints
5 mechanism whereby its members are perceived as
6 impartial, it is given the ultimate authority on decid-
7 ing whether a ballot or candidate is disqualified, and
8 it has the time and resources to do its work;

9 (13) urges close and continuing communication
10 between the HEC and the Afghan National Security
11 Forces to identify and provide security for vulner-
12 able areas of the country during the election period;

13 (14) urges the Afghan National Security Forces
14 to make every necessary effort to ensure the safety
15 of voters and candidates;

16 (15) expresses its support for the full participa-
17 tion of Afghan civil society in the election process;
18 and

19 (16) urges the Secretary of State to condition
20 financial, logistical, and political support for Af-
21 ghanistan's 2014 elections based on the implementa-
22 tion of reforms in Afghanistan including—

23 (A) increased efforts to encourage women's
24 participation in the electoral process, including

1 provisions to ensure their full access to and se-
 2 curity at polling stations;

3 (B) the implementation of measures to
 4 prevent fraudulent registration and manipula-
 5 tion of the voting or counting processes, includ-
 6 ing—

7 (i) establishment of processes to bet-
 8 ter control ballots;

9 (ii) vetting of and training for election
 10 officials; and

11 (iii) full accreditation of and access
 12 for international and domestic election ob-
 13 servers; and

14 (C) prompt passage of legislation through
 15 the Parliament of Afghanistan that codifies the
 16 authorities and independence of the IEC and an
 17 independent and impartial election complaints
 18 mechanism.

19 *That the Senate—*

20 (1) *affirms that the electoral process in Afghani-*
 21 *stan should be determined and led by Afghan actors,*
 22 *with support from the international community, and*
 23 *should not be subject to internal or external inter-*
 24 *ference;*

1 (2) expresses its strong support for credible, in-
2 clusive, and transparent presidential and provincial
3 elections in April 2014;

4 (3) urges the Government of Afghanistan to con-
5 duct the elections in full accordance with the Con-
6 stitution of Afghanistan, to include maintaining the
7 constitutionally-mandated allocation of seats for
8 women's parliamentary participation;

9 (4) honors the sacrifice of United States, coaliti-
10 tion, and Afghan service members who have been
11 killed or injured since October 2001 in defense of the
12 democratic rights of the Afghan people;

13 (5) recognizes the substantial investment made
14 by the United States taxpayers in support of sta-
15 bility, democracy, and the rule of law in Afghanistan,
16 including efforts to end public corruption;

17 (6) recognizes the commitment of the Government
18 of Afghanistan to hold presidential elections in 2014
19 and the current president's commitment not to seek a
20 third term;

21 (7) recognizes that transparent and credible elec-
22 tions will help safeguard the legitimacy of the next
23 Afghan government and will help prevent future vio-
24 lence by groups that may be ready to contest a process
25 perceived as rigged or dishonest;

1 (8) recognizes that a democratically-elected and
2 legitimate government is important to ensuring the
3 long term stability of Afghanistan, as is the successful
4 training and fielding of the Afghan National Security
5 Forces;

6 (9) urges the Government of Afghanistan to re-
7 spect and support the independence and impartiality
8 of the Independent Electoral Commission (IEC) and
9 the need for an independent and impartial elections
10 complaints mechanism with clear jurisdiction over
11 the final results, and urges all parties not to interfere
12 with their deliberations;

13 (10) urges the Parliament of Afghanistan to pass
14 legislation that will establish a consultative and in-
15 clusive process for appointing elections commissioners
16 and allowing election disputes to be resolved trans-
17 parently and fairly;

18 (11) urges the IEC to adopt measures to better
19 mitigate fraud, include marginalized groups, and im-
20 prove electoral transparency of the polling and count-
21 ing process and communicate these measures clearly
22 and consistently to the people of Afghanistan;

23 (12) urges the Government of Afghanistan to
24 support a credible and effective electoral complaints
25 mechanism whereby its members are perceived as im-

1 *partial, it is given the ultimate authority on deciding*
2 *whether a ballot or candidate is disqualified, and it*
3 *has the time and resources to do its work;*

4 *(13) urges close and continuing communication*
5 *between the IEC and the Afghan National Security*
6 *Forces to identify and provide security for vulnerable*
7 *areas of the country during the election period;*

8 *(14) urges the Afghan National Security Forces*
9 *to make every necessary effort to ensure the safety of*
10 *voters and candidates;*

11 *(15) expresses its support for the full participa-*
12 *tion of Afghan civil society in the election process;*

13 *(16) urges the President of the United States to*
14 *ensure that all United States Government efforts in*
15 *Afghanistan are well-coordinated and are fully con-*
16 *sistent with the American taxpayers longstanding*
17 *commitment to stability, democracy, and the rule of*
18 *law in Afghanistan, including efforts to end public*
19 *corruption; and*

20 *(17) urges the Secretary of State to condition fi-*
21 *nancial, logistical, and political support for Afghani-*
22 *stan's 2014 elections based on the implementation of*
23 *reforms in Afghanistan including—*

24 *(A) increased efforts to encourage women's*
25 *participation in the electoral process, including*

1 *provisions to ensure their full access to and secu-*
2 *rity at polling stations;*

3 *(B) the implementation of measures to pre-*
4 *vent fraudulent registration and manipulation of*
5 *the voting or counting processes, including—*

6 *(i) establishment of processes to better*
7 *control ballots;*

8 *(ii) vetting of and training for election*
9 *officials; and*

10 *(iii) full accreditation of and access for*
11 *international and domestic election observ-*
12 *ers; and*

13 *(C) prompt passage of legislation through*
14 *the Parliament of Afghanistan that codifies the*
15 *authorities and independence of the IEC and an*
16 *independent and impartial election complaints*
17 *mechanism.*

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