

**ELECTORAL POLITICS AND STATE- BUILDING IN  
AFGHANISTAN, 2001-2012**

*Dissertation submitted to Jawaharlal Nehru University in partial  
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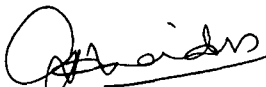
### DECLARATION

I declare that the dissertation entitled "Electoral Politics and State- Building in Afghanistan, 2001 – 2012" submitted by me for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work. This dissertation has not been submitted for any other degree of this University or any other university.

  
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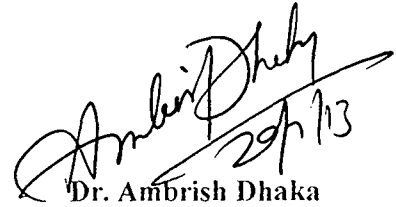
### CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

  
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**Dedicated to**

**My Mataji and My Loving Parents**

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## ABBREVIATIONS

AIHRC	Afghanistan Independent Human Rights Commission
ANA	Afghanistan National Army
ANDS	Afghanistan Government's National Development Strategy
ANP	Afghanistan National Police
ANSF	Afghanistan National Security Forces
ANSF	Afghanistan Stabilization Assistance Force
ATA	Afghanistan Transitional Authority
AWCC	Afghanistan Wireless Communications Company
CLJ	Constitutional Loya Jirga
CSDP	Common Security and Defence Policy
DCI	Development Cooperation Instrument
DDR	Disarmament, Demobilization and Reintegration
EC	European Commission
ECC	Electoral Complaints Commission
ELECT II	Enhancing Legal and Electoral Capacity for Tomorrow II
EST	Election Support Team
EU	European Union
FEFA	Free and Fair Elections Foundation of Afghanistan
IEC	Independent Election Commission
ISAF	International Security Assistance Force
ISI	Inter Services Intelligence (of Pakistan)
JECO	Joint Electoral Coordination Office

JEMP	Joint Election Management Body
LV-PR	Limited Vote- Proportional Representation Electoral System
MIP	Multiannual Indicative Programmes
NATO	North Atlantic Treaty Organization
NDI	National Democratic Institute
NPP	National Priority Programmes
NSP	National Solidarity Program
OECD	Organization for Economic Co-operation and Development
OEF	Operation Enduring Freedom
OSCE	Organization for Security and Cooperation in Europe
PR	Proportional Representation
SNTV	Single Non – Transferable Vote Electoral System
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific & Cultural Organization
UNHCR	United Nations Human Right Commission
UNICEF	United Nations International Children's Emergency Fund
UNOPS	United Nations Office for Project Services
US	United States (of America)
USAID	United States Agency for International Development
WB	World Bank
WJ	Wolesi Jirga

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# AFGHANISTAN

## Physiography









# AFGHANISTAN

## Ethnic Group Map



### LEGEND

*Ethnic Group Concentration (approx.)*

 Pashtun	 Baluchi	 Tajik
 Kyrgyz	 Hazara	 Nuristani
 Turkmen	 Uzbek	 Ismaili

## PREFACE

While deciding on the topic for my research work on Afghanistan, two words were constantly coming into my mind. The first one was obviously Taliban. But the second one was quite amazing in its own sense. Before disclosing it before you, let me pen down some pre notions I have perceived in my mind regarding Afghanistan. Most of the newspapers writing on the Afghan issue were critical of actions being performed inside the territory. Major international actors including UN have involved them in humanitarian and peace building measures in the territory. So, I have made up my mind to work something on these aspects which will have a long term implication. Before zeroing on electoral politics as the central theme for this work, democracy and state building in Afghanistan was the tentative topic. But thinking of democracy as a classic strand of social sciences, its spread and dimensions being so vivid generated an obvious confusion in mind. It was regarding how Afghanistan would be able to achieve democratic state status after being devastated to ashes within this short span of time which some well off countries are trying to achieve since centuries?

Then the vitality as well as capacity of electoral process to transform any failed state came across mind. The first googled sentence to start my reading was elections in Afghanistan and the reply numbering millions has a common word in them. It was the second word whose effect changed the whole geography and future of a nation. The word is intervention and it was the reason behind everything what we are assessing and analysing about Afghanistan. The period 2001 to 2012 was fate changing for Afghan state which initially devastated it and the same forces then came together to redefine its new identity. The electoral politics and measures of state building in Afghanistan discussed in this research work touches several strands of criteria defined and re-defined in and over Afghanistan since 2001. In this work, I have tried to bring together the dichotomies of Afghan society and its requirements from the point of view of an external observer.

Experimentation with electoral process and its ability to meet with deep down critical problems of the state are discussed in this work. Hope, this work based on multi faceted problems of a state and its viable modes of reform will serve the purpose of knowledge.

# *CHAPTER ONE*

# *INTRODUCTION*

## CHAPTER - 1

### INTRODUCTION

Elections are utmost important pillar for any democratic country to carry out governance and leading a nation forward in accordance with the constitution; that means government will get replaced in a democratic manner by the mandate of the people. Electoral systems are the cornerstone of any participatory Democracy. To work within a democracy, representation of common people through election is very important. No country is alien to this and Afghanistan is not an exception. The elections of 2014 will determine the future path on which Afghanistan will move in the next five years thereafter and lay down a roadmap for further process of state building in Afghanistan. Therefore, focusing on electoral politics of the nation is a vital aspect of establishing a faith on this important instrument used for actualizing democratic norms.

State building measures comes next with diversified associated factors which paves way for further progress and wholeness of a democratic setup. The whole study composes three major aspects to look at. A short analysis which will reflect the definition of democracy and the level of achievement of it actualising in the case of Afghanistan will be the first aspect. The next aspect will look at the process of electoral politics in Afghanistan. It will reflect the post Bonn Agreement scenario in the country with reflections from successful elections conducted till preparation of this research work. Some unique derivatives are drawn out of experiments with this form of democratic instrument which will act as pioneering factors while deciding further course of action in the path of growth of this nation. At last, the study will discuss state building mechanism, its adopted measures and further recommendations based on which we can devise or formulate a better roadmap for achieving objectives aspired after the Bonn Agreement.

#### **1.1 Theoretical Background**

Democracy is a form of government in which every citizen has an equal share in resources. Every citizen irrespective of caste, colour, gender and religion are free to elect anyone and there is equal value of each vote. According to William (2005) "Democracy

provides an institutional structure and political culture or stability to the societies in transition by dissolving consensus". The primary functions of democracy have been defined by Becker and Paula et al. (2008), where they suggest protecting human values of freedom, securing rights of individuals, equal participation in activities of society with religious independence and liberty of movement, political and economic exhibition of free will and decision making along with being a part of regular free and fair electoral process. In a democracy, citizens should not enjoy rights and demand for it. They must oblige their duties too with equal proportion. If we will do our duty properly, democracy will take care of our rights properly in a legitimate system.

An ideal democracy is the one which has strong rule of law, Freedom of expression and Free Media. Moreover, Dahl (2000) counts the positive sides of democracy. According to him, "Democracy provides opportunities for effective participation, equality in voting, gaining enlightened participation, gaining enlightened understanding, exercising final control over the agenda and inclusion of adults." In his writing Carol J. Riphenburg (2007) stressed that no electoral system is compatible to accommodate the ideal outcomes of war torn Afghanistan. He further pointed out on the importance of the elections and electoral mechanism in Afghanistan but also very sceptical to the Afghan way of endurance towards legal validation and democratic value assessment. According to him, the legitimacy of Afghan government will lie in the capacity building of it to control militias in due process to bring long lasting peace in the state.

On 26 July 2003, Election commission of Afghanistan and Joint Election Commission released a presidential decree. Interim Election Commission was established by virtue of it and voter registration process was demarcated. Other preliminary parliamentary procedures were observed and roadmap for preparation of the June 2004 Presidential elections was elaborated. The six member Afghan official made up the Interim Commission who formed the part of Joint Electoral Coordination Office comprising eleven members. It was joined by five UN international observers representing UNAMA, UNOPS and UNODP. The Afghan state has adopted Single Non-Transferable Vote system (SNTV) mechanism for the polls of legislative assembly enforced since 2005. According to Ghardiri (2010), the precarious stage of political development is prepared by

virtue of these decisions and regulative which can guarantee a stable and efficient electoral system. Among four countries in the world that have resorted to SNTV in the world, Afghanistan is the largest. The most relevant issues concerning Afghan state are ethnic issues, differences in geography and linguistic divisions, instability and ravages caused of war, lack of proper political culture, deficiency of education and gender equality which prevents Afghan state from progressing with the same pace at which it is expected to march on.

SNTV cannot properly address gender issues. To some extent, it can address gender and individual capacity building. According to Ghardiri, "A better choice might be a closed-list PR (propositional-representation) system that jump-starts party formation and interethnic conciliation, as well as presents adequate representation of all ethnicities." The constitution framed for The Islamic Republic of Afghanistan can address a lot of problematic issues if properly made use of. The dawn of a new era is promising. The process was shaped by rigorous political competition and over the interest of political competition which must propel the structural framework to deliver the promises it has imbibed in it. The structure must obey the principalities on the real ground and it must be vibrant enough to cater to needs at times. True representation and its success lies with adaptation and flexibility of amendment in legal pattern to give people maximum judgmental value of justice.

Constitutional Loya Jirga (CLJ) set up a strong presidency, which was a rebuke to Northern Alliance that wanted Prime Minister-ship for balancing presidential power which was approved by it in January 2004. It gave important powers to parliament instead of the demand of NA to compensate power balance outcry. Under rule of law, it gave equal powers to men and women. It also allows political parties to frame and reframe themselves as long as they are not "Un Islamic". Chapter Seven of Article 15 according to Hanafi (Sunni) Islam allowing for court rulings and equal platform for judgment delivery.

Because of the fear of various armed fractions pressing for violent means to achieve their respective goals, it has created an environment of fear inside Afghanistan minds. The people of the state are frightened enough to go out of their homes and reach government demanding or seeking for their rights. General voting behaviour of the people of the state

has changed dramatically over the years that are not able to listen to their hearts. They often compromise with their true choice of candidate they have decided of their own to elect. By pressure and circumstantial compulsions, they prefer to discard their own choice and often sway away with pressure flow. These things were observed by Amnesty International in these years of Afghan struggle with democratic value establishment on the land. Afghan voters, journalists, party organizers, women activists and civil society fighting to safe keep human rights and equality are fearful of the compelling social dichotomy. They often resort to keep silence and observe from periphery. Going to the core of the solution end will be fatal, they often feel. These observations holds much ground, as observed by Human Rights Watch also.

Capacity building and containing corruption at all level of the hierarchy of governance in Afghanistan are crucial for the success of the goals aspired for the state. The grand vision must be accomplished in time with proper participation demands effort of all stake holders involved in it with a resolution to perform efficiently and in a just manner. A smooth transition from US led NATO forces to own Afghan system of security needs all above conditions to be fulfilled, on time. Making the process too lengthy and complex will further enhance problems of stability, leaving no ends for further rectification and salvaging. Nepotism entrenched inside Afghan administration with allegations of corruption and favouritism is declining the trust of Afghan people in the government. Despite of achieving capacity and significant growth indicators on social dimensions, this trust between people and government is the initial threshold point to build a sky scraper of democratic fundamental nation state. US is helping the state to energize its anti-corruption initiatives and enabling institutions to fight with the social menace of corruption which has taken a very expansive shape. President Hamid Karzai has accepted every endeavour made by international actors to strengthen Afghan process of reconstruction, state building and electoral process formulating and reforming. On 8<sup>th</sup> July 2012 at a donor's conference in Tokyo, donors pledged to aid Afghanistan's economy through at least 2017, provided the rate of corruption decreases marginally with sincere, concrete and verifiable actions by the government.



Taking concrete steps and committing to international expectations is not at all an easy task for the Karzai government. It has to be resolute enough for doing something for the sake of the state welfare, which will reflect its positive effects in the long run only. For short term goal achievement and boasting off a fair enough report card of performance will not suffice the greater interest of citizens. By this way, which only serves the need of some advantaged class of people only, the social fabric will tear down. Those social fraction created hence would not be easy for the government to contain at that time. Obliging his pledge to the Tokyo Conference, President Karzai issued a “Decree on Administrative Reforms” on 26<sup>th</sup> July 2012. The document contained sweeping policy directives meant to curb corruption. To weed out corruption in the Afghan security forces, the national assembly using the policy directives of the decree, voted in favour of removing The Interior Affairs Minister and Defence Minister on 4<sup>th</sup> August 2012. So, any effective policy needs a well intention and then a strong resolution to achieve results after its effective implementation.

Looking at the other side of the spectrum, state building is the prominent work structure which the government is observing since the affirmation of Bonn Agreement of 2001. Democratic means of observing electoral process, free and fair modes of its operational architecture will certainly pave way for achieving a true democracy; it was the common opinion as well as hope of every expert and international organization working to strengthen Afghan state. “Special Inspector General for Afghanistan Reconstruction (SIGAR)” report offers a 10-year retrospective on the reconstruction effort and oversight of it. Section One (3) of this report summarizes the evolution of reconstruction over three main phases, identified on the basis of funding levels, changing strategies, and evolving objectives of the Bonn Process (2001–2005), the Reconstruction Surge (2006–2011) and Transition (2011–2014). The section describes achievements and persistent challenges and discusses how SIGAR is focusing its audits and investigations on the programs most critical to the reconstruction effort.

State building efforts need strong administrative machinery and skilled work force to mobilize it. State theory inscribes state building as the construction of a functioning and evolving state providing its inhabitants peace, security, equality and prosperity. Two main

theoretical approaches are there to define state building. Some theorists define the first one as an activity or endeavour performed by external actors or foreign countries for building or rebuilding institutional aspects of a weaker, failing/failed or post conflict/war ravaged state. In 2007, an accord was signed between donor nations defining their work in conflict affected weaker states. Because of this activity, the second strand of theory and its underlying definitions gained momentum. As their central objective in conflict affected and war ravaged nations, the richer countries must commit to support till a phase of minimum support mechanism of state empowerment is achieved. This resulted in steady stream of capital and manpower flow from rich nations to these struggling states with new works commissioned. The definitions practice and knowledge was devoted with commitment coordinated by capable and self managing work force. The major task teams were formed by Organization for Economic Cooperation and Development (OECD). It also supervised capital disbursement and feedback system for effective and well managed prospective results as outcome of these endeavours.

The foundation stone for these state building measures was laid with the Bonn Agreement. Initial establishment of an Interim authority was the first step of state building inscribed in the agreement. An emergency Loya Jirga was planned to be formed in form of a transitional administration in 2002. Presidential and Parliamentary elections were scheduled for 2004 to legitimize the central government. For further formation of constitutional Loya Jirga, a drafting committee for preparing the constitution was set up then under the interim administration. A state comprising of executive, legislature and judiciary branches of government was intention behind the formation of constitution. According to Islamic principles, a judicial commission was to set up for framing the justice system of the state. It was clearly administered in it to strictly obey Afghan legal law in accordance with International standards respecting rule of law at the helm of all. A supreme court as highest judicial body for interpreting law and delivering justice was decided to be included in it.

Democratic state-building in Afghanistan was structured on the basis of three complimentary areas which acted as blueprint for further action and implementation. Provision of proper security preparedness on the ground by building up state strength in

this domain was first area. Unless and until the state becomes self reliant in security aspect, making enough international troops available was the associative task tagged with the first area of action. Erecting a state system which can obey democratic principles of proper representation from state to province was the second area of the structure to be followed. Managing aid in a transparent and effective manner under the aegis of a government which should be apt enough with capacity and legitimacy was the third area of the structure to be observed by the state.

## **1.2 Phase Change of Afghanistan**

The first phase change for Afghanistan coincided with the US led intervention in December 2001 to oust the Taliban regime. Severe oppression, violation of human rights and deep trauma of living in constant fear ended with the termination of dreaded Taliban rule over the country. Bonn Accord of International cooperation was a landmark stage which decided the further course of action implementation for making Afghanistan into a democratic republic following all kinds of legal obligations with international support. A time frame was set to accomplish the goals of rebuilding political institutions. The outside intervention helped the state to mould itself into a new political shape. Initially forming an interim government was proposed and then it was planned to form a constitution for the state under the supervision of a constitutional drafting committee. Towards sustained democracy, the constitution was formed and successive elections were held in due course of time which was important prospective of growth for the state. But, they could not be considered as the complete form of the action plan. It was also necessary to achieve some important aspects at the sideline of the main framework to achieve successful transformation of the state.

A stable and sustainable democracy needed all additional social, political and situational problems to be solved on time protecting peace and security of Afghanistan. While focusing on four dimensions and discussing electoral politics with state-building in Afghanistan in the period 2001 to 2012, some processes of relevance are prominent. They may be pointed out as follows:

1. Afghanistan in post Taliban period

2. Bonn accord and International Apparatus
3. Transitory Evolution of the state and
4. Overview of electoral process with experiences learnt out of it.

These observations which have redefined the war ravaged nation into an entity of evolving region of stability will be helpful in identifying the recommendations for this research work. All these things coupled together will give us an overview regarding the democracy and state building process of Afghanistan in an orderly fashion.

### **1.3 Electoral Politics in Afghanistan**

After the end of cold war in 1989 until 9/11, various international organizations along with UN were also engaged in several humanitarian support programmes in Afghanistan. These 12 years of interim period also brought some complex criticalities for them while performing their action in the face of escalating tensions with the Taliban regime. But prior to 9/11, it was only a secondary priority for the international community to work inside Afghanistan. It remained only a hub of violation of human rights and constant threat to life for every individual inhabiting inside the territory breaking democratic values each single moment of its existence.

3<sup>rd</sup> October 2001 became a fate changing day for the state reeling under Taliban oppression. Backed by UN security council resolution 1368, United States of America started intervening inside Afghanistan for searching Osama Bin Laden, who was responsible for 9/11 attacks on it. In the name of breaking and seizing the terror network of Al-Qaeda, Afghanistan became the search ground facing bombs and missile attacks. In the process, Taliban regime was toppled. When it became a matter of strategic threat for America, then only it started intervening in Afghanistan was the justification given by the US administration.

The operation was initially been planned as only a search operation to nab terrorists and destroying their terror network was the objective to be achieved at any cost. The military enforcement operation by coalition forces was also not obliged to initiate humanitarian operations after their search operation. But the magnitude of destruction became so

widely brutal that, it compelled international actors to think of stabilizing the condition of the war ravaged state. The peace operation then thus started as a duty as well as obligation for US and allied operators. The magnitude and need of maintaining a secure Afghanistan state became apparent after the operations ended and forces destroying the land became its protectors since then. The objective of operation has changed to establish peace and stability.

To transform the state into a stable and democratic entity by nature and reforming the landscape of politics in Afghanistan, electoral system became a powerful need of the time. Four successful elections were held within nine years of signing of the Bonn Agreement. Last twelve years in Afghanistan is a period of tremendous achievement for this toddling state, but even election observers acknowledge a very limited role of the legislature in it. The controversial electoral system of Single Non- Transferable Voting (SNTV) is considered to be a disservice to Afghans those who deserve a clean and transparent legislature. Political parties are allowed in Afghanistan but the election system restrains them from fielding candidates formally. In the last parliamentary elections held in 2010, large scale corruption, links of candidates with militant groups and constant fear of maintaining security situation remained as major concern area for the Afghan government.

Exploration of the political situation of the state should be looked through the prism of electoral mechanism. This is important from the point of view that can strengthen the vision in the context of probable repercussions in the near future. There has not been any perfect election and no winners as well, which is what a biggest challenge before Afghanistan to become a nation state from the war torn country. Afghanistan had experienced four elections since 2004 and all these were crucial for defining the electoral politics of the state. These manifestations of elections made a point clear that, citizens can only decide the fate of a state. With the help of international actors and trying to hold its own territorial unity, the state is trying to achieve something which was a dream for the people of it just 12 years back. Following a democratic base line and lining bricks of its institutional order according to law can give the state a shape of an ideal state.

#### **1.4 Afghanistan in the Post Taliban Period**

The end of Taliban regime in 2001 ushered a new era of peace, development and stability in Afghanistan. Taliban ruled Afghanistan from 1996 till 2001 during which it imposed strictest interpretation of Islam. Common people and specifically women faced the brunt of their atrocities. The defeat of Taliban in 2001 and their phased ouster from the territory by US forces marked a new era of development in Afghanistan. A democratic Afghanistan was established and the era of anarchy, chaos and misgovernment came to an end. A stable government at the centre in Afghanistan which provides equal rights to its citizens brought out a promissory note of prosperity.

The last decade in Afghanistan brought peace and massive foreign aid to build the war torn nation. With the discovery of natural gas and other natural resources, it became a lucrative country for foreign investment by which it can build up its economy. Democracy was aspired adopted in true spirit over this foundation. A 30 member council for internal administration of the country was established by the UN sponsored Bonn Conference. For internal security, an international peace force was deployed under the UN mandate. Hamid Karzai was chosen and elected by the Afghans to lead the country as its President. After years of war and headless creeping, an elected government was established long after the fall on Najibullah dating back to 1992. Loya Jirga, a grand tribal assembly of Afghanistan was set to enact and adopt a formal constitution for Afghanistan with the purpose of setting up guidelines deciding the rule of the state. The constitution was prepared catering to the needs and aspirations of the people of the state and was enacted with legal binding in January 2004.

In the aftermath of 9/11 and post Taliban period, the state came across several stages of growth as well stumbling on numerous occasions. Establishment of state administrative and legislative structure, a new constitution, successive conduct of elections and state building measures were some major achievements witnessed by the state in the post Taliban period. Allegations of a corrupt and incapable head of the state, declining security environment, mismanagement of funding meant for development and state-building measures along with the uncertain future after transition of 2014 and withdrawal of US-NATO forces are problems looming before the state. Financial incapability and inability

to generate its own sources of funding to manage the state affairs is a critical aspect of Afghanistan to be dealt with urgency. The post Taliban period witnessed growth, but slow paced. Momentum must be achieved to convert it into an everlasting reason of peace.

#### **1.4.1 Developments after Bonn Agreement**

The post-conflict project in Afghanistan started with conflicting aims with a common way of advancing ahead to achieve it. The immediate process of state-building, therefore, can be divided into three phases. The first phase started with a quasi-hybrid peace-building operation in form of Bonn Agreement, which was endorsed by the United Nations. The second phase began with signing of the Afghan Compact in London with commitments worth \$10.5 billion for the next five years by 60 states. The reforms formulated three critical pillars aiming for the political, economic and social overhaul of the country. However, resurgence of Taliban militants and changing power equation among warlords created the clash of security imperatives with liberal state building. It compelled liberal peace builders to act 'illiberally'. Third and final phase started in 2009 with renewed commitment to Afghanistan by the US and coincided with a rise in insurgency in Afghanistan. This stage was marked by a surge in troops and resources with increased short-term, development-oriented military engagement at the local level that has achieved mixed results (Riaz 2011: 14).

Tokyo International Conference of January 2002 advocated for the systemic contributions and it pledged for reconstruction and reform process of Afghanistan with timely commitments. Reconstruction assistance was the objective and emphasis was given on countries that have helped averting crisis against humanity and responsible for resettling refugees counting more than three million in number. Internally displaced people were in need of shelter and lying foundation for economic and social developments had become an immediate need. The conference brought financial incentives for Afghanistan, initially in form of commitments worth 4.5 billion US\$. United Nations through its assistance mission UNAMA supported for the development and strategy building for effective political process. It acted as the major visionary overseeing reconstruction activities. For counter narcotic activities and its effective operations, UK was designated as the lead. Police and Judicial reforms were the responsibility of Germany and Italy.

International Afghanistan Conference held in Berlin on 31<sup>st</sup> March and 1<sup>st</sup> April 2004 was a momentous day for the state. Interim head of the state, Hamid Karzai welcomed the announcement which proposed conducting direct presidential and parliamentary polls in September 2004. The vision of a stable and secure, free and prospering democratic Afghanistan got an international strength and support. The London conference on Afghanistan held on 31<sup>st</sup> January and 1<sup>st</sup> February 2006 re-emphasized the Afghanistan Compact. It stressed on three interdependent and critical pillars of activity adoption for the period of next five years from effective compact acceptance. “Economic and Social development; Governance, Rule of Law and Human Rights along with Security” became the contents of the compact to be achieved, as inscribed in the Afghanistan Agreement of 2006.

Governance, rule of law and human rights constitute the cornerstone of sustainable political progress in Afghanistan. Afghanistan Agreement thus made the government of the state to commit for priority in coordination of functional institutions. It must be established equi proportionately in all the provinces in the sectors of judiciary, police, prisons and civil administration as these are vital components to safe keep social order. Appropriate legal capacity must be ensured for these institutions. Transparent appointment procedures with adequate remuneration, trained staff to work in a proper infrastructural base, suitable auditing capacity were to be taken care of promptly by the state administration. Under the supervision of Afghanistan Independent Electoral Commission, the government was entrusted with establishing an institutionally and fiscally sustainable administration. It will be the pre-requisite before deciding on future elections, according to the Afghanistan Agreement of 2006.

Afghanistan National Development Strategy was also devised in the Berlin conference. Economic and Social development parameters of it were structured as public investment policy which contained six sectors. They were Education; Health; Agriculture and Rural Development; Infrastructure and Natural Resources Management; Economic Governance and Private Sector Development along with Social Protection. The objective defined was to achieve measurable results in these areas. For reducing poverty, enhancing opportunities in the region, enterprise creation and expanding employment and



enhancement of well being indicators for all Afghans, suitable and timely initiatives must be created by the government was also stressed on in the conference. All these were expected to be done in a time efficient manner, which required effective management.

International conference on Afghanistan held in Paris in June 2008 marked stronger ties and close cooperation lead by Afghan government. International community supported to strengthen the ANDS further to a new level. It was also felt that, resorting to the commitments of London Conference were crucial for further strengthening the vision Afghanistan. The government of the state pledged to initiate an electoral strategy for reforms within six months. It expressed desire to further availing international cooperation in this regard. The following aspects were decided to be observed:

“The sustainability of the electoral process, Improve access to the delivery of justice throughout Afghanistan by advancing a legislative reform agenda that includes enacting the draft Criminal Procedure Code in the next six months, preparing commentaries on the Civil and Penal Codes and strengthening state policies and judicial capabilities to facilitate the Return of illegally seized lands improving provision of legal aid services within the next 12 months. Along with this, the focus would also be on aligning the national priority Law and Justice for All Programme with the National Justice Programme and the National Justice Sector Policy in the next twelve months. Committing to sequenced implementation of the reforms they require, completing the informal justice strategy in alignment with the National Justice Sector Strategy to link it with the formal justice sector and within next 12 months, implementation of the mentioned objectives.”

Bonn agreement has provided Afghanistan with a road map to move further to build a strong democratic Afghanistan. It outlined guidelines for Afghanistan to follow and it should strictly adhere to them to achieve required peace and stability. But their outcome will depend on the seriousness of Afghan government to follow Bonn principles and the real test of government will be after withdrawal of US forces in 2014.

## **1.5 Bonn Accord and International Apparatus**

The democratic foundation stone for Afghan state was laid by Bonn Agreement effective from December 2001. Security sector reforms were initiated through Tokyo Conference of Donors in January 2002 which was the first of its kind to deal with this vital sector. The security sector reforms were further formalized in April & May 2002 in form two donor's conference at Tokyo. It consists of five pillars which are:

“The building of the Afghan National Army; The building of the Afghan national police; the establishment of a counter-narcotics force; The initiation of the Disarmament, Demobilization and Reintegration process and The establishment of a viable justice system.”

### **1.5.1 Demarcation of Reform Measures**

United States was vested with the responsibility of leading military reforms whereas the police program management and reforms was assigned to Britain and Germany. Supervision of counter narcotics was entrusted with Japan whereas Justice and DDR was the Italian subject of management. UN Resolution 1378<sup>1</sup> also encouraged UN Member states to ensure the safety and security of the capital and an eventual transition authority. However, the northern Alliance quickly rejected proposals for a security force arguing that it would provide security. As bombs continued to fall on Afghanistan, the political strategy to install a new regime in Kabul made discernible progress. United Nations played a deep and intense diplomatic role in the process and United States of America got key parties to agree with it. They convened an international conference to chart the future stages of political transition along with forming an interim administration for the state.

The conference began on 27<sup>th</sup> November 2001 when the key representatives of the various Afghan interest groups met in Petersburg, near Bonn, along with senior diplomats from the United Nations and diplomats from 17 countries. There were four Afghan delegations.

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<sup>1</sup> On 14<sup>th</sup> November 2001, the security council of United Nations unanimously adopted UNSC Resolution 1378. It reaffirmed all resolutions on the situation in Afghanistan including resolutions 1267 of 1999; 1333 of 2000 and 1363 of 2001. The affirmation came in the form of important role play by UN in Afghanistan which further called for an interim administration to be established in the country which will assist in the ways for further formation of a new government.

The major delegation of northern alliance, officially known as the United National and Islamic Front and commonly called as United Front was represented by 11 delegates and led by the Interior Minister Yunus Qanooni. Former King of the state, Mohammed Zahir Shah has representatives in the form of Bonn Rome Frankfurt group led by Professor Abdul Sattar Sirat, a close confidant of the former monarch. Peshawar delegation of five members was led by Hamid Gailani and was backed by Pakistan. The fourth delegation was the Cyprus Group which was backed by Iran. It comprised Shia Afghanistan exiles and was led by Humayun Jareer, the son in law of Hizb-i-Islami extremist Gulbuddin Hekmatyar. Women members were also part of Northern Alliance and Bonn Rome Frankfurt Group which was reflective of the momentous phase change in Afghanistan.

In December 2001 when Bonn Agreement was declared, the major criticism came from all corners was the exclusion of defeated party, the Taliban from the discussion table. For deriving a long term commitment for peace with the remaining group was a loosely tied process which has limited expectations for a peaceful achievement of objectives. Rebuilding national authority was a dubious task with the composition representing every one making part of the territory. Proper representation of dispersed political and military factions, tribal chieftains and ethnic community groups in the decision making bodies and their inclusion in welfare administration was vital for successful state building endeavour. Centrifugal tendencies feared of creating factions and acting as roots of violence in the society were also critical aspects creating hurdle in the process of peace making.

These crucial aspects must not be dealt with any delay or glitches and should be timed concurrently with restoration of political authority legitimization in the state. Political recovery was essentially to be assisted by international actors to convert it into a long term and effective affair. Spoilers of the peace process should be checked; it was felt, as the urgent need of the state stabilization. Economic recovery was also given utmost priority balancing with other activities. The recovery of ailing financial condition was inevitable to support state development initiatives and in due course, making itself sustainable by creating its own sources of resource generation. The constitution of the state formed in 2004 describes under state institution about formal rejection of ethnic representation. Any one particular ethnic community, therefore, can't have an actual

dominion of the state. Ethnic conflict and resentment may take shape as its repercussions. So, in that case, the constitutional framework should be more representative to cater to the needs of all citizens with a guarantee of equality and balanced representation at all levels of governance hierarchy.

### **1.5.2 UNAMA as a Major Actor**

To assist the state of Afghanistan in its journey towards becoming an ideal democratic state, UN Security Council established United Nations Assistance Mission in Afghanistan (UNAMA) in 2002. It was a political mission trying to establish sustainable peace and development in the war ravaged country. The original mandate it carried was to support Bonn Agreement of December 2001. It has 8 regional offices and 12 provincial offices. For reconstruction and development efforts, it was the highest body and was responsible for all UN activities in the Afghan state. Development issues and political matters were supervised by two deputy special representatives. Departments of policing, drug control, military, human rights, relief efforts and gender issues were its structural pillars of work distribution. Effective delivery of aid and infrastructural reconstruction along with other components of the society were its goals serving Afghan people.

International community and USA have assigned UNAMA the central role of coordinating donor activity and assistance and the stress on it has increased in recent years. UNSC reaffirmed in 2010 regarding its stronger leadership describing with the following statement:

“UNAMA, under the direction of Ján Kubiš, Special Representative of the Secretary-General, would continue to play a pro-active role in promoting peace and stability in Afghanistan by leading the efforts of the international community, regional cooperation and the work of all United Nations agencies, funds and programmes.”

The current mandate of UNAMA includes improving security situation inside the territory of Afghanistan and assisting the Afghan administration to become self reliant to achieve status of a secured state capable of defending its own citizens from external as well as

internal threats. Along with it, increasing efficiency of governance, making a strengthened Afghan economy and providing support in form of capital as well as manpower to the govt. of Afghanistan in achieving a self sustained economy was another area of its objective. It also observes implementation of mutual commitments made on the above issues, effective follow up of decisions taken in January 2010 London Conference and subsequently, July 2010 Kabul Conference. The most serious challenge it faces in its activities was vulnerable security condition of the state. The pace of development and growth of economy have got some stumbling blocks in their way in form of recent Taliban insurgency, on the rise since some time. Other problems it now faces which threatens its development objectives includes continuing instability and corruption in the government in management of aid funding, problem of returning refugees inside Afghan territory, increasing agricultural reliance on opium cultivation and ethnic up rise in some border areas of the state demanding their rights of representation.

In the scheduled presidential elections of 2014 and following general elections of 2015, UNAMA has a greater role to play. For making these electoral processes more vibrant, free and fair with achieving maximum representative mandate of the people of Afghanistan, it must coordinate well to bring all actors together. United Nations as an active partner of the Afghan authority, the new UN mandate of 2012 acknowledges the ownership of electoral process, a complete state entity of Afghanistan. USAID Afghanistan's five year strategic plan of 2006 to 2010 is an important policy document in this regard. In this document, UNAMA has a special mention of being the bridge between Afghan government and consortium of international donors. To effectively cement its position as a suitable bridge, this UN mission has to perform with greater efficiency and legitimate policy framework to bring out efficiency from the Afghan system. As a support mechanism for state building, it has to be rock solid in its approach and flexible in its skill manifestation for better cohesion among all actors working for a common goal.

### **1.5.3 European Union as an Actor**

The European Union has always exhibited its soft power across the globe by diversified means. With little amount of presence in form of security personnel, it is the second largest aid donor to Afghanistan after USA in Afghanistan. The role play by EU may not

dominate headlines of media and broadcasting agencies, but since the day of its commitment to assist Afghan state in state-building and humanitarian efforts, it has performed efficiently obliging its fund disbursement and support structure. To ensure security and stability in the state, establishing good governance and rule of law, it is acting as a strong support pillar since 2002. It has partnered with the state to establish a reliable and responsive administrative set up. Strong and accountable democratic institution building and reforming sectors of importance are its vital parameters of operation. Looking after security and justice sector, to keep a check on narcotic trade and most importantly, assisting in achieving social security objectives of the state are its priority areas of working. It reviewed its objectives in 2009 in form of new strategy, expanding areas of co-operation to the sectors of justice and police system administration, rural development, effective sub-national governance and reintegration of former combatants.

While the EU has shied away from using hard power in Afghanistan, it has been a leading force in providing economic aid and other methods of soft power throughout the conflict. The EU has pledged over 1.4 billion euro in economic aid since 2002 by addressing needs from the Afghan government's National Development Strategy, or ANDS. It has designated three major areas of focus for its efforts: governance, rural development, and health. Its efforts on governance have largely been to create and strengthen the new Afghan government's institutions. It has directed funds through these efforts to build and sustain schools, create local governmental sub-structures, and create stronger customs stations at its borders; all of these efforts, the EU believes, strengthen the stability and legitimacy of the government. The EU's rural development focus has been used to fund Afghanistan's National Solidarity Program, or NSP, and its efforts to build infrastructure in outlying areas with local labour and support (European Commission 2006).

EU is the second largest donor after US working in Afghanistan. Along with its member States & EC combined, it has committed a sum of € 600 million for Period 2011-13. It is working for stabilization and reconstruction efforts in the state keeping synchronization with other international actors. The deployment of EU police mission in Afghanistan named EUPOL Afghanistan under its Common Security and Defence Policy (CSDP) is a

security sector assistance provided by it to the state reeling with security challenges inside its territorial expanse. The EU member states have given a combined monetary assistance worth € 8 Billion in the period 2002 to 2010 for humanitarian purposes. For the period 2011 to 2013, not including its member state's individual commitments, EU has pledged a sum of €200 million a year for the Afghan state. It stands 20 percent of total EU and member States assistance to Afghanistan. EU external relations policy has special mention regarding development of Afghanistan and it also has an elaborate country strategy paper meant for Afghan state. EU also plays the role of a bridge between donors as coordinator enhancing its aid effectiveness. EU budgetary allocation is managed by European Commission (EC) and the assistance flows through EU delegation to Afghanistan stationed at capital city of Kabul. EU Development Cooperation Instrument (DCI) disburses development support to Afghanistan and its spending priorities are mentioned in detail in the country strategy paper; 2007-13. Two numbers of Multiannual Indicative Programmes (MIPs) were also prepared for the same period defining goals and objective feedback of work structure is also an important document in this regard. National Priority Programmes of the Afghan state is always kept in vision while structuring EU framework of working in the state. Therefore, the role of EU in defining the state-building objectives of Afghanistan is quite crucial for the state struggling with multiple problems.

### **1.6 Evolution of the State: Stability at Cross Roads**

The transitory phase change after 2001 and evolution of the state with a democratic form of government lead to progress both in public and private sector. But the progress made till recent time is filled with some voids which needs to be addressed properly. It is necessary for policy and regulatory aspects to address the issue of enabling environment, reform and restructuring as well as infrastructure development and capacity building. Without massive aid inflow, the state is incapable of managing its own economic requirements. An effective Afghan security force management is also a high spending affair which the state is unable to meet of its own. Despite of more than a decade long assistance by international agencies, governments and INGOs, the state is still now struggling to fund its own administrative machinery and welfare objectives. The sign of insurgents sitting silent or changing their minds towards peace is nowhere present. State

environment is quite tense with increased insurgency and destruction of property. This has made every aspect of transition scheduled for 2014, a high-risk effort (Cordesman 2013).

Frequent clash of statutory law, Islamic law and customary justice has a long time effect on Afghan society. Promulgation of first constitution for the state dates back to 1923 and since then, the state has struggled for reconciliation of its history of legal pluralism. Judiciary of the state has been constantly undermined over the disagreements on role of Islam while giving shape to the legal orders and principles. Structure of the government at central as well as provincial levels have often clashed with decision making by a unified agency. The bifurcation of need as well as demand by different communities, on ethnic and tribal parameters has kept the state mechanism in shackles, unable to perform with respect to the envisioned path. The judicial review process has always remained ambiguous in nature, thus making it weak and underperforming. The 2004 constitution for Islamic Republic of Afghanistan has greater ambitions associated with it for the state. But some problems and weaknesses remained intact. Legislative bickering and executive overreach is taking centre stage in every endeavour since then, confining the limits of judiciary. Lack of constitutional safeguards to demarcate separation of power is creating political crisis, pushing noble goals of welfare to the periphery of development circle. For essential revisions in the legal framework, Wolesi Jirga was reluctant as well as unable to reach at a consensus.

The severely criticized and flawed elections of 2009 and 2010 have ruptured the electoral integrity of the state and administrative failure to meet objectives in a fair manner is a deficiency of state character. Institutional rivalry is also haunting the state limiting its far reaching welfare objectives. A political party system became weak because of the electoral mechanism adopted in form of SNTV which promoted individual entity rather than group structural performance. Multiple technical and organizational faults created glitches in every election conducted in Afghanistan which eventually promoted corruption creeping inside the system. These problems resurfaced repetitively in successive stages of electoral processes which neither the government nor the international actors were able to rectify before time. Prevention of them was possible, but the state authorities were



reportedly not acted in time to prevent the malfunctioning, as if problems created thus helped them achieving their personal goals.

Creation of a viable national voter registry is the immediate need which must include every genuine Afghan voter. Geographical location of polling centres must be suitable to the reach of every individual irrespective of their remoteness. Ballot material safety and electoral booth security assessment with efficiency can effectively deliver transparent poll results. Voter awareness and education is another important aspect which needs updated application of knowledge and efficient impartial personnel to be engaged. Eliminating corruption, favouritism and other evils out of the Afghan society is an immediate requisite to strengthen bond between government and citizens for building trust. Smooth transfer of presidential power in 2014 with free and fair conduct of general elections in 2015 will decide the fate of the state for the coming crucial time of power transition. Failure in surviving the critical blow of force withdrawal by US and NATO forces in 2014 will test the true character of Afghan state. Security concerns remaining a fear factor till now, the phase change must mobilize all Afghans to come together and be a part of nation building forgetting identity based on their historical evolution. Any state can evolve into a separate unique entity by successfully overcoming crisis situations and Afghanistan has to prove its mettle in the coming days for achieving a democratic status of statehood.

### **1.7 Overview of Previous Elections & the Process**

2004 and 2009 Presidential elections, 2005 and 2009 Parliamentary and Provincial elections held in Afghanistan were greater challenges for the state. These electoral processes on the line of establishment of democracy paved way for further reforms from lessons learnt. Coming election for presidency, the lower house of parliament and provincial council with possibly district council polls will certainly require the learning to be used for future strategy making. Fraudulent malpractice and resulting uncertainty of the 2009 elections contributed to an atmosphere of cynicism regarding electoral democracy in the afghan community and its future course. Due presidential elections in 2014 and coinciding crucial point of “transition” are neck bones in the process of reform and evolution of the state. New leadership change after long period of experimentation,

legal framework, operational challenges and electoral education are focal points of future course of reforms which needs a fine balance of incorporation.

The mechanism adopted in the electoral process was SNTV which was criticized from all quarters for its inability to address Afghan specific concerns and problem areas. It favours independent candidates and promotes their individualistic mode of operation under the system mechanism. Political party affiliation does not get any advantage, making the group structure unable to fetch any incentives under SNTV. Both the general elections of 2005 and 2010 adopted it and the result was a fractured assembly. No elected member has coordination with any other member making the process of functioning and policy formulation tough for the house. But after much deliberation, IEC proposed a hybrid system in 2012 which is an evolved and rectified version of SNTV. But its experimental timeline has not been decided till now.

### **1.7.1 Constitutional Features Regarding Elections**

The formally ratified constitution for the Islamic Republic of Afghanistan is effective since 26<sup>th</sup> January 2004. The constitution authorized the IEC to supervise and administer all elections for the state including referendums of the people. Article 156 of the constitution describes powers and roles of IEC whereas Article 61 suggests a runoff election procedure which was made into use in the 2009 presidential elections. The only other mention about elections in the Constitution is in Article 83 which states that “Electoral constituencies as well as other related issues shall be determined by the elections law.” The article also says that “The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province.....” Article 156 and 159 only describes IEC in the constitution where as Article 64 enumerates Presidential powers and duties. The election law of Afghanistan is silent regarding IEC members and their manner of appointment. There are certain decrees made by transitional government specifying these aspects at that time when the need of it has originated.

The judicial functioning described in the Afghan constitution has no mention of its control over the IEC or the electoral process. Establishment of ECC was therefore mentioned in

chapter IX, Articles 52-54 to deal with “electoral offences, complaints and challenges...” to meet with complex pre and post poll situations. It came as an after effect created due to the mistrust over judicial system of the state. According to ANFREL, “true to the mandate of constitutional references, ECC performed its tasks credibly in the last elections of 2009 and 2010. It resolved complaints in an objective and impartial manner.” Structural forms of rule and its problematic nodes when implemented on the ground could be assessed with efficient evaluation and comparison. It is the high time for Afghan state to oblige needs of the moment and re-assess its legal dimensions for a just and solid state building plan.

# *CHAPTER TWO*

## *DEMOCRACY AND ELECTIONS IN AFGHANISTAN*

## CHAPTER - 2

### DEMOCRACY AND ELECTIONS IN AFGHANISTAN

#### **2.1 Introduction**

Since the fall of the Taliban regime in 2001 and the subsequent beginning of the Bonn Process, Afghanistan has embarked on the technical and political process of democratization. Afghanistan's experience with democracy in country's history through the centuries, the past decade has seen many twists and turnover. Ten years later, the Afghan democracy operates though there are frustrations and difficulty of this smooth running remains a challenge. This largely dues to repeated external interference and domestic countries emerging from the local power equations, therefore democracy project is a bit complex. The next presidential election is due to take place when the Afghan democracy real and perhaps the biggest test that will come in the period until 2014. The government's ambition to further politicizes the bureaucracy of Afghanistan but on the contrary Afghanistan needs a non-political and non-political bureaucracy (Rezaie 2013).

Afghanistan reconstruction started with the onset of Operation Enduring Freedom (OEF) aimed for defeating Taliban. It began in October 5, 2001 and after the flight of the Taliban, the UN resolution on Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions held at Bonn was adopted on December 5, 2001. This process aimed at salvaging Afghanistan's future from the continued entrapment of internal ethnic conflict, external interference and low levels of development. It was believed that only then there can be guarantees against the propagation of global terrorism (Ellis 2007).

#### **2.2 Democracy in Tribal Society**

Many of today's greatest political challenges revolve around finding a way to govern tribal societies. In Afghanistan, difficulty doing so has become a problem with global implications. Elsewhere, in places such as Burma, South Sudan, Papua New Guinea, and much of sub-Saharan Africa, conflicts resulting from interactions between tribal societies

and state governments cause tremendous problems for local populations and regional security (Dresser 2011).

Democracy in a tribal society can mean one, or some, or all of the following:

- Democracy for All Communities of Beings;
- Democracy that is Based Upon Tribal System, Ways of Life and Wisdom;
- A System of Governance that embraces or Enbridge Tribal Values into Modern Cultures;

Democracy in tribal societies in this regard could refer to democracy from all communities of Beings, by all communities of Beings, and for All Communities of Beings with their Planet Earth. In other words, it is a “democracy” that is run not only by Human Beings, but by all Communities of Beings. It is a form of government in which state-power is held not by majority of human citizens only, but of all Communities of Beings. Tribal Democracy is a System of Governance that promotes a Society of communities of Beings to life in peace and harmony (Karoba 2009).

Many tribal societies were organized under traditional institutions and adhered to norms other than the ones professed. These were introduced to Western democratic systems by outside forces and often practised by Western liberal democracy. Recently the question arise that traditional values, particularly values like kin protection should have been posed. It continued to influence their social and political attitudes and behaviour. It is also necessary to examine the consequences of such influences for the new system of governance. Other relevant question is how the introduction of new values including those of individual rights, the rule of law, equality before the law. While other liberal democratic values affect the traditional institutions and values (Baruah 2003)

When we are going to consider the case of Afghanistan, the largest ethnic groups are Pashtuns at 40 percent and the Tajiks at 20 percent. Besides it, the rest groups are the Hazaras, Uzbeks and Aimaq. Both spatial and ethnic obscurity has prevented Afghanistan from ever forming a consensual and coherent sense of nationalism. Furthermore, interference by western countries such as U.S. and NATO and countries bordering

Afghanistan has imparted to the fragmentation of the Afghan polity. In many instances, tribal politics is still determining factor by ethnic loyalties to bordering states. Although there have been unpredictable attempts to bring hold of tribes together. At no point has the Afghan nation experienced a strong centralized state with a common legal system (Moghadam 1997). Rather, ethnic groups sometimes become rivals. They have had political ambitions to capture Kabul through well-armed tribal leaders (supported by external funds) and created their own sovereignties. Ethnically based rivalries have created fractious cultures combined with open and varied renderings of Islam (Ghosh 2003).

### **2.2.1 Gender & Minority Concerns in Democracy**

Tribal honour and patriarchal control institutions have exposed the status of women to the risk of inter-tribal rivalry. They are prohibited from getting any education. Women live in the house, so that respect is considered as inviolable and they must veil and observe silence. Honour of the family, tribe and finally, the country rests with women. Afghanistan has been unable to implement modernization programs and goals in the face of tribal feudalism. The British, the Soviet Union and the United States interfered into Afghan affairs dating from 1880 which severely hampered social development in Afghanistan. King Amanullah was against polygamy; he made a public campaign against the veil and not only in Kabul but also encouraged the education of girls. Amanullah harangued that Islam does not require women to cover their bodies or to wear a veil. Queen Soraya unveiled to the public and the wives of other officials present at the meeting followed suit. She wore wide-brimmed hat with veil attached to transparent (Moghadam 1997).

Gender reforms in the 1970s were focussed on increasing women's education, universities and increasing their representation in Parliament (Dupree 1986). The year 1978 saw the PDPA coming to power. Their rule was significant especially in terms of the status of women and their reforms stood at the junction of Islamic fundamentalism and Westernization, which provided ground for the future of Afghanistan hybridization. The economic reconstruction of the country needs participation of the Afghan women in a united and peaceful country in order to realize their dreams. The western intervention has

enabled the provisions for gender, minority rights and participation in democracy which was one of the major concerns for the minorities who were denied their rights in Afghanistan (Ghosh 2003:12). It would have been impossible without the support of the international community, that the 2004 Constitution formally placed both the Sunni and the Shia as equals in constitution. It also mandated that the followers of other religions were free to exercise their faith and their religious rites within the limits of the provisions of the law. Moreover, Dari and Uzbek languages were now recognized as the National Language of the Constitution. The minorities of Afghanistan have sacrificed a lot to accomplish this. There is a fear among the minorities that once the international forces leave their rights would be sacrificed in order to buy peace with the Taliban (Rasouli 2013). One of the basic reasons of ethnic discord is that many Pashtuns support the Taliban insurgency because of their historic rivalry with ethnic Tajiks, who hold key buttons of power in most positions of the government, though they are only 24 percent. The Pashtuns complain about the harassments of daily life by armed forces and the intelligence and secret police agencies that hold control (Harrison, 2009).

### **2.3 History of Democratic Provisions in Afghan Constitutions**

Afghan constitution has been monarchical domain for larger part of the history. The people hardly remained as settled subject except for the cities of Kabul, Herat and Kandahar. The ethno-territorialisation had been so intense that the tribal laws and their transposition meant the final word at the end of the day. The ethno-federalism was the only chance for occupancy of the state when it had been trying to reassert its independence. The more the dependence grew on external powers, the more had been internal repression by majority Pashtuns. Therefore, there is a historicity of deep mistrust that hinges as the backdrop to concerns about the durability of the present Constitution (Sherman 2006). The previous constitutions were more of a dual arrangement of the state and societies of Afghanistan. The 1964 Constitution provided for the first time adult suffrage but it was a rather limited one. And, the king still had the governance disposed to his pleasure. The present Constitution is an attempt to define the citizenship of Afghanistan. And, the state is the signatory to international treaties and conventions, which make the state a co-sharer of international commitments and global community



privileges. The institutional reference to local and national governance in Constitution makes it symbolic centripetal force for the state and society to remain committed.

The first Afghan constitution was adopted in 1922 and publicised in 1923 by a Loya Jirga. Loya Jirga specially summoned for the purpose which provided for a government composed of executive, legislative, and judicial branches. But the basic constitutionalist demand for an elected national assembly to which the government would be responsible was not realized. Rather, the document provided for a cabinet of ministers, led by and accountable to the king, rather than to the legislature. The king himself was declared not responsible to anybody. Members of the *Šūrā-ye Dawlat* (State Council) as well as of the provincial councils were to be chosen only partly through popular elections (Gobar & Habibi 1992: 794, 160).

The Constitution provides guaranty for freedom of expression, of peaceful assembly, and of association. The police could only prosecute a person through due procedure of law. The right to seek redressed from the court has been granted. This is most important in the wake of numerous tribal laws prevalent in parts of Afghanistan. And, also Sharia law too has a hierarchy of courts in order to remain contented with the justice. Islam is the state religion and the law is based on Hanafi school of jurisprudence (Fayzzād 2003: 216, 80). This may be an inconvenient for the minorities, who would like to emphasize more on the universal declaration of human rights as the fundamental basis for any legal function.

The 1964 Constitution is known for the birth of democracy in Afghanistan. This constitution was well-intentioned to move Afghanistan into a new era of greater citizen participation and more representative and accountable government. Because it functions as the basis for the current constitution, its five key principles which were vital from the point of view of democratic provisions were:

- The Executive Power
- The Legislature
- The Judiciary
- Provincial & Local Government

- The Role of Islam

The fourth Afghan Constitution of 1973 was based on the political structure that was already in existence. The rights to free expression, sanctity of the home, and peaceful assembly were again guaranteed; people were to be accused, arrested, and punished only in conformity with the law; individuals were to be presumed innocent until found guilty in court. The state undertook to bring the family, especially mothers and children, under its special protection and pledged to supervise youth. Followers not only of Islam but also of other faiths were guaranteed the freedom to practice their religions (Kakar forthcoming: 70-71).

This constitution represented an ideal, but it had little effect on Afghan society as a whole. By the time it was publicised the government had already lost control of the rural areas to the anti-Soviet freedom fighters. In the few urban areas that remained under its control the government unnoticed the clauses guaranteeing individual rights while vigorously enforcing those that guaranteed its authority (Encyclopaedia Iranica). The Fifth Afghan Constitution of 1987 also featured electoral process for electing Wolesi Jirga members. The lack of grass-root political leadership was visible in the members. And, the election largely catered to the international demand for transition of power in Afghanistan. The current effective constitution of Afghanistan effective from 4<sup>th</sup> January 2004 which is a relatively liberal Islamic constitution would provide a framework for the long task of consolidating basic state structures inter factional and inter ethnic civil war and wars of conquest and resistance by and against the radical Islamists of the Taliban movement.

#### **2.4 Bonn Accord & the New Constitution**

The “Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions,” also known as the Bonn Agreement meant at bringing political and economic stability in Afghanistan. The framework of this Constitution is essentially based on the 1964 Constitution. The Interim government was formed who would work for six months and it was supposed to function till the members of Loya Jirga, elect the members of Transition Authority. This Transitional government was given eighteen months time for draft formulation of the new

Constitution for Afghanistan. This Transitional authority was also responsible for organising free and fair elections that would elect the parliamentarians for the Wolesi Jirga.

The Constitution building involved drafting and wider public consultation with the Afghan delegates. Then it was to be presented before Constitutional Loya Jirga (CLJ), which would ratify the new Constitution (Their 2007: 9). The effort to implement the constitution was a bigger challenge. The people hardly had knowledge about their rights and their faith in the institution could only develop after a long presence of the state authority in countryside. The role of warlords has become crucial and their polarisation is bound to affect the success of the Bonn process. The gun running mafia and drug-lords are finding it difficult to surrender their interest to the state and they have been looking cross-border sanctuaries. The demobilisation of counter-state actors has been a major challenge in order to make the state viable amid conflict situation (Rubin 2004: 3).

Afghan Constitution reveals a sense of idealism, but the kind of ethnic strife that was dominant during the Taliban period warranted an altogether ambitious plan of ameliorating the grievances of many groups. Thus a balanced approach of integrating the minorities was undertaken, with a sense that general well-being the goal of the state would take care of the majoritarian concerns. But, the majoritarian identity has seen jeopardy in the Constitutional process of Afghanistan and therefore the scope for re-Talibanisation remained a possibility. A moderation was suggested to this effect that King Zahir Shah being a symbolic head would allow pacification of these sentiments, but the generation who would acquiesce to that was largely been lost in the war. And, the mechanism of Jirga remains an emergency solution in the wake of deadlock among the tribes (Their 2007: 22, 23).

## **2.5 Taliban's Opposition to Democracy**

Rise of Taliban in after the withdrawal of Soviet Union was engineered by Pakistan. The organisation collected money from Saudi Arabia and they preached orthodox Islam. They wanted to bring old medieval form of governance that had archaic laws. They also proposed the dress code for men and women and also imposed restrictions on women's

movement. They extended their influence all across the Af-Pak region and the Taliban factions are identified now as the Afghan Taliban and Pakistan Taliban. Taliban opposed democracy as there no reference to it in Sharia law. It was their ultimate covenant to all humanely existence, as far as possible. Taliban came into picture after the September 11 World Trade Centre Attack. Their connections with Al-Qaeda were revealed and the protection to Osama bin Laden and its training camps was seen as a war against the US. The Taliban were defeated by the International Security Assistance Force (ISAF), which had a UN mandate. Their refusal to handover the main accused also made them co-accused in the September 11 attacks. The attacks began and the majority of the casualties in the initial period Afghans suffered were at the hand of Taliban who used the common people as their defence shield (UN News Centre 2011).

All the democratic and peace building measures initiated within the land of Afghanistan are always prevented by Taliban insurgents. During all elections till date and in every kind of effort to restore democratic norms and values, Taliban forces have brought violent means to prevent them. Killings and bombings rampantly taking place on the land and immediate acceptance of responsibility on the part of Taliban shows their non acceptance of democratic set up as well as “violence as the only mean” to achieve their goals. Taliban led violent attacks and their constant fear has jeopardised every developmental pace of work.

Obstacles to peace process are many including the Taliban insisting on the complete withdrawal of foreign forces as a pre-condition to becoming part of a political settlement. The shape of the future Afghan government is another issue over which the involved parties, The Afghan government and its High Peace Council, the US and the Taliban have fractioned views. Another possible obstacle comes from civil groups and women's rights activists who fear a political settlement resulting in the Taliban's inclusion in the Afghan government would mean limitations on their freedoms. The official opening of the Taliban's office was delayed because President Karzai was concerned it could be used for recruitment, fund raising and making contacts with other countries. He was looking for guarantees the office would only be used for peace talks. Mr Karzai visited Qatar twice

this year and on his latest trip to Qatar reportedly accepted his demands for guarantees.

These included that:

- Talks should eventually move to Afghanistan.
- Talks should result in the ending of violence in Afghanistan and
- The Taliban office should not become a venue for other countries to exploit or use for their own interests.

The White House set two conditions that the Taliban make a statement supporting a peace process and they also want to prohibit the use of Afghan soil to threaten other countries. Taliban leaders, most of who have been subject to UN sanctions, see this as an opportunity to come in from the cold and present their case to the world. Apart from the withdrawal of foreign forces, the Taliban also want the release of at least some prisoners from Guantanamo and Afghan jails, as well as the removal of the remaining leaders on the sanction list. The Afghan government hopes it will be able to meet the Taliban directly without the involvement of a third party, such as Pakistan. US and Afghan leaders want the Taliban to join the Afghan government as a result of the peace process, without losing the achievements of the past decade. The peace talks will succeed, the Americans say, when the Taliban finally sever all ties with al-Qaeda, end violence and accept the Afghan constitution, including its protections for women and minorities (BBC News 2013).

## **2.6 Electoral History of Afghanistan**

Elections are the central institution of democratic representative governments. The reason being in a democracy, the authority of the government derives solely from the consent of the governed. The principal mechanism for translating that consent into governmental authority is the holding of free and fair elections (Democracy and Law). In the stabilization and democratization of emerging democracies and post-conflict countries, elections have the deciding role to play. Elections in these countries are a tightrope walk between war and peace, stability and instability (Kuhne 2010: 3). Past two decades have such successful global experiences from which learning could be extracted. These observations can be used in the Afghan case for better outcomes.

Apart from the difficult issues of timing and the choice of an electoral system properly tailored to local conditions, the establishment of an independent, well functioning Election Commission and an Election Complaints System are crucial elements. Non insisting attitude of external players in this regard despite of their resounding rhetoric on the need for democracy and free and fair elections is creating a check mate situation for the democratic set up of Afghanistan. Existence of an independent and effective Election Commission & an Election Complaints System will serve as strong indicators of credibility of the electoral mechanism (Kuhne 2010: 3, 5).

According to Harpviken, major democratization experiments are disguised as development which is appropriate in case of Afghanistan. He identifies a problem in this respect which is Afghan understanding of democracy and elections are something very unique and different from global notions. They not only differ in sense, but the situational ground where these democratic instruments would be materialized is very much challenging in nature. The perception of democracy here comes to the fore as how it is understood in Afghan minds.

Afghanistan is one of the latest testing grounds for the democratic reconstruction model. The democratization process was charted in December 2001 Bonn Agreement and its implementation included the adoption of a new Constitution in January 2004. The first presidential elections were held in October 2004 and subsequently in 2009. The parliamentary elections were conducted in September 2005 and after expiry of its term, in September 2010. Bonn Agreement appointed the Afghanistan Interim Administration and set out a timetable for re-establishing permanent government institutions and “a broad-based, gender sensitive, multi-ethnic and fully representative government” in Afghanistan over the course of two and a half years. The Emergency Loya Jirga (ELJ) of June 2002 replaced the AIA with the Afghanistan Transitional Authority (ATA) and elected Hamid Karzai as the Head of State and temporary Head of Government in the absence of a legislature of the Transitional Islamic State of Afghanistan (Afghanistan Research and Evaluation Unit, 2011)

### **2.6.1 Significance of 1964 Constitution**

The Constitution of Afghanistan which came into being on October 1, 1964 is the third such document in the nation's history. The first constitution was decreed in 1923 by King Amanullah and was rather rudimentary in character. It contained no checks on the absolute power of the monarch, although it did provide for partly elected and partly appointed consultative councils. The major objectives behind framing the constitution which included taking members of the royal family, other than the ruler himself, out of the affairs of government, establishing an effective, independent judiciary, giving priority over the shariat to modern legal codes, extending and clarifying the basic rights of the citizens, encouraging active local self-government, and so treating certain points as to convince the non-Pashtun elements of the population that they were no longer to be dominated by the Pashtuns.

The constitution was considerably more liberal, enlightened, forward-looking, comprehensive and definitive than its predecessor. It was a ruler sponsored document. However, the powers of the king have not been reduced. He retained the rights defined in a single article of the 1931 constitution and had acquired additional rights and duties (Wilber 1965: 215, 216). The executive power framework inscribed in the constitution provided for a constitutional monarchy (Article 1, Constitution of Afghanistan) whereby the king had ultimate executive authority, including the power to declare war and sign treaties (Articles 6-9). The king also commanded the armed forces and had the power to convene the Loya Jirga, and dissolve parliament. Under Legislative framework, the parliament was given broad legislative and executive oversight powers to control the budget, ratify treaties (Article 64) and approve of or dissolve the executive (Article 75).

The role of the Shura or parliament of Afghanistan was strengthened in the 1964 Constitution and became the preeminent law-making and representational body. The 1964 Constitution was also unique in Afghanistan's history because, for the first time, it institutionalized the Loya Jirga (Article 84). The Loya Jirga, well known in Afghan history as an ad hoc body that brings together the nation for critical decisions in time of

crisis or political transition, was given a place in the Afghan political process. In the 1964 Constitution, the Loya Jirga was comprised of both houses of the legislature and of the chairman of each provincial assembly (Thier, 2006/7: 563). The constitution also included safeguards against judicial overreaching, such as public trial provisions and a requirement that the legal rationale for a verdict must be disclosed (Thier, 2006/7). The description of Provincial & local governments in the constitution was that of a unitary state (Article 108).

Islam has always had a prominent place in the constitutions of Afghanistan. In the 1964 Constitution, Islam was deemed the state religion, and religious rites of the state were to be performed according to the Hanafi School. The king was also required to be a Muslim (Article 8). The 1964 Constitution also required that all laws passed by the parliament must not be contradictory to the basic principles of Islam (Article 64). Only in those cases where there is no state law to cover a case before the judge, the basic principles of Hanafi (Thier, 2006/7: 565) jurisprudence, in accordance with the limitations of the constitution were to be applied to secure justice (Article 102).

### **2.6.2 Ethnic Challenges to Electoral Politics**

Ethnic challenges and divide was specifically visible during the 2004 Presidential elections in Afghanistan. The population is divided into thirty four provinces. In which ninety percent of people belongs to one region that will vote against ninety percent of another is staggering. But it indicates Afghanistan's history. The electoral partition fell along ethnic lines. Every province that voted 90% or more for one candidate was 90% or more one ethnicity (Afghan Elections Data 2004).

Afghanistan is a composition of Tribal, local, and ethnic allegiances still dominate the country which is among the most ethnically diverse in the world. The role of ethnic space is perhaps more crucial in Afghanistan than anywhere else in the world. Whereas most of the developing world has a rural-urban dichotomy, Afghanistan adds a third element, the nomad, representing up to 30 percent of the total population while city dwellers represent only 25 percent. Change in space is occurring rapidly in the country and over the past five



years, Afghanistan has seen a five percent increase in urbanization, the fourth highest in the world.

Afghanistan's history shows the immense task facing the development of an Afghan national identity. History has bred the ethnicities of Afghanistan to distrust one another. It has led to the development of strict spatial identities and caused outrage at the incursion of those identities. The history of the Pashtuns has led to a belief that they are the rightful rulers of the country and dissuaded them from any power sharing scheme. The Tajiks' role as bureaucrats and the importance of their language has given them their own claim to rule as well as a deep-seeded resentment of the conquering and, in their view, incompetent and racist Pashtuns. The Hazaras' constant oppression obstructs the development of trust between them and the Pashtuns, and their near arrival at power at the end of the communist party's rule only strengthens their discontent. The isolation of the Uzbeks hindered any sense of inclusion in the nation as a whole. With the problems affecting each ethnicity, and their opinion towards the nation as a whole, the causes of electoral patterns become clearer as does the extent of the hindrances to nationhood (Dubow 2009: 24, 25).

In 2004, coming off three centuries of ethnic conflict and struggle, the Afghan people voted solely on ethnic lines. Seven provinces saw more than 90% of their vote going to one candidate. Most staggering in this pattern was two contiguous provinces, Panjshir and Laghman, in which the difference between support for candidates was 100 fold. The 2009 election showed true improvement, however. Though the spatial link between ethnicity and vote distribution was still unmistakable, its strength had languished over the five years. In Kabul, the strength of the sub national division of province loyalty was shown to be weak, as the native Abdullah received the same percentage of votes there as on a national level. In Ghazni, it was shown that the strength of ethnicity and religion can be overcome, when the Shiite Hazara Bashardost received the majority of his votes from Sunnis and non-Hazaras. In Kandahar, it was shown that the power of ethnicity is weakening even in the most homogenous provinces, a fact recapitulated in Panjshir. Finally, in Jawzjan, a province without an ethnic interest in the race, it was shown that

secretariat and they have regional and permanent offices in the 34 provinces as well as in Kabul (IEC Secretariat Structure).

The mission statement of IEC states that:

“Administering and supervising all types of elections and referenda envisaged in the Constitution” The mandate of the Independent Election Commission of Afghanistan has been granted pursuant to article (156) of the Constitution. Based on this article, the IEC is the only institution responsible for administering and supervising elections and referenda, and acts independently. The IEC is responsible for administering the following elections and is authorized to supervise any elections in the country which are Presidential Elections, Wolesi Jirga Elections, Provincial Council Elections, District Council Elections, Village Council Elections, Municipal Council Elections, elections for mayors’ offices and Referenda (Independent Election Commission 2013).

The strategic goals of IEC involves strengthening an atmosphere of trust and building support of stakeholders for the electoral process; Reducing the electoral expenses through capacity building, infrastructural development and better management of resources; Proving the IEC as one of the best institutions in the country and conducting elections in accordance with the Law.

The transparency and accountability dimension of IEC which is lauded by UN and several major international actors involved in Afghanistan and commendable work done by it in form of 2008 voter registration exercise and 2009 elections are successful endeavours of it. Post 2009 elections, IEC have put into place some reform measures to strengthen its effectiveness. They could be summed up as:

- Increasing the capacity of the IEC secretariat to record and report on its activities, through the appointment of dedicated staff.
- A number of anti-fraud measures were devised to improve the credibility of the electoral process.

even without ethnicity, Afghans can still arrive at the same voter distribution (Dubow 2009: 24, 25).

In Afghanistan, the international actors are once again faced with the challenge of dealing with a conflict. That is understood as an ethnic one. The designers of a future Afghanistan would be well considered to work against the ethnic polarization of the country. Ethnicity is neither the cause of Afghan conflict nor a natural constant of human being. Ethnic groups have been created with cultural substance mainly by Western social scientist. While ethnicity was not a dominating political factor in pre-war Afghanistan it appeared as a main source of political and military mobilization especially since 1992. Hence the international power brokers in Afghanistan should consider ethnicity simply in an informal way in power-sharing arrangements. Additionally it should not stress ethnicity as the fundamental of political decision-making processes. The major challenge of a suitable and sound peace process in Afghanistan is the question how to cope with the dominance of clientelistic networks (Schetter 2003: 11, 12).

### **2.6.3 Electoral Process in the New Constitution**

The election system used to select Afghanistan's Wolesi Jirga (lower house of parliament) has radically shaped the realms of democratic stability and political legitimacy since its introduction for the elections of 2005. Afghanistan uses the Single Non-Transferable Vote (SNTV) in 34 provincial-level, multi-member constituencies with a special affirmative action (quota) mechanism for women. The election system (largely unchanged between 2005 and 2010) has impeded the development of political parties, directed the type of campaigning conducted by candidates, and shaped voting behaviour. The system also limits the efficacy of the Wolesi Jirga as a decision-making chamber situated within the framework of the Afghan state alongside the executive office of the presidency (Reynolds & Carey 2012).

People used to see SNTV in Afghanistan after an interesting turn of events. Not satisfied with the explanation of a closed-list PR system by Enayat Qasmi, to Wolesi Jirga, Hamid Karzai asked the Joint Election Management Body (JEMB) to prepare an electoral list that

would allow voters to vote secretly. Karzai and his followers did not choose SNTV due to the understanding of its consequences. Karzai also did not agree to change to a list-PR system, as he feared that opposition would benefit too much from using the list-PR system (Ghadiri 2010: 86).

#### **2.6.4 UNAMA and its Role in Implementation and Formulation**

United Nations Assistance Mission in Afghanistan (UNAMA) which is a political UN mission established for the Government of Afghanistan to assist it and the people of Afghanistan in laying the foundations for sustainable peace and development. United Nations Security Council Resolution 1401 established UNAMA on 28 March 2002 Supporting Bonn Agreement of 2001 was its key mandate and it is reviewed annually. UNAMA's current mandate has prominent elements as follows:

- To support the Government in its efforts to improve critical areas, including security, governance and economic development, and regional cooperation,
- To support the full implementation of mutual commitments made on these issues at the London Conference in January 2010,
- Obeisance of subsequent Kabul Conference in July 2010 agreed in the Afghanistan National Development Strategy and the National Drugs Control Strategy (UNAMA 2013).

Promotion of human rights; technical assistance monitoring and continuing to manage and coordinate all UN-led humanitarian relief, recovery, reconstruction and development activities in Afghanistan are the major areas of UNAMA's work. UN Security Council in Resolution has also endorsed it.

Considering the commitment and implementation of mandate vested with it, while renewing the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) on 19 March 2013, resolution 2096 (2013) adopted unanimously by the UN Security Council set out the scope and range of activities it must undertake over the coming 12 months, as Afghanistan continues its political and security transition. Overall, the resolution calls for UNAMA continue leading and helping in international civilian efforts by assisting the country with its transition within the mandate with the principle of

- The IEC is pursuing regular meetings with donors and stakeholders such as observers, in order to better understand and meet their needs.
- The IEC External Relations Department regularly oversees media events where domestic and international media are able to question the IEC's policies and operations.
- The IEC has announced its intention to allow stakeholders the opportunity to observe meetings of the IEC Board of Commissioners.

### **2.6.6 Voter Registration Process during Elections in Afghanistan**

Under 2001 Bonn Agreement, it was decided to conduct Presidential elections to give Afghanistan stability and giving the country an elected head of the state in form of President replacing interim government. The elections were originally scheduled for June, then delayed until September and then actually happened on 9<sup>th</sup> October 2004. Hamid Karzai won the election with 55.4 percent of the votes and three times more votes than any other candidate. Twelve candidates received less than 1 percent of the vote. It is estimated that more than three-quarters of Afghanistan's nearly 12 million registered voters cast ballots. The election was overseen by the Joint Electoral Management Body, chaired by Zakim Shah and vice-chaired by Ray Kennedy, an American working for the United Nations (Jay 2004).

The voter registration program before the 2004 Presidential elections was implemented as one of the most important steps along the path to the free, fair and credible elections envisaged in the Bonn Agreement (Silva 2004). The voter registration program for the presidential election was intended to assist the development of an inclusive voter registry in Afghanistan. Nevertheless, the condition of the country limits the success of the voter registration program to achieve its objective to the fullest, although the registration drive was successful in registering a very large number of people. With data available for the population of the country outdated, the basic foundation to work on the percentage of eligible voters is debatable to start off with. It is imperative though that a national census be done in getting an estimation on the number of eligible voters in Afghanistan. However, the financial, time, security and cultural constrains made this process unfeasible before the presidential election, allowing the voter registration program to be carried

forward with minimal information on the population and gender of the country. These issues have contributed to a great deal of uncertainty in the Afghan society on the credibility of the electoral process. The lack of confidence in the voter registration process caused some segments of the Afghan society to questioning the credibility of the whole electoral process in future time (ANFREL 2004).

Voter registration for 2005 Wolesi Jirga and the Provincial Council elections took place in three phases. Phase one which started first before 2004 Presidential elections was continued further covering Afghanistan's eight major urban areas. Phase two spread the process to provincial areas and phase three registered people in rural areas which continued until one month before elections. Approximately twelve million voters became eligible to vote for the 249 seat Wolesi Jirga, the lower house of parliament and 34 provincial councils. The voter turnout was approximately 48 percent which was well below previous Presidential elections (UNAMA 2005).

The designated voter registration period for 2009 Presidential elections occurred from 6<sup>th</sup> October 2008 to 2<sup>nd</sup> February 2009. A recorded total of more than 4.5 million Afghans registered to vote during the process, according to a report released by the IEC Afghanistan in March 2009. The difference between men and women who registered was about seven lakhs. However, women still composed about 40 percent of all registered voters. Despite deteriorating security, the Independent Electoral Commission (IEC) launched the first of four phases of voter registration in October 2008 registering one million eligible voters in fourteen provinces in north, northeast, and central Afghanistan.

General elections of 2010 was marred with controversy regarding fake Voter ID cards which were dismissed by the IEC as rumour was a matter of concern regarding genuine voter registration and right to elect representative. The quality of indelible ink acting as marker to prevent multiple voting also remained a concern as numerous complaints from polling booths came regarding multiple voting. According to FEFA's 2009 report on voter registration, between 20 percent and 85 percent of observed centres issued multiple cards to single applicants during different points in the registration process, and one out of every five registrants was under age. Women's registration was generally low nationwide and IEC staff failed to prevent widespread proxy registration by individuals.

## **2.7 Major Challenges**

Growing insecurity in the country mostly in the south and east, poses one of the most serious challenges to a successful election. A series of attacks on UN and aid workers during first two elections of 2004 and 2005 has meant that humanitarian and development work has been suspended across much of the south. Therefore, in every election, voter registration remained behind schedule, sometimes with slow pace and terminating with extended deadline not registering all prospective candidates aspiring to cast ballot (National Democratic Institute 2011).

During 2004 elections, the large national registration campaign was labour intensive and required thousands of local and at least hundred international UN employees to make the programme work. But due to security constraints, the UN has to deploy many international election supervisors that time creating confusion in real time coordination and management of poll affairs. Women's participation in voting has rose over time on different electoral occasions, but it is not satisfactory as expected. Raising awareness in rural pockets to cast ballot and reflect their mandate in national decision making is still an uphill task because of failure on the part of Afghan government to reach every part of the country regarding educating people and invoking electoral awareness. Giving electoral voice to millions of refugees living outside Afghan territory, mostly in neighbouring countries who wants to be a part of poll process is an impossible task till now.

Without suitable identification structure in place and registration process not so expanded to cover every Afghan citizen inland can never dream of including citizens outside territory. Prevention of election frauds and booth rigging cases, proper IT database for centralized voter identification mechanism, disbursement of biometric Voter ID cards to genuine citizens preventing multiple registration, more number of polling booths and poll personnel to cover every area of territory for increased voter participation, proper security arrangements for creating fearless environment for voters to come out of home to cast ballot, spreading awareness among all realizing value of voting and choosing representative for themselves will actualize road towards success for free and fair elections in Afghanistan giving the nation long term stability and democratic firm footing.

### **2.7.1 Taliban Threat to Voters**

According to the Telegraph, “Insurgents in southern Afghanistan told locals that fingers found bearing the indelible ink used to mark voters would be removed. We will know those who cast a vote from the ink, and his finger will be cut off; a commander warned villagers in the south of the country. The Taliban ruling council led by Mullah Omar has called on Afghans to boycott the election, described them as an American sham and told its fighters to block roads to polling stations. The new threat of mutilation appeared to rule out hopes that lower level Taliban leaders would call a temporary ceasefire to allow the voters to go forward without violence” (Telegraph News 2003).

As opined by the Govt. of Afghanistan, “every time an election takes place and violence occurs during the process, there were widespread reports of violence across the country in every poll since 2004 causing many deaths, but every time, the Taliban and other insurgents failed to derail the vote. During 2009 Presidential elections, voters battled bomb threats to cast ballots in the first election since corruption marred the poll booths threatening Hamid Karzai’s second term. The immediate test on the Afghan government’s rule opened to a string of rocket strikes in major cities throughout Afghanistan with the first attack on Kabul before dawn, followed by strikes in several eastern cities. Two civilians were killed within hours of the polls opening. In Nangarhar’s troubled Surkh Rud district, the Taliban blocked two voting centres from opening and patrolled the streets to prevent people from travelling elsewhere to cast their votes” (Channel 4 News 2010).

The threat factor always loomed in the minds of people of Afghanistan. But every time an election was held after much deliberation, postponement and irregularities, the people of the land exhibited exemplary courage and determination. Although not in very large numbers, but women also participated in poll process. Women volunteers during the poll preparedness in some provinces coming forward to assist during 2010 assembly elections astonished international community working there. It reflects the evolved character of common people of Afghanistan who have deeply realized that, casting ballot and electing their true representative is the only means of achieving stability for the nation on the path of democratic framework. It will certainly in turn, change their lives and carve out a new way of living life discarding fear and trauma which they have actualized during long tyrannical rule by Taliban (Telegraph News).



### **2.7.2 Political Parties and their Position**

Article 2 of the Constitution of Afghanistan defines a political party as “an organized society consisting of individuals which undertakes activities for attaining its political objectives, locally and/or nationwide, based on the provisions of this law and its own constitution.” Article 3 describes that, “the political system of the State of Afghanistan is based on the principles of democracy and pluralism of political parties. The constitution also clearly describes safeguards for regulating political parties. Article 6 specifies that,

“Political parties shall not: pursue objectives that are opposed to the principles of the holy religion Islam; use force, or threaten with, or propagate, the use of force; incite to ethnic, racial, religious or regional discrimination; create a real danger to the rights and freedom of individuals or intentionally disrupt public order and security have military organizations or affiliations with armed forces receive funds from foreign sources.”

Political parties are developing slowly in Afghanistan, discouraged by electoral laws and fragmented ethnic politics, but starting to shed their legacy as armed groups. Their newfound legitimacy will face its most serious challenge during the 2014 presidential election and 2015 parliamentary polls, as parties scramble to ensure their place in the new order that will follow the end of President Hamid Karzai’s constitutional mandate. Many obstacles remain, as the outgoing government threatens to revoke the licenses of many, if not all, political parties, and introduce tough regulations on political party activity. The jostling for power could inflict lasting damage on the political system, because the government’s effort to curtail the number of parties, while a popular measure among many Afghans, could shut out moderate political movements and emerging youth organizations, leaving voters with limited choices among only the biggest of the tanzims or former mujahidin parties. For its part, the international community should condition financial assistance on further government efforts to promote multiparty politics (Reliefweb International, Afghanistan 2013).

For their part, the Taliban do not seem prepared to launch a political party. Despite recent announcements to the contrary from ex-Taliban figures and the successful entry of another armed opposition group, Hizb-e Islami, into mainstream politics, the insurgents’

primary mode of political expression in the near future will remain fighting, not party politics. Nor does the opening of a political office in Doha offer any likelihood of a change in Taliban strategy in relation to entering politics. The overall implications for the coming elections of 2014-good or bad-remain unclear (Washington Post News 2013).

### **2.7.3 Third Party Assessment of Elections**

At the request of the Independent Election Commission of Afghanistan (IEC), the United Nations Electoral Affairs Division is currently conducting a Needs Assessment Mission (NAM) in Afghanistan. The 2014-15 elections will be Afghan managed and Afghan led. The IEC requested that in view of the large scale preparations required for elections “it would be valuable if the United Nations Needs Assessment Mission could be undertaken as soon as possible.” The assessment is a UN mechanism to consider the most appropriate forms of UN electoral assistance (UNAMA Press 2012).

According to UNAMA, Independent Election Commission of Afghanistan (IEC) was scrambling for ways to make sure voter registration was fair and transparent and to administer electoral reforms on time. Administering a large national election is a huge task. During the previous presidential as well as national elections, IEC has tried its level best to conduct polls in a free, fair and efficient manner (UNAMA 2013). IEC opines that, “It was putting in place certain measures to prevent fraud. Codes of conduct are being developed for government employees and for security forces. It wants to make sure that the government’s resources are not used to favour any candidate and that government employees will fully comply with the rules of the IEC during the elections. To prevent fraud, votes will be counted at the polling station in the presence of representatives from political parties, civil society and the media” (UNAMA 2013).

The National Democratic Institute (NDI) arrived in Afghanistan in early 2002 and has conducted programs to promote the participation of Afghan civic groups, political parties, women, and government bodies in the country’s political and electoral processes.(NDI 2002). According to its observations, Afghanistan’s 2009 and 2010, presidential and provincial council elections and parliamentary polls were marked by widespread fraud, doubts about the independence of election authorities, a defective voter registration process and barriers to women’s participation. Domestic and international observers have

said these problems must be addressed to build greater confidence in the integrity of Afghan elections. In an assessment event organized in Kabul in September 2012 organized by the Free and Fair Elections Foundation of Afghanistan (FEFA) in partnership with NDI, the participants developed a concrete plan to advance key reforms in electoral process of Afghanistan. These included:

- Protecting the independence of the electoral management bodies – the Independent Electoral Commission, the Electoral Complaints Commission and the Candidate Vetting Commission;
- Ensuring transparency in the conduct of these electoral management bodies, with the aim of enhancing public trust and ensuring justice;
- Promoting political parties to nominate qualified male and female candidates, and prosecute in transparent reporting of campaign contributions and expenses, and public and comprehensive reporting of the performance of elected representatives;
- Developing a new identification system based on a national census and identify fake voter ID cards;
- Conducting several elections simultaneously,
- Introducing a collaborative tracking system that will show the progress of the preparations, execution and evaluation of elections as well as the performance of the election management bodies, elected institutions and key political actors; and
- The election law to improve electoral transparency and amending articles.

The group also requested to the international actors to continue supporting Afghan efforts to promote believable elections, especially in the areas of financial accountability, broad and inclusive political participation by voters across Afghanistan, and the political empowerment of women, minorities and persons with disabilities.

#### **2.7.4 Response of People, Representatives & International Players**

The United Nations mission in Afghanistan has welcomed the approval of a law regulating the structure and responsibilities of the country's electoral management bodies, calling it a key step for ensuring credible presidential and provincial council polls next year. In a news release, the UN Assistance Mission in Afghanistan (UNAMA) urged the

rapid presidential endorsement and enactment of the law that was approved by the National Assembly, as well as its speedy implementation, specifically the appointment of the senior officials of the Independent Election Commission (IEC). “The establishment of the electoral dispute resolution mechanism is also crucial for ensuring transparent, credible and inclusive elections,” the Mission added. Next year will see Afghanistan hold a presidential election, slated for 5 April, as well as the withdrawal of the majority of allied international military forces, with national forces assuming full responsibility for security throughout the country. Top UN officials have highlighted the importance of the 2014 polls, stressing the need to ensure that they are free and fair and enjoy wide participation.

UNAMA reiterated its strong support for holding both the presidential and provincial council elections on time and in accordance with the Afghan Constitution. In that regard, the National Assembly's approval of the law regulating the structure and responsibilities of the electoral management bodies is “a key step toward establishing a robust electoral architecture for the 2014 polls,” it stated. The Mission added that it looked forward to the Assembly continuing its efforts to finalize the Electoral Law, which defines the legal framework of Afghanistan's electoral processes and ensures the full legal participation of all Afghans. “UNAMA strongly urges that this is done before the legislature takes its recess,” it stressed (UN News Centre 2013).

According to Michael Rubin discussing the role of US in Afghanistan for forthcoming elections and involvement in internal processes,

“Frankly, anything may be too late. Our original sin was imposing a system on Afghanistan with so much power vested in the president. Not only was that system unnatural in Afghan affairs, but also throughout Afghan history, there is a direct correlation between insurgency and the speed of reform. More important, is President Obama’s timeline. No matter what the merits of an electoral plan, so long as an artificial timeline to withdraw hangs over Afghanistan, then American influence rests on quicksand. It’s not even clear that Afghanistan has the resources to hold elections, nor that donors are willing to pony up the several hundred million dollars to make it possible. The

pressure must be for an empowerment of the parliament and local officials at the expense of the president” (Rubin 2012).

Subscribing the opinion of International Committee of the Fourth International (ICFI) which criticized the US stand after 2009 presidential elections, it clearly states that, despite of mass corruption and irregularities in the poll process, it is unfortunate on the part of US government to laud the process and its result. It is against democratic value establishment and norms. European Union observations also criticized mass scale corruption and irregularity during previous two elections of 2009 and 2010. Therefore, the role of IEC now becomes more vital and focal point of external observation. According to an analysis by Royal United Service Institute (RUSI), an independent think tank on Defence and Security there should be no illusions that large-scale fraud took place. Despite of criticism by several countries and stake holders, Afghanistan was able to conduct elections which brought out a result paving way for democratic goal achievement although minimal in appreciation, but it could be considered as a landmark journey for future endeavours for the shaky state in making.

## **2.8 Upcoming Challenges- 2014**

The political transition in 2014 is going to be an epoch making historical event with long term political, security and development ramifications for the country. It will not only bring a new face to presidential palace in Kabul, it will also be a test for a decade long democracy and will determine the future course of politics and governance in the country. Political leaders in Afghanistan have the role to prepare for elections and to ensure a peaceful transfer of presidential power. In addition, many of the basic functions, particularly with regard to elections, should be finished long ago. Failure of either already considered highly corrupt public office shakes confidence in the system causing a blow to prospects. The international community must mobilize their last best chance to get out. All stakeholders of the rule of law know that stability is the most important ingredient in the recipe that needs to be understood. Many of the political elite that is likely to see the problem from this perspective. President Karzai's top priority is having his say directly or through a trusted proxy controls (ICG Asia Report 2012).

Therefore, the objectivity of the international community this time around in the political process is crucial for a successful political transition. The state cannot run away from the truth that the international community in Afghanistan is also divided on the shape and type of future government to come in Afghanistan and each troops contributing country has its own way of looking at the happenings in the country. A unity of vision by all players is indispensable for a successful political transition that will save the decade long investments and sacrifices made by Afghans and the international community for peace and democracy. A unity of vision by all players is indispensable for a successful political transition that will save the decade long investments and sacrifices made by Afghans and the international community for peace and democracy (Saber 2012).

## **2.9 Summary**

The history of the state bears witness to bloody political transitions and transfers of power from one person to the next and from one regime to another. Afghanistan has seldom experienced peaceful political transitions. And it has never been democratic. This will be the first time Afghanistan will go through, hopefully, a political transition that is democratically conditioned. Being a tribal democracy, gender and minority concerns always loomed it which needs to be addressed promptly in near future. Furthermore, the transfer of power to a next president at this historical juncture is important for other reasons too. Satisfying norms of Bonn accord and extracting lessons from previous constitutional framework will also help the country to meet with ethnic challenges. Afghanistan is going through very hard times and cannot stand and afford a failed political transition, particularly, when all Afghans have pinned their hopes for future peace and stability to it. Hence, the role of international players like UNAMA and ISAF becomes crucial at this time of turbulence. IEC has to be more pragmatic in its approach to reform electoral mechanism and all political parties must come forward bearing in mind collective progress of the country with better coordination and cooperation among themselves.

A successful and peaceful transfer of power to the next president in 2014 will depend on three main factors: The government, the opposition parties and the international community. Response of people and how they feel and assess the ongoing changes must

also be taken care of with due regard. Experiences from all four previous elections and lessons learnt from the mistakes should be eliminated in due course of time for a stronger electoral process, platform and outcome. The dilemma regarding SNTV and the new mixed parallel system proposal by IEC in June 2012 must be discussed properly before implementing involving all stakeholders for a better electoral reformed mechanism. Finally, hope for progress much reach above security concerns and collective blueprint of progress by own sustainable mechanism reducing reliability and dependence on external role players can enrich the state of Afghanistan with an everlasting democratic canopy of fulfilment.

# *CHAPTER THREE*

## *POST BONN STATE-BUILDING IN AFGHANISTAN*



## CHAPTER - 3

### POST BONN STATE - BUILDING IN AFGHANISTAN

#### **3.1 Introduction**

Since, the U.S. intervened Afghanistan in late 2001. Afghan citizens and members of the global community have been grappling with the question of how to build a state that can fill the empty space created by decades of conflict and violence (Belloni 2005). The Bonn Agreement is only a primary source to step towards a postwar order. Important decisions regarding power sharing in the political and military arena will have to be taken as part of the transitional and peace-building process 'post-conflict' phase. Three issues are related to this such as reconstructing national authority; to establish security and reforming the structure of economic and humanitarian assistance (Kawano & McGuire 2004). As a set of transitional reconstruction activities undertaken in a postwar phase, designed to lay the foundation for longer-term developments such as democratization, economic development and social justice (Suhrke et al. 2002: 876, 884).

The Bonn agreement excluded the defeated party, the Taliban, while seeking to commit the remaining groups to a long-term and loosely defined peace process. With Afghan regionally based political-military groups defined largely along ethnic lines, and closely linked to external powers, rebuilding national authority obviously was a slow and conflictual process. Rebuilding the coercive capacity of the state was essential to overcome strong centrifugal tendencies, yet must be timed so as not to get ahead of the restoration of legitimate political authority. International assistance was vital in supporting the political recovery by being conscious of the need to neutralise the 'spoilers' of the peace process (Suhrke, Harpviken & Strand 2002: 875). To promote this kind of transition and promote Afghan influence in the peace-building process, the international aid community has the task to fundamentally reorient the strategies and methods of past involvement in the country, the indispensable objective at that time. (Roberto Belloni 2005).

### 3.2 State Failure and State Building

Afghanistan became fail state because they are convulsed by internal violence. It can no longer deliver positive political goods to their inhabitants. Their governments lose rules and regulation and the nature of Afghanistan itself becomes illegitimate in the eyes and in the hearts of a growing plurality of its citizens. The rise and fall of nation-states is not new. In a modern era, when national states constitute the building blocks of legitimate world order the violent disintegration and palpable weakness of selected African, Asian, Oceanic, and Latin American states. It threatens the very foundation of that system. Therefore, International organizations and big powers find themselves sucked disconcertingly into a maelstrom of anomic internal conflict and messy humanitarian relief. Desirable international norms such as stability and predictability thus become difficult to achieve when so many of the globe's newer nation-states waver precariously between weakness and failure, with some truly failing, or even collapsing. In a time of terror, moreover, appreciating the nature of and responding to the dynamics of nation-state failure have become central to critical policy debates. How best to strengthen weak states and prevent state failure are among the urgent questions of the twenty-first century (Rotberg 2003:1).

At the end of 2001, Afghanistan was destroyed. When going to evaluate the progress in terms of building a democratic Afghanistan, we must understand the situation Afghanistan and the international community faced in 2001. The series of civil conflicts meant that some data of social and economic indicators, such as estimates of population, percentage of different ethnic groups, and urban versus rural distribution in Afghanistan, dated from the 1970s. Despite the lack of explicit data, it was understandable that rebuilding Afghanistan would entail rebuilding virtually every aspect of life. The situation was critically drastic with respect to survival of a democratic structure. Afghanistan was/is one of the poorest countries in the world. Furthermore, the estimated population of Afghanistan was about 22.5 million in which nearly four million were living outside the country at the end of 2001. Moreover, social indicators were among the lowest survival rates in the world such as a life expectancy of forty-three years in 2000, to a child

mortality rate of one-in-four in 2001. Additionally, the large-scale devastation of the country, years of being a failed state meant that the most immediate need was that of establishing a functioning central government.

**Table -1**

**Social and Economic Indicators for Afghanistan around 2001 versus Latest Available Figures <sup>2</sup>**

GDP per capita in US\$ (1999 vs. 2006)	178	319
Afghan refugees living outside the country (9/2001)	3,695,000	–
Internally displaced people (12/2001 vs. 12/2007)	1,200,000	153,718
Percentage of population with access to drinking water, though not necessarily “safe” drinking water (2002)	13	–
Adult literacy rate (2000-2005; same data)	28	28
Net primary school enrollment rates (2000-2006)	–	53%
Life expectancy in years at birth (2000 vs.2005)	43 years	44 years
Infant mortality rate per 1,000 live births (2001 vs. 2006)	165	157
Child mortality rate per 1,000 children aged 1-5 years (2001 vs. 2005)	257	235
Maternal mortality rate per 1,000 births (2001 vs. 2007)	16	16

While the fear of secession does not appear to have been shared by most Afghans, it was a concern that drove the international community’s sense of urgency in helping to establish a legitimate central government in Afghanistan. As it would turn out, secession was not the bottom line of the problem in building a democratic state in Afghanistan. What will determine the success or failure of state-building in Afghanistan is the quality of its state institutions. A state without effective institutions that cannot deliver basic security and fundamental social and economic services to its citizens in the medium term of five to ten

<sup>2</sup> Source: United Nations data, as cited in “Afghanistan Fact Sheet #1: Basic Information and Key Indicators,” <http://cesr.org/filestore2/download/435/Afghanistan%20Fact%20Sheet%201.pdf> [Online web] Accessed 10 July 2013, URL: United Nations Refugee Agency (UNHCR) data, [http://www.humansecuritygateway.info/documents/UNHCR\\_AtAGlance\\_June2008.pdf](http://www.humansecuritygateway.info/documents/UNHCR_AtAGlance_June2008.pdf) (accessed July 10, 2008); and United Nations Statistics, various social and economic statistics,[Online web] Accessed 10 June 2008, URL: <http://unstats.un.org/unsd/default.htm>.

years after the formation of the new state is unlikely to succeed in the longer term (Mullen 2008: 60, 61).

### **3.2.1 Internal and External Challenges for State Survival**

Failing and failed states must be understood from a two-level game perspective. Their domestic conditions shape their international behavior, and their international circumstances exacerbate their internal failings which decide the fate of state survival. At the secondary level, established states and failing/failed states engage in different functions. Established states are focused on state expansion activities, while failing and failed states are attempting to undergo the process of state-building. The Afghan case which is considered here, the problems are not going to be solved or mitigated overnight. It needs strategy and its effective implementation along with finding a proper balance between external and internal challenges threatening state survival. Progressive path of the state then only can be properly demarcated and democratic values could be nurtured to give it a mechanism of stability.

Considering the political structure of the country, it had never a strong central government. This flux of bare thread is the most critical aspect of internal challenge for state survival in Afghanistan. Along with this, revival of Taliban in recent times and frequent activities of violence poses threat for peace process and breaks down confidence of both government and citizens. International pressure on Afghanistan to set up a negotiation table with this rebel group is a difficult task to actualize and yielding a result of peaceful negotiation before much anticipated 2014 transition is like a fire ball to digest for Afghan government.

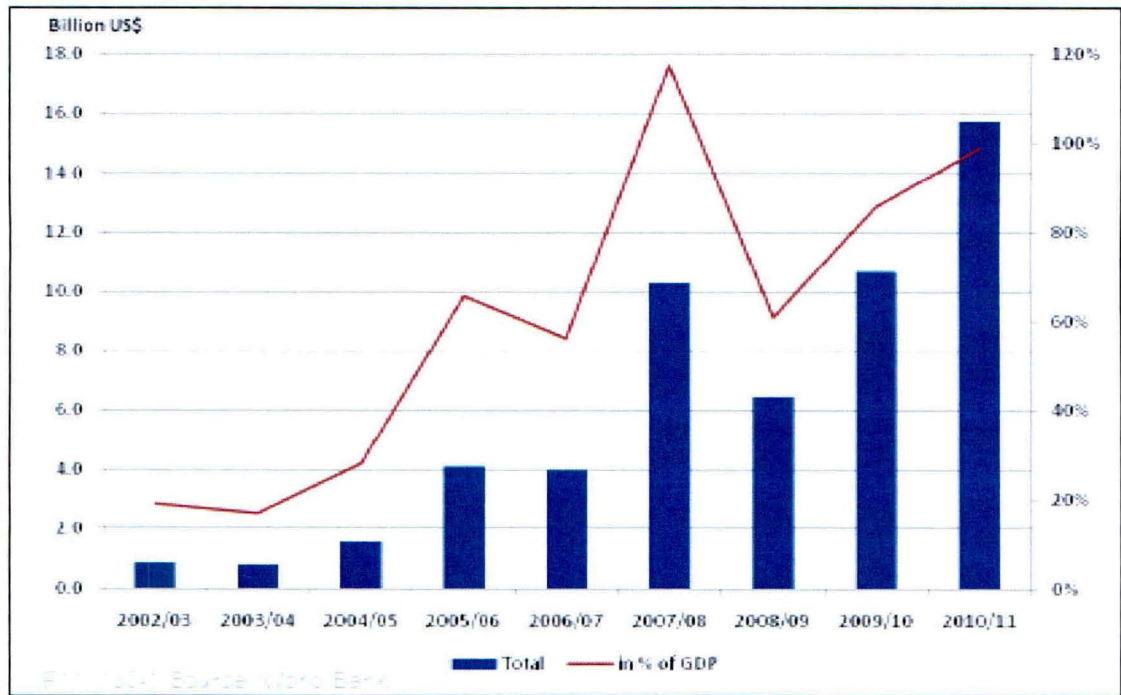
### **3.2.2 Financial Challenges before the State**

Afghanistan's economic problems and the mechanism for its stability is a task which no economist of the world can presume, calculate and dare to solve. Afghanistan is able to fund only 18 percent of its government's expenses from its own revenues that was the lowest rate in the world.

As the following World Bank chart shows, aid to Afghanistan exceeded the country's GDP. Only the West Bank, Gaza, and Liberia are equally aid-dependent. The government has been unable to generate enough revenue to cover more than a fraction of its budget.

Figure- 1

Afghanistan's Dependence on External Aid <sup>3</sup>



According to Transparency International, Afghanistan is the most corrupt country in the world. The external countries donated at least \$1 billion over the past eight years that has been siphoned off. Considering the policy framework for economic sustainability in Afghanistan, economics intersects with strategy in three ways such as first, alternative options for earning a living are an indispensable element in reducing the dominance of narcotics in the country's economy; second, twelve years after the fall of the Taliban, development aid is still one of the major assets the central government possesses. So, economic development around the country is running according to one of the Karzai government's principal ways of establishing its credibility. This was recognized in the February 2006 decision to establish a Joint Coordination and Monitoring Board (JCMB) composed of Afghan and international officials to monitor and manage how foreign aid is

<sup>3</sup> Source: World Bank Aid Review Report; 2011

utilized. Third, the scarcity of good roads and infrastructural deficiency of major state institutions along with the limited authority of the Karzai government outside Kabul significantly inhibit the country's economic development (The New York Times 2012). Ultimately, Afghanistan has to detach itself from its donors. Indigenous businesses are growing, and there is even greater potential. Afghanistan has significant mineral deposits.

### **3.2.3 Security Challenges Confronted by Afghanistan**

Inadequate security provision on the part of government is a challenge which often hinders development and reconstruction activities. With growing insecurity throughout Afghanistan, it happened due to the weakness of the government's security institutions. It creates problem for this country. The Afghan National Army (ANA) is the strongest of these institutions which finds itself incapable dealing with emergency situations. The United States, Britain, and France have had the primary roles in training the army. Moreover, they have established it on a nationally integrated basis so that units are ethnically mixed. But their phased withdrawal and transfer of capacity to ANA before their well preparedness will pose a fatal threat for internal security of the country. Presence of ISAF and NATO forces and their declining numbers also poses security threat for the state as its own defense and security mechanism is still at a half learned stage. It is evolving out for threat situations, but not competent enough to predict or control emergency and violent circumstances. The issues that matter more with regard to Afghan National Security Force (ANSF) is its quality, capability, and the organizational structure. The primary problem of the ANSF is the lack of resources (Radin 2012).

Overcoming Afghanistan's long history as a regional power vacuum and source of destabilization and insecurity in Central Asia must be a top priority for all international actors including UN and United States along with its allies. Afghanistan ruler makes diplomatic engagement with all of the region's key powers, including Russia, China, India, Pakistan, and Iran. Iran must be pursued by the central administration to avoid long term security concerns. While South Asia does not possess the critical energy resources of the Middle East, leading many policymakers to gloss over its importance, Afghanistan

and Pakistan's position as a nexus of regional instability for multiple, critical regional and potentially world powers requires a serious long term effort toward a more sustainable security foundation. (Korb et al. 2009)

### **3.2.4 State Building as an International Agenda**

After three decades of violent conflict, Afghanistan is faced with the dual imperatives to promote sustainable human development and build effective governance. An analysis of the development priorities identified by ordinary Afghans reveals the crucial importance of governance in all facets of the development agenda. The ability of government to ensure security, its effectiveness in delivering essential public goods and services, and the quality of administrative processes, specifically the control of corruption in public administration is clearly linked to citizen's perceptions of the performance of government, and their confidence in public institutions (Ruparelia & Rennie 2008). The importance and vital role play of international actors performing and supporting development of the state defining state building measures for the future are indispensable and praise worthy. As an international agenda, state building and its real time progress could be measured and assessed in absolute terms by analyzing involvement and interest of international actors. In recent years, scholars and practitioners in the international development community are expecting results from Afghanistan National Development Strategy (ANDS) which defines the principles of good governance to include openness, participation, accountability, usefulness and effectiveness, coherence, consensus, finance and inclusiveness, rule of law and gender justice. It also sets out the Afghan Government's commitment to establish and strengthen government institutions at the central and sub-national levels to ensure that they operate according to these principles (ANDS 2008).

Afghanistan has many international actors with differing mandates, resources, and incentives. Coordination of international actors is critically important for successful counterinsurgency, stabilization, and development in Afghanistan. Among Multilateral Organizations assisting Afghanistan, the prominent one is UNAMA which has the mandate to coordinate the international efforts in Afghanistan with NATO-ISAF forces. Approximately 6,000 UN employees are in Afghanistan coordinating different

development and assessing security situations. Several other UN Agencies are also working in Afghanistan supporting several state building measures.

World Bank has committed \$707 million funding every year to Afghanistan till 2015. International Monetary Fund has synchronized \$1.6 billion in debt relief for 2010 and 2011 financial years to the country. Asian Development Bank is committed to assist over \$1.8 billion every year to the country since 2002 till 2015. International Labour Organization is coordinating several projects with Ministry of Labour and Social Affairs of Afghanistan. United States Military was responsible for Operation Enduring Freedom (OEF) eliminating Taliban forces from the country. It is working separately from the NATO-ISAF operations in Afghanistan. It focused on counterterrorism operations and it reports to Central Command (CENTCOM). It has approximately 22,000 troop presence in the country. NATO International Stabilization Assistance Force (ISAF) was mandated by the UN in 2001 is working for providing security as well as designs security strategy for the state. NATO took command of ISAF in August 2003 and working for peace making in the state since then. Oversees Provincial Reconstruction Teams operated by NATO unit's assists security operations and provides security to major governmental establishments of Afghanistan. India also has played a major role in the reconstruction of Afghanistan pledging assistance worth US\$.1.2 billion. Indian assistance covers four broad areas namely humanitarian assistance, major infrastructure projects, small and community based development projects and education and capacity development initiatives.<sup>4</sup>

### **3.2.5 Conflict Management and Complexity Involved in Afghan Case**

Criticism of the Afghan government and the Afghan military as being corrupt and incompetent is a vital political complexity the country is struggling with. Mismanagement of International funding is a much debated area which needs a programmed fix. Some units of governance and public administration have been effective, but it is well known that the Taliban created a program designed to penetrate post-Taliban institutions shortly

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<sup>4</sup> Source: External Publication Division; Ministry of External Affairs, Govt. of India; Report on "India and Afghanistan: A Development Partnership"; 2011.



after those institutions were created. At the most senior level, the Taliban paid, through family members, substantial sums to buy the loyalties of individuals (Forbes Post 2013). When the head of state is called a tainted leader, then the future of the country seems bleak. On the other front, there was a significant enlistment of Taliban sympathizers into the incipient Afghan military. This trend was less formal but even more effective. Soon there were Taliban supporters at several levels of the military, something everyone realized during the wave of unexpected assassinations of NATO personnel by people believed to be loyal to the regime. These are what came to be called *green-on-blue attacks* (Miller 2012).

In a civil war, the viability of the government is not a function of ideas such as legitimacy or international recognition. It is a function of your ability to reliably assert your presence in regions. There are tribes and other groups in Afghanistan that have a high degree of coherence. It is these entities, not the Afghan government - that can and will challenge the Taliban. There are a few possible outcomes, including total fragmentation, but the creation of a sustainable national government by the Karzai regime isn't one of them. Assembling and unity of thought of every tribal leader is till now, an impossible dream for the central administration of the country. Ethnic unity is a must for long term peace process for the nation, but both ways, the roadmap and current strategy - are wide confusing and incoherent. On the security dilemma, international legitimacy and U.S. recognition are of secondary importance to everyone. What matters is the military reality on the ground. Karzai does not have a reliable force, and soon there will be virtually no U.S. presence in the country. The Karzai regime's fate is sealed. What may be open is the degree to which the Taliban control the country after the U.S. exit, and whether the pretense that there is such a thing as a Karzai government is maintained (Forrester 2010). Strategic adjustment not seemingly in the near view, the situation is not going to improve dramatically in favour of peace reigning over the territory.

Other challenges involve inability of the state to generate its own fund resources for budgeting and operational functioning of central as well as provincial administration. Gloomy security situation often hinders humanitarian work supported by several

international actors is a worry for the government. Conducting a free and fair presidential election in 2014 followed by parliamentary and provincial elections in 2015 after crucial transition of power and US withdrawal projected next year are complex situations to be handled in a very short and compact frame of time. Above all, finding a suitable head of the state who can win over aspirations of every diverse individual of Afghanistan, irrespective of ethnic and tribal disparity is a tough task ahead. Relations with neighbours, much importantly with Pakistan who shares maximum border with the state and contains porous regions for infiltration very far from the control of Kabul is a complex scenario of the Afghan case. Coordination between central and provincial government is also a fractured area for the administrative mechanism of the state. Agricultural dependence on Opium cultivation and bearing the bad reputation of narcotic inspiration centre, along with alarmingly increasing number of youth of the country becoming drug addicts is a complex challenge for the country. Women's participation in democratic process and their below par educational standard remains a fault zone for national planning objectives.

### **3.3 Bonn Agreement and the Birth of Afghan State**

The Taliban regime completed the process of national disintegration during their reign over the Afghan state till 2001. Post 9/11 Operation Enduring Freedom brought in a new regime, with those who had contributed towards the ouster of the Taliban regime faced with the daunting challenge of reconstructing a failed nation-State. In December 2001, a group of prominent Afghans and world leaders met in Bonn, Germany under United Nation auspices to design an ambitious agenda that would guide Afghanistan towards "national reconciliation, a lasting peace, stability, and respect for human rights", culminating in the establishment of a fully representative government. The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, more commonly known as the Bonn Agreement, therefore, was the first of a series of agreements designed to re-build the state of Afghanistan (Bonn Agreement 2001).

The Bonn Agreement has provided the basis for the foundation of many political and civil institutions in Afghanistan through commissions. This Commission is Constitutional

Commission which was established to draft a new constitution in consultation with the public. Furthermore, other important Commissions include the Afghan Independent Human Rights Commission, the Counter-Narcotics Directorate, and the Judicial Commission. The Judicial Commission provided the framework for the establishment of the legal system of Afghanistan. Under the Bonn Agreement the Afghan Constitutional Commission was set up to draft a new constitution in consultation with the public. The Bonn Agreement called for a Loya Jirga to be convened within 18 months of the establishment of the Transitional Authority and for the use of the 1964 constitution as the basis for a new constitution. The constitution had been adopted by the Loya Jirga on January 4, 2004 (UN Peacemaker 2011).

### **3.3.1 Institutional Arrangements**

Institutional arrangements are the policies, systems, and processes that organizations or states use to legislate, plan and manage their activities efficiently and to effectively coordinate with others in order to fulfill their mandate and to serve citizens fulfilling state objectives in a timely efficient manner (UNDP 2012). According to the Bonn Accord, “an Interim Authority shall be set up upon the official transfer of power on 22 December 2001. Upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect. An Emergency Loya Jirga shall be convened within six months of the establishment of the Interim Authority. The Interim Authority shall cease to exist once the Transitional Authority has been established by the Emergency Loya Jirga. A Constitutional Loya Jirga shall be convened within eighteen months of the establishment of the Transitional Authority, in order to adopt a new constitution for Afghanistan.

In order to assist the Constitutional Loya Jirga prepares the proposed Constitution within two months of its commencement and with the assistance of the United Nations. The Transitional Administration shall establish a Constitutional Commission. On an interim basis, the legal framework and judicial system, the constitution of 1964 will be effective. It provided that the Interim Authority shall have the power to repeal or amend those laws

and regulations. The judicial power of Afghanistan shall be independent and shall be vested in a Supreme Court of Afghanistan. While other courts as may be established by the Interim Administration. The Interim Administration shall establish with the assistance of the United Nations. It shall set up a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions. The composition of interim administration was also clearly defined in the Bonn Agreement.

### **3.3.2 National Coalition of Ethnic Forces**

The Afghan society is based on tribal and is divided into tribes, sub tribes, clans, and families. Throughout the history, these tribes and sub tribes have been at odds in a hostile nature with each other and competing for power. This is the reason; Afghans have been at war and few times of peace can be found. The unstable balance of power always took the driver's seat in the journey of Afghan state which had previously favored Afghanistan's dominant ethnic group like the Pashtuns. Traditionally, the Pashtuns dominated Afghanistan's armed forces and they were well armed. In the recent past other ethnic groups such as the Tajiks, the Uzbeks, and the Hazaras armed themselves and developed well-organized groups. At the same time the Pashtuns became politically fragmented following the emergence of several Pashtun resistance groups to fight against the Soviets. It was supported to the formation of the Taliban that united the Pashtuns to some extent under the leadership of Mullah Mohammad Umar (Farooqi 2009).

In the 1990's the warlords had military strength but now they also have financial power and control over the political system as well as the resources of Afghanistan; they are now more powerful and dominant than before which is creating fraction inside the social spectrum of the country. Afghanistan's problem is to find an acceptable balance between the interests of all competitive ethnic and tribal communities. Internal ethnic power politics will continue in future and will never end, but a balanced approach is required for all stakeholders. The government and the allied forces have to engage the Taliban and

other opposition forces in a peace process. The role and participation of Tajiks, Uzbeks, Hazaras and Pashtuns has to be decided in a balanced way (Stanekzai 2008).

### **3.3.3 Peace as an Important Constituent of State Structure**

A state for its survival and its structural functioning needs protection from insurgency, external fear and rebellions. It is always a fact that, state has relied on its peace agenda more than security arrangement and defense procurement. They may be synonymous in some respects. But in the case of Afghanistan, peace is always a mired dream which is short lived from its very origin. Along with it, it has always become a play ground for external insurgency, intervention and unwanted enforcement of outward pressure groups. Its state structure has always relied on peace building measures, but obtained in return a little success.

To give sufficient capacity to state structure for yielding results in form of peace, according to Sima Samar<sup>5</sup>, “for the internal machinery of Afghan government to function, we need social peace, rather than a political agreement. During the past decades the culture of war has deeply entered into our mindset. We need to bring peace into ourselves, into our families, our groups and local communities. The lack of mutual trust eroded social bonds, and we need to recover that trust and those bonds” (Battiston 2012).

All of the political, state-building, reconstruction and development work in Afghanistan can be considered as peace building work. Political peace building is concerned with high-level political or diplomatic arrangements. It frequently brings conflict to an end or to prevent an impending conflict. Structural peace building focuses on creating structures, institutions, and systems that support a peace culture. Additionally, it often involves promotion of more equitable and participatory systems of governance. Social peace building seeks to influence attitudes, behaviors, and values by creating a social

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<sup>5</sup> Sima Samar is a well known woman's and human rights advocate, activist and a social worker within national and international forums, who served as Minister of Women's Affairs of Afghanistan from December 2001 to 2003. She now heads the Afghanistan Independent Human Rights Commission (AIHRC).

infrastructure or fabric which promotes peace. However, in practically different forms of peace building are often connected and overlapping in form and effect, and all seek to strengthen the prospects for peace, and decrease the likelihood of violence (Waldman 2008). Reduction of violence is not the only means to achieve peace. It sometimes must be coupled with internal social cohesion, which is very much pragmatic for the Afghan case in particular. Therefore, peacemaking and making it ever lasting for Afghanistan needs participation along with strategy for the state structure to perform best in adverse circumstances with effective pace and stability.

### **3.3.4 Security as a Perpetual Condition of Statehood**

Security situation inside a territory always defines the efficiency and reach of governance upto the level of people. When normal citizen of any state feels unsafe about his life & property, then the strong obligation of statehood becomes ruptured. In case of Afghanistan also, as the state is progressing towards achieving status of an evolving democracy, security as a perpetual condition of state establishment often hinders in the path of progress. Most wars end through negotiated peace agreements, not military victory (Human Security Group 2006). The pursuit of a negotiated settlement would be the best option for achieving durable peace and bringing stability and security to Afghanistan. A peace process would lower the levels of armed conflict and save thousands of lives. It could reduce the appeal of militancy and further weaken the diminishing Al Qaeda influence in the region. However, for a peace process to succeed, it must be comprehensive and inclusive, with strong international sponsorship. Peace processes are most successful when they help to create economic and social opportunity and establish more accountable governance and security institutions (Doyle & Sambanis 2006). Then only security as a perpetual condition of statehood will get a positive thrust to drive the state on the path of achieving its goals and will provide peaceful co existential ambience for its natives.

### **3.3.5 Afghan State in Post -Bonn Period**

The Bonn Accord was signed on 5 December, 2001 by representatives of several different anti-Taliban factions and political groups. It established a roadmap and timetable for establishing peace and security, reconstructing the country, reestablishing some key institutions, and protecting human rights. The accord contains provisions addressing military disbandment and integration, international peacekeeping and human rights monitoring. Just one year after the Bonn Accord was signed; Human Rights Watch took a survey of the situation in Afghanistan. According to it, Afghanistan sustained to face serious obstacles in protecting human rights and establishing basic security inside the territory. The Bonn Accord still personified Afghanistan's best chance for putting an end to chronic instability, violence and a history of massive human rights abuses. Yet many of the accord's promises have not been fulfilled in the last year. The international community has missed several good opportunities to sideline local military rulers and to better promote security and the protection of human rights. It described in detail regarding the situation prevailing in Afghanistan and the conclusion found several of the expectations after Bonn Agreement was signed have not even initiated, let apart the progress.

Post Bonn period till 2013, Afghanistan went through many phases. Security situation always remained the prime focus of attention as it prevented peace and humanitarian operations. Twelve years into the efforts to build a peaceful and democratic Afghanistan, the Afghan state remains a fragile one, and important challenges remain for both the international community and the Afghan state. There is a dangerous nexus of rising insecurity, a growing narcotics economy, corruption, capacity problems in government agencies that highlight legitimacy concerns, and low socioeconomic indicators derived from the weakness of political institutions. The state-building endeavor in Afghanistan holds several lessons from the past years both for the future of the democratic state of Afghanistan and for other countries emerging from conflict. Moreover, there is also a trade-off between the short-term need to build the legitimacy of a state that is emerging from conflict, and the need to ensure the democratic depth of its institutions in order to enable long-term legitimacy of the new government and political system. In the case of

Afghanistan, the push to adhere to the timetable for democratic development laid out in the Bonn Agreement came at the expense of having elected local, provincial, and parliamentary officials of unsavory backgrounds, which, in turn, has weakened the longer-term legitimacy of Afghanistan's new democratic institutions ( Mullen 2008:55, 83). The developments Post Bonn agreement are to be considered as threshold before becoming a legitimate democracy and Afghanistan has a very long thorny way ahead to achieve that coveted status.

### **3.4 Nationalism and its Role in State Building**

Nationalism for a constructive state building is embodied in the attempt to assimilate or incorporate culturally distinctive territories in a given state. Consequently, the conscious efforts of central rulers make a multicultural population culturally homogeneous. Since the rationale for state-building nationalism is often geopolitical - to secure borders from real or potential rivals - this kind of nationalism tends to be culturally inclusive (Talbot 1992:3, 4, 11, 19, 42). However, much less liberal means of skinning a culturally homogeneous form have been resorted to in history. The feelings of patriotism for own nation in this regard has much prominence. It is the desire to raise the prestige and power of one's own nation state relative to rivals in the international system - is often considered to be nationalistic, the present definition rules this usage out. Patriotism is no form of nationalism at all, for here the boundaries of the nation and governance unit are already congruent. This limitation is not, however, very damaging (Hechter 2000: 15-17).

Two decades of destruction from warfare in Afghanistan have been compounded by the failure of rival leaders to create any stable form of government. What fragile unity the country used to have before the civil war began in 1978 has been steadily eroded. At this time also, twelve years after the ouster of Taliban forces and genuine political establishments ruling and driving the national steer, fraction on nationalism aspects still creates divide. The president sometimes is also blamed for inclining towards his own clan (Hyman 2002). Ethnic, tribal, and sectarian divisions have worsened since long and present moment is also struggling to tie both ends for a peaceful coexistence. Talks are



failing and strategies are breaking which is further deteriorating the political sphere of the state unable to find a peaceful conclusion for its progressive path ahead.

### **3.4.1 Understanding Afghan Nationalism**

Considering Afghanistan in this context, neo-colonial domination of it by Britain, and later by the USSR, went in tandem with a form of internal colonialism by a Pashtun ruling class over the country's many ethnic minorities: Tajiks, Uzbeks, Hazaras, Turkmen, Aimaqs, Nuristanis, Baluchis, and others. The process of "nation building under conditions of independence" continues at the present time, with inter-ethnic relations fundamentally altered by the changes in power relations brought about during warfare since 1978. Some specific features of the development of nationalism in Afghanistan have contributed to the present crisis. It is also responsible for instability despite of internal as well as external agents try for shaping the state into a peaceful democratic entity (Schadl 2007). The reliance on kinship rather than nationalism is seen by writer Anthony Hyman, who believes a view of Afghanistan, must take into consideration the variety of ethnicities as the reason for why any sense of nationalism is "weak and underdeveloped" Hyman argues that nationalistic feelings are mainly found in urban centers, espoused by Westernized elites. Given the argument that nationalism is a Western invention, this greater intensity in those areas more affected by Western influence makes sense. Hyman sees a reaction to this gap on the part of those rural populations who felt disempowered by modernizing Kabulis, through their support for the Taliban movement in the mid 1990s (Hyman 2002: 299). This reaction raises questions about the validity of Afghan nationalism if the majority of the population reacts against the external influences that encourage the concept.

Regarding the positive developments of nationalism which can act as an asset for state building, it was expected that, the conditions will improve in the state with the U.S.-orchestrated fall of the Taliban in late 2001. But this has not been the case till now (Riphenburg 2004). With technological modernization, change is slow to come to areas outside Kabul, where 80 percent of the population lives. In case of women, where once

they confronted the extremities of the Taliban, now they face gender violence and a continuation of the earlier patriarchal traditions. In the modern day Afghanistan, the national or patriotic idea remained very weak and undeveloped, altogether lacking appeal or influence except in a small and unrepresentative educated urban, literate class whose members were often in important respects holding office and culturally cut off from the mass of the rural or tribal population. Afghanistan's rural population lived for the most part in remote areas and had very restricted horizons and minimal political consciousness (Pstrusinska 1990). In the nature of things, nationalism could not exert its peculiar ideological appeal until the majority of Afghanistan's population was integrated into the collective life of society. The inclusive policy of the government, understanding of common problems with their timely disposal and proper response by elected representatives can certainly strengthen the chord of nationalism and vibe of unity among Afghans.

### **3.4.2 Creating Secular Structure of Nationness**

What is a secular state which composes of only one religion? The most credible answer could be found in Bhikhu Parekh's contribution in the report of Runnymede's Commission on the Future of Multi-Ethnic Britain in 2000 (Runnymede 1998). Faiths which embrace pluralism will be happy in a truly secular society. Bridging those divides and creating a common fabric of Nationness is very much indispensable for Islamic Republic of Afghanistan. A secular structure of Nationness for Afghan state requires common thought among people nurturing it coupled with strong sense of unity. That Nationness could never be generated without inclusive policy framework and equi-nurtured genuineness of central authority involving everyone in its developmental acumen. For its achievement, human development parameters are to be satisfied which in turn will become an asset for national sovereignty.

#### **3.4.2.1 Education**

For strengthening a strong feel of Nationness, every individual needs understanding and conception of ideas. It can only be brought through education and cultural Diasporas

works as a platform on which sapling of education and values could be nurtured. The Afghan educational system is currently experiencing a period of rehabilitation and reconstruction. Twenty years of conflict caused the exodus of many teachers and qualified instructors and caused literacy rates to plummet. Violence throughout the country during the Soviet invasion, the Civil War, and the Taliban period, made the existence of primary and secondary schools near impossible. Schools still existed during these times, but they had little access to resources or qualified professionals. It wasn't until 1969 that the Afghan government brought legislation consisting free, mandatory education for children between the ages of 7 and 15. Unfortunately, the provision of schools, teachers, and books lagged far behind the legislation (Razia's Ray of hope 2013).

Traditional religious schools, found in towns and villages, teach children basic moral values and ritual knowledge through the study of the Koran, the Hadith (Sayings of the Prophet Mohammad), and popular edited religious texts. Herat, Kunduz, Ghazni, Kandahar and Kabul have become important centers for religious scholars. While higher education also suffered during the 1980s and 90s, the Afghan government is striving to recruit foreign professors, computerize the universities, and train young Afghans to be qualified professionals in today's competitive market. Currently, there are thirteen universities in Afghanistan educating 42,000 students (19% women, 81% men), a tenfold increase from the 4,000 enrolled in 2002. American University of Afghanistan, supported by USAID, is opening its doors to Afghanistan and the world (Afghanistan Embassy 2013). In recent years, education development has been a focus for international aid.

Many organizations, especially UNESCO, ACEM, UNICEF, the World Bank and the Asian Development Bank are sponsoring and organizing education initiatives. The Government of Afghanistan similarly view education is the key to the long-term success of the Afghan state. In the sphere of adult and youth literacy, USAID's large-scale literacy, numeracy, and productive skills (vocational, business, and microfinance) program is trying to improve the livelihoods of women and men aged 15 and older. A USAID-funded technical advisory unit within the Ministry of Education is helping the National Literacy Center develop and implement the National Literacy Program. It also

provides access to training, materials, and modern teaching techniques in 20 provinces (USAID Afghanistan Report 2013).

In rural areas, however, educational facilities and services can be difficult if not impossible to access. Some remote areas rely on lectures transmitted through TV to compensate for the lack of qualified vocational trainers. But some very remote rural areas are still deprived of schools and basic educational awareness. What the country needs during this phase of state-building is more support, correction of mistakes and adjustments to and reform of the system, a process that risks being derailed by negative media perception and frequent activities of violence. Determined effort by the Government and awareness among citizens along with increased female literacy are vital aspects which can strengthen Afghan educational sector.

#### **3.4.2.2 Culture**

The culture of any state is deeply imbibed in its national sentiment which always inspires peace building and cooperation. Rich cultures of nations have often inspired others to learn and reflect its attractiveness through vivid forms of life elements. The Asian region has a very distinctive weight age in this regard across the globe and Afghanistan has an indelible mark in this domain. Culture of Afghanistan has been influenced by many aspects. For centuries Afghanistan has been used by invaders as their gateway to India and other central Asian countries. Afghanistan has been the part of several mighty and culturally rich empires, which left their legacy in the region. The Culture of Afghanistan is therefore the result of rich and long cultural heritage left in Afghanistan by Greeks, Persians and Indians. Islam had its impact on Afghanistan culture.

Islamic threads were left in the art, music, architecture and poetry of Afghanistan. Due to constant battles and wars the cultural assets of Afghanistan have blemished in recent days. Afghans are expert in embellishing their daily life articles with fine arts and calligraphy (Afghanistan SAARC Tourism 2013). Buzkashi is a significant part of the Afghan culture. It is one of the ancient games played in Afghanistan sitting on horseback reflecting might

on the battleground for freedom of mother land. Due to the religious belief women are not allowed to watch the game. There are mainly two types of Buzkashi played, Tudabarai & Qarajai (Afghanistan Tourism 2012). Afghans display pride in their culture, nation, ancestry, and above all, their religion and independence. Like other highlanders, they are regarded with mingled apprehension and condescension, for their high regard for personal honor, for their tribe loyalty and for their readiness to carry and use arms to settle disputes. As tribal warfare and internecine feuding has been one of their chief occupations since time immemorial, this individualistic trait has made it difficult for foreigners to conquer them (Afghanistan Tourism 2012).

### **3.4.2.3 Women Rights**

Women rights around the world are an important indicator to understand global well-being. For any society to progress, women empowerment is an indispensable aspect of consideration. Gender equality furthers the cause of child survival and development for all of society, so the importance of women's rights and gender equality should not be underestimated. If we will limit our consideration to the status of women in Afghanistan, after the fall of the Taliban in 2001, women in Afghanistan have been able to gradually claim their basic human rights - including accessing work, school, and voting in local and national elections. Some have entered politics at great personal risk. But since the re-emergence of insurgency in 2005 by armed groups, including the Taliban, the basic human rights of women and girls are under attack once again. It is a serious concern now by several global human rights bodies that, as the Afghan government enter into discussions with the Taliban, women in the country are at real risk of losing the basic rights they have been able to claim in the last decade (Amnesty 2013).

The government should focus on long-term programs to improve women's education, and to create a monitoring mechanism that enforces gender equality in the education sector. Public awareness programs that reinforce the Islamic notion that all men and women should have access to knowledge in order to mitigate discrimination against women are critical. Such programs could be implemented by religious scholars and clergies, civil

society organizations, or government institutions (Mobarez 2010: 8, 9). In this way only, they can gain greater access to education and freedom of life which will protect their human rights and paving their way for a larger role play in stabilizing their country.

#### **3.4.2.4 Health**

Any country relies on human resources for its functioning. This kind of resource if paralyzed can collapse the machinery of growth and existence. Therefore, it is always the priority aspect of national planning to maintain a proper health care system which can sustain this valuable resource. But while considering the case of Afghanistan, we will get a complete unpleasant profile of health indicators. After 23 years of conflict and political instability, a collapsed economy, and three years of severe drought, Afghanistan's health system is among the very poorest in the world. Afghanistan has one of the highest mother and child mortality rates in the world. Every year, one in ten children dies before the age of five. Every two hours, one Afghan woman dies from pregnancy-related causes. These statistics, from the 2010 Afghan Mortality Survey, are tragic reality of health parameters of the state (USAID Afghanistan 2013).

An immediate need in Afghanistan to save lives depends on having health workers in the field and sufficient medical supplies, as well as food, shelter and security. But the gap in material and human resources is great. Existing health services only cover limited geographical regions and even in the districts where health services are available, needs are only partially met. The impact of the conflict and remaining deadly land mines and unexploded ordnance daily adds victims both through physical injury and mental stress, affecting every family in Afghanistan over time (Ministry of public Health 2011). WHO remarks that population having access to safe water is only 23% (18% rural, 43% urban) and access to adequate sanitation is 12 % (28% rural, 6% urban) which is a very poor statistics. Immunization coverage is a matter of worry as less than 40% of Afghan children receives life-saving vaccinations (WHO 2012). To rebuild the health system in Afghanistan, several donors have suggested establishing Performance-based Partnership Agreements (PPAs) between NGOs and the Afghan government. There has been

widespread support for this approach, which has the backing of the World Bank (WB) and the Government of Afghanistan. Some donors, including the European Union (EU), the French government, USAID and Govt. of India have started to question its appropriateness, while WHO seems absent from the debate (Ridde 2005).

It is important to insist that the reconstruction of the health system in Afghanistan should be based on the four fundamental functions of such a system: provision, financing, stewardship, and resource generation which can revamp the sector (Barnett & Russell 2001). In the long term, the public health ministry should evolve strategies to secure greater indigenous resources for the financing of the health sector, develop more balanced human resources and revive the dilapidated health infrastructure (WHO Bulletin 2009). It should also strengthen its governance function at the central and provincial levels, with particular emphasis on standard setting, regulation, contracting and strategic planning and management. These elements are critical, irrespective of whether the public health ministry continues with the policy of contracting or opts for direct provision of essential health services.

#### **3.4.2.5 Employment**

Without proper work and suitable employment generation, no nation state can properly utilize its human resources. Without employment, the youth potential of a state remains untapped which hinders the progress of that society. If utilized properly, it can do wonders in nation building process. But if it chooses a wrong track, the state policies fail miserably. It is the similar case for Afghanistan, among several problems the country is grappling with, unemployment is a biggest challenge. According to the Ministry of Labour, Social Affairs, Martyrs and Disabled of Afghanistan, the level of unemployment in the state is around 56 percent as reported in March 2012. International Labour Organization puts it around 40 percent. The situation of Afghanistan is today undermined by the convergence of demographic, social, economic, and of course, political challenges. Recent figures released by the World Bank and the Afghan Ministry of Finance indicate that the total amount of aid for 2010/2011 amounted to approximately US\$15.7 billion,

which is close to the overall GDP. As such, both the income of the Afghan government and the precarious economic equilibrium of the country are directly dependent on donors' contributions and the country could thus suffer an economic downturn and severe uncertainties as a consequence of a reduction in development assistance funds (International Labour Organization 2012).

The dichotomy in this area is that, prevalence of disguised unemployment where employed people are not employed in professions for which they have been trained. The menace of unemployment is the direct cause of much of the widespread poverty that exists in the country and has continued to affect lives in a deeper fraction. It is also the direct cause of many social ills like drug addiction, crime, murder, burglary and the ongoing armed militancy against the Afghan government and international forces. Many of those fighters joining Taliban insurgents are illiterate tribal people, young seminarians and low educated jobless youths. This in turn is creating threat for national security (RAWA News 2008). In its Jobs for Peace Report<sup>6</sup> the ILO cautioned that "the massive employment challenge faced by Afghanistan and its neighbors, has to be tackled as a critical part of the reconstruction and recovery programme." That 2001 paper went on to say, "the ILO recognizes this challenge and is concerned that the reconstruction and recovery programmes may miss important opportunities of securing direct and indirect benefits that could immediately flow to the local population if employment is not made central to the overall recovery strategy".

The problem areas which are escalating the problem of unemployment are mainly lack of reliable data and information system with no proper figures of workforce defining skills. Lack of long-term thinking is another dimension where programmes are too often characterized by short-term initiatives, which are conducted with limited involvement of key institutions for sustainability and overly dependent on donors' funding cycles. Lack of coordination between concerned ministry and international actors is another gloomy area which is limiting the linkage between aspiring work force and the labour market.

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<sup>6</sup> Jobs for Peace: ILO Strategy for the colossal employment, reintegration and reconstruction challenges of the Crisis in Afghanistan and its Neighbours, ILO/IFP/CRISIS, Geneva, 24 November 2001.



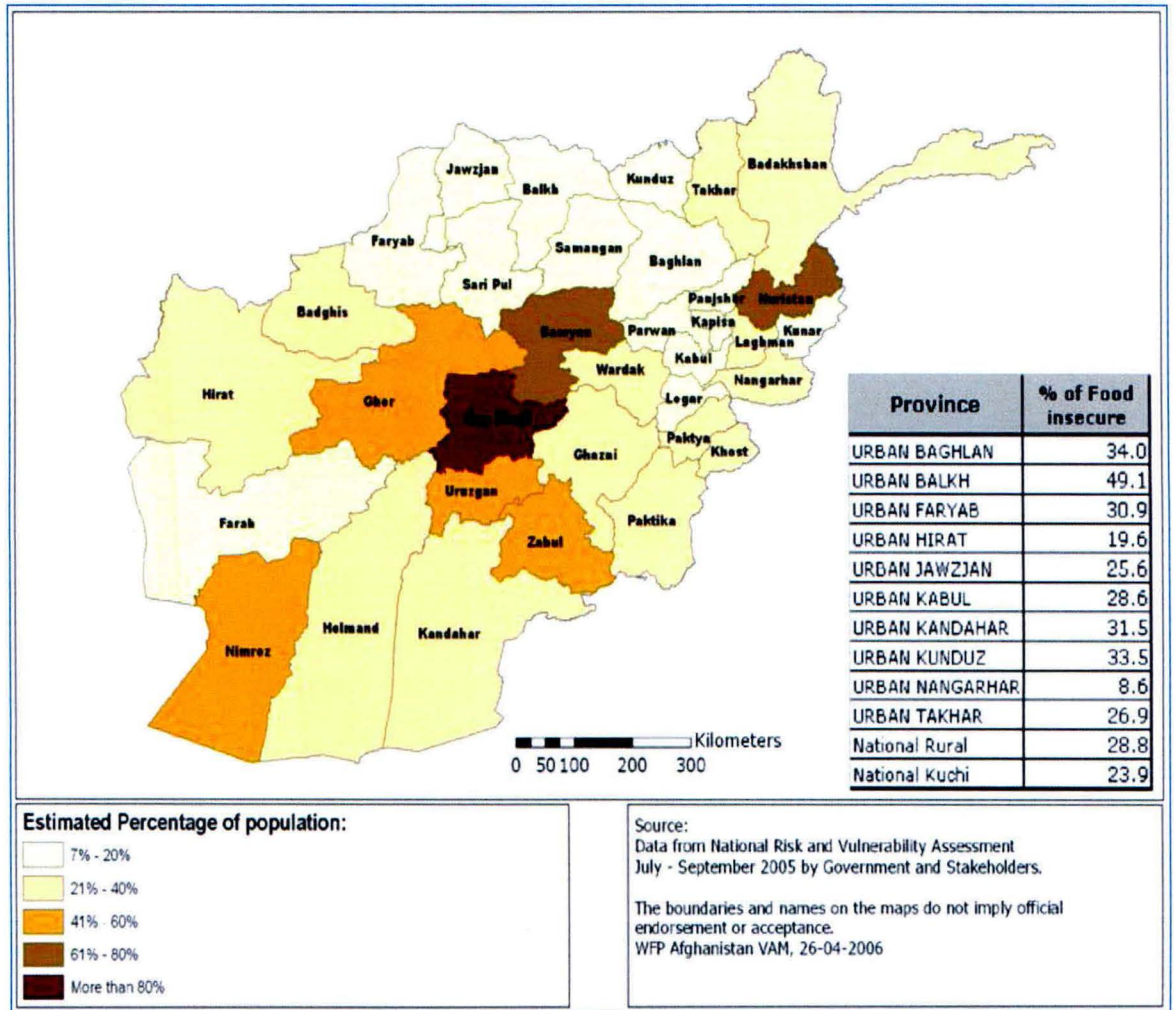
Much focus on casual short term jobs with lack of financial capacity to generate sustained jobs on the part of central administration is a worry too (Bhatti & Berouti 2009). For finding a viable solution for creating suitable employment opportunities in the state, first focus must go to the old industries which are lying neglected and needs to be reconstructed. In addition to the reconstruction and Upgradation of these industries, new investments in innovative sectors and promotion of own manufacturing industries should be pursued by the government on a priority basis. Holistic policy approach rather than fragmentary interventions, promoting social dialogue, pragmatic market driven employment and capacity building policies, specific “skill centric” support to vulnerable and marginalized groups rather than “one size fit all” approach adoption by central administration, (ILO Report 2012). Research and evidence based initiatives, confidence building and awareness campaigns along with skill seminars can revamp this sick strand of Afghan development framework.

#### **3.4.2.6 Food and Agriculture**

A hungry nation can never dream of progressing as the basic need of an individual needs to be fulfilled to enable himself becoming a part of nation building. To feed its people and strengthen its self sufficiency in this aspect, a state must possess a producing agricultural sector. Confining this presumption on Afghanistan, it is now reeling with food security problems and a sick agricultural sector. Food insecurity in Afghanistan is a problem of “access” to food. The principal causes of food insecurity and agricultural inefficiency in Afghanistan could be summarized as lack of employment opportunities, low wages and low household income, insufficient local production of wheat and cereals, declining livestock production, insufficient water resources for agriculture causing frequent drought situations, lack of access to and poor quality of drinking water, lack of education and health services- particularly for women, widespread indebtedness, and refugee and IDP migration. The foregoing is exacerbated by a number of complex factors, the most prominent of which are conflict and insecurity, environmental degradation, and low levels of education (Fews net News 2007). The following figure shows that, approximately 61

percent of Afghans across the rural, urban, and Kuchi populations experienced low dietary diversity and poor to very poor food consumption patterns.

**Figure- 2** Dietary Diversity in Afghanistan



Afghans in both the rural and urban areas are exposed to risk and vulnerability to food insecurity. The rural population is more prone to natural disasters but the urban population experiences more financial shocks. The most vulnerable are women and children, followed by the elderly and disabled. Food insecurity in Afghanistan is geographically widespread but is more prevalent in the rural areas. Moreover, there exists a correlation

between elevation and food insecurity. That is, the higher up one lives, the greater the possibility of food insecurity.<sup>7</sup>

The problem areas which needs to be addressed includes reducing reliability and dependence on poppy cultivation which is the reason of death for real food based agriculture in the state. Poorly managed natural resources must be used and protected on a priority basis. Proper land demarcation and soil testing analysis must be focused for agricultural know how and use. Proper structural and institutional arrangements like input subsidy, minimum support price stability for food crops and agricultural instrument procurement along with encouragement and awareness among farmers should be organized efficiently (Summer 2010). Attention towards rural financial sector and micro credit for farming and farm land care, proper food procurement and storage facility with better rural road connectivity, improving water resources and irrigation facilitation, telecommunications and support services such as market information systems, food safety regulations, grades and standards with quality control, food product marketing awareness, enhancing land tenure security and community driven development policy adoption will elevate the standard of food & agricultural sphere of the state. Proper aid management and inclined focus of government on food parameters and agricultural innovation can redefine the insecure status of this vital sector.

#### **3.4.2.7 Transport and Communication**

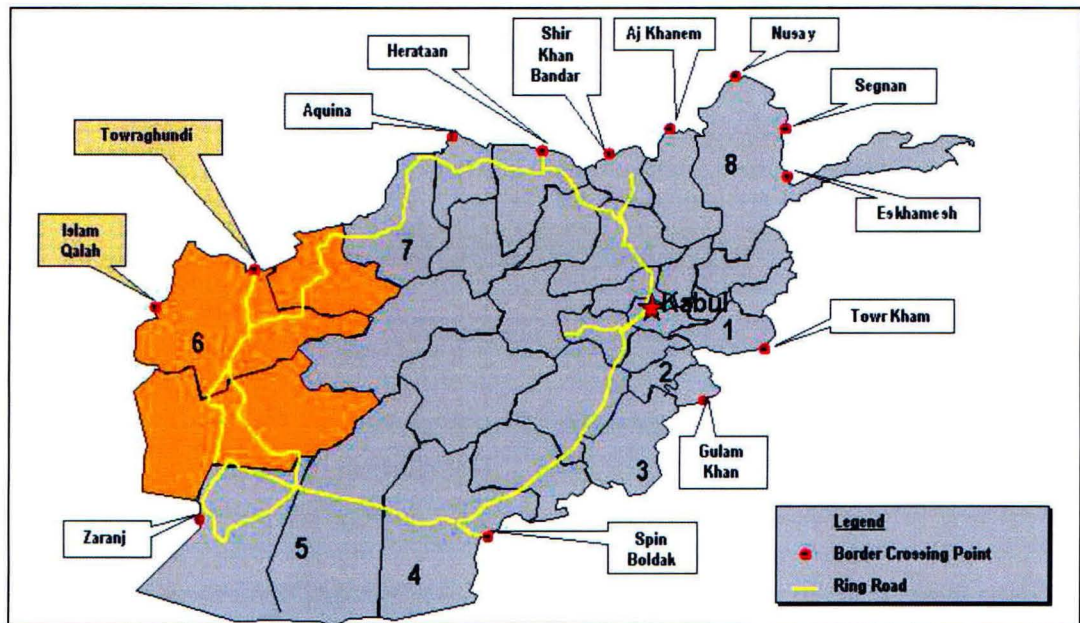
For any nation state to run its machinery of administration and bind diverse institutional establishments together for harmony and functionality, infrastructural development is an integral element. Proper transport and communication facility creates smooth implementation avenues for national development goals on the basis of accessibility of essential goods and information circulation with proper feedback mechanism in place. Afghanistan as a state has its infrastructure in wreckage and decay. In many remote areas, it was never developed at all. The lack of infrastructure has had an important negative

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<sup>7</sup> Ibid.

impact on Afghanistan's economic development. However, many international organizations have provided technical assistance in trade facilitation and transport connectivity assistance, transit capacity development beside the efforts made by the Government of Afghanistan.

**Figure- 3 Transit Route & Border Crossing Point of Afghan State<sup>8</sup>**



The county is still reeling under the deficit of connectivity. It is well known that trade and transport facilitation measures can reduce transactional costs through simplified procedures and the use of modern technology (USAID Afghanistan 2013). This task has become more complex in light of increasing security concerns faced by Afghanistan. Reconstruction work by own state agencies and international operators have often been interrupted by violence and fatal attacks on workers. Damage to physical infrastructure by bombings and explosives is a regular happening in the state.

Therefore, achieving something remarkable in a short span of time on a vast tough terrain composed of physical land aberrations is a daunting task for any state administration.

<sup>8</sup> Source: Ministry of Roads and Transport, Government of Afghanistan; Physical Infrastructure

Skilled manpower, technical assistance and instruments are provided by donors. Afghanistan needs high caliber to implement various communication designs for both physical and wireless domains. Apart from transport on road, just a decade ago, Afghanistan has literally no telecom connectivity. But in this sector, some very promising outcomes have enriched the Afghan policy formulation agenda. This sector is an aberration from all other problem prone units.

Since the re-emergence of the telecom sector in April 2002, when the first private telecom company, Afghan Wireless Communications Company (AWCC) was authorized to provide mobile (GSM) services, the telecom sector has witnessed unprecedented and phenomenal growth (USAID Afghanistan 2012). Due to the developments in infrastructure, services, policy, and the legal and regulatory framework, the telecom sector became one of the largest revenue generating sectors in Afghanistan with annual average revenue of \$139.6 million, accounting for more than 12 percent<sup>9</sup> of total government revenues.<sup>10</sup> Despite numerous challenges such as the fluctuating security situation, the telecom sector has been able to attract over \$1.8 billion in total investments as of 2012 compared to \$600 million in 2006. Assessing the overall picture of transport sector, the positive development in recent years is the successful completion of Ring Road phase-I, a highway linking Kabul, Kandahar, and Herat. The progress of its phase-II construction is satisfactory. More than 80 percent of Afghans live within 50 km of the Ring Road. Provincial and district roads help farmers get their produce to market and allow Afghans greater access to schools and health clinics (USAID Afghanistan 2013).

But the rural road connectivity condition of the state is abysmally low. It needs immediate attention of the government without which, more than half population of the state will be deprived of development and welfare initiatives taken by it. This sector also needs larger chunk of national budgetary allocation as its maintenance negligence will cost dearer to

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<sup>9</sup> MCIT; "Summary Reports"; Annual Achievements Summary 2006 - 2011 Ed.

<sup>10</sup> Telecom Sector Annual Revenues 2002-2011; \$139.6 million is the average annual revenue for the years 2006-2011.



the state in future. Border region connectivity is also an important aspect in this regard which will elevate trading capacity of the state.

**Table-2 Key Comparative Indicators in Telecom Sector of Afghanistan <sup>11</sup>**

<b>Telecommunication (General)</b>			
#	Indicator	2006	2012
1	Tele-Density per 100 inhabitants (Mobile + Fixed + CDMA)	7.19	64.49
2	Service Coverage by Population (Mobile + Fixed + CDMA)	9.03 %	85 %
3	Total Investment (Telecom Operators)	\$748 million	\$1829 million
4	Total Number of Telecom Base Stations	1,067	4,428
<b>Telecommunication (Fixed &amp; CDMA)</b>			
2	Total Number of Fixed-line Subscribers	60,000	110,000
3	Total Number of CDMA-Wireless Subscribers	90,000	202,000
4	Fixed-line Penetration by Population (1/100)	0.55	1.16
5	Fixed-line Coverage by Land Area (per sq km)	0.23	0.48
<b>Telecommunication (Mobile)</b>			
1	Total Number of Mobile Subscribers	1.7 million	17.1 million
2	Mobile Penetration by Population (1/100)	6.27	63.33
3	Mobile Coverage by Land Area (per sq km)	2.61	26.22
<b>Internet</b>			
1	Total Number of Internet Users (estimated)	200,000	1.08 million
2	Internet Penetration by Population (1/100)	0.74	4
3	Total Number of Licensed ISPs	26	44
4	Total Number of Second Level (ccSLD) .af Domains	309	6525

Telecommunication and wireless networking roadmap should also be strengthened inviting international operators and implementing latest technological R&D within proper regulatory framework. It is a vital sector of development which could never be allowed to let go off because of multiple dimensions of development, state machinery and state

<sup>11</sup> Source: MCIT (ATRA; General Directorate of ICT; General Directorate of Planning & Policy; AFGNIC); Telecom Operators (Roshan; AWCC; Etisalat; MTN, Afghan Telecom, Wasel Telecom); ISPs (NISPA members); E Afghanistan; MCIT AUAF Presentation; GIPI-AF Assessment Report 2006.

building roadmap relies on this sector for their effective performance and delivery end. This will also add bigger thrust to educational and awareness dimensions of development encouraged by the state and international actors for establishing democratic norms of functioning. Strengthened transport and communication network for Afghanistan will evade away many social problems and help the territory achieve an inclusive policy implementation.

### **3.5 Summary**

Afghanistan was considered as a failed state before Bonn Agreement which demarcated guidelines for its restructuring. It faced several internal and external challenges for its survival and expected to mature for achieving democratic principles of functioning with the progression of time. Although security situation remained as the biggest concern for the state, still it progressed with a snail motion. Afghanistan's inability to generate own resource for its functioning was a great challenge which till recent time has not been accomplished by the state. Therefore, external funding in form of aid and assistance remained the only sources for the administrative machinery to run and development strategies to shape into reality. Both financial and security challenges are daunting tasks before the government. Unless and until it becomes self reliant in these dimensions, progress and state building measures will remain tangled with decisions of external actors.

Involvement of several international actors for the state building measures are of paramount relevance as strategies devised by them and expertise inherited from them will strengthen Afghan efficacy. But the complexity involved with Afghan case often hinders the modus operandi of natural course of policy formulation. It affects both the state and external actors and limits their aspired success rate in achieving goals. Bonn Agreement and its real desired goals from the time Afghan statehood became a reality involved institutional arrangements to govern the state. The framework remained intact, but filling the void of actual achievements and social cohesion is still at doldrums. Ethnic division and factions for the sake of "own men" based on identity lacks a common Afghan

sentiment. It often stands in front of the administration while delivering national objectives and erodes down success rate of achievements.

Peace as a beholder of state structure and its stability forms the basis of ideal state. Security being the perpetual condition of statehood acts as an essential pillar for any democratic structure. In case of Afghanistan, security as a dilemma has always remained out of reach for the state causing peace making a distant dream to become reality in long tenures. Afghan Nationalism has always acted as an enemy for saviors of national interest as it is fragmented in nature. It needs cautious step ahead for the Afghan government to cement this rupture to build trust among every individual citizen of the state. It needs a strong and just head of the state getting cooperative support from opposition parties to mould national objectives into reality. Secular structure of Nationness is the highest level of democratic order which every state cherishes as an asset. But the core determinants and social reflectors of it are in a struggling state for Afghanistan.

Afghan society which is diverse in nature and occupied with multi layered problems is to be sorted out with efficiency and tact. Education and cultural strands are vital elements for creating a performing state which must take care of women's rights with due regard and maximum priority. While health sector is reeling under severe crisis, employment generation also needs immediate focus to utilize the untapped potential of Afghan youth for nation building. Food and agricultural sector needs a revamp and essential investments in form of capital and technology are ingredients for it, relying on which, self reliance can be achieved. Transport sector needs further growth and expansion reaching far corners of the terrain to strengthen trade and commerce. Communication sector has got a positive rate of growth till now which must envelope remotely living individuals to enable them becoming the part of greater national objective. Post Bonn state building objectives involves all these aspects which must be taken care of by the government to yield suitable outcomes for all Afghans to live a life filled with peace devoid of fear, individual dignity and equality.



# *CHAPTER FOUR*

## *THE SNTV & CHALLENGES FOR TERRITORIAL REPRESENTATION*

## CHAPTER - 4

### THE SNTV AND CHALLENGES FOR TERRITORIAL REPRESENTATION

#### **4.1 Introduction**

20<sup>th</sup> July 2013 became a historic day for Afghan democracy. The Independent Election Commission announced that, President Hamid Karzai has signed the election law containing 16 Chapters and 18 Articles. The IEC is confident enough regarding finishing remaining election works in accordance with the newly endorsed Law, in time. The Commission officials called the implementation of the Election Law as an important step toward holding the Presidential elections in the country. Meanwhile, the Free and Fair Election Foundation of Afghanistan (FEFA) and civil society organisations said that the candidates who are going to contest in the elections should present their strategy to fight corruption, ensure security and improve the economy of the country in front of the citizens.

In these years since the implementation of Bonn Agreement 12 years ago, Afghanistan has witnessed dramatic changes over its territory. But although criticised for several reasons, the manifestation of democratic instrument like elections four times is a remarkable achievement for the people of the state. Without elections, a democracy loses its credibility and Afghanistan, in this regard, has learnt several lessons in these years. There is a dramatic change in the mindset of people in these recent times. The citizens are becoming aware day by day about the characteristics of a democratic society and during the scheduled 5<sup>th</sup> April 2014 presidential elections; they are expected to vote only for plans and not face (Soadat 2013).

Holding of free, fair and transparent elections has been one of the biggest aspirations of the people of Afghanistan and international community. Lessons from previous instances of polling will prove handy both for IEC and International Community coordinating the elections. If the process goes ahead and a new president replaces Mr. Karzai, who has served his constitutional limit of two terms, it would be the first time that Afghanistan has

had a peaceful transfer of power. Its previous governments were overthrown in coups, like the one that toppled the monarchy in 1973 (Rosenberg 2013).

Along with conducting free and fair elections next year, 2015 will also be vital for Afghan democracy as parliamentary and provincial elections are scheduled to be held then. There comes the real challenge for Afghanistan as SNTV being the mechanism of polling will be put to test again. It was adopted only because of its simplicity considering the thought into mind that, majority of the people who will use it are illiterate people. The logic behind the thought was that, any other reliable and effective mechanism will create confusion and chaos among the people involving its complex characteristics. Apart from SNTV, STV was also considered before confirming on the previous. Its prime feature which is proportional representation through ranked voting when applied on Afghan situation was not found meeting the objectives. Proper territorial representation was the foremost objective in mind before zeroing upon a poll mechanism and SNTV was the ideal one meeting those goals.

#### **4.2 State and Its Territoriality**

According to Anthony Giddens in his book “The Nation State and Violence”, “Power may be at its most alarming, and quite often at its most horrifying, when applied as a sanction of force. But it is typically at its most intense and durable when running silently through the repetition of institutionalized practices.” This statement holds strength in the case of Afghan state which has a bloody and violent past. Because of a fragmented society on the basis of ethnicity and tribes, a unified thought for a single peaceful state is unachieved till now. Violence could never bring justice to any individual or a group of individuals struggling with the own state. But it is still now a taboo idea for most of the insurgents adopting violent means to achieve their own justified goals that, peace only can sustain a territory and address every individuals concern.

The failure to acknowledge territorialities other than the fixed and exclusive form of states effectively excludes divergent territorial communities from consideration. It by extension denies their legitimacy as actors in the international system. The promotion of a single view of territoriality has reinforced and legitimated the systematic erosion of aboriginal

societies through the development of modern states (Forrest 1996). In Afghan scenario, territorial and provincial identity in the perception of people always prevails over national sentiment. The division of ethnicity on territorial basis is another dimension of problem looming Afghan state. It is a problematic feature in a sense that it entails geographical alignment along with ethnic differences, with gradient of the potential fragility determining the territorial integrity of the nation (Kumar 2013). Even though ethnic political rule is territorial in Afghanistan, territoriality does not entail a single group but also encompasses various other ethnic groups present in small number. Hence any ethnic eruption has the potential to cut territories, creating dire problems for the minor groups caught in different areas of Afghanistan.

Holding such a state with unified command and preparing action plan for national goals, therefore, is a complicated task altogether. It needs true representation of every community and involvement of every dissenter. But till now, this grand ambition is unfulfilled for this state.

#### **4.2.1 Law its Spatial Manifestations**

“The territorialisation of power attempted to normalise a system of mutually recognised sovereign territorial states... .. in its manifestation of legal order, state defined territory which was unacceptable for inhabitants... .. after several decades or centuries, that state legal oppression brought violent instinct among people and regimes toppled” (Howland & White 2009). In the context of Afghanistan, deeply embedded feel for own tribe and community has always created hinderance on the path of national ruler while framing unified policy for the whole state. It does not often had provisions addressing specific needs of any community or tribe, which is the reason behind rebel forces getting strength using it as a weapon against the state.

No state with its various welfare mechanisms and legal manifestation can satisfy everyone as target, but can bring majority under its successful endeavour. But that kind of trend is invisible through Afghan history. While attempting to analyse current prevailing conditions of the state, territorial law and its legal boundaries are creating a feel of confinement for some communities. They are of the opinion that, they have no proper

representation in the governance acumen and their rights are often violated by state machinery. Tribal leaders are not much optimistic related to legal safety for them and they often complain of state oppression. State demarcation of territory and legal provisions authenticating them are not acceptable to a majority of tribes and ethnic communities. Taliban forces make use of this constantly running friction between ruled and ruler, in a try to satisfy their objectives through violent means. State territory and law as a spatial manifestation of it has resulted an adverse impact on Afghan social cohesion. It is impossible for any specific government to sort out this in a quick span of time. Development and Perseverance are the only two things which can meet this challenge.

#### **4.2.2 Role of Electoral Process in Defining State Territory**

Electoral constituency is the unit which defines the base structure of any electoral process. It is represented by a person as representative of that concerned constituency after being elected with majority support from that unit of polling. He is accountable to the voters of his/her constituency and forms part of government being the face of that electoral unit. But in some states, default units are existent from very long period of time on the basis of common identities like tribe, ethnicity, colour or language. That forms their representative geographical block of being ruled and they remain satisfied being confined inside that territorial block. They form a very strong binding force of cohesion and own-ness for their smaller block and people living along with them. In some parts of the globe, these kind of aboriginal blocks exist whose inhabitants never wants to mingle with the mainstream population outside. They consider their own territory as motherland and will never accept compromising with their own defined chunk of land's sovereignty.

After the rule of kings, when democracy took the centre stage of governance across globe, it became a suitable model of adoption for majority of states. In any democratic structure of state, electoral process is an indispensable element of functioning. It has its own obligations, by law, of forming electoral units to provide representation to people. Then while forming those units, certain modern day parameters were observed to form constituencies, rules varying with respect to state. But those rules of demarcation did not address principles adhered by real inhabitants of that territory. Principally on the basis of population density and area coverage, electoral units are defined. But it clashed and

over lapped with the already demarcated territorial blocks by natives. State territory and its sub territories exist in Afghanistan from ancient days with respect to tribes and ethnic communities forming their own territorial blocks. But when provincial administrative units were demarcated and they also acted as electoral constituencies, it created dismay among natives. The thought of government and decision makers clashed with aspirations of people which is, till now, preventing the natural flow of administrative reach to the people. Electoral process defining state territory in Afghanistan is the prime cause of conflict between ethnic population and government at the helm of affairs.

According to Political Scientist Daniel N. Posner, “The ethnic landscape is important because the dynamics of ethnic competition and conflict arise not from the presence of ethnic groups, but also from geographic distribution. Therefore, the physical placement around the country becomes very crucial.” Despite the fact that presences of various ethnic groups are fundamental to the outcomes of political instability and social division, political scientist Carol J. Riphenburg argues that, “Intrinsically it is not the presence of ethnic groups that leads to violence or instability but the absence of civil society and democratic governance and norms.” Therefore, defining state territorial border on the basis of electoral convenience and better operability has its own arguments. But electoral process and mechanism must be adaptable to the needs of people who form territories and they are the cause as well as effect for whom the electoral process is meant for.

#### **4.2.3 Various Forms of Electoral Systems**

A country’s electoral system is the method used to calculate the number of elected positions in government that individuals and parties are awarded after elections. In other words, it is the way that votes are translated into seats in parliament or in other areas of government (such as the presidency). There are many different types of electoral systems in use around the world, and even within individual countries, different electoral systems may be found in different regions and at different levels of government like elections to school boards, city councils, state legislatures and governorships (King 2000).

Electoral systems can be divided into three general types: Plurality electoral systems, Majority electoral systems and Proportional representation. Plurality Electoral System is

also called as called “first-past-the-post” or “winner-take-all” system, plurality system awards a seat to the individual candidate who receives the most votes in an election. The candidate securing more number of votes than his opponents will be declared as winner and it is not a requirement to get a majority of more than 50 percent. It is suitable for single member constituencies and allows voters to indicate only one vote on their ballot by pulling a single lever, punching a hole in the ballot, making an X, etc. Plurality electoral systems also tend to encourage the growth of relatively stable political systems dominated by two major parties. This phenomenon is known as “Duverger’s Law” (King 2000). This system does not represent the interests of most voters. Elections for the House and Senate in the United States and for the House of Commons in Britain use the plurality system. The US presidential election is also generally considered a plurality system, but the existence of the Electoral College actually makes it a strange hybrid of plurality and majority systems.

Majority Electoral System is another kind which is also called as “Second Ballot System”. This system provides for a greater degree of representativeness by requiring that candidates achieve a majority of votes in order to win. “Majority” here is winning one vote more than 50 percent of the total valid counted votes. In case of no candidate winning majority, a second round of voting occurs only considering selected few from first round. In Russia, the top two vote-getters in the first round move on to the second round. In case of France, all candidates with a minimum threshold of 12.5 percent move on to the second round. Like plurality system, this system also relies on single-member constituencies and voters are allowed to indicate only one preference on their ballot. This is an ideal system for presidential polls adopted by Russia, Finland, Portugal and Austria. Both Presidential and National Assembly elections in France make use of various forms of majority electoral systems.

Proportional Representation System is designed to ensure that parties are represented proportionally in the legislature. It includes Party List Systems, Mixed-Member Proportional, and the Single Transferable Voting system. It allots proportional or ratio based votes to any candidate and parties composed of more contesting candidates always remains beneficial. It is the most widely used electoral system across the globe. In a

Closed Party Line System, Parties themselves determine the candidate who will represent it. The voter has to choose a party only. But in Open Party Line System, voters are attributed with some degree of choice among individuals along with parties.

Single Transferable Voting or STV is a form of proportional representation system. In this form, proportional representation through ranked voting with respect to priority flows in a single chain, after each round of selection or elimination. The priority of voter never goes waste and it is adopted specifically for multi seat constituencies. Apart from it, SNTV or Single Non Transferable Voting System is ideal for multiple candidates racing for multiple constituencies. This system facilitates minority representation and is not suitable for larger parties. It is one of the most simplified forms of voting system in which Tactical Voting<sup>12</sup> potential is large.

#### **4.2.4 Ontology of Afghan Electoral System**

Early electoral systems across the globe were mainly based on the Plurality Principle. 19<sup>th</sup> century witnessed majority systems becoming more popular and more widely adopted. Proportional Representation List systems were widely adopted in the opening decades of the 20<sup>th</sup> century; often at the time the right to vote was being expanded. They were seen as a way of ensuring that no one group would be able to capture a majority. Curiously, Proportional Representation systems made little headway in the democracies that were descended from the British parliament with the exceptions of the adoption of the Single Transferable Vote by Ireland and Tasmania. In the last decade of the 20th century there was a sudden revival of interest in electoral system change, reform and experimentation (Hess 2002). The recent past has seen a sharp growth in the interest in proportional electoral arrangements and the adoption of Mixed Electoral systems in an attempt to reap the perceived benefits of more than one type of electoral family.

Afghanistan's 2004 Constitution, created following a Constitutional Loya Jirga is a flawed document from the viewpoint of electoral administration. Its creation was strongly influenced by a limited number of international advisers, and in some ways it was a

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<sup>12</sup>Tactical Voting occurs in elections with more than two candidates, when a voter supports a candidate other than his or her sincere preference in order to prevent an undesirable outcome.



constitution for President Karzai, rather than a foundation document for the long-term political future of Afghanistan (Hess et al. 2012). Constitutional reform is required to improve the electoral process. But there is a deep risk factor involved with it. Attempts to revise the constitution's technical weaknesses in the electoral sphere could be a pretext to open up discussion of deeply-contentious issues such as a national language, centralism versus federalism, or the role of Sharia law. Adequacy of electoral law regarding its effectiveness and control over electoral system is also a contentious issue. The electoral system lacks proper legislative instruments and their effectiveness along with a moderating authority for its fair operation. Legislative amendment is a solution, but doing it fairly without the supervision of a strong and independent electoral authority is impractical. The supposed authority must be independent of the pressure and influence of government, which in Afghan case, is a herculean task. Court interpretation is a viable mode of solution to reform the electoral system. But complications will also emerge here with the absence of a strong judiciary and legal interpreters in the state.

Strong legal provisions for those breaching electoral laws must be strictly observed. Mechanism of electoral system and its negative influence on the formation of coherent political groupings and the culture of political participation should be prevented. Recommendation of IEC for new mixed parallel system adoption could prove to be a modification over SNTV which must get a serious rethink. Creation of a comprehensive civil voter registry is a dilemma looming with the government. A careful study should be undertaken of what type of voter registration would actually be desirable or possible given the time frame, the likely resources available, and the realities of security and access to the full population. Enhancing electoral administration capacity with credible organisational structure, their frame of legal independence and autonomy is a deciding factor involving electoral system of the state. A check on election fraud and legitimisation of electoral accountability with control on election funding is a serious issue which must be handled by the government with sensitivity and strong will.

For successful indigenisation of election management, retention of experienced and capable officers and capacity building is an integral condition. Citizen feedback mechanism will also prove handy for giving electoral system the status of an inclusive

democratic pillar. Electoral territorial demarcation is also another issue which must be addressed taking into consideration the opinion and feedback of political representatives, civil society and international actors. The rise in level of credibility fetching faith of people on this democratic instrument will only make it a successful endeavour for future time.

#### **4.3 Understanding the Single Non-Transferable Voting (SNTV)**

The electoral law which was decreed in 2004 has the provision of priority for individual rather than a party. Some international observers opine that, for preventing political opposition, it was a conspiracy of Afghan leadership then to adopt SNTV mechanism. It is presumed that, as the system promotes individual candidature which could be planned and manipulated, the government pressed for its adoption. As the system denounces party strength, the leadership in the long run will be opposition free, which is also an allegation against the government of Afghanistan which rejects this blame.

SNTV can face political parties with a challenge. Suppose in a four member district, a candidate with just over 20 percent of the vote is a guaranteed winner. A party with 50 percent of the vote could thus expect to win two seats in a four member district. If each candidate polls 25 percent, this will happen. If, however, one candidate polls 40 percent and the other 10 percent, the second candidate may not be elected. If the party puts up three candidates, the danger of “vote splitting” makes it even less likely that the party will win two seats (Reynolds et al. 2005). In this system, candidates solely register as individuals, though they can list a party affiliation. Afghan leaders like this system for several reasons. It is easy to understand, it marginalizes political parties and, deceptively, it appears to provide a direct link between the voters and their representatives (Rubin 2005).

Despite voter intentions, this system favours well organised minorities. A larger chunk of vote share may be garnered by some well known candidates in this mechanism. Representatives can be elected with very little number of votes among dozens or hundreds of individuals imprinted on the ballot. At a best random way, lower ranked candidates win. On the other way round in worst case, the result of manipulation is expected. Voter

credibility is worst in this mechanism as most of them may end up casting ballot for losing candidates. The formation of an unrepresentative parliament is the virtual guarantee provided by this system. Local leaders with popularity gains edge over others by default and gets elected. Vote buying and intimidation gets a boost as a minimum level of swinging can easily affect the outcome of a whole parliamentary support group. Well-organized parties that can propose a limited number of candidates and discipline voters to spread their votes among them can win a disproportionate share of seats.

#### **4.3.1 Major Characteristics and its Suitability**

SNTV is a semi-proportional system which combines multimember districts with a First Past the Post method of vote counting, and in which electors have only one vote. In practice then, each voter casts one vote for the many seats; and the candidates with the most votes win and occupy the available seats. In the absence of a census, the number of seats per constituency, e.g. a province, can be determined after the election by the number of valid votes cast. Given the heterogeneity of the population in many parts of Afghanistan, the multi-member districts necessitated by this method would assure representation of local minorities (Rippenburg 2007: 16).

In this system, more seats in a district elevates likeliness for getting better percentage of seats a party wins which is close to its percentage of the votes. SNTV system requires perfect features of data like population demographics and geographical spread for exact calculation of voting pattern distribution. Votes received by a candidate can never be transferred to another competing candidate in this system. Multimember districts are units of electoral process here. Uniqueness of this system lies with the fact that, the threshold for victory decreases as the number of candidates to be elected from the district increases (Diamond & Plattner 2006: 197). Proportionality factor of this system therefore increases as the distribution of seats among parties comes to match more closely their relative shares of the vote-but the vote goes to individual candidates rather than to parties. Vote being restricted to one candidate, voters tend to select a candidate who serves their special interests.

SNTV is attractive in form of its suitability for various reasons. It is simple for adaptation and its potential to allow minority groups to secure representation are its vantage points. Holding out the promise of a bond of direct personal accountability between voters and their representatives makes it an ideal choice. It discourages political parties, thus making individual representation as effective tool for the voters to reach and expect accountability. In this process, it is easy to administer the balloting and vote counting processes for time efficient management of poll process (Carey 2009: 11). This mechanism when adopted, it was the thought behind that, poorly educated and experience lacking Afghan people will find it least complex devoid of chances of marginal errors while voting.

This system also brought party responsiveness to the fore front of analysis. Parties needed to be extremely well organised to avoid splitting their supporter's votes among too many candidates and to ensure that, each of their candidates received enough votes to be elected (Competition within party between its own candidates on the election ballot made them responsible for learning and exchanging people centric measures of development in their electoral agenda. Young political parties became alert losing their credibility and effectiveness in securing votes which in turn brought old and trusted parties boasting of more winning candidates in their cadre.

#### **4.3.2 Flaws of the SNTV System**

SNTV system since its first implementation in 2005 has drawn flaks from several quarters. Party being a political actor finds it formidable coordination problem while translating electoral support into legislative representation (Carey 2009: 11). It originates conflict of interest between any party and its individual cadre politicians. Winning office becomes first priority for prospective candidates marginalising chances for party to win. But they will always aspire to be a part of any strong and popular party for winning hearts of voters. The platform used here is party on whose rests the credibility & aspiration of people. But candidates are the real winners of the battle. Under SNTV, therefore, party remains the loser from every aspect and it presents formidable challenges for its ability to foster internal cooperation among politicians and thus to provide collective representation (McCubbins and Rosenbluth 2006: 92).

Another serious flaw of the system is the ground it creates for incompatibility between individualistic legislative representation and the representation of women (Carey 2009: 12). Article 83 of the Constitution of Afghanistan requires that at least two lower house legislators from each of the country's thirty four provinces be female. SNTV provides no solution for this dichotomy besides individual vote totals for awarding legislative seats. Unless at least two of the top candidates in each province were women, the Afghan system requires bypassing male candidates who have secured more number of votes in order to seat female candidates with fewer votes. This strangulates women rights in the state denying them fair opportunity of representation against their gender counterpart.

Loophole of SNTV also lies with advantage for those elected an incentive to cultivate patron client networks, as this is the best way to secure the support of particular interest groups. After being elected, the uncertain outcome involving form of house in assembly creates distrust among people who have nurtured some expectations from their representative. In this system, a candidate could be elected with a small percentage of votes which reduces chances of incentives to form broad coalition or to move beyond ethnic or local interests serving national common objectives (Brinkerhoff 2007: 73).

Because of fractured mandate and uncommon representation inside the Wolesi Jirga, a policy decision gets delayed for its approval and revision. Common national development policies are often ruptured and lose credibility for delay in getting affirmation from the house. For any development objective to take place, besides searching for nation head, international community often requires support of local representatives for effective planning and support. But a less coordinated and least experienced representative relatively new in the domain of politics finds him incompetent for strategy making. At the root level, electoral process takes the composite blame for all these social, institutional and political deficit of manifestation.

#### **4.3.3 Measures to Improvise**

Despite of its inbuilt advantages in a standard situation of state environment and its drawbacks, multifarious in nature, for a complex domain of territory called Afghanistan, SNTV has significant nodes and joints to improvise. Any radical change will completely

destroy its genuineness. Therefore, systemic modification is a pragmatic option. Reduction of number of representatives and a ceiling on number of candidates who can contest from a specific constituency could be brought into operation. The candidate short listing must be based on merit and leadership traits along with experience. It needs an independent assessment authority that can authenticate suitable candidates. The governmental control and favouritism, recommendation and pressure factor over the assessment authority should be marginalised with proper legal bindings on both sides.

Political parties must be given more space with controlled checks and balances. Those political blocks, over time, will become credible bridges between common man and government. Then, people can assess and elect them based on their performance and connectivity with their life elements. Any new system altogether if comes to the vision of consideration, it must address proper women and minority representation with protecting space for the election of popular and legitimate independent candidates. Educational propagation must be strengthened to elevate awareness of people. It will not only give them leverage to understand any complex voting mechanism, but also using logic and decision making abilities to choose a prospective better candidate as their representative.

#### **4.3.4 Alternatives for Afghan Situation**

While finding an alternative for SNTV in Afghan scenario, Japanese learning and experiment with this mechanism will prove helpful. The system was part of the institutions “gifted” to the Japanese under US occupation in 1948 and was used there until 1993. During this period, SNTV was widely criticised within Japan, and it was eventually jettisoned in favour of a mixed single member district (SMD)/PR system. Yet even the relative success of Japanese democracy under SNTV is unlikely to prove transferrable to the Afghan context. For one thing, Japanese electoral designers recognised that the complexities of SNTV grow geometrically with magnitude, and the magnitude of each electoral district was thus limited to between three and five candidates (Reynolds & Carey 2012: 6). It encouraged corruption and bribery for creating favourable voting in favour of alluring candidates. In Afghan case, lessons learnt from previous two occasions of experiment with SNTV should be given utmost priority. One of the central tenets of electoral reform is to avoid wholesale overhauls and, as far as possible, to build on

existing institutions and experience. This should be done for Afghanistan while finding an alternative. So, the idea of adopting an altogether new model should be discarded. Rather, a revised and promising SNTV should take shape.

A switch to the old Afghan system of “first past the post” would not hold strength since this would involve the highly contentious task of redrawing districts, as well as administering a new voters’ roll. Such a reform could also further enhance the ethno-centrism of electoral politics by exacerbating the existing focus on competition between groups at the local level. A switch to a full PR system is also unlikely because of the president and cabinet’s opposition to a party-based system, the continuing weakness of parties, and the difficulties of educating the electorate on an entirely new system (Reynolds & Carey 2012: 18). It would also present major barriers to the election of independent candidates. Some form of mixed electoral system would be a better choice rather. The June 2012 IEC proposal which gave two further alternative proposals for mixed systems is a welcome approach ahead.

According to the new IEC draft proposal, for elections to the Wolesi Jirga, it proposed:

“A mixed (parallel) system of 159 “independent” seats elected by SNTV by population within the 34 provinces; 80 seats elected by list PR through parties in the provinces; 10 seats allocated to Kuchi; and 68 seats reserved for women (apparently within the independent seat allocation).”

It brought a moderate improvement over the existing SNTV framework. The draft law is not complete and unable to address several complex lessons learnt during two times SNTV testing. Therefore, IEC will be tasked with making politically consequential decisions to fill in procedural details left unclear in the law. The proposal also does not specify on how the ballot would be designed in this new mixed system. Before finding any alternative for SNTV and applying it in scheduled 2015 Parliamentary and provincial elections, the revised proposal by IEC must be considered and applied. If it fails to produce satisfactory outcomes, then till next elections after 2015, a viable solution would find enough time to debate, analyse and implement. It would be the best foot forward concerning effective mechanism.

#### 4.4 Territorial Division in Afghanistan

Afghanistan is a land locked state having no access to sea. It shares border with Pakistan in the south and the east, Iran in the west, Turkmenistan, Uzbekistan and Tajikistan in the north, and China in the far northeast. Afghanistan is administratively divided into 34 provinces or wilayats. Each province has a capital and it holds the provincial administration. The provinces are further divided into about 398 smaller provincial districts, each covering a city or a number of villages. District governor heads a district and is the administrative authority over it.

Figure- 4 PROVINCIAL DIVISION OF AFGHANISTAN



The provincial governors are appointed by the President of Afghanistan and provincial governor, in his capacity, selects district governor. The central administration is located in Kabul, the capital city of Islamic Republic of Afghanistan. The provincial governors are representatives of central government and are responsible for all administrative and formal issues within their provinces.



There are also provincial councils which are elected through direct and general elections for a period of four years. The functions of provincial councils are to take part in provincial development planning and to participate in monitoring and appraisal of other provincial governance institutions. Article 140 of the Constitution of Afghanistan along with presidential decree on electoral law establishes the position of mayor. Mayors of cities should be elected through free and direct elections for a four-year term. However, due to huge election costs, mayoral and municipal elections have never been held. Instead, mayors have been appointed by the government. As for the capital city of Kabul, President of Afghanistan appoints the mayor under Presidential powers.

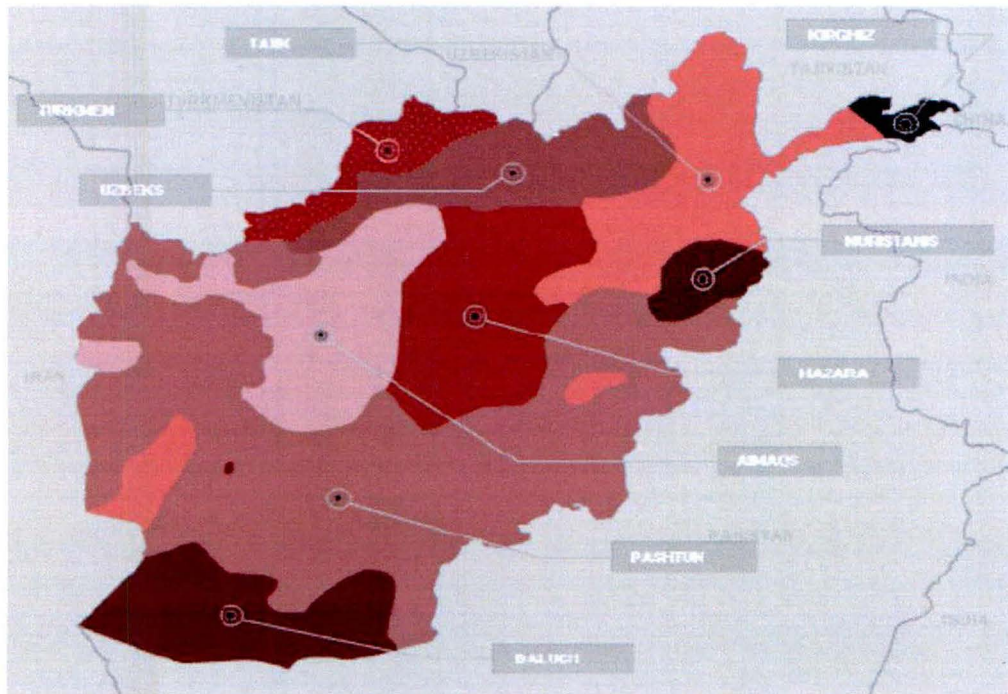
#### **4.4.1 The SNTV and Ethnic Territorialisation**

Afghanistan is a loosely knit conglomeration of various ethnic groups. Of the whole population, Pashtuns composes 42 percent, Tajiks 27 percent, Hazara and Uzbek 9 percent each, Aimak 4 percent, Turkmen 3 percent and Baloch composes 2 percent. The majority of institutional power lies with Pashtun and Tajik groups, which share the core national institutions in Afghanistan, and are bitter allies in the war against Taliban (Kumar 2013).

The Taliban movement is drawn almost solely from Afghanistan's largest ethnic group, the Pashtuns. And leaders of the country's other significant minorities-Tajiks, Uzbeks and Hazaras are worried they may be left out in the cold as President of the state moves to woo insurgents and consolidate his base of support among fellow Pashtuns (King 2010). It is a change in strategy for the Afghan leader who is about to complete his second term as president by trying to forge alliances across the ethnic spectrum. But massive election fraud tainted his victory, and in his weakened state, he has found himself unable to deliver on campaign promises. Some of those allies are now distancing themselves- or breaking outright with the Afghan leader. Hazaras, who were the target of communal massacres during the Taliban's reign, have for months listened with alarm to the president's increasingly conciliatory references to the Taliban as "disaffected brothers."

Figure- 5

DISPERSION OF ETHNIC GROUPS ACROSS AFGHANISTAN



Source: Map compiled by Brian Wolly for PBS Online Newshour, based on data from U.S. State Department and CIA World Factbook, 2010.

The government of Afghanistan till now has failed to support the vibrant society of Afghanistan. If there is any appointment in a ministry, qualifications are not the basis of decision making, instead nepotism, tribal and ethnic affiliations are kept in view (Noor 2011). This kind of trend along with the flaws involved with SNTV mechanism which is unable to bring out true representative out of a constituency is replicating the vulnerability factor of Afghan power balance. Ethnic territorial borders and constitutional demarcation are overlapping which is creating reasonable dissatisfaction among Afghan ethnic population. The feeling of being divided on the basis of electoral convenience as hypocrisy by the government at the helm of affairs is providing them smoke to flame into a rebel force.

Analysing results of two previous Parliamentary and provincial council elections in Afghanistan, the pattern of identity voting is the natural outcome of the ethnicised politics that has thrived over the last three decades. Ethnicised politics creates lazy politicians who are automatically given support by members of their ethnic

communities regardless of their performance, personal integrity or even education. The fact that voters in Afghanistan have opted for identity voting shows that the idea of the state as a service provider has still not taken root in Afghanistan and ethnic loyalties override loyalty to Afghanistan as a whole (Arbabzadah 2009).

To put it bluntly, apart from a small group of educated young people, most Afghans haven't moved on from the ethnicised politics that led to the civil wars of the early 1990s. The only difference between then and now is that ballots are used instead of bullets. Therefore, SNTV as the mechanism of electoral structure in Afghanistan has failed to address aspirations of ethnic unified voice. They also feel deprived of true representatives leading them not being part of governance power structure. The territorial identity is superseding the minimal objectives achieved through this electoral process, which is nullifying its positive dimensions too.

#### **4.4.2 Electoral Problem Areas across Territories**

In many areas of Afghanistan, the previous two general elections emphasised local divisions and groupings, and highlighted the importance of political and voting blocs which may include ethnic groups, qawms or even family units in determining political outcomes. Also, while perhaps not "legitimate" by international standards, these elections reflected the highly localised cultural and social context in which they took place. It is a specific kind of context that is often patronage-based and in which power is gained through constant struggle and dialogue between political groups and leaders (Coburn & Larson 2009). The problems which reduced the effectiveness of Afghan elections across territories ranges from security concerns, large scale fraud during voting process, corruption and nepotism affecting electoral outcomes, inability on the part of IEC to register all prospective voters, low turnouts for polling and credibility of effective poll mechanism creating numerous secondary roots of problems. Various reports of insurgency and violence, booth capture and killing of poll officials were severe forms of electoral derailment during previous elections periods. Much of the country was not represented at the polls with a flawed voter registration process that has been a poor substitute for a valid census. The problem of indelible ink also created confusion and chaos among legitimate

voters. Bogus voting was reported from some of the provinces making suitable use of the crisis situation involving indelible ink.

Violent attacks on politicians and electoral staffs were disturbing every time elections were held in Afghanistan. During the first implementation of SNTV in 2005 general elections, as the registration polls closed seven week before the elections, officials reported that the number of voting cards issued far exceeded the estimated number of eligible voters. As Reported by Toronto Star, a man registered himself six times and a woman wearing burqa collected 40 registration cards for herself on consecutive days. Some areas reported registration rates as high as 140 percent of projected eligible voters. Registration and voter fraud remained two major contentious issues which the government found most complex to resolve.

The huge drug revenues in Afghanistan raised fears that wealthy traffickers could seek to influence the process by backing sympathetic representatives. Powerful commanders are also at an advantage that, using their popular mandate, they can attract people towards them (ICG 2005). During every election, ethnicity became the central basis of winning hearts of voters. For any ideal kind of election, the selection and favour criteria must be the agenda and persona of a candidate who aspires to represent people. But in case of Afghanistan, as the political parties have been so handicapped, it is not surprising that electoral politics is being conducted along regional and ethnic lines rather than over ideology and programs. This kind of electoral problem needs a serious thought as it can overturn a whole electoral sentiment or principle.

Article 85 (2) of the Afghan constitution specifies that, candidates "should not have been convicted by a court for committing a crime against humanity, a crime, or sentenced to deprivation of his/her civic rights". This provision has undermined the entire process of electoral system of the country. The judicial system of the state has long been inactive and responsive. Few records remain after court judgements and history of their effective action was always pale shaded. No individual of Afghanistan has ever been convicted of a crime against humanity. These aspects break loose the legal bindings over electoral rule violation. No serious attempt has

been made so far to bar candidates with links to the narcotics trade as mandated in Article 53 (o) of the Electoral Law that bans "making use of funds originating from illegal activities". Therefore, increase in number of candidates having criminal records is on the rise bringing the effectiveness and achievement level of electoral goals at peril. Anti government violence has also stained the electoral events on every occasion. Expecting a free and fair election in a violent society marred with ethnic line of distrust is like a mirage. These electoral problems dismantling the peaceful course of electoral manifestations should be minimised before expecting positive outcomes from the system enriching state on democratic line of progress.

#### **4.4.3 Proper Representation and Afghan Case**

Elections are often believed to be instrumental in creating representative governance because they are one of the mechanisms through which citizens have the greatest ability to shape their government. But instead of bringing citizen and state closer together, recent elections in Afghanistan have increased the distance that most respondents feel between themselves and their government.

Assessing Afghanistan on these parameters, it is a state with ethnic, social, political and economic diversities. Power is shared and decisions are made in local communities in Afghanistan. How new processes will become effective does not depends on will of central administration. It is being decided by tribal leaders and clan heads who have won over sentiments of people. Results of recent elections have also been affected by these existing practices (Coburn & Larson 2011). The two instances of previous elections have been shaped by the local political realities in the communities in which they have taken place. Communities have adopted and moulded elections to fit more familiar political practices, for example in voting by consensus or in following the advice of respected elders in choosing candidates. In other cases, however, and increasingly in 2010, elections have also provided a catalyst for insecurity and violence, with key power holders taking advantage of the lack of transparency in the process. In this way, the 2010 election in particular has contributed to a growing gap between the government and the wider population.

This alienation is principally manifested in two major ways. Firstly, elections are being used to legitimise or “rubber stamp” the control of the powerful. It means complying with and maintaining the semblance of a participatory process, albeit shaky in many areas, has provided a smokescreen for existing power holders to extend their control. They manipulate and design things on their will, without any strategy or framework. It is very much harmful for any democratic structure of state. It devalues the legal and ethical code of electoral practices. In keeping election procedures and counting ambiguous and unstable, they are able to engineer electoral outcomes in their favour or manipulate unfavourable outcomes to their own political advantage. This serves to alienate the general public from the process, both in practice and perception.

Secondly, elections are compounding a distrust of institutions in a way that, the extreme lack of reliability in how the 2010 election was conducted has exacerbated a deep distrust in electoral and state institutions. This distrust has been apparent for some time and was not newly created by the parliamentary polls, but it has been compounded. Votes from various stations were dismissed for stated reasons of security and fraud, and due to the nature of bloc voting in Afghanistan (where high percentages of voters in certain areas vote for the same candidate) the decision to include or exclude vote counts from certain stations could greatly shape the eventual outcomes and essentially disenfranchise entire communities. Generally, the unclear process gave the impression of being politically manipulated, even when the letter of the law was being followed. Further delegitimizing the process for many respondents was the release of various lists of winners, and the public feuding and unclear relationship between national actors such as the attorney general, president, IEC, ECC, Supreme Court, the new special court, and, eventually, the new parliament itself.

Another specific trend to note is that political struggles are again increasingly being described using ethnic terms. A distrust of institutions has been compounded by rumours of ethnic politics determining electoral outcomes. Major examples include suppositions about control of the IEC and its favouritism towards Tajik and possibly

Hazara candidates, such as in the Ghazni case, and Karzai's establishment of the special court, which is widely suspected to be an attempt to roll back the high numbers of non-Pashtun MPs in the new parliament. The narrative of "opposition" has come to be associated with non-Pashtun, which makes for a potentially dangerous division across ethnic lines. It is important to note that political bargains between ethnic group leaders take place at the highest levels, with benefits rarely trickling down to the average citizen. This also contributes to the alienation of the Afghan public from their government, particularly if they are concerned by the development.

#### **4.5 Electoral Experiences and Territorial Representation**

On both the previous occasions of elections in Afghanistan under SNTV, they were plagued by deep rooted problems which need self assessment on the part of the government to commit for a resolution. Without a reflective commitment from its side, both the transparency factor of the process and trust of people could never be gained. Experiences of both the occasions brought out many logistical problems that led to fraud during the process of election. Without transparency being the benchmark of any electoral process, it could not win wider acceptance. That exactly happened with Afghanistan in 2005 and 2010 as well. Both the electoral events neither got a clean affirmation from international community nor got wholesome support of the natives of the state. Suspicion regarding processes involved coupled with manipulation at every stage made the noble democratic manifestation murkier.

Post election analysis reflected that, some territories got very suitable outcomes in form of their representatives being legitimate and principled with a clean political image. But most of the territories in which post election views of people were conducted, maximum citizens were found out to be dissatisfied with the outcomes of results. Some voters swayed away during elections changing their mind at the last moment before casting vote because of pressure and preaching on ethnic and community grounds. Territories which were very remote far away from capital didn't have a true flavour of elections and some minority populated regions faced multiple problems before real pooling. Some people although legitimate and

authentic being Afghan citizens were denied voter registration cards. These kind of problems enveloped around the electoral events with pseudo positivity that, elections actually took place in the war ravaged nation.

#### **4.5.1 Response of People and Representatives**

Locations of polling booths were major problem during 2005 elections. 2010 saw some reforms in this segment tending people to come out and vote at near vicinity. But some experts of UNAMA opine that, new booths were opened in those regions, which were found favouring President of the State. This is a serious kind of offensive practise which a head of state must never resort to. Lack of a reliable list of registered voters made some people feel pity for their own kinsmen unable to vote accompanying them to the booths. Inefficient poll coordinating organisations were blamed by the citizens for all these discrepancies. Some people of Herat region in their opinion to BBC News post 2005 elections expressed anger over mismanagement of polling booths. They were of the view that, some group of people were inadvertently allowed to vote immediately after their arrival to the booth although they were stranded for hours waiting for their turn in a queue to vote. Later, from various sources, they knew regarding some Presidential supporters bringing groups of people to booths to vote in their favour, alluring them of money and job.

Some educated youth of Kabul, Helmand and Bamyán province while interacting with Reuters News Agency post 2010 elections expressed their concern regarding Independent Complaints Commission becoming a puppet organisation of Afghan President. Its real job was to identify fraud. But it is just working the opposite job it is assigned with. All the commissioners of it are appointed by the President now and the organisation is said to be promoting fraud and favouritism with respect to the instructions of presidential office, according to them. While expressing their concern in an interaction with Amnesty International, some female registered voters of Kabul and adjoining Nangarhar province shared some of their views. They expressed concern regarding non promotion of female participation on actual grounds, in voting and contesting polls. Although the central government boasts off



regarding rights and promotion of life aspects of Afghan women, but the fair gender is always prevented from achieving their aspirations and rights. In some very well off families also, women are prevented to go out for polling. They were often denied of education and free way of thoughts regarding life and liberty. Women in these regions which are relatively more developed than other far off places of Afghanistan are also not leading a fascinating life. Their respective parents before marriage and husbands after marriage drive the way of living. Their voting choice is often curtailed by their husband, whose opinion prevails over her.

Some nomadic people of Logar and Paktya province also raised concern over not being able to get a voter identification card despite of being the aboriginals of the territory. Some people known to them who have come to their area some 2 years back for business purpose got voter IDs in a week. But despite of trying for months, they were unable to get one. They said it while interacting with an Independent delegation of election observers of European Union post 2010 elections.

The problems raised by some representatives gave a perspective completely unique in its own way. According to some representatives who were reluctant to disclose their identity while interacting with UNAMA delegation for Post Poll Assessment after 2005 elections, they expressed concern over inflated registry of voters who does not exist at all in reality. Fake voter ID cards are being distributed in some selective shops with fake photographs and seal of Govt. of Afghanistan to some prospective government supporters. After 2010 polling, eight provinces showed more registered voters than the total population of the province reported by election officials. But the government in due course of time, not made those staggering findings public to hide its level of inefficiency. Some representatives raised voice while interacting with a group of researchers from European Universities that, not enough is done to keep unqualified candidates from running which makes the chances bleak for suitable prospective candidates. They also called for tighter vetting to keep members of militia groups or regional warlords from dominating the process of electoral transparency. Some representatives blamed governmental

incapacity to address ethnic and tribal worries who are genuine Afghan people, but struggling to get their due rights.

#### **4.5.2 Governmental Stand & Expert Opinion**

During the two time elections using SNTV mechanism, the outcomes made the governmental decision makers realise that, it is a flawed system. But because of situational constraints in Afghanistan like extremely low literacy and distrust for complicated affairs being done by the authority, it was the obvious choice. Shortage of man power and lack of experience conducting nationwide elections propelled forward the decision of using SNTV as electoral process for the state. The President of Afghanistan after both the elections expressed his indebtedness towards international community for supporting and coordinating Afghan poll process. He also expressed satisfaction over the “capacity for being able to conduct elections” while suffering from diverse acute social problems. But being the head of state and at the helm of affairs and decision making, he never accepted the faults of his government and irregularities in general elections. Although IEC expressed its concern regarding pressure from the government to suppress some negative remarks after conducting 2005 and 2010 polls, the government always denied allegations against it. Although the government headed by Hamid Karzai was quite optimistic regarding the learning of the poll process, several international actors and international media was watching keenly the democratic land mark act achieved by the war ravaged nation.

Assessing the ANFREL Afghanistan Election Mission Report 2005, some important suggestions came out from some experts during 2005 Afghan polls. Tim Meisburger from the Asia Foundation pointed out that “list proportional representation (PR) would be a more appropriate election system for Afghanistan than the current single non-transferable vote (SNTV) system favoured by the President. He also noted that although proportional representation has advantages in certain situations, experience has shown that it may not be the most appropriate system for a developing democracy.” His further statement in this regard is a crucial one. According to him,

“In a proportion system a representative owes his or her first allegiance to the political party because the party, not the voter- decides who will be elected by determining which candidates will be placed on the list and their rank on the list. Individual representatives cannot form cross-party alliances to better serve their constituents: they must follow the party line because the voter elected the party, not the individual. Consequently, all power in a party is concentrated in the leadership. If a party is internally democratic this may not matter, as constituents can express their desires and aspirations through the party structure. Unfortunately, most of the parties in transitional democracies are formed from pre-existing groups that were powerful in the previous regime, and are seldom internally democratic, meaning that ordinary citizens have few channels through which to voice their concerns and aspirations.”

According to Damaso G. Magbual, Vice Chairperson of ANFREL who was part of Afghanistan Election Mission Report 2005 pointed out that, “the political parties play an important role in a new democracy like Afghanistan. The political parties can help organize the new parliament, not an easy task considering the fact that it has been three decades ago when the country last had a working parliament. Political parties can help integrate the new members of parliament from diverse ethnic and linguistic groups, most of who ran as independent candidates. And finally, the parties can serve as vehicles for policy proposals and decisions.”

Going by the views expressed by Free and Fair Elections Foundation of Afghanistan (FEFA), an independent civil society organization, women candidates were denied of free will voting during the both 2005 and 2010 general elections. Husbands in families got money from several candidates to vote in their favour and insisted on their wives to vote accordingly. ANFREL report observed that, most women when asked- would you exercise the right to vote? The usual answer was that, “Yes, if my husband allows me to do so.” When the men were asked if the women in their family would vote, the men gave one common answer that “our culture does not allow us to do so”. The government along with all major international actors

coordinating the election processes promoted and inspired women voters to come out and vote according to their free will. But in the reality, the story altogether was quite contrasting in nature.

Afghanistan Research and Evaluation Unit (AREU), an independent research organisation opines on Independent Election Commission of Afghanistan that, with donor support, the credibility of the IEC will not be restored unless it takes substantive measures to improve its own accountability to the Afghan people. These measures should comprise more than the token expunging of contract workers. Incidences of fraud taking place at the hands of permanent IEC staff at the centre must also be addressed immediately, along with issues of how its leadership is selected. More generally, stronger mechanisms are needed to hold administrative and political institutions at all levels accountable for their actions and decisions, so that Afghans can have faith in government structures. Without insisting on transparent processes, the Afghan government is only undermining its own perceived legitimacy as support for the opposition increases.

Overall, the governmental stand as regard to SNTV during 2005 polls was to try it for the first time and observe. It was a bit reluctant using the same system during 2010 electoral process after much criticism from several domains, from inside the members of Loya Jirga and Wolessi Jirga also. But without any suitable alternative mechanism in place, shortage of man power and expert support, it was not viable to adopt another mechanism in a very short span of time. 2010 experiment with the same system was a risk which was quite well understood by everyone. In anticipation of more confusion and without proper support mechanism in place, it was averted then to reform or discard off SNTV. Most opinion of members of both houses of assembly was to reduce irregularities during elections using expertise of international community. Obeying and reflecting the democratic means of moving ahead through elections was the sole motive of all experts taking interest in Afghan affairs. Sidelining the drawbacks derived out of the poll process, UNAMA was quite adamant on following the deadlines of the process and making it more

transparent to win trust of Afghan voters. Gender equal participation and maximum voter turnout were other dimensions which got impetus from every quarter.

#### **4.5.3 Analysis of Past Elections**

2005 witnessed democratic elections for the first time after Taliban ouster of 2001 and it was the threshold towards achieving an important milestone proposed in the Bonn Agreement. By Presidential decree 40/2003, the Joint Electoral Management Body (JEMB) was established which conducted the 2005 general elections of Afghanistan. Provincial Election Committee (PEC) was established at provincial level to advise the JEMB on the eligibility of the candidates in accordance with Article 85 of the Constitution and Article 20 of the Electoral Law. According to international franchisee norms, all 18 year old citizens and holders of valid voter registration card were eligible for casting ballots in the Wolesi Jirga and provincial council elections. SNTV was used as the voting system in both the elections of 2005 and 2010. Community mobilisation events, face to face activities, on the spot booth awareness moves for voters, pre poll briefings and mock voting sessions, mobile cinema and material distribution procedures were adopted by JEMB during both the elections to aware eligible voters for effective electoral management.

Money politics and vote buying were serious negative procedures adopted by several candidates and criminal elements to incline the results in their favour. It in turn eroded down the sanctity of democratic institutional establishment. As Afghan election law does not prohibit candidates from handing over gifts to the voters except on the polling day, it created severe malfunctioned impact on integrity of voter- candidate relation. In some provinces like Panjsher and Baglan during 2005 polls, it was alleged that, voting staffs were given delicious lunch with money packets to allow fake voters and manipulate with voting procedures inside the polling booths. Some rich candidates were reported to have spent approximately US\$ 50,000 to 60,000 for their campaigns, who have also established stronger ties with government as well as warlords. Voters of strategically crucial provinces like Kabul, Wardak and Bamyán reported of closer ties between some rich and powerful candidates and officials of IEC and JEMB. It was a common complaint during both

2005 and 2010 general elections. Irregularities in arrangement of poll booths in time also prevented some voters to cast their ballots in time. In some booths, officials intentionally favoured some voters to go inside ballot box room in groups and cast ballots on priority basis. When voters standing in long queues complained of the same, they were either unheeded or threatened saying that, they were officials visiting to check legitimacy of elections. After completion of election days, some irregularities were found in some provinces where voting boxes were lost or matching of count not tallying, but later explained by authorities that, there were manual calculation mistakes on paper. This left a strong impression in the minds of Afghan voters that, they were being cheated in the name of establishing proper democratic norms.

Some ethnic and tribal people denied casting ballot despite of regular intervention of JEMB and IEC personnel convincing them the importance of fair elections in establishing democratic roadmap for the country. They were adamant on their opinion that, their life and future does not depends on theses fake electoral assurances and pseudo development initiatives. Despite of family pressure and constraints, women voters turned out for voting which rose substantially during 2010 elections in comparison with 2005 process. During 2005 elections, Kandahar province witnessed resulted improvement in women's voter registration as almost 45 percent of the newly registered voters were women. Security remained a major concern during both the electoral operations. Absence of coordination between forces was found abundantly during 2005 polls, but the situation marginally improved during 2010 process. Election staff in some provinces was found not much acquainted with the poll process and stalked in between polling hours affecting voter confidence. Some polling booths were found very much distant from home of registered voters allocated that polling booth. It resulted in delaying voting process and at the end of polling hours, some people remained at the booth unable to cast ballot, quite disturbed and grief struck. The indelible ink crisis surfaced as a problem in both the elections. Bogus voting and multiple voting were reported from several constituencies.

The voter turnout and women participation along with female representation improved marginally during 2010 polls in comparison with previous general elections. Confidence of voters along with their awareness level increased in those interim 5 years between 2005 and 2010 voting process. The SNTV mechanism saw marginal increase in adaptability level of both voters and election staff. After much security arrangements, vote counting is not possible until 2010 elections inside polling booths after elections. Ballot box carrying to another place and vote counting there involved lot of unwanted expenditure, security problems and undue delays in declaration of the results. Most of the counting staff during both the elections was reported as family members of JEMB. They took intentionally more time to count votes, working lazily to take advantage of more pay which was US\$ 15 for each day counting. But more reported events of corruption and malpractice in 2010 in relation to 2005 polls was a horrifying negative way forward. The government and its institutions must act more cohesively with integrity to weed out such “fall of grace” acts which affects credibility of democratic norms in totality.

#### **4.5.4 Fact and Statistical Analysis of Elections**

Afghanistan held the first direct presidential elections on 9<sup>th</sup> October 2004 in which 10.5 million people of Afghanistan were registered to vote. Out of it, women consisted of 41.3 percent, which was a major success elevating gender equality standard. Eighteen candidates campaigned and contested for presidency and out of total registered voters, 70 percent voted. Hamid Karzai as interim head of the state was elected as president with 55.4 percent of votes. Taking inspiration from the first electoral process, on 18<sup>th</sup> September 2005, parliamentary and provincial council elections were held. 73 political parties were found eligible to contest in the general elections. Only 13 percent of registered candidates were found to be affiliated to any political party. So, moreover, it was a kind of individualistic contest sidelining party prowess.

Province	Wolesi Jirga Seats			Provincial Council Seats		
	Total Seats (number in brackets indicates reserved seats for women)	Male Candidates	Female Candidates	Total Seats (number in brackets indicates reserved seats for women)	Male Candidates	Female Candidates
<b>TOTAL</b>	<b>249 (60)</b>	<b>2301</b>	<b>320</b>	<b>429 (124)</b>	<b>2779</b>	<b>240</b>
Badakhshan	9 (2)	80	9	15 (4)	67	11
Badghis	4 (1)	31	5	9 (3)	40	3
Baghlan	8 (2)	97	14	15 (4)	104	6
Balkh	11 (3)	100	16	19 (5)	103	15
Bamyan	4 (1)	47	7	9 (3)	59	9
Daikundi	4 (1)	48	5	9 (3)	87	6
Farah	5 (1)	44	3	9 (3)	52	4
Faryab	9 (3)	72	10	15 (4)	62	7
Ghazni	11 (3)	119	12	19 (5)	114	9
Ghor	6 (2)	50	8	15 (4)	41	6
Helmand	8 (2)	78	6	15 (4)	110	7
Herat	17 (5)	144	18	19 (5)	163	31
Jawzjan	5 (1)	31	8	9 (3)	49	11
Kabul	33 (9)	340	50	29 (8)	185	32
Kandahar	11 (3)	94	11	15 (4)	114	6
Kapisa	4 (1)	37	6	9 (3)	46	6
Khost	5 (1)	81	10	9 (3)	117	4
Kunar	4 (1)	57	8	9 (3)	120	3
Kunduz	9 (2)	77	15	15 (4)	79	10
Laghman	4 (1)	57	8	9 (3)	93	6
Logar	4 (1)	49	11	9 (3)	50	3
Nangarhar	14 (4)	161	18	19 (5)	285	4
Nimroz	2 (1)	16	4	9 (3)	28	3
Nuristan	2 (1)	18	6	9 (3)	25	3
Paktia	5 (1)	81	5	9 (3)	89	5
Paktika	4 (1)	58	4	9 (3)	94	4
Panjshir	2 (1)	17	4	9 (3)	34	4
Parwan	6 (2)	48	8	15 (4)	64	5
Samangan	4 (1)	34	5	9 (3)	53	5
Sari Pul	5 (1)	35	7	9 (3)	39	4
Takhar	9 (2)	84	13	15 (4)	91	7
Uruzgan	3 (1)	17	2	9 (3)	31	0
Wardak	5 (2)	60	9	9 (3)	58	7
Zabul	3 (1)	19	3	9 (3)	33	2
<i>Reserved for kuchis</i>	<i>10 (3)</i>	<i>62</i>	<i>7</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>

Table- 3 Available Seats in Wolesi Jirga & Provincial Councils during 2005 Elections

Source: Reynolds Andrew, Jones Lucy and Wilder Andrew, A Guide to Parliamentary Elections in Afghanistan, Afghanistan Research and Evaluation Unit (AREU), Kabul, August 2005



Total number of 2,42,503 accredited JEMB officials were given duty allotment for conducting polls with various capacities out of which 10,607 were national observers, 781 international observers, 31,854 were political party agents, 197,981 candidate agents and 1,280 media representatives (JEMB Report 2005).

The 2005 voter registration took place between June 25 and July 21, with voters being able to register at one of over 1,055 Registration Stations (three of which were unable to open) including 82 dedicated to Kuchis. In the end, approximately 1.7 million Afghans visited the Registration Stations, increasing the registry of eligible voters by 13.9 percent over the 2004 registration totals; as a result, 12.8 million voters were registered for the 2005 elections. Women accounted for 44 percent of the total number of new registrants, with considerably higher percentages in the South and Southeast areas of the country (NDI/USAID 2005).

**Table- 4** Percentage of 2005 Election Voter Turnout in Selected Provinces

Province	Est. % Turnout
<i>Top Five</i>	
Bamyan	72
Paktika	72
Samangan	67
Ghor	67
Takhar	66
<i>Bottom Five</i>	
Parwan	36
Kabul	34
Kandahar	25
Uruzgon	25
Zabul	22
<b>National Average</b>	<b>49</b>

Source: The September 2005 Parliamentary and Provincial council elections in Afghanistan, Report of NDI 2006; Supported by USAID, Afghanistan

A total of 6.4 million registered voters cast votes in the 2005 elections, according to JEMB. The figures were significantly lower than the 7.3 million votes recorded in the 2004 presidential election. The percentage-based voter turnout figures may have been understated due to instances of citizens holding multiple voter cards, which artificially inflated the total number of registered voters (NDI/USAID 2005). Approximately 6000 candidates contested from various provinces and overwhelmed with the dramatically high number of choices, many Afghans chose not to vote in the elections.

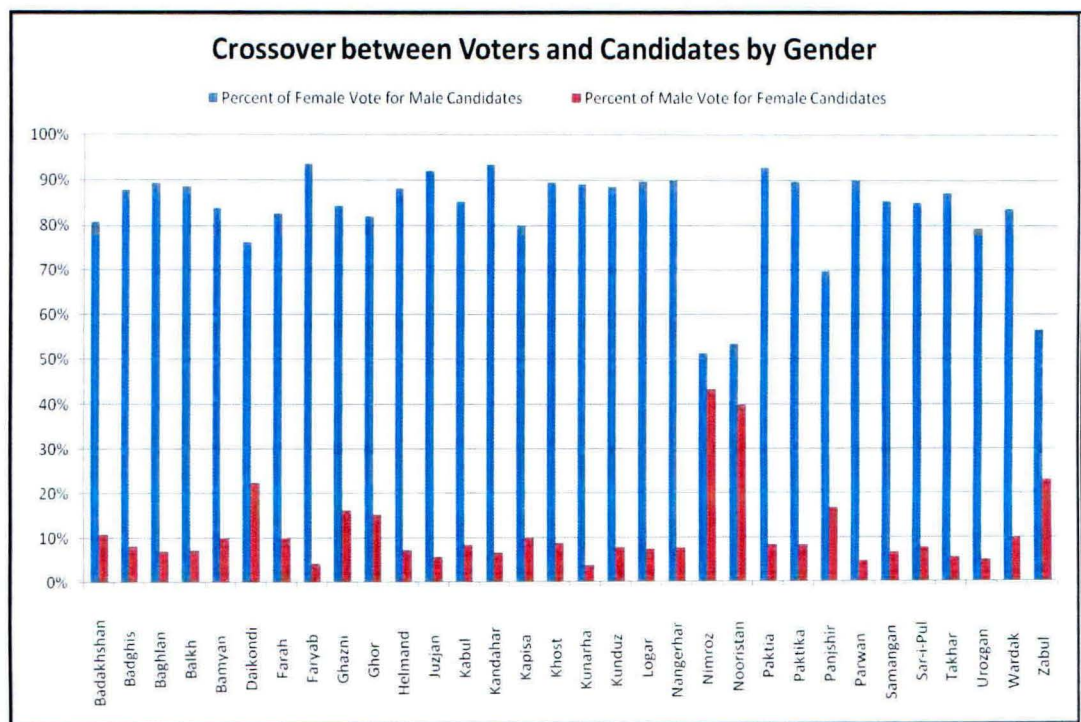
It was a difficult task to count the votes as 6000 contestants and 13 million votes cast making the counting process complex and lengthy. Narrow margins of victory as a result of SNTV resulted in controversy and uproar for recounting. Over 10,000 trained officials were engaged in the counting process, as reported by JEMB. By 12<sup>th</sup> November 2005, 24 days after polling day, final results of the elections were declared. The necessity of quarantining the results from any entire polling station, rechecking the ballots from the stations in question of miscalculation because of close margin of victory by candidates and then deciding on whether or not to reject all ballots from quarantined stations made the process a much delayed affair. Because of confirmed indication of fraud, JEMB excluded 703 polling stations and 74 ballot boxes which was equivalent to just over 2.5 percent of polling stations.

August 20<sup>th</sup> 2009 witnessed another voting day when Afghans voted for a president for second time and members of provincial councils. Hamid Karzai was re-elected as president again for the second term in office. In September 2010, Wolesi Jirga elections were held which was a second parliamentary poll for the country and the fourth national election after Bonn Agreement. More than 2500 candidates contested for the polls out of which 400 were women. Total 249 numbers of seats were contested for the chamber incumbency. Four tier security arrangements were planned for a safe election day and following counting procedures. The IEC recruited and trained more than 85,000 staff to carry out polling and counting. Out of them, 23,813 were female and 3,492 were Kuchi. Two months of rigorous registration process before Election Day distributed 377,197 voter identity cards.

After this addition, the total number of voter registration cards of the Afghan state reached staggering 17,160,546 in numbers. On 20<sup>th</sup> April 2010, the candidate nomination period began, 151 days before the Election Day which continued until 6<sup>th</sup> May. The final contesting candidate list published by IEC consisted of 2556 individuals out of which, 406 were females. The IEC released a list of 5,897 polling centres and 18,762 polling stations on August 18, 2010, over a month before Election Day (IEC 2010).

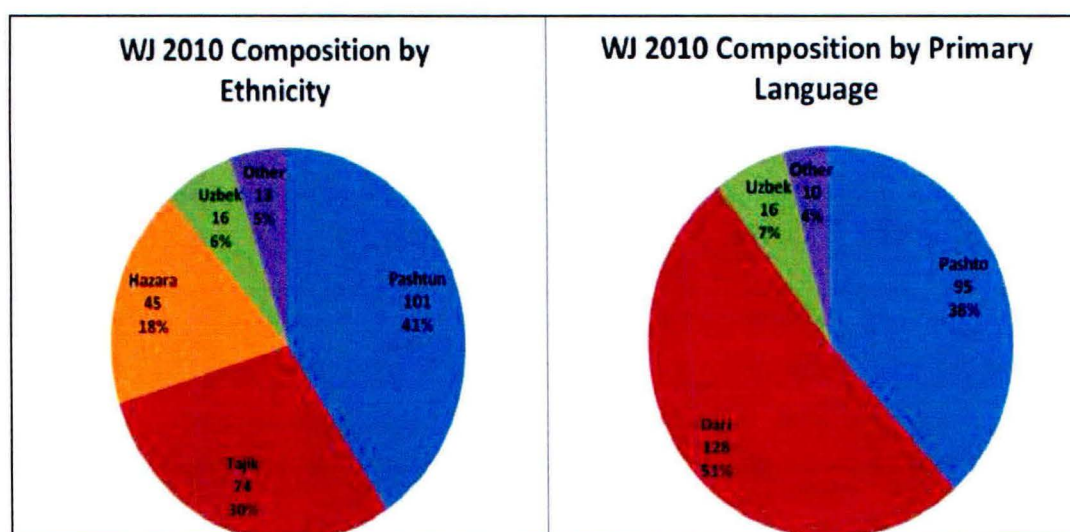
When announcing the preliminary results on October 19, 2010, the IEC put the total number of ballots cast as 5.6 million, a number that exceeded the IEC’s initial voter turnout by 1.3 million. The IEC also announced a voter turnout of 4,265,354. That number was based on figures provided by the provincial offices. The IEC estimated that 58 percent of voters were male (2,488,378) and 39 percent female (1,668,617) percent female, while Kuchis accounted for three percent of the vote (108,359) (NDI 2011).

**Figure- 6** Gender Voting Behaviour during 2010 Elections (Source: NDI 2011)



The ECC played a vital role in the elections, adjudicating 7,863 complaints and challenges, resulting in the disqualification of nearly 120 candidates and the invalidation of 344 polling stations as well as partial or full invalidation of specific candidates' votes (NDI 2011). A surprising outcome of the 2010 polls was remarkable success of female candidates. In some provinces, they won over their nearest male contestant with very wide margins. Only five parties were registered to have candidates on the ballot allowing only 34 candidates to have party affiliation, as reported by Ministry of Justice. It was the effect of SNTV mechanism adoption in the electoral process of the state.

**Figure- 7** Composition of 2010 Wolesi Jirga based on IEC final results



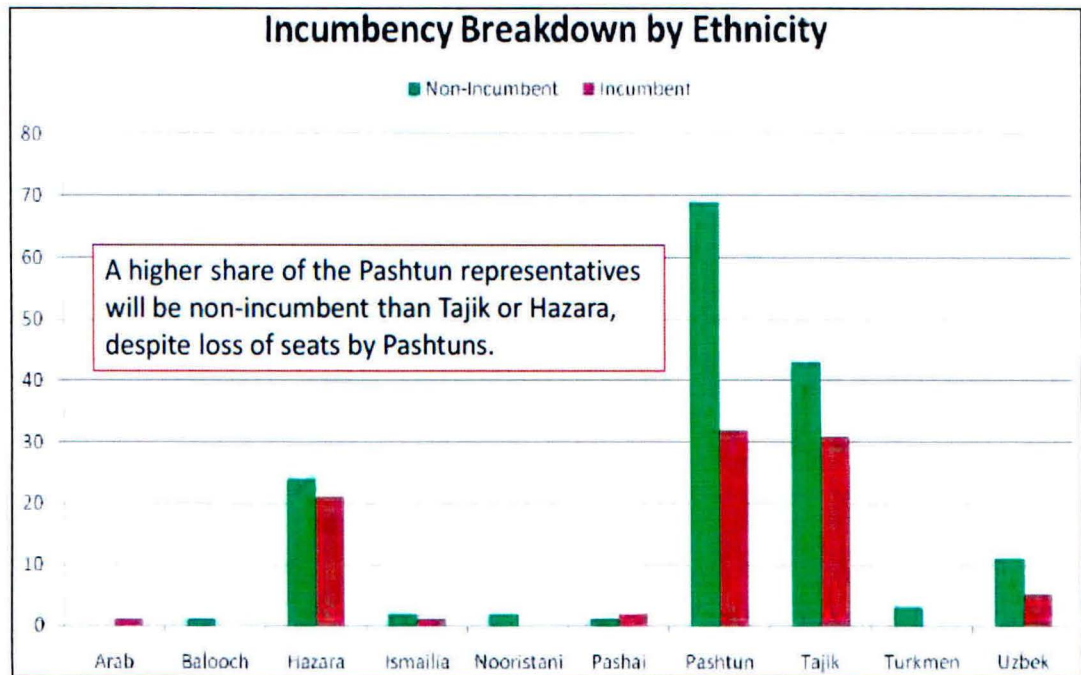
**Source: NDI Assessment based on IEC's December 2010 Final Election Results**

The final turnout figure of 4 million ballots reflects invalidation of approximately 1.5 million ballots which is more than that were invalidated in the 2009 presidential elections. The results thus reflected a major invalidation of ballots reflecting increase in effective implementation of regulations by IEC making the electoral process more vibrant and transparent. The ethnic breakdown of incumbency as illustrated in the following figure reflects higher share of Pashtun representatives losing incumbency despite of their loss of seats. Several key reforms by IEC and better coordination brought fall in number of violent incidents in the 2010 elections.



Figure-8

2010 Election Results Breakdown on Ethnicity Basis



#### 4.6 Summary

The SNTV while addressing territorial representation has stumbled on all the occasions of electoral manifestation and interface with the people of Afghanistan, the elections. It not only promoted individualistic approach of electoral segmentation, but also gave a mighty blow to party affiliation and formation. State and its territorial division shaped by legal manifestation is a vital concept of democratic state formation. It was the noble thought behind Bonn Agreement and its structural palette meant for Afghan state. Electoral process further strengthened the strategy which adopted SNTV as the mechanism to suit with Afghan problems of division, in terms of mind and soul. But it was unable to meet with the pressing needs of state requirement, fulfilling aspirations of people and better cementing ties between government and people. The void thus created could only be filled with its revision or sacrifice, which ever will meet the norms. Four segments of elections post Bonn Agreement created an image for the state, which despite of several follies, gave it inspiration to further escalate its strength for a democratic benchmark. Only time and consequences of 2014 can demarcate that fine line for it.

# *CHAPTER FIVE*

# *CONCLUSION*

## CHAPTER - 5

### CONCLUSION

The grand experiment on Afghanistan became the centre stage of focus for the whole globe when Operation Enduring Freedom was initiated by US forces. According to US National Security Strategy release of September 2002, "Rogue regimes and failed states are the weak links in the international system, as safe harbours for the enemy. America is now threatened less by conquering states than we are by failing ones". Justifying its stand, USA launched its operation inside Afghanistan in search of the enemies creating threat for its shores. It eventually ousted dreaded Taliban regime out of the territory of Afghan state and made it a war ravaged desert filled with gun powder and devastating scenes of destruction. The already damaged status of the state destroyed by Taliban regime further eroded down to tag it as a failed state. But the grand experiment did not ended there. It was only the beginning of a new chapter. After damaging a whole national sentiment, the US administration considered to be realist driven in nature began its long journey of stabilisation and reconstruction phase on the Afghan soil. UN security council resolution 1368 affirming action on the ground changed objectives of it. Initially being planned as a military enforcement and search operation without having any mandate to building a nation or providing peace and stability, it converted into a protectionist approach. Aspects of peace building and creation of a sustainable state become objectives of international actors. They sat together and decided further course of action to give Afghanistan an identity of democratic, peaceful and progressive law abiding state.

Before assuming anything about Afghanistan, a little impression must be formed in our mind about the rich history of the land. The people, geography and rich culture of the territory are not fated to failure and war at any mode of time in history. For four thousand years and more, it acted as a linking bridge between continents and cultures. Global centres of art and commerce flourished on this land called as "Hub of the Silk Route" which ran from China to Rome. Even in its darkest and toughest struggling times, it remained gently hospitable for the whole human genre. Understanding its rich history and cultural vastness is definitely essential to understand the values and sentiments of this land. That history again serves as the focal point of understanding the state behaviour in

present time also. If understood with neatness, it can solve the puzzle of diminishing all odd dimensions of state building hindering its progress. What Afghanistan has achieved in these 12 years and what it is capable of achieving further is the billion dollar question for any researcher who can give a straight away answer for this riddle. But after this work consisting of several dimensions of state building and electoral politics analysis, two statements are apparent. The first one is Afghanistan has gained confidence after all these turbulences. Secondly, the deep down crisis has made the state determined to face any critical challenge ahead. These statements may seem very simplistic in nature for any expert, but this reflects the true character of the Islamic Republic of Afghanistan. Short term thinking and immediate goal achievement could not be applied ever in Afghan case. Several clear lessons learnt out of experiments and themes derived from failures can act as pioneering principles for the state advancement.

Security environment, enforcement and evaluation of rule of law, economic empowerment and self reliance along with proper representation for every individual inhabitant of the state are aspects to be looked at for achieving goals of state-building. In its acumen of performance, for a democratic state, electoral process and the politics involved with it are deciding factors defining state future. Its stability and ability to contain it in a long term measure are vital parameters holding these factors in a string. Their stiff bondage can make a successful state or rupture can create a failed entity. The fine line of balance, therefore, lies with the state makers and runners. For Afghanistan, external actors became the state makers where as its governmental machinery took shape of the runner. While quoting Reinhold Niebur's Serenity prayer, "The United States and Afghanistan in their nation-building ambitions need the serenity to accept the things they cannot change; the courage to change the things they can; and the wisdom to know the difference." The statement in itself defines the whole consequential element of Afghan state building strategy. External pressure defined, tossed and re-tossed Afghan future which can apparently be solved by those pressure creators or roots only.

In this work titled "Electoral Politics and State-Building in Afghanistan, 2001-2012", several dimensions of state building and its policy framework, their broad vision and achievement scenario were discussed across chapters. Electoral process adopted in



Afghanistan, its effectiveness and shortcomings, electoral history and milestones along with political scenario revolving around electoral process are discussed in detail. The multi layered challenges faced by Afghan state, its imperatives and consequences with some viable suggestive outcomes are also described in the chapters. To begin with, the first introductory chapter has dealt with the theoretical background of state building and electoral politics in Afghanistan. While analysing the factual correlations between democratic ideal state and the Afghan state, several aberrations have been found. The deficiency of the electoral system adopted in the state has attracted criticism from external systems and internal agents as well. In an ideally functional democracy, the observed principles must match irrespective of external pressure factors and their intervening activities trying to disrupt state stability. In the case of Afghanistan, stability factors are often been compromised by alien agents which has never been proved healthy for the state growth.

For creating a stable and functional democracy, electoral process is an indispensable element. But that point also does not holds complete ground in case of Afghanistan. Despite of four times of electoral event exhibition for different positions, the fault line is widening. The time to recover from the status of an ailing economy to a self sustained one is a very much challenging task. It needs efficiency as well as long term plan roadmap. But the long term needs are seated on a strong administrative framework which can give it an effective shape and vision. It is also observed during the analysis that, without the support and assistance of international actors, Afghan state agenda can't move ahead. An independent political will could never be formed unless and until international dependence of the state stops. But it does not seem viable in the very near future. For the states administrative machinery to run and its objectives to be fulfilled, aids and humanitarian capital inflow are the only reliable and largest source of capital. Other revenue generation modes are not effective or because of compelling situations, the administration is not finding enough scope to develop means of employment generation sources.

Several stages of phase change gave an idea of Afghan state exhibiting several characters while facing diverse challenges. The stages of development and post Taliban period

management of affairs by international actors gave an impression of powerful and stable states deciding future of shaky states like Afghanistan. The transitory evolution of the state coincided with problems as well as developments. Increasing security challenges loomed over the state sky permanently which was the biggest operational stumbling block for the international actors and the state as well on the developmental trajectory. The strong development phases are synonymous with electoral process which was the threshold point for Afghan state to enter inside the democratic establishment. For lasting peace, for creating equal opportunities and for giving own peoples of the state “the power to rule them” was the supreme objective behind the electoral process.

The Bonn Agreement as a landmark paved way for the state to aspire for better. Endorsed by UN and supported by 60 states, it further stretched to sign of Afghan Compact which was the first substantial capital commitment for the war ravaged state. Political, social and economic overhaul of the state was the intention in mind of all actors. Tokyo Conference of 2002 further negotiated with stronger states to come to the rescue of the ailing state. UNAMA acted as central actor taking together countries like USA, Britain, European Union, Italy and Germany dividing core pillars of state machinery among themselves to support and strengthen. Several others including neighbours of the state also participated in multi dimensional development initiatives. Initially the interim government mandated by Bonn Agreement sketched roadmap of development. The constitution for Islamic Republic of Afghanistan was then become effective from January 2004 and presidential polls conducted that year itself. For the first time in its history of making, a properly people elected head of the state through an electoral process was chosen to lead the state.

The subsequent electoral manifestation came the next year when elections for parliament and provincial council were conducted. Despite of mis-management, allegations of corruption and lack of transparency, these democratic means of value establishment brought a promissory note for future such endeavours. The government at the helm of affairs was unable to contain the progress path and transparency together. It drew several criticisms from all corners of Afghan society. But as the situation was sensitive for any actor to create a conflicting change with focus only on peace and stability, the state witnessed another two electoral processes in 2009 and 2010. This time, large scale

corruption and mal practice reached new heights. The electoral mechanism in form of SNTV was found unsuitable to cater to the needs of Afghan aspirations, giving them equal representation. It has its own merits on the grounds of which it was adopted as the poll mechanism for the state. But its drawbacks were also unmanageable which compelled IEC to propose for a mixed evolved system in 2012, a modified and reformed version of SNTV. A proper assessment was to be taken for it yet and experimental failing of it will bring devastating outcomes is a dilemma in continuum.

The second chapter of this work dealt with democracy and elections in Afghanistan. The defining features of democracy and its manifestations in different forms have always been existed since human civilisation resorted to group existence as a union of individuals. The tribal society and its democratic ways of exhibiting unique forms of it are different altogether. The Afghan model has to create a lineage for itself while trying to bring perfection in its model. The tribal base of its society, therefore, could never be given a fall out. The gender and minority concerns in the democratic institution of Afghanistan are largely disproportionate creating unnatural outcomes of violence and conflict within state. It has always created a void between the ruler and the ruled in the state which has never been addressed properly in any constitution of Afghanistan, including the present one effective since 2004. The democracy and its challenges making the Afghan experiment more rigid have two kinds of viable solutions bringing a flexible mode of state operation. A proper legally binding framework to address ethnic and tribal needs with providing them equal opportunity, mainstreaming and rights addressed could be the first one. But it requires a very strong and representative government who can formulate and implement a legislative rule in this regard. The support mechanism in form of electoral process must be strengthened to achieve this objective.

The second viable solution would be to include everyone on a discussion table and finding another unique way of governance system catering to the needs of every individual Afghan. But it has deep drawbacks associated with it. Any pioneering way of governance must follow previous experiences to derive strength of legitimacy. But any state with so much diversity and recently evolved from a crisis which could have diminished state existence altogether, is a rare case in itself. No other inspiration is there which the state

could follow. Therefore, the first version seems more practical. As the support base to implement it, electoral process has the vital role play in it. The chapter addressed some queries in form of evaluating electoral and constitutional history of the state. There emerged the ethnic challenges to electoral politics and assessment of provisions to address this in the new constitution. The electoral structure and its base strength given by the support of UNAMA to make it operational are vital parameters which were addressed by IEC as the steering institution. The challenges these institutions faced during occasions of election management in form of voter registration and security threats are vital aspects which the government is unable to contain till now. The political parties and their response to these processes always define the strength it holds. But in case of Afghanistan, the mechanism adopted in form of SNTV to conduct polls weakens political party existence upto such an extent that, individual prominence only drives the system.

These things were observed through four elections held in these turbulent times after 2001 phase change. The presidential elections of 2004 and 2009 along with parliamentary and provincial council elections of 2005 and 2010 gave enough opportunities as well as evidences to try for reforms in every step of electoral management. Initiating from corruption to mis-management, loss of neutrality and value system by the government, deteriorating security environment along with a faulty poll mechanism, the electoral process became a laboratory of follies. The post 2009 elections period has been dominated mostly by debates and controversies on whether the government under President Karzai's leadership would be treated as legitimate by the people. There are different opinions, with a substantial number of the masses saying, the President has to prove his legitimacy over a period of time by weeding out corruption. The next best alternative according to the public and members of the civil society groups, political parties and the media is to amend the Constitution. A review of the Election Law is also possible, but the general perception is that a Loya Jirga maybe the possible solution to the bottlenecks resulting from lack of clarity in the laws and Constitutional provisions.

Then the chapter discusses upcoming challenges of 2014 as most of the debate on transition has veered towards security sector, meaningful discussion on the transition in the political sector, particularly when the year of handover of responsibility coincides

with the 2014 presidential elections in Afghanistan, seems to be missing. Analysts posit that 'placing sole responsibility for Afghanistan's future stability on the ANSF without making progress in creating a stronger political consensus among Afghanistan's diverse factions, both armed and unarmed, is a high-risk gamble. Afghan observers point out that the first and second Bonn conferences did not address the need for political reform. The 2004 Constitution, which is sourced mostly from the 1964 Constitution when Afghanistan was a monarchy, has established one of the most highly centralized governments in the world. A gradual political reform towards a less centralized government is a necessary step. Amending the 2004 Constitution to establish different forms of government based on decentralization, while preserving the unity of Afghanistan, remains the only viable option. This would help build consensus among Afghans and lay the foundations of durable peace as the international military footprint recedes in 2014.

If Afghanistan is to achieve some degree of stability after 2014, a concerted effort must be exerted towards political reform through checks and balances. Four rounds of elections in Afghanistan have identified the ineffectiveness of the current electoral system. The Afghan Constitution has shown limitations in providing answers to disputes arising from power relations of three branches of the government and jurisdictions of institutions over governing elections. As Afghanistan traverses a difficult course of transition, there is an immediate need to bridge the perception gap between the Afghans and the international community to build on the gains and address the immediate areas of concern. In the decade-long international involvement, a unified vision and effort of putting Afghans in the lead for rebuilding their state and society remains the missing link in the stabilization efforts. It is critical to rectify this trajectory and set realistic timetables on drawdown based on conditions on the ground. The gains made thus far are substantial but remain fragile. This fragile end must be resolved for deriving true essence of a progressive state.

The third chapter while dealing with post Bonn state building assessment covered theoretical dimensions of state failure and then the state building procedures as the follow up to enrich the state. The challenges for democracy, both external and internal in nature have long term impact on state survival and its further consequential growth or fall. The major challenges the Afghan society is finding difficult to contain are both security and

financial aspects. Security is affecting the present time of the state where as financial strand is making the future of the state uncertain. In this context, state building as an international agenda has defined both the present and future aspirations of the state. The conflict management procedures formulated for Afghan conditions are not producing fruitful outcomes and the state is further being drowned inside the conflict core. This understanding when assessed from the prism of Bonn Agreement, the institutional arrangements prepared then and functioning now are finding themselves in troubled times. They are unable to cope with the swinging environment forming within the state. In this regard, when peace as an important constituent of state structure and security as a perpetual condition of statehood were analysed, the findings were largely unique and distinct in identity for Afghan case, it was felt.

Security dilemma and peace establishment in a model system of democracy are considered to be representative of both sides of a coin. Nationalism and its deeply embedded understanding with core principles of Afghan social formation are very complex entities which could not be understood in a unidirectional way. So, the creation of secular structure of Nationness for Afghanistan through achievement in various social indicators holds ground. The cultural insignia of the state has enriched its prowess during its formative days which has not even today has lost its sheen. But other social dimensions like education, women rights, health and employment are reeling under crisis situations. Illiteracy is high where as women rights are curtailed in every single moment anywhere in the territory. Health indicators are alarmingly poor performing with infant mortality rate and life expectancy deep below international average, even lower than some worst performing African states. Unemployment rate is high making the youth of the nation resorting to evil means of leading life. The youth potential of the state is still untapped, making it unusable for state building measures. They often indulge in drug addiction leading to loss of health, both of the individual and the state.

Food security is a major critical area of concern for the state. Agriculture in the recent times has largely switched to opium cultivation leading to easy money, but it is breaking down the trend of cultivation of consumable produce by farmers. The transport sector is localised to some cities and road network not reaching far flung rural areas and border

regions is making the state inefficient in trade and commodity exchange. The communication sector has only shown a positive trend of growth and wireless telephony is in process of connecting every individual of the state within next 5 years. The analysis of above dimensions gives us a blueprint of areas addressed by state building process continuing to strengthen the Afghan stability.

The fourth chapter of this work is the vital one assessing the effectiveness of SNTV mechanism and the challenge existent in form of proper territorial representation. The legal dimension of state and its territory are found out to be very much apart from the reality in the case of Afghanistan. The state defining its territorial and sub-territorial spread must resemble with unified identity bondage of the people. But when these two aspects tussle with each other, long term conflict and violent means to achieve goals becomes the only way out. When for electoral suitability, the provincial spread of Afghanistan clashed with sentiment of people living there from centuries, their proper representation came to question mark. If electoral boundary will not resemble with territory containing people of similar identity, unity and life values, how it can succeed in proper representation? This question is haunting the Afghan government and all actors involved in the territory since the first day of state building norms were laid out. But the problem itself and the derivatives of it in form of other complexities are still unresolved by the administration.

In this regard, the chapter observed several specific units of SNTV mechanism, its flaws and measures for improvisation along with finding a suitable alternative for the Afghan electoral set up. The territorial spread of the state when compared with aspirations of people, it resulted in disagreement. The electoral experiences of the state and its efficiency to address territorial representation brought out a pale reality. Response of government, experts and analysis of both situational and statistical data of previous elections revealed the bare realities of hypocrisy developed by Afghan government and double standards exhibited by it. SNTV and its characteristics when applied to the situation and expectation of Afghanistan, it brought out some puzzling scenarios. The implicational factors made it quite strong that, this mechanism can no longer fulfil Afghan aspirations. The previous experiences gained through four elections and wide array of

critical challenges faced during state building process analysed in the work now enables me to reach at a decisive point justifying my research hypothesis and its validity.

The first hypothesis to be tested through this research work was "*Electoral system can be the most effective way of handling the regional balance of power among various ethnic groups of Afghanistan*". While dealing with all dimensions of electoral system and its technical specifications and again analysing its practical implications and assessment derived out of the consequences and views by different layers of individuals, the system is found out to be weak in its efficiency. While handling regional balance of power, its weak areas comes to the front which are very much stronger than its meek strength. Most importantly, while addressing various ethnic groups of Afghanistan, the system fails on multiple aspects and the feeble success it has brought only in diminishing party system, nowhere serves the purpose of balancing regional power and providing solace to the ethnic groups demanding for equal representation and status. Therefore, *the validity of the first hypothesis of this research work stands false.*

The second hypothesis to be tested by this research work is "*The SNTV Electoral System fails to address the Ethno-Territorial context of democracy in Afghanistan.*" The simplest electoral procedure for less educated Afghan people was the only strong argument while SNTV mechanism was adopted for the state. But the real encounters with elections, expectations of people and critical areas emerged after its application on Afghan situation brought out short comings of it bare open. Denouncing party affiliation and empowering individual candidature in no way elevated the efficiency of poll process. It was neither capable of forming the platform for a strongly representative house nor it was able to address the ethno-territorial context of democracy in the state. The most complex issue which the government of the state is trying to find out a solution for is the ethnic clashes and their demand for representative territorial demarcation. In front of this deeply challenging and critical aspect of state dilemma, SNTV is out of options to address it. Therefore, *the validity of the second hypothesis of this research work stands true.*



# APPENDIX

## APPENDIX - I

### POLITICAL PARTIES OF AFGHANISTAN

(Updated till May 2012)

The Parties/Groups are listed below in alphabetical order based on the English translation of their names. The list excludes parties or groups not based inside Afghanistan. With the exception of the Taliban and Hizb-e Islami (Khalis faction), all parties listed below have been allowed to participate in the political process.

1. Afghan Nation [also known as the Afghan Social Democratic Party] (Afghan Mellat)

Leader: Anwar al-Haq Ahadi

Note: Ahadi is currently the Minister of Finance in President Karzai's administration. The party officially registered themselves in Afghanistan on May 16, 2004. Afghan Mellat is a powerful Pashtun nationalist party.

2. Afghan Nation [also known as the Afghan Social Democratic Party] (Afghan Mellat - Shams faction)

Leader: Ajmal Shams

Note: This party was formerly led by Shams ul Huda Shams, who passed away in October 2005. Since then it is led by Ajmal Shams. Unlike Ahadi's faction which supported Hamid Karzai in the October 2004 elections, Sham's faction supported Humayoon Shah Asefi. Asefi, a well known royalist, is a cousin of former king Mohammad Zahir's late wife, Homaira. However, in the 2009 presidential elections, the party delegation led by Ajmal Shams met with President Karzai and supported him. The party was registered by the Ministry of Justice in 2007 and publishes a quarterly publication called "Afghan Millat". Website: <http://www.afghanmillat.org/>

3. Afghan Society for the Call to the Koran and Sunna (Jama'at al-Da'wat il'l Qur'an wa Sunnat al-Afghanistan) Leader: Mawlawi Sami'ullah Najibi

4. Afghanistan Independence Party (Hizb-e Istiqlal-e Afghanistan)

Leader: Dr. Faruq Nejrabi

5. Afghanistan's Islamic Mission Organization (Tanzim-e Dahwat-e Islami-ye Afghanistan) Leader: Abdul Rabb al-Rasul Sayyaf

Note: Sayyaf's party used be known as Ittihad-i-Islami Barai Azadi Afghanistan (Islamic Union for the Liberation of Afghanistan). The party registered the new name with the Ministry of Justice on April 25, 2005.

6. Afghanistan's Welfare Party (Hizb-e Refah-e Afghanistan)

Leader: Mir Mohammad Asef Za'ifi

7. Freedom and Democracy Movement of Afghanistan (Nahzat-e Azadi wa Demokrasi-ye Afghanistan)

Leader: Abdul Raqib Jawed Kuhestani

8. Freedom Party of Afghanistan (Hizb-e Azadi-ye Afghanistan)

Leader: Abdul Malik

Note: In the mid 1990s, Abdul Malik, was a confidant and senior foreign adviser to Abdul Rashid Dostum. However, he made a secret deal with the Taliban, turned against Dostum and invited the Taliban into northern Afghanistan. The deal did not last long and a major battle occurred between Malik's forces and the Taliban; thousands of Taliban soldiers were killed.

9. Freedom Party National Faction (Hizb-e Azadi-ye Bakhsh-e Melli-ye Afghanistan)

Leader: Shams al-Haq Naibkhail

10. Homeland Party (Hizb-e Maihan)

Leader: Mohammad Rahim

11. Human Rights Protection and Development Party of Afghanistan (Hizb-e Ifazat az Hoquq-e Bashari wa Inkeshaf-e Afghanistan)

Leader: Baryalai Nasrati

12. Islamic & National Revolutionary Movement of Afghanistan (Hizb-e Harkat-e Inqilabi-ye Islami wa Melli-ye Afghanistan)

Leader: Ahmad Nabi

13. Islamic Civilization Party of Afghanistan (Hizb-e Islami-ye Tamadun-e Afghanistan)

Leader: Mohammad Nabi Nafeh

14. Islamic Justice Party of Afghanistan (Hizb-e Adalat-e Islami-ye Afghanistan)

Leader: Mohammad Kabir Marzban

15. Islamic Movement of Afghanistan (Harakat-e Islami-ye Afghanistan)

Leader: Sayyed Mohammad Ali Jawed

Note: For a long time, the party was led by Ayatollah Mohammad Asef Mohseni until he announced that he would step down in early February 2005. The Islamic Movement of Afghanistan was one of the resistance groups opposing the Soviets and their client regimes in Afghanistan from 1978 to 1992.

16. Islamic People's Movement of Afghanistan (Hizb-e Harak-e Islami-ye Mardum-e Afghanistan)

Leader: Sayyed Hosayn Anwari

17. Islamic Rights Advocates Party of Afghanistan (Hizb-e Itifaq-e Hoquq Khwahan-e Islami-ye Afghanistan)

Leader: Sayyed Abdul Qahar

18. Islamic Society of Afghanistan (Jami'at-e Islami-ye Afghanistan)

Leader: Burhanuddin Rabbani

Note: Other prominent members- Mohammad Ismael Khan, and Atta Mohammad (Governor of Balkh Province).

19. Islamic Unity Party of Afghanistan (Hizb-e Wahdat-e Islami-ye Afghanistan)

Leader: Mohammad Karim Khalili

20. Islamic Unity Party of the People of Afghanistan (Hizb-e Wahdat-e Islami-ye Mardum-e Afghanistan)

Leader: Haji Mohammad Mohaqiq

Note: Mohaqiq is very popular among the Hazaras; he ran as an independent candidate for the presidency in October 2004, and received the vast majority of the Hazara votes.

He served as Planning Minister in the transitional government until he was allegedly fired in March 2004. Mohaqiq claims he was fired after announcing that he would be running in the 2004 presidential elections against Hamid Karzai, however, Karzai's spokesman

denied he was fired and claimed Mohaqiq quit after a dispute with then Finance Minister Ashraf Ghani. Mohaqiq stated that Karzai's administration was ethnically biased, and that there are attempts to sideline former Mujahideen members from the government.

21. Justice Party of Afghanistan (Hizb-e Adalat-e Afghanistan)

Leader: Mohammad Hasan Fayrozkhail

22. Labor and Progress of Afghanistan Party (Hizb-e Kar wa Tawse'a-e Afghanistan)

Leader: Zulfiqar Omid

23. Moderate Party of Afghanistan (Hizb-e E'tidal-e Afghanistan)

Leader: Unknown

24. National Congress Party of Afghanistan (Hizb-e Kongra-ye Melli-ye Afghanistan)

Leader: Abdul Latif Pedram

Note: Party leader Pedram ran as the party's official candidate for the presidency against Hamid Karzai in October 2004.

25. National Islamic Fighters Party of Afghanistan (Da Afghanistan Da Melli Mubarizinu Islami Gond)

Leader: Amanat Ningarhari

26. National Islamic Front of Afghanistan (Mahaz-e Melli-ye Islami-ye Afghanistan)

Leader: Sayyed Ahmad Gailani

27. National Islamic Movement of Afghanistan (Hizb-e Junbish-e-Melli-ye Afghanistan)

Leader: Sayed Noorullah

Note: This party was formerly led by Abdul Rashid Dostum. Dostum officially stepped down on April 18, 2005 to take up a post (Chief of Staff to the Commander of the Armed Forces) in President Hamid Karzai's government. Dostum was appointed by Karzai on March 1, 2005. The party was officially registered with the Ministry of Justice on April 18, 2005. Abdul Rashid Dostum ran as an independent candidate for the presidency in October 2004, and received the vast majority of the Uzbek votes. Dostum was a former Communist General who switched sides to help the Mujahideen bring down Dr. Najibullah's Russian supported government.

28. National Islamic Unity Party of Afghanistan (Hizb-e Wahdat-e Melli-ye Islami-ye Afghanistan) Leader: Mohammad Akbari

29. National Liberation Front of Afghanistan (Jabha-e Melli-ye Nijat-e Afghanistan)  
Leader: Sebghatullah Mojadeddi

30. National Movement of Afghanistan (Hizb-e Nahzat-e Melli-ye Afghanistan)  
Leader: Ahmad Wali Masood (brother of slain Mujahideen commander, Ahmad Shah Masood).

Note: Zia Masood, another brother of Ahmad Shah Masood, and party member is currently serving as Afghanistan's first Vice President. Mohammad Yunis Qanuni was also a member of this party, until Zia Masood agreed to sign on as Hamid Karzai's Vice President in the October 2004 presidential elections. Qanuni ran against Karzai.

31. National Party of Afghanistan (Hizb-e Melli-ye Afghanistan)  
Leader: Abdul Rashid Aryan

32. National Peace & Islamic Party of the Tribes of Afghanistan (Hizb-e Sulh-e Melli-ye Islami-ye Aqwam-e Afghanistan)  
Leader: Abdul Qaher Shari'ati

33. National Peace & Unity Party of Afghanistan (Hizb-e Sulh wa Wahdat-e Melli-ye Afghanistan)  
Leader: Abdul Qader Imami

34. National Peace Islamic Party of Afghanistan (Da Afghanistan Da Solay Melli Islami Gond)  
Leader: Shah Mahmud Popalzai

35. National Peace Movement of Afghanistan (Nahzat-e Melli Sulh-e Afghanistan)  
Leader: Sayyed Sami'ullah Sadat

36. National Prosperity and Islamic Party of Afghanistan (Hizb-e Sahadat-e Melli wa Islami-ye Afghanistan) Leader: Mohammad Osman Saligzada

37. National Prosperity Party (Hizb-e Refah-e Melli)

Leader: Mohammad Hasan Jahfari

38. National Solidarity Movement of Afghanistan (Nahzat-e Hambastagi-ye Melli-ye Afghanistan)

Leader: Sayyed Ishaq Gailani

Note: Gailani was his party's official candidate for president until withdrawing from the race on 6 October. Gailani urged National Solidarity Movement supporters to back Karzai in the presidential vote.

39. National Solidarity Party of Afghanistan (Hizb-e Paiwand-e Melli-ye Afghanistan)

Leader: Sayyed Mansur Nadiri

40. National Stability Party (Hizb-e Subat-e Melli)

Leader: Abdul Ra'uf

41. National Tribal Unity Islamic Party of Afghanistan (Hizb-e Melli-ye Wahdat-e Aqwam-e Islami-ye Afghanistan)

Leader: Mohammad Shah Khogyani

42. National Unity Movement (Tahrik-e Wahdat-e Melli)

Leader: Sultan Mahmud Ghazi

43. National Unity Movement of Afghanistan (Hizb-e Harakat-e Melli-ye Wahdat-e Afghanistan)

Leader: Mohammad Nader Atash

44. National Unity Party (Hizb-e Mutahid-e Melli)

Leader: Nur al-Haq 'Ulumi

45. National Unity Party of Afghanistan (Hizb-e Wahdat-e Melli-ye Afghanistan)

Leader: Abdul Rashid Jalili

46. New Afghanistan Party (Hezb-e-Afghanistan Naween)

Leader: Mohammad Yunis Qanuni

Note: This party is part of a political alliance called Jabahai Tafahim Millie or National Understanding Front. It also includes Wahdat-e-Mardum Afghanistan led by Haji Mohammad Mohaqiq, Hezb-e-Iqtedar Islam led by Ahmad Shah Ahmadzai, Hezb-e-Harakat Islami led by Sayed Mohammad Lia Jawed, Wahdat Milli led by Mohammad Akbari, Hezb-e-Isteqlal Milli Afghanistan led by Taj Mohammad Wardak, Hezb-e-Harakat Enqelab Islami led by Ahmad Nabi Ahmad, Hezb-e-Wahdat Aqwami Milli Afghanistan led by Nasrullah Barakzai, Hezb-e-Eqtedar Islami Afghanistan led by Qara Beig Ezedyar, Hezb-e-Islami Jawan Afghanistan led by Sayed Jawad Husseini, and Hezb-e-Sulh wa Wahdat-e-Milli Afghanistan led by Emami Ghorri. The alliance was publicly announced on March 31, 2005.

47. Party of Islam (Hizb-e Islami)

Leader: Arghandiwal

Note: The party was founded in the 1970s and for many years led by former Prime Minister Gulbuddin Hekmatyar. Hekmatyar is currently believed to be in alliance with the Taliban and waging a guerilla war against US forces in Afghanistan.

48. Party of Islam (Hizb-e Islami - Khalis faction)

Leader: Mohammad Yunos Khalis

Note: Khalis is believed to be in hiding and involved in fighting against the US troops present in Afghanistan. His base of support is in the eastern Nangarhar Province.

49. Peace and National Welfare Activists Society (Majmah-e Melli-ye Fahalin-e Sulh-e Afghanistan)

Leader: Shams al-Haq Nur Shams

50. Peace Movement (Da Afghanistan Da Solay Ghorzang Gond)

Leader: Shahnawaz Tanai

Note: Tanai, served as former minister of defense under the Soviet-backed communist regime of Dr. Najibullah.

51. People's Aspirations Party of Afghanistan (Hizb-e Arman-e Mardum-e Afghanistan)

Leader: Sarajuddin

52. People's Liberal Freedom Seekers Party of Afghanistan (Hizb-e Libral-e Azadi-ye Khwa-e Mardum-e Afghanistan)



Leader: Ajmal Sohail

53. People's Message Party of Afghanistan (Hizb-e Risalat-e Mardum-e Afghanistan)

Leader: Nur Aqa

54. People's Party of Afghanistan (Hizb-e Mardum-e Afghanistan)

Leader: Ahmad Shah Asar

55. People's Prosperity Party of Afghanistan (Hizb-e Falah-e Mardum-e Afghanistan)

Leader: Mohammad Zarif

56. People's Sovereignty Movement of Afghanistan (Nahzat-e Hakimiyat-e Mardum-e Afghanistan)

Leader: Hayatullah Subhani

57. People's Uprising Party of Afghanistan (Hizb-e Rastakhaiz-e Mardum-e Afghanistan)

Leader: Sayyed Zaher

58. People's Welfare Party of Afghanistan (Hizb-e Sahadat-e Mardum-e Afghanistan)

Leader: Mohammad Zubair Payroz

59. People's Welfare Party of Afghanistan (Hizb-e Refah-e Mardum-e Afghanistan)

Leader: Miagul Waseq

60. Public Opinion Party of Afghanistan (Hizb-e Afkar-e Ama-ye Afghanistan)

Leader: Unknown

61. Republican Party (Hizb-e Jamhuri Khwahan)

Leader: Sebghatullah Sanjar

62. Solidarity Party of Afghanistan (Hizb-e Hambastagi Afghanistan)

Leader: Abdul Khaleq Ne'mat

63. Taliban

Leader: Mullah Mohammad Omar (Other prominent members: Jalaluddin Haqqani, Saifullah Mansoor)

Note: The Taliban are waging a war against the US backed Afghan government headed by Hamid Karzai.

64. United Afghanistan Party (Hizb-e Afghanistan-e Wahid)

Leader: Mohammad Wasel Rahimi

65. Understanding and Democracy Party of Afghanistan (Hizb-e Tafahum-e wa Demokrasi-ye Afghanistan)

Leader: Ahmad Shahin

66. Young Afghanistan's Islamic Organization (Sazman-e Islami-ye Afghanistan-e Jawan)

Leader: Sayyed Jawad Hosayni

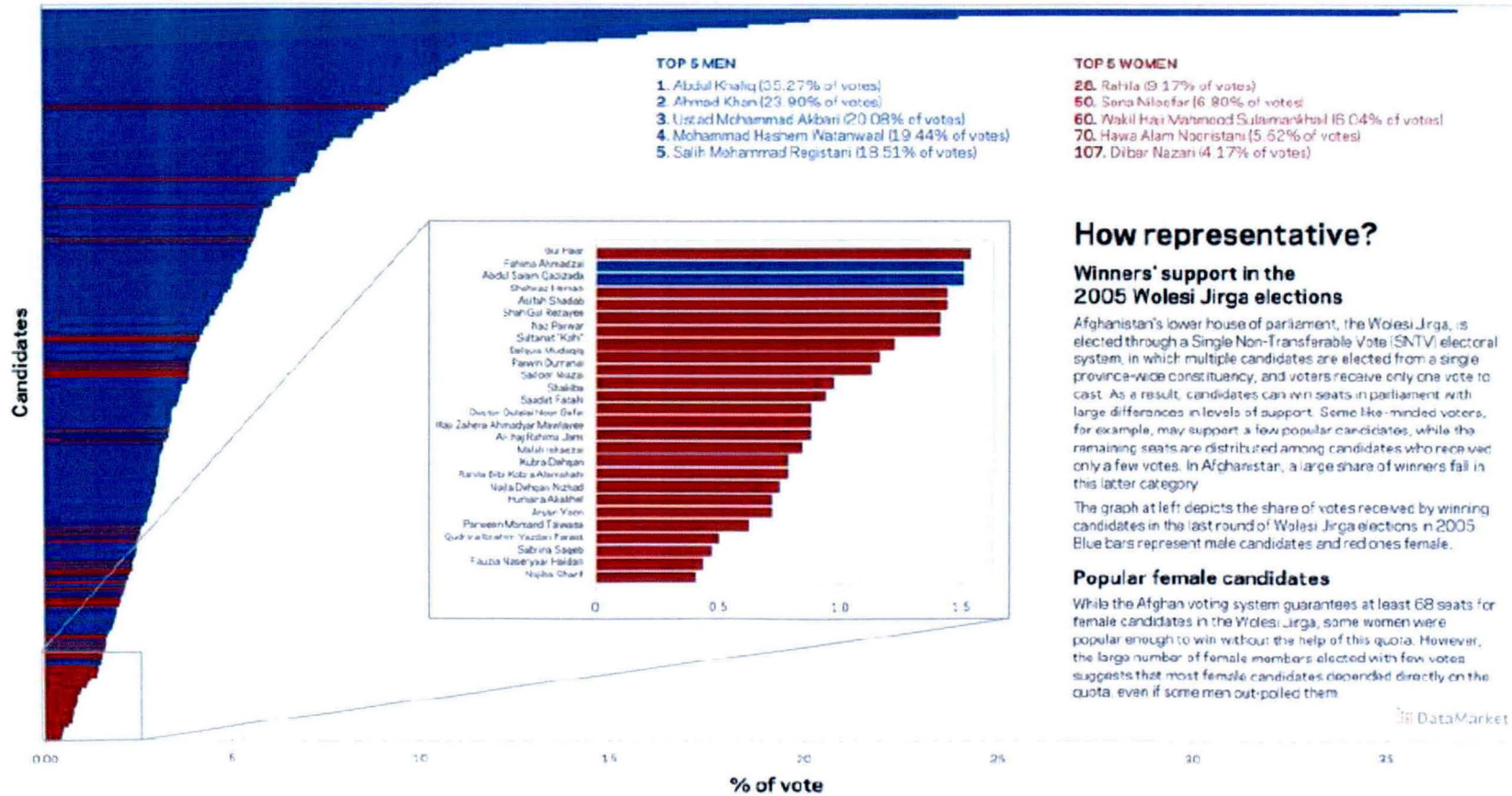
67. Youth Solidarity Party of Afghanistan (Hizb-e Hambastagi-ye Melli-ye Jawanan-e Afghanistan)

Leader: Mohammad Jamil Karzai

APPENDIX - II

# 2005 Parliamentary Winners

Percentage of Vote Shares by Gender



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