



# BRIEFING PAPER

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## Afghan Elections: The Great Gamble

### Elections for What?

The purpose of this AREU briefing paper is to challenge policy makers to consider whether elections will help or hinder the achievement of the Bonn Agreement's overall objectives by analysing the following questions:

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### Overview

Only seven months remain until elections are to be held in Afghanistan as mandated by the Bonn Agreement. In preparation for the June elections, the transitional government and the United Nations are working hard to pass the necessary electoral laws, organise the massive voter registration campaign and raise funds from donors to cover the estimated US\$130 million price tag. But while considerable time and energy have gone into planning the logistics of holding the elections within the Bonn timeframe, more attention needs to be devoted to assessing whether elections will help or hinder the achievement of the Agreement's overall objectives. For Bonn will not be judged a success merely on its ability to adhere to a timeframe, but on whether it achieves its overall objectives "to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country."

### Do the benefits of elections outweigh the risks?

Despite considerable evidence that elections held prematurely in post-conflict situations do more harm than good, the Karzai administration, the UN and major donors including the US are betting that the potential benefits of 2004 elections exceed the risks. Some of the most compelling arguments for holding elections within the Bonn timeframe (or possibly a few months later) include:

- 1) Delaying elections could have a destabilising effect by violating one provision of the Bonn Agreement, thereby undermining the legitimacy of others and potentially causing stakeholders to pull out;
- 2) Delaying elections could undermine President Karzai's legitimacy and public credibility after his term ends in June, and draw comparisons with previous presidents who stayed in power beyond their mandate;
- 3) Holding elections on time would give Karzai the fresh mandate he needs to push the political reform agenda forward (assuming he wins); and
- 4) Holding elections will keep donors engaged and invested in Afghanistan's future.

But just as elections have the potential to be a catalyst for positive change, there is also significant risk that elections held before key conditions are in place will actually do more harm than good.

The biggest risk is that holding elections prematurely could do more to promote instability and conflict rather than lasting peace. At present, approximately one-third of the country, especially in the southern and eastern Pashtun belt, would be difficult or impossible to access by voter registration and election teams due to security concerns. Even if accessible, in areas of Taliban influence voters and candidates may well be intimidated and pressured not to participate. Elections with inadequate participation and representation of Pashtuns will undoubtedly have a politically destabilising impact and will sow the seeds for more years of conflict.

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There is a real danger that the enormous amounts of human and financial resources that will be spent on getting a president elected will be at the expense of the more important task of reforming and strengthening state institutions.

Moreover, in the absence of effective measures to disarm local militia commanders and regional warlords throughout the country, as well as to tackle the narcotics trade, it seems likely that elections will be won by the candidate with the most power to intimidate or buy voters. It will indeed be a cruel irony for Afghans if their first experience of casting a ballot in national elections is being forced to vote for those who have been responsible for so much of their misery during the past two decades.

There is also a risk in holding elections simply to legitimize President Karzai, or to equate a "successful" election with a Karzai victory. President Karzai is entering the election campaign with no political organisation to mobilise support, no "slush" fund of narco-dollars to buy votes, no armed militias to intimidate voters, no apparent appetite for politics, a weak and divided Pashtun vote (Karzai is a Pashtun), and waning popularity due to the perception that he is leading a weak and ineffectual government. The Karzai Administration (along with the US) is banking on the fact that the US\$1.6 billion aid package from the United States will buy him enough votes to win. But even increased investments in reconstruction activities will fall short of the overwhelming needs and expectations of the Afghan population; and "visible, measurable, on-the-ground results,"<sup>1</sup> will not be sufficient to propel the Karzai administration to electoral victory. Those weighing the odds of elections must factor in the very real possibility that a better organised, better funded and better armed presidential candidate with a clearer agenda or ideology could defeat President Karzai.

It is also not clear to what extent elections are a major determinant of political legitimacy in the current Afghan context. The dissatisfaction of many Afghans with the current government is not expressed in terms of the flawed Emergency Loya Jirga (ELJ) elections, but because of the perception that the government has failed to deliver improved security, good governance and better livelihoods. Delivering on the issues of primary concern to Afghans could well do more to legitimise a government than an election, especially if the elections are marred by intimidation and fraud.

It is risky to assume that a fresh electoral mandate will move the reform agenda forward. President Karzai's election by the ELJ did not enable him to push a reform agenda and it is unclear how a presidential election victory would be different. There is a real danger that the enormous amounts of human and financial resources that will be spent on getting a president elected will be at the expense of the more important task of reforming and strengthening state institutions. For strong state institutions, especially those related to the rule of law, are needed to hold free and fair elections, and strong state institutions are needed after elections for the new government to implement laws. Electing a president without addressing the need for a professional cabinet and efficiently structured and professionally staffed government institutions, will once again halt the reform agenda and undermine the popularity, credibility and legitimacy of the president as well as the government.

Finally, there are real risks in allowing foreign agendas to become the driving force pushing for elections within a timeframe that may jeopardise Afghanistan's future. At present, the United States is one of the strongest advocates (and is expected to be the largest donor) for elections next summer or fall. There is a widely held perception that this enthusiasm for 2004 elections is a result of the Bush administration's need for a foreign policy and "war-on-terror" success ahead of the November 2004 presidential

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<sup>1</sup> US Department of State Press Release, 10 Nov 2003, U.S. to give \$1.6 billion to speed up Afghan reconstruction projects.

elections in the US, particularly as Iraq appears to be coming less of a success by the day.

Some have argued that the elections deadline is having the positive effect of galvanising increased US financial and political engagement, and that delaying elections could result in this important momentum being lost. But relying on elections as “the hook” to keep donors engaged is a short-sighted strategy that could easily backfire. Once elections are over, donors could feel “off the hook” and use the elections as their premature exit strategy from Afghanistan.

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#### **Are there alternatives?**

If policy-makers are convinced that the risks of elections in the current environment outweigh the potential benefits, then an alternative is needed to legitimise a post-Bonn government until relatively free and fair elections can be held. The new constitution, if ratified by the upcoming CLJ, provides the most obvious opportunity for a legal and legitimate election delay. As Afghanistan’s supreme law, the new constitution supercedes all other laws and decrees before it, including the Bonn Agreement’s provision that elections must be held within two years of the June 2002 Emergency Loya Jirga. The draft constitution makes clear that the president of the transitional administration will remain in power until a new president is elected. It also stipulates that the transitional government issue a decree related to presidential elections within six months of the constitution’s ratification, but does not specify a timeframe within which the election has to be held.

Of course, delaying elections must be accompanied by a strategy that, among other things, will help create an environment in which relatively free and fair elections can be held. This new strategy must build on the growing consensus that is developing among major donors, the UN and reformers in government of the need to integrate military and reconstruction strategies within an overarching political strategy to rebuild the Afghan state. The upcoming “Tokyo-II” pledging conference early next year, as well as a possible “Bonn-II” political meeting, provide opportunities to bring the government, other Afghan stakeholders, the UN and donors together to agree on a new multi-year strategy to achieve national reconciliation, stability, lasting peace and respect for human rights, supported by long-term funding commitments.

In an ideal world, elections held within the timeframe of the Bonn Agreement would clearly be the best choice for Afghanistan. The situation in Afghanistan, however, is far from ideal and is unlikely to be so by the summer or fall of 2004. If relatively free and fair elections cannot be held, delayed elections would be a better option than bad elections. For elections marred by widespread intimidation and irregularities will be regarded as illegitimate by both Afghans and the international community alike and could tarnish the reputation of elections in Afghanistan for many years to come. Policy-makers must therefore reassess the odds of whether elections held in the summer or fall of 2004 will do more harm or good. With Afghanistan’s future at stake the country cannot afford a losing bet.

# I. What's At Stake?

Holding free and fair elections in Afghanistan in June 2004 will mark the final milestone of the Bonn Agreement. Negotiated and signed in December 2001 the agreement acknowledges “the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice,” and establishes that “the Transitional Authority is to lead Afghanistan until a fully representative government can be elected through free and fair elections, which are to be held no later than two years after the date of the convening of the Emergency Loya Jirga.”

while UN voter registration teams are being hired and outfitted and plan to begin registering voters in eight major urban centres on 1 December (see box of developments to date).

However, if Bonn is to be assessed on the achievement of its objectives, it would not be so easy to claim success. Insecurity reigns throughout the country and the disarmament of warlords and militias in Kabul and elsewhere has been impeded by internal and external politics. The reform of rule of law institutions – while underway – is slow, the central government remains weak and political power is diffused among local fiefdoms. Key

reconstruction projects, particularly in the southern and south-eastern Pashtun belt, have been put on hold for lack of security and money, and Afghans are becoming increasingly disillusioned with their government and the international community for not delivering on their promises.

As the final milestone of the Bonn Agreement, national elections have the potential to become a watershed event: the international community has an opportunity to help Afghanistan take an important step toward a peaceful and democratic state; Afghan policy makers have the chance to re-establish government legitimacy; and the Afghan people have the possibility of electing a representative government that has their own interests in mind.

Holding national elections before key conditions are met, however, could just as easily erase two years of progress and investment and pitch the country backward toward conflict. Before the government and the international community gamble on Afghanistan's future with elections, they must ask themselves whether they are squandering an important opportunity to build a viable and peaceful state.

By preserving the letter of Bonn, are they actually putting the spirit and objectives of the agreement in jeopardy?

The Bonn Checklist	
Establish an Afghanistan Interim Authority	✓
Establish independent commissions for the Emergency Loya Jirga, civil service reform, judicial reform and human rights	✓
Convene an Emergency Loya Jirga (ELJ) to elect a head of state and key positions for the transitional administration	✓
Deploy a multinational force for the protection of Kabul and its surrounding areas	✓
Establish a Central Bank of Afghanistan	✓
Withdraw all military units from Kabul and other areas	Not done
Prepare a new constitution; convene a Constitutional Loya Jirga for its ratification within 2 years.	December 2003
Hold free and fair elections within 2.5 years.	June 2004

If the Bonn Agreement were simply a checklist, it would be very nearly achieved: a June 2002 Emergency Loya Jirga (ELJ) ushered in a transitional government, a Constitutional Loya Jirga (CLJ) will convene in mid-December to discuss a new constitution and independent commissions for judicial, civil service and human rights reform are up and running (see box). In anticipation of the June election, the Karzai Administration has convened an interim electoral body and decreed political parties' legislation into law,

### Timetable of Electoral Developments 2002/2003

- Oct./Nov. 2002** ▪ (UN) Electoral Assistance Division conducts elections needs assessment;
- Feb. 2003** ▪ UN sends chief elections officer for an elections survey mission;  
▪ President Karzai formally requests UNAMA to coordinate international support for elections;
- Mar. 2003** ▪ Chief elections officer and three UNAMA electoral unit staff arrive to prepare registration law work plan and budget for registration;
- May 2003** ▪ Budget of US\$12 million approved through end of 2003 to establish UNAMA electoral unit; money was not made available until July;
- Jun. 2003** ▪ UN elections commission prepares draft operational plan; this is revised when Karzai establishes IAEC giving them a role in registration;
- Jul. 2003** ▪ UN elections commission staffs up;  
▪ Interim Afghan Electoral Commission (IAEC) decreed and established with six members;
- Aug. 2003** ▪ Joint Electoral Management Body (JEMB) decreed;  
▪ UNAMA elections unit hires staff in civic education, registration and technical assistance;  
▪ Voter Registration Project budget of US\$78 million presented to donors for Oct. 15 start date; Project postponed to Dec. 1 for lack of funding.
- Oct. 2003** ▪ Political parties law decreed;  
▪ Disarmament, demobilisation and reintegration (DDR) pilot begins in Kunduz;
- Nov. 2003** ▪ Civic education and mass media campaign scheduled to begin;  
▪ Draft constitution circulated;
- Dec. 2003** ▪ Voter registration scheduled to begin in eight major cities;  
▪ Constitutional Loya Jirga scheduled to be held;
- Pending** ▪ **Inauguration of JEMB;**  
▪ **Registration law;**  
▪ **Press law;**  
▪ **Elections law; and**  
▪ **Determination of roles and responsibilities for planning, budgeting and implementing elections.**

## II. Are Elections Politically Desirable...Now?

*Holding democratic elections has been an integral part of most internationally negotiated peace agreements, and trading “bullets for ballots” is viewed in the international community as a political rite of passage for an emerging democratic state. But even the most “free and fair” elections have resulted in wholly un-democratic ends when unaccompanied by an established peace, a sound legal framework, strong political and rule-of-law institutions and political reform. Holding elections in Afghanistan in the current political environment may do more to promote conflict than create lasting peace and is therefore unlikely to be viewed as “free and fair” – and legitimate – by most Afghans.*

Elections in Afghanistan, it is hoped, will transform the country from a post-conflict collection of armed factions to a cohesive, civilian-led democratic state. However, both the Bonn Agreement itself and the Emergency Loya Jirga missed important opportunities for re-establishing the rule of law and an equitable post-war power balance, and the legacy of these events has kept the Afghan central government weak, the country unstable and key disarmament and rule of law reform processes hard to implement. Holding elections in Afghanistan prematurely may simply repeat the mistakes of the past two years by disrupting – rather than promoting – national reconciliation and lasting peace.

### Weak political institutions

Elections, by nature, are divisive events. In an environment with weak state and political institutions, the very act of promoting elections could fuel what is already a politically charged situation. For one, there are currently no strong institutions that have the capacity to carry out elections, as the newly formed Interim Afghan Electoral Commission (IAEC) will have neither the experience nor the know-how to orchestrate the event. And the lack of strong legislative, rule of law or judicial sectors will make it difficult to implement or enforce what elections ultimately decide. Though a political parties' law has just been passed prohibiting groups with military affiliations from participating in politics, there is yet no established mechanism for peaceful political competition to take place.

Moreover, the current transitional administration is not in a strong enough position to withstand the politics of an elections year. The fragility of the government's position was most clearly demonstrated in October 2003 – well before voter registration or any election campaigning had begun – when reports about senior cabinet members meeting with members of Islamic fundamentalist parties and their commanders sparked rumors of a coup d'état and led to the deployment of International Security

Assistance Force (ISAF) tanks outside the presidential palace.<sup>2</sup>

### Box 1: International Standards of Elections

The right to free and fair elections is provided for in the Universal Declaration of Human Rights. The standards of free and fair have since been elaborated in numerous international meetings, conventions and declarations. They share common objectives and an understanding that the implementation of these objectives must take into account the nation's sovereignty and its political, cultural and historical context. One commonly cited set of international standards was agreed at an OSCE meeting in Copenhagen. States are to:

- Hold free elections at reasonable intervals;
- Permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
- Guarantee universal and equal suffrage to adult citizens;
- Ensure votes are cast by secret ballot or by equivalent free voting procedures and that they are counted and reported honestly with the official results made public;
- Respect the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination;
- Respect the right of individuals and groups to establish, in full freedom, their own political parties or organisations, and provide such political parties and organisations with necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
- Ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications or prevents voters from learning and discussing them or from casting their vote free of fear of retribution;
- Provide that no legal or administrative obstacles stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;
- Ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures...

*Source: The Copenhagen Meeting of the Conference on the Human Dimension of the OSCE, 29 June 1990.*

<sup>2</sup> Baldauf, S. *Afghan Campaign Trail Barely Trod by Karzai*, October 30, 2003, The Christian Science Monitor.

### Free and Fair?

Elections held prematurely are also not likely to either meet even the minimal criteria of “free and fair” (see Box 1) or be perceived as legitimate in the eyes of Afghans.

- Security restrictions may well prevent “universal and equal suffrage” as whole swathes of the country, particularly in the south and the south-east, will be off-limits to registration and elections staff.
- Socio-cultural constraints are likely to impede women from voting, and the current timeframe leaves little time for strategies to ensure their participation. Civic organisations working for the Constitutional Loya Jirga reported difficulties in getting Pashtun women to leave their houses<sup>3</sup> and in convincing men in rural areas to allow women to vote. For example, the scheduled special category elections for women for the CLJ in Paktika were cancelled, apparently because local leaders could not be convinced to permit women’s participation.
- Freedom of expression has still not been achieved and political dissenters and journalists are not yet protected by free speech laws.
- Finally, elections could well legitimise the very individuals deemed the most illegitimate by the majority of Afghans. A national disarmament programme is currently only in a pilot phase and will only have been extended to urban centres by the summer. Without bringing warlords and faction leaders under control, it seems virtually certain that the elections will be won by those with the greatest power to intimidate voters and to buy their way into power.

International experience has shown that even the most democratic elections held before political reform has taken hold can end with very undemocratic results (see Box 3). In the last ten years, peaceful elections held in “post-conflict” South Africa, El Salvador and Mozambique were preceded by strong international peace agreements, disarmament, a sound constitution and stable grassroots political movements. Elections held in countries before peace was secure, as in Liberia, Angola and Bosnia legitimised the very forces they were meant to remove from power and sowed the seeds for further conflict.

<sup>3</sup> Azarbaijani-Moghaddam, S., *Technical Lessons Learned from the Afghan Civil Society Forum (ACSF)/swisspeace*. Civic Education for the Constitution Project, November 2003, ACSF-swisspeace, p.56.

Elections themselves can be considered “technically” successful and peaceful, but as international experience has shown, they will not achieve their intended aims if held prematurely or under duress. It is therefore critical that elections only be held if and when it is clear that they will promote lasting peace rather than fuel further conflict.

### Box 2: Laying the Groundwork for Elections

While it is widely known that perfectly free and fair elections are unattainable even in the most politically “advanced” countries, it is reasonable to expect that Afghan elections be held only when there is demonstrated evidence that progressive steps have been made toward achieving “free and fair” ends. Some possible conditions that could ensure a more credible political process include:

- A Constitutional Loya Jirga process that is perceived as representative and legitimate;
- A ratified constitution that lays out a clearly defined political framework;
- Improved security overall and particularly in areas of political activity; increased capacity and trust in the Afghan police and national army;
- Measurable progress in disarmament and evidence of disarmed combatants pursuing legitimate livelihoods;
- The alignment of divergent foreign political, military and reconstruction strategies and interests in support of Bonn, particularly the disarmament provisions in Article 5;
- Significant evidence of access by men and women in rural and urban areas to information about and awareness of registration and election processes;
- Evidence of the application and enforcement of the political parties’ law by the Ministry of Justice, including peaceful, public political debate;
- National administrative capacity for running elections visible through establishment of electoral laws and a strong, permanent and independent elections commission.

**Box 3: A Path to Peace? Post-Conflict Elections (1992-2002)**

COUNTRY	ELECTIONS	OUTCOME	PRECONDITIONS
<b>Kosovo</b>	2002 2001 2000	<ul style="list-style-type: none"> <li>Peaceful elections deemed “free and fair.”</li> <li>Kosovo effectively governed as UN protectorate with increasing resentment from elected officials and broader population.</li> </ul>	<ul style="list-style-type: none"> <li>Strong &amp; continuing presence of UN and multi-national peacekeeping force.</li> </ul>
<b>East Timor</b>	2001 2002	<ul style="list-style-type: none"> <li>Peaceful elections won by Fretilin party, which had led struggle for independence.</li> </ul>	<ul style="list-style-type: none"> <li>External threat (Indonesia-based militias) removed by strong UN peacekeeping presence.</li> <li>UN peacekeeping forces still in country.</li> </ul>
<b>Liberia</b>	1997	<ul style="list-style-type: none"> <li>Charles Taylor, most powerful factional leader, elected because of widespread fear that if he lost, the country would return to civil war.</li> <li>Elections ratified power structures created by seven years of civil war.</li> <li>Continued national and regional instability and violence leading to foreign intervention in Liberia in August 2003.</li> </ul>	<ul style="list-style-type: none"> <li>Continued violence and brutality.</li> </ul>
<b>Bosnia-Herzegovina</b>	1996 +	<ul style="list-style-type: none"> <li>Widespread voter intimidation and ethnic engineering through electoral fraud.</li> <li>Replicated existing power structures.</li> <li>Leaders opposed to new state were strengthened and “legitimised” by new electoral mandates.</li> </ul>	<ul style="list-style-type: none"> <li>Decision to proceed with elections so soon after Dayton Agreement (1995) highly controversial.</li> <li>Peace agreement allowed opposing forces to maintain armed capabilities.</li> </ul>
<b>El Salvador</b>	1994	<ul style="list-style-type: none"> <li>Effective political transformation during relatively strong interim regime.</li> </ul>	<ul style="list-style-type: none"> <li>Successful demobilisation supported and monitored by UN.</li> <li>Relative demilitarisation of politics.</li> <li>Development of local civil society, including human rights organisations.</li> <li>Peace accords held.</li> </ul>
<b>Mozambique</b>	1994	<ul style="list-style-type: none"> <li>Tactical voting balanced two powerful parties by choosing ruling FRELIMO candidate as president, but RENAMO candidates for parliament.</li> </ul>	<ul style="list-style-type: none"> <li>Relatively strong interim government restored peace and reduced fear.</li> <li>Demobilisation of RENAMO; transformation to political party</li> <li>Peace agreement held.</li> </ul>
<b>South Africa</b>	1994	<ul style="list-style-type: none"> <li>Peaceful, “substantially free and fair elections” held with widespread participation and legitimacy.</li> </ul>	<ul style="list-style-type: none"> <li>Internally-driven constitution-making process involving extensive consultation, negotiation and compromise.</li> <li>Strong tradition of grassroots politics.</li> </ul>
<b>Cambodia</b>	1993	<ul style="list-style-type: none"> <li>Technically successful elections followed by a forced reversal of the results and then a departure of UN &amp; international forces.</li> <li>A coup against the royalist FUNCINPEC party led to a return to political intimidation and authoritarian rule.</li> </ul>	<ul style="list-style-type: none"> <li>Relatively strong interim administration had reduced instability and fear.</li> <li>Local human rights organisations developed during this period.</li> </ul>
<b>Angola</b>	1992	<ul style="list-style-type: none"> <li>Failed to end the decades old civil war, when UNITA leader Jonas Savimbi refused to accept his party’s defeat.</li> </ul>	<ul style="list-style-type: none"> <li>Failure to fully disarm and demobilise the warring armies prior to the election.</li> <li>Inadequate resources and leadership from international community.</li> </ul>

### III. Who Stands to Gain?

*Though Afghans have repeatedly expressed their desire for security, the need for disarmament and their expectation of an accountable and representative government, the style and timing of the Afghan elections seems to be more aimed at meeting foreign political objectives than promoting Afghan interests. Elections held under current conditions, are more likely to benefit political spoilers rather than genuinely improve Afghan lives.*

**The United States.** The US is pushing the most aggressively for an election held next summer or fall, where it is assumed that a Karzai victory will re-establish the authority of a government that is both good for Afghanistan and friendly to US interests. A timely, successful election is also likely to benefit the Bush administration's domestic agenda, which needs a foreign policy success in Afghanistan to satisfy US voters ahead of presidential elections in November 2004. As a result, the US is expected to soon earmark part of its US\$1.6 billion aid package to see an election through.

**The United Nations.** As the custodian of Bonn, the question of elections puts the UN in a difficult position. On one hand, the UN is mandated by the Security Council to implement Bonn and is therefore under much pressure to hold elections on time. On the other hand if the Afghan election precipitates conflict and promotes an illegitimate end, the UN will be held accountable and blamed for its failure. This dilemma has caused the UN to defend the Bonn timetable— they say they are willing to accept an “imperfect” election rather than let the Bonn process slip too far – while expressing serious doubts about whether peaceful elections can actually be achieved.

**Afghan President Hamid Karzai.** President Karzai is the only person in the current Afghan government with a mandate to govern; he came to power through the controversial Emergency Loya Jirga in June 2002 as the only official elected by delegates' vote. Though the new draft constitution explicitly extends his tenure until elections can be held, Karzai believes he needs a fresh mandate in order to govern beyond June. He also doesn't want to follow the example of his unpopular predecessors by illegally holding onto power. To boost his authority and secure his power base, Karzai feels compelled to hold elections on time.

**Political spoilers.** Historically, Afghanistan's political parties have survived on their ability to raise funds, secure and supply weapons and

organise successful resistance actions<sup>4</sup> rather than represent a constituency and point of view. Though the new political parties' law aims to replace military factions with legitimate political organs, there is yet no strategy for its interpretation, implementation and enforcement. In the absence of established political party reform, political spoilers are likely to take advantage of any security gap to intimidate voters and may use the elections to keep the central government weak. There are already signs of political intimidation around the CLJ where “night letters” and death threats in at least seven provinces limited or prevented participation in the election of CLJ delegates. In Badakhshan province, a CLJ participant reportedly withdrew his candidacy after receiving death threats from a senior military commander.<sup>5</sup>

**Ordinary Afghans?** Holding national elections in Afghanistan seems to be more oriented to satisfying international expectations, rather than address Afghans' need for positive change. Yet the Afghan public will be called upon to participate in civic education projects, to register to vote and to exercise their political rights through national elections – and it is the Afghan people who will have to live with the outcome. Though Afghans frequently and openly express their desire for security, for a removal of warlords and an accountable government, and vent their frustrations with a lack of rule of law and tangible improvements to their lives, it is far from clear whether elections will address these needs. What is clear is that if elections held at this time cannot help to improve Afghan lives – or if they risk making matters worse – there is good reason to postpone them until they can contribute to positive change.

<sup>4</sup> Olesen, A. , *Islam and Politics in Afghanistan*, 1995, London: Curzon Press.

<sup>5</sup> Human Rights Watch, *Letter to President Karzai*, 29 October 2003.

## IV. Can Elections Be Secure?

*Free and fair elections cannot be held in an environment that lacks a basic rule of law and with a government with little ability to protect its citizens. Without adequate security, civilian registration and polling teams will not be able to reach whole swathes of the voting population; internal spoilers will use political intimidation to sabotage the elections and disrupt a process they perceive as intended to diminish their power; and anti-government elements will seek to undermine political reform through targeted attacks. Just as some delegates reported that they were harassed at the Emergency Loya Jirga in June 2002, voters in the 2004 elections may be intimidated into making choices they don't agree with – or simply not vote at all.*

Today, insecurity dominates large portions of the country and by all accounts, the situation appears to be getting worse. More than 220 Afghan officials, civilians and aid workers were killed in 36 separate armed attacks in and outside of Kabul in August alone, the bloodiest month in a year (see Chart 1). Half of the country's 32 provinces has areas deemed "medium-to-high risk" by NGOs<sup>6</sup> and the UN estimates that 1/3 of the country – including 60 percent of the south and 20 percent of the south-east – is off-limits to their staff (see map).

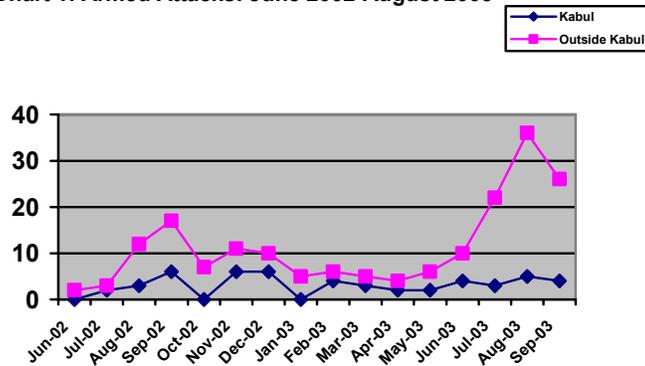
This means that if elections were held today, 144 (or approximately 36 percent) of districts would either be completely or partly inaccessible to elections staff or would require that every registration and polling station be equipped with armed escorts. Because many areas of insecurity lie in districts dominated by Pashtuns, Afghanistan's largest ethnic group could become marginalised from the elections process with inevitably destabilising consequences.

There are already signs that insecurity may be affecting political reform in these areas. Though the selection of delegates for the Constitutional Loya Jirga has only just begun, the voting process has been marred, particularly in southern areas, by anti-government leaflets, death threats, beatings and school burnings initiated by groups actively trying to sabotage reform. In one incident, insurgents fired two rockets at a CLJ registration site in Ghazni.<sup>7</sup>

Possibly as a result of such intimidation, UN officials are reporting 40 percent voter participation in some southern provinces as compared to a national average of 60 percent.

To date, however, efforts to improve security in the country in time for elections have been woefully inadequate in confronting the scale and diversity of threats. The only international forces available in Afghanistan, until recently, have been the 4,600 troops of the International Security Assistance Force (ISAF), confined to Kabul; 11,000 Coalition combat troops, which have been otherwise engaged in a low-intensity war against the Taliban and Al Qaeda; and four Coalition civil-military

Chart 1: Armed Attacks: June 2002-August 2003



Source: CARE and the Centre on International Cooperation

provincial reconstruction teams (PRTs), which have lacked the resources and authority to provide even minimal security where they operate. Unlike international troops stationed in other post-conflict theaters, none of these international forces have a mandate to monitor the elections (see Box 4).

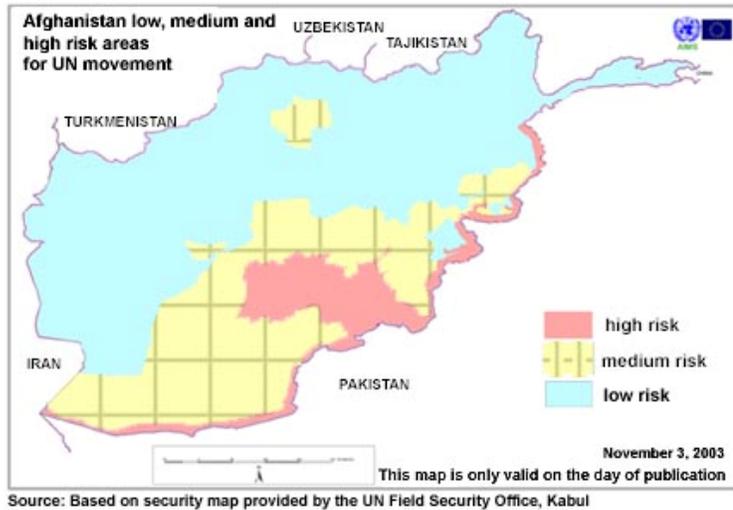
Though it is technically the responsibility of the Government of Afghanistan to provide security for the elections, national security institutions are still too fledgling and factionalised to do the job alone. The Afghan National Army is now only 6,000-strong (out of an envisaged

<sup>6</sup> Afghanistan Policy Brief, *The Road to Peace Needs More Than Good Intentions*, September 15, 2003. CARE and the Center on International Cooperation.

<sup>7</sup> *Afghanistan Country Situation Report for the Period 19-26 October 2003*. October 26 2003. United Nations Field Security Office in Afghanistan.

70,000), much of the potential national police

country – troops, supplies, equipment – to quell a large-scale threat.



The election timetable would be tight in the best of circumstances, but the fact that large and strategic swathes of the country remain insecure makes holding elections a dangerous endeavor. National-level security is essential for moving forward on the elections, including completing the registration process, preventing voter intimidation at the polls and protecting the ballot box from sabotage. The unwillingness of the international community to close the wide and

persistent security gap remains one of the principle obstacles to making this work.

force remains under local militia control and nationwide disarmament aimed at neutralizing warlords and bringing the estimated 100,000 armed men<sup>8</sup> under government control has only just gotten underway. Though the United States recently earmarked one-third of its US\$1.6 billion aid package for security sector reform, national institutions cannot – and should not – be expected to fill the current security gap – let alone secure elections – for many years.<sup>9</sup>

The UN Security Council's recent approval of an expansion of ISAF under NATO command, while a welcome and positive step, is too little too late for securing elections. The first expansion of ISAF in the form of a 450-troop PRT in Kunduz lacks an election mandate. Furthermore, there is no time left to debate, fund and convene an international elections force comparable to those of other post-conflict elections.

In the absence of a sizable national army or international peacekeeping force, UN security officials say they cannot guarantee a peaceful election in June. Rather, elections security is going to have to be done by cobbling together security teams from existing international and national forces because resources and needs won't match up. If peaceful elections were to suddenly turn violent either from targeted attacks or civil unrest, security officials admit there are simply not enough assets in the

**Box 4: Security Forces in Other “Post-Conflict” Elections**

Country	Elections	Force Type	Troops
Afghanistan	June 2004	International security force (ISAF)	0 (no elections mandate)
Kosovo	2002	NATO peacekeeping force (KFOR)	39,900
East Timor	2001	UN peacekeeping force (UNTAET)	8,000
Liberia	1997	West African peacekeeping force (ECOMOG)	11,000
Bosnia-Herzegovina	1996	NATO peacekeeping force (IFOR)	60,000
El Salvador	1995	UN peacekeeping force (ONUSAL)	15,000
Mozambique	1994	UN peacekeeping force (ONUMOZ)	6,200
South Africa	1994	South Africa Defense Force (SADF)	3,000
Cambodia	1993	UN peacekeeping force (UNTAC)	16,000
Angola	1992	UN un-armed observers (UNAVEM II)	400

<sup>8</sup> Durch, William J. *Peace and Stability Options in Afghanistan: Requirements and Force Options*. The Henry L. Stimson Centre. Washington, June 28, 2003.

<sup>9</sup> Sedra, Mark. *In Search of Security*. Foreign Policy in Focus. October 2003.

## V. Are Elections Logistically Feasible?

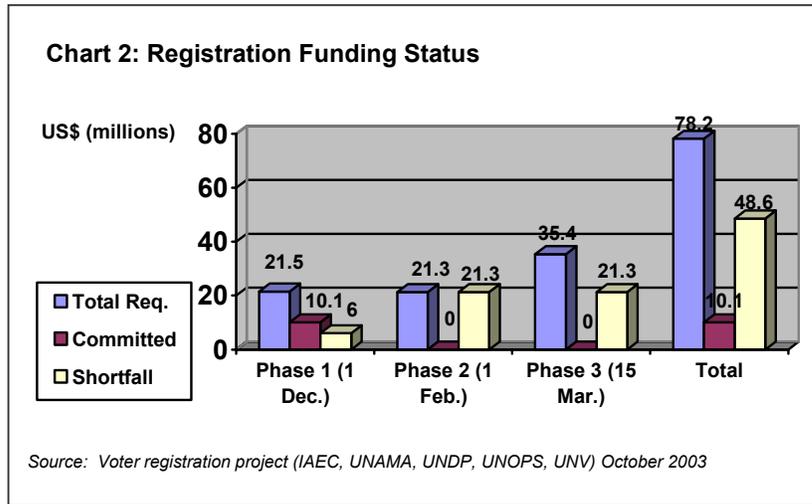
The operational plan for the registration process has been designed down to the last laminated ID card and the UN is supposed to dispatch some 70 registration teams to Afghanistan's cities on December 1. But with less than a quarter of the money in the election coffer, no planning for anything beyond voter registration and only seven months before the Bonn deadline, it is unlikely that elections held on-time can satisfy even logistical goals. While some elections planners acknowledge the risks of pursuing elections prematurely, others contend, "if we pulled off the Emergency Loya Jirga, we can pull this off too." However, the Emergency Loya Jirga suffered from a focus on process rather than on outcome. And the legacy of "pulling it off" is contributing to the problems in Afghanistan today.

### Financing Registration

"Pulling off" the elections depends partly on money. The UN announced in July that the registration process alone will cost US \$78.2

month delay in adopting a new constitution and speculation that the Bonn process needs more time has made such a high price tag too

risky a gamble, particularly when there are other, more tangible needs to be met. Moreover, the fact that the UN and the government find themselves in the difficult position of both defending the Bonn timetable and expressing concerns about its viability has made it difficult for donors to support a process that looks so uncertain.



The result has been a cycle of doubt that has kept the process from moving forward. UN

officials argue that they are restricted by donors who have not kept up their end of the bargain, while donors contend they are reluctant to fund an election that will be no more than a piece of political theater if its more basic objectives are not met.

million dollars and asked donors to contribute funds for a September registration start date.

<sup>10</sup> In October, however, the UN announced an almost US \$49 million shortfall for registration funding and said that the US \$10 million contributed so far would be insufficient to complete even the first phase of registration, let alone procure the necessary equipment, hire the necessary staff and provide the necessary logistical and civic education support for the whole event (see Chart 2). <sup>11</sup>

### Orchestrating the Event

Unlike the Emergency Loya Jirga, an election based on universal suffrage requires a greater order of magnitude altogether: every eligible citizen in every village in Afghanistan must be given the opportunity to make an informed choice about their political future.

Donor reluctance to provide funds for the elections is not due to a lack of interest. Most consider the election critical to the success of Afghanistan's political reform and long-term stability. For some donors, committing more money is a matter of freeing up last-minute funds once other pledges are in. For others, growing insecurity in the country, the two-

The sheer logistics of orchestrating this is a daunting task. Afghanistan's voting population is potentially 10.5 million voters, <sup>12</sup> ethnically and culturally diverse, is scattered across insecure and geographically inhospitable areas and dispersed in neighboring countries. The country has not had a census since

<sup>10</sup> Voter Registration Umbrella Project, June 2003, UNAMA.

<sup>11</sup> Voter Registration Project, Report to Donors, October 16, 2003.

<sup>12</sup> Eighmy, Thomas. Notes on Current Population Estimates by Province and District. ERA Topical Report #9, IFES. February 2003.

1979,<sup>13</sup> illiteracy – particularly among women – is widespread, and insecurity and local politics pose a huge obstacle to free expression of political will.

DONOR	AMOUNT (USD millions)
<b>In-Cash Commitments</b>	
United Kingdom	4.1
Denmark	2.0
United States	4.0
<b>In-Kind Contributions</b>	
Canada	7.0
United States	1.0
<b>Pledges</b>	
Germany	2.3
Finland	1.2
Norway	1.7
The European Union	5.0
<b>Total</b>	<b>28.3</b>

Source: Voter registration project (IAEC, UNAMA, UNDP, UNOPS, UNV), October 2003.

The development of a voter roll, or a national list of eligible voters, is particularly important in Afghanistan, where population and demographic figures are inaccurate or out-of-date, and where only a small percentage of the population carries a *taskera*, or national ID card.<sup>7</sup>

To create this list, the UN estimates they will need to train and dispatch 4,880 civilians and scores of local, national and international security forces to 400 districts in 32 provinces across the country. Stationary and mobile registration teams will manually collect and record registration data, and will be equipped with Polaroid cameras and lamination machines to issue voter ID cards on the spot. Voter information will then be sent to Kabul and entered into a custom-built database by an estimated 300 data entry clerks. If all goes according to plan, each team will be able to register 300 people per day in 6.5-months

<sup>13</sup> Ibid. However, the 1979 census was only partially completed due to the Soviet invasion. The provinces that were not completed were calculated using a standard growth rate (1.92%) from the previous census. This calculated growth rate was continually applied every year since.

<sup>7</sup> A pre-census has just been completed, and registration planners are using some of the early results to inform their planning. However, it was decided to keep census data collection separate from voter registration. As one UN official explained, the purpose of a census is to get as much information as possible without revealing identity, whereas the purpose of a voter roll is to verify identification with the least amount of information.

between early December and late June.<sup>14</sup> From December through April, however, snow and ice will mean an estimated 1.7 million people will only be accessible by helicopter, plane or on foot/donkey.<sup>15</sup>

### Reaching Inaccessible Populations

Allowing the maximum opportunity for voters to cast their vote requires that both the registration and the elections processes actively pursue traditionally under-represented populations groups.

**Women.** Ensuring women's equal access with men to the registration and elections process would require procedures that address their 1) limited mobility and participation in public life; 2) disproportionate illiteracy; and 3) lack of access to information. Election planners deemed early-on that door-to-door registration was logistically and financially impossible and so decided on segregated registration centres. Other adjustments to the process include exempting women from photo IDs; creating separate sets of civic education materials and events for men and women; and providing added security for women at the registration stations.<sup>16</sup> Beyond logistics, the elections process needs to overcome the cultural sensitivities around women's participation. This includes finding ways to negotiate with male elders, ensuring non-discrimination in registration and electoral laws and consideration of affirmative action strategies in government.

**Refugees/Returnees/IDPs.** To capture the vote of the estimated five million Afghan refugees (approximately 2.5 million eligible voters) living in Pakistan and Iran,<sup>17</sup> the UN expects to establish static registration and polling sites in cities, within refugee and IDP camps and at UNHCR's encashment centres on the borders. These will be supplemented by mobile units to track down IDPs and returnees who have not settled in their place of origin.

**Nomads/Kuchis.** Similarly, registering the country's estimated two million nomads (or one million eligible voters) will require specific strategies for distinguishing nomadic from semi-nomadic populations; for mapping migration patterns; for negotiating

<sup>14</sup> UNAMA, Voter Registration Umbrella Project. Kabul, June 2003.

<sup>15</sup> Afghanistan Information Management Service (AIMS). *Map: Areas Blocked by Snow*. October 2003.

<sup>16</sup> Pers. Comm. UN Field Security Office, Kabul.

<sup>17</sup> UNHCR Repatriation Statistics, Kabul/Islamabad, September 2003.

arrangements with traditional leaders; and for creating mobile registration units and polling stations to ensure that all are accounted for without duplication. The current plan is to work with tribal leaders for outreach and to begin registration of nomads in March.

To their credit, elections planners have solved many of the basic logistical hurdles for carrying out voter registration. However, without a significant and quick increase in funding, it is unlikely that the required personnel and registration materials will be contracted or procured on time. It wasn't until early November that the IAEC began hiring the 4,880 registrars needed to complete registration, and according to UN elections planners, only 140 vehicles of the 1,000 vehicles have been procured and are actually available in-country. Planners may also not be able to adequately prepare to reach under-represented groups until late in the registration process, if at all.

#### **Preparing the Electorate**

Civic education requirements are high in Afghanistan, a country where the society is largely illiterate, where many may not feel connected to central government and have very limited experience with direct political participation. Without sufficient civic education, there is a danger that elections will not reflect the hope of the Afghan people, but will instead be manipulated by those in power.

The goal of such civic education projects is to inform Afghans about broad principles of political participation and familiarise them with the basic principles of their own constitution and specific voting procedures through information dissemination, mass media campaigns, workshops, focus groups and word of mouth. Civic education also aims to build trust in the election process, encourage interaction among voters, candidates and political parties and promote the democratic ideas of tolerance, peaceful political activity and acceptance of election results.

However, funding shortages combined with delays in the political parties' law, the new constitution and the CLJ have put voter education projects on hold. Though some organisations have been preparing materials and conducting preliminary workshops on some of the broad issues, civic education programmes can do little to prepare the electorate to vote without knowing the nature and form of government. Once underway, these programmes will need time to take hold.

#### **Beyond Registration...**

What's most alarming is the fact that no actual planning, budgeting or preparation for the election phase has yet taken place, though elections will presumably require similar levels of manpower and supplies to operate an estimated 5,000 polling centres at a cost of an additional US\$40 to \$50 million.

This lack of planning is largely due to the inability of policy makers to determine roles and responsibilities for elections. Though the Bonn Agreement put the process of voter education and registration in the UN's hands, the responsibility for the elections themselves lies firmly with the Afghan government.

By all accounts, however, the government is still not up to the task. Last July, the president established a six-member Interim Afghan Electoral Commission (IAEC)<sup>18</sup> to initially work with the UN during registration and then be reconstituted as a permanent electoral commission once the voter roll was complete. Further, the IAEC is to feed into an 11-member Joint Electoral Management Body (JEMB) which would combine members of the IAEC with outside elections experts to oversee the process. Even before the commission was established it looked unlikely that it could take on a national election just months after it was established. Now, all of the delays make it difficult to imagine how the government will have the capacity to take on the full responsibility for elections at all.

With just seven months to go before the Bonn deadline, it is even improbable that election planners will be able to mobilise the requisite staff and equipment with current funding to "pull off" the voter registration process in all areas of the country. But if this election is to be anything more than logistical gymnastics, the UN, the Afghan government and donors need to re-focus their efforts away from a triumph of process toward achieving a meaningful outcome.

<sup>18</sup> It consists of Zakim Shah (Chairperson and Deputy Finance Minister), Zahida Ansvari (Head of Department for Canada and the US with the Ministry of Foreign Affairs), Gothai Khawrai (Head of the Pashtun Language and Literature Department, Academy of Science), Qudbuddin (an oil expert), Suleyman Yari (Head of the Tribal Issues Shura), Engineer and Faqir Bahram (Economic Advisor for the Kabul Municipality).

## VI. Where Should We Go From Here?

It is time to start thinking “out of the box” of the Bonn Agreement, which in hindsight seems to have been more effective at distributing the spoils of war rather than rebuilding peace and stability in Afghanistan (what was once called the “roadmap to peace” has been more recently described by Special Representative of the Secretary-General Lakhdar Brahimi as “the original sin”). The politically expedient but short-sighted strategy of including many individuals better known for breaking laws than making laws in the new government is now one of the major causes of insecurity as well as political gridlock in Afghanistan. The agreement not only legitimised an untenable power imbalance, it created an unrealistically short timeframe of 2.5 years to achieve its objective of putting Afghanistan back onto the path of peace and stability after more than two decades of war.

As we enter the final phase of the Bonn timeline, there is an urgent need to agree on a new strategic approach and interim political framework that would refocus efforts on achieving the original Bonn objectives within a more realistic timeframe. Recent policy shifts within the government and the international community provide a critical opportunity to develop a new approach:

- the belated recognition by governments that promoting security in Afghanistan needs to extend beyond Kabul city limits and the long-overdue decision to expand ISAF (albeit on an extremely modest scale) provides an opportunity to push for commitment to and investments in a real security solution for Afghanistan.
- a welcome shift in US policy in the form of a sizable increase in funding that, if spent wisely and matched by contributions from other donors, can help finance a new and improved framework to promote lasting peace.
- a strong consensus among reformers within government, the UN and donors, that military and reconstruction strategies need to be matched with more coherent and robust political policies. This is an important step toward strengthening the authority and capacity of the central government and state institutions.

Finally, the new draft Afghan constitution, released on November 3, provides some additional guidance on the elections. It

separates presidential from parliamentary elections and extends the tenure of the transitional administration until such elections can be held. As the supreme law in Afghanistan – one that now trumps the Bonn Agreement – it also includes a clause that allows the president six months to issue an elections decree, but offers no deadline for an election itself (see Box 5). The Karzai administration, together with the UN, and the JEMB could use the constitution to legally and legitimately request a delay until critical security, funding and planning conditions are met and then move forward on developing an interim framework.

**The United Nations** should take the lead in raising with the government and the CLJ its concerns about the logistical feasibility and political advisability in the current security environment of conducting voter registration and holding free and fair elections by the summer or fall of 2004.

**The Constitutional Loya Jirga** delegates could be asked to endorse an extension of Karzai’s term as president of the transitional government for a specified period of time until elections can be held according to the terms of the new constitution. This option, although not legally required by the draft constitution, would give the president the legitimacy he thinks he needs post-June. Though there is a risk that the CLJ may include many elements interested in keeping the central government weak, such an option could be logistically much more feasible, politically less destabilising and financially much cheaper than having to organise presidential elections in the summer or fall of 2004.

**The International Community** should support a new approach that combines a new interim political framework and timeframe with long-term funding commitments. There are already plans to hold a large donor pledging conference in early 2004. This so-called “Tokyo II” meeting could be coupled with a political conference – “Bonn II.” These meetings should aim to strengthen linkages between security, economic and political strategies, to establish a more reasonable timeframe for them to take place and to ask the international community to fund this strategy in the long-term.

### Box 5: Elections and the Draft Constitution

The draft Afghan Constitution, released on November 3, provides the following guidance on the style and form of government and on the elections:

#### **Political Rights and Freedoms**

- Government based on the will of the people and democracy
- The right to elect and be elected
- Freedom of expression, speech and communication
- Ability to form social organisations, political parties, right to assembly and correspondence

#### **Structure and Functions of Government**

- Afghanistan is an Islamic republic
- Elections at all levels to be held by “free, general, secret and direct voting” (note: wording is different from Bonn)
- The President must receive a majority vote (more than 50%) or else top two candidates will compete in a run-off.
- Provincial, district and village councils elected in proportion to population size.
- National Assembly made up of:
  - *Meshrano Jirga* 2/3 elected by provincial and district councils; 1/3 experts appointed by the president (half of whom must be women).
  - *Wolesi Jirga* between 220-250 delegates elected directly; one woman is required from each province
- *Loya Jirga*, made up of the National Assembly and chairpersons from district and provincial councils. Can amend the constitution, prosecute the president and decide on matters relevant to national interests.

#### **Elections Provisions**

- The constitution is enforceable once approved by the *Loya Jirga*.
- The period between the adoption of the constitution and the inauguration of the national assembly is considered transitional.
- President Karzai will govern until a new president is elected.
- The Islamic Transitional State of Afghanistan must:
  - decide on elections for president, the national assembly and local councils within six months.
  - establish an independent electoral commission
  - hold national assembly elections within one year of presidential elections

There has been both public and private speculation about the prospect of postponing the elections to allow more time to stabilise the country, allow key rule of law, disarmament and civic education programmes to take hold and to mobilise the funds to see the elections through. But simply pushing elections back a few months will not guarantee a positive electoral outcome. What is necessary is a commitment to ending conflict, promoting national reconciliation, human rights and rebuilding lasting peace. This means re-considering the timeframe that takes into account the security and political situation on the ground and devising a new, internationally-sanctioned strategy that goes beyond Bonn in order to ensure that its original aims are met.

The stakes for holding elections are high on all sides and the pressures to use elections as an incentive for pushing reform and keeping stakeholders engaged are significant. But policy makers need to take a step back and ask themselves whether gambling on Afghanistan’s future is really worth the risk.

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