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Afghanistan: Presidential and Parliamentary Elections

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Summary

Presidential elections were held on October 9, 2004, with heavy turnout and minimal violence. Karzai won with about 55% of the vote. In a climate of escalating insurgent violence in Afghanistan, parliamentary and provincial elections are to be held on September 18, 2005; district elections are put off until 2006. See CRS Report RL30588, *Afghanistan: Post-War Governance, Security, and U.S. Policy*.

The “Bonn Conference” and Political Transition

Afghanistan has not previously had a fully elected government, although there were some parliamentary elections during the 1960s. Presidential, parliamentary, and district elections are part of a political transition roadmap stipulated in an agreement signed at a United Nations-sponsored conference of major Afghan factions held in Bonn, Germany in late November 2001, after the Taliban had vacated Kabul. Under the Bonn agreement¹ (signed December 5, 2001) the factions formed an interim administration to govern until a new constitution was approved (to occur by December 31, 2003) and national elections held (by June 2004). At the Bonn conference, Hamid Karzai, an ethnic Pashtun leader who had worked with U.S. forces to defeat the Taliban, was selected interim leader.

Afghan officials subsequently drafted a permanent constitution. It was debated by 502 delegates, selected in U.N.-run caucuses, at a “constitutional *loya jirga* (CLJ)” held during December 13, 2003 - January 4, 2004. The document set up a strong elected presidency, and did not include a proposal to set up a strong prime minister-ship as a check on the presidency. As an alternative, the constitution gives substantial powers to an elected parliament, such as veto power over senior official nominees. The CLJ approved the final constitution with only minor changes from the original draft. The new

¹ For text, see [<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>].

Report Documentation Page

Form Approved
OMB No. 0704-0188

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1. REPORT DATE 07 JUL 2005		2. REPORT TYPE		3. DATES COVERED 00-00-2005 to 00-00-2005	
4. TITLE AND SUBTITLE Afghanistan: Presidential and Parliamentary Elections				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Congressional Research Service, The Library of Congress, 101 Independence Ave, SE, Washington, DC, 20540				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

constitution,² as adopted, would set up a two-chamber parliament and provincial and district councils, as follows:

- The lower house (*Wolesi Jirga*, House of People), consists of 249 seats, all elected, in voting that was to be simultaneous, *if possible*, with presidential elections.
- A 102 seat upper chamber (*Meshrano Jirga*, House of Elders) is selected as follows: 34 seats are selected by the provincial councils (one representative from each of the 34 provincial councils); another 34 are selected by the nearly 400 district councils; and the final 34 are appointed by the President. The provincial and district elections were to be simultaneous, *if possible*, with the parliamentary elections. The constitution does not stipulate other major roles for the provincial or district councils, although some believe they will ultimately acquire some power to impose local taxes and provide local services.³
- In the elected lower house, at least 68 of those elected (two per province x 34 provinces) “should” be women. That would give women about 25% of the seats in that body. The goal is to be met through election rules that would give the top two women vote-getters in each province a seat. In the upper house, 50% of the president’s 34 appointments are to be women - giving women at least 17 seats in that body.
- Two vice presidents run on the same election ticket as the president, and one succeeds him in the event of the president’s death. They serve a five-year term, and presidents are limited to two terms. If no presidential candidate receives at least 50%, a run-off is to be held within two weeks. The constitution gives parliament the ability to impeach a president.
- The constitution allows political parties to be established so long as their charters “do not contradict the principles of Islam,” and they do not have affiliations with other countries.

Election Organization and Registration

Following the adoption of the constitution, the U.S. and Afghan focus turned to the holding of the elections. Karzai sought to hold timely national elections to parry any charges that he sought to monopolize power. The minority-dominated “Northern Alliance” grouping that coexists in an uneasy partnership with Karzai wanted simultaneous parliamentary elections so that a parliament could check presidential authority. However, there was always broad recognition that parliamentary, provincial and district elections are more complicated than presidential elections and that the various sets of elections might be held separately.

² Text of constitution: [<http://www.afghan-web.com/politics/currentconstitutionenglish.pdf>].

³ Aizenman, N.C. *Afghans Face a Rocky Road to Next Vote*. Washington Post, February 19, 2005.

In July 2003, a joint Afghan-U.N. committee (with U.N. Assistance Mission in Afghanistan, UNAMA), called the Joint Election Management Body (JEMB), was set up to register voters to organize the elections. Even though a population census has never been taken, it was estimated that 10.5 million Afghans would be eligible to vote. The voting age is 18. Registration was slowed by violence against election workers and overall security concerns, and it became clear that a June 2004 vote was not feasible. In late May 2004, a firm date for the presidential elections was set for October 9, 2004, but the parliamentary, provincial, and district elections were postponed to a target time frame of April-May 2005.

By May 2004, and in the face of continuing Taliban attacks, UNAMA was operating over 1,600 registration centers and registration rates increased to more than 120,000 voters per day, enabling UNAMA to register 10.5 million voters.⁴ About 42% of those registered were women. The large registration total raised concerns, fueled by anecdotal reports, that some Afghans had registered more than once. Afghan and U.N. officials said that marking voter fingers with indelible ink would prevent multiple voting.⁵

On May 25, 2004, Karzai signed the major election law that governed the elections.⁶ Among other provisions, the election law provided for the parliamentary elections to be district-based (voting for specific candidates) rather than proportional representation (voting for party slates).⁷ The law also established an Independent Electoral Commission (IEC) to run the elections, and required sitting government officials who were candidates, except the president, to resign from their official positions 75 days before the elections. Presidential candidates needed to demonstrate support of at least 10,000 eligible voters to be allowed to run.

Presidential Candidate Field, Election Security, and the Vote

Karzai engaged in substantial political bargaining, hoping to reduce the number and strength of his opponents. Defense Minister/Northern Alliance military leader Mohammad Fahim, former President Burhannuddin Rabbani (the Alliance political leader), and other Alliance figures sought to trade support for Karzai for a role in a coalition cabinet after the elections.⁸ However, no agreement was reached, and Karzai decided not to select Fahim as one of his vice presidential running mates. In response, the Northern Alliance fielded a candidate, Education Minister Yunis Qanooni. In addition, the de-facto leader of the Uzbek areas of Afghanistan, Abdul Rashid Dostam, who has been part of the Alliance, filed his candidacy. Karzai selected as his principal running mate Ahmad Zia Masud, a brother of legendary slain Northern Alliance commander

⁴ The International Organization of Migration, on behalf of the JEMB, conducted registration of Afghan refugees in Iran and Pakistan, who were eligible to vote.

⁵ Harrington, Carol and Jared Ferrie. "Afghan Vote Threatens Bush's Credibility." *Toronto Star*, August 17, 2004.

⁶ New Afghan Election Law Endorsed. Kabul Radio in Foreign Broadcast Information Service, May 27, 2004.

⁷ Proportional representation was the system used in the January 30, 2005 Iraqi elections.

⁸ Constable, Pamela. "Karzai's Talks Raise Some Fears About Afghan Vote." *Washington Post*, May 30, 2004.

Ahmad Shah Masud, hoping to attract Tajik support. He chose as his second running mate a leader of the Hazara community (Hazaras are Shiite Muslims), Karim Khalili, a vice president. Aside from Karzai, Qanooni, and Dostam, 15 other candidates were certified by the JEMB to run, but Qanooni remained the most serious challenger. Other candidates who campaigned actively were Hazara leader Mohammad Mohaqiq and Dr. Masooda Jalal, the only woman who ran. During the campaign, there were consistent concerns of potential factional unrest, but there was relatively little violence.

To secure the presidential vote, the International Security Assistance Force (ISAF) was reinforced for the election period by 2,500 troops from Spain and Italy, bringing ISAF forces to a total of 9,000. The ISAF is the 37-nation NATO-led coalition that performs peacekeeping in Kabul and other enclaves. A few countries sent additional combat aircraft to Afghanistan as well. The U.N.-run program to disarm and reintegrate (disarmament, demobilization, and reintegration, DDR) local militias was accelerated. Of the 60,000 total to be demobilized, about 25,000 had been disarmed by the time of the presidential election. As of July 1, 2005, all 60,000 have been disarmed. The U.S.-trained Afghan National Army (ANA), which had 15,000 at election time and now has about 21,000 troops, performed election security missions, supported by the Afghan national police force (about 48,000 nationwide). Many of the 18,000 U.S. forces performing anti-insurgency missions in Afghanistan were given election security missions; an extra several hundred U.S. troops were deployed to Afghanistan in September 2004 for this duty. Similar security measures are planned for the September 18, 2005, parliamentary and provincial elections, including the provision of about 2,000 additional ISAF troops to help secure that vote. Contributors of those forces will be Italy, Romania, and Spain.

On presidential election day, there were only a few minor insurgent attacks during the voting — far less violence than was expected. Turnout was heavy — about 8 million votes cast, roughly 80% of those registered. Fears of widespread intimidation of voters by factional militiamen were not realized, although there were reports of some such activity on election day. The vote was observed by about 400 international monitors from the Organization for Security and Cooperation in Europe (OSCE) and other groups, but the major threat to the election was an announcement on election day by 15 challenging candidates that they would boycott the results due to widespread fraud, including alleged failure of indelible ink to prevent multiple voting. After a day of discussions and refutations by some of the international observers, most of the challengers — including Qanooni — agreed to allow an independent investigation of the charges.

Presidential Election Funding. International donors, including the United States, provided more than \$90 million in aid for the presidential elections. The FY2004 supplemental appropriation (H.Rept. 108-337, P.L. 108-106) provided \$69 million for “elections and governance” for Afghanistan.

Results. Karzai was officially declared the winner on November 3, 2004. His challengers accepted that result, after independent investigators determined that the election irregularities did not materially affect the outcome. With all the votes counted, he received about 4.4 million votes, or 55.4% of the total, more than the 50% needed to avoid a runoff. Qanooni finished second with 1.3 million (16.3%); Mohaqiq — 935,000 (11.7%); Dostam — 800,000 (10%); and Masooda Jalal — 91,000 (1.1%). With the exception of Karzai, who received significant numbers of Tajik votes, as well as Jalal, the

female candidate who attracted some women from all ethnicities, most candidates received few votes outside their ethnic bases. Karzai was sworn into a five-year term on December 7, 2004. On December 23, 2004, after achieving a consensus that ministers must have higher education and relinquish any dual citizenships, Karzai announced a 27-seat cabinet. It balanced the different ethnicities, but tilted somewhat more toward fellow Pashtuns in the key security ministries. Most notably, Fahim was replaced as Defense Minister by his Pashtun deputy, Abdul Rahim Wardak, and Qanooni was not given a cabinet seat. To emphasize his stated commitment to combat narcotics trafficking, Karzai created a new Ministry of Counter-Narcotics, headed by Habibullah Qadari.

The Upcoming Parliamentary and Provincial Elections

On March 21, 2005, the IEC of Afghanistan announced that parliamentary and provincial elections would be held on September 18, 2005, a postponement that had been widely expected. No date was set for the district elections — the setting of district boundaries is sensitive because the drawing of boundaries is likely to determine the outcome of each district's vote — but the IEC said these elections would take place some time in 2006. Because the district elections are postponed, the 34 members of the upper house of parliament to be appointed by those councils cannot be selected. This chamber will therefore initially be half its planned size — the selectees of the 34 provincial councils plus 17 presidential appointees (instead of 34 presidential appointees). The 34 provincial councils to be elected will each consist of between 9 and 29 seats, with the size to be determined by the number of inhabitants of that province. Electoral boundaries for the upcoming elections were set 120 days before the vote (by May 18, 2005) in accordance with the May 2004 election law.

The election system is called “Single Non-Transferable Vote System” (SNTV). Candidates stand as individuals and not as members of a party list. Each voter casts a ballot for only one candidate, even though there will be multiple representatives in the parliament from each province. Some experts had urged that the parliamentary election system be conducted by proportional representation, in which all voters have the same exact ballots and there is less potential for local manipulation. However, that system was not adopted because of the fears that doing so would empower political parties; many Afghans are averse to strong parties because of the *mujahedin* parties' links to foreign governments during the anti-Soviet war.

The benchmarks to implement the September 18 elections have thus far been met. A total of 2,815 candidates (including 347 women) have filed to run for the parliament, and 3,185 candidates (including 279 women) have filed candidacies for the provincial elections. Out of Afghanistan's 34 provinces, three did not have enough female candidates for the provincial elections to ensure at least 25% female representation on the councils of those provinces. In the process of candidate vetting, challenges have been filed against at least 250 candidates accused of having links to illegal militias; some have disarmed, others have withdrawn their candidacies. After all challenges are adjudicated, the final list of candidates is to be published on July 12. There is also a registration period (June 25-July 21) to account for voters who came of voting age — or that otherwise did not register — in the presidential elections. Over 183,000 additional voters have registered to date. The OSCE and the European Union have said they will send observer missions for the vote.

The election competition is taking shape. Even though the vote is not based on party affiliation, political parties have registered with the Ministry of Justice; about 70 parties are registered. This suggests that there will be at least informal candidate groupings nationwide or in particular regions. Many of the parties are based on prominent personalities in each ethnic community and on prominent figures in the anti-Soviet war and anti-Taliban struggle, and many experts predict that a large portion of the parliament and provincial council seats will go to prominent local personalities. In December 2004, Yunus Qanooni formed a “New Afghanistan” opposition party that is competing in the parliamentary elections. In April 2005, he was selected leader of a broader, eleven-party “Afghanistan National Coordination Front” — an opposition umbrella that consists of many of the ethnic minority-based organizations that constituted the Northern Alliance.

Some experts fear that the potential for local militia leaders and narcotics traffickers is great in the upcoming elections because of the small size of the voting districts in these elections. In addition, there are widespread concerns about Taliban and associated insurgent violence to disrupt the elections. Attacks on Afghan and U.S. forces in eastern Afghanistan have increased over the past two months, prompting U.S. military and other assessments that the insurgency might be regrouping. Two candidates for the September elections have been assassinated, to date.

Funding. A major problem for the upcoming elections is funding. Parliamentary and provincial elections are estimated to cost about \$150 million, of which about \$100 million has been pledged by international donors, including the United States. According to State Department officials in early July 2005, the United States has already transferred \$12 million for the elections, and \$20 million more will be provided. These funds are derived from FY2004 and FY2005 supplemental appropriations (P.L. 108-106 and P.L. 109-13).

Possible Implications for U.S. Policy

The presidential elections were considered a major milestone for U.S. efforts to stabilize Afghanistan, a key goal mentioned in the report of the 9/11 Commission. The apparent success of that election — both the relatively peaceful vote and the perception that Afghans eagerly demonstrated their democratic rights — appeared to give the Afghan government the additional strength it needed to disarm local militias and remove local strongmen, such as Fahim, Dostam, and former Herat governor Ismail Khan, from their regional positions. The Taliban insurgency was widely viewed as having lost substantial momentum when it mounted only a few attacks against the presidential elections.

The September 2005 elections in Afghanistan present Taliban militants with an opportunity to try to demonstrate that they are still a force. The increase in Taliban violence in eastern Afghanistan over the past few months might indicate that the insurgency will be active in trying to disrupt the elections. On the other hand, the Taliban resurgence could be reversed if security measures blunt election-day violence. Such an outcome could persuade even more Taliban fighters to join the political process and abandon armed struggle. Politically, the establishment of an elected parliament and provincial councils could give the Karzai government enhanced legitimacy, particular if the elections are widely viewed as devoid of fraud or local manipulation.