



Afghanistan: Politics, Government Formation and Performance

Kenneth Katzman
Specialist in Middle Eastern Affairs

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Summary

The central government's limited writ and widespread official corruption are helping sustain a Taliban insurgency, and have fed pessimism about the Afghanistan stabilization effort. However, President Hamid Karzai has been able to confine ethnic disputes largely to political debate and competition by engaging in some non-democratic compromises with major faction leaders, combined with occasional moves to weaken them. This strategy has enabled Karzai to focus on trying, with only mixed success to date, to win over remaining members of his Pashtun community, some of which have begun to lean toward or tolerate Taliban insurgents. Karzai has faced substantial loss of public confidence, in large part due to widespread official corruption, but his opponents—divided by ethnicity and personal ambition—were unable to form a strong electoral coalition, and Karzai is considered a favorite for re-election on August 20, 2009.

Winning Pashtun support for the Afghan government is predicated, at least in part, on the success of efforts over the past few years to build local governing structures. New provincial councils will be elected on August 20 as well, although their roles in local governance and their relationships to appointed governors, remains unclear and inconsistent across Afghanistan. The trend toward promoting local governing bodies is to accelerate, according to the Obama Administration's review of U.S. strategy, the results of which were announced on March 27, 2009. The core of the new strategy is a so-called "civilian surge" that will virtually double, to about 900, the number of U.S. civilian personnel to deploy to Afghanistan to help build its governing and security institutions, particularly at local levels, and to increase economic development efforts.

Under an FY2009 supplemental appropriation (P.L. 111-32), the Administration is required to develop "metrics" by which to judge progress in Afghanistan, including the performance and legitimacy of the Afghan government and its efforts to curb official corruption. Small amounts of U.S. funds are tied to Afghanistan's performance on such metrics. The Administration review did not emphasize building democracy in Afghanistan, although that goal appears implicit within its recommendations.

For further information, see CRS Report RL30588, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, by Kenneth Katzman.

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Post-Taliban Transition and Political Landscape

U.S. policy has been to extend the authority and encourage the reform of Afghanistan's central government. The policy has been predicated on the observation that weak and corrupt governance is causing some Afghans to acquiesce to, or even support outright, Taliban insurgents as providers of security and impartial justice.

Although democracy promotion, per se, was not a major feature of the Obama Administration strategy announcement, Afghanistan has taken significant steps toward democracy since the fall of the Taliban in November 2001. Karzai's is the first fully elected government in Afghan history, although there were parliamentary elections during the reign of King Zahir Shah (the last were in 1969, before his reign was ended in a 1973 military coup). Presidential, parliamentary, and provincial elections, and adoption of a constitution were part of a post-Taliban transition roadmap established by a United Nations-sponsored agreement of major Afghan factions signed in Bonn, Germany on December 5, 2001, ("Bonn Agreement"),¹ after the Taliban had fallen. The political transition process is depicted in the table below.

Elections have given citizens a say in governance, but have not produced harmony among Afghanistan's many communities. Since its formation in late 2001, Karzai's government has come to be progressively dominated by ethnic Pashtuns, who are about 42% of the population and traditionally have governed Afghanistan. A table on major Pashtun clans is provided below, as is a map showing the distribution of Afghanistan's various ethnicities.

Non-Pashtuns generally accept the right of the Pashtun community to hold the top position in Afghanistan, and it was only during a few brief periods that non-Pashtuns have led Afghanistan (including the 1992-1996 presidency of the mujahedin government of Burhanuddin Rabbani, a Tajik). However, other ethnicities do want to be included at high levels of the central government and to have a measure of control over how government programs are implemented in their geographic regions. Currently, of the major security ministries and organizations, only the National Directorate for Security (NDS, the Intelligence directorate) is still headed by a non-Pashtun (Amrollah Saleh, a Tajik). Attempting to maintain the fragile consensus among the various ethnicities, the other security ministries (Defense, Interior) tend to have non-Pashtuns in key deputy or subordinate positions. In the Defense Ministry, the chief of staff is a Tajik (Bismillah Khan), who reports to a Pashtun Defense Minister (Abdul Rahim Wardak). Afghanistan's non-Pashtun communities have said that they will not rebel against their diminution in the upper levels of government, but would keep their competition peaceful.

Some believe that assisting the transition to democracy—but also competing with it—are traditional Afghan patterns of decisionmaking, which have some democratic and representative elements. At the national level, the *loya jirga*, or traditional Afghan assembly consisting of about 1,000 delegates from all over Afghanistan, has been used to ratify some major decisions (the constitution, long term defense relations with the United States, Karzai's leadership) in the post-Taliban period. At the local level, *shuras*, or *jirgas* (consultative councils) composed of local notables, are key mechanisms for making authoritative local decisions or dispensing justice.

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

Afghans turn often to these local mechanisms to adjudicate disputes rather than use the national court system. Some estimates say that 80% of cases are decided in the informal justice system.

Karzai and His Opponents

In post-Taliban Afghanistan, the National Assembly (parliament)—particularly the 249 seat elected lower house (*Wolesi Jirga, House of the People*)—has become the key institution for the non-Pashtun ethnic minorities to exert influence on Karzai. To the chagrin of many Afghans who want to build a democratic Afghanistan governed by technocrats and newly emerging political figures, many seats in the lower house are held by personalities and factions prominent in Afghanistan’s recent wars, many of whom are non-Pashtuns from the north and the west. These figures constitute about one third of the *Wolesi Jirga*; the remainder of the body is divided among pro-Karzai deputies and technocratic “independents” of varied ethnicities. The factions in the lower house are not strictly organized according to Afghanistan’s 90 registered political parties, and the various non-Pashtun ethnicities are not monolithic in opposition to Karzai.

Karzai has not formed his own party, but his core supporters in the *Wolesi Jirga* are former members of the conservative Pashtun-based Hizb-e-Islam party; and supporters of Abd-i-Rab Rasul Sayyaf—a prominent Islamic conservative *mujahedin* party leader.² Another base of Karzai’s support in parliament is the contingent from Qandahar (Karzai’s home province) and Helmand provinces, including several Karzai clan members. One clan member in the body is his cousin Jamil Karzai, and another is relative by marriage Aref Nurzai. Karzai’s elder brother, Qayyum, was in the lower house representing Qandahar until his October 2008 resignation due to health reasons, although Qayyum continues to represent his brother informally domestically and abroad, including at 2008 and 2009 meetings to explore negotiated settlements with “moderate” Taliban figures. Other pro-Karzai Pashtuns are former militia and Taliban leaders, including Hazrat Ali (Nangarhar Province), who led the Afghan component of the failed assault on Osama bin Laden’s purported redoubt at Tora Bora in December 2001; Pacha Khan Zadran (Paktia) who, by some accounts, helped Osama bin Laden escape Tora Bora; and Mullah Abdul Salam (“Mullah Rocketi”), from Zabol. (Salam has filed to run for president in 2009.)

The Opposition

Although the “opposition” to Karzai is fluid and amenable to deals and compromises with him, those who can be considered opposition are mainly ethnic minorities (Tajik, Uzbek, and Hazara) who were in an alliance against Taliban rule that was called the “Northern Alliance.” Leaders of these groups, and particularly Tajiks, view as a betrayal Karzai’s firing of many of the non-Pashtuns from the cabinet—such as former Foreign Minister Dr. Abdullah Abdullah (Tajik, dismissed in 2006).

The main ethnic opposition grouping is now called the United Front (UF). It was formed in April 2007 by *Wolesi Jirga* Speaker Yunus Qanooni and former Afghan president Burhanuddin Rabbani (both, like Abdullah, are prominent ethnic Tajik Northern Alliance figures and former associates of the legendary *mujahedin* commander Ahmad Shah Masood). It is broader than the Tajik-dominated Northern Alliance in that it includes some Pashtuns, such as at least two prominent Soviet-occupation era security figures Sayed Muhammad Gulabzoi (Khost Province) and Nur ul-

² Sayyaf led the *Ittihad Islami* (Islamic Union) mujahedin party during the war against the Soviet occupation.

Haq Ulumi, who chairs parliament's defense committee. Both of Karzai's Vice Presidents joined the UF when it was formed. The UF advocates amending the constitution to give more power to parliament and to empower the elected provincial councils (instead of the President) to select governors and mayors. Fearing Pashtun consolidation, the UF has been generally opposed to Karzai's overtures to Taliban fighters to end their fight and join government—an initiative that is now backed by the Obama Administration as a means of combating the Taliban insurgency. Yet, as discussed below in the context of the 2009 presidential elections, the UF is not always cohesive.

Even before the formation of the UF, the lower house opposition first showed its strength in March 2006, following the December 19, 2005 inauguration of parliament, by requiring Karzai's cabinet to be approved individually, rather than *en bloc*, increasing opposition leverage. However, Karzai rallied his support and all but 5 of the 25 nominees were confirmed. One of those defeated was a female nominee for Minister of Women's Affairs, leaving Afghanistan without any women ministers. (The post had been held by a female since it was established in 2002.) In May 2006, the opposition compelled Karzai to change the nine-member Supreme Court, the highest judicial body, including ousting 74-year-old Islamic conservative Fazl Hadi Shinwari as chief justice. Parliament approved his new Court choices in July 2006, all of whom are trained in modern jurisprudence.

In May 2007, the UF achieved a majority in parliament to oust Karzai ally Rangin Spanta as Foreign Minister. Karzai refused to replace him, instead seeking a Supreme Court ruling that Spanta should remain, on the grounds that his ouster was related to a refugee issue (Iran's expulsion of 100,000 Afghan refugees), not a foreign policy issue. The Court has, to date, supported Karzai, and Spanta remains Foreign Minister.

Karzai and the UF have often competed for the support of the "independents" in the lower house. Among them are several outspoken women, intellectuals, and business leaders, such as the 39 year-old Malalai Joya (Farah Province), a leading critic of war-era faction leaders. In May 2007 the lower house voted to suspend her for this criticism for the duration of her term. Others in this camp include Ms. Fauzia Gailani (Herat Province); Ms. Shukria Barezai, editor of *Woman Mirror* magazine; and Mr. Ramazan Bashardost, a former Karzai minister who champions parliamentary powers and has established a "complaints tent" outside the parliament building to highlight and combat official corruption. (He is running for president in the 2009 elections.) U.S.-based International Republican Institute (IRI) has helped train the independents; the National Democratic Institute (NDI) has assisted the more established factions.

Karzai has relatively fewer critics in the 102 seat *Meshrano Jirga* (*House of Elders*), partly because of his bloc of 34 appointments (one-third of that body). He engineered the appointment of an ally as Speaker—Sibghatullah Mojadeddi—a noted Islamic scholar and former *mujahedin* party leader who headed the post-Communist *mujahedin* government for one month (May 1992).³ He has since 2003 headed an effort to reconcile with Taliban figures (Peace and Reconciliation Commission, or "PTSD" program). Karzai also appointed Northern Alliance military leader Muhammad Fahim to the body, perhaps to compensate for his removal as Defense Minister, although he resigned after a few months and later joined the UF. (He is now Karzai's primary running mate in the 2009 elections.) There is one Hindu, and 23 women; 17 are Karzai appointees and 6 were selected in their own right.

³ The mujahedin party he headed during the anti-Soviet war was the Afghan National Liberation Front.

The upper house tends to be more Islamist conservative than the lower house, advocating a legal system that accords with Islamic law, and restrictions on press and Westernized media broadcasts. In late 2008, the body approved a resolution opposing a U.S.-Afghan plan to establish local security organs to help keep Taliban infiltrators out of Afghan communities. The plan, now termed the “Afghan Public Protection Force,” is being tested in Wardak provinces south of Kabul.

On less contentious issues, the executive and the legislature have worked well. During 2008, parliament passed a labor law that brings Afghan labor law more in line with international labor laws, a mines law, a law on economic cooperatives, and a convention on tobacco control. It also confirmed several Karzai nominees, including the final justice to fill out the Supreme Court. In 2009, as discussed further below, the National Assembly approved a Shiite Personal Status Law. Both houses of parliament, whose budgets are controlled by the Ministry of Finance, are staffed by about 275 Afghans, reporting to a “secretariat.” There are 18 oversight committees, a research unit and a library.

Government Performance⁴

U.S. policy has been to help expand Afghan institutions and to urge reforms such as merit-based performance criteria and weeding out of the rampant official corruption. Afghan ministries are growing their staffs and technologically capabilities, although they still suffer from a low resource and skill base, and corruption is fed in part by the fact that government workers receive very low salaries. The anti-corruption and governmental performance aspect of U.S. policy is to be enhanced as a result of the Obama Administration’s strategy review, as announced March 27, 2009, which concluded that more needed to be done to promote the legitimacy and effectiveness of the Afghan government at both the Kabul and local levels. As a consequence of the review, the Administration is attempting to identify or recruit about 430 U.S. civilian personnel—and many additional civilians from partner countries will join them—to advise Afghan ministries, and provincial and district administrations.

The Administration also plans to develop metrics to assess progress in building Afghan governance; the proposed metrics are, according to Undersecretary of Defense Michelle Flournoy, to be briefed to Congress in May 2009. Some in Congress have said they oppose firm conditionality of any U.S. aid to Afghanistan on Afghanistan’s performance on such metrics, or linkage to any timelines of progress in the U.S. stabilization effort. However, the Administration is required to develop metrics to assess progress in Afghanistan in P.L. 111-32, an FY2009 supplemental appropriation.

There has also been a growing perception that Karzai’s government is weak in its administrative ability. The former U.S. Ambassador to Afghanistan, Zalmay Khalilzad, who is of Afghan origin (a Pashtun) was reported in May 2009 to be negotiating with Karzai about becoming a strong chief executive officer if Karzai is re-elected; these talks came after Khalilzad declined to run against Karzai in the upcoming election. The Obama Administration did not take a firm position on the Khalilzad idea during Karzai’s May 2009 visit to the United States, but some in the

⁴ Some information in this section is from the State Department reports on human rights in Afghanistan for 2007. March 11, 2008 <http://www.state.gov/g/drl/rls/hrrpt/2007/100611.htm>; the International Religious Freedom Report, released September 19, 2008. <http://www.state.gov/g/drl/irf/2007/90225.htm>; and Defense Department “Report on Progress Toward Security and Stability in Afghanistan.” June 2008.

Administration are said to believe that a high ranking position for Khalilzad in the Afghan government could further confuse the channels of communication between the Obama Administration and the Karzai government. (Khalilzad's political activities in Afghanistan are discussed further below.)

Dealing With Regional Faction Leaders

The Obama Administration review did not specifically outline any new measures to sideline regional strongmen, who are often referred to as “warlords.” Karzai has at times indulged and at other times move against regional strongmen, but he has been hesitant to confront them outright to the point where their followers go into armed rebellion. His choice of Muhammad Fahim, the military chief of the Northern Alliance/UF faction, as first Vice Presidential running mate in the August 2009 elections is likely to reignite concerns that Karzai continues to rely on faction leaders rather than promote officials who are politically neutral. Karzai argues that the faction leaders have significant followings and that compromises with them is needed to keep the government intact as he focuses on fighting “unrepentant” Taliban insurgents.

In 2008, some observers cited Karzai's handling of prominent Uzbek leader Abdurrashid Dostam as evidence of political weakness. Dostam is often referred to as a “warlord” because of his command of partisans in his redoubt in northern Afghanistan (Jowzjan and Balkh provinces), and he is widely accused of human rights abuses of political opponents in the north. To try to separate him from his militia, in 2005 Karzai appointed him to the post of chief of staff of the armed forces. On February 4, 2008, Afghan police surrounded Dostam's villa in Kabul in response to reports that he attacked an ethnic Turkmen rival, but Karzai did not order his arrest for fear of stirring unrest among Dostam's followers. To try to resolve the issue without stirring unrest, in early December 2008 Karzai purportedly reached an agreement with Dostam under which he resigned as chief of staff and went into exile in Turkey in exchange for the dropping any case against him.⁵ In June 2009, Karzai reappointed Dostam as military chief of staff and Dostam continues to be consulted by leading Afghan politicians in advance of the August election.

Dostam views himself as a competitor with another strong figure in the north, Balkh Province governor Atta Mohammad. Mohammad is a Tajik but, under a compromise with Karzai, is in control of a province that is inhabited mostly by Uzbeks – a source of irritation for Dostam and other Uzbek leaders. Mohammad views himself as relatively independent of Kabul's writ, and a Dostam reportedly is hoping that, by supporting Karzai in the election, Dostam will be able to convince Karzai to remove Mohammad from Balkh after the election.

Another strongman that Karzai has sought to weaken, while keeping him politically satisfied, is prominent Tajik political leader and former Herat governor Ismail Khan. In 2006, Karzai appointed him Minister of Energy and Water, taking him away from his political base in the west. Others say that Karzai's strategy has been unsuccessful because some strong governors, such as Ghul Agha Shirzai of Nangarhar, are using their positions to siphon off customs duties at border crossings, undermining the revenue flow to the central government.

⁵ CRS e-mail conversation with National Security aide to President Karzai. December 2008.

In February 2007, both houses passed a law giving amnesty to so-called “warlords.” Karzai altered the draft to give victims the right to seek justice for any abuses; Karzai did not sign a modified version in May 2007, leaving the status unclear.

Official Corruption

During the Bush Administration, U.S. officials generally refrained from publicly criticizing Karzai when, in the interests of political harmony, he has purportedly tolerated corruption. However, President Obama and his senior aides, including the special representative for Afghanistan and Pakistan Ambassador Richard Holbrooke, have been somewhat more publicly critical of Karzai’s shortcomings than were Bush Administration officials. The Obama Administration strategy review highlights the need to reduce official corruption. The FY2009 supplemental appropriation (P.L. 111-32) withholds 10% of about \$90 million in State Department counter-narcotics funding subject to a certification that the Afghan government is acting against officials who are corrupt or committing gross human rights violations.

Partly as a result of what many Afghans view as a “predatory” central government, some Afghans—and many international donors—are said to be losing faith in the government and in Karzai’s leadership. Some observers, such as former Coordinator for Counter-Narcotics and Justice Reform Thomas Schweich, in a July 27, 2008 *New York Times* article, have gone so far as to assert that Karzai, to build political support, is deliberately tolerating officials in his government who are allegedly involved in the narcotics trade. The *New York Times* reported allegations (October 5, 2008) that another Karzai brother, Qandahar provincial council chief Ahmad Wali Karzai, has protected narcotics trafficking in the province. Some Afghans explain Ahmad Wali Karzai’s activities as an effort to ensure that his constituents in Qandahar have financial means to sustain themselves, even if through narcotics trade, before there are viable alternative sources of livelihood. Another brother, Mahmoud Karzai, has apparently grown wealthy through real estate and auto sales ventures in Qandahar and Kabul, purportedly by fostering the impression he can influence his brother, President Karzai. Mahmoud Karzai held a press conference in Washington, D.C. on April 16, 2009 denying allegations of corruption.

Observers who follow the issue say that most of the corruption takes place in the course of performing mundane governmental functions, such as government processing of official documents, in which processing services routinely require bribes in exchange for action.⁶ In other cases, Afghan security officials are said to sell U.S./internationally provided vehicles, fuel, and equipment to supplement their salaries. Other observers who have served in Afghanistan say that Karzai has appointed some provincial governors to “reward them” and that these appointments have gone on to “prey” economically on the populations of that province. Several high officials, despite very low official government salaries, have acquired ornate properties in west Kabul since 2002, according to Afghan observers. Transparency International, a German organization that assesses governmental corruption worldwide, ranked Afghanistan in 2008 as 176th out of 180 countries ranked in terms of government corruption. Because of the corruption, only about 10% of U.S. aid is channeled through the Afghan government, although Special Representative for Afghanistan and Pakistan Richard Holbrooke said in May 2009 that empowering Afghan governance requires raising that to about 40% or 50%. Currently, the Ministry of Health, and the

⁶ Filkins, Dexter. “Bribes Corrode Afghan’s Trust in Government.” *New York Times*, January 2, 2009.

Ministry of Rural Rehabilitation and Development, and a few others qualify to have U.S. funds channeled through them.

To try to address the criticism, in August 2008 Karzai, with reported U.S. prodding, set up the “High Office of Oversight for the Implementation of Anti-Corruption Strategy” with the power to investigate the police, courts, and the attorney general’s office, and to catalogue the overseas assets of Afghan officials. Karzai himself declared his assets on March 27, 2009. In October 2008, Karzai replaced the ministers of Interior, of Education, and of Agriculture with officials, particularly the new Interior Minister (former Soviet-era official Muhammad Hanif Atmar) believed to be dedicated to reform of their ministries and weeding out of official corruption. However, Atmar’s appointment incurred further UF concern because Atmar, a Pashtun, replaced a Tajik (Zarrar Moqbel) in that post. In his public appearances during his visit to the United States in May 2009, Karzai repeatedly stressed what he said were efforts by him and his government to remove corrupt officials and combat official corruption.

Some of Karzai’s anti-corruption steps have been recommended in studies within the State Department, the Afghan government, and the U.N. Office of Drugs and Crime which is responsible for assisting Afghanistan on counter-narcotics. The Afghan government committed itself to anti-corruption efforts in the so-called “Afghanistan Compact” adopted at an international meeting in London on February 1, 2006, and it ratified the U.N. Convention Against Corruption in August 2008.

Expanding Local Governance

In part to address the flaws of the Afghan central government, U.S. policy shifted somewhat in 2008 toward promoting local security and governance solutions. The Afghan government asserts that it itself is promoting local governance as the next stage in Afghanistan’s political and economic development, although some say that this is part of an effort by Karzai to improve his re-election prospects by developing a local networks of supporters. A key indicator of this Afghan shift came in August 2007 when Karzai placed the selection process for local leaders (provincial governors and down) in a new Independent Directorate for Local Governance (IDLG)—and out of the Interior Ministry.

The IDLG, with advice from India and other donors, is also in the process of empowering localities (Afghanistan has 22,000 villages) to decide on development priorities by forming Community Development Councils (CDC’s). Thus far, there are about 21,000 CDC’s established and they are eventually to be elected. The IDLG does not envision that the local leaders being elected will conflict with any district leaderships elected when Afghanistan finally does hold (still delayed) district elections. Some accounts say that the efforts to expand local governance has been hampered by corruption and limited availability of skilled Afghans.

Provincial Governors and Provincial Councils

Many believe that the key to effective local governance is the appointment of competent governors. In March 2008 Karzai replaced the weak and ineffective governor of Helmand (Asadullah Wafa) with Gulab Mangal, who is from Laghman Province and who the U.N. Office of Drugs and Crime (UNODC) said in an August 2008 report is taking relatively effective action to convince farmers not to grow crops other than poppy. A subsequent UNODC report in February 2009 said his efforts are likely to result in a reduction of cultivation in Helmand in

2009. However, there are reports Karzai wants to replace him with the former governor, Sher Mohammad Akhundzadeh, who is accused of human rights abuses when he was governor during 2002-2005 but who remains powerful in the province. The UNODC report said that improving governance in some provinces had contributed to the increase to 18 “poppy free” provinces (out of 34), from 13 in the same report in 2007. Ghul Agha Shirzai has been effective in curbing cultivation in Nangarhar, although Shirzai reportedly has also not remitted all the customs duties collected at the Khyber Pass/Torkham crossing to the central government. Another four provinces might move into that category in 2009, according to UNODC.

Governing Qandahar is a sensitive issue in Kabul because of Karzai’s active interest in his home province. The governor of Qandahar was changed (to former General Rahmatullah Raufi, replacing Asadullah Khalid) after an August 7, 2008 Taliban assault on the Qandahar prison that led to the freeing of several hundred Taliban fighters incarcerated there. Karzai changed that governorship again in December 2008, naming Canadian-Afghan academic Tooryalai Wesa as governor, perhaps hoping that his ties to Canada would assuage Canadian reticence to continuing its mission in Qandahar beyond 2011.

One problem noted by governance experts is that the role of the elected provincial councils is unclear. The elections for the provincial councils in all 34 provinces will be held on August 20, 2009, concurrent with the presidential elections. The last provincial council elections were held concurrent with the parliamentary elections in September 2005. In most provinces, the provincial councils do not act as true legislatures, and they are considered weak compared to the power and influence of the provincial governors. However, in Qandahar, where Ahmad Wali is chair of the provincial council, he is in many ways more powerful than Qandahar governor Tooryalai Wesa, who is not politically or personally close to President Karzai. Still, the provincial councils play a major role in choosing the upper house of the National Assembly (*Meshrano Jirga*) – in the absence of district councils (no elections held or scheduled), the provincial councils choose 2/3 of the 102 seat *Meshrano Jirga*. The councils elected in August 2009 will likely select new *Meshrano Jirga* representatives after the lower house elections planned for 2010.

Security Benefits of Local Governance Programs

The IDLG is also the chief implementer of the “Social Outreach Program” which provides financial support (about \$125 – 200 per month) and other benefits to tribal and local leaders in exchange for their cooperation with U.S./NATO led forces against the Taliban insurgency. The civilian aspects of the program are funded partly by USAID.

A more widely debated security aspect of the program is the Afghan Public Protection Force, referred to above. Afghan officials say it is not a resurrection of the traditional tribal militias (“*arbokai*”) that provided local security—and often clashed with each other—before and during Afghanistan’s recent wars, but that the local forces formed under the program are under the authority of the Interior Ministry. More information on this program is provided in CRS Report RL30588, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, by Kenneth Katzman.

Overall Human Rights Issues

The Obama Administration review did not specifically delineate a U.S. policy on Afghanistan’s human rights practices, although this issue could be deemed addressed implicitly by the

Administration's statement that policy is intended to make the Afghan government more "accountable." On human rights issues, the overall State Department judgment is that the country's human rights record remains poor, according to the Department's report for 2008 (issued February 25, 2009). The security forces are widely cited for abuses and corruption, including torture and abuse of detainees.

There has been some backsliding in recent years on media freedoms, which was hailed during 2002-2008 as a major benefit of the U.S. effort in Afghanistan. A press law was passed in September 2008 that gives some independence to the official media outlet, but also contains a number of content restrictions, and requires that new newspapers and electronic media be licensed by the government. Prior to the new law, Afghanistan's conservative Council of Ulema (Islamic scholars) has been ascendant. With the Council's backing, in April 2008 the Ministry of Information and Culture banned five Indian-produced soap operas on the grounds that they are too risqué, although the programs were restored in August 2008 under a compromise that also brought in some Islamic-oriented programs from Turkey. At the same time, there have been a growing numbers of arrests or intimidation of journalists who criticize the central government or local leaders. On the other hand, freedoms for women have greatly expanded since the fall of the Taliban with their elections to the parliament (numbers in the table below), their service at many levels of government, including a governorship (Bamiyan Province), and their growing presence in the judiciary (67 female judges), the press, and the private sector. Wearing the *burqa* (head-toe covering) is no longer required but many women still wear it.

The September 2008 International Religious Freedom report says the Afghan government took limited steps during the year to increase religious freedom. Still, members of minority religions, including Christians, Sikhs, Hindus, and Baha'i's, often face discrimination; the Supreme Court declared the Baha'i faith to be a form of blasphemy in May 2007. In October 2007, Afghanistan resumed enforcing the death penalty after a four-year moratorium, executing 15 criminals. One major case incurring international criticism has been the January 2008 death sentence, imposed in a quick trial, against 23-year-old journalist Sayed Kambaksh for allegedly distributing material critical of Islam. On October 21, 2008, a Kabul appeals court changed his sentence to 20 years in prison; a judgment upheld by another court in March 2009. He still might receive a Karzai pardon.

A positive development is that Afghanistan's Shiite minority, mostly from the Hazara tribes of central Afghanistan (Bamiyan and Dai Kundi provinces) can celebrate their holidays openly, a development unknown before the fall of the Taliban. Some Afghan Shiites follow Iran's clerical leaders politically, but Afghan Shiites tend to be less religious and more socially open than their co-religionists in Iran. The Minister of Justice is a Shiite, the first of that sect to hold that post.

The Afghan government tried to further accommodate Shiite demands in 2009 by enacting (passage by the National Assembly and signature by Karzai in March 2009) a "Shiite Personal Status Law," at the request of Shiite leaders. The law was intended to provide a legal framework for members of the Shiite minority in family law issues. However, the issue turned controversial when international human rights groups and governments—and Afghan women in a demonstration in Kabul—complained about provisions that would appear to sanction marital rape and which would allow males to control the ability of females in their family to go outside the home. President Obama publicly called these provisions "abhorrent." In early April 2009, taking into account the outcry, Karzai sent the law back to the Justice Ministry for review, saying it would be altered if it were found to conflict with the Afghan constitution. On April 19, 2009, Karzai said on CNN that his government's review of specific provisions of the law, which was

long and highly detailed, had been inadequate, and Karzai reiterated during his U.S. visit in May 2009 that the controversial provisions would be removed. Revised legislation will have to again go through the full legislative process. There was further unrest among some Shiite leaders in late May 2009 when they learned that the Afghan government had dumped 2,000 Iranian-supplied religious texts into a river when an Afghan official complained that the books insulted the Sunni majority.

Afghanistan was again placed in Tier 2 in the State Department's June 16, 2009, Trafficking in Persons report for 2009 on the grounds that it does not fully comply with minimum standards for the elimination of trafficking in persons, but is making significant efforts to do so. Afghanistan has established anti-trafficking offices in the offices of the Attorney General in all 34 provinces.

Democracy, Governance, and Elections Funding Issues

USAID has spent about \$440 million (FY2002-2008) to build democracy in Afghanistan, and an additional \$68 million to promote "rule of law," and to assist Afghanistan's elections. About \$900 million in democracy and governance aid is to be provided in FY2009, including through the FY2009 supplemental (P.L. 111-32). Of this FY2009 funding, about \$175 million is to be provided for election support for the 2009 elections. These funds are being used for the election process itself as well as for voter registration and education and election security support functions. The total cost of the Afghan elections in 2009 are to be about \$200 million, with other international donors contributing funds to close the gap left by the U.S. contribution.

Substantial FY2009 aid is being extended to the IDLG for its operations and to support the Social Outreach Program discussed above. In FY 2009, according to a September 25, 2008 State Department fact sheet, USAID is providing \$8.5 million to support the IDLG and to fund the Social Outreach Program and a separate "Governor's Performance Fund" intended to promote good governance. Another \$95 million is going to the IDLG to help it construct new district centers and rehabilitate fifty provincial and district offices. For comprehensive tables on U.S. aid to Afghanistan, by fiscal year and by category and type of aid, see CRS Report RL30588, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, by Kenneth Katzman.

2009 Elections

The 2009 presidential and provincial elections represent another important step in Afghanistan's political development, but it now appears that the elections will produce little change. The provincial elections component has been receiving little attention in international media, in part because of their unclear.

Afghan leaders appear to have put aside their differences over the date of the election. On February 3, 2009, Afghanistan's Independent Election Commission (IEC) set August 20, 2009 as the election date—a change from a date mandated by Article 61 of the Constitution as April 21, 2009—in order to allow at least 30 days before Karzai's term expires on May 22, 2009. The IEC decision on the latter date cited Article 33 of the Constitution as mandating universal accessibility to the voting—and saying that the April 21 date was precluded by difficulties in registering voters, printing ballots, training staff, advertising the elections, and the dependence on

international donor funding, in addition to the security questions.⁷ This decision caused the UF bloc to say it would not “recognize” Karzai’s presidency after May 22.

In response to the UF criticism that he seeks to prolong his term and use his incumbency to his advantage, Karzai issued a February 28, 2009 decree directing the IEC to set the elections in accordance with all provisions of the constitution. However, observers say Karzai’s decree was largely political because it is widely recognized that Afghan authorities would not be ready to hold elections by the April 21 date. The IEC reaffirmed on March 4, 2009 that the election must be held on August 20, 2009.

Karzai’s maneuvers and the official decision did not stop the UF from insisting that Karzai step down on May 22 in favor of a caretaker government. Karzai argued that the Constitution does not provide for any transfer of power other than in case of election or death of a President. The Afghan Supreme Court backed that decision on March 28, 2009. The Obama Administration publicly backed both the IEC and the Supreme Court rulings even though such backing would be viewed as an Obama Administration endorsement of Karzai. Ambassador Holbrooke has said on several occasions that the United States is strictly neutral.

Despite the political dispute between Karzai and his opponents, enthusiasm among the public appears to be high. Registration (updating of 2005 voter rolls) began in October 2008 and was completed as of the beginning of March 2009. About 15.6 million total Afghans updated their registration information, according to NATO. However, there were also reports of some registration fraud, with some voters registering on behalf of women who do not, by custom, show up at registration sites. U.S./NATO military operations in some areas, including in Helmand in January 2009, were conducted to secure registration centers.

Outlines of the Presidential Contest

Politically, Karzai has benefitted from the August 2009 date because it provides time for the infusion of U.S. troops (about 21,000 additional due by August 2009, plus about 3,000 partner combat troop contributions) to secure the Pashtun areas which will be the source of many Karzai votes. With the August date set, candidates filed to run during April 24-May 8, 2009.

The conventional wisdom among observers is that the two-round election virtually assures victory by an ethnic Pashtun. In the election-related political deal-making,⁸ Karzai obtained an agreement from Muhammad Fahim (a Tajik), formerly his antagonist and a UF member, to run as his first vice presidential running mate. Karzai, Fahim, and incumbent second Vice President Karim Khalili registered their ticket on May 4, 2009, just before Karzai left to visit the United States for the latest round of three way strategic talks (U.S.-Pakistan-Afghanistan). The Fahim choice was criticized by human rights and other groups because of Fahim’s long identity as a mujahedin commander/militia faction leader, but the selection, and Fahim’s acceptance, was viewed as a major political coup for Karzai by splitting off a major figure from the UF bloc.

⁷ Statement of the Independent Election Commission Secretariat. February 3, 2009, provided to CRS by a Karzai national security aide.

⁸ Some of the information in this section obtained in CRS interviews with a Karzai national security aide. December 2008.

Anti-Karzai Pashtuns attempted, unsuccessfully, to coalesce around one challenger. Former Interior Minister Ali Jalali (who resigned in 2005 over Karzai's compromises with faction leaders), and former Finance Minister (2002-2004) and Karzai critic Ashraf Ghani, tried to forge a single ticket, but did not reach agreement. In the end, Ghani registered his candidacy, but without Jalali or strong representation from other ethnicities in his vice presidential slots. He has appeared frequently in U.S. media broadcasts saying Karzai has failed to establish legitimate and successful governance, but he has spent much time in the United States and Europe and might lose support among some average Afghans who might view him as a global technocrat who is not necessarily in touch with day to day problems in Afghanistan. Ghani may show strength in the east of Afghanistan, the seat of his Ahmedzai clan, but is unlikely to draw substantial support in the south, the base of Pashtun support for Karzai. One press report says Ghani is making extensive use of the internet for advertising and fundraising, and that he is in talks with political consultant James Carville to possibly advise his campaign.⁹

As noted above, the UF was not successful in forging a united front to challenge Karzai. Burhanuddin Rabbani (Afghanistan president during 1992-1996), the elder statesman of the UF bloc, reportedly insisted that an ethnic Tajik (the ethnic core of the UF) head the UF ticket. Observers in Kabul say the UF had always leaned toward former Foreign Minister Dr. Abdullah Abdullah to its slate, and Dr. Abdullah did register to run. His running mates are Dr. Cheragh Ali Cheragh, a Hazara who did poorly in the 2004 election, and a little known Pashtun, Homayoun Wasefi. Some reports in May 2009 said that Ghani and Abdullah might still forge a joint ticket, which would require one of them to drop out of the presidential slot and substitute as a replacement vice presidential running mate, but no agreement has been announced. Another problem for the UF is that Ahmad Zia Massoud (currently one of Karzai's Vice Presidents) did not win support of the bloc to head its ticket. Massoud is the brother of Ahmad Shah Masoud (see above), who was killed purportedly by Al Qaeda two days before the September 11 attacks on the United States, and Ahmad Zia has support among followers of his slain brother.

Karzai's prospects were further enhanced when several prominent Pashtuns did not run. Ghul Agha Shirzai, a member of the powerful Barakzai clan, reportedly reached an arrangement with Karzai the week of the registration period that headed off his candidacy. Anwar al-Haq Ahady, the former Finance Minister and Central Bank governor, did not run. Nor did Bush Administration U.S. Ambassador to U.N., Afghan-born Zalmay Khalilzad himself run; he organized a conference of Karzai opponents in Dubai in early March 2009 and was, up until the last minute, said to be trying to build support for a candidacy or to unify anti-Karzai factions. As noted above, he is now discussing with Karzai a position in his post-election cabinet/government if Karzai is re-elected.

Because his ticket appears to unite major ethnic groups and demonstrates splits within the Tajik/UF grouping, Karzai is now viewed as a clear favorite for re-election. Despite his position of strength, Karzai has agreed to public debates with his main rivals. According to a recent International Republican Institute poll, Karzai has about 30% support, but Dr. Abdullah has only 7% in the same poll, and Ghani is polling lower than that. Karzai's public support has been undermined by perceptions of ineffectiveness and corruption, but many Afghan voters apparently see many of Afghanistan's problems as beyond Karzai's control. Karzai has in some measure used some U.S. policy setbacks to bolster his electoral prospects, for example by railing against civilian casualties resulting from U.S./NATO operations, most notably an August 21, 2008,

⁹ Mulrine, Anna. "Afghan Presidential Candidate Takes a Page From Obama's Playbook." U.S. News and World Report, June 25, 2009.

airstrike that some Afghans said killed 90 civilians (the incident is in dispute) near Herat city. Some observers say that Karzai's main potential opponents are basing their election strategy on creating the impression that the Obama Administration prefers that Karzai not be re-elected. Even if this impression took hold, it is not certain that Afghan voters would cast their ballots on this basis.

Other significant candidates, of the 44 slates that registered by the May 8 deadline and were approved to run on June 15, 2009, are shown in the box below.

Other Candidates

Abd al-Salam Rocketi ("Mullah Rocketi") - A Pashtun, reconciled Taliban figure, member of the lower house of parliament. May do unexpectedly well if Taliban sympathizers participate, but some believe he might drop out later and endorse Karzai.

Hedayat Amin Arsala – A Pashtun, was a Vice President during 2001-2004. He is a prominent economist and perceived as close to the former royal family.

Abd al Jabbar Sabit - A Pashtun, was fired by Karzai in 2007 for considering run against Karzai in the election.

Shahnawaz Tanai - A Pashtun. Served as Defense Minister in the Communist government of Najibullah (which was left in place after the Soviets withdrew in 1989) but led failed coup against Najibullah in April 1990.

Mirwais Yasini. Another strong Pashtun candidate. 48-year-old deputy speaker of the lower house of parliament but also without well known non-Pashtun running mates.

Haj Nasrullah Baryalai. Pashtun tribal leader from Jalalabad. Some say he is a candidate to watch, although he attracts little attention outside Afghanistan.

Ramazan Bashardost. A Hazara, mentioned above, running on platform of anti-corruption and improving government services.

Frozan Fana and Shahla Ata. The two women candidates in the race. Fana is the wife of the first post-Taliban aviation minister who was killed during an altercation at Kabul airport in 2002. These two candidates are widely given almost no chance of winning.

U.S. Policy and Interests in the Election

Some believe that U.S. policy requires a new Afghan president untainted by corruption among associates. Others believe that Karzai's opponents might not necessarily perform better if they are elected, and would similarly favor their clansmen and other inner circle members. Others say that Karzai continues to deserve U.S. support because he has held the various ethnicities together despite the major strains of the Taliban insurgency.

No matter the implications for the U.S. stabilization mission, the Obama Administration has decided that trying to affect the outcome of the election would be counterproductive or inappropriate. U.S. officials say the United States is completely neutral in the election. Ambassador Timothy Carney is heading the U.S. election support effort at U.S. Embassy Kabul and his mission is, in part, to ensure that the United States is even-handed in the elections. Still, some leading Karzai supporters criticized the attendance by Ambassador Karl Eikenberry at news conferences of the major candidates in mid-June, as the campaign period formally kicked off. U.S. policy is said to increasingly be accommodating the likelihood of a Karzai re-election.

A major fear among experts is that the election will be marred by violence, or by real or perceived fraud. Some believe that if many candidates enter the race, there will be small percentages separating each candidate, magnifying the effect of any fraud. If the election is derailed by unending fraud charges or the grave security situation, it is possible that Afghan leaders could convene a *loya jirga* to select a president. Some believe that this process could lead to the emergence of a Karzai opponent, and would confront the Obama Administration with a decision on whether to exert influence on behalf of a challenger at such a meeting.

Another fear among some experts is that Afghan voters will end up selecting a non-Pashtun as President. While such an outcome could represent a legitimate outcome of a democratic process, some believe that Afghanistan's Pashtuns—who view it as their right to rule Afghanistan—will not accept that outcome and would rise in rebellion.

Table I. Afghanistan Political Transition Process

| | |
|---|---|
| Interim Administration | Formed by Bonn Agreement. Headed by Hamid Karzai, an ethnic Pashtun, but key security positions dominated by mostly minority "Northern Alliance." Karzai reaffirmed as leader by June 2002 "emergency loya jirga." (A jirga is a traditional Afghan assembly). |
| Constitution | Approved by January 2004 "Constitutional Loya Jirga" (CLJ). Set up strong presidency, a rebuke to Northern Alliance that wanted prime ministership to balance presidential power, but gave parliament significant powers to compensate. Gives men and women equal rights under the law, allows for political parties as long as they are not "un-Islamic"; allows for court rulings according to Hanafi (Sunni) Islam (Chapter 7, Article 15). Set out electoral roadmap for simultaneous (if possible) presidential, provincial, and district elections by June 2004. Named ex-King Zahir Shah to non-hereditary position of "Father of the Nation;" he died July 23, 2007. |
| Presidential Election | Elections for President and two vice presidents, for 5-year term, held Oct. 9, 2004. Turnout was 80% of 10.5 million registered. Karzai and running mates (Ahmad Zia Masud, a Tajik and brother of legendary mujahedin commander Ahmad Shah Masud, who was assassinated by Al Qaeda two days before the Sept. 11 attacks, and Karim Khalili, a Hazara) elected with 55% against 16 opponents. Second highest vote getter, Northern Alliance figure (and Education Minister) Yunus Qanooni (16%). One female ran, got about 1%. Hazara leader Mohammad Mohaqiq got 11.7%; and Dostam won 10%. Funded with \$90 million in international aid, including \$40 million from U.S. (FY2004 supplemental, P.L. 108-106). |
| Parliamentary Elections | Elections held Sept. 18, 2005 on Single Non-Transferable Vote" System; candidates stood as individuals, not part of party list. Parliament consists of a 249 elected lower house (Wolesi Jirga, House of the People) and a selected 102 seat upper house (Meshrano Jirga, House of Elders). Voting was for one candidate only, although number of representatives varied by province, ranging from 2 (Panjshir Province) to 33 (Kabul Province). Herat has 17; Nangahar, 14; Qandahar, Balkh, and Ghazni, 11 seats each. The body is 28% female (68 persons), in line with the legal minimum of 68 women - two per each of the 34 provinces. Upper house appointed by Karzai (34 seats, half of which are to be women), by the provincial councils (34 seats), and district councils (remaining 34 seats). There are 23 women in it, above the 17 required by the constitution. Because district elections (400 district councils) were not held, provincial councils selected 68 on interim basis. 2,815 candidates for Wolesi Jirga, including 347 women. Turnout was 57% (6.8 million voters) of 12.5 million registered. Funded by \$160 million in international aid, including \$45 million from U.S. (FY2005 supplemental appropriation, P.L. 109-13). |
| Provincial Elections/ District Elections | Provincial elections held Sept. 18, 2005, simultaneous with parliamentary elections. Exact powers vague, but now taking lead in deciding local reconstruction Provincial council sizes range from 9 to the 29 seats on the Kabul provincial council. Total seats are 420, of which 121 held by women. 13,185 candidates, including 279 women. Some criticize the provincial election system as disproportionately weighted toward large districts within each province. District elections not held due to complexity and potential tensions of drawing district boundaries. |
| Cabinet | Full-term 27 seat cabinet named by Karzai in December 2004. Heavily weighted toward Pashtuns, and created new Ministry of Counter-Narcotics. Rahim Wardak named Defense Minister, replacing Northern Alliance military leader Mohammad Fahim. Qanooni not in cabinet, subsequently was selected <i>Wolesi Jirga</i> Speaker. Northern Alliance figure Dr. Abdullah replaced as Foreign Minister in March 2006. Cabinet reshuffle in October 2008 including appointment of Muhammad Hanif Atmar as Interior Minister. |
| Next Elections | Presidential and provincial elections to be held Aug. 20, 2009. Parliamentary, district, and municipal elections to follow in 2010. Each election to cost \$200 million. |

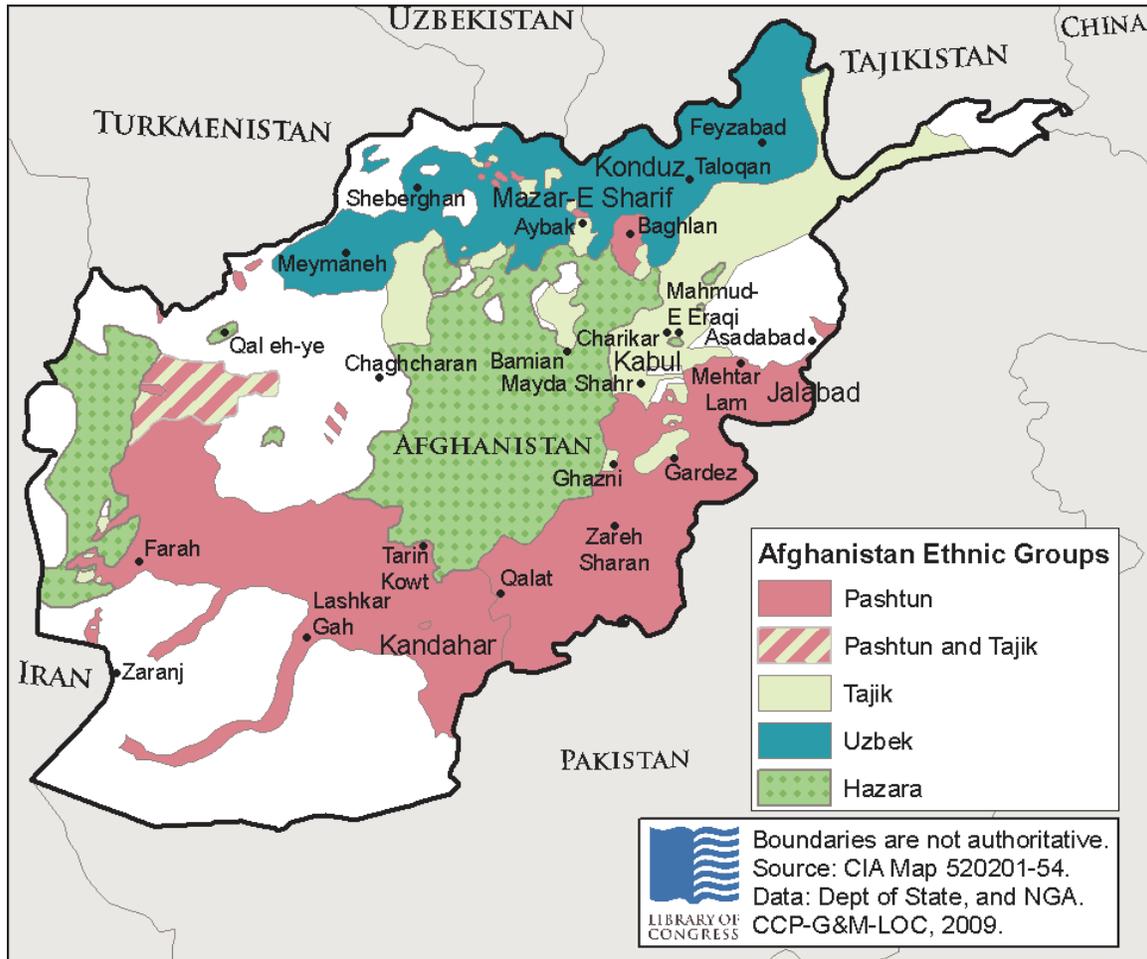
Table 2. Major Pashtun Tribal Confederations

| Clan/Tribal Confederations | Location | Example |
|--|---------------------------|---|
| Durrani | Qandahar | |
| Popalzai | Qandahar | Hamid Karzai, President of Afghanistan; Jelani Popal, head of the Independent Directorate of Local Governance |
| Alikozai | Qandahar | N/A |
| Barakzai | Qandahar, Helmand | Ghul Agha Shirzai (Governor, Nangarhar Province) |
| Achakzai | Qandahar, Helmand | |
| Noorzai | Qandahar | Noorzai brothers, briefly in charge of Qandahar after the fall of the Taliban in November 2001 |
| Ghilzai | Paktia, Paktika and Khost | Mullah Omar |
| Ahmadzai | Paktia, Paktika, Khost | Mohammed Najibullah (pres.1986-1992) Ashraf Ghani, Finance Minister 2002-2004 |
| Taraki | | Nur Mohammed Taraki (leader 1978-1979) |
| Kharoti | | Hafizullah Amin (leader, September - December 1979) |
| Zadran | Paktia, Khost | Pacha Khan Zadran (see text) ; Insurgent leader Jalaludin Haqqani |
| Kodai | | |
| Mangal | Paktia, Khost | Ghulab Mangal (Governor of Helmand Province) |
| Orkazai | | |
| Shinwari | Nangarhar province | Fasl Ahmed Shinwari, former Supreme Court Chief Justice |
| Mandezai | | |
| Sangu Khel | | |
| Sipah | | |
| Wardak (Pashtu-speaking Non-Pashtun) | Wardak Province | Abdul Rahim Wardak (Defense Minister) |
| Afridis | Tirah, Khyber Pass, Kohat | |
| Zaka khel | | |
| Jawaki | | |

| Clan/Tribal Confederations | Location | Example |
|--|--------------------------|----------------|
| Adam khel Malikdin, etc | | |
| Yusufzais | Khursan, Swat, Kabul | |
| Akozais Malizais Loezais | | |
| Khattaks | Kohat, Peshawar, Bangash | |
| Akorai Terai | | |
| Mohmands | Near Khazan, Peshawar | |
| Baizai Alimzai Uthmanzais Khawazais | | |
| Wazirs | Mainly in Waziristan | |
| Darwesh khel Bannu | | |

Source: This table was prepared by Hussein Hassan, Information, Research Specialist, CRS. Louis Dupree, and Abdul Rahman Pazhwak, Edited by: Shah Muhammad Rais, Pashtunistan, 2003. S. Iftikhar Hussain, Some Major Pukhtoon Tribes Along The Pak-Afghan Border, Area Studies Center, University of Peshawar, Pakistan, 2000. Brigadier Haroon Rashid, The History of the Pathans, Vol I: The Sarbani Pathans, Islamabad, Pakistan, 2002. N/A indicates no example is available.

Figure I. Afghanistan Ethnic Groups



Author Contact Information

Kenneth Katzman
Specialist in Middle Eastern Affairs
kkatzman@crs.loc.gov, 7-7612

Acknowledgments

The table of major Pashtun tribes was prepared by Hussein Hassan, Information Research Specialist CRS.