



Afghanistan: Politics, Elections, and Government Performance

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Summary

The Afghan government's limited writ and widespread official corruption are helping sustain a Taliban insurgency, and have fed international pessimism about efforts to stabilize Afghanistan. At the same time, President Hamid Karzai has, through compromise with faction leaders, been able to confine ethnic disputes to political competition, enabling his government to focus on trying to win over those members of the ethnic Pashtun community that support Taliban and other insurgents. Despite the measurable loss of confidence in Karzai, many Afghans consider their country's difficulties as beyond his control, and he still went into the August 20, 2009, election as the favorite. Turnout was lower than expected, and final but uncertified results, released September 16, 2009, show him at 54.6%. However, there were widespread charges of fraud, many substantiated by the U.N.-backed Electoral Complaints Commission, which investigated the charges. Nearly one-third of Karzai's votes were invalidated and the certified result, released October 21, 2009, placed Karzai just short of the 50%+ total needed to avoid a second-round runoff. The runoff is scheduled for November 7, 2009, but Karzai and Abdullah might try to reduce political tensions and spare the expense and risks of the runoff through a negotiated settlement. Whether such a settlement is constitutional remains unclear.

No matter the resolution, the election issue has been a factor in a September–October 2009 Administration review of strategy, based on an assessment of the security situation furnished by the top commander in Afghanistan, Lt. Gen. Stanley McChrystal. His report warned of potential mission failure unless a fully resourced classic counterinsurgency strategy is employed.

Stabilizing Afghanistan requires winning Pashtun support for the Afghan government, and that could be predicated, at least in part, on the success of efforts to build effective local governing structures. New provincial councils in each of the 34 provinces were elected on August 20 as well, although their roles in local governance and their relationships to appointed governors remain unclear and inconsistent across Afghanistan. The trend toward promoting local governing bodies will be accelerated, according to the Obama Administration strategy announced on March 27, 2009. The core of the strategy announced at that time is a so-called “civilian surge” that is in the process of doubling, to about 1,000, the number of U.S. civilian personnel helping build Afghan governing and security institutions and the economy.

Under an FY2009 supplemental appropriation (P.L. 111-32), the Administration developed, by September 23, 2009, “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.

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

A U.S. priority, particularly during 2001-2007, has been to extend the authority and encourage the reform of Afghanistan's central government. The policy is 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. Since 2007, the U.S. and Afghan focus has been on expanding and strengthening governance at local levels, considered key to winning Pashtun support for the government and prevent a popular turn toward the Taliban.

Overview of Governance

Although democracy promotion, per se, was not a major feature of the Obama Administration's March 27, 2009, strategy announcement, Afghanistan has taken significant formal 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 **Table 1**.

Previous post-Taliban grand assemblies (*loya jirgas*) and factional negotiations—coupled with a post-Taliban sense that Afghanistan is for all Afghans, regardless of ethnicity and political ideology—have produced relative peace among Afghanistan's many communities. However, reflecting the sense among Pashtuns that they, as the largest single ethnicity, have the right to rule, Karzai's government has come to be progressively dominated by ethnic Pashtuns. Pashtuns are about 42% of the population and, with few exceptions, have governed Afghanistan. One recent exception was the 1992-1996 presidency of the mujahedin government of Burhanuddin Rabbani, a Tajik. A table on major Pashtun clans is provided below (see **Table 2**), as is a map showing the distribution of Afghanistan's various ethnicities (see **Figure 1**).

Although other ethnicities have tended to accept the right of the Pashtun community to hold the top position in Afghanistan, non-Pashtuns 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. As discussed further later, the allegations of fraud in the August 20, 2009, election threaten to unravel the Pashtun-Tajik understandings of peaceful competition that have prevailed to date, although Karzai's agreement to the November 7 runoff might reduce such tensions.

The security organs are considered an arena where Pashtuns and Tajiks have worked together relatively well. 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). Some observers take a

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

different view, asserting that Tajiks continue to control many of the command ranks of the Afghan military and security services, and that Pashtuns constitute merely an upper veneer of control of these organizations, causing Pashtun resentment.

Many Traditional Patterns Endure

Despite the formal procedures of democracy established since the fall of the Taliban, many traditional patterns of authority remain. These patterns were evident in the 2009 presidential campaign in Afghanistan, where some candidates, Karzai in particular, pursued campaign strategies designed primarily to assemble blocs of ethnic and geographic votes, rather than advance specific new ideas. Some say that Afghanistan continues to be run mostly by local faction leaders who selectively apply, or in some cases ignore entirely, Afghan law and who undermine internationally accepted standards of rule of law.

Some believe that traditional Afghan patterns of decision making have some democratic and representative elements. This could be considered helpful to forging a modern democracy, although some might see these traditional patterns as competing mechanisms that resist change and modernization, and do not meet international standards of democratic governance. 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 in the post-Taliban period (Karzai's leadership, the post-Taliban constitution, and long-term defense relations with the United States). At the local level, *shuras*, or *jirgas* (consultative councils)² composed of local notables, are key mechanisms for making authoritative local decisions or dispensing justice. 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.

Afghan Politics: 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 108 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 (the same party as that headed by insurgent leader Gulbuddin Hikmatyar); and supporters of Abd-i-Rab Rasul Sayyaf—a prominent Islamic conservative *mujahedin* party leader.³ 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

² Shura is the term used by non-Pashtuns to characterize the traditional assembly concept. Jirga is the Pashtun term.

³ Sayyaf led the *Ittihad Islami* (Islamic Union) mujahedin party during the war against the Soviet occupation.

another is relative by marriage Aref Nurzai. Karzai's elder brother, Qayyum, was in the lower house representing Qandahar until his October 2008 resignation, although Qayyum continues to represent his brother informally domestically and abroad, including at 2008 and 2009 meetings to explore negotiated settlements with 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 ran for president in 2009 but garnered only about .5% of the vote.)

The Opposition and Its Strength

Although the political "opposition" to Karzai is fluid and often compromises with him or even joins him on some issues, those who can be considered opposition (putting aside Taliban and other insurgents) 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 from that post by Karzai in 2006, who challenged him for President in the August 2009 election).

The main ethnic opposition grouping is 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 prominent Soviet-occupation era security figures Sayed Muhammad Gulabzoi and Nur ul-Haq Ulumi, who chairs parliament's defense committee. Both of Karzai's vice presidents joined the UF when it was formed, although they subsequently continued to serve as vice presidents. 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.

Even before the formation of the UF, the opposition bloc in the *Wolesi Jirga* 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. 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. The proximate justification for the ouster was Shinwari's age, which was beyond the official retirement age of 65. 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 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 Barekzai, 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 ran for president in the 2009 elections on an anti-corruption platform.) U.S.-based International Republican Institute (IRI) has helped train the independents; the National Democratic Institute (NDI) has assisted the more established factions.

The Upper House of the National Assembly

Karzai has relatively fewer critics in the 102-seat *Meshrano Jirga* (*House of Elder*, upper house), 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).⁴ Mojadeddi has since 2003 headed—in concert with Vice President Karim Khalili—an effort to reconcile with Taliban figures (Peace and Reconciliation Commission, or “PTSD” program), which is formally still ongoing despite mixed results, and it has been overtaken by direct talks between Taliban figures and Karzai representatives. Karzai also appointed Northern Alliance military leader Muhammad Fahim to the upper body, perhaps to compensate for his removal as Defense Minister, although he resigned after a few months and later joined the UF. (He is 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.

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 Program,” is being implemented in Wardak province.

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 an original version and then a revised version. 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.

⁴ The mujahedin party he headed during the anti-Soviet war was the Afghan National Liberation Front.

Government Capacity and Performance⁵

U.S. policy has been to help expand Afghan institutions and to urge reforms. Such reforms include instituting merit-based performance criteria, ending the practice of hiring based on kinship and ethnicity rather than qualifications, and weeding out of rampant official corruption. Afghan ministries based in Kabul 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. Central government representation in outlying provinces is expanding only very slowly. Provincial governors are in place and have several staff persons, but only about 50% of all district governors (there are 364 districts) have any staff or vehicles.

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 ("chief of staff," or "de-facto prime minister") if Karzai is reelected; these talks came after Khalilzad declined to run against Karzai in the upcoming election. The Obama Administration reportedly did not take a firm position on the Khalilzad idea during Karzai's May 2009 visit to the United States. Some in the Administration are said to be backing the concept of placing more administrative experience in Karzai's office, although not necessarily endorsing Khalilzad specifically. In August 2009, it was reported that one of Karzai's election challengers, Ashaf Ghani, might be negotiating to take that role if Karzai is reelected. Others mentioned have been Interior Minister Mohammad Hanif Atmar. On the other hand, some Afghan leaders argue that there is no provision in the constitution for a strong executive post below the President.

The anti-corruption and governmental performance aspect of U.S. policy was emphasized by the Obama Administration's strategy 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 has recruited about 500 U.S. civilian personnel from the State Department, USAID, the Department of Agriculture, and several other agencies—and many additional civilians from partner countries will join them—to advise Afghan ministries, and provincial and district administrations. At least one-third had arrived by August 2009, according to State Department officials, and U.S. officials in Kabul told CRS in October 2009 that the remainder would all be in place by the end of 2009.

The Administration also developed metrics to assess progress in building Afghan governance and security, as it is required to do so (by September 23, 2009) under P.L. 111-32, an FY2009 supplemental appropriation. About 45 different metrics are to be used.⁶ 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.

⁵ Some information in this section is from the State Department reports on human rights in Afghanistan for 2008. February 25, 2009; for text, see <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119131.htm> and the International Religious Freedom Report, released September 19, 2008. <http://www.state.gov/g/drl/irf/2007/90225.htm>.

⁶ "Evaluating Progress in Afghanistan-Pakistan" Foreign Policy website. http://www.foreignpolicy.com/articles/2009/09/16/evaluating_progress_in_afghanistan_pakistan

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. Others argue that he has tolerated the abuses of the faction leaders to ensure his own reelection.

Some observers cited Karzai’s handling of prominent Uzbek leader Abdurrashid Dostam as evidence of political weakness and reliance on leaders with questionable histories and intents. 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.⁷

On July 11, 2009, the *New York Times* reported that allegations that Dostam had caused the death of several hundred Taliban prisoners during the major combat phase of OEF were not investigated by the Bush Administration, and that the State Department had dissuaded Karzai, at least temporarily, from implementing his June 2009 reappointment of Dostam as chief military advisor. In responding to assertions that there was no investigation because Dostam was a U.S. ally, President Obama said any allegations of violations of laws of war need to be investigated. Dostam responded to Radio Free Europe/Radio Liberty (which carried the story) that only 200 Taliban prisoners died and this was due to combat and disease, and not due to intentional actions of forces under his command.

Dostam, who returned to Afghanistan on August 16 and subsequently held a large pro-Karzai election rally in his home city of Sheberghan, purportedly seeks to weaken another strong figure in the north, Balkh Province governor Atta Mohammad. Mohammad is a Tajik but, under a 2005 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 Dostam reportedly is hoping that, by supporting Karzai in the election, Dostam will be able to convince Karzai to remove Mohammad from Balkh if Karzai is reelected. In July 2009, Mohammad announced his political support for the candidacy of fellow Tajik Dr. Abdullah, which might represent a natural ethnic alignment. Dostam’s support apparently helped Karzai carry several provinces in the north, including Jowzjan, Sar-i-Pol, and Faryab, although Dr. Abdullah won Balkh and Samangan, according to certified results (see “The

⁷ CRS e-mail conversation with National Security aide to President Karzai. December 2008.

Election Results and Prospects” below). Dostam reportedly has gone back into exile as of October 2009.

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. However, he remains influential there, and Karzai’s compromises with Khan have won Karzai Khan’s election support. Khan apparently was able to deliver potentially decisive Tajik votes in the west that might otherwise have gone to Dr. Abdullah. Afghan preliminary election results show Karzai winning Herat province, which, if those results stand, could indicate that the deal with Khan was helpful to Karzai. Still, Khan is said to have several opponents in Herat, and a bombing there on September 26, 2009, narrowly missed his car, causing Khan to threaten to resign his ministry post.

Karzai’s relationship with another Pashtun strongman, Sher Mohammad Akhundzadeh, demonstrates the dilemmas facing Karzai in governing Afghanistan. Akhundzadeh was a close associate of Karzai when they were in exile in Quetta, Pakistan, during Taliban rule. Karzai appointed him governor of Helmand after the fall of the Taliban, but in 2005, Britain demanded he be removed for his abuses and reputed involvement in drug trafficking, as a condition of Britain taking security control of Helmand. Karzai reportedly wants to reappoint Akhundzadeh, who Karzai believes was more successful against militants in Helmand using his local militiamen than has Britain with its more than 9,000 troops there. However, Britain and the United States have urged Karzai to keep the existing governor, Ghulab Mangal, who is winning wide praise for his successes against poppy cultivation in Helmand (discussed further below under “Expanding Local Governance”). Akhundzadeh attempted to deliver large numbers of votes for Karzai in Helmand, although turnout in that province was very light largely due to Taliban intimidation of voters.

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 for his toleration of rampant official corruption. However, President Obama and his senior aides, including the special representative for Afghanistan and Pakistan Ambassador Richard Holbrooke, have become publicly critical of Karzai’s shortcomings on this issue. The Obama Administration strategy review highlighted the need to reduce official corruption, and this is identified as a key problem in the August 30, 2009 assessment of the Afghanistan situation by Lt. Gen. Stanley McChrystal, overall commander of U.S. and international forces there. Several of the required “metrics” of progress, cited above, involve Afghan progress against 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, many Afghans and 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, DC, 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.⁸ 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 Ministry of Communications qualify to have U.S. funds channeled through them, and U.S. officials in Kabul told CRS in October 2009 that several other ministries might soon qualify as well. These might include the Ministry of Rural Rehabilitation and Development (MRRD), headed by Ehsan Zia. It runs the widely praised National Solidarity Program, which awards local development grants for specific projects. Zia has developed a capability, widely praised by Britain, according to observers, to account for large percentages of donated funds to ensure they are not siphoned off by corruption. In October 2008, Karzai replaced the ministers of Interior, of Education, and of Agriculture with officials, particularly the Interior Minister (former Soviet-era official Muhammad Hanif Atmar) believed to be dedicated to reform of their ministries and weeding out of official corruption. Finance Minister Omar Zakhwal was named in December 2008. U.S. embassy officials suggest these cabinet ministers are the best members of what they consider the most effective cabinet Karzai has had since he became leader in 2001.

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. However, Atmar's appointment incurred further U.S. 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

⁸ Filkins, Dexter. "Bribes Corrode Afghan's Trust in Government." *New York Times*, January 2, 2009.

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 reelection 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 to decide on development priorities by forming Community Development Councils (CDC's). Thus far, there are about 22,000 CDC's established, with a goal of over 30,000, 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. 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. Another four provinces might move into that category by the end of 2009, according to UNODC. 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) praised in its September 2009 report for taking effective action to convince farmers to grow crops other than poppy. The UNODC report said his efforts account for the 33% reduction of cultivation in Helmand in 2009, as compared with 2008. Mangal has held a series of meetings with local elders and government officials in newly cleared areas of Helmand Province in the course of a U.S.-led offensive there that began July 2, 2009. Ghul Agha Shirzai has been effective in curbing cultivation in Nangarhar, although he reportedly has also not remitted all the customs duties collected at the Khyber Pass/Torkham crossing to the central government.

Governing Qandahar is a sensitive issue in Kabul because of Karzai's active interest in his home province and his expectations of large numbers of Pashtun votes from the province (as well as from Helmand). In Qandahar, Ahmad Wali Karzai, Karzai's elder brother, is chair of the

provincial council. He has always been more powerful than any appointed governor of Qandahar. Yet, because of his close interest in the province, President Karzai has frequently rotated the governors of Qandahar. He appointed General Rahmatullah Raufi to replace 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. However, Canadian Prime Minister Harper reiterated on September 15, 2009, that Canada would be taking its troops out at that time.

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 were held on August 20, 2009, concurrent with the presidential elections. The previous 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.

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 two-thirds 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 Program, 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 strategy review announcement did not specifically delineate a new 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, and local faction leaders, 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 were 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 has been a growing number 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, 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-to-toe covering) is no longer required but many women still wear it. Alcohol is increasingly difficult to obtain in restaurants and stores, although it is not banned.

Religious Freedom

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 was pardoned by Karzai and released on September 7, 2009.

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. There was 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.

A previous religious freedom case earned congressional attention in March 2006. An Afghan man, Abd al-Rahman, who had converted to Christianity 16 years ago while working for a Christian aid group in Pakistan, was imprisoned and faced a potential death penalty trial for apostasy—his refusal to convert back to Islam. Facing international pressure, Karzai prevailed on Kabul court authorities to release him (March 29, 2006). His release came the same day the House passed H.Res. 736 calling on protections for Afghan converts.

Human Trafficking

Afghanistan was again placed in Tier 2 in the State Department report on human trafficking issued in June 2009 (Trafficking in Persons Report for 2009, released June 15, 2009). The government is assessed as not complying with minimum standards for eliminating trafficking, but making significant efforts to do so. The report says that women (reportedly from China and Central Asia) are being trafficked into Afghanistan for sexual exploitation. Other reports say some are brought to work in night clubs purportedly frequented by members of many international NGOs. In an effort to also increase protections for Afghan women, in August 2008 the Interior Ministry announced a crackdown on sexual assault—an effort to publicly air a taboo subject. The United States has spent \$500,000 to eliminate human trafficking in Afghanistan since FY2001.

Advancement of Women

According to the State Department human rights report for 2008, the Afghan government is promoting the advancement of women, but numerous abuses, such as denial of educational and employment opportunities, continue primarily because of Afghanistan's conservative traditions. A major development in post-Taliban Afghanistan was the formation of a Ministry of Women's Affairs dedicated to improving women's rights, although numerous accounts say the ministry's influence is limited. It promotes the involvement of women in business ventures, and it plays a key role in trying to protect women from domestic abuse by running a growing number of women's shelters across Afghanistan. Many women continue to wear the head-to-toe *burqa* covering, even though wearing it has not been required since the Taliban government was ousted.

The Afghan government tried to accommodate Shiite leaders' 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.

The offending clauses were substantially revised by the Justice Ministry in July 2009, requiring that wives "perform housework," but also apparently giving the husband the right to deny a wife food if she refuses sex. The revised law was passed by the National Assembly in late July 2009, signed by Karzai, and published in the official gazette on July 27, 2009.

In September 2009, perhaps in an effort to address some of the criticisms of the Shiite law, the Afghan government adopted a draft "Elimination of Violence Against Women" bill. Minister of

Women's Affairs Ghazanfar told CRS in October 2009 that the bill was long contemplated and not related to the Shiite status law.⁹ It awaits passage by the National Assembly.

Three female ministers were in the 2004-2006 cabinet: former presidential candidate Masooda Jalal (Ministry of Women's Affairs), Sediqa Balkhi (Minister for Martyrs and the Disabled), and Amina Afzali (Minister of Youth). Karzai nominated Soraya Sobhrang as Minister of Women's Affairs in the 2006 cabinet, but she was voted down by Islamist conservatives in parliament. He eventually appointed another female, Husn Banu Ghazanfar, as Minister; she is the only woman in the cabinet at this time. In March 2005, Karzai appointed a former Minister of Women's Affairs, Habiba Sohrabi, as governor of Bamiyan province, inhabited mostly by Hazaras. (She hosted then First Lady Laura Bush in Bamiyan in June 2008.)

The constitution reserves for women at least 17 of the 102 seats in the upper house and 62 of the 249 seats in the lower house of parliament. There are 68 women in the lower house, meaning 6 were elected without the quota. There are 23 serving in the upper house, 6 more than Karzai's mandated bloc of 17 female appointees. There are also 121 women holding seats in the 420 provincial council seats nationwide, 3 fewer than the 124 that are the election law goals for the number of females on these councils. Two women ran for president for the August 20 election, 2009, as discussed below, although preliminary results show each receiving less than ½ of 1%. Some NGOs and other groups believe that the women elected by the quota system are not viewed as equally legitimate parliamentarians.

More generally, women are performing jobs that were rarely held by women even before the Taliban came to power in 1996, including in the new police force. There are 67 female judges and 447 female journalists working nationwide. The most senior Afghan woman in the police force was assassinated in Qandahar in September 2008. Press reports say Afghan women are increasingly learning how to drive. Under the new government, the wearing of the full body covering called the *burqa* is no longer obligatory, and fewer women are wearing it than was the case a few years ago. On the other hand, women's advancement has made women a target of attacks by Taliban supporters or highly conservative Afghans. Attacks on girls' schools and athletic facilities have increased in the most restive areas. On November 12, 2008, suspected Taliban sprayed acid on the faces of several schoolgirls in Qandahar.

U.S. officials have had some influence in persuading the government to codify women's rights. After the Karzai government took office, the United States and the new Afghan government set up a U.S.-Afghan Women's Council to coordinate the allocation of resources to Afghan women. According to the State Department, the United States has implemented several hundred projects directly in support of Afghan women, including women's empowerment, maternal and child health and nutrition, funding the Ministry of Women's Affairs, and micro-finance projects.

The Afghanistan Freedom Support Act of 2002 (AFSA, P.L. 107-327) authorized \$15 million per year (FY2003-FY2006) for the Ministry of Women's Affairs. Those monies are donated to the Ministry from Economic Support Funds (ESF) accounts controlled by USAID. S. 229, the Afghan Women Empowerment Act of 2009, introduced in the 111th Congress, would authorize \$45 million per year in FY2010-FY2012 for grants to Afghan women, for the ministry of Women's Affairs (\$5 million), and for the Afghan Independent Human Rights Commission (\$10 million).

⁹ CRS meeting with the Minister of Women's Affairs. October 13, 2009.

Democracy, Governance, and Elections Funding Issues

U.S. funding for democracy, governance, and rule of law programs is expected to grow dramatically in line with the Obama Administration strategy for Afghanistan. During FY2002-2008, a total of \$1.8 billion was spent on democracy, governance, rule of law and human rights, and elections support. Of these, by far the largest category was “good governance,” which, in large part, are grant awards to provinces that make progress against narcotics.

The following is to be spent in FY2009.

- \$881 million for all of democracy and governance, including:
- \$283 million for good governance
- \$150 million for National Solidarity Program and direct budget support to Afghan government.
- \$174 million for election support
- \$50 million for strategic program development
- \$212 million for rule of law, funded by both USAID and State Dept. Bureau of International Narcotics Control and Law Enforcement (INCLE).

Requested for FY2010.

- \$801 million for all democracy and governance, including:
- \$191 million for good governance
- \$200 million for National Solidarity Program and direct budget support to Afghan government.
- \$90 million for election support
- \$100 million for strategic program development
- \$210 million for rule of law (USAID and INCLE)

The election support 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.

A substantial amount of the “good governance” funds go to support the IDLG and to fund the Social Outreach Program and a separate “Governor’s Performance Fund.” about \$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 were anticipated to represent an important step in Afghanistan’s political development—they are the first post-Taliban elections that were run by

the Afghan government itself. Special Representative Ambassador Richard Holbrooke said at a public forum on August 12, 2009, that the elections were key to legitimizing the Afghan government, no matter who wins. Yet, because of the widespread fraud identified by Afghanistan's U.N.-appointed "Elections Complaints Commission, it is possible that the elections might not produce a legitimate government and might even set off some communal violence between some of Afghanistan's different ethnicities. Such inter-ethnic violence would only compound the difficulty experienced by the United States and its international partners in maintaining security in Afghanistan. The fraud allegations reportedly have been a major factor in a high-level U.S. strategy reevaluation because of the centrality of a credible, legitimate partner Afghan government to U.S. strategy.¹⁰

Dispute over the Election Date

Problems with the election began in late 2008 when Afghan leaders first disputed then resolved the issue of 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.¹¹ 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 sought 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 was widely believed 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 would 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 said on several occasions that the United States is strictly neutral, as discussed further below.

Election Modalities and Processes

Despite the political dispute between Karzai and his opponents, enthusiasm among the public appeared to be high in the run-up to the election. Registration, which updated 2005 voter rolls, began in October 2008 and was completed as of the beginning of March 2009. About 4.5 million

¹⁰ Fidler, Stephen and John W. Miller. "U.S. Allies Await Afghan Review." *Wall Street Journal*, September 25, 2009.

¹¹ Statement of the Independent Election Commission Secretariat. February 3, 2009, provided to CRS by a Karzai national security aide.

new voters registered, and about 17 million total Afghans were registered. However, there were widespread reports of registration fraud, with some voters registering on behalf of women who do not, by custom, show up at registration sites. U.S. and other election observers found instances of fraudulent registration cards and evidence that cards had been offered for sale. U.S./NATO military operations in some areas, including in Helmand in January 2009, were conducted to secure registration centers; however, some election observers noted that there was insufficient international assistance to the IEC, which ran the election, to ensure a clean registration process.

With the August 20 date set, candidates filed to run during April 24-May 8, 2009. A total of 44 registered to run for President, of which three were disqualified for various reasons, leaving a field of 41 (later reduced to 32 after several dropped out).

In the provincial elections, 3,200 persons competed for 420 seats nationwide. Those elections were conducted on a “Single Non-Transferable Vote” (SNTV) system, in which each voter votes for one candidate in a multi-member constituency. That system encourages many candidacies and is considered to discourage the participation of political parties. Although about 80% of the provincial council candidates ran as independents, some of Afghanistan’s parties, including Hezb-i-Islam, which is a prominent grouping in the National Assembly, fielded multiple candidates in several different provinces. Still, the provincial elections component of the election received little attention, in part because the role of these councils is unclear. Of the seats up for election, about 200 women competed for the 124 seats reserved for women (29%) on the provincial councils, although in two provinces (Qandahar and Uruzgan) there were fewer women candidates than reserved seats. In Kabul Province, 524 candidates were competing for the 29 seats on its provincial council.

As noted, the elections were run by the IEC—as such, it is the first election that is run by the Afghans since the late 1960s. There have been assertions of a lack of credibility of the IEC, because most of its commissioners were selected by the Karzai government. There is also a U.N.-appointed Elections Complaints Commission (ECC) that reviews fraud complaints. These complaints were numerous—2,800 complaints filed of which 750 were deemed to have had a potential material effect on the election, according to the ECC website. The body is headed by a Canadian, Grant Kippen. There are two other foreign nationals, and two Afghans on the ECC governing council.¹²

The European Union, supported by the Organization for Security and Cooperation in Europe (OSCE) sent a few hundred observers, and the International Republican Institute and National Democratic Institute sent observers as well. About 8,000 Afghans assisted the observation missions, according to the U.N. Nations Development Program. Because much of Afghanistan is inaccessible by road, ballots were distributed (and were brought for counting) by animals in addition to vehicles and aircraft.

Preliminary results were to be announced by September 3, and, after a two week complaints evaluation period, final, certified results were to be announced September 17. However, these dates were delayed by the fraud complaints, and final, certified, results were not announced until October 21, 2009. The constitution requires that a second round runoff, if needed, be held two weeks after the results of the first round are certified. If the runoff fails to produce an outcome widely accepted as legitimate, the leadership issue could be settled under the constitution by the

¹² ECC website: <http://www.ecc.org.af/en/>

calling of a *loya jirga* (a traditional Afghan grand assembly that generally consists of about 1,000 delegates from all over the country) to select a winner from the two remaining candidates (Karzai and Abdullah) or choose someone else.

Security is a major issue for all the international actors supporting the Afghan elections process, amid open Taliban threats against Afghans who vote. In the first round, about 7,000 polling centers were to be established (with each center having multiple polling places, totaling about 29,000), but, of those, about 800 were deemed too unsafe to open, most of them in restive Helmand and Qandahar provinces. A total of about 6,200 polling centers opened on election day. Still, the Taliban intimidation appears to have suppressed the total turnout to about 5.8 million votes cast, or about a 35% turnout, far lower than expected. Turnout was said by observers and U.S. and other military personnel based there to have been very low in Helmand Province, despite the fact that Helmand has been the focus of a U.S. military-led stabilization offensive that began July 2, 2009, with the participation of about 8,000 U.S. Marines. The low turnout in Karzai's presumed strongholds in the south indicates that Karzai did not materially benefit from the election delay to August 20, 2009, because southern Afghanistan was not secured during the summer to the point where voters in that area—particularly women—felt confident enough to vote in large numbers.

Some observers said that turnout among women nationwide was primarily because there were not sufficient numbers of female poll workers recruited by the IEC to make women feel comfortable enough to vote. In general, however, election observers reported that poll workers were generally attentive and well trained, and the voting process appeared orderly.

In normally secure Kabul, turnout was said to be far lighter than in the 2004 presidential election. Turnout might have been dampened by a suicide bombing on August 15, 2009, outside NATO/ISAF military headquarters and intended to intimidate voters not to participate. In addition, several dozen provincial council candidates, and some workers on the presidential campaigns, were killed in election-related violence. A convoy carrying Fahim (Karzai Vice Presidential running mate, see below) was bombed, although Fahim was unharmed.

The Political Contest

The presidential competition took shape in May 2009. In the election-related political deal-making,¹³ 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 (a Hazara) 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. A *New York Times* story of August 27, 2009, said that the Bush Administration continued to deal with Fahim when he was Defense Minister (2001-2004) despite reports that he was involved in facilitating narcotics trafficking in northern Afghanistan. These reports could complicate U.S. relations with Fahim—to the point of rendering him ineligible for travel to the United States—if he becomes Vice President.

¹³ Some of the information in this section obtained in CRS interviews with a Karzai national security aide. December 2008.

Karzai convinced several prominent Pashtuns not to 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 the U.N., Afghan-born Zalmay Khalilzad 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.

Anti-Karzai Pashtuns did not succeed in coalescing 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 did not reach agreement to forge a single ticket. In the end, Ghani, the 54-year-old former World Bank official, registered his candidacy, but without Jalali or prominent representation from other ethnicities in his vice presidential slots.

As noted above, the UF also failed to forge a united challenge to 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. Former Foreign Minister Dr. Abdullah Abdullah, the 50-year-old former ophthalmologist and foreign envoy of the legendary Tajik *mujahedin* leader Ahmad Shah Masoud, registered to run with UF backing. His running mates are Dr. Cheragh Ali Cheragh, a Hazara who did poorly in the 2004 election, and a little known Pashtun, Homayoun Wasefi. Reports in May 2009 that Ghani and Abdullah might ultimately forge a joint ticket were not realized. Another problem for the UF was 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.

The Campaign

Karzai went into the election as a clear favorite. However, the key questions was, and still is, whether he would win in the first round (more than 50% of the vote). IRI and other preelection polls showed him with about 45% support. Dr. Abdullah polled about 25% and emerged as the main challenger, leading some to believe Dr. Abdullah could unify anti-Karzai Afghans to win a second-round victory, although the conventional wisdom is that the two-round format favors a Pashtun candidate.

Among the main issues in the campaign, Karzai's public support was harmed by perceptions of ineffectiveness and corruption, although many Afghan voters apparently see many of Afghanistan's problems as beyond Karzai's control. Karzai used some U.S. policy setbacks to bolster his electoral prospects, for example by railing against civilian casualties resulting from U.S./NATO operations, and by proposing new curbs on international military operations in Afghanistan. During the campaign, Karzai announced new measures to limit international forces' operations in civilian areas and said he would hold a *loya jirga*, if elected, including Taliban figures, to try to reach a settlement with the insurgency.

Karzai was criticized for an unfocused campaign that relied on personal ties to ethnic faction leaders rather than a retail campaign based on public appearances. Karzai agreed to public debates with rivals, although he backed out of a scheduled July 23 debate with Abdullah and Ghani on the grounds that the event was scheduled on short notice and was limited to only those

three. Abdullah and Ghani debated without Karzai, generating additional criticism of Karzai. Karzai did attend the next debate on August 16, debating Ghani and Bashardost, but Abdullah did not participate. There was also a radio forum in which all major candidates participated. Karzai was said to benefit from his ready access to media attention, which focuses on his daily schedule as President, including meetings with foreign leaders.

Dr. Abdullah stressed his background of mixed ethnicity (one parent is Pashtun and one is Tajik) to appeal to Pashtuns, but his experience and background has been with other Tajik leaders and he campaigned extensively in the north and west, which are populated mainly by Tajiks. However, he also campaigned in Qandahar, in Pashtun heartland. Both Karzai and Abdullah held large rallies in Kabul and elsewhere.

Ghani polled at about 6% just before the election, according to surveys. This indicated he might not win enough Pashtun votes to suppress Karzai's total in that community. Ghani appeared frequently in U.S. and Afghan media broadcasts criticizing Karzai for failing to establish democratic and effective institutions, but he has previously spent much time in the United States and Europe and many average Afghans view him as a global technocrat who is not necessarily in touch with day-to-day problems in Afghanistan. Ghani made extensive use of the internet for advertising and fundraising, and he hired political consultant James Carville to advise his campaign.¹⁴ He emphasized new programs for women in the August 16 debate.

Another candidate who polled unexpectedly well was 54-year-old anti-corruption parliamentarian Ramazan Bashardost, an ethnic Hazara. He was polling close to 10% just before the election. He ran a low-budget campaign with low-paid personnel and volunteers, but attracted a lot of media. This suggests that, despite most Hazara ethnic leaders, such as Mohammad Mohaqiq, endorsing Karzai, Bashardost would do well among Hazaras, particularly those who are the most educated. Some believe the Shiite personal status law, discussed above, was an effort by Karzai to win Hazara Shiite votes. According to the preliminary results, Bashardost carried several Hazara provinces, including Ghazni and Dai Kondi, but Mohaqiq's backing apparently helped Karzai carry the Hazara heartland of Bamiyan province. Other significant candidates are shown in the box below.

¹⁴ Mulrine, Anna. "Afghan Presidential Candidate Takes a Page From Obama's Playbook." *U.S. News and World Report*, June 25, 2009.

Other Candidates

Abd al-Salam Rocketi ("Mullah Rocketi"). A Pashtun, reconciled Taliban figure, member of the lower house of parliament. Was expected to well if Taliban sympathizers participated, but received less than 1% (preliminary totals), putting him in 9th place out of 32.

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. Finished 30th out of 32.

Abd al Jabbar Sabit. A Pashtun, was fired by Karzai in 2007 for considering run against Karzai in the election. Finished in 19th place.

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. Finished an unexpectedly strong 6th place, and did well in several Pashtun provinces.

Mirwais Yasini. Another strong Pashtun candidate, was viewed as a dark horse possible winner. 48-year-old deputy speaker of the lower house of parliament but also without well-known non-Pashtun running mates. Finished in fifth place.

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, but attracted substantial media attention as trail-blazers. Fana finished 7th, but Ata finished in 14th place.

The Election Results and Prospects

As noted, the voting process was relatively orderly on August 20, election day. However, 27 Afghans, mostly security forces personnel, were killed in election-day violence. Taliban fighters reportedly fired mortars and other weapons, particularly in Helmand, to suppress turnout. Those efforts, as noted, appeared to keep turnout to about 35%.

Clouding the election substantially were the widespread fraud allegations coming from all sides. Dr. Abdullah has held several news conferences since the election, purporting to show evidence of ballot stuffing in favor of Karzai, and has accused the Karzai camp of systematic election fraud. Karzai's camp has made similar allegations against Abdullah as applied to his presumed strongholds in northern Afghanistan. The ECC, in statements, stated its belief that there was substantial fraud likely committed, and mostly by Karzai supporters. However, the low turnout in the presumed Karzai strongholds in southern Afghanistan led Karzai and many Pashtuns to question the election's fairness as well, on the grounds that Pashtuns were intimidated from voting in greater proportions than were Afghans in more secure areas.

The IEC released vote results slowly. The final, uncertified total was released on September 16, 2009, showing Karzai at 54.6% and Dr. Abdullah at 27.7%. Bashardost and Ghani received single-digit vote counts (9% and 3% respectively), with trace amounts for the remainder of the field.

On September 8, 2009, the ECC ordered a recount of 10% of polling stations (accounting for as many as 25% total votes) as part of its investigations of fraud. Polling stations were considered "suspect" if: the total number of votes exceeded 600, which was the maximum number allotted to each polling station; or, where any candidate received 95% or more of the total valid votes cast at

that station (assuming more than 100 votes were cast there.) However, perhaps reflecting political sensitivities, the recount will consist of a sampling of actual votes, and not a recount of each actual vote from those polling stations.¹⁵

Throughout the investigation period (September 16-October 20), the ECC said it was not “in a rush” to complete its investigations and certify results. A dispute within the U.N. Assistance Mission in Afghanistan (UNAMA) over how vigorously to press for investigation of the fraud led to the September 29, 2009, dismissal by Secretary General Ban Ki Moon of UNAMA deputy head Peter Galbraith. He had accused UNAMA head Kai Eide of soft-pedaling on the fraud charges and siding with Karzai.

Vote Certified/Runoff Mandated

On October 20, 2009, the ECC issued its determination. About 1 million Karzai votes, and about 200,000 Abdullah votes, were considered fraudulent and were deducted from their totals. The final, certified, results of the first round were as follows: Karzai – 49.67% (according to the IEC; with a slightly lower total of about 48% according to the ECC determination); Abdullah – 30.59%; Bashardost – 10.46%; Ghani – 2.94%, Yasini – 1.03%, and lower figures for the remaining field.¹⁶

During October 16-20, 2009, U.S. and international officials, including visiting Senator John Kerry, met repeatedly with Karzai to attempt to persuade him to acknowledge that his vote total did not legitimately exceed the 50%+ threshold to claim a first round victory. On October 21, 2009, the IEC accepted the ECC findings and Karzai conceded the need for a runoff election. A date was set as November 7, 2009. Abdullah has accepted as well. President Obama praised Karzai’s decision to accept the runoff as in the “best interests of the Afghan people,” even though Karzai’s decision appeared to be a result of substantial international pressure on him. .

In an attempt to produce a cleaner election than was the case in the first round, the UNAMA has ordered about 200 district-level election commissioners replaced. In addition, there will be fewer polling stations—about 5,800, compared to 6,200 previously—to eliminate polling stations where very few votes are expected to be cast. Security procedures will be similar to those of the first round, and international monitoring remains uncertain because of the short deadline. Campaigning begins October 24 and is to conclude by November 5. Still, there are concerns that some voters may be disenfranchised because snow has set in in some locations. Insurgents are expected to resume their campaign to intimidate voters from casting ballots. Turnout is expected to be lighter in the second round, with many Afghans purportedly questioning the expense and risk of a second round that Secretary of State Clinton said on October 14 was likely to produce a Karzai victory.

To date, no major faction leaders have switched their support of either candidate, making it difficult to envision an Abdullah victory. Dr. Abdullah told CRS at a meeting in Kabul on October 15, 2009, that he might be willing to negotiate with Karzai on a “Joint Program” of reforms—such as direct election of governors and reduced presidential powers—to avoid a runoff. Abdullah told CRS he himself would not be willing to enter the cabinet, although presumably such a deal

¹⁵ “Afghan Panel to Use Sampling in Recount.” *USA Today*, September 22, 2009.

¹⁶ See IEC website for final certified tallies. <http://www.iec.org.af/results>

would involve his allies doing so. However, some say the constitution does not provide for a negotiated settlement and that the runoff must proceed. Others say that a deal between the two, in which Abdullah drops his candidacy, could lead the third place finisher, Ramazan Bashardost, to assert that he must face Karzai in a runoff. Still others say the issue could be resolved by Afghanistan's Supreme Court if constitutional issues arise.

If the second round proves equally flawed, it is possible that a *loya jirga* could be called to determine who will lead Afghanistan for the next five years. As the favorite in a two man race, Karzai presumably has an interest in avoiding this outcome because a *loya jirga* could conceivably select a new figure as Afghanistan's next President.

U.S. Policy and Interests in the Election

A major U.S. Administration concern, and one which has been realized to some extent, was that the election would be marred by violence, or by real or perceived fraud. The day after the election, President Obama called the election "an important step forward in the Afghan people's effort to take control of their future, even as violent extremists stand in their way." Some believe the statement might have been too optimistic, coming before the fraud allegations that were revealed in subsequent days. U.S. officials expressed clear U.S. neutrality vis-a-vis the election; Ambassador Timothy Carney was appointed to head the U.S. election support effort at U.S. Embassy Kabul, tasked to ensure that the United States was even-handed.

In articulating its position on the vote count, complaint period, and possibility of a second round, Obama Administration officials expressed the view that the United States is looking for a legitimate result in line with Afghanistan's constitution. That the complaint process has played out and Karzai accepted a runoff largely satisfied that interests. However, U.S. officials in Afghanistan told CRS in October 2009 that the United States would accept a negotiated compromise that avoids a runoff but is accepted by the Afghan public.

In any event, as noted, U.S. and international officials appear to be leaning toward the view that Karzai will continue as President, whether or not there is a runoff. That view was expressed at a "Friends of Afghanistan" meeting of major donors to Afghanistan, held on September 27, 2009 on the margins of U.N.-related meetings in New York.¹⁷

There are fears that, if Dr. Abdullah's supporters do not accept a compromise or a Karzai victory, if that occurs, they could withdraw their cooperation with U.S. and other forces in Afghanistan or even engage in ethnic conflict against Pashtuns, causing the U.S. effort in Afghanistan to unravel. The legitimacy of the runoff is also a concern, as U.S. strategy is being reevaluated by President Obama and his advisers during September and October 2009, based on a battlefield assessment by top commander in Afghanistan Lt. Gen. Stanley McChrystal that argues for additional U.S. resources. The legitimacy of the Afghan partner of the United States has been a factor in the Administration's consideration of the McChrystal report.¹⁸ McChrystal's recommendation to

¹⁷ Cooper, Helene. "Obama Administration Says It Believes Karzai Will Be Reelected in Afghanistan." *New York Times*, September 28, 2009.

¹⁸ Commander NATO International Security Assistance Force, Afghanistan, and U.S. Forces, Afghanistan. "Commander's Initial Assessment." August 30, 2009, available at: http://media.washingtonpost.com/wp-srv/politics/documents/Assessment_Redacted_092109.pdf

pursue a classic counterinsurgency strategy which, first and foremost, seeks to protect the Afghan population, depends on the existence of a legitimate, engaged Afghan government as a partner. If there is no legitimate Afghan partner available, then some might argue that McChrystal's recommended strategy might not succeed because U.S. forces are not able, in and of themselves, to reform the Afghan government.

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

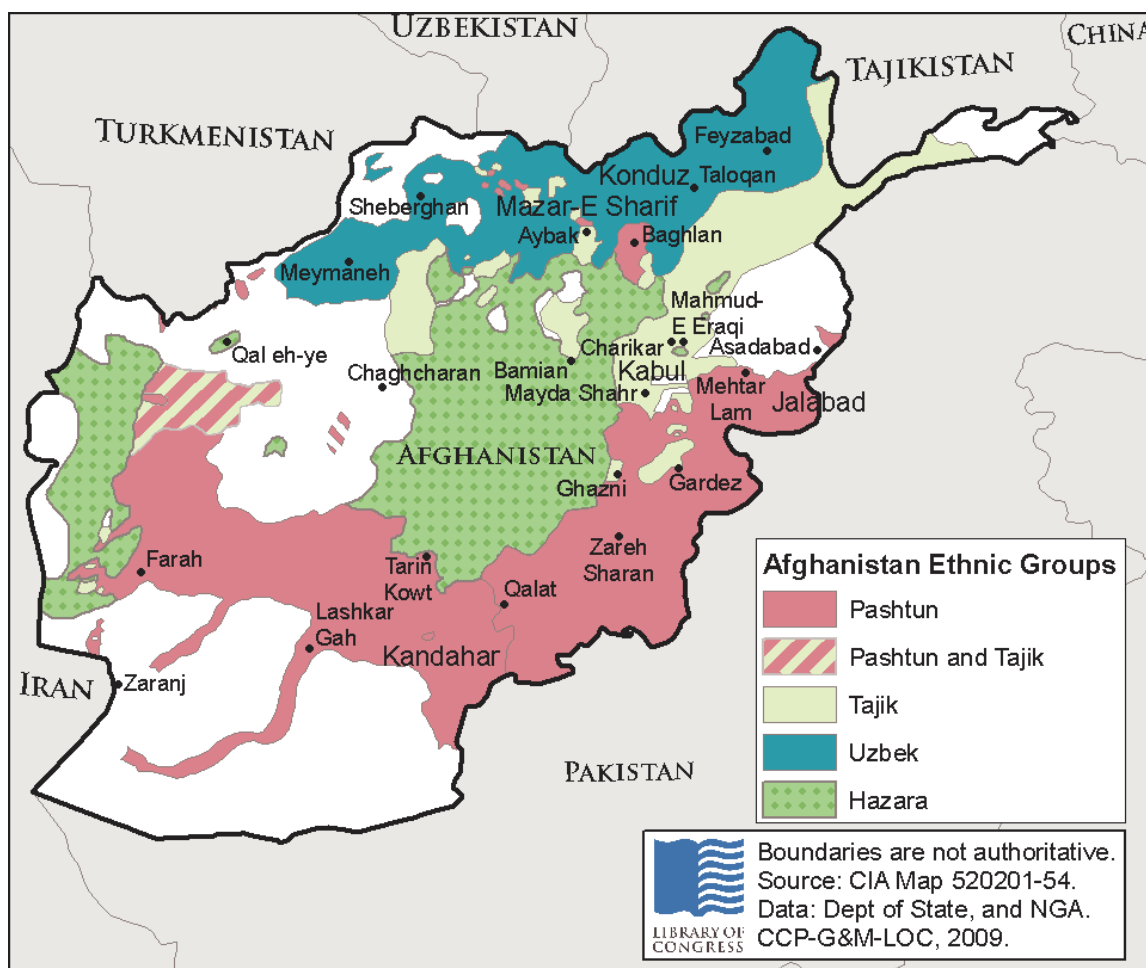
| Clan/Tribal Confederations | Location | Example |
|-----------------------------------|------------------------------|---|
| Durrani | Qandahar | |
| Popalzai | Qandahar | Hamid Karzai, President of Afghanistan; Jelani Popal, head of the Independent Directorate of Local Governance |
| Alikozai | Qandahar | N/A |
| Barakzai | Qandahar, Helmand | Ghul Agha Shirzai (Governor, Nangarhar Province) |
| Achakzai | Qandahar, Helmand | |
| Alizai | Helmand (Musa Qala district) | Sher Mohammad Akhunzadeh (former Helmand governor) |
| 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 | | |

| Clan/Tribal Confederations | Location | Example |
|---|---------------------------|--|
| Wardak (Pashtu-speaking non-Pashtun) | Wardak Province | Abdul Rahim Wardak (Defense Minister) |
| Afridis Zaka khel Jawaki Adam khel Malikdin, etc | Tirah, Khyber Pass, Kohat | |
| Yusufzais Akozais Malizais Loezais | Khursan, Swat, Kabul | |
| Khattaks Akorai Terai | Kohat, Peshawar, Bangash | |
| Mohmands Baizai Alimzai Uthmanzais Khawazais | Near Khazan, Peshawar | |
| Wazirs Darwesh khel Bannu | Mainly in Waziristan | |

Source: This table was prepared by Hussein Hassan, Information Research Specialist, CRS.

Note: N/A indicates no example is available.

Figure I. Afghanistan Ethnic Groups



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Acknowledgments

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