



**STATEMENT OF THE NDI PRE-ELECTION
DELEGATION TO AFGHANISTAN**

Kabul, July 8, 2005

This statement is offered by a multinational delegation organized by the National Democratic Institute (NDI). From June 25 through July 2, 2005, the delegation assessed the political environment in Afghanistan prior to the September 18th parliamentary and provincial council elections in light of the country's overall democratic development. The delegation conducted a series of intensive meetings with a broad spectrum of Afghan political and civic leaders, governmental and electoral authorities, and representatives of various sectors of the international community in Kabul.

The delegation included: Tioulong Saumura, Member of the National Assembly of Cambodia and a leader of the Sam Rainsy Party; Ellen Bork, Deputy Director at the Project for the New American Century; Peter Manikas, NDI Senior Associate and Director of Asia Programs; and Scott Hubli, NDI Director of Governance Programs. The delegation was joined by Peter Dimitroff, NDI-Afghanistan Country Director, and Oren Ipp, NDI-Washington Senior Program Officer, and was assisted by NDI-Afghanistan program staff.

The delegation's purposes were to express the interest of the international community in the development of a democratic political process and democratic governance in Afghanistan. The delegation also sought to present an accurate and impartial assessment of the political environment and consider its implications for the coming parliamentary elections and for long-term democratic development.

I. SUMMARY

On September 18, 2005, Afghanistan will hold elections for the Wolesi Jirga (lower house of the National Assembly) and provincial councils. These polls will mark the final stages of a three-year process established at Bonn, Germany on December 5, 2001.¹ At that UN-sponsored meeting, representatives of Afghanistan met to chart the country's democratic future after 25 years of conflict that began with the Soviet invasion, and extended through the communist regime, civil war among rival mujahedeen, and finally the rise and fall of the Taliban and the harboring of al-Qaeda.

In many ways, Afghanistan's progress since its first, transitional government took power has been remarkable. Economic development and improvements in infrastructure, education and healthcare are proceeding and are reaching isolated and neglected areas. On the political front,

¹ The Bonn Agreement, signed on December 5, 2001, established a process that included electing a transitional government by an Emergency Loya Jirga, drafting a new constitution, and electing a representative government in open and free elections. After the September 18th elections, the remaining stages include the election of district councils, and the subsequent full establishment of the upper house of the National Assembly (the Meshrano Jirga).

Afghanistan has established a constitution and has held a presidential election resulting in the replacement of the interim government with an elected president.

The political environment in which the September 18th elections will occur reflects both the progress that has been achieved and the challenges that remain. On the one hand, international authorities note that preparations for these polls are further along than those for the October 2004 presidential elections. Afghans are participating as candidates in large numbers and plans are in place for an extensive local monitoring effort that is intended to inspire confidence among Afghans in the electoral process.

However, the parliamentary and provincial council elections differ from the presidential poll in important ways. Local political actors, many of whom maintain links to illegally armed groups, have a much greater stake in the outcome of these elections. The conduct of the elections themselves is at risk from substantial security threats to candidates, officials and voters. Intimidation and violence are expected to rise in advance of election day. The assassination of two pro-government clerics, and the increased use of improvised explosive devices (IEDs) and mines are troubling developments. At this writing, significant international funds pledged for the election have not yet been delivered.

The establishment and the work of the Wolesi Jirga and provincial councils are complicated by an equally serious set of challenges. The electoral system will likely produce a fractious parliament with a high number of independent members. The workload for the Wolesi Jirga is enormous, and crucial, constitutionally-mandated responsibilities will have to be discharged in a short period of time by members with no elective experience and limited institutional support. Moreover, the candidate qualification process did not eliminate all, or even the most notorious, candidates with connections to armed groups or records of past abuses from participating in the elections. This may limit the effectiveness and credibility of the Wolesi Jirga and the provincial councils. The establishment of provincial councils also suffers from a lack of definition of their role and responsibilities.

Whatever the outcome of the September 18th elections, Afghanistan's democratic future is far from ensured. A pervasive culture of impunity exists, unchecked by an effective legal system or transitional justice efforts that would address past human rights abuses. Forces opposed to democratization are well-entrenched at all levels of society. The institutions designed to represent citizens' interests and protect human rights are weak and will likely remain so for some time. A growing illegal drug trade, if not effectively addressed, threatens to transform Afghanistan into a narcotics-dependent state.

These issues can only be addressed as part of a long-term strategy. This strategy should ensure that the nation's political processes and institutions are strengthened in ways that give democracy the best chance to succeed. Ultimately, it will be the people of Afghanistan who will determine success of democracy in their country. The international community, however, shares responsibility and it is vitally important that it remains intensively engaged and focused on the goal of a free and democratic Afghanistan functioning under the rule of law. Only through such efforts, including extensive assistance and diplomatic engagement with Afghanistan and its neighbors, will democratic gains be consolidated and further progress made.

A full set of recommendations appears at the end of the report. The delegation urges particular attention to the following:

- developing a new compact between the international community and Afghanistan government regarding the future democratic development of the country.
- providing improved security for the campaign period, election day and political development afterward.
- fulfilling the pledges of international donors to provide an additional \$80 million in election funding.
- ensuring that provincial and local government officials comply with electoral rules.
- building the capacity of the National Assembly, provincial councils and the election commission.
- revising the election law to promote the participation of political parties in the electoral process and review of the constitution to address problems related to the electoral calendar.

II. BACKGROUND TO THE SEPTEMBER 18th ELECTIONS

Following the collapse of the Taliban regime in late 2001, the international community began a collaborative effort with Afghans to rebuild viable economic and political structures in Afghanistan. The Bonn Agreement, brokered by the United Nations on December 5, 2001, contained an ambitious schedule of mandates, including electing a transitional government by an Emergency Loya Jirga, drafting a new constitution, and electing a representative government in open and free elections.

The Bonn Agreement charged the Afghan Transitional Administration with establishing an electoral commission to develop the legal framework for the elections. The Joint Electoral Management Body (JEMB), established in July 2003, was recently reconstituted, and provides for nine Afghan and four international members. It is mandated to administer, regulate and oversee the electoral process during the transitional period, and is responsible for establishing policy guidelines, approving procedures, and exercising oversight over the electoral process. A political party law, media law and election law (revised in May 2005) were subsequently adopted over the following months, setting the stage for the presidential election in the fall of 2004.

The October 9, 2004 presidential election demonstrated Afghan citizens' overwhelming enthusiasm for participating in the country's democratic process. Voter turnout was high under the circumstances, with 70 percent of registered Afghan citizens participating in the October poll. Although there were reports of voter intimidation and poll-related violence, the election was

more peaceful and orderly than expected. On December 8, 2004, Hamid Karzai was inaugurated as Afghanistan's first directly-elected president.

On March 18, 2005, President Karzai announced that elections for the Wolesi Jirga and provincial councils would be held on September 18, 2005.² Although these elections were originally scheduled to take place simultaneously with the presidential poll, the president cited logistical challenges in delaying the elections. The September 18th elections will be considerably more complex than the October 9, 2004, presidential election due to the simultaneous administration of national and provincial elections, the tenuous security situation, and the highly contentious nature of local campaigns.

The candidate nomination process, which opened on May 4 and was extended through May 26, witnessed the registration of 6,068 individuals: 2,815 for the Wolesi Jirga, of whom 340 are women, and 3,185 for the provincial councils, of whom 279 are women. Of the 249 seats for the Wolesi Jirga, 10 are reserved for the Kuchi (nomadic) population. Of the remaining 239 seats, 68 are reserved for women, with at least one woman guaranteed a seat in each province. The JEMB is currently finalizing the design of the required 69 ballots³ to accommodate the thousands of candidates who registered to contest the elections.

The election law established the Single Non-Transferable Vote (SNTV) as the country's electoral system. Each elector has one vote in multiple-member provinces; candidates with the highest vote totals fill these seats. This system tends to favor independent candidates over political parties, because most parties, especially those that have only recently emerged, lack the organizational capacity to mobilize their supporters effectively without recognition of parties in the electoral process; party names and symbols will not be printed on the ballot.

Seventy-three parties have been registered by the Ministry of Justice. These parties, in addition to numerous non-registered parties, represent a mix of old and new political groups, some of which have evolved over the last three decades. The parties can be divided into four major groupings: Jihadi, "Leftist," "democratic" and "other" parties that are significant but do not fit these categories.⁴

² The Afghan National Assembly is composed of two houses, the lower house, or Wolesi Jirga, and the upper house, or Meshrano Jirga. The Wolesi Jirga is directly elected. The Meshrano Jirga is composed of: 1) one person elected by each provincial council from among its members, 2) one person from each province, elected by the district councils in that province from its members and 3) the remaining one-third appointed by the president, 50 percent of which must be women. Given the postponement of district council elections, it is expected that the Meshrano Jirga will convene initially without the members elected by the district councils. In order to reflect the balance of power contemplated in the constitution, it is expected that the president will appoint only half of the members provided for in the constitution. Aspects relating to the Meshrano Jirga, especially in light of the postponement of the district elections, are not yet fully defined.

³ Sixty-nine different ballots will be produced for the upcoming elections: one for each province for the Wolesi Jirga (34) and provincial council (34) elections, and one for the Kuchi population.

⁴ The Jihadi parties are the remnants or off-shoots of the mujahedeen parties of the 1970s. These include Eqtedar Milli Afghanistan, Nohzat-e Milli and Hizb-e Afghanistan-e Nawin (New Afghanistan Party). The "Leftist" parties, largely offshoots of the People's Democratic Party of Afghanistan (PDPA), which was active between the 1960s and 1980s include Hizb-e Mutahid-e Milli (United National Party), Wolesi Milat and Zazman-I Inqilabi Zaahmatkishanan-i Afghanistan (SAZA). The "democratic" parties are those associated with the Nation Front for Democracy (NDF), a grouping of parties active in the lead-up to the Constitutional Loya Jirga. These include the

In the lead up to the September elections, many parties have begun to realize the advantages that coalitions might offer in the pre- and post-election period and have started to come together in loose alliances. The major political groups include the National Understanding Front (NUF), led by former presidential candidate Yunus Qanooni, and the National Democratic Front (NDF), formerly known as the Advisory Commission of National Democratic Parties, composed of 13 of the nascent political parties. There is also a significant grouping of independent candidates who support the current administration.

These elections, and democratic development thereafter, will be held in an environment still plagued by violence. By most measures, the security environment has deteriorated, and there has been an increase in the use of improvised explosive devices. Two pro-government clerics have been assassinated in Kandahar in the last month. At the funeral of Mullah Abdul Fayoz, a suicide bomber killed 20 worshipers, injuring another 42. The international coalition continues its efforts to repel resurgent Taliban forces and excise al-Qaeda from Afghanistan. These forces are also deployed in strategic locations around the country in an effort to disrupt and bring to an end the illegal narcotics trade. Further, these provincial-based polls will threaten the interests of armed factions, which could in turn destabilize Afghanistan's democratic progress to date.

III. FINDINGS OF THE DELEGATION

The nature of the September parliamentary and provincial council elections is substantially different from that of last year's presidential contest, in that local political actors -- many of whom maintain links to illegal armed groups -- have a much greater stake in the outcome of the elections. Unlike the presidential poll, relatively small irregularities could have a significant impact on many races, making the potential for disputes and conflict more likely. Participation of local political actors in the process, or disruption of it, will have significant consequences for the electoral process.

Security

Security remains the greatest threat to the elections. As expected, violence perpetrated by a revitalized Taliban has escalated as the elections approach. Armed factions, some of which are associated with the mujahedeen period, continue to operate in many parts of the country. This violence is not always targeted at election workers or candidates, but nevertheless creates an atmosphere of fear around the elections and to destabilize the government. In addition, tribal and family rivalries sometimes lead to broader social conflict that creates an atmosphere of fear in some communities. Although the Afghan National Army (ANA) and the Afghan National Police (ANP) are mandated to provide security for the elections, many believe they are inadequately trained and equipped to carry out this responsibility effectively. Almost 30,000 International

Hezb-e Kar wa Tawse'ah (Labor and Development Party), Nohzat-e Azadi Wa Democracy and the Afghanistan Liberal Party. Other parties that are significant in terms of their membership, geographical scope and religious orientation, but which do not fall into the above divisions, include the Republican Party of Afghanistan, Afghan Millat, Junbish-i Milli-yi Islami, Jamiat-e Islami, Hizb-e Islami, Ittihad-e Islami and Wahdat Islami-e Mardum.

Security Assistance Forces (ISAF) and Coalition Forces troops are stationed in Afghanistan, although their primary responsibility is not to provide security for the elections.

Candidates and voters continue to identify security as their foremost concern in regards to the elections. Three candidates have been killed, and electoral officials and civic education contractors have also been targeted. Intimidation by armed groups and local government authorities were alleged to have occurred during the candidate nomination process, particularly in areas where armed groups are backing specific candidates.

As election day draws closer, intimidation is expected to rise. Although the elections will be conducted nationwide, neither the government nor the international community has been able to provide security to candidates in certain “no go” areas. This situation will benefit candidates protected by powerful local and provincial figures. As a result, candidates’ campaign activities may be limited and voters may face threats of violence and coercion on election day.

Legal Framework

The legal framework governing the electoral process is based on the constitution, electoral law, political party law, executive decrees and regulations issued by the JEMB. In general, they provide a sound basis for regulating the elections process. There have been problems, however, in implementing and enforcing many of the rules.

Certain regulations governing the electoral process are vague. For example, the electoral law does not define what activities constitute “campaigning.” According to Article 39 of the electoral law, the electoral authority is required to establish a 30-day period for political campaigning. The campaign period ends 48 hours before election day and is to be further defined by regulations. According to election officials, this provision is not meant to restrict political activity before the 30-day period. Campaigning may occur before the 30-day campaign period begins, but it is only during the official campaign period, for example, that candidates are ensured equal access to government-sponsored media. As of the delegation’s visit, rules defining the campaign period had not been issued.

With less than 11 weeks before election day, candidates are unclear what activities they could legally carry out prior to August 17, the official start of the campaign period. Some candidates have chosen not to wait for further definition of the campaign period, and have launched their campaigns; others have not. This has resulted in some candidates gaining an advantage in the electoral playing field, with those candidates most concerned about compliance with the law being disadvantaged most.

As of the delegation’s visit, regulations governing access to government-sponsored media had yet to be released. According to officials involved in this process, Wolesi Jirga candidates are expected to have two, five-minute media slots, while provincial council candidates are expected to have two two-minute slots. Yet to be regulated, however, is how the order of and time of the slots will be allocated, and how candidates or media outlets will be reimbursed for the associated costs. There is also some concern that radio and television do not cover the entire country—by many estimates, at least 20 percent of the country is not reached by radio, and an

even larger percent is not covered by television. Finally, there was some concern about how 6,000 candidates would have equal access to government-sponsored media, given the limited number of media outlets and the relatively short 30-day campaign period.

Candidate Vetting

JEMB regulations provide for a candidate vetting process. The JEMB provisionally disqualified 208 candidates suspected of having ties to illegally armed groups. In order to avoid disqualification, these candidates have until July 7 to disarm or provide evidence that the alleged ties to illegally-armed groups have been severed. The list of candidates suspected of having ties to illegally armed groups was prepared by the Joint Secretariat on Disarmament and Reintegration, based on recommendations by the United Nations Assistance Mission to Afghanistan (UNAMA), ISAF and the Ministry of Interior. Numerous observers expressed to the delegation that provisionally disqualified candidates comprised only a small fraction of those who could have been disqualified because of links to illegally-armed groups.

Afghanistan's constitution prohibits those *convicted* of certain human rights abuses from standing for election.⁵ However, in the absence of a functioning judicial system, few, if any, human rights violators have been convicted of crimes. Many expressed concern that this apparent contradiction allows individuals who should not be qualified as candidates to run for office. The delegation is concerned that the legitimacy of the Wolesi Jirga may be undermined if the public perceives that it includes major human rights abusers and leaders of armed factions who, under the spirit of the law, should have been disqualified.

Election Administration

The Joint Electoral Management Body has made significant progress in the technical administration of the electoral process. Many observers agree that the JEMB is further ahead in its preparations than it was at this time (11 weeks) prior to the presidential election. The JEMB has established offices in every province around the country, all of which are staffed and operational. The JEMB has identified a limited number of senior personnel to fill some of the 200,000 national staff it plans to deploy on election day. To improve its capacity to carry out public outreach, the JEMB has established an external relations department. Attempting to make its operations as transparent as possible, the JEMB has revamped its website, regularly updating it and ensuring that its latest regulations are available on-line.

From April 30 through May 26, the JEMB conducted a nationwide candidate nomination process. The JEMB collected and processed applications from over 6,000 prospective candidates. Relatively few incidents of violence related to the process were reported, although there were numerous allegations of candidate intimidation. The four-week voter registration update process was launched on June 25. This process provides an opportunity to register citizens who were not registered for the presidential election or who registered in a province they do not intend to vote in for the September elections. Over 73,000 citizens re-registered in the first three days.

⁵ Under Article 85 of the Constitution, "a person who is nominated or appointed as a member of the National Assembly should ...not have been convicted by a court for committing crimes against humanity, other crimes, or deprivation of civil rights."

Although it is a crime to obtain multiple registration cards, there are few checks on the issuance of duplicate voter registration cards and there have been numerous allegations of abuses relating to the voter registration process. This is all the more worrying in the absence of a voter registry to be used at polling stations on election day.

An Electoral Complaints Commission (ECC), which is responsible for handling and adjudicating all electoral complaints and challenges, has been established. The ECC headquarters in Kabul has recently completed training for provincial election commissioners, who should be deployed to all provinces within the coming weeks. Given the highly contested nature of these provincial-based elections and the absence of a functioning judicial system, the establishment of the ECC is an important achievement.

Despite this overall progress, many issues still need to be addressed. Delays in releasing a number of electoral regulations, for example, have complicated electoral preparations. In the lead-up to the presidential poll, numerous regulations were released as late as the week before election day. As a result, polling officials did not fully understand or implement these regulations. The JEMB has yet to release regulations on counting procedures, which presumably will specify procedures regarding the ability of domestic election monitors and candidate agents to accompany ballot boxes as they are transported from polling centers to provincial counting centers. Counting is expected to be done at the provincial level. Some candidates have expressed concern about the security of this process, making the need for the release of these regulations pressing.

The delegation is concerned that polling officials will not be adequately trained or sufficient in number to carry out their responsibilities. The JEMB plans to employ the vast majority of the 200,000 polling officials a week before election day, limiting the time for training. Since candidate agents are allowed to intervene in the voting process, it is critical that polling officials clearly understand candidate agents' role and the parameters of their mandates. This was a problem during the presidential election. While the JEMB has already hired and trained senior election officials, such as Field Coordinators, it is unclear whether they will be sufficiently deployed to meet the demand. In Balkh province, for instance, 24 Field Coordinators have so far been hired to oversee approximately 1,000 polling stations; their ability to remedy electoral disputes requiring immediate attention is likely to be limited.

The JEMB is conducting a civic education program in advance of the elections. With a relatively short timeframe in which to conduct these elections, the JEMB had to focus much of its public awareness efforts on voter education, rather than on broader civic education. As a result, citizens may be familiar with the mechanics of voting – which is important given the complexity of the ballot – but may have little understanding of the duties of the members they are electing. Without a fuller understanding of post-election governance, citizens may also have unrealistic expectations about the *Wolesi Jirga*. This problem is even more pronounced in connection with the provincial councils, whose powers and roles remain undefined by a law on provincial councils.

There are serious concerns about the influence of provincial and local government officials in the administration of the elections. Reports indicate that local government officials,

particularly certain governors, are interfering in the electoral process. These authorities have reportedly shown preference to particular candidates, including: pressuring government employees, such as teachers, to vote for preferred candidates; providing security only for preferred candidates; and funding meetings for preferred candidates from government resources. For example, a recent report by the Afghan Independent Human Rights Commission (AIHRC) and the United Nations Assistance Mission in Afghanistan (UNAMA) noted that the district administrator of Shahr-i-Buzurg, in the Badakshan province, confiscated hundreds of voter registration cards and threatened fines to punish campaign activities taking place without his authorization. The report also noted that the Governor of the Helmand province has limited the political rights of his opponents and pressured rival candidates to withdraw.⁶ Although the president has issued a decree requiring local government officials to refrain from activities that favor particular parties or candidates, there have been insufficient efforts made to enforce or publicize this decree.

Political Party Development

While political parties are not new to politics in Afghanistan, the October presidential election was the first time that parties had the opportunity to participate in a democratic electoral process. Some of the presidential candidates were party-affiliated, and even those who were not party-affiliated often relied on party support and organization during their campaigns. Many parties also participated in the presidential poll as candidate agents, constituting a large percentage of the 65,000 candidate agents that were accredited by the JEMB. Political parties that have emerged vary considerably in their policy orientations, geographic reach and the resources available to them.

Nevertheless, several factors have limited the development of an effective party system. The public's perception of parties has never been favorable, as the idea of a party system has been associated with past civil strife. The SNTV system favors independent candidates, because most parties, especially those that have only recently emerged, lack the organizational capacity to mobilize their supporters effectively under this system. This is because, under the SNTV system, in order to optimize the votes of their supporters parties must instruct the party faithful on how to divide their votes among the parties' candidates in a particular province. Otherwise the party will obtain too many votes for some candidates and not enough for others. In addition, the JEMB made a decision to exclude party names and symbols from the ballot. Thus, it will be very difficult for voters to identify a candidate's party affiliation, if any. In addition, some independents are, in fact, aligned with a party, although their allegiance is not well-known, or even actively concealed. Only 12 percent of candidates registered as affiliated with a political party.

Political parties in Afghanistan are being marginalized at a time when they could be performing several essential roles. Currently, absent strong political parties, Afghans have no institutionalized way, other than by the single act of voting, for expressing their support for or opposition to government policies. In addition, it is through parties that the nation's diverse ethnic and linguistic groups can be most effectively included in the political process. Stronger

⁶ For the full report, see AIHRC-UNAMA Joint Verification of Political Rights, Wolesi Jirga and Provincial Council Elections First Report, 19 April – 3 June, 2005.

political parties could also help a newly formed legislature organize itself by mediating and bargaining among the various interests that will be represented in the Wolesi Jirga. More effective parties, in short, would strengthen political stability during this critical stage of Afghanistan's ongoing transition.

Domestic and International Election Monitoring

Domestic election monitoring groups are actively preparing to deploy observers across the country on election day. The Free and Fair Elections Foundation of Afghanistan (FEFA) had the most extensive coverage (2300 monitors) and provided the most comprehensive picture of the October 2004 presidential election. FEFA plans to deploy thousands of monitors in all 34 provinces on election day. FEFA anticipates that half of the recruited volunteers will be women. FEFA and other monitoring groups continue to plan for nationwide coverage despite the tenuous security environment.

Several international missions are currently being planned to observe election day. The European Union, the Organization for Security and Cooperation in Europe (OSCE) and the International Republican Institute (IRI) will all send teams to conduct medium and short-term observation. The Asia Network for Free Elections (ANFREL), which sent a delegation of some 40 observers for the October 2004 poll, will also send a delegation for the September 18th elections. International observer delegations should work closely with FEFA and other domestic monitoring groups. Domestic monitors know the country well, speak local languages and understand the political environment in which they are operating. The domestic monitors, when feasible, could be deployed in teams with the international observers to optimize the effectiveness of both groups. In addition, it is unlikely that international observers will be able to freely move around the country due to the security situation. FEFA, on the other hand, will be able to reach locations that are inaccessible to international observers. The domestic election monitors will be able to provide other groups with a more comprehensive perspective on the elections process.

IV. LOOKING FORWARD

Need for Continued International Support

Despite the significant progress that has been made, stability and democratic development in Afghanistan remain under severe threat. International support is essential to ensure that existing democratic gains are not undone. The results of the elections will depend upon the degree to which Afghans feel secure, with insecurity disadvantaging Afghans who wish to move the democratization process forward. Afghans fear "donor abandonment"—they remember how Western governments quickly exited Afghanistan after the collapse of the Soviet Union. Many expressed fear that a substantial reduction in the role of the international community after the elections will result in a loss of momentum with respect to democratic development, as well as, perhaps, a return to instability.

Certain donors and Afghan officials mentioned the need for a second compact between the Afghan government and the international community, picking up where the Bonn Agreement left off. The Bonn Agreement has resulted in the development of a constitution, a democratically elected government and substantial progress with respect to disarmament, demobilization and reintegration (DDR). Some observers noted the tension in political development between the need to “deliver” and the need to build capacity and institutions. The tight electoral timetables for both the parliamentary and provincial elections has meant that the focus has been on “delivery” (administering the elections), at the expense of building institutions and domestic capacity. Many observers noticed that the process of building effective state institutions has just begun.

Although there has been substantial investment in the Afghan National Police and the Afghan National Army, there has not been a commensurate level of investment in the judiciary and the development of the rule of law. Unaddressed transitional justice issues continue to fuel what many describe as a culture of impunity. There is an acute need to develop alternative livelihood opportunities and to control the illegal narcotics trade, as well as to address remaining issues relating to illegal arms. District elections will also need to be held and the remaining seats of the Meshrano Jirga will need to be filled. A new census and effective voter registry will also be required.

It is essential that the international community commit long-term support to aid the Afghan people in establishing a modern, democratic state. This commitment, if communicated properly to Afghan citizens, can help strengthen the resolve of those Afghans who are working courageously to advance their own democratic process.

Challenges Facing the National Assembly

In the absence of adequate preparation, there is a substantial risk that any momentum generated by a successful election for the Wolesi Jirga will quickly dissipate in the face of the enormous challenges facing the National Assembly. The Wolesi Jirga will likely include members that are viewed as illegitimate among segments of the population, limiting the institution’s credibility. None of its members will have previous experience in a democratically elected parliament. Former enemies will be forced to interact with each other in a formal political institution for the first time. The SNTV system inhibits the development of strong political parties, which typically are the primary vehicles for organizing the work of parliament. Ordinarily, new or developing parliaments require several months to organize themselves – even with strong party structures.

In its initial session, the Wolesi Jirga will need to elect a chairperson, vice chairpersons, and secretaries; adopt rules of procedure; and make committee assignments. The Wolesi Jirga will also need to review all legislation adopted by the president before the Wolesi Jirga was elected, as well as review certain presidential appointments. Under the constitution, the Wolesi Jirga cannot delay a bill for more than a month, placing an unrealistic burden on a new institution, which will, in theory, need to review hundreds of pieces of legislation in a one-month period. Almost immediately, the Wolesi Jirga will also be faced with a review of the 2006 national budget. Issues of confidence in certain ministers will also likely be raised early in its

session. Complicating these issues is the fact that the upper chamber, the Meshrano Jirga, will likely take longer to organize, since the provincial councils, which will elect members to the Meshrano Jirga, will also need to first organize themselves.

The international community has supported preparations for the National Assembly. However, the focus has been largely on administrative and technical aspects of the assistance to the National Assembly, such as development of a nonpartisan staff. Going forward, there will need to be more focused attention on how administrative arrangements – such as the method by which resources are provided to members for offices -- will influence the political development of the Wolesi Jirga. For example, many parliaments would make such resources for offices available to parliamentary groups (consisting of parties, groups of parties, or groups of like-minded independents), rather than to members for individual offices. There will also need to be provision for political, in addition to nonpartisan, staff. Although there have been some initial drafts of provisional rules of procedure for the Wolesi Jirga, political actors have not yet been actively engaged in these discussions. Depending on how these proposed rules are crafted, they may either exacerbate, or help compensate for, the weaknesses of the SNTV system.

Preparations for Establishing the Provincial Councils

Little preparation for the establishment of the provincial councils appears to have occurred. In Mazar-i-Sharrif, for example, neither the governor, UNAMA officials, JEMB representatives, nor candidates were aware of any preparations being conducted for these bodies. Although the provincial councils elect members from among themselves for the Meshrano Jirga, other responsibilities are not specified. As a result, there is little understanding of how power will be distributed among local government institutions, such as provincial councils, the governor's office, local shuras and community development committees. Unless real powers are granted to the provincial councils by law, there is a risk that candidates elected to these bodies, who will likely include many provincial opinion leaders, will become disillusioned with the democratic process.

Continuing Threats by Armed Groups

There is widespread agreement that the DDR process has been largely successful in disarming the officially recognized militias operating in Afghanistan. In addition, most heavy weapons, such as tanks, artillery and rocket-propelled grenade launchers (RPGs) have been put into cantonments. These accomplishments and the continued presence of Coalition forces, have made valuable contributions to enhancing security in Afghanistan.

Nevertheless, approximately 2,000 armed groups that have not been officially recognized as militias continue to operate throughout the country.⁷ The armed groups are sometimes linked to former mujahedeen commanders, religious extremists, political parties and even government officials. These groups threaten to disrupt economic development, undermine the central government's attempt to extend its authority nationwide and, in some areas of the country, prevent political parties and civil society organizations from operating freely.

⁷ See Isobelle Jaques, *Afghanistan Beyond Bonn*, Wilton Park Paper, May 2005.

Many of these groups have also been linked to the illegal narcotics trade, which is now estimated to account for between 40 and 60 percent of Afghanistan's Gross Domestic Product (GDP). As illicit money flows into the coffers of armed groups, they will only become more powerful. According to a recent report by the U.S. State Department's Bureau of International Narcotics and Law Enforcement Affairs, "drug-related corruption at the provincial and district levels is pervasive." Therefore, it seems likely that armed groups may forge new relationships with corrupt local officials -- if they have not already -- further threatening the nation's precarious democratic advances.

V. RECOMMENDATIONS

While the parliamentary and provincial council elections represent an important step in the development of democratic institutions and electoral processes in Afghanistan, much work remains to be done. The delegation makes the following recommendations:

Pre-Election Period:

- **The government should more aggressively enforce restrictions on the role of local and provincial government officials in the elections.** Whether through deliberate manipulation or unfamiliarity with the electoral regulations, local and provincial government officials are interfering in the electoral process. The presidential decree prescribing the impartiality of local officials in the electoral process should be publicized widely and more aggressively enforced; relevant training and a public awareness campaign should be made priorities by electoral authorities and the government. The meeting of governors in Kabul scheduled for mid-July is an excellent opportunity to address this issue in a public fashion.
- **Pledges to fund the elections should be met.** According to a statement of the UN Special Representative of the Secretary General to the Security Council on June 24, 2005, "...there is very little breathing space in the electoral calendar—any delay in funding will result in the inevitable postponement of the Election Day." The international donor community should fulfill its commitments to the Afghan electoral process and close the \$78.8 million funding gap as soon as possible.
- **Where possible, candidates should be provided with security to ensure a more level electoral playing field.** Many candidates noted that there are "no go" areas for them, which are controlled by commanders or leaders of armed factions. In order to reduce the advantage this provides to candidates that have the protection of these groups, efforts should be made by the government or, if necessary, the international community, to provide security to allow candidates to travel these areas.
- **The role of candidate agents in the vote-counting process should be defined and polling officials should be trained on the role of candidate agents.** The JEMB should finalize and release regulations providing candidate agents the right to travel with ballot boxes to the counting centers. Given the larger number of candidate agents expected and

the logistical difficulties of providing transportation to all such agents, a fair process should be established to select a limited number of candidate agents to travel with the ballot boxes to the counting centers. This would address concerns about fraud taking place while the ballot boxes are in transit. Further, polling officials should be provided specific training on the role of candidate agents, and their right (according to the electoral law) to intervene in the voting process.

Post-Election Period:

- **There should be a new compact between the international community and Afghanistan government regarding the future democratic development of the country.** The Bonn Agreement is currently nearing its final stages. However, despite the successes of the Bonn Agreement, major threats to democratic development and stability in Afghanistan still exist. A broad range of issues remains, including district and municipal elections, further DDR processes, transitional justice issues, a census and a voter registry, basic state institution building, and the development of alternative livelihoods and control of illegal narcotics trade. A new compact is needed between the government and the international community establishing a framework for addressing these issues, including a timetable and specific financial commitments from the international community. Whether part of this framework or not, the international community must continue to help to eradicate armed factions that are developing links with political actors, the illegal arms and narcotics trade.
- **Civic education efforts should continue after the elections.** Given the tight election timetable, the JEMB has had to focus on voter education, rather than on broader topics, such as democracy and the role of the new National Assembly and provincial councils. Unless the duties of these bodies are clearly defined and communicated to the public, officials will not be able to perform their work satisfactorily, and citizens may become disillusioned with the democratic process.
- **The capacity and sustainability of the Interim Election Commission should be strengthened after the elections.** Efforts are being made to build the capacity of Afghans to assume responsibility for managing and overseeing the development of the election commission. Further attention should be paid to this process. To date, international support has focused more on “delivering” elections than building sustainable electoral systems. Afghans must be supported to gain the skills, exposure, and experience necessary to eventually administer future elections without the assistance of the international community. Support should be given to the recently established Post-Election Strategy Group within the JEMB, which is tasked with ensuring sustainability of electoral administration after the September elections.
- **The electoral law should be revised after the election.** The election law contains numerous ambiguities which complicate the administration of elections. Many crucial terms, such as “election official” and “campaign period” are not defined clearly in the electoral law, and will not be clarified by regulations until late in the election process, if at all. In addition, many individuals noted the difficulties caused by the SNTV system --

particularly the negative impact on political party development -- and expressed a desire to reexamine the suitability of this system after the elections. Similarly, constitutional provisions relating to the election calendar should be reviewed from the perspective of financial sustainability and political suitability—according to one estimate, unless changed, this staggered calendar will require elections in 38 of the next 60 years.

V. CONCLUSION

The delegation was deeply impressed by Afghan citizens' enthusiasm for the opportunity to express their political will in a way that determines legitimate leadership and governance for their country. If, as hoped, the September parliamentary elections go as well as last October's presidential poll, these elections will serve as an important step in Afghanistan's democratic development. Many more daunting challenges remain, however, to Afghanistan's longer-term movement toward democracy.

The success of the nation's attempt to establish viable democratic institutions, such as an effective legislature, democratic political parties and an effective judicial system, is in no way ensured. Afghanistan's struggle to advance the democratic process is likely to be protracted and difficult.

Afghanistan remains one of the poorest countries in the world, and is still recovering from decades of violent conflict and repression. It has extremely limited experience with democratic governance. Armed groups continue to plague Afghanistan's recovery effort, posing a threat to the establishment of democratic institutions and the development of a democratic political process. The delegation strongly believes that Afghanistan's success in meeting these challenges will require a long-term commitment by the international community. Afghan democratic activists are putting their lives in jeopardy every day to fulfill their democratic vision for the country. They deserve the sustained help of those who share that vision.