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## ELECTIONS AND SECURITY IN AFGHANISTAN

### I. OVERVIEW

Representatives of the Afghan government, the UN and the major donor countries and institutions will assemble in Berlin on 31 March and 1 April for the first high-level diplomatic meeting on Afghanistan in more than two years. The principal objective is to secure substantial long-term aid commitments -- the Afghan government seeks U.S.\$27.6 billion over seven years. In addition to meeting this global figure, it will be important for donors to make multi-year pledges that provide a basis for predictability and to increase cash on hand for immediate projects over the coming year. All this is needed if Afghanistan's governance and security institutions are to be reconstructed, development goals met, and poverty alleviated.<sup>1</sup>

Unless conference participants also set in train discussion of the political framework within which aid can be effectively utilised, however, they will only be doing part of their job. In particular, there is need to:

- discuss candidly the security failings and other internal obstacles that are seriously hindering implementation of the Bonn Agreement and endangering the success of the September 2004 presidential and parliamentary elections that are

meant to promote accountable, democratic government;

- establish much more quickly the promised robust international security presence beyond Kabul, which is vital to the disarmament and reintegration (DR)<sup>2</sup> of Afghanistan's militias and in turn to fostering an environment in which a culture of democratic politics can develop; and
- give greater attention to the legal and institutional infrastructure required for democratic politics.

The international community's failure thus far to extend a strong security umbrella beyond Kabul is perpetuating, indeed deepening, the political and economic power of regional commanders. Even Kabul, where militiamen from Panjshir and Shamali remain concentrated more than two years after their entry into the capital, is not yet demilitarised. NATO still lacks troop commitments from its member states to deploy additional Provincial Reconstruction Teams (PRTs) across northern Afghanistan by September, as its already slow plan for gradually extending its presence in the countryside envisages. Nor has it obtained a commitment of troops for forward-basing rapid reaction forces as originally planned.

The new Afghan National Army (ANA) has suffered setbacks that limit its ability to extend the authority of the central government, facilitate DR, and provide security during the elections. Ministry of defence control of the recruitment process initially led to a disproportionate representation of Tajiks in the ANA, a situation that has prompted the U.S. to establish recruitment centres in Jalalabad, Kabul, Gardez and Bamiyan in an effort to encourage a more diversified army. The desertion rate in the ANA reached 10 per

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<sup>1</sup> The conference will be guided in part by a document, "Securing Afghanistan's Future: Accomplishments and Strategic Pathway Forward", that revises cost estimates for national reconstruction. It was prepared by the Afghanistan Assistance Coordination Authority, headed by Finance Minister Ashraf Ghani, and includes several technical annexes produced by the United Nations Assistance Mission in Afghanistan (UNAMA) that assess, often frankly, the degree of progress made in such key areas as disarmament, demobilisation, and reintegration; police and national army training; and judicial and civil service reforms. Available at <http://www.af>. See also, Finance Ministry, "Press Release on Berlin Conference", 24 March 2004.

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<sup>2</sup> For greater simplicity and in the hope that the usage will become more common, ICG employs in its reporting the abbreviation DR, to include, as appropriate to individual situations, the concepts of disarmament, demobilisation, repatriation, resettlement, and reintegration that are elsewhere often abbreviated as DDRRR or DDR.

cent during the summer of 2003. A number of measures have been taken to address the desertion problem but the present strength of approximately 7,500 is still far short of the 40,000 projected by Coalition officers.<sup>3</sup>

DR programs to cut down the many militias around the country are going slowly. The proposed establishment of new Special Forces-led militia units (Afghanistan Guard Forces, AGF) would cut across those programs, providing a disincentive to DR. There is, moreover, no publicly disclosed plan for the eventual disarmament and demobilisation of the AGF. The hazards in the AGF concept include increasing the authority and armament of militia commanders as well as potential command and control problems.

President Hamid Karzai has yet to issue either a draft electoral law or a presidential decree on the provincial and district boundaries that would form electoral constituencies. The registration of political parties has proceeded very slowly, in part due to a cumbersome structure for registration that involves screening by six different government departments or ministries, but also due to political pressure exerted by fundamentalist leaders. Only about 1.5 million voters out of an estimated potential electorate of 10 million have been registered, and those unevenly. Registration is markedly lower in the south and southeast in both absolute numbers and the proportion of women.

There is a real risk that elections under present conditions will merely confirm an undemocratic and unstable status quo. To avoid this, the international community needs to make serious efforts over the next few months to invigorate the disarmament and reintegration process, guarantee the independence and impartiality of electoral institutions, and ensure that Afghan authorities create opportunities for non-militarised political parties and independent candidates to participate meaningfully in the electoral process.

## II. DISARMAMENT AND REARMAMENT

The salient feature of the UNDP-managed DR fund, known as Afghanistan's New Beginnings Programme (ANBP), is that it is an essentially voluntary process, with the ministry of defence having ultimate authority

<sup>3</sup> See Dr. Antonio Giustozzi and Mark Sedra, "National Army: Technical Annex", in "Securing Afghanistan's Future", op. cit.

to identify the target personnel. The program is intended to cover 100,000 militiamen over three years; that figure is based on negotiations with the ministry not on informed estimates of the actual number of active-duty and reserve forces affiliated with the militias. The UN Assistance Mission in Afghanistan (UNAMA) estimates the maximum number of troops in the militias recognised by the ministry at 45,000.<sup>4</sup> ICG's own observations at militia corps and division bases, coupled with interviews with Afghan professional officers, suggest that the number of active duty personnel is lower still. The elasticity of membership in militia units and the paucity of information about district level command structures make any projection of potential strength inherently speculative.<sup>5</sup>

With most militia commanders maintaining only a relatively small number of combatants on active duty but retaining the capacity to mobilise many more through "team leaders" (*sargroups*) in each village, the scope for abuse of the process is considerable. Not surprisingly, the first ANBP pilot project in Kunduz -- which collected arms from 1,008 former combatants, slightly above the target figure of 1,000 -- yielded a high proportion of effectively demobilised combatants: small farmers who had not seen active combat since the intervention against the Taliban in the northeast.<sup>6</sup> Moreover, some troops ostensibly demobilised during the subsequent pilot project in Mazar-i Sharif were later re-recruited by their commanders. There is inherent risk in downsizing, rather than decommissioning militia units.<sup>7</sup>

A major impasse developed in early 2004 over ANBP implementation in the central region, encompassing the provinces of Kabul, Parwan, Kapisa, Wardak, and Logar, and including the key units directly accountable to Vice President and Defence Minister Mohammad Qasim Fahim. The main phase of DR there was originally slated for February but was stalled by the defence ministry. The Army Chief of Staff, General Bismillah Khan, insisted that all pilot projects should be completed before the main DR phase was launched

<sup>4</sup> Ibid.

<sup>5</sup> See ICG Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003.

<sup>6</sup> Mark Sedra (BICC/UNAMA), "Disarmament, Demobilisation, and Reintegration of Ex-Combatants", in "Securing Afghanistan's Future", op. cit.

<sup>7</sup> ICG interview with an ANBP official, 25 March 2004.

in Kabul.<sup>8</sup> Subsequent developments led some international observers to speculate that the ministry was attempting to stall those other pilot programs in order to protect the militia presence in Kabul.<sup>9</sup> Getting the ministry to field its operational groups (the units assigned to the ANBP for registration, collection, and storage of weapons, and other tasks) has been a persistent problem, as has been delivery of vehicles for the operational group assigned to the Kandahar pilot project.<sup>10</sup>

Defining the scope of the main phase of DR was contentious as well. The UN and Japan, the program's major donor, maintain that the objective should be the decommissioning of entire divisions, leading to a 40 per cent reduction prior to elections in the overall size of the Afghanistan Military Forces (AMF), as the militias are collectively known. The ministry proposed instead that the size of each militia be reduced by 40 per cent, leaving their structures intact and therefore the formal authority of each of their commanders. DR would thus become a cosmetic exercise in which militias currently enjoying the status of divisions would be downgraded to battalions, battalions would be downgraded to regiments, and so on.<sup>11</sup>

A compromise reached on 25 March 2004 by UNAMA, the ANBP, President Karzai, and Defence Minister Fahim, in the presence of U.S. Ambassador Zalmay Khalilzad, entailed only modest concessions by the minister. Under its terms, a 40 per cent reduction in the size of the AMF is to be achieved by decommissioning 20 per cent of the units and downsizing a further 20 percent by July 2004. The decommissioning is projected to include four Kabul-based units: Division 7, composed of Badakhshani and Panjshiri troops, linked respectively to former President Burhanuddin Rabbani and Fahim; Division 10, composed of troops from Paghman, linked to Ittihad Islami leader Abd al-Rabb Rasul Sayyaf; Division 31, composed of Hazara troops from the

Harakat-i Islami faction led by Agriculture Minister Sayyid Husain Anwari; and Regiment 42, a Pashtun unit. Of the units to be decommissioned, the most significant politically would be Division 10, based in West Kabul, near Sayyaf's stronghold of Paghman; neither Rabbani nor Anwari wield much authority in the capital.<sup>12</sup>

Two of the three units in Kabul directly linked to Fahim, Divisions 1 and 8, composed largely of troops from Panjshir and Shamali, are slated only for downsizing.<sup>13</sup> The failure to decommission these units ultimately reflects inadequate pressure on the defence minister from Coalition members, a result perhaps of the erroneous assumption that Fahim's present support for Karzai makes the disarmament of his forces less critical. Unless that pressure is brought to bear by July 2004, when the status of the three units will again be open to negotiation, however, Fahim will not only be able to project, but arguably even enhance his authority during the election campaign. Further progress on DR, as well as credible reforms in the defence ministry, would be compromised as a result.

Another potential set of hurdles for DR and political stability lies in a Coalition plan to re-equip and retrain militia units to support Special Forces units in counter-insurgency operations. First disclosed in January 2004, the plan originally entailed creating a Pashtun force for operations in the Pashtun-populated east and southeast. The prospect of a revamped force drawn from Pashtun militias was immediately seized upon by General Khan as a pretext to shelve DR in Kabul. His statements were echoed by other Tajik commanders as well as non-military personalities associated with the former United Front (Northern Alliance).

"The [DR] process is moving slowly because most people don't see it as a just and fair process," Mohiuddin Mahdi, a leader of the Nazhat-i Milli party, told ICG. "In parts of Afghanistan, arms are being distributed, new militias are being created. In other parts, militias are being disarmed".<sup>14</sup> The new Afghanistan Guard Force (AGF) is accordingly now being reconceived by the Coalition as a multiethnic force.

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<sup>8</sup> Conversely, provincial division commanders interviewed by ICG in Takhar and Khost, in July and August 2003, argued that DR should be implemented in Kabul prior to its roll out in the provinces. See ICG Asia Report, *Disarmament and Reintegration in Afghanistan*, op. cit.

<sup>9</sup> ICG interview with a diplomat in Kabul, 13 March 2004.

<sup>10</sup> ICG interview with a diplomat in Kabul, 25 March 2004. Weapons that are collected in the program are brought to Kabul and stored at the Afghan National Army base, under a dual key system that prevents the ministry of defence from having unilateral access to the storage containers.

<sup>11</sup> Ibid.

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<sup>12</sup> ICG interviews with diplomats in Kabul, 26-28 March 2004.

<sup>13</sup> Ibid.

<sup>14</sup> ICG interview with Mohiuddin Mahdi, Nazhat-i Milli, Kabul, 13 March 2004.

The top-ranking U.S. military and political representatives in Afghanistan, Lieutenant General David Barno, who commands the Coalition forces, and Ambassador Zalmay Khalilzad, have publicly discussed the AGF in terms of a proposal.<sup>15</sup> Members of the diplomatic community in Kabul, however, accord it much greater weight. One reason for the concept is that the U.S. military is simply overstretched in Afghanistan and will be hard pressed to meet its force requirements for a spring offensive without significant Afghan auxiliaries. Each of the Special Forces units deployed in Afghanistan, known as Operational Detachment Alphas (ODAs), is intended to have twelve members but the average is now down to eight.<sup>16</sup> The delay in extending NATO/ISAF forces beyond Kabul in sufficient size adds to the current security vacuum.

The size, composition and relationship to the ministry of defence of the proposed AGF are still undetermined. In January 2004, when the Coalition linked its proposed mandate to election security, the goal was to have 3,000 troops trained by March and 5,000 by June – the date by which the Bonn Agreement of 2001 envisaged elections being held.<sup>17</sup> According to an informed source, the current projected goal involves having 100 militiamen attached to each ODA. Vetting procedures remain undefined but the recruits are likely to be drawn from units that have been handpicked by the Special Forces, in other words, those with whom they already have field experience.<sup>18</sup>

The AGF strategy is risky, not least for its impact on DR. Though the Coalition initially maintained that AGF troops would be paid less than their counterparts in the Afghan National Army, their wages plus food,

clothing, and accommodation would far outstrip the flat rate of 800 Afghanis per month that militiamen (AMF) receive from the defence ministry (and often those salaries arrive months late or are siphoned off by commanders). As a result, resistance to DR is reportedly growing among AMF troops in the south, who hope that they might instead find employment in the AGF.<sup>19</sup>

Most problematic, however, is the absence of a DR strategy for the AGF itself. Rearmed, and in many cases remobilised, the AGF would likely entrench the power of their commanders at a time when donors expect the Karzai administration to demonstrate its authority in the provinces. If not included in a DR program, the AGF could pose a challenge to the new army once the Coalition presence is scaled back. There is also the problem of countering the predatory behaviour that Afghan militia forces have engaged in over the last twenty years. If this is not guarded against in the proposed AGF through careful vetting of personnel and adequate training, U.S. Special Forces in command responsibility could be held ultimately responsible for abuses.

### III. ELECTION INSTITUTIONS AND SECURITY ARRANGEMENTS

President Karzai announced on 28 March 2004 that simultaneous presidential and parliamentary elections would be held in September, three months later than envisioned in the Bonn agreement. The delay reflects concerns within UNAMA and among donor agencies assisting the election process about the low levels of voter and political party registration, as well as the absence of a firm security strategy for the elections. Much remains to be done in the interim to convince the Afghan public that the election process will be not only reasonably free and fair, but also meaningful.

The legal framework for the elections remains unclear. A draft election law has been under revision by the Joint Election Management Board (JEMB), the mixed Afghan-UN commission the Afghan component of which was appointed by Karzai and which has the mandate of managing the electoral process. It has been anticipated that the law will be promulgated by the president prior to the Berlin conference. The draft does not address what is likely to be one of the most controversial issues: the

<sup>15</sup> Referring to a question about "a proposed national guard", General Barno was reported to have said it would number between 5,000 and 6,000 troops selected from existing militias under the ministry of defence's control. "Security Not Main Issue for Polls: U.S.", *Dawn*, 2 March 2004. Ambassador Khalilzad said, "We are considering building a 5,000-man Afghan Guard Force to give increased security in the short term especially in the south and east". "Remarks by U.S. Ambassador and Special Presidential Envoy Zalmay Khalilzad during Ghazni PRT Opening", 4 March 2004. Also, ICG interview, Tim Wilder, deputy director for Afghanistan, U.S. State Department, Washington, DC, 11 February 2004.

<sup>16</sup> ICG interview, Kabul, 9 March 2004.

<sup>17</sup> As noted in fn. 16 above, General Barno has recently spoken of a possible 5,000 to 6,000-man force, and Ambassador Khalilzad of a 5,000-man force.

<sup>18</sup> ICG interview, Kabul, 9 March 2004.

<sup>19</sup> *Ibid.*

provincial and district boundaries that will serve as electoral constituencies. This will instead be dealt with in a presidential decree, which must be issued at least 90 days before the election.<sup>20</sup>

Registration to date has been markedly uneven, with respect to both region and gender, according to data collected and analysed by JEMB. As of late February 2004, the multiethnic central region, including Kabul, had by far the highest share of registered voters, 42 per cent, followed by the mainly Pashtun east and the mainly Persian-speaking west, each at approximately 15 per cent. There were far lower rates in the Pashtun-majority south and south east, 5 per cent and 3 per cent respectively. The mainly Hazara central highlands had the highest proportion of registered women, 42 per cent of the total, followed closely by the West, at 37 per cent. The lowest proportions were recorded in the south and south east, where women made up less than 20 per cent of the total.<sup>21</sup> These disparities, if reflected in the election, are likely to yield results with a pronounced northern and central bias.

The first phase of registration has been limited to the eight major urban centres and has included a civic education campaign supported by the International Foundation for Election Systems (IFES) and aimed at government employees. Plans to carry out an accelerated three-week registration drive during May, with a goal of registering 6.5 million voters, were shelved in late March due to delays in appointing qualified local staff and obtaining registration kits and to allow for prior civic education efforts in rural areas. Postponement of the elections to September will, according to election officers, compensate by allowing additional time for registration. To address regional disparities in both absolute numbers and women registered, an elections officer told ICG, there have been efforts to mobilise traditional elements, such as elders in Khost, and clerics. The latter issued a resolution in Kandahar that addressed in part the need to register women voters.<sup>22</sup>

Afghanistan's new constitution recognises the right to form political parties, but with certain qualifications. A welcome restriction, reflected as well in the law on political parties, prohibits the participation of parties that have "military or paramilitary aims and

structures". Other provisions, however, act as barriers to free association by barring the formation of parties whose charters are "contrary to the principles of [the] sacred religion of Islam" or that are based on ethnicity, language, religious sect or region.<sup>23</sup> Some authorities have defined fundamental principles of Islam to include any principle agreed upon by the major schools of jurisprudence (*fiqh*); a party whose charter calls for full equality before the law of women and men could by this reasoning be defined as contrary to Islamic principles. Prohibiting the registration of ethnic parties could limit the ability of ethnic groups to seek redress for perceived injustice or discrimination through the electoral process or to articulate and advance the demands and interests of their communities.

To date, 27 political parties, including both mujahidin factions and non-militarised parties established after the collapse of the Taliban, have applied for registration at the justice ministry's Office for Coordination and Registration of Political Parties and Social Organisations. Five have been registered,<sup>24</sup> while eight have completed the registration process and are awaiting screening for compliance with the constitution and the political parties law by the ministries of interior, defence, and finance, the National Security Directorate (NSD), and the Japanese Embassy, acting on behalf of the DR program. Many observers believe the registration process has been slow and may minimise the potential for non-militarised political parties to participate actively in the upcoming elections.

A ministry of justice official told ICG that most of the new political parties have been unable to meet the criteria specified in the law and that some have

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<sup>23</sup> Constitution of Afghanistan, Article 35.

<sup>24</sup> The following political parties have been registered as of 25 March 2004:

- Republican Party of Afghanistan, led by Sebghatullah Sanjar, a 36-year-old former member of the Emergency Loya Jirga Commission with a degree in political science from Kabul University.
- National Unity Movement, led by Sultan Mahmud Ghazi, a cousin of the former Afghan King Muhammad Zahir. The formerly royalist party has been supporting President Karzai since the Constitutional Loya Jirga.
- Party of National Solidarity of Youth of Afghanistan, led by Muhammad Jamil Karzai.
- Party of Islamic Independence of Afghanistan, led by Faruq Najrabi.
- Party of National Unity of Afghanistan, led by Abdurrashid Jalili, a former member of the Khalq faction of the communist People's Democratic Party of Afghanistan.

ICG interviews, Kabul, 25-26 March 2004.

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<sup>20</sup> ICG interviews, Kabul, 13 March and 26 March 2004.

<sup>21</sup> Joint Electoral Management Board (JEMB), "Voter Registration Analysis: Week Ending 26th February 2004".

<sup>22</sup> ICG interview, Kabul, 13 March 2004.

failed to furnish a list of 700 members, the minimum required to form a political party. Independent observers identified other bottlenecks, including administrative difficulties in getting the ministerial and NSD members of a review committee to convene. According to the official, a permanent committee is now being constituted with secondments from each of the concerned ministries and the NSD, in the hope of expediting the review process. USAID is helping to identify space for the registration office, which is currently very limited.

The Kabul-based Republican Party of Afghanistan, led by a liberal former Emergency Loya Jirga commissioner, Sebghatullah Sanjar, was the first to be registered. Though the process took two months, Sanjar holds a benign view: "They [the justice ministry] carefully assessed our applications and copies of the national ID cards of our members to make sure one person was not a member of more than one party at the same time. These types of inquiries are good and right indeed. We believe in both lawfulness and political pluralism".<sup>25</sup>

The obstacles encountered by the United National Party (UNP), formed by former members of the Parcham faction of the communist People's Democratic Party of Afghanistan (PDPA), point to serious weaknesses in the registration process, however. According to a party member, the UNP was the first to submit a complete application but has yet to be registered. "Apparently, the minister [Abdul Rahim Karimi] is under pressure by fundamentalist mujahidin such as Shinwari, Sayyaf, Rabbani and Asif Muhsini, not to register our party", the party member said. "During a meeting with us the minister acknowledged that he is under pressure".<sup>26</sup> These allegations, which have also been related to ICG by international observers, are significant not only because the former Parchamis have a large national constituency, particularly among the professional classes in urban areas, but also because the stigma of being former communists can and has been used against other socially liberal political actors.

Though very few mujahidin parties have yet applied for registration,<sup>27</sup> some are in the process of

establishing front parties and nominating new leaders in an attempt to circumvent a prohibition in the law of parties that maintain armed forces. Sayyaf's Ittihad-I Islami faction, for example, has been recently reconstituted as Dawat-i Islami with his deputy, Ahmad Shah Ahmadzai, formally assuming leadership of the party. Enforcing the intent of the political parties law will, in the current security environment, pose a challenge for the registration office.<sup>28</sup> The likely influence of powerful fundamentalists on the registration process, the relative vulnerability of Minister Karimi, an Islamic law professor from Takhar who lacks an independent power base, and the administrative obstacles would argue for including on the permanent review committee a member of the Afghan Independent Human Rights Commission and, for this election, UNAMA.

Likewise, maintaining the independence and effectiveness of the JEMB and the election secretariat is vital to the process. Both non-militarised parties and international observers have questioned the effectiveness of the Afghans whom President Karzai appointed to the JEMB. "The formation of the election commission [JEMB] has been entirely based on the relationship of the officials with different individuals", said the UNP member. "They have not considered the qualifications and competencies of the people they have appointed there".<sup>29</sup> That sentiment was echoed as well by Sanjar, who maintained, "The election commission lacks adequate experienced and competent staff to carry out an effective registration process".<sup>30</sup>

The objectivity of a panel whose composition is determined or unduly influenced by the president, who is himself a candidate, will inevitably be disputed. The constitution mandates establishment of an independent electoral commission by the Transitional Administration; this should be treated as a priority, with criteria for membership defined beforehand and approval required by the cabinet and the Afghan Independent Human Rights Commission.

The main obstacle faced by non-militarised parties and genuinely independent candidates, however, is the lack of adequate security assurances. "Young parties like ours won't be able to take part in the election if ISAF is not expanded to ensure our

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<sup>25</sup> ICG interview with Sebghatullah Sanjar, Republican Party of Afghanistan, 14 March 2004.

<sup>26</sup> ICG interview with a United National Party member, 13 March 2004.

<sup>27</sup> Those that have applied include Jamiat-i Islami, led by former President Burhanuddin Rabbani.

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<sup>28</sup> ICG interviews, Kabul, 25-26 March 2004.

<sup>29</sup> Ibid.

<sup>30</sup> ICG interview with Sebghatullah Sanjar, Republican Party of Afghanistan, 14 March 2004.

security outside Kabul", Sanjar said. "Obviously, we can't compete with provincial governors who have guns and all [other] resources under their control".

Current plans call for the creation of a security ring around voter registration sites, with successive zones of authority patrolled in turn by trained police, the Afghan National Army, and either a Coalition or ISAF quick-reaction force, with medevac, intelligence, and logistics capabilities.<sup>31</sup> All three elements of this security arrangement are tenuous propositions, however. Training for police officers in the German-administered Police Academy in Kabul and constables in the seven U.S.-supported regional training centres established since November 2003 will not keep pace with the numbers required for election security. The interior ministry is accordingly attempting to expedite the deployment of 30,000 police for the elections through a "train the trainers" program,<sup>32</sup> a task that should be measured against the three-year timetable intended for training 50,000 constables and 12,000 border guards in the regional training centres.<sup>33</sup> The ANA, as mentioned earlier, has problems of attrition and is stretched by its current deployments as presidential guard, in counterinsurgency operations in the south east, and since mid-March, in Herat, following armed clashes between forces loyal to provincial governor Ismail Khan and the Kabul-backed 17<sup>th</sup> Division.

While the planned measures may well reduce the potential for interference during the voting itself, security during the campaign will be contingent on the extent to which DR has been carried out and international security arrangements extended beyond the capital. At present, NATO has command over both the ISAF contingent in Kabul and the German-led Provincial Reconstruction Team (PRT) in Kunduz. Its planners hope to complete the first of a four-phase NATO expansion across the country with new PRTs in Maimana and Faizabad by June 2004. This would be substantially later than conceived when NATO ministers approved ISAF expansion in October 2003.<sup>34</sup> At this time, the British-led PRT in Mazar-i Sharif and possibly the New Zealand-led PRT in Bamiyan would come under NATO authority.<sup>35</sup>

Phase two of the NATO expansion should be concluded by September. This entails new PRTs in the towns of Chagcharan, Qala-i Nau, and Farah and assuming command over the existing PRT in Herat (currently U.S.-led but expected to be taken over by a European country, an arrangement that may be reviewed in light of the internal armed conflict in Herat in late March and the subsequent deployment there of 1,500 ANA troops). Current and planned PRTs across virtually the entire Pashtun belt, extending from Kunar province up to the border of Farah province, will be under the authority of the U.S.-led Coalition and be staffed by U.S. army personnel. Though these eastern and southern regions are due to be covered during phases three and four of the NATO expansion, target dates have not been identified.<sup>36</sup>

The approach taken by Britain in Mazar-i Sharif, and intended to be echoed by a joint Nordic PRT,<sup>37</sup> involves an explicit focus on security, including patrols, support for security sector reform, and the maintaining of small detachments in neighbouring provinces. If additional PRTs along this model are established in the northern and north eastern provinces by June,<sup>38</sup> they may indeed have a positive impact on security during the election campaign, even if their presence would be insufficient to guard against intimidation and election-related violence in outlying areas. (Phase two of the PRT expansion is unlikely to have a comparable impact on election security unless it is completed well before September). However, the emphasis on reconstruction projects by the U.S.-led PRTs, together with the diminished staffing levels that are reportedly accompanying their expansion,<sup>39</sup> will do little to promote security in the southern and

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Faizabad and Baghlan, linked to the PRT in Kunduz.

<sup>36</sup> *Ibid.*

<sup>37</sup> ICG interviews with a diplomat in Kabul, 16 and 25 March 2004. See also Nahim Qadery, "Scandinavians to send troops: Swedish ambassador visits northern Afghanistan ahead of expected troop deployment", Institute for War and Peace Reporting (IWPR), Afghan Recovery Report, N°112, 26 March 2004. The report cites Swedish ambassador Ann Wilkens as saying that Norway and Sweden plan to contribute a combined force of 60 to 80 soldiers to the British-led PRT in Mazar-i Sharif, in May or June 2004.

<sup>38</sup> See comments by Gen. James Jones, NATO Supreme Allied Commander, in "NATO ready to take wider role in Afghanistan Command Structure", *Financial Times*, 11 March 2004.

<sup>39</sup> As one international observer put it, "the Coalition is doubling [the number of] PRT's by halving the number of people". ICG interview, March 2004.

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<sup>31</sup> ICG interview, Kabul, 9 March 2004.

<sup>32</sup> ICG interview with a diplomat in Kabul, 25 March 2004.

<sup>33</sup> See Mark Sedra, "National Police and Law Enforcement: Technical Annex," in "Securing Afghanistan's Future", op. cit.

<sup>34</sup> ICG interview, November 2003.

<sup>35</sup> An alternative proposal is to establish satellite missions in

eastern provinces during the run up to elections. "It's a hearts and minds campaign for Americans, not for Afghans", a Kabul-based diplomat said of the Coalition PRTs.<sup>40</sup>

UNAMA has defined a series of benchmarks that will have to be met prior to elections if they are to be considered free and fair. These have received the backing of the main diplomatic envoys to Afghanistan. Security figures prominently among these benchmarks, with stipulations that include:

a vigorous [DR] program aiming at the cantonment of 100 per cent of heavy weapons and the demobilisation and reintegration of no less than 40 per cent of the AMF troop strength, ... [and] promoting the deployment by NATO and the Coalition of international military forces, both static and mobile, in numbers large enough to assist effectively domestic security forces in the protection of the electoral process against extremists' attacks and factional intimidation and interference.<sup>41</sup>

The international community should treat these recommendations as binding, and elections should be held only when the necessary measures have been implemented.

#### **IV. EMERGING POLITICAL FAULT LINES**

The signal event during the Constitutional Loya Jirga was the consolidation of Pashtun delegates behind President Karzai, which ensured the retention in the draft of a strong presidency. Rather than representing a spontaneous development, this consolidation appears to have been the outcome of concerted lobbying by Karzai's principal advisers and allies, including his brothers Qayyum and Ahmad Wali Karzai and certain high-level Pashtun officials in the central government. The decision by the pro-Karzai camp to cultivate an ethnic support base had a profound impact upon the delegates, whose debates over such critical issues as the extent of presidential powers and the status of minority languages split decisively along Pashtun and non-Pashtun lines. An alternative strategy, which would have required a greater

willingness to limit presidential powers in the constitution and correspondingly strengthen those of parliament, could have avoided this polarisation and helped maintain the president's standing as a national figure.

An important element of the pro-Karzai camp's strategy was to secure the support of Pashtun mujahidin, formerly associated with the Hizb-i Islami factions led by Gulbuddin Hikmatyar and Yunis Khalis, as well as Sayyaf's Ittihad-i Islami. The incorporation of former Hizb-i Islami personalities into the government has accelerated since the Constitutional Loya Jirga, an indication that the support extended to Karzai by the party's erstwhile members may be more than a short-term alliance.<sup>42</sup> Sayyaf, while promoting a more radically Islamic agenda than that reflected in the draft constitution, was relatively muted in his protests when his party's proposals were rejected and is reported to have played a conciliatory role during disputes over the draft.

Simultaneously, most delegates from the royalist National Unity Movement, a mainly Pashtun party with considerable strength in southern and eastern Afghanistan, abandoned their support for a parliamentary system during the Constitutional Loya Jirga and threw their weight behind Karzai. This shift was due in part to pressure exerted upon them during the delegate elections. According to a royalist leader, party members in Oruzgan province were threatened with arbitrary detention by provincial officials if they did not support candidates favouring a presidential system. But the decisive factor appears to have been pragmatism. "We want to support Karzai because he is the person the U.S. and the West have confidence in", the same leader said. "Without the support of Western countries, we can't protect our [country's] independence".<sup>43</sup>

That the President's camp chose to focus its attention on Pashtun delegates was not in and of itself surprising. Support for a centralised, presidential form of government is considerably weaker in the north, particularly among Hazaras and Uzbeks, who

<sup>40</sup> Ibid.

<sup>41</sup> See UNAMA, "Holding a Free and Fair Election in Afghanistan" [undated].

<sup>42</sup> In the weeks since the Constitutional Loya Jirga, the president has appointed a number of former Hizb-i Islami (Hikmatyar) commanders and political figures to high-level posts, including Bashir Baghlani as governor of Farah, Khyal Mohammad as governor of Zabul, and Sabawoon as minister-adviser in the Ministry of Border and Tribal Affairs.

<sup>43</sup> ICG interview with a royalist party leader, Kabul, 11 January 2004.



have rarely held positions of leadership at the centre. In addition, Pashtun delegates had felt themselves marginalised during the Emergency Loya Jirga in June 2002, when Tajiks associated with the dominant Shura-yi Nazar faction had leveraged their control of key security institutions to confirm their positions in the cabinet. The Constitutional Loya Jirga offered them an opportunity to redress those grievances, particularly with a dominant Pashtun presence in the Constitutional Commission's secretariat and the exclusion of the Panjshiri-dominated National Security Directorate from the Loya Jirga compound.

Since the Emergency Loya Jirga, Shura-yi Nazar has succumbed to sharp internal rifts, with Vice President and Defence Minister Fahim now seen to be supporting Karzai, a decision likely informed by his expectation that the president will name him as his running mate during the presidential election. The mantle of challenging Karzai has been taken up Ahmad Wali Massoud, Afghan ambassador to the United Kingdom and brother of the late Panjshiri commander Ahmad Shah Massoud; Hafiz Mansour, the editor of the weekly newspaper, *Payam-i Mujahid*; Mohiuddin Mahdi of Nazhat-i Milli, and other non-military figures associated with the former United Front.

They have approached Abdul Rashid Dostum's Junbish-i Milli-yi Islami, Herat governor Ismail Khan, the Shia parties Hizb-i Wahdat and Harakat-i Islami and a few minor parties in the hope of forming a "Front for Justice and Democracy" that would field a common candidate during the presidential election. This front would campaign around a limited set of objectives: proportional representation in parliament based upon a new census, direct election of provincial governors, and repeal of all changes made to the text of the constitution following the conclusion of the Constitutional Loya Jirga.<sup>44</sup>

The chief limitation facing its organisers at present is the lack of firm support from a major regional

commander -- a circumstance one ascribed to the militia leaders' opportunism. "The commanders are supporting those who are supporting them, who have confirmed them in their posts, who are paying them", he said.<sup>45</sup> Although the proposed front's leaders claim to be building a national alliance, their concerns and appeals are clearly regional and ethnic in nature. In early January, one privately speculated that the pro-Karzai camp's cultivation of Pashtun support during the Constitutional Loya Jirga reflected a "strategic imperative for Karzai and those around him to restore Pashtun hegemony".<sup>46</sup>

The removal on 7 March 2004 of Haji Mohammad Mohaqeq, a presidential candidate and former leader of the Hizb-i Wahdat forces in northern Afghanistan, as planning minister illustrated the continued sensitivity of ethnic representation at the centre. In a press conference the following day, Mohaqeq accused Karzai of firing him during a cabinet meeting for criticising a decision to transfer some of his ministry's powers to Finance Minister Ashraf Ghani, an ethnic Pashtun, and in retaliation for announcing his intention to run for president.<sup>47</sup>

Although Mohaqeq had been widely considered an ineffective minister, he frequently spoke in the name of the Hazara community. In announcing his presidential candidacy, he said he was doing so to demonstrate that a Hazara could run for the highest office.<sup>48</sup> His dismissal less than two months after the declaration of that candidacy prompted Hizb-i Wahdat leaders in Mazar-i Sharif to organise a 2,000-strong demonstration against Karzai on 12 March 2004.<sup>49</sup> In informal conversations, ICG found that there was also great resentment among ordinary Hazaras in Kabul toward Karzai and his perceived ally, the Hazara Vice President Karim Khalili. The circumstances surrounding Mohaqeq's dismissal

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<sup>44</sup> ICG interview with Mohiuddin Mahdi, Nazhat-i Milli, Kabul, 13 March 2004. The organisers of the front would object particularly to the current text of Article 64 (2). The Dari and Pashto texts approved by the Constitutional Loya Jirga stated that the president's power included "determining basic policies of the state with the approval (*taswib*)" of the parliament. The published Dari and Pashto texts of the constitution replaced *taswib* with *taid*, a word meaning "confirmation". According to Front organiser Hafiz Mansour, *taid* does not include the right to reject, and was introduced in the text to weaken the parliament further.

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<sup>45</sup> ICG interview, Kabul, March 2004.

<sup>46</sup> ICG interview, Kabul, 8 January.

<sup>47</sup> Karzai's spokesperson, Jawed Ludin, claimed that Mohaqeq had resigned following a dispute with the president during a cabinet meeting. Amin Tarzi, "Dispute Erupts Over Afghan Minister's Purported Resignation", Radio Free Europe/Radio Liberty, 11 March 2004.

<sup>48</sup> Hizb-e-Wahdat Islami Afghanistan Political Committee, "Press Release: Ustad Mohaqiq will run for president of Afghanistan", 20 January 2004.

<sup>49</sup> Nahim Qadery and Sayed Yaqub Ibrahim, "Street Protests After Minister's Removal: Demonstrators in northern city demand reinstatement of leading Hazara minister", Institute for War and Peace Reporting (IWPR), Afghan Recovery Report N° 110, 17 March 2004.

are thus likely, in the short term at least, to enhance his standing among Hazaras and diminish Karzaï's credibility.

## V. CONCLUSION

Political reconstruction in Afghanistan has frequently been equated with the extension of the central government's authority. Less attention has been paid to the development of democratic norms. The country's long-term stability, however, rests on the ability of its institutions to accommodate the latter process and to provide channels through which the various components of Afghan society can find political expression. The debates during the Constitutional Loya Jirga on the relative powers of the president and parliament, as well as symbols of the state such as its national and official languages, underscore the imperative of accommodating these competing interests. But democratic institutions can only develop in an environment that allows open discussion about governance, something that continues to elude Afghanistan more than two years after the signing of the Bonn Agreement.

Without a reinvigorated DR process, political and economic life in both the centre and the provinces will continue to be dominated by the gun or the shadow of the gun. Elections under the prevailing conditions will only confirm this reality -- something that is understood by the commanders who control the ministry of defence and have steadfastly resisted efforts to dismantle their militias. The limits of the present DR process should now be evident: unless the authority responsible for DR, namely the ANBP, is backed by a credible deterrent, there will be no incentive for commanders to surrender the bases of their political and economic influence. That deterrent could be provided through NATO, the Coalition, or a combination of the two, but neither force is present in sufficient strength to project its authority over the larger part of the country or considers that it is presently mandated to take part in DR.

NATO's planned four-phase expansion across Afghanistan provides a framework within which to create an interim security regime that would enable DR and facilitate the rebuilding of Afghanistan's own security institutions. But NATO's appeal to member states to contribute a modest three battalions in the north to cover the first two phases of that expansion has yet to result in a single firm commitment. This

limited first step must be taken very quickly if the near-term objective of defensibly free and fair elections and the longer-term administrative and security sector reforms proposed by the central government are to be realised.<sup>50</sup> The alternative would be continued accommodation of, and reliance upon, militia commanders by the central government and the surrendering of reforms.

The poor integration of Coalition counter-terrorism strategy with the Bonn political process needs to be replaced by far closer coordination between the two. The establishment of an Afghanistan Guard Force without a DR plan or apparently even consideration of its potential impact on the ANBP and on political stability is a glaring illustration of the extent to which military planning is proceeding in isolation from the Bonn process. Donor states, even as they commit with their checkbooks during the Berlin Conference to helping Afghanistan over the long haul, should make it an urgent priority to harmonise these disparate elements by promoting transparency and consultation between military and political planners.

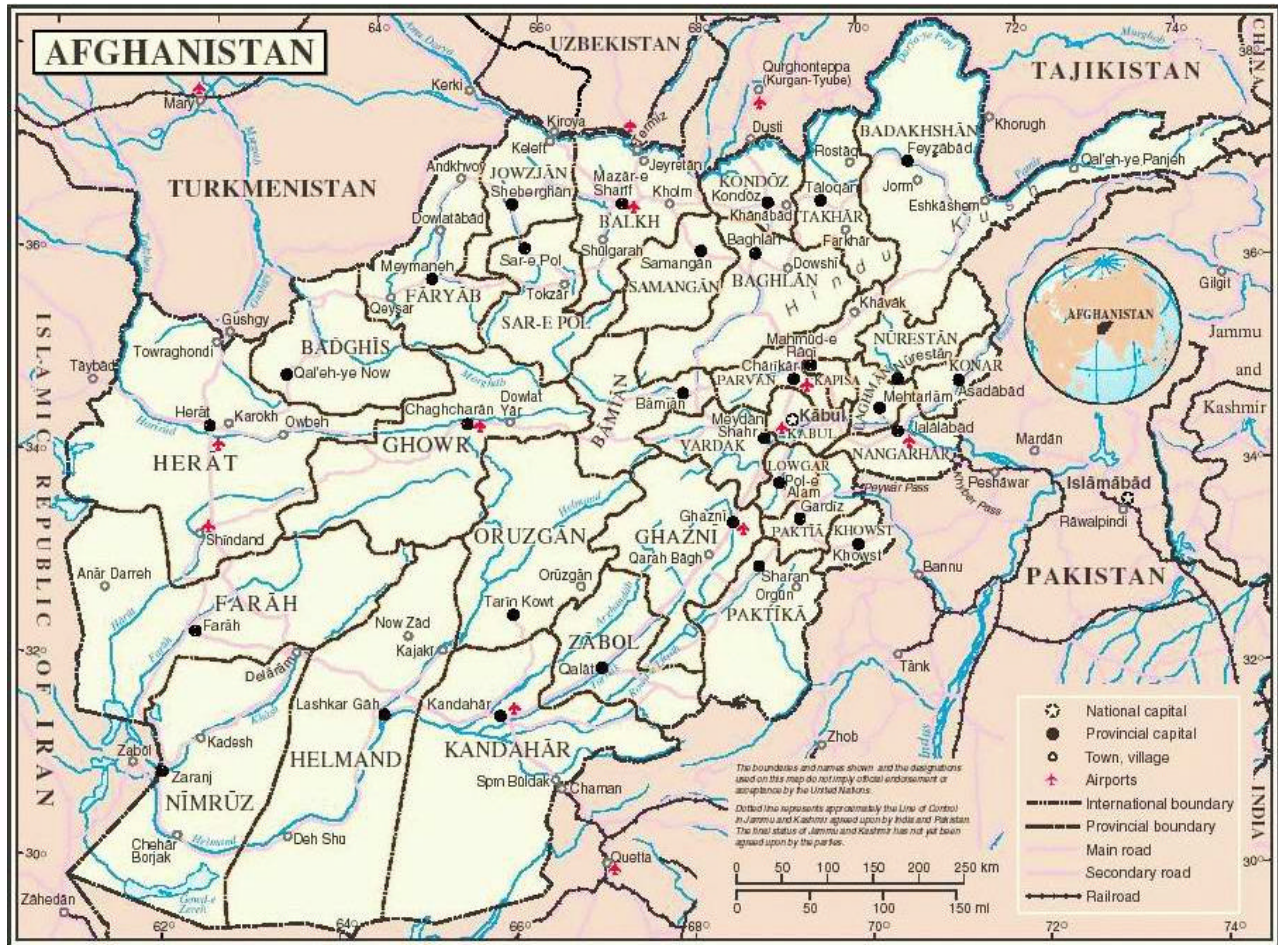
**Kabul/Brussels, 30 March 2004**

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<sup>50</sup> Early realisation of the NATO plan for two forward bases in Mazar and Herat with distinct 1,000-strong rapid reaction forces would also be highly desirable. "NATO gets aggressive on forces for Afghanistan", Reuters, 10 March 2004. Also ICG interview, WashingtonDC, March 2004.

## APPENDIX

### MAP OF AFGHANISTAN



Map No. 3958 Rev. 2 UNITED NATIONS  
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Department of Public Information  
Cartographic Section



international  
crisis group

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**International Crisis Group**

**International Headquarters**

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38  
E-mail: [icgbrussels@crisisweb.org](mailto:icgbrussels@crisisweb.org)

**New York Office**

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 08 20 · Fax: +1 212 813 08 25  
E-mail: [icgny@crisisweb.org](mailto:icgny@crisisweb.org)

**Washington Office**

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630  
E-mail: [icgWASHINGTON@crisisweb.org](mailto:icgWASHINGTON@crisisweb.org)

**London Office**

Cambridge House - 5<sup>th</sup> Floor, Cambridge Grove, London W6 0LE · Tel: +44(0)20 7031 0230 · Fax: +44(0)20 7031 0231  
E-mail: [icglondon@crisisweb.org](mailto:icglondon@crisisweb.org)

**Moscow Office**

Nizhnij Kislovskij Pereulok 3, apt. 46 - Moscow 125009 Russia · Tel/Fax: +7 095 290 42 56  
E-mail: [icgmoscow@crisisweb.org](mailto:icgmoscow@crisisweb.org)

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