AFGHANISTAN: FROM PRESIDENTIAL

TO PARLIAMENTARY ELECTIONS

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The October 2004 presidential election went well, and Afghanistan now has its first ever popularly elected president. But the parliamentary, provincial and district elections now scheduled for April 2005 will be considerably more complicated, and preparations are going too slowly. If the parliamentary vote is delayed again -- it was originally to have been concurrent with the presidential election -- there is a risk that the Karzai administration's legitimacy will be seriously tarnished. Both his government and the international community need to put in more resources and make more progress in the next few months on improving security, cutting down the power of the warlords, and attacking the spreading influence of the drugs trade.

The key lesson from the presidential election is that Afghans strongly want a say in their governance. Afghanistan's constitution establishes a relatively strong presidency and weak parliament. The latter's primary importance rests on the fact that it will provide political representation to all Afghans as well as a check on presidential power. Given the deep ethnic polarisation, it is essential that the multi-ethnic, multi-regional population has pluralistic and participatory avenues to express its demands and articulate its grievances through parliamentary elections. A further delay in those elections would damage the credibility of the new governmental system, particularly if the Karzai administration proves not to be ethnically and regionally inclusive, with respected representatives of Afghanistan's various communities.

The Karzai administration must pick up the pace of preparations for the April elections. There are many challenges to be overcome if they are to be kept on course. The Joint Electoral Management Body (JEMB), the body responsible, must not lose any more time. District boundaries must be set, and accurate population figures -- needed to determine the number of National Assembly seats in each province as well as provincial and district council membership -- have to be gathered. If these polls are to be credible, the JEMB must be seen as impartial and independent, which requires it to bring new members on board. And the international community -- which has been quick to claim credit for the presidential election -- must display greater urgency and commitment to this next critical stage of the democratic transition.

Overshadowing all the preparations are fears about security. Insurgents, principally the Taliban but also Hizb-i-Islami forces loyal to Gulbuddin Hikmatyar, have made clear their intention to disrupt the elections. Yet, as the presidential polls amply demonstrated, Afghans are keen to participate in the electoral process despite such threats.

The other, and perhaps, leading risk is posed by the continued dominance of factional militias throughout the country. Regional and local commanders' control of military, police, and intelligence resources, sometimes simultaneously, gives them access to revenue streams that can generate patronage and undermine the political space for opposition parties and other political forces. It is unlikely that all militias can be fully disarmed and demobilised in the near future but the process has to be accelerated and every attempt made to contain the domestic spoilers. Those who continue to lead militias must be excluded from the political process, as intended by the Political Parties Law and the Electoral Law.

Attention should also be paid to the lessons of the presidential election. The 9 October vote was an historic event, the country's first ever-direct election for its head of state. The high turnout, orderly conduct of voters and absence of widely expected violence demonstrated the strong desire of Afghans to participate in their country's political process. President Hamid Karzai won convincingly with 55.4

per cent of the vote, well ahead of Younus Qanuni (16.3 per cent). With some exceptions, however, voting was largely along ethnic and regional lines.

Karzai received the vast bulk of votes in the Pashtun east and south as well as a comfortable majority in the multi-ethnic west and multi-ethnic urban centres, including Kabul. Qanuni received 95 per cent of the votes in his native Panjshir province, but picked up less than expected of the Tajik vote from other provinces. The other leading candidates, Abdul Rashid Dostum and Haji Mohammad Mohaqqeq received the bulk of the Uzbek and Hazara vote respectively. The remaining 14 candidates shared less than 8 per cent.

This clearly reflects Afghanistan's deep ethnic polarisation and the continuing undue influence of militia leaders in the political process. Karzai has now committed himself to removing the warlords, whom he recently described as probably the greatest danger facing the country. Yet, he also faces the task of forming a government that has strong support in provinces where a majority voted either for militia leaders, including Dostum and Mohaqqeq, or individuals dependant on militia support, such as Qanuni. This underscores the importance of including all ethnic and regional constituencies in government through a democratic process -- a key step being the formation of an elected parliament and provincial and district institutions. Karzai faces an equally daunting challenge of purging his administration of corrupt individuals, including those involved in the flourishing drugs trade. Failure to act decisively would seriously damage his credibility and set a poor precedent for administrative reforms elsewhere in the country.

Much remains to be done if the parliamentary, provincial and district elections are to proceed as scheduled. The process may well have its flaws, as did the presidential polls, but these polls are an essential landmark in the political transition. The government and the international community must redouble efforts to ensure they are not delayed again.

RECOMMENDATIONS

To the Karzai Government:

1. Accelerate preparations for the Wolesi Jirga (House of the People), provincial and district elections in April 2005 and seek necessary funding.

2. Issue decrees defining powers and responsibilities of provincial and district councils, and delimiting district boundaries based on current cartographic data, increase efforts to obtain official population figures or estimates for each province and establish a boundary dispute resolution mechanism, with representation from the Afghan Independent Human Rights Commission, the Interim Electoral Commission, UNAMA, and all political parties.

3. Undertake a comprehensive public information campaign, with particular attention to radio and television, to educate voters and candidates about the upcoming elections.

4. Strengthen the role of political parties in the political process by amending the Electoral Law to replace the Single Non-Transferable Vote (SNTV) system with a party list system and amend the Electoral Law to provide the Joint Electoral Management Body (JEMB) with sufficient time to vet parliamentary, provincial and district council candidates for linkages to drugs, al-Qaeda, Taliban violence, or involvement in human rights abuses.

5. Revise the Political Parties Law so that the process is insulated as far as possible from political pressure and manipulation, in particular by:

    (a) transferring registration authority from the justice ministry to the Interim Electoral Commission; and

    (b) providing for appeals against deregistration through successive tiers of the justice system.

6. Appoint a new Interim Electoral Commission -- with current members eligible for reappointment -- through a transparent process, with public consultation, and excluding candidates with links to militias or responsible for human rights abuses.

7. Review appointments to provincial and district security posts, and ensure that all provincial police chiefs, and as far as possible, district police chiefs, are police academy graduates.

8. Commence planning for the operation of the National Assembly and provincial and district councils, including by starting construction of the National Assembly building, making arrangements for housing and transportation for parliamentarians, and recruitment and training of parliamentary staff, and preparing facilities for provincial and district councils.

9.   Continue to push for the disarming, demobilisation and reintegration of the militias before the elections and rigorous enforcement of the benchmarks contained in the Political Parties Law, where necessary with the support of International Security Assistance Force (ISAF) and the Coalition forces.

To the Joint Electoral Management Body (JEMB):

10. Set and announce as a priority the precise April 2005 election date for the Wolesi Jirga (House of the People), provincial and district elections.

11. Re-open registration, particularly in provinces where there was low voter registration in the presidential election or low female voter registration, and create a voters roll, using existing registration and voter data as well as data obtained through the new registration exercise.

12. Appoint an independent panel, composed of representatives of the Afghan Independent Human Rights Commission, the Interim Electoral Commission, and UNAMA, to investigate complaints before and after the elections by candidates and voters, with decisions and findings to be made public and dealings with candidates and political parties otherwise open to scrutiny.

13. Make necessary arrangements well ahead of time for the conduct of the parliamentary elections including:

     (a)   deployment of international and non-partisan national electoral observers;

     (b)   visible security, particularly in remote and conservative provinces, to reduce the threat of attacks on voters, including women voters;

     (c)   availability of mobile voting units in rural areas so that voting is not impeded by restrictions on travel; and

     (d)   separate polling places for men and women in conservative areas, including sufficient female staffing.

To the United Nations:

14. Prioritise preparations for the parliamentary, provincial and district elections, in particular through active and substantial assistance for the population survey, the new registration exercise, demarcation of district boundaries and a public information campaign.

To Donors and Intergovernmental Organisations:

15. Call for elections to be held in April 2005 and provide all necessary financial and logistical support to keep them on schedule, in particular allocating and rapidly disbursing funds for:

     (a)   a post-enumeration survey of the household listing, and the census proper, to be carried out by United Nations Population Fund (UNFPA) and the Central Statistics Office (CSO), and ensure that UNFPA has sufficient technical experts based in Afghanistan to monitor the CSO survey teams carefully;

     (b)   the registration of new voters in advance of the parliamentary elections and preparation of the voters roll; and

     (c)   a comprehensive public information campaign, including nationwide voter and civic education and special efforts with regard to provinces in which small percentages of women voted in the presidential election.

16. Assure sufficient funds for deployment of international observers for the parliamentary elections in each provincial centre as well as in district centres that have been cleared for movement by the UN security coordinator.

17. Help build the capacity of future Afghan legislators through first hand exposure to other parliaments, including exchanges of parliamentary delegations.

To NATO/ISAF and the Coalition:

18. Secure troop commitments for Phase Two of ISAF expansion, covering western Afghanistan, complete deployment prior to the parliamentary elections including of rapid reaction battalions able to reinforce the Afghan National Army and Afghan police, and define timetables for Phases Three and Four covering the south and east.

19. Mandate ISAF and Coalition forces to support the disarmament, demobilisation and reintegration (DDR) process through cantonment of heavy weaponry, inspection of suspected weapons depots, and enforcement of agreements between the ministry of defence and UNAMA

to decommission specific units of the Afghan Military Forces (AMF).

20. Begin an assessment of the numbers and locations of non-AMF militias with the aim of assisting the Afghan government to demilitarise the entire country.

21. Distance the Coalition from militia commanders who have stakes in the drugs trade but are currently cooperating in anti-Taliban operations, and adopt and encourage a counter-narcotics strategy based on interdiction, law enforcement, alternative livelihood, and eradication -- in that order.

Kabul/Brussels, 23 November 2004

AFGHANISTAN: FROM PRESIDENTIAL TO PARLIAMENTARY ELECTIONS

I.   INTRODUCTION

Afghanistan's presidential and parliamentary elections were meant to culminate a two-and-half-year political process, its objective being the "establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government".[1] While Afghanistan now has an elected president, however, its political transition still faces many obstacles.

The 2001 Bonn Agreement set an ambitious target, the formation of a fully representative and elected government by June 2004. That timeframe was seen by many as overly ambitious,[2] dependent as it was on the holding of an Emergency Loya Jirga within six months, approval of a new constitution within eighteen months, development of a legal framework for the elections; and a myriad of administrative and logistical tasks such as the registration of millions of voters and the completion of a census, the first after some 25 years.

The timeframe was repeatedly changed: elections were first delayed from June 2004 to September, then to October. Finally, a decision was taken to hold only presidential elections on 9 October, delaying parliamentary, provincial and district voting until April 2005.[3]

A deteriorating security environment put free and fair elections at risk. In particular, a resurgent Taliban threatened to deter candidates and intimidate voters. Heightened insecurity also posed a problem for electoral preparations, including voter registration, civic education and monitoring. Intimidation by, and fighting between, warlords and commanders posed another hurdle to a smooth process, in the absence of effective disarmament, demobilisation and reintegration (DDR) of their militias.

Yet, despite widespread misgivings, the presidential election succeeded beyond most observers' expectations. Afghans turned out in surprisingly high numbers to vote, and predictions of widespread attacks by insurgents proved unfounded.[4] There were, undoubtedly, many flaws in the process, resulting from the hurried preparation and lack of adequate international commitment. They included poor training of election staff; failure in a number of polling booths to mark voters with indelible ink; inadequate -- particularly international -- election monitoring presence; absence of transparency in setting the rules; a shortage of female poll workers; and insufficient international security presence. But these shortcomings were not of a scale to undermine the outcome. Indeed, an independent international team, tasked by the UN with examining fraud, has certified the election's credibility.

Afghanistan now has an elected president, which is a welcome development. But there is, as yet, no elected national legislature or representative institutions at the provincial or district levels.

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[1] "Preamble to Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions", 7 December 2001 -- known as the Bonn Agreement.
[2] See, for example, ICG Afghanistan Briefing, *The Afghan Transitional Administration -- Prospects and Perils*, 30 July 2002.
[3] Parliamentary, provincial and district elections were delayed to the month of Saur 1384 in the Afghan solar calendar, which equates to 21 April to 20 May 2005 in the Gregorian calendar: "Statement of the JEMB on the Date of the Elections", 9 July 2004. In this report, the month will be referred to as April 2005. Throughout the report, reference to "parliamentary elections" should be taken to include reference to provincial

and district elections also, unless the context makes it clear to the contrary.
[4] Of 11.5 million registered voters, 8,128,942 participated in the polls, with 40 per cent female and 60 per cent male turnout at 24,035 polling stations. "Afghanistan: Karzai confirmed President as Fraud Team endorses Election", Integrated Regional Information Network, UN Office for the Coordination of Humanitarian Affairs, 4 November 2004.

The decision to postpone the legislative elections to 2005 was made by the Joint Electoral Management Body (JEMB), the body overseeing the elections. It is composed of six of President Karzai's Afghan nominees and five UN representatives. Its formal justification for postponement focused on the difficulty of allocating parliamentary seats in the absence of credible population figures. UN and Afghan government officials also cited the importance of effective DDR to ensure that the parliamentary polls, which could be more prone to intimidation than the presidential election, would be free and fair.

Some opposition presidential candidates rejected these justifications. They were suspicious that the separation of the presidential from the parliamentary polls and the postponement of the parliamentary elections was a deliberate attempt to centralise all power in the office of the president, who in the absence of an elected legislature would rule without any checks and balances. Many also expressed a lack of faith in the JEMB's impartiality.

Given these suspicions, it is essential to make every attempt to ensure parliamentary, provincial and district elections are held on schedule in April 2005 and are free and fair. This requires that the Afghan government, the international community and the JEMB accelerate their preparations. There is need for an immediate and sustained effort to fulfil key tasks, including gathering credible population data, delineation of district boundaries, preparation of a voters roll and registration of new voters.

Care must also be taken to ensure that all candidates have equal opportunities and access to government resources in conducting their campaigns. The legitimacy of the parliamentary polls will, after all, determine the legitimacy of the Karzai government, and its ability to strengthen governmental institutions. The UN, with the assistance of the international community, must help the Afghan government hold the parliamentary elections as scheduled, and ensure a free and fair process, applying lessons learnt from the presidential poll.

II.   THE LEAD-UP TO THE PRESIDENTIAL ELECTION

A.   MANAGEMENT AND FUNDING OF THE ELECTION

The only electoral responsibilities assigned to the UN in the Bonn Agreement were implementing voter registration and a census. This was perhaps short-sighted in view of the tasks involved, but consistent with the "light footprint" approach endorsed by the conference participants.

Very little preparation took place during 2002, when most attention was focused on the Emergency Loya Jirga in June and the establishment of the transitional administration thereafter. In early 2003, President Karzai requested the United Nations Assistance Mission in Afghanistan (UNAMA) to coordinate external election support. Its first and most urgent task was acquiring the necessary funding for the election process. In March 2003, its electoral unit began work, with a staff of three. Two months later, after the unit had drafted the first of several registration budgets, UNAMA authorised disbursement of $12 million,[5] which was intended to last through 2003. While covering only a fraction of the eventual cost of registration, that infusion allowed the unit to expand and begin a bare-bones field assessment program.[6]

Resources for the registration exercise remained contentious throughout 2003. A proposal by the electoral unit to rely on Afghan staff trained and employed by the UN and budgeted at $130 million was scrapped before its intended launch in August 2003 as too expensive.[7] The failure of the electoral unit and donors to agree early on a budget caused the process to slip dangerously behind schedule. After a second abortive attempt to begin registration in

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[5] All figures in this report denoted in dollars ($) refer to U.S. dollars.
[6] Lacking vehicles of their own, the electoral unit's eight regional officers and 32 provincial officers relied heavily upon UNAMA's field presence, then involved in Constitutional Loya Jirga (CLJ) preparations, for transportation and other assistance. Doing so maximised the resources available but also meant that field assessments were subject to the priorities and time constraints of a more imminent phase of the Bonn process. Much of the work ended up being done later by Global Risk Strategies, a British security firm contracted to advise the UN on security for the elections.
[7] ICG interview with UN official, 6 July 2004.

October 2003, prevented as before by lack of funds, the process was finally launched on 1 December.

The JEMB Secretariat, set up in July 2003, took over management of the elections.[8] Established by presidential decree, it consisted of the six-member Afghan Interim Election Commission,[9] all civil servants, and five international election management experts appointed by UNAMA. JEMB was supported by the Electoral Secretariat, which was tasked with implementing JEMB's decisions.[10] UNAMA's electoral unit was responsible for advising the Electoral Secretariat. Voter registration staff was henceforth employed by the Interim Electoral Commission rather than UNAMA and thus received wages more consistent with the Afghan market. This arrangement lowered the registration budget by about $34.1 million to $95.9 million, while leaving management largely in the hands of UN staff, most of them UN Volunteers.[11] With the reduced budget, UNAMA was sufficiently confident of securing funds to launch the process, and indeed contributions and in-kind assistance and pledges for voter registration totalled $87.7 million as of 11 August.[12]

For the presidential and parliamentary elections themselves, JEMB budgeted $102.3 million. At the Berlin conference, 31 March-1 April 2004, donors pledged $69.8 million for the elections, most of which was eventually received. Between the $102.3 million budgeted for the elections and the donor commitments of $69.8 million was a gap of $32.54 million. According to the director of the Electoral Secretariat, Farook Wardak, the funding request was based on the premise that presidential and parliamentary elections would be simultaneous. This has meant that that the money pledged was, in the end, sufficient for the presidential elections.[13] But it also means that a new funding appeal needs to be made urgently for the parliamentary elections.

B.   VOTER REGISTRATION

During the registration phase, 9,200 teams employing approximately 36,800 personnel conducted registration in 5,000 registration sites across Afghanistan.[14] Registration began on 1 December 2003; by mid-August 2004, 10.57 million voters were registered, representing over 100 per cent of what had been the estimated electorate.[15] The registration figure for women, 41.3 per cent of the total, was equally striking.[16]

The south and south east differed markedly with regard to the proportion of women registered: 29.9 per cent in the south, but 55 per cent in the south east.[17] In

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[8] The JEMB has all the powers of the Independent Electoral Commission. Under the Electoral Law the Independent Electoral Commission is responsible for managing the process of the election (Article 7). Its responsibilities include appointing electoral officials (Article 8), determining the electoral boundaries (Article 11), conducting the registration process (Article 15), determining candidates' eligibility (Articles 16, 21, 26 and 27), determining complaints (Article 57) and declaration of the date for each election (Article 37). See also "Decree [No. 40] on Arrangements for Holding Elections during the Transitional Period", Article 2.

[9] Not to be confused with the Independent Electoral Commission which is to be created after the transitional period (i.e. after a fully representative government is elected through free and fair elections: article I (4) of the Bonn Agreement). After its creation, the Independent Electoral Commission will replace the Interim Electoral Commission within the JEMB and assume all its powers: Article 61 of the Electoral Law.

[10] "Decree on Arrangements for Holding Elections During the Transitional Period", Article 3(i).

[11] The United Nations Volunteers program is the volunteer arm of the United Nations. It serves as an operational partner in development cooperation at the request of UN member states. It reports to the United Nations Development Program (UNDP) and works through UNDP's country offices.

[12] JEMB, "Voter Registration and Elections Update", Edition 13, 14 August 2004, p. 14

[13] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 27 October 2004.

[14] UNAMA press briefing, 21 October 2004, available at http://www.unama-afg.org/news/briefing/ spokesman/2004/04oct21.htm.

[15] The UN originally estimated there were 9.8 million eligible voters and later revised this to 10.5 million. See Andrew Reynolds and Andrew Wilder, "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan", Afghanistan Research and Evaluation Unit, September 2004, p. 4.

[16] By most estimates, women form a higher proportion of the population than in most developing countries -- a result of sex-differentiated labour migration and higher mortality rates among men over two decades of armed conflict. If registration rates for women matched their likely share of the population, the electorate would substantially exceed the UN's already revised projection of 10.5 million. Electoral Secretariat Registration Update, Kabul, 20 August 2004. See also the presentation of Jean Arnault, Special Representative of the Secretary General for Afghanistan, to the UN Security Council on 25 August 2004, S/PV.5025. For extensive discussion of the role of women in Afghanistan's electoral process and more generally its effort to build a democratic society, see the soon to be released study by Masuda Sultan, "From Rhetoric to Reality: Afghan Women on the Agenda for Peace", Women Waging Peace Policy Commission.

[17] UNAMA Electoral Component (UEC), "UEC Weekly Report: Week Ending 26th August 2004", p. 1.

both cases, rates for women were initially expected to be very low, because of social strictures against their appearance in public. According to an international source familiar with the registration exercise, the numbers increased in regions in the south by registering women in places, including households, where female electoral workers could easily access them.[18] Since polling sites were not as accessible, the proportion of women who voted in most southern provinces was much lower than the proportion who registered.[19]

Anecdotal evidence also provided reason for concern about irregularities in the registration process, including multiple registration and registration of underage voters. An electoral worker in Parwan province, north of Kabul, confirmed the practice of multiple registrations:

> In most areas, the actual number of registered voters is much lower than what is reported. Some people have registered more than once. Some have registered once as Kuchis [nomads, mainly Pashtun] and once as locals. Some Panjshiris were registered once in Kabul and once in Panjshir just to show they have a high population; [Defence Minister] Fahim provided them a bus to go to Panjshir from Kabul.[20]

A major factor behind multiple registrations was a provision in the Electoral Law requiring presidential candidates to submit copies of 10,000 voter registration cards with their applications.[21] Though intended to weed out candidates lacking significant support, the provision effectively turned registration

into a business opportunity. A source in the Electoral Secretariat told ICG in July 2004 that brokers had acquired large quantities of registration cards that they then offered to candidates.[22]

To prevent fraudulent voting, the Electoral Secretariat opted for the use of indelible ink, with a lifespan of five days.[23] This proved inadequate on election day due to widespread problems with the ink and its application.

Given the span of time over which registration took place, and the irregularities in the process, challenges to voters' eligibility were inevitable: for example, that a given person was deceased, underage, or lacked Afghan nationality. The difficulties of challenging voter eligibility in the absence of a voters roll, risked diminishing voter confidence in the process. Without such a roll, the exact numbers of ballots needed at polling sites could not be determined. JEMB accordingly decided to allocate a consistent number to each site,[24] but the inability to predict voter attendance more accurately resulted in a shortage of ballot papers and boxes at some sites on election day. It also meant that twice as many ballot papers were printed as the number of registered voters, to ensure an adequate number at each polling site -- creating opportunities for ballot-box stuffing.[25]

Yet, despite these flaws, the UN-appointed panel tasked with investigating electoral fraud and error certified the presidential election results. "There were shortcomings", said Staffan Darnolf, the Swedish member of the panel, "But they could not have materially affected the overall results....This was a commendable election, particularly given the very challenging circumstances".[26]

Very late in the process, it was decided to allow out-of-country voting by the large refugee populations in

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[18] ICG interview, Kabul, 4 July 2004.

[19] The southern provinces and the percentage of women voters in each were Kandahar (22 per cent), Helmand (7 per cent), Nimruz (40 per cent), Uruzgan (2 per cent), and Zabul (11 per cent). Nimruz stands apart from the others in terms of its ethnic composition, which is predominantly Baloch and Brahui, and its recent history. It was never fully controlled by the Taliban and has not been a major centre of insurgency. See JEMB, "Preliminary 2004 Presidential Election Results", Province Results Pct, http://www.afg-electionresults.org/english/english.htm.

[20] ICG interview with an electoral secretariat registration worker in Parwan province, 16 July 2004. Panjshir was a sub-region of Parwan until its establishment as a separate province in April 2004. See also Martin Huckerby, "Afghan Voting Number Puzzle", BBC World Service, 27 August 2004, which notes, "In the mujahideen-dominated Panjshir Valley, the number of cards issued is two and a half times the estimated number of voters".

[21] Electoral Law, Article 7.

[22] ICG interview, Kabul, July 2004.

[23] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 7 July 2004.

[24] ICG interview, Kabul, 26 August 2004.

[25] Justin Huggler, "Afghanistan hits fever pitch as warlords turn 'democrat'", *The Independent,* 6 October 2004. See also JEMB website at http://www.afg-electionresults.org/english/english.htm.

[26] "Karzai confirmed president", op. cit. See also "Karzai Wins Afghan Presidential Election", *Guardian*, 3 November 2004, and Carlotta Gall, "Election of Karzai is Declared Official," *The New York Times*, 4 November 2004.

Iran and Pakistan.[27] In July 2004 UNAMA, at the request of the JEMB, concluded a memorandum of understanding for the International Organisation for Migration (IOM) to register and manage voting of Afghan refugees in both countries. Funds and registration and voting materials were provided by UNAMA.[28] Preparations were hindered by delays and ad hoc decisions by the Afghan government. Registration and voting in Pakistan and Iran also posed different sets of challenges based on the approach of each to its refugee population and distinct refugee settlement patterns. Yet, in both states, registration figures and electoral turnout exceeded expectations.

In Pakistan, a large majority of refugees are Pashtuns, many settled in ethnically Pashtun areas of the North West Frontier Province (NWFP) and Balochistan. Other refugees, particularly urban Afghans of varied ethnic backgrounds, settled in cities in and outside the border provinces. A common denominator was the absence of a standard set of documents identifying refugees.

To qualify to vote, Pakistan-based refugees first had to be registered, which in turn required verification of their identity as Afghan nationals. The initial plan IOM submitted to UNAMA was contingent on registration beginning five months before elections. Once the first target became unreachable, a 120-day plan was introduced, which in turn was replaced by a 90-day plan. In the end the registration and voting process was carried out in 78 days.[29] IOM registered 738,000 refugees in Pakistan (of whom 28 per cent were women) over a four-day period from 1 October, followed by one day of challenges to voter lists, at 1,657 registration and polling stations in 630 locations.[30] These were mainly in refugee camps, although polling stations also covered, to a far more

limited extent, urban refugee centres in the North West Frontier Province (NWFP), Balochistan, and Islamabad. Identity was verified by a six-person committee at each site.[31] Some 590,000 Afghans voted, an 80 per cent turnout.[32]

In Iran a very high proportion of the refugees are Hazara, concentrated almost entirely in urban areas. Refugees had been issued identity documents in 2002 under the auspices of the Iranian government and the UN High Commissioner for Refugees (UNHCR); these identity documents served as voter registration cards on election day. Voting took place at 1,093 stations in 125 locations.[33] The size of the electorate, originally thought by IOM to be 1.1 million, was estimated by election day at only 400,000 to 600,000 because of a sharp increase in return of refugees from Iran to Afghanistan.[34] According to UNHCR, there were more than 242,000 such returns from January to July 2004. In the end, some 260,000 refugees voted in Iran, perhaps half the eligible voters, still an impressive turnout demonstrating an overwhelming Afghan desire for a peaceful transition after decades of civil war.[35]

C.   SECURITY

The lead-up to the election was marked by insecurity as insurgent forces, principally the Taliban but also including Hizb-i Islami forces loyal to Gulbuddin Hikmatyar, increased their activities, hoping to disrupt the process, including voter registration. Regional and local militia commanders refused to disarm, seeking to preserve their authority through the election period. Mounting centre-province tensions also resulted in armed clashes between commanders backed by the Kabul government and those resisting the extension of its authority.

Inadequate security and the mounting insurgency, which included attacks on election workers, impacted on planning and logistical arrangements, including voter registration, particularly in parts of the south. Lack of security also severely restricted

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[27] There are also substantial Afghan communities in Germany, The Netherlands, and the U.S., to name a few, but the assumption appears to have been that Afghans in Pakistan and Iran are largely refugees, and most would likely return. Hence they should be entitled to vote, unlike the diaspora communities elsewhere.
[28] "Memorandum of Understanding between the International Organisation for Migration and the United Nations Assistance Mission in Afghanistan for the Conduct of the Out-of-Country 2004 Afghan Presidential Elections", 21 July 2004.
[29] Briefing to the UN Security Council by Assistant Secretary General Hedi Annabi, 12 October 2004.
[30] See IOM press releases dated 3 October, 6 October and 10 October 2004, available at http://afghanistanocrv.org/web/mediarelation_page.htm.

[31] ICG interviews, 6 July, 26 August and 10 November 2004.
[32] IOM press briefing notes, 12 October 2004, available at http://www.iom.int/en/news/pbn121004.shtml
[33] ICG interview, 10 November 2004.
[34] IRNA, "Afghan returns from Iran surpass those from Pakistan, says UNHCR", IRNA, 21 July 2004.
[35] Briefing to the UN Security Council by Assistant Secretary General Hedi Annabi, 12 October 2004

campaigning by candidates and was primarily responsible for the EU and OSCE decisions against full-fledged observation missions.

Declaring their intention to disrupt the elections, and particularly voter registration, the Taliban threatened to kill anyone involved with the process. Taliban spokesman Hamid Agha declared, "All people and forces helping America will come under attack from us". [36] They distributed night letters (*shabnamas*)[37] and attacked electoral registration workers and others involved in administering the process, killing a number of electoral workers and JEMB staff. Those attacks initially succeeded in keeping registration, particularly of women, low in some provinces in which the Taliban had the greatest presence -- namely Kandahar, Uruzgan, Hilmand, and Zabul.

Taliban and insurgents with allegiance to Hikmatyar, crossed into Afghanistan along the porous border with Pakistan, with the avowed intention of disrupting the elections.[38] Attacks on humanitarian and reconstruction workers also continued to escalate in the months before the election, though in some cases more due to local rivalries than the insurgency.[39]

The violence even affected the Karzai election campaign. The President abandoned his opening rally in south eastern Gardez after a rocket attack on his helicopter on 16 September 2004, and on 6 October the convoy of one of his running mates, Ahmed Zia Massoud, was bombed in the northeast

-- with officials blaming the Taliban and al-Qaeda for the attacks.[40]

Tensions also escalated with militia leaders in the west and north as the centre attempted to expand its control by coopting their sub-commanders and appointing officials from outside their provinces. In March 2004, the centrally appointed governor of Faryab, Enayatullah Enayat, and the 200th Division chief, Hashim Habibi, a commander of the Junbish-i Milli-yi Islami (Junbish), who had defected to the centre, fled the province following pressure by General Dostum's troops and the Junbish youth wing. This left Junbish firmly in control of the province. In August, three militias in the west launched a coordinated attack on Herat Governor Ismail Khan, supported, some believe, by the centre. The fighting left two dozen dead and many injured from all sides. On 11 September, after the centre deployed 1,500 Afghan National Army (ANA) troops in Herat, Karzai removed a weakened Ismail Khan as governor, saying he had been "promoted" to minister of mines and industry -- a promotion declined by Khan.[41]

Security arrangements for the presidential election assumed special significance. According to the Electoral Secretariat's plan, "the creation and maintenance of a security environment conducive to the conduct of free, general, secret and direct voting will be principally the responsibility of the Police (MoI) and Military forces (MoD) of Afghanistan operating under the authority of the ATA [Afghan Transitional Administration]".[42] This entailed establishing rings of security around polling centres and towns.

Up to 40,000 Afghan police were tasked with guarding those polling stations and towns. The ANA was to provide outer ring, security and ISAF and Coalition forces the backup.[43] The police alone were

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[36] "12 Afghan troops dead as violence escalates", *Boston Globe* (Reuters), 1 October 2004.

[37] Photocopied leaflets, either anonymous or purporting to be from the Taliban or other insurgent forces, these "letters" were usually distributed at night and threatened that Afghans who worked with the international community or for the elections would be severely punished. Similar leaflets were distributed during the war against the Soviet occupation and earlier stages of the Bonn process, notably during the district and provincial phases of the Emergency Loya Jirga.

[38] Justin Huggler, "Afghanistan hits fever pitch as warlords turn 'democrat'", *The Independent,* 6 October 2004.

[39] Five staff of Médecins Sans Frontières were killed in an ambush in Badghis province on 2 June 2004, believed to have been ordered by a former police commander seeking to discredit his successor. ICG interview with an international aid official, Kabul, 8 July 2004. More often, however, it was the local staff of aid organisations who came under attack. Two Afghan staff members of the German aid agency Malteser were killed on 3 August, while returning from their project area in the insurgency-affected district of Zurmat, in Paktia.

[40] "Afghan Vice President Survives Bomb Attack", *The Washington Post*, 21 September 2004.

[41] Although U.S. Ambassador and Special Presidential Envoy Zalmay Khalilzad welcomed Khan's reassignment, he nevertheless publicly warned against any attempt to destabilise the region. "Statement by U.S. Ambassador Khalilzad on the Government of Afghanistan's New Appointments", 11 September 2004.

[42] Joint Election Management Body (JEMB) Secretariat, "Afghanistan Elections 2004: Security Campaign Plan", draft of 24 July 2004 ("Security Plan"), Art. 3(a).

[43] The assumption, for planning purposes, was for 4,000 to 5,000 polling stations, with ballot boxes transported from these sites to between 20 and 30 counting houses in provincial or regional centres. Ibid., Art. 1(a).

permitted to carry weapons within 500 metres of polling stations.[44] Prior to the election the ministry of interior estimated the total of police on its rolls at 45,000, but projections of those who would have at least partially undergone training in the U.S.-supported Regional Training Centres (RTCs) by the time of the election varied.[45]

The RTCs accelerated training but this alone was not sufficient to meet the 30,000 target, so they temporarily released fully or partially illiterate trainees (50 to 60 per cent of the total, according to U.S. estimates, [46] but higher in some areas[47]) after completing a basic course. These trainees will have to return to their RTCs for further instruction in order to qualify for a promotion and pay increase.[48]

On election day, the interior ministry made 28,000 police available, augmented by more than 6,000 "deputised" by the ministry at polling sites in more remote areas.[49] Each auxiliary was to be vetted individually by the ministry, usually the provincial or district police chief,[50] but the efficacy of this safeguard depended in practice on the presence of a professional, non-factional police chief.[51]

Accommodating the police training program to election timing had two unfortunate outcomes: limiting the exposure of police to modern concepts of law enforcement prior to deployment, and potentially diminishing the appearance of police professionalism

and neutrality to voters. For the parliamentary elections, where local power structures will play a more direct and threatening role, it is essential that police training be allowed to run its course and that only trained police be deployed. In addition, criteria for appointment to security command posts should be defined and enforced.

The ANA was tasked with responding to issues that local police were unable to handle, but provided targeted rather than comprehensive security coverage. Its strength in October was about 14,000.[52] The security plan was predicated in part on the availability of all these troops for the election, to be deployed as companies in insurgency-affected districts, such as Zurmat in western Paktia.

The ISAF and the Coalition were responsible for providing security backup in their respective theatres. ISAF had 8,500 troops in Afghanistan for the elections. Because ISAF missed the September deployment target for phase two of its expansion -- western Afghanistan -- it was limited to Kabul plus the north and north east, where it had Provincial Reconstruction Teams (PRTs). The sixth ISAF mission, led by the multinational Eurocorps, was deployed in Kabul in August, and ISAF was temporarily bolstered by the eight-week deployment of an Italian battalion as an operational reserve and a Spanish battalion in Mazar-e Sharif as a quick reaction force.

D. POLITICAL MANOEUVRING

Political manoeuvring in the lead-up to the presidential election illustrated Afghanistan's ethnic and regional divide as well as the continued influence of militia leaders in the political process.

On 26 July 2004, the deadline for nominating candidates, Karzai confirmed that the defence minister, a Shura-yi Nazar leader and Panjshiri Tajik, Qasim Fahim, would not be one of his running mates.[53] He instead selected Ahmad Zia Massoud,

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[44] Ron Synovitz, "Election official, security forces prepare for Afghanistan's presidential poll", RFE/RL Afghanistan report, vol. 3, No. 36, 8 October 2004.
[45] ICG interview with a U.S. official, Kabul, 10 July 2004.
[46] The RTCs are intended to produce a fully literate force within five years, through a combination of recruitment and remedial training. But because every policeman currently on the rolls of the interior ministry is entitled to training, funds for literacy training will be sourced from the U.S. Bureau for International Narcotics and Law Enforcement (INL) budget ($173 million for 2003-2004). ICG interview with a U.S. official, Kabul, 10 July 2004.
[47] Only about 60 of the first class of 250 trainees in the Mazar-e Sharif RTC were literate. ICG interview, Mazar-e Sharif, 7 June 2004.
[48] ICG interview with a U.S. official, Kabul, 10 July 2004.
[49] ICG interviews with a UN official, Kabul, 4 July 2004, and a U.S. official, Kabul, 10 July 2004.
[50] ICG interview with JEMB security officer, Kabul, 10 July 2004.
[51] In provinces such as Paktia, where the police chief, Hai Gul Sulaimankhel, is a career officer, an appreciable level of care in screening auxiliaries was expected. In other cases, such as Nangarhar, where the provincial police chief, Hazrat Ali, is a militia commander, there was less confidence in the process.

[52] The Coalition's provisional target for the ANA is 40,000 men, to be realised by 2007, with a projected ceiling of 60,000-70,000. "Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward", National Army Technical Annex (prepared by UNAMA at the request of the Afghan Government and presented at the International Conference on Afghanistan, Berlin, 31 March-1 April 2004), pp. 9-10.
[53] Originally a military coordination council established by Ahmad Shah Massoud, Shura-yi Nazar now refers to a more

brother of the slain Panjshiri Tajik commander Ahmad Shah Massoud, and Vice President Karim Khalili, an ethnic Hazara and leader of his faction of the armed political party Hizb-e Wahdat-e Islami (Hizb-e Wahdat).

Karzai's announcement came days after he had stated: "Warlord militias are a bigger problem than the Taliban because militias are undermining the institutional build-up of Afghanistan. Militia armies are posing a great threat to that and we have to address and resolve it".[54] The decision to drop Fahim, who had been resisting the disarmament and demobilisation of his militia units in Kabul, was made partly under international, mainly European, pressure. There was another factor though: Fahim's diminished credibility among fellow Panjshiris, many of whom saw him as more concerned with preserving his own position than his community's political interests.[55]

Education Minister Yunus Qanuni, another Panjshiri who had reportedly also been under consideration for the vice presidential slot, responded by declaring his presidential candidacy and promptly secured the backing of fellow Shura-yi Nazar leaders, Fahim and Foreign Minister Abdullah Abdullah. Two other prominent members of the former United Front (Northern Alliance) also declared their candidacies. Mohammad Mohaqqeq, a Hazara and leader of a rival faction of Hizb-e Wahdat, as well as Karzai's planning minister until his removal in March 2004, also announced his intention to run. Resigning from his purely symbolic post of military adviser to Karzai, Abdul Rashid Dostum, an Uzbek and leader of another armed political party and component of the former United Front (Northern Alliance), the Junbish-i Milli-yi Islami, announced his candidacy.

In all, 21 candidates filed nomination papers for the presidency, of whom eighteen were approved by JEMB after a perfunctory vetting process. Another two dropped out in the last week before the elections,

throwing their support behind Karzai.[56] Other Pashtun candidates included Homayun Shah Asefi, a retired diplomat and associate of former king Zahir Shah, and Ahmad Shah Ahmadzai, a former deputy to Abd al-Rabb al-Rasul Sayyaf, leader of the fundamentalist party Tanzim-e Dawat-e Islami (formerly Ittihad-e Islami). There was one female candidate, Masooda Jalal, a Badakhshani Tajik physician who had run against Karzai in the June 2002 Emergency Loya Jirga. Another candidate was Latif Pedram, a Badakhshani Tajik intellectual who had recently returned from France as spokesperson of the National Congress, a liberal, northern-based party. Abdul Sattar Sirat, an Uzbek and former justice minister who headed the royalist delegation during the Bonn Conference, returned from the U.S., reportedly at Dostum's encouragement, at a time when the Junbish leader's own candidacy was less certain.

Though sixteen candidates ultimately competed, they were not all on an equal footing. Campaign funding and resources differed, and cultural constraints also hindered debate. Even the leading candidates held few campaign appearances and rallies. This was due to a number of factors, including security concerns and an emphasis on brokering power-sharing agreements with the centre. While security concerns restricted Karzai's campaign in particular, he compensated through extensive use of state resources. The state media covered his campaign almost to the exclusion of all others in the early stages. According to an international monitoring body, he received 75 per cent of state TV and radio coverage from the launch of the official campaign in early September.[57] Protected by U.S. private security guards and travelling on U.S.-provided Chinook helicopters, Karzai carried out the work of government right up until election day, much of it in the presence of the U.S ambassador, Zalmay Khalilzad -- launching, for instance, a number of US-funded reconstruction projects.[58]

Qanuni and Dostum, on the other hand, benefited from the support of party and militia networks and

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amorphous network of north eastern Tajik military and political figures, dominated by Panjshiris. Although Shura-yi Nazar was originally linked to Burhanuddin Rabbani's Jamiat-e Islami party, most of its leaders backed a breakaway faction, the Nazhat-e Milli in the wake of the Bonn Agreement. That party's future is now in doubt as a result of the pre-election schisms within Shura-yi Nazar.

[54] Ahmed Rashid, "A Vote Is Cast Against the Warlords", *Far Eastern Economic Review*, 29 July 2004.
[55] ICG interview with a Panjshiri political figure, Kabul, 8 January 2004.

[56] Sayyid Ishaq Gailani and Abdul Hasib Aryan withdrew from the race.
[57] "'Heavy poll bias' towards Karzai", BBC News, 4 October 2004. The bias was redressed a little when political advertising slots -- available to all candidates -- were taken into account, but Karzai still received three times as much coverage as any other candidate. See also Afghanistan Independent Human Rights Commission, "UNAMA Joint Verification of Political Rights Third Report, 24 August", 30 September 2004.
[58] These included the inauguration of a partially completed road project in the northern Jawzjan province.

their affiliated media in the north and north east.[59] Jalal was barred from speaking at some venues with other candidates, received death threats and experienced attempts to declare her candidacy un-Islamic and even illegal. Pedram's candidacy was challenged by the chief justice of the Supreme Court, other judges and a powerful warlord on the grounds that he was questioning Islamic marital laws when he proposed debates about polygamy and divorce.[60]

All the major candidates wooed their ethnic communities with considerable success. While Pashtun tribal leaders, for instance, threw their lot behind Karzai, an ethnic Pashtun, Dostum's Junbish party focused on the Uzbek majority regions of northern Afghanistan. Corresponding patterns could be found with the other leading candidates.

III. THE PRESIDENTIAL ELECTION

A. WHAT WORKED

Despite widespread concerns that the lack of preparations would result in a flawed process, voting proceeded in a relatively orderly fashion. This reflected the self-discipline of voters and the commitment of polling centre workers, rather than sound administrative preparations. At polling centres visited by ICG in Kabul municipality and the neighbouring district of Paghman, voters queued with unprecedented orderliness. "The elections benefited from an environment in which people wanted calm", said a local civil society activist. "If you go the bazaar, you can't believe it's the same Afghan who was standing in line [for the polls]".[61] Polling centre workers also performed responsibly, patiently explaining the process to each voter and, in a case ICG witnessed, refusing to reopen sealed ballot boxes despite JEMB's announcement of a two-hour extension of the polling period.[62]

While many Afghan intellectuals and political party members are critical of specific aspects of the process, they also voice deep satisfaction in the country's ability to hold an election, and to hold it peacefully. "The election, as an election, was one of the greatest events in the history of the country", said a professor at Kabul University. "People may not recognise it as such now, but many decades from now.…A huge number of people turned out, which indicates that we have a political society here".[63]

Moreover, the election was conducted, as the independent election expert panel observed, "in a relatively calm and secure environment".[64] A JEMB security officer acknowledged, "there were far less security incidents than we had expected".[65] He put

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[59] ICG interview with diplomat closely associated with the electoral process, 20 October 2004.
[60] "Women and Elections in Afghanistan", Human Rights Watch, October 2004.

[61] ICG interview with Azizurrahman Rafiee, Afghan Civil Society Forum, 21 October 2004.
[62] ICG observations at polling centres in Kabul and Paghman and conversations with international election monitors and journalists, 9 October 2004.
[63] ICG interview with Professor Saifuddin Saihoon, head of Economics Faculty, Kabul University, and Economics Department Director, National Centre for Policy Research, 21 October 2004.
[64] "Final Report of Impartial Panel of Election Experts concerning Afghanistan Presidential Election 2004", 1 November 2004.
[65] ICG interview with JEMB security officer, Kabul, 27 October 2004.

this down to two factors: a possible over-estimation of the threat and pro-active security measures -- "everyone put in a lot of work, and it seems to have worked".

Indeed, the effective deployment of the available international and domestic security resources on election day was partly responsible for limiting insurgency operations in both number and scale. In the days immediately prior to the election, security forces increased seizures of unexploded ordinance and munitions.[66] Anecdotal evidence suggests that encircling polling centres in high-risk areas with successive rings of police, ANA, and Coalition units, significantly curtailed insurgency operations. Land entry points into Kabul were tightly controlled by ISAF troops, and Afghan police comprehensively searched voters and observers outside each polling station. As a result, election monitors were not attacked, and ballot boxes were not lost.[67]

An ongoing initiative by Kabul to persuade "moderate" Taliban to rejoin the political process and to participate in the forthcoming parliamentary polls, might also have dissuaded some Taliban factions from disrupting the presidential voting.[68]

U.S. pressure on Pakistan to rein in the Taliban also paid off. On 22 September 2004, President Bush reportedly held a three-way meeting in New York during the UN General Assembly with Karzai and President Pervez Musharraf. According to journalist Ahmed Rashid, "Western and Afghan diplomats intimately involved with the meeting said Bush pushed Musharraf hard on reining in the Taliban so the election could take place peacefully".[69]

But while security incidents on election day were fewer than most had expected an insecure environment nevertheless impacted on voting patterns in the most insurgency-affected provinces such as Zabul. A local activist, while lauding the security arrangements around the provincial capital of Qalat, noted that little or no voting had taken place in its

rural areas.[70] According to the final count for the province, there were only 28,712 valid ballots against 76,251 registered voters.[71] Even in Kabul, security apprehensions prompted many to stay home or return immediately after casting ballots.

Yet, despite this unevenness in voting patterns, the high turnout countrywide demonstrated that most Afghans opted to exercise their right to vote, even at the risk to their physical security.

The relatively high proportion of women voters was also significant. They accounted for 40 per cent of votes cast, albeit with differing regional and sub-regional patterns. In the Pashtun areas, for instance, generally considered more conservative than other parts of the country, voting varied sharply along east-south axes. Women were over 40 per cent of voters in all but one of the eastern and south eastern provinces, whereas in three southern provinces -- Uruzgan, Zabul, and Hilmand -- they were well under 15 per cent. Even in Kandahar, the most urbanised of the southern provinces, women were just 25 per cent of total voters.[72] Although it may be too early to identify conclusively the reasons for these sharp differences, diminished security, and therefore more limited civic education campaigns as well as greater fear of Taliban reprisals, is likely to have played a part. In two other provinces, Dai Kundi and Faryab, dominated by Hazaras and Uzbeks respectively, women were more than half the voters, while in Nuristan, a remote eastern province inhabited by a variety of small ethnic groups, there was gender parity.

B. WHAT WENT WRONG

By far the most controversial issue on election day was the widespread failure of polling station workers to use indelible ink correctly and the unwillingness of JEMB and the president's office to acknowledge the

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[66] Ibid.
[67] On 18 October, however, an election official, his driver and three civilians were killed in a roadside explosion in Paktika province.
[68] ICG interviews with Western diplomats, Kabul, June-September 2004. See also Carlotta Gall, "Karzai Effectively Wins Afghan Vote as Count Nears End", *The New York Times,* 25 October 2004.
[69] Ahmed Rashid, "Karzai, Musharraf -- New Regional Equations", *The Nation* (Lahore), 16 October 2004.

[70] He said insecurity had prevented the establishment of a polling centre in Khak-e Afghan, in the far north of the province, and that fewer than 40 individuals had voted in the adjoining district of Day Chopan. ICG interview with a member of the Zabul Solidarity Shura, Kabul, 21 October 2004.
[71] JEMB Secretariat, "Preliminary 2004 Presidential Election Results", 23 October 2004, http://www.afg-electionresults.org/english/english.htm, and JEMB Secretariat, "Registration Update: Provincial Breakdown", 22 August 2004.
[72] JEMB Secretariat, "Preliminary 2004 Presidential Election Results", 23 October 2004, http://www.afg-electionresults.org/english/english.htm.

scale of the problem promptly once it was reported. This damaged JEMB's credibility among many voters and gave losing candidates an opportunity to reject the results.

The problem was caused by a failure of communication within JEMB and between JEMB and the Electoral Secretariat. JEMB had opted for use of ink, which would remain indelible for five days, to identify voters who had cast ballots. The Electoral Secretariat began preparing ballot kits, which were to contain indelible ink, ballot papers and ballot boxes, in February 2004. UNDP, on behalf of JEMB, put out a tender for the kits in late May, and signed a contract for 100,000 bottles of indelible ink and other ballot items with a Canadian supplier on 30 July. In the meantime the Electoral Secretariat had received an offer from the Indian government of free indelible ink marker pens, ballot boxes and ballot papers. JEMB decided to accept the Indian offer also and, on 14 September (a month later than anticipated), received 50,000 indelible ink marker pens. 30,000 ballot kits were required for use in Afghanistan and Iran (IOM made its own logistical arrangements for registration and voting in Pakistan). Each kit contained two indelible ink marker pens, meaning there were enough Indian pens for 25,000 kits. The Canadian indelible ink bottles were used for the remaining 5,000 kits. Kits were not marked to show which had indelible pens and which had bottles and were randomly distributed throughout Afghanistan and Iran. Adding to the confusion, each ballot kit also contained a "permanent" marker pen, almost indistinguishable from the indelible ink pens, to mark ballots. Election workers were given brief training on the indelible marker pens. They were not advised that some kits might have ink bottles instead of pens. Nor were they trained to distinguish between the two types of markers. [73]

As a result, many elections workers did not properly apply the indelible ink. Though the ink from the indelible pens and bottles was effective when properly applied, some used the marker pens instead, and in other cases, the ink was not given time to dry after application.[74] Voters at polling station after polling

station found they could easily wash the ink off their thumbs. As result, JEMB's credibility was marred. Karzai's office, misunderstanding the seriousness, played down complaints raised on Afghan and international media, as isolated incidents.[75]

Other flaws, including a background of multiple registration and the absence of a voters roll, which would have provided protection against multiple voting, compounded the ink problem. The absence of a voters roll made it difficult for JEMB to determine how many ballot papers were needed for each polling station. The compromise arrangement of allocating 700 ballots to each predictably resulted in too many at some and too few at others. Within Kabul, for instance, these grievances were mostly frequently raised in the city's western, predominantly Hazara districts, where turnout was especially high and ballot papers ran out soon after polls opened.[76] The JEMB Secretariat's response to complaints appears to have been slow, giving an opportunity for opposition candidates to question the fairness of the polls.

According to Aziz Royash, Mohammad Mohaqqeq's spokesperson:

> [JEMB Secretariat head] Farook Wardak had promised to supply ballots from the nearest polling stations [if there was a shortage], but his phone was off during the early morning of the election. I also tried to reach [Wardak's deputy] Sadiq Mudabir, but he was unavailable until 11:30 am. By then, thousands of people had disappeared [from the polling centres].[77]

Every polling centre was also required to complete a General Return Form (GRF), which stated how many ballots had been issued and how many had been marked by voters. According to Mohammad Ali Alizada, head of Mohaqqeq's campaign office, seven boxes from Districts 6 and 13 of Kabul municipality were each missing 200 to 300 ballots, though they

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[73] ICG interview with international elections specialist, Kabul, 26 October 2004. Workers had also not been trained to let the ink dry for twenty or so seconds. Moreover, marker pens dried out more quickly if not sealed after each use; some ink bottles had applicators and others didn't.
[74] ICG interview with international election specialist, Kabul, 26 October 2004.

[75] "I must mention that a serious problem emerged this morning with regard to the indelible ink. We and the Joint Electoral Management Body [JEMB] tried to solve it. This was not a general problem. It only existed in some parts. It was indeed a matter of concern, but it was not an all-out problem". Interview with Jawid Ludin, spokesperson for the president, Radio Kelid, Kabul, in Dari, 07:16 GMT, 9 October 2004, as transcribed on BBC Monitoring -- Afghanistan, 10 October 2004.
[76] ICG observation in visits to polling centres in various parts of Kabul province, 9 October 2004.
[77] ICG interview with Aziz Royash, Kabul, 12 October 2004.

were locked at the polling centres, and the GRF for each showed a count of 700.[78]

The counting process was also clouded by other irregularities or procedural shortcomings. Many GRFs, which constituted the only available check against ballot box stuffing, were improperly completed.[79] The absence of candidate representatives or election monitors after polling stations closed and during the transport of ballots to counting centres fuelled allegations of tampering. Several opposition candidates, including Latif Pedram and Yunus Qanuni, alleged, for example, that ballots had been distributed in advance in both Afghanistan and Pakistan.

Some election monitors alleged they had difficulties accessing meetings and obtaining documents from the JEMB.[80] There were also accounts of underage voting. Candidate agents were heavily present in some polling stations and reportedly lobbied voters.[81]

Raising allegations of fraud, some opposition candidates initially threatened to boycott the polls but backed off following personal visits by U.S. Ambassador Zalmay Khalilzad. Subsequently all major opposition candidates, including Qanuni, Mohaqqiq and Dostum, agreed to accept the findings of an independent expert panel established by the JEMB on 11 October and consisting of three international election experts nominated by the UN.[82]

The panel has since given its verdict. In its findings of election day irregularities, it concluded that the most controversial issue, "misuse or misapplication of ink", was "not politically motivated", and "multiple voting was not a significant problem". Procedural irregularities such as underage or proxy voting did take place in a few locations but "not on a scale" that would undermine the election's credibility. A shortage of ballot papers or polling kits were not widespread nor was there widespread ballot box stuffing, bias or intimidation. The panel judged that while there were "minor irregularities", these "could not have materially affected the overall result of the election".[83]

In its recommendations for future elections, the panel emphasised that "major structural changes and measures" should be instituted "to increase transparency, decrease response time and improve management" to "enhance trust and confidence in the electoral management bodies". These included rationalising existing electoral structures; improving communication and coordination between electoral bodies; instituting an impartial audit of the existing voter registration; employing a more transparent process for recruiting election officials; simplifying polling procedures; and improving complaints and adjudication mechanisms.[84]

C.   ELECTION MONITORING

Election support and monitoring was performed by a small number of international monitors and a much more substantial contingent of Afghan observers.

The level of international support for monitoring mirrored the limited international commitment to security arrangements. The Organisation for Security and Cooperation in Europe (OSCE) had 42 election experts in the country. The EU deployed an intergovernmental monitoring mission, numbering 25 persons, and Japan sent ten observers. The Asian Network for Free Elections provided 42. In all, there were 121 international observers present on polling day.[85] This compares with the more than 600 OSCE and European election observers for Ukraine's presidential election on 31 October 2004[86] and 450 for the Georgian presidential election on 4 January 2004.[87]

The OSCE's group, described as an Election Support Team (EST), differed significantly from the electoral observer missions it has deployed elsewhere, both in size and mandate. Its members were deployed from 29 September, in units of two to four, in Kabul and seven regional centres. It first sent out an exploratory mission and then, for a number of reasons, decided to deploy a "support mission" instead of the usual

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[78] ICG interview with Mohammad Ali Alizada, head of Mohaqqeq's campaign office, 25 October 2004.
[79] Ibid.
[80] ICG interview with a Western diplomat, Kabul, 20 October 2004.
[81] ICG interviews, Kabul, 10-20 October 2004. See Article 48 of the Electoral Law.
[82] The panel members were Craig Jenness, a former Canadian diplomat, Staffan Darnolf, an election administration specialist from Sweden, and David Mathieson, a British national and director of Electoral Reform International Services.

[83] See "Final Report of Impartial Panel", op. cit.
[84] Ibid.
[85] Briefing to the Security Council by Assistant Secretary General Hedi Annabi, 12 October 2004.
[86] See OSCE website at http://www.osce.org/news/show_news.php?id=4494.
[87] See OSCE website at http://www.osce.org/documents/odihr/2004/02/2183_en.pdf.

observation mission. Foremost were security concerns -- the "security environment in Afghanistan does not meet the minimal OSCE/ODIHR conditions for effective election observation".[88] Perhaps equally important was the OSCE's view that rigorous scrutiny of the election could prove harmful by challenging public confidence in the outcome. The report of the exploratory mission, not made public, concluded:

> OSCE/ODIHR believes that it would not be fair, helpful or constructive to subject the electoral and democratic process in Afghanistan to such scrutiny at so early a stage of its development, and in such challenging circumstances. Observation can be seen as a double edged sword, enhancing credibility where the process receives favourable comment, but challenging public confidence if observation identifies substantial failings, as conditions described above could potentially envisage.[89]

The EU's Democracy and Election Support Mission (DESM) adopted a similar approach, driven by similar concerns.[90] Its 25 members included a nine-member assessment team based in Kabul and sixteen field monitors. The latter were deployed in teams of two, and posted in eight regional centres: Mazar-e Sharif, Kunduz, Bamiyan, Kabul, Jalalabad, Gardez, Kandahar, and Herat. The DESM's findings have not been made public. The DESM was also tasked with providing technical support to local monitoring institutions, namely the Free and Fair Elections Foundation for Afghanistan (FEFA) and the Afghan Independent Human Rights Commission (AIHRC). The field teams also collated information from FEFA, AIHRC, and other domestic and international sources.[91]

There were 5,321 domestic observers from 26 Afghan organisations.[92] The largest field presence by far was that of the recently established FEFA, which fielded more than 2,300 observers in all 34 provinces.[93] A domestic association, it has received international training and financial assistance. Established in March 2004 by a group of thirteen Afghan non-governmental and social organisations, its founders intend it to serve as a permanent, independent election monitoring body. It received considerable assistance from the Washington-based National Democratic Institute (NDI), which organised in-country "train the trainer" sessions and sent FEFA members to study the July elections in the Philippines and Indonesia. According to NDI, FEFA is currently determining ways of broadening its capacities "to mount a more comprehensive and professional effort in the 2005 elections",[94] when it plans to have between 8,000 and 10,000 Afghan observers.[95] The international community should support this effort.

The forthcoming parliamentary elections would benefit from an expanded domestic, as well as a far more significant international observer presence. If the security environment permits, it is far more likely that intergovernmental and international NGOs would participate. Robust OSCE and EU electoral monitoring teams would help to underpin the forthcoming election's credibility.

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[88] OSCE/ODIHR, "Exploratory Mission Report, Afghanistan Presidential Election", 9 October 2004.

[89] Ibid. The exploratory mission also noted that, "the chairman of the [Interim Electoral Commission] and the JEMB and a number of international interlocutors stressed to the [exploratory mission] the desirability of OSCE observation to 'give credibility to', to 'legitimise' or 'validate' or otherwise enhance the elections".

[90] "The [OSCE exploratory mission] was told that the EU had decided not to observe the elections because of security and other considerations, and that the [DESM] wished to avoid making any formal or public statement or assessment. Rather, it would inform the Afghan governmental and electoral authorities and UNAMA of the findings from its analysis in order to contribute to further enhancement of the democratisation and electoral process". Ibid.

[91] ICG interview with Richard Chambers, Team Leader, European Union Domestic Election Support Mission (DESM), Kabul, 24 August 2004.

[92] UNAMA press briefing, 21 October 2004, available at http://www.unama-afg.org/news/briefing/spokesman/2004/04oct21.htm.

[93] FEFA also stationed observers in all counting centres. ICG interview with FEFA board member, 21 October 2004. See also "FEFA congratulates Afghans for having peaceful elections and expects fair counting", FEFA press release, 10 October 2004, available at http://light.afgha.com/article.php?sid=46510.

[94] In the five weeks prior to the election, NDI trained at its election training and information centres across the country over 10,000 individuals to be agents for fourteen of the presidential candidates. It concentrated on this activity (and producing more than 50,000 candidate agent handbooks in Dari and Pashtu) because it felt that international and national observation efforts would not be sufficiently comprehensive, and trained candidate agents would make a considerable contribution to election legitimacy. More than 50,000 candidate agents -- the largest observation group overall -- were accredited by the JEMB. ICG interview with FEFA board member, 8 July 2004, and e-mail communiqués from Grant Kippen, Country Director, National Democratic Institute (NDI), 30 October and 19 November 2004.

[95] ICG interview with Oren Ipp, National Democratic Institute, Kabul, 27 October 2004.

D. OUTCOME AND IMPLICATIONS

President Karzai won the election convincingly, obtaining 55.4 per cent of the more than 8 million votes cast, far ahead of his nearest challenger, Yunus Qanuni (16.3 per cent). However, voting was largely along ethnic and regional lines. Karzai now faces the difficult task of honouring his campaign pledge to break decisively with warlordism while running a government that enjoys broad support across ethnic lines.

JEMB's table of votes cast by province indicates the extent to which ethnicity and voting patterns overlapped: Karzai led by wide margins across the Pashtun east and south and had a comfortable majority in the multi-ethnic west. In the central highlands and north, however, he led in only two provinces, Balkh and Kunduz, both of which have large Pashtun populations. Elsewhere, Qanuni, Mohaqqeq, or Dostum led, though by varying margins.[96] JEMB's decision to mix ballots from different districts in the provincial vote count makes the task of disaggregating votes in ethnically mixed provinces challenging. Inferences, however, are possible, based on each group's share of the vote in a province and the ethnic make-up of individual districts.

Karzai claimed over 85 per cent of the vote, and in several cases, 95 per cent or more in provinces that are homogeneously Pashtun, or nearly so. His share fell to 60.8 per cent in Wardak and 53 per cent in Ghazni, provinces that extend into the Hazara central highlands. In the western provinces of Farah and Herat, which contain both Pashtuns and Farsiwans,[97] Karzai led by a large margin in predominantly Pashtun Farah but his advantage over Qanuni in mainly Farsiwan Herat was much less. Karzai's 58 per cent share of the vote in Herat suggests, however, that the removal of Ismail Khan has won him some support among that province's Farsiwans. Karzai also benefited from cross-ethnic support in Kabul, where he claimed 53.5 per cent of the vote. Although several rural districts surrounding the capital are predominantly Pashtun, the city itself is

multi-ethnic, and Dari, the local variety of Persian, is the most widely spoken language.

Yunus Qanuni, emerged, as expected, as the major challenger to Karzai. However, he failed to consolidate fully his support base among his ethnic community, the Tajiks, who are commonly believed to be the second largest in Afghanistan.[98] His core support came from his native Panjshir province, (where he obtained 95.1 per cent) and neighbouring districts in Parwan, Kabul, and Kapisa provinces -- the Shura-yi Nazar's strongholds. Qanuni also appears to have gained the bulk of Tajik votes in rural areas of the north, including upland regions of Baghlan, Samangan and Takhar, as well as Tajik areas of Bamiyan, and to have secured most Aimaq[99] votes in Ghor. However, in the predominantly Tajik north eastern province of Badakhshan, over half the vote went to Karzai (a possible consequence of his alliance with former President Burhanuddin Rabbani, a native of the province, and the father-in-law of Karzai's running mate, Ahmed Zia Massoud) and Latif Pedram, a Badakhshani intellectual.

Mohaqqeq, with 11.6 per cent total vote, gained far more support from his ethnic community, making a clean sweep of the Hazara central highlands, and was also supported by Hazaras in Kabul and the large Hazara refugee population in Iran. A crucial element of his success, especially in view of Hizb-e Wahdat's internal rifts, lay in his support by many Hazara civil society actors, who drafted his platform, carried out civic education efforts, and monitored voting on his behalf. Despite efforts to cultivate their support, however, Mohaqqeq drew few votes from the Ismaili and Sunni Hazaras in the north east.

Although he gained only the fourth largest share of the vote, 10 per cent, Dostum had the most consolidated ethnic support base among opposition candidates. Strong majorities in the largely Uzbek provinces of Faryab and Jowzjan, pluralities in more multi-ethnic Sar-e Pul and Takhar, and shares in Baghlan and Kunduz suggest most Uzbeks in these provinces also voted for him.[100]

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[96] See "Afghanistan Presidential Election Results 2004 -- By Province", JEMB website at www.elections-afghanistan.org.af/ Election%20Results%20Website/english/english.htm.
[97] The Farsiwans (literally "Persian-speakers") of western Afghanistan speak a dialect of Persian very close to that of Iran and include a high proportion of Shias. Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (Lahore, 1996), p. 30.

[98] In the absence of a recent census, it is difficult to determine the exact percentages of Afghanistan's ethnic communities.
[99] Sunni, Persian speakers, living in Ghor and parts of Herat and Badghis provinces.
[100] Takhar in particular was a significant development; aligned with Massoud during the Taliban period, its Uzbek commanders felt sidelined after the Bonn Agreement,

Mohaqqeq and Dostum appeared to have benefited from a high turnout among women. They did well in the only two provinces in which women voters outnumbered men and thus reflected their actual share of the population: Dai Kundi in the central highlands and Faryab in the northeast. While greater space for women in public life within Hazara and Uzbek communities may have been a factor, involvement of Hazara civil society in Mohaqqeq's campaign and a decision by Dostum's essentially secular Junbish party to encourage women to register were at least equally important.

On the whole, presidential candidates did not face major challenges within their own ethnic constituencies. Although there were several other Pashtun or Pashtu-speaking candidates, most had narrowly defined constituencies. Sayyid Ishaq Gailani would have been Karzai's closest challenger for Pashtun support but in the closing stages of the campaign opted to support the president.[101] Neither Homayun Shah Asefi, an urbane royalist who lacked the endorsement of former king Zahir Shah, nor Ahmad Shah Ahmadzai, a former deputy to the staunchly fundamentalist cleric Abd al-Rabb al-Rasul Sayyaf, made much of a dent among Pashtun voters.

Among non-Pashtun opposition candidates, Mohaqqeq had no Hazara challenger, and the only Uzbek candidate besides Dostum was Abdul Sattar Sirat. Apart from Pedram, a recent returnee whose constituency outside Badakhshan was largely limited to educated urban Tajiks, Qanuni faced no significant challengers among Tajiks.

In an interview a week after the elections, Karzai recommitted himself to removing warlords.[102] Yet, he now faces the task of ensuring that his political opposition, many of whom (including Qanuni, Dostum, and Mohaqqeq) lead or depend on militia support, do not destabilise his administration. Taking

the easy way out, through backdoor deals to gain their support, would, however, undermine his credibility and set a poor precedent for other administrative reforms.

To show credibly that he is breaking with warlordism, Karzai will also have to demonstrate that some of his own allies are complying with DDR. For instance, running mate Khalili's faction of the Hizb-e Wahdat has links with commanders in the central highlands; former President Rabbani's Jamiat-e Islami party includes commanders in the north; and several locally dominant commanders in Kabul and parts of the north and east are affiliated with another ally, Sayyaf. In addition, the reconfirmation of pro-Karzai governors with militias should be conditioned on compliance with DDR.

As the outcome of the presidential elections demonstrate, electoral politics in Afghanistan, as in other multi-ethnic, multi-regional states, is likely to be conducted along ethnic and regional lines for the foreseeable future. Concerns that warlords would hijack parliamentary polls might, as noted, have been part of the JEMB decision to separate them from the presidential elections. But Qanuni, Mohaqqeq and Dostum, regardless of militia links, also represent their ethnic communities. Indeed, if the parliamentary polls take place as scheduled in April 2005, ethnic communities might again opt for candidates with such links. But at the least, the polls would ensure, as did the presidential elections, that ethnic and regional competition would be conducted through ballots, not guns. However, if elections are again postponed without adequate consultation, these and other contenders might be forced to rely even more on their militias.

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creating an opportunity for Junbish to assemble a militia and party network in the province.

[101] Gailani dropped out three days before the vote but his name remained on the ballot. He had support from Pashtuns in Ghazni and Paktika, reflecting the continued prestige of his family among adherents of the Qadiri Sufi *tariqa*, who are numerous in the two provinces. The present head of the order in Afghanistan is Ishaq Gailani's uncle, Pir Sayyid Ahmad Gailani, who also supported Karzai in the election.

[102] Christina Lamb, "Mandate to wipe out warlords, drugs", *The Australian*, 18 October 2004. Carlotta Gall, "Karzai Trying to Regain Political Backing", *The New York Times*, 9 October 2004.

IV. PLANNING FOR PARLIAMENTARY, PROVINCIAL AND DISTRICT ELECTIONS

A. THE NATIONAL ASSEMBLY AND THE PROVINCIAL AND DISTRICT COUNCILS

The National Assembly will be Afghanistan's highest legislative body and, in the words of the constitution, "shall manifest the will of its people as well as represent the entire nation".[103] It will have two houses: the lower being the House of the People (*Wolesi Jirga*), and the upper being the House of the Elders (*Meshrano Jirga*).[104]

The constitution establishes a strong presidency and a weak legislature.[105] Nevertheless, the National Assembly's primary importance rests on the fact that it will provide political representation to all Afghans. Indeed, given the deep ethnic polarisation, it will serve as the main avenue for the multi-ethnic, multi-regional, population to express its demands and articulate its grievances. As the presidential election demonstrated, citizens believe that representative, participatory institutions would restore peace to their conflict ridden country.

The constitution also provides for a provincial council in every province[106] and district councils.[107] The provincial and district councils will enable political participation at the regional and local levels. As in other post-conflict situations, building strong ties between the centre and the periphery would dampen sub-state tensions, enhance citizen faith in the state and its institutions, and give local communities a sense of power and involvement that would force leaders to start delivering to their constituencies.[108]

However, since the powers and responsibilities of provincial and district councils have yet to be defined,[109] and provincial and district governors will continue to be appointed by, and accountable to, the central government,[110] the effectiveness of these institutions remains to be seen.

In the context of the forthcoming polls, the importance of the provincial and district councils lies in their crucial role in electing the Meshrano Jirga, the upper house of parliament. Under the constitution each provincial council and the district councils in each province shall elect a member of the 102-member Meshrano Jirga. The remaining one-third shall be appointed by the president, 50 per cent of whom shall be women.[111]

Members of the Wolesi Jirga are to be elected through free, general, secret and direct balloting.[112] Beyond this general guidance, the constitution does not specify the method of electing lower house members -- this is provided for in the Electoral Law (see below). The same voting method is prescribed for the provincial and district elections.[113]

B. THE LEGAL FRAMEWORK

The Bonn Agreement mandated the election of a "fully representative government through free and fair elections" no later than two years from the date the Emergency Loya Jirga was convened, namely by June 2004. Since there was no legal framework in place for elections, and a new constitution did not come into effect until 3 January 2004, this left little time to create such a framework, and still less for potential candidates and parties to familiarise themselves with it.

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[103] Article 81, Constitution of Afghanistan.
[104] Article 82, Constitution of Afghanistan.
[105] Among other powers (specified in Article 64), the president determines fundamental lines of policy, with the approval of the National Assembly, and appoints ministers, with the endorsement of the National Assembly. Ministers work under the chairmanship of the President. The government submits draft laws first to the House of the People, and strict time limits are imposed on the National Assembly's consideration of them (Article 97).
[106] Article 138, Constitution of Afghanistan.
[107] Article 140, Constitution of Afghanistan.
[108] See ICG Middle East Report N°33, *Iraq: Can Local Governance Save Central Government?*, 27 October 2004, and ICG Asia Report N°60, *Indonesia: Managing Decentralisation*

and Conflict in South Sulawesi, 18 July 2003. Other ICG reports on local government can be found at www.icg.org.
[109] Article 137 provides, "The government, in preserving the principles of centralism, shall transfer necessary powers, in accordance with the law, to local administrations in order to accelerate and improve economic, social as well as cultural matters, and foster peoples' participation in developing national life". The constitution undercuts even those potentially limited powers by saying that the provincial councils shall "participate" in attainment of the state's development objectives and improvement of the affairs of the province, "and shall advise the provincial administrations on related issues".
[110] ICG interview with Afghan academic, Kabul, 21 October 2004.
[111] Article 84, Constitution of Afghanistan.
[112] Article 83, Constitution of Afghanistan.
[113] Articles 138 and 140, Constitution of Afghanistan.

1. The Political Parties Law

The Bonn Agreement adopted the 1964 constitution as an interim measure until passage of a new constitution. Under Article 32 of the 1964 constitution, the formation of political parties was permitted, but only "in accordance with the provisions of the law". The absence of legislation for the better part of two years proved detrimental to the emergence of moderate political actors. Until the adoption of the Political Parties Law in September 2003, parties wanting to act publicly had to do so under the name of a registered publication, making it difficult for newly emerging parties to organise or gain public visibility.[114]

A draft Political Parties Law, tabled for comment by the justice ministry in May 2003, proposed formidable barriers to the registration of non-militarised parties by including a membership threshold of 10,000. It also worked against political participation by Afghans returning from abroad by barring dual nationals from leadership posts in political parties. The final draft, signed into law four months later, lowered the membership threshold to 700 and dispensed with the bar on political leadership on the grounds of dual nationality or marriage to a non-Afghan.[115] It also replaced a provision obliging parties to "follow and respect Islam and historical and national customs of Afghanistan" with a more measured statement that parties shall not "pursue objectives that are opposed to the principles of the holy religion of Islam".

Unfortunately, the law gives the justice ministry authority to register parties and power to request their dissolution by the Supreme Court. These powers are more commonly conferred on independent electoral commissions. While limiting the grounds on which a party can be dissolved, the law nevertheless fails to ensure due process for a party against whom the justice ministry initiates proceedings; the Supreme Court is the court of first and last instance, its decisions "definite and final".

The registration process has also been insufficiently insulated against political influence -- with the non-registration of Hizb-e Muttahid-e Milli (United National party, UNP), the principal successor to the Parcham wing of the communist People's Democratic Party of Afghanistan (PDPA), being a case in point. Although the Political Parties Law then existed only in draft form, Justice Minister Abdul Rahim Karimi stated in a press conference shortly after the UNP's launch in August 2003 that he saw no room for its participation in political life.[116] Karimi's remarks and his ministry's subsequent stalling of the UNP registration was prompted by pressure from conservative clerics, including Abd al-Rabb al-Rasul Sayyaf and Sheikh Asif Mohseni. Despite requests from the UNP, echoed by UNAMA, the justice ministry has not given credible reasons for its non-registration.[117] Karimi told ICG he had offered to register the UNP if it changed its name and leadership.[118] But the party's potential to mobilise constituents rests largely on the prominence of its leaders, General Nur-ul-Haq Ulumi, a former corps commander in Kandahar, and Suraya Parlika, a well-known women's rights activist and former head of the women's section of the PDPA.

At the same time, parties led by powerful clerics have in some cases been able to circumvent safeguards built into the Political Parties Law. Although the law states that parties are not permitted to maintain militias,[119] Mohseni's unofficial militia in Kandahar was disregarded when his faction of Harakat-e Islami was registered. Even more remarkably, Rabbani's Jamiat-e Islami has cleared two major hurdles on its path to registration: certification by the defence and interior ministries that it does not have militia.[120]

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[114] The Republican party of Afghanistan, for example, operated out of the offices of its monthly magazine, *Pay am-e Madar* ("Mother's Message").

[115] Dual nationality was one of the more contentious issues during the Constitutional Loya Jirga as well, resulting in the following compromise: "Should a nominee for a ministerial post hold also the citizenship of another country, the Wolesi Jirga shall have the right to confirm or reject his or her nomination". Constitution of Afghanistan (2004), Article 72(1).

[116] Karimi stated in the press conference: "We need to make distinction between the parties that facilitated the foreign occupation of Afghanistan and caused sufferings, mass migrations and miseries on the people of Afghanistan and the parties that fought a reasonable and righteous holy war against the occupation to liberate and save the people of Afghanistan.... If they are not going to be banned, one day you will see the war victims, the disabled and families of the martyrs protesting in the streets". *Anis*, 25 August 2003, in Dari.

[117] ICG interview with Suraya Parlika, deputy leader, United National party, Kabul, 28 June 2004.

[118] ICG interview with Abdul Rahim Karimi, minister of justice, Kabul, 28 October 2004.

[119] Political Parties Law, Article 6(5). As part of the application review, the ministries of defence and interior, and the National Security Directorate must separately confirm that a party does not possess or have affiliations with armed forces.

[120] ICG interview with a UN official, Kabul, 23 August 2004.

Karimi, however, says he will uphold the law. "As long as they are resisting disarmament, I will not register them", he told ICG.[121] Karzai must not only implement this pledge but the government should also remove curbs on political party registration before the April 2005 polls.

2. The Electoral Law

The Electoral Law, adopted on 27 May 2004, regulates the conduct of elections. President Karzai had rejected an initial draft, prepared by the justice minister, primarily because of Article 20, which would have allowed parties to nominate lists of candidates for each contested constituency and give voters a choice between voting for a party or an independent candidate. The intention was to strengthen parties. Such a list-based system of proportional representation would provide greater security for individual candidates, whose identity could be subsumed under their party affiliation. However, Karzai contended that the draft left independents at a comparative disadvantage, an objection that some saw as linked to his own lack of a political party.

At first, the government appeared to favour a revised Article 20, providing for a single non-transferable vote (SNTV) system, dispensing with party lists and requiring all candidates to run as individuals.[122] Denying political parties the right to field candidates, however, would have contravened both the constitution and the Political Parties Law. UNAMA was pressured by some European diplomats to urge Karzai to reconsider. The law that was finally signed by the president struck a compromise on Article 20, allowing candidates either to run individually or be nominated by a party, while party lists were abandoned.

"The first draft of the election law was very good -- you can't intimidate the party", said Hakim Nurzai, deputy leader of the formerly royalist Tahrik-e Wahdat Milli (National Unity Movement). "Unfortunately, they changed the law to identify individual candidates [on ballots]". In parts of the country controlled by armed political parties, Nurzai

said, his group would no longer be able to field candidates.[123] Sibghatullah Sanjar, the leader of Hizb-e Jamhuri Khwahan (Republican party), concurred:

> A good election needs a good election law and good security. We have neither of them. The draft election law was a much better one. It provided more protection for party candidates and more opportunities for them to participate.[124]

The SNTV system is ill-suited to a country such as Afghanistan that lacks well-organised political parties.[125] To be successful under it, a party must have sufficient control over its support base in each contested district to instruct it how to allocate votes among the party's candidates. Otherwise, the party risks having too many votes cast for one candidate, beyond the minimum needed for election, and too few for others. Poor understanding could lead to parties gaining a majority of the popular vote but a minority of seats.[126]

A system that encourages party development and participation in the political process is desirable for Afghanistan's nascent democracy. The government should be urged to revise the Electoral Law before the April 2005 parliamentary polls. The director of the Electoral Secretariat appears to agree: "Electoral experts think that SNTV may bring a very fragmented parliament. There will be a need for some amendments".[127] The party list system originally proposed would be more effective in achieving this. This system would allow political parties and independent candidates to run -- encouraging the development and participation of the former, while not excluding the latter.[128]

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[121] ICG interview with Abdul Rahim Karimi, minister of justice, Kabul, 28 October 2004.
[122] This emerged during what participants described as a "brainstorming" session the following day that included U.S. Ambassador and Special Envoy Zalmay Khalilzad and the heads of UNAMA and the Electoral Secretariat.

[123] ICG interview with Hakim Nurzai, deputy leader, National Unity Movement, 23 June 2004.
[124] ICG interview with Sibghatullah Sanjar, Republican party, 3 July 2004.
[125] According to the Afghanistan Research and Evaluation Unit, SNTV is today only used in Jordan, Vanuatu, the Pitcairn Islands and (partially) Taiwan. See Andrew Reynolds and Andrew Wilder, "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan", Afghanistan Research and Evaluation Unit (AREU), September 2004, p. 12.
[126] For a detailed examination of Afghanistan's SNTV system, see AREU paper, ibid.
[127] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 27 October 2004.
[128] A form of list proportional representation has been used, in one variant or another, for initial post-conflict elections in Chile (1989), Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), Bosnia and Herzegovina (1996), Kosovo (2001) and East Timor (2001).

3. Electoral boundaries

The Electoral Law, in the context of an anticipated September 2004 parliamentary election date, set a tight deadline for the president to issue a decree defining provincial and district electoral boundaries no later than 120 days prior to an election for the Wolesi Jirga.[129] Its equation of electoral constituencies with provincial divisions was unfortunate, as it encouraged demands for the redrawing of provincial boundaries without clear criteria.[130]

Prior to issuing his decree, Karzai created two new provinces, Dai Kundi (which includes the mainly Hazara districts of northern Uruzgan) and Panjshir -- taking the number to 34. The haste with which they were created suggests that his primary concern was to cement his alliances with Panjshiri Tajik and Hazara members of his cabinet.

The interior ministry announced formation of Dai Kundi on 28 March 2004. In the wake of the announcement, three influential Shia political figures -- Vice President Karim Khalili, Trade Minister Mustafa Kazemi, and Mohammad Akbari, a Hizb-e Wahdat faction leader who had collaborated with the Taliban but retains influence with commanders in parts of Hazarajat -- lobbied Karzai to appoint their allies to senior posts in the new province. He ultimately named Sarwar Danish, an Iranian-educated member of the Constitutional Drafting and Review Commission, as governor but made concessions to Khalili and Kazemi on key provincial posts.

Dai Kundi's creation may have been defensible in view of Uruzgan's population and territory and the inaccessibility of its capital, Tirin Kot, to the Hazara population. The creation of Panjshir was less evidently so. According to an interior ministry statement, it was "aimed at appreciating the selfless services of the late Afghan national hero [Ahmad Shah Massoud], and the brave residents of that region".[131] Influential lobbyists also proposed a Turkmen-majority[132] province around Andkhoi in the north west, a predominantly Ismaili[133] province in the Pamirs, and new provinces for the Shinwari and Sulaiman Khel Pashtuns. These were rejected but they may all be revived in post-presidential election manoeuvring. The creation of new provinces involves territorial and administrative restructuring, both potentially contentious issues, and could, unless carefully thought through, fuel ethnic tensions.

The urgency of defining electoral constituencies in order to meet the 120-day deadline in the Electoral Law and the impending mid-October date resulted in a hastily drafted and ill-conceived Presidential Decree on Electoral Constituencies on 5 June 2004. It set out the 34 provinces and listed their districts -- some 360 in total -- but without accurate data to delineate their boundaries. This urgently needs to be rectified, as the Electoral Law requires that candidates and voters in district elections reside in their district.[134] Similarly the number of members of each district council is to be calculated on the basis of population.[135] Neither of these requirements can be met in the absence of defined boundaries.

The decree also failed to mention a number of functioning districts that were recognised during the Emergency Loya Jirga after complaints from local authorities. Urban administrative districts were ignored entirely. Further, there are likely to be disputes about whether districts have been assigned to the correct province. To take one example, Gizab, a mixed Pashtun and Hazara district and the subject of a heated dispute between the communities, is assigned both to

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As one commentator notes: "As would be expected from their widespread use, [proportional representation] systems have many advantages for transitional elections in new democracies: they are fair, transparent and provide a clear correlation between votes cast in the election and seats on in parliament. By bringing minorities into the process and fairly representing all significant political parties in the new legislature, regardless of the extent or distribution of their support base, PR is often seen as an integral element for creating an inclusive and legitimate post-authoritarian regime". B. Reilly, "Post-conflict elections: constraints and dangers", in *International Peacekeeping*, Special Issue, "Recovering from Civil Conflict", vol. 9, no. 2, Summer 2002, pp. 118-139.

[129] Electoral Law, Article 11.

[130] The redrawing of provincial boundaries in 1964, prior to the Wolesi Jirga elections the following year, provided a precedent but one that was hardly a model of equity. Most of the new provinces were established in the Pashtun east and south, or in northern areas where Pashtuns had been settled as a matter of state policy. (Representation in the Wolesi Jirga, under the 1964 constitution, was based on the number of provinces rather than on the size of each province's population).

[131] IRNA, "Panjshir becomes 34th province of Afghanistan", 13 April 2004.

[132] A Turkic ethnic group in the north west, settled mostly along the banks of the Amu Darya River.

[133] A dissident sect of Shiite Islam that recognises a succession of six Imams after the Prophet Mohammad and accepts the spiritual authority of the Aga Khan, a lineal descendant of the sixth Imam.

[134] Articles 32 and 34 of the Electoral Law.

[135] Article 33 of the Electoral Law.

Pashtun-majority Uruzgan and Hazara-majority Dai Kundi.[136]

To address these problems, a new decree, based on available cartographic data and addressing administrative realities on the ground, must be issued at least 120 days[137] before the April 2005 elections. That 120-day requirement could be abbreviated by amending the Electoral Law, given the importance of adhering to the election schedule. The government, however, should allow adequate time for disseminating information about constituency boundaries and resolving disputes through a transparent mechanism.

C. POPULATION DATA AND SEAT ALLOCATION

Population figures are required in order to determine the number of seats in each province for the lower house of parliament, the directly elected Wolesi Jirga.[138] These figures are also needed to determine membership of each provincial and district council.[139] The Central Statistics Office (CSO) must provide the "official population figures or estimates for each province" to the Independent Election Commission at least 90 days prior to the election.[140] There is a straightforward seat allocation method for Wolesi Jirga seats: the total population is divided by the number of seats (249) and the population of each province divided by the resulting figure.[141]

Although the Bonn Agreement obligated the UN to carry out a census prior to the elections, a project document subsequently signed by the UN Population Fund (UNFPA) and the CSO limited UNFPA's responsibility to providing technical expertise. Its terms were standard practice for the agency, which is not an implementing organisation. However, devolving implementation to a government institution that was ill prepared to conduct a census created problems from the outset.

UNFPA's assistance to CSO included vehicles, data processing and cartographic equipment, and training of field staff. Most importantly, in view of CSO limitations, UNFPA agreed to provide technical expertise. The agency's chief technical adviser, however, left Afghanistan at the end of December 2003. UNFPA has engaged two consultants, neither based permanently in Kabul, to review intermittently CSO progress and is considering appointing a full-time successor.[142]

Since October 2002, the CSO has been listing households, a preliminary survey that includes only very basic information such as the number of people living in each household and the number over the age of eighteen.[143] Though the listing was originally expected to conclude in March 2004, by early November 2004 fieldwork had been completed in only 29 of 34 provinces and was partially completed in Uruzgan. Work in the mountainous new province of Dai Kundi is on hold due to winter weather, and the CSO was awaiting security clearance from the interior ministry to proceed in three southern provinces: Paktika, Zabul and Helmand.

The preliminary results of the household listing are, moreover, contested. "People don't have any faith in the survey conducted. People have questioned the results", says Electoral Secretariat Director Farook Wardak.[144] "It needs to be strengthened. People need to be convinced about the credibility of the process". He cited complaints of disparities in reported numbers for particular districts and that surveyors in some cases did not speak the local language. According to other accounts related to ICG, CSO teams in some districts, such as Malestan (Ghazni province), gathered population estimates from village elders and district administrators instead of conducting house-to-house surveys.

The CSO is technically ill equipped to assess the impact of displacement and returns on population projections. An informed observer said, "they don't

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[136] Decree No. 36, "Determining Electoral Constituencies (Hawzah) of the Wolesi Jirga", 5 June 2004.
[137] Article 11 of the Electoral Law.
[138] Article 18 of the Electoral Law.
[139] Articles 29 and 31 (provincial), and 33 and 36 (district) of the Electoral Law.
[140] Electoral Law, Article 19.
[141] Electoral Law, Article 19(2). For a detailed analysis of the electoral process and seat allocation, see Andrew Reynolds and Andrew Wilder, "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan", Afghanistan Research and Evaluation Unit (AREU), September 2004.

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[142] ICG interviews with Athanase Nzokirishaka, Deputy Representative, United Nations Population Fund (UNFPA), Kabul, 8 July 2004 and 2 November 2004.
[143] The full census is intended to yield much more detailed socio-demographic data, including age, sex, and education levels, as well as mortality, fertility, and migration rates. UNFPA does not anticipate the larger exercise commencing until mid-2005, due to a lack of funds and delays in completing the household listing.
[144] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 27 October 2004.

have good statisticians or demographers, and some of the people they have are not trainable".[145] Given the extended period over which the household listing was conducted and the large refugee repatriation that has taken place during this time, it is also likely that much data -- particularly for urban areas, where returning refugees have tended to concentrate -- is out of date. "The government has to come up with a mechanism", Wardak said. "There is no data [set] comprehensive enough that it covers every part of the country equally".[146]

It is highly desirable that the CSO provide reasonably accurate population figures before Wolesi Jirga, provincial and district seats are determined. In a political environment that is riven by ethnic tensions and in which perceptions of under representation carry the prospect of destabilisation, population data used to allocate seats must be easily defensible. There are three options:

❑   use the existing household survey data, combined with a post-enumeration survey as a quality control measure. Such a survey would entail revisiting sample sites with different survey teams, asking the same questions. The results from these samples would be compared with the original data sets.[147] If the margin of error were found to be untenably high, a full census would need to be considered;

❑   carry out a full census, to be competed at least 90 days prior to the election date. This would be a lengthy process, even if adequate funding and resources were immediately given to UNFPA and CSO.

❑   obtain estimated population figures, using the household listing and post-enumeration survey and, with expert technical assistance from UNFPA, current and new registration figures, presidential voter turnout figures and extrapolation from the 1979 census data.

Clearly a full census is the most attractive option, but it will not happen in a timely fashion (before January 2005), due to lack of funding, resources and political will. If the household survey does not prove

sufficiently accurate, a decision will need to be made as to the credibility of estimated population figures and whether or not their use would undermine the legitimacy of the elections.

D.   REGISTRATION OF NEW VOTERS AND VOTERS ROLL

Between completion of registration in August 2004 and elections in April 2005, hundreds of thousands of Afghans will turn eighteen, die, change districts and provinces, and return from abroad.[148] In a country with a registered electorate of just over 11 million, this could lead to serious discrepancies in the number of eligible voters. Add to that the fact that in some parts of Afghanistan registration was low, particularly among women, and that in others it exceeded the estimated electorate, it is clearly desirable that a further registration exercise take place before the next elections. This would require significant new funding. If available resources limit the scope -- and security conditions permit -- the JEMB should concentrate on those provinces and districts that had particularly low registration rates (such as Zabul and Uruzgan in the south and parts of the central highlands) and on large population centres where the greatest changes in eligible voters take place.

The JEMB must also compile a voters roll.[149] This was meant to be completed before the presidential election. Sweden allocated funds in 2002 to a household listing project[150] to be carried out with UNFPA assistance and on the understanding that the voters roll would be compiled from the data. Due to delays in this project, a decision was made to use voter registration cards as the basis for assembling a roll but 1 million cards had yet to be entered into the Electoral Secretariat's database by 9 October 2004. The end result was that there was no roll for the presidential elections. It would take a

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[145] ICG interview with source familiar with the Central Statistics Office, Kabul, July 2004.

[146] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 7 July 2004.

[147] ICG interview with Athanase Nzokirishaka, Kabul, 8 July 2004.

[148] ICG interview with diplomat, 20 October 2004.

[149] Article 38 of the Electoral Law provides: "The IEC must certify the voters roll or the segments of the voters roll to be used in the election and make it available for inspection fifteen days ahead of election in public places determined by the IEC".

[150] The household listing is a preliminary survey that includes only very basic information, such as the number of people living in each household and the number of those that are over the age of eighteen. The full census is intended to yield much more detailed socio-demographic data, including age, sex, and education levels, as well as mortality, fertility, and migration rates.

month to enter the remaining registration cards into the database -- but even when complete, the database would not contain sufficient information on residence for the upcoming elections, meaning that a further registration exercise will be required.

Location of registration was not important for the presidential elections, for which there was a single national constituency.[151] In the upcoming parliamentary, provincial and district elections, however, it will be necessary to ensure that voters vote in their home provinces and districts as members of these bodies will be elected according to the votes they receive in their constituency.

E. MANAGEMENT OF THE ELECTIONS

The process for the parliamentary, provincial and district elections will be far more complex than that for the presidential elections. There will be three simultaneous elections, instead of one, and probably thousands of candidates for thousands of positions. This will be a challenging task for JEMB and the Electoral Secretariat. The JEMB acknowledges that it needs to improve its performance. According to Farook Wardak, the director of the Electoral Secretariat, "Some of the mistakes we may make here [the presidential election] will not be repeated in the parliamentary election, which is going to be much more complicated".[152]

The JEMB's independence is essential for the credibility of parliamentary polls. During the presidential elections, many candidates viewed it as partisan. One, Ahmad Shah Ahmadzai, said, following the vote, "we don't trust a single one of the JEMB members".[153] This attitude extended to segments of public opinion. An Afghan observer declared, "this is a government body. It is not independent".[154] Another insisted that,

"JEMB had responsibility to elect one candidate".[155] International observers had concerns about the independence of JEMB's UNAMA members.[156]

At present, the expansive JEMB mandate includes adopting regulations and procedures governing electoral matters, investigating electoral irregularities, and hearing and deciding on election-related complaints and problems.[157] This concentration of law-making, investigative, and adjudicative powers in an institution the majority of whose voting members were appointed by the president raises legitimate questions about impartiality. For instance, the JEMB has the responsibility of vetting all candidates to ensure they do not have militias, or are not part of them, and meet other criteria.[158] For this alone, it is essential that it is seen as and is in practice non-partisan. Under the Electoral Law, it has seven days for to complete the vetting process[159] -- completely inadequate for anything other than the most perfunctory of checks on most candidates. If the task is to be done properly, the Electoral Law will need to be amended to allow more time, and the international community will have to ensure the JEMB has the resources to do reasonably effective vetting.

Moreover, local and international observers consider JEMB's Afghan members relatively weak. The Electoral Secretariat, tasked with implementing JEMB decisions,[160] and UNAMA's electoral unit, which advises the Secretariat, played a larger role in preparations for the presidential elections and will presumably continue to do so unless the JEMB is reconstituted. For Afghan ownership and acceptance of the April 2005 elections, the composition of the Afghan members of the electoral management body must be changed.

The critical task facing the JEMB is to decide on a schedule for the parliamentary polls. There are already signs of reluctance to hold them on time. For instance, the director of the Electoral Secretariat advised ICG that while planning is "absolutely" proceeding for April elections, the JEMB and the Electoral Secretariat might not be able to complete all

[151] According to JEMB, each voter in the presidential election was "authorized to vote where he/she wants", although this was contrary to Article 14 of the Electoral Law, which provides that "Electors shall cast their votes in the place where their names are registered in the voter registration list". See JEMB website at http://www.afg-electionresults.org/english/english.htm.

[152] Ron Synovitz, "Afghanistan: Election Officials try to Learn from Mistakes in Vote", RFE/RL, 11 October 2004.

[153] "Elections Close Not With a Bang, But a Whimper", Afghan Recovery Report No. 140, Institute for War and Peace Reporting (IWPR), 11 October 2004.

[154] ICG interview with a FEFA board member, 21 October 2004.

[155] ICG interview with Afghan academic, 21 October 2004

[156] ICG interview, Kabul, 20 October 2004.

[157] Under the Electoral Law, the IEC is responsible for managing the process of the election (Article 7). See also the "Decree on Arrangements for Holding Elections during the Transitional Period" (Article 2).

[158] Articles 20, 21 30, 34, 44 and 45 of the Electoral Law.

[159] Article 45 of the Electoral Law.

[160] Article 3(i) of the Electoral Law.

necessary tasks in time. His personal view was that there would be a delay of two or three months.[161] There have also been suggestions that provincial and district elections may be held after, the parliamentary elections.[162]

Every effort should be made to ensure these elections proceed together in April as scheduled. Any decision now to defer would be strongly opposed by many political parties and actors, who are keen to contest the elections. Postponement would also mean that President Karzai would continue to rule without any legislative check on his authority, which might well undermine his government's legitimacy. In addition, the high turnout for the presidential election demonstrated a strong desire on the part of Afghans to participate in the political process -- a desire that should not be lightly ignored. However, if the JEMB concludes, as Wardak implies, that it needs a few additional weeks to complete preparations, it must announce as soon as possible the definitive date, after consulting all stakeholders, including the political opposition.

F.   SECURITY ISSUES

1.   The militias and DDR

The security environment presents two sets of challenges for election planners: those posed by actors formally committed to the Bonn process and those posed by groups who remain outside it.

In the perceptions of some Afghans, "the Bonn Agreement empowered militia commanders. People who had no legitimacy in the eyes of the people, people who had failed the state, were brought back into the political process".[163]

In recent months, Karzai has repeatedly stressed that warlordism and factional infighting is more a threat to the security and political reconstruction of Afghanistan than the Taliban insurgency and al-

Qaeda presence and has declared his intention to deal with this threat. In his first public comments after winning the presidency, for instance, he declared, "there will not be any private militia forces in Afghanistan. That is the first demand of the Afghan people".[164]

It is critical that Karzai back his words with action. The control that regional and local commanders exert over militia, police, and intelligence resources gives them access to revenue streams that can generate patronage and could leave little political space for their opposition during the parliamentary elections. If they are not disarmed, they could coerce opposition candidates and intimidate voters and electoral workers.

It is also essential that the Coalition and ISAF support the central government in countering warlordism and promoting disarmament, demobilisation, and reintegration. That view was expressed by ICG previously and repeated by many observers, including the independent expert of the UN Commission on Human Rights who stated, "The DDR process is progressing slowly, essentially because the Government and ISAF do not have the military capabilities to carry it out and the Coalition forces are disengaged from the process."[165] Over the past year, the Karzai administration has relied primarily on a strategy of coopting local commanders, which has contributed to factional fighting in Faryab and Herat and so undermined the security environment in these provinces. While the removal of Ismail Khan as governor of Herat may have opened greater political space and given the central government vital revenue, it has also empowered local commanders in the west, such as Zahir Nayebzada in Badghis province, whose interests are irreconcilable with the objectives of the Bonn Agreement.

Since its April 2003 launch, the UNDP-managed Afghanistan New Beginnings Program (ANBP) has progressed haltingly toward the primary objective of DDR: the progressive decommissioning of all regular militia units recognised by the ministry of defence. These units, known informally as the

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[161] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 27 October 2004.
[162] If the provincial and district elections are delayed, the Meshrano Jirga (House of the Elders), and hence the National Assembly, cannot be constituted. Under the transitional provisions of the constitution, the powers of the National Assembly are vested in the government until the National Assembly is established.
[163] ICG interview with Afghan academic, Kabul, 21 October 2004.

[164] Keith Richburg, "Karzai Vows to Crack Down on Warlords, Drug Dealers: Afghan President Offers Amnesty to Taliban Fighters, Loyalists", *The Washington Post*, 5 November 2004.
[165] "Report of the independent expert of the Commission on Human Rights on the situation of human rights in Afghanistan," UN General Assembly, A/59/200421, September 2004, p.13.

Afghan Military Forces (AMF), were established by the ministry at various points following the signing of the Bonn Agreement, most often at the request of individual militia commanders. As a compromise between the ANBP and the ministry, both parties accepted AMF's size -- and thus the number of officers and soldiers to be demobilised -- as 100,000. This was, however, a purely arbitrary figure. Most militia commanders maintain only relatively few combatants on active duty but retain the capacity to mobilise many more through "team leaders" in each village; the elasticity of membership in militia units thus makes any projection of potential strength inherently speculative.[166]

The ANBP was from the outset linked explicitly to the elections, with the principal donor, Japan, expressing a desire to see it completed by June 2004, the date then envisioned for both presidential and parliamentary elections. A late start to the DDR pilot phase, owing to delays in internal reforms of the ministry as well as stalling on compliance by militia leaders, including top ministry personnel, effectively prevented this. Accordingly, benchmarks for free and fair elections, circulated by UNAMA at the Berlin donors meeting in late March/early April 2004, set a more modest target: 40 per cent reduction in AMF troop strength prior to elections[167] by decommissioning 20 per cent of the units and downsizing a further 20 per cent.[168]

Heavy weapons collection, while not part of the ANBP's original mandate, was incorporated into the DDR process in January 2004, through agreement between ISAF and the ministry to move such weapons in Kabul to cantonment sites outside the capital, [169] a key provision of the Bonn Agreement. During preparation of the Berlin donors meeting, however, UNAMA identified a much broader objective, cantonment of all heavy weaponry in the country as a precondition for elections.[170] Airlift for

heavy weaponry transport was made available by the Coalition's Office of Military Cooperation, which thus underwrote much of the cost, while Coalition and NATO Provincial Reconstruction Teams have assisted on a case-by-case basis.[171]

The lack of sufficient progress toward the goals set out in Berlin for demobilisation of troops and heavy weapons cantonment has been cited as a justification for postponing the parliamentary elections. Jean Arnault, the Special Representative of the Secretary General, told ICG in July 2004 that, "Parliamentary elections are so susceptible to the local balance of power, that we can't take chances with them -- the tolerance is much less there than with the presidential election".[172] However, the UN did not identify separate thresholds for the presidential and parliamentary elections in its benchmarks at Berlin.

On 6 September 2004, President Karzai had issued an executive decree directing the demobilisation of some 27,000 militia forces by 9 October. A week later the unit-by-unit planned demobilisation matrix was distributed. It had two flaws. First, not all of the units to be demobilised were given dates for the final demobilisation to occur. Second, some of the demobilisation targeted numbers of individuals to be reduced without clarifying the disappearance of the units themselves.

As of late October 2004, some 21,000 officers and soldiers had been demobilised through the ANBP, while about 80 per cent of the functioning or serviceable heavy weapons stocks in possession of the ministry had been transferred to cantonment sites. According to an official involved in the DDR process, targets for March 2005, and by implication for the April 2005 elections, include demobilisation of a further 36,000 combatants and cantonment of the remaining 20 per cent of defence ministry heavy weaponry, as well as unassessed heavy weapons in possession of the interior ministry and the National Directorate of Security.[173] Attempts are being made to pressure militarised political parties to give up arms by making registration contingent on demilitarisation. An agreement reached between UNAMA, the ANBP, and President Karzai in late October, for instance, required the demobilisation by November of entire divisions linked to any political

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[166] See ICG Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003.

[167] UNAMA, "Holding a Free and Fair Election in Afghanistan", undated document circulated at the international conference on Afghanistan, 31 March-1April 2004.

[168] See ICG Asia Briefing, *Elections and Security in Afghanistan*, 30 March 2004.

[169] Crispin Thorold, "Kabul Disarmament Accord Signed", BBC World Service, 12 January 2004.

[170] ICG interview with an official familiar with the DDR process, Kabul, 24 October 2004. The enabling presidential decree, issued on 27 March 2004, provided for cantonment of all heavy weaponry belonging to the AMF by the ministry, assisted by the ANBP.

[171] Ibid.

[172] ICG interview with Jean Arnault, Kabul, 11 July 2004.

[173] ICG interview with an official familiar with the DDR process, Kabul, 22 October 2004.

party that intends to register with the justice ministry, as well as cantonment of heavy weaponry.[174]

However, the defence ministry's authority to identify the individual personnel to be demobilised and the elasticity of the units means that many official militias will simply be transformed into unofficial militias -- of which Afghanistan already has a sizable number -- allowing commanders to downsize their units into leaner forces. The rapid expansion of narcotics production during the past two years has also made militia leaders less reliant on the ministry for funding, removing key leverage from the central government. As well as a customary 10 per cent tax on poppy producers, militia leaders impose a host of other illegal taxes on farmers and traders that more than cover the cost of maintaining their leaner forces. Although President Karzai has issued a decree stipulating that persons maintaining unofficial militia will be "punished",[175] neither the ANA nor trained police are presently sufficient strong to enforce this. Attaining that capability as well as implementing judicial reforms that would enable the credible prosecution of offenders may take several more years. Both the ANBP and donors, meanwhile, have resisted expanding the DDR process to cover unofficial militias, deterred by the size of the task and the open-ended commitment it would require.[176]

In addition, the ministry of defence has, since June 2004, been attempting to slow down DDR by shifting units from divisions slated for decommissioning to divisions that are as yet slated only for downsizing or are simply not covered under the current phase. Militia leaders have also taken steps to conceal their heavy weaponry; an estimated 30 per cent of functioning or serviceable heavy weaponry in Panjshir, for example, remains unassessed.[177]

In the absence of international monitoring, candidates who lack central government backing or militia protection would continue to face pressure.[178]

Independent and opposition figures are urging that DDR be fully implemented to allow for free and fair parliamentary polls. "The main issue is DDR", an intellectual in Maimana commented. "If there is no DDR, there is no security, no extension of central government authority in the provinces, and therefore no free and fair election".[179]

The need for DDR has been echoed by Farook Wardak, the head of the Electoral Secretariat:

> If we don't give the people security, there won't be elections, and there shouldn't be elections. If there is not good security, the parliament will only consist of the warlords. You have to give an assurance to the people that they can be candidates.[180]

In light of the history of delays in the DDR process, it remains to be seen whether recent efforts will be any more successful, particularly given Kabul's inability to extend its authority physically to the periphery and the inadequate international security presence. Insistence on full and complete DDR before the elections would almost certainly have the undesirable consequence of delaying those elections. If that happens, an incentive for militia leaders to disarm so as to register their parties would be removed. The government should continue to push for maximum DDR compliance before the elections and rigorous enforcement of the benchmarks for registration contained in the Political Parties Law, if necessary using the ANA and the police, supported by ISAF and Coalition forces, to ensure that the president's public commitment to disarm the militias is kept.

2. Taliban and other insurgents

It is difficult to ascertain the extent to which the Taliban could disrupt the parliamentary polls. Clearly they were either unable or unwilling to carry through their avowed intention to disrupt the presidential election. President Karzai is downplaying the threat even as he pursues a policy of dialogue with moderate Taliban factions, a carrots and sticks strategy in which the Coalition plays an important part. While the

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[174] Ibid.
[175] Carlotta Gall, "Afghanistan hears leader get tough on disarmament", *The New York Times*, 15 July 2004.
[176] Ibid.
[177] Ibid.
[178] Suraya Parlika, the deputy leader of the United National party and a prominent women's rights activist, has repeatedly experienced acts of intimidation during the post-Bonn period, including threatening phone calls and the ransacking of her NGO office. On 22 June 2004, an unidentified gunman fired three shots at her through the window of her apartment in Microrayon, a sprawling Soviet-built housing complex. A

cursory police investigation two hours later made no attempt to interview potential witnesses, other than a solitary first-floor resident who was ill situated to have seen the assailant. ICG interview with Suraya Parlika, Kabul, 28 June 2004.
[179] ICG interview, Maimana, 10 June 2004.
[180] ICG interview with Farook Wardak, director, Electoral Secretariat, Kabul, 27 October 2004.

Coalition continues to carry out military operations against Taliban insurgents, Karzai has, as in the past few months, again offered an amnesty to Taliban fighters and supporters, calling upon them to play an active role in rebuilding Afghanistan. There have also been efforts to co-opt members of Gulbuddin Hikmatyar's Hizb-e Islami faction, which is loosely aligned with the Taliban but has a distinct support base and a theatre of operations in eastern provinces such as Kunar and Nangarhar.

"We would like all Afghans to come and participate in the rebuilding this country -- all Afghans, the Taliban as well", Karzai emphasised in his first public pronouncements after winning the October election. He added that only a few, "maybe 50 to 100" would be excluded "that have an association with al-Qaeda or terrorism, or have committed crimes against the people".[181] Kandahar's governor, Yusuf Pashtun, certainly believes that engagement with the moderate Taliban should be encouraged. "Our belief in democracy tells us that a person among the Taliban who is not accused of a particular crime can join the peace process. Definitely he should be treated like an ordinary Afghan, and he should have the same right[s]...."[182]

Any dialogue with the Taliban or Hizb-e Islami should, however, be consistent with the objectives of DDR and professionalism of government institutions. If it is not, the credibility of the central government would be undermined, and commanders associated with the former United Front (Northern Alliance) would have a pretext for resisting DDR and the extension of the centre's authority. Vetting of candidates associated with either organisation should, as with the United Front, strictly exclude known human rights offenders or those with linkages to drugs.

Moreover, even if Karzai manages to translate his pledges of reconstructing Afghanistan, including the Pashtun belt, into reality and persuades the more moderate Taliban supporters to renounce violence, Taliban hardliners will continue to pose a threat to the security of the state and its citizens. Indeed, the militants have escalated their attacks against the government and its international allies, including UNAMA, after the presidential poll.

There are early indications that the Taliban's influence will remain extensive in the wake of the presidential

elections. On 21 October, Taliban insurgents killed Mullah Abdul Jalil, a cleric who had been a member both of the Zabul Solidarity Shura, a council promoting voter registration and participation in the elections, and Karzai's provincial election campaign committee.[183] Three days later the Taliban claimed responsibility for an attack in central Kabul, which killed a U.S woman, and a ten-year old Afghan child.[184]

Afghan NGO staff in southern Afghanistan believe that most recruitment for the insurgency takes place in cross-border refugee camps such as Kishlak, near the Pakistani city of Quetta, and that recruits are reportedly paid for their cross-border missions. This, say these NGO sources, is evidence that Pakistan's Inter-Services Intelligence continues to sponsor the Taliban.[185] Regardless of the veracity of this information, a shift in Pakistan's policies could have a significant impact on the level of cross border insurgency. By most accounts, many of the Taliban and forces loyal to Hikmatyar operate from Pakistan's border provinces. President Musharraf reportedly cracked down, under U.S. pressure, on the Taliban and other insurgent groups for the 9 October election.[186] Sustaining that pressure on Pakistan would pay dividends for the parliamentary elections.

At present, understandably, security planning for the April polls is proceeding on the basis that the Taliban and other insurgents will remain a serious threat. The proposed security structure for voting sites is unchanged: multiple rings, with security first provided by police, backed up by the army and supported by the Coalition forces and ISAF. Ideally, however, NATO and the Coalition should expand their security presence for the April 2005 polls. At the very least, NATO should retain those additional forces deployed for the presidential vote. It should also urgently implement its overdue deployment into western Afghanistan.

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[181] "Karzai to Crack Down on Warlords", op. cit.
[182] Ibid.

[183] ICG interview with a member of the Zabul Solidarity Shura, Kabul, 21 October 2004.
[184] "Militants extend Afghanistan hostages deadline", *The Guardian*, 1 November 2004.
[185] ICG interview with Afghan NGO staff based in the south, Kabul, 25 June 2004.
[186] Ahmed Rashid, "Karzai, Musharraf -- New Regional Equations", *The Nation* (Lahore), 16 October 2004.

3.   The pervasive influence of drugs

Drug money is having a pervasive influence on Afghanistan's politics. In 2004, the country has produced an estimated 4,200 tons of opium -- 87 per cent of the world's illicit crop. With cultivation having now spread to all provinces, 131,000 hectares are dedicated to opium farming. This earned farmers and traffickers an estimated $2.8 billion, the equivalent of more than 60 per cent of Afghanistan's 2003 GDP.[187]

Antonio Maria Costa, executive director of the United Nations Office on Drugs and Crime (UNODC), warns, "the fear that Afghanistan might degenerate into a narco-state is slowly becoming a reality as corruption in the public sector, the diehard ambition of local warlords, and the complicity of local investors are becoming a factor in Afghan life".[188]

Militia leaders, including senior officials in the central government and provincial administrations, control much of the drug production. Warlords' access to drug money makes it difficult to disarm their militias, as one of the few means of leverage over the militia commanders is the payment of salaries for their forces. According to one source, since "spring 2003, taxes from drugs have overtaken salary payments from the finance minister as the main source of income for the militias".[189] In Afghan perceptions, "Militia commanders will seek to dominate government -- and they will have the power to do so because of drug money".[190] This income also allows the Taliban to fund its insurgency.

Karzai has promised to tackle the problem. "The fight against drugs will be top of my agenda. That means fighting drugs everywhere -- inside and outside the government. We must get rid of this".[191] His head of counter-narcotics, Mirwais Yassini, has promised to speed up the eradication process. "The ten-year strategy is too long. You go after the high-value targets, and we will do that within the next six months".[192] However, the UNODC head says that "Afghanistan's ten-year counter-narcotics strategy, based on improved living conditions for farmers, determined law enforcement against traffickers, and strong demand reduction, remains valid".[193]

The Afghan government will not be able to achieve much in the short-term, moreover, without the greater international assistance that is now promised.[194] Even then it will not be easy. Its police and army do not yet have the numbers or capabilities to tackle this problem. The rules of engagement for the Coalition's Operation Enduring Freedom are changing, however, to allow active interdiction, not just interdiction on the basis of opportunity, which has had little overall impact on the drugs trade, and to allow initiatives on behalf of the Afghan counter-drug authorities, for example, using intelligence assets to target the high value parts of the narcotics chain, including laboratories, warehouses, and large-scale transportation networks.[195]

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[187] "Afghanistan Opium Survey 2004", United Nations Office of Drugs and Crime (UNODC), November 2004. Also see, "Post-invasion Chaos Blamed for Drug Surge; Afghanistan's opium poppy crop is at a record level", *Los Angeles Times*, 4 October 2004.

[188] "United Nations Drugs Office Reports Major Increase in Opium Cultivation in Afghanistan", UNODC, 18 November 2004, available at http://www.unis.unvienna.org/unis/pressrels/2004/unisnar867.html.

[189] ICG interview with diplomat, Kabul, 22 October 2004.

[190] ICG interview with Afghan academic, Kabul, 21 October 2004.

[191] "Mandate to wipe out warlords, drugs", *The Australian*, 18 October 2004.

[192] "Afghans try to curb drugs trade", *The Guardian*, 6 October 2004.

[193] "United Nations Drugs Office Reports Major Increase", op. cit.

[194] The U.S. State Department briefed the press on 17 November 2004 on an intensified counter-drug effort meant to respond finally to Karzai government requests, UNODC expressions of grave concern about spiraling opium production and the conclusion of most observers, including ICG, that drugs are contributing to corruption, and financing warlords as well as most of the illegal armed groups in the country. Officials subsequently told ICG that the $780 million new investment in a counter-drug effort would heavily emphasise eradication but also include substantially more than $100 million for alternative livelihoods, as well as support for law enforcement (a counternarcotics prosecutorial task force) and interdiction. The intention is to eradicate 30,000 hectares of opium in 2005, targeting particularly Helmand, Nangarhar and Badakhshan provinces, where UNODOC estimates 56 per cent of the 2004 crop was grown. Eradication is to be both by voluntary action with community support and forced eradication beyond the efforts in 2003 and into more provinces, and aerial eradication, although the latter has not yet been agreed to by the Karzai government or other international partners. See http://www.state.gov/g/inl/rls/prsrl/spbr/38352.htm; ICG interviews with U.S. officials, Washington, 19 November 2004.

[195] U.S. officials told ICG that as part of the new intensified efforts, Coalition forces finally have been authorised to seek out actively -- without jeopardising their main counter-terrorism goal -- the sources of drug financing (laboratories, warehouses and the like), to transport drug enforcement elements to areas of interest, and to support Afghan border brigades in their efforts to halt drug trafficking. All this

Nevertheless, for any comprehensive policy to succeed, a number of factors will have to come into play. These include the Coalition distancing itself from commanders who have stakes in the drugs trade but are currently cooperating in anti-Taliban operations; the Kabul government's willingness also to distance itself from some equally undesirable provincial and local allies; the dismissal of all officials complicit in the drug trade; and above all, international willingness to adopt and encourage an approach that covers all aspects of alternative livelihoods, law enforcement, interdiction, and eradication -- in that order. The entire effort would be best undertaken against the backdrop of a comprehensive rural development strategy that encompassed the economic elements of credit, marketing, irrigation, roads and off-farm opportunities, along with public investment. It should be paralleled by an effective public education campaign on the dangers of heroin production in relation to public health and religious values as well as fragile democratic institutions.

If the focus were to be restricted to eradicating the crop that would be harvested in spring 2005, an anti-narcotics strategy could prove counter-productive, by hurting small farmers, increasing the price of the harvest, and encouraging replanting of the opium poppy and the reprocessing of heroin from opium in safer areas, perhaps even across the border in Pakistan, as in the past.[196] The destruction of laboratories is already occurring, conducted by Afghanistan's small anti-narcotics special forces.[197] The destruction of laboratories by the Coalition or by ISAF, should the latter occur, would be welcomed by most Afghans and a useful public relations measure but more than that will be needed to have a sustained impact. However, destruction of laboratories accompanied by destruction of warehouses and

successful interdiction of large-scale transportation means would raise the cost to the drug operators and make it a less attractive occupation for local officials. If interdiction and sustained law enforcement were paralleled by effective and well-resourced rural alternatives to opium poppy cultivation, the impact in Afghanistan would be more lasting.

"In counter-narcotics", emphasises the UNODC chief, "there is no silver bullet. The opium economy in Afghanistan has to be dismantled with democracy, the rule of law, and economic improvement -- it will be a long and difficult process. It cannot be done ruthlessly as it was done by the Taliban, nor with mindless disregard for the country's poverty".[198] Forced crop eradication would heighten anti-Kabul sentiments and, if not preceded by a sufficiently well-funded and immediately implemented alternative livelihood strategy, would play into the hands of domestic spoilers. Voluntary eradication with local communities based on proven availability of alternative livelihood opportunities and investments in public infrastructure would be a much more acceptable response.

G. AFTER THE ELECTIONS

To be effective, the National Assembly will need resources such as a library and means of recording debates and decisions. Parliamentary rules and regulations will have to be drafted. Staff will have to be hired and trained. Members will have little experience of a parliamentary democracy and should be offered training in governance and parliamentary procedure. Funding will be required for all the costs associated with a functioning parliament. The travel of members to and from their constituencies will need to be subsidised. In short, if there is to be adequate representation, the international community must help fund it.

To date, little has been done, though India has committed money for construction of a parliament building. According to presidential spokesman Jawed Ludin, "this building [at an estimated] $20 million will be built near the Darul Aman Palace in southwest Kabul".[199] No announcement has been

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represents a major policy change, though it is not yet certain whether ISAF authority will be similarly expanded. ICG interviews with U.S. officials, Washington, 19 November 2004.

[196] U.S. officials say that in putting the new initiative together, Washington adjusted to a British view that eradication should be linked to alternative livelihoods while the British accepted that more eradication was needed. However, the use of aerial eradication as a last resort, particularly in hard-to-reach and large cultivation areas, is still under active debate in Washington, London and Kabul. Some U.S. Congressional voices already are raising questions about the need for prior studies on the impact of such spraying on public health, environment and water resources.

[197] ICG interviews with Afghan and Western officials, Kabul, September 2004.

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[198] "United Nations Drugs Office Reports Major Increase", op. cit.

[199] "India to help Afghanistan build parliament house", Xinhua, 13 October 2004.

made on when construction will commence, and clearly more money will need to be found.

France has contributed €1.5 million to UNDP to support the election commission and train a professional permanent parliamentary staff. Of that amount, roughly €1 million will be allocated to professional training by France, to commence in November 2004.[200] The international community can also help build the capacity of future Afghan legislators through first hand exposure to functioning parliaments. This could involve exchanges of delegations, bringing legislators from European or other parliaments to offer orientation to candidates as well as travel by Afghan parliamentarians.

Arrangements will also need to be made for 34 new provincial councils and some 360 district councils. While infrastructure requirements will be considerably less than for the National Assembly, they will have to have somewhere to meet, administrative staff and resources. Provincial councillors will require assistance in travelling to and from provincial capitals for meetings. The international community could help by offering elected representatives training in good governance.

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[200] ICG interview with a French diplomat, Kabul, 3 November 2004. The first phase of the training will involve eight high-level parliamentary staff members, who have been recruited by the Afghan Civil Service Commission. It will be followed by the training of an estimated 100 mid-level staff, also to be recruited by the Commission.

V.   CONCLUSION

The presidential election demonstrated a strong desire on the part of the Afghan people to vote for their leaders. The Afghan government and the international community should make every effort to ensure that voters have the opportunity to do so in parliamentary, provincial and district elections as scheduled in April 2005.

This requires a sustained and urgent effort to address the challenges to holding the elections as scheduled. The overriding challenge is that of security. As the upswing of violent incidents in Kabul since the presidential election has been made clear, there is need for concerted efforts to take all possible steps to ensure security. This is not an impossible task. While not necessarily a precedent, many of the security problems anticipated before the presidential election did not materialise. The manner in which Afghan communities mobilised themselves and participated, along with sufficiently robust precautions taken by the government and the international community, helped to minimise security incidents. U.S. pressure on Pakistan to curb cross-border activity also paid dividends. Clearly the challenges will be far more demanding for the parliamentary, provincial and district polls. But a decision by the government to postpone them, especially if reached without broad consensus, would pose another security risk: that armed political parties would mobilise opposition to the centre by exploiting existing ethnic divisions.

While the security issue is important, many other tasks must also be undertaken to ensure as free and fair a poll as possible at this stage of Afghanistan's political transition. This can be achieved if the political will is there, but preparations must be accelerated since the preparations this time are more complex, including definition of district boundaries and acquisition of credible population data.

The Afghan government, with the generous assistance and financial support of the international community, must accelerate its efforts on all of these issues immediately and devote sufficient resources to them to ensure that the already delayed elections are held as now scheduled in April 2005. Failure to do so would thwart the evident desire of the Afghan people for a chance to participate in their government and damage the legitimacy of the Karzai administration.

Kabul/Brussels. 23 November 2004

APPENDIX A

MAP OF AFGHANISTAN

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.icg.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. ICG is co-chaired by Leslie H. Gelb, former President of the Council on Foreign Relations, and Christopher Patten, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates nineteen field offices (in Amman, Belgrade, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Osh, Port-au-Prince, Pretoria, Pristina, Quito, Sarajevo, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, Sierra Leone,

Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Kashmir, Kazakhstan, North Korea, Kyrgyzstan, Indonesia, Myanmar/Burma, Nepal, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

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November 2004

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