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# How to Win an Afghan Election

## *Perceptions and Practices*

### EXECUTIVE SUMMARY

Analysts following the Afghan elections have been largely engaged in speculations over who will win and what the most likely scenarios are in terms of turnout, voting patterns and the potential for violence. Less attention has been paid to the dynamics surrounding the actual political contest and their implications for Afghanistan's future political process. Afghans on the other hand view the upcoming elections with a mix of indifference and anticipation. There is a widespread conviction that the elections will be 'fixed' by a combination of international interference, deals between political leaders and fraud. Such perceptions are not necessarily incorrect and they are definitely not irrelevant. If left unaddressed they will further erode public confidence, leading to greater disengagement and possible violent disaffection (although not necessarily in the context of the elections). In order to strengthen the process of democratisation in Afghanistan it is essential to understand what the political dynamics are and how they are perceived by Afghans. This paper seeks to contribute to that understanding.

The paper's discussion follows the perception widely held among Afghans that the outcome of the elections is shaped by four main factors: (1) decisions by international actors, in particular the US; (2) behind-the-scenes negotiations and deals among local leaders; (3) manipulation of the electoral process; and – only in the fourth place, if at all – (4) the vote of the people. The prevalence

of insecurity, moreover, makes many people wonder how meaningful their vote will be and whether the elections will take place at all. First of all, Afghans believe that international actors, and in particular the US, determine who will be the next President of Afghanistan. Changing perceptions on the US stance towards President Karzai, often based on relatively small events, have had a great impact on the trajectory of his candidacy. Efforts by the US administration to emphasise its impartiality have somewhat countered the impression that Hamed Karzai is their candidate, but have not persuaded the electorate that the US will play no role in the elections' outcome. People still try to read the signs to find out who the candidate of choice is.

Secondly, Afghans see that their leaders are trying to predetermine the outcome of the elections, as well as the post-election division of power, using all the opportunities provided by a patronage-based society. This is used by candidates who seek to secure the backing of powerful patrons and to rearrange the field of rivals through a complex game of negotiations and deals. They try to limit and undermine strong rivals within their own constituency; gather expressions of support, in particular from leaders of other constituencies; set up a core team of well-networked personalities to organise the on-the-ground outreach; and persuade everybody that this is 'the winning side.' An analysis of how Karzai has sought to strengthen his position over the last six months provides an illustrative example of how this is done.

Thirdly, Afghans witnessed the fraud and manipulation during the 2004 and 2005 elections and still feel a sense of disappointment over the range of characters that were allowed to run. There is a widespread expectation that things will not be better during the 2009 elections: the shortcomings of oversight and the challenges posed by insecurity provide ample opportunity for electoral fraud, in particular through over-registration (including 'phantom female voters'), mass proxy voting and cooptation of electoral staff, while the process of vetting was as arbitrary as it had been in the past. The recruitment of campaign networks that include violent commanders and the threat posed by the Taliban, moreover, means that the elections will take place in an environment of fear in considerable parts of the country.

The perception that the elections are being fixed, whether by the internationals, by factional deal-making or by fraud, has led to a sense of disempowerment and disengagement among the electorate. This has however not prevented the political class, consisting of lower level political leaders and representatives, from being actively engaged in the process. They act as political brokers, mediating between candidates and vote banks. Because alliances are not fixed, there is a complex process of consultation, negotiation and courtship in which candidates, brokers and voters (often in blocs) engage. The ensuing alliances are unstable: political brokers exaggerate the size of their vote banks and the influence they have over it; voters ignore instructions or disregard their pledges; and candidates make promises they cannot or do not intend to keep.

The system of political brokers and deal-making is based on the assumption that voters will follow the instructions of their main ethnic, tribal and political or factional leaders. Voters and political brokers are however often unclear on how they will decide on who to align themselves to. This paper discusses six, partly overlapping, principles that play a role in voter decisions. The fact that voters are pulled in different directions makes their behaviour difficult to predict. Even though many of them will probably end up siding with what they see as the most powerful or stable party, there is an appetite for non-factional alignment. This, together, with the changing behaviour of the urban young, may chip away at the expected voting patterns along ethnic, tribal and factional lines.

This paper explicitly does *not* argue that elections as a system is unsuited for Afghanistan or that the population was 'not ready' for greater political representation. It also does not propagate an

exploration of alternative options, as they risk being dangerously messy and equally prone to manipulation and backroom deals. A study of the main political processes however does raise the question how to organise democratic elections in the absence of functioning democratic institutions, in an environment where there is little trust and where power continues to be defended through manipulation and violence. Key issues that will need to be further explored in order to ensure that elections are politically meaningful include: how to respond to a flawed election; what do 'good' elections look like in the context of patronage politics; and what should the role of the international community be.

Practical recommendations include:

- an unambiguous acknowledgement of electoral realities and a firm reiteration of the boundaries of acceptable behaviour, by the Independent Electoral Commission (IEC) and Electoral Complaints Commission (ECC), the international community, and the candidates, their campaign teams and the political brokers;
- a strategic but subtle use by the international community of its potential role as an impartial arbiter;
- a thoughtful political strategy on the part of the international community on whom to engage with and a greater acknowledgement of the importance of parties and networks other than those made up of the main ethnic and factional leaders;
- a renewed push by all actors to address the systemic and institutional problems that are hampering the holding of more democratic elections.

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## 1. INTRODUCTION

### 1.1 How to win an Afghan election

Afghanistan is preparing for its second round of presidential and provincial council elections since 2001. In these elections most attention by international observers and analysts is being paid to questions of logistics and security; and to speculations over who will win and what the most likely scenarios are in terms of turnout, voting patterns and the potential for violence and social unrest. There has been relatively little analysis of the dynamics surrounding the political contest on the ground and their implications for Afghanistan's future political process. International actors largely seem to view the elections as another tricky phase in Afghanistan's journey towards greater stability, which needs to be endured with as little damage as possible.

Afghans on the other hand tend to view the upcoming elections with a mix of indifference and anticipation. Although the political bargaining game has energised the political class, large parts of the public are confused by what seems to be the absence of a real competition in the presidential vote and by the mixed messages they perceive to

be getting from the main international actors. They are taken aback by the apparent preparations for fraud and are unsure how the internationals will react, particularly as in past elections the international community prioritised acceptance of election results over the acknowledgement of irregularities. Although Afghans have been told that an election will allow them to choose their own leaders, there is a widespread sense that the process is actually a cover for decisions made elsewhere.

This paper aims to explore the perceptions and practices surrounding the elections, in order to uncover the main political dynamics that are involved.<sup>1</sup> The discussion follows the view widely held among Afghans that the outcome of the elections is shaped by four main factors: (1) decisions by international actors, in particular the United States (US); (2) behind-the-scenes negotiations and deals among local leaders; (3) manipulation of the electoral process; and – only in the fourth place, if at all – (4) the vote of the people. The prevalence of insecurity makes many people wonder how meaningful their vote will be and whether the elections will take place at all.

These perceptions, as will be discussed, are not necessarily incorrect. They are also not irrelevant, for two main reasons. Firstly, if left unaddressed and unacknowledged they threaten to continue to dangerously erode public confidence in the current political system, which in turn encourages people to disengage or to possibly turn to more violent means of challenging and defending power (although not necessarily in the context of the elections). Secondly, in order to change the way power is divided and fought over, which is in essence what the process of democratisation seeks to do, it is essential to understand what the political dynamics are. This paper seeks to contribute to that understanding. It is in the first place aimed at international policy makers and analysts and seeks to explain certain dynamics that are largely obvious to Afghans.

Although this paper discusses several problems related to the electoral process, it explicitly does *not* argue that elections as a system is unsuited for Afghanistan or that the population was 'not ready' for greater political representation. It also does not propagate an exploration of alternative options, such as the convening of a *Loya Jirga*, the

<sup>1</sup> The analysis in this paper is based on observations and key informant interviews over a period of several years, including during the elections of 2004 and 2005, and is rooted in the author's longstanding observation of the country's political processes, both as a diplomat and an independent analyst (see bio at the end for details).

establishment of an interim administration, the calling of a state of emergency or the selection of a 'benign dictator'. Although an election is not necessarily what Afghanistan needs most at this point in time, switching to a different process of power transfer (or power consolidation) risks being dangerously messy and equally prone to manipulation and backroom deals.

The premise of the analysis is that the challenges faced during an election tend to be a reflection of wider problems and that these cannot be addressed in isolation of broader efforts in the fields of state-building and civilian politics, including institution-building, rule of law, disarmament, political outreach and the fostering of a political and civil society. As pointed out in a recent report, an electoral process is only as good as the environment it takes place in and the electoral bodies driving and safeguarding it.<sup>2</sup>

This paper starts with a brief discussion of the challenges that shape the Afghan elections. Section two discusses the ways in which candidates try to fix the outcome of the election before they even start, by securing the backing of powerful patrons (which in the case of the presidential elections are the international actors) and by co-opting, eliminating and undermining their rivals. President Hamed Karzai's candidacy in the 2009 presidential election is discussed as a case study of how such processes work. Section three explores the role of the political class in the electoral process, as they mobilise the electorate and try to further their agendas, as well as the pressures voters are under when deciding whom to vote for. Section four looks into the prevalence of fraud and partiality and its implications for the legitimacy of the process. Section five finally explores implications for the process of democratisation in Afghanistan and points to key issues that need to be further explored. The role of insecurity is a cross-cutting theme throughout the whole report.

## 1.2 Background and context: challenges affecting the electoral process

The first presidential election in the history of Afghanistan took place on 9 October 2004 and was contested by 18 candidates. President Karzai, who had until then headed both the transitional and interim administrations, won in the first round with 55.4% of the votes. Three other candidates representing ethnic vote blocs did relatively well,

<sup>2</sup> International Crisis Group (ICG), *Afghanistan's Election Challenge*, Kabul/Brussels: Crisis Group Asia Report No 171, 24 June 2009, 24.

but did not come anywhere near.<sup>3</sup> Turnout was high, although there were already indications that irregularities may have inflated the figures (for further discussion, see section 4.1). The parliamentary and provincial council elections on 18 September 2005 were contested by 2,775 *Wolesi Jirga* candidates (12% women) and 3,025 provincial council candidates (8% women) respectively.<sup>4</sup> Voter turnout was significantly lower, which was largely ascribed to a growing sense of public disaffection and disappointment over the range of characters that had been allowed to run for office.<sup>5</sup> The 2009 presidential election registered an amazing 41 contenders (although four had stepped down by early August and more may follow), while the provincial council election finally registered 3,177 candidates contesting 420 seats.

### 2009 electoral calendar:

- voter registration update: 6 October 2008 to 20 February 2009
- publication of electoral calendar: 21 April 2009
- candidate nomination: 25 April-8 May 2009
- scrutiny of applications: 9-15 May 2009
- publication of preliminary candidate lists: 16 May 2009
- challenge period: 17-21 May 2009 (extended to 23 May)
- opportunity to respond to challenges: 22-27 May 2009
- adjudication: 28 May 2009-8 June 2009
- publication of final candidate lists: 13 June 2009
- campaign period: 16 July-18 August 2009
- polling day: 20 August 2009
- preliminary results expected: 3 September 2009
- final results expected: 17 September 2009
- run-off (if required): around 1 October 2009

Source: UNDP/ELECT

Afghanistan shares many characteristics with other so-called post-conflict countries. These include a young political system, a weak institutional system,

<sup>3</sup> Yunus Qanuni (Tajik) received 16.3% of the votes, Mohammad Mohaqeq (Hazara) 11.7%, and General Rashid Dostum (Uzbek) 10.0%. The other 14 candidates received between 0.1% and 1.4% each.

<sup>4</sup> Final candidate list published by the Joint Electoral Management Board (JEMB) on 12 July 2005.

<sup>5</sup> Turnout in 2004 was around 80% with 8.1 million votes cast (this includes the out-of-country vote, which comprised around 730,000 votes). In 2005 6.4 million votes were cast, representing 51.5% of the 'total number of registration cards issued' (which by then had increased by 1.7 million to a total of over 12 million). JEMB, *2004 Presidential Election Results*, 3 November 2004; JEMB, *Final Report National Assembly and Provincial Council Elections 2005*, December 2005, 6.

a relatively large role for the 'international community' and a vulnerable and contested security situation.<sup>6</sup> These challenges directly affect the nature of the elections. The novelty of the elections and the opportunity it provides for political positioning has led to a proliferation of candidates, making it more difficult for voters to make up their mind. The relative weakness of the institutions has allowed for a continued dominance of patronage politics. An unevenly implemented disarmament programme, coupled with trends towards rearmament (through private security companies and 'community-based' security initiatives) and the weakness of the rule of law institutions, means that there is a continued threat of violence and intimidation. And an active and effective insurgency, well entrenched in the south and the southeast and branching out into the west and the north, limits the government's access in considerable parts of the country and threatens to disenfranchise parts of the electorate.

Little has been done to address the various weaknesses that were identified during the last two electoral cycles.<sup>7</sup> As a result the current election is still faced with a highly unusual electoral system that is considered ill-suited to the Afghan context (for a brief discussion, see chapter 4); the absence of a credible voter registry; allegations of partiality of the Independent Electoral Commission (IEC) both at the national and local level; the absence of an impartial arbiter; and a challenge and complaints mechanism that suffers from a limited mandate and the weakness of the court system. This means that there are still very few safeguards against electoral fraud and that even

<sup>6</sup> See ICG, *Afghanistan's Election Challenges* [see Footnote/FN 2] and Grant Kippen, *Elections in 2009 and 2010: Technical and Contextual Challenges to Building Democracy in Afghanistan*, Afghanistan Research and Evaluation Unit (AREU), November 2008. Kippen headed the Electoral Complaints Commission (ECC) during the 2005 and 2009 elections.

<sup>7</sup> Relevant reports include: Andrew Reynolds and Andrew Wilder, *Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan*, AREU, September 2004; OSCE Election Support Team (EST) to Afghanistan, *Recommendations*, 18 October 2004; European Union Democracy and Election Support Mission (EU DESM), *Final Report on the Presidential Elections*, 2004; the final report of the Impartial Panel of Election Experts (IPEE) concerning the 2004 Presidential Elections, 1 November 2004; JEMB, *Post-Election Strategy Group Progress Report*, 27 September 2005; JEMB, *Final Report* [see FN 5]; European Union Electoral Observer Mission (EU EOM), *Final Report on the Parliamentary and Provincial Council Elections*, 2005; and Andrew Wilder, *A House Divided. Analysing the 2005 Elections*, AREU, 2005.

relatively simple technical issues become the subject of highly politicised contests.<sup>8</sup>

The 2004 and 2005 elections were led by the Joint Electoral Management Body (JEMB) and technically organised by the JEMB-Secretariat (JEMB-S). Both bodies were made up of nationals and internationals, with the internationals firmly in the lead. Afghans at the local level generally did not see the JEMB as separate from the United Nations (UN) and consistently referred to the JEMB as UNAMA (United Nations Assistance Mission for Afghanistan). UNAMA was thus widely perceived as having been directly involved in a flawed electoral process. For the 2009 elections international involvement has formally been scaled down, the IEC now being a fully Afghan body, but international support in terms of funding, security support, logistics and technical advice remains crucial. As a result, internationals actors continue to have a considerable say in decisions such as the delay of the election date. This in turn leads Afghans to believe that the internationals not only have a political stake in the outcome of the elections, but will have a hand in it as well (why have influence and not use it?).

The impact of the insurgency on planning and election politicking has changed, as compared to the 2004 and 2005 elections. The potential of armed insurgents to disrupt the process and to limit voter participation has greatly increased, both in terms of the affected areas and in terms of the level of effective control (or the government's inability to control). Insurgent activities have branched out into the northern and western provinces. Recent reports described a marked increase in casualties, both for International Security Assistance Force (ISAF) troops and Afghan civilians, as a result of fighting and insurgent attacks (increasingly through suicide bombings, improvised explosive devices (IEDs), and targeted assassinations).<sup>9</sup> Several of the country's districts were considered too insecure for voter registration, while registration was only nominal or limited in large parts of the south and southeast.<sup>10</sup>

<sup>8</sup> ICG, *Afghanistan's Election Challenges*, 7 [see FN 2].

<sup>9</sup> July 2009 was reported to have been the most violent month in terms of ISAF casualties since the beginning of the operations in late 2001, with 63 fatalities and a large number of injured, while the UN reported that Afghan civilian casualties had risen by 24% in the first half of 2009. UNAMA, *Afghanistan Mid Year Bulletin on Protection of Civilians in Armed Conflict*, 31 July 2009.

<sup>10</sup> The areas where no registration took place included three districts in Helmand, two in Ghazni and Kandahar, and one in Wardak (IEC official). In June 2009 a total of eleven districts were considered out of government control, while 124 districts gave reason for considerable

It is by now widely accepted that polling will not take place in several of the country's districts due to lack of government control. In many other districts fear of the insurgents is likely to dissuade voters from participating. However, there are strong indications that despite a low voter turnout due to insecurity, final polling figures may still be high because of electoral manipulation and fraud, facilitated by the absence of monitors.

Public calls by the Afghan government and the UN for the Taliban and Hezb-e Islami to enter into talks and to participate in the elections have firmly placed the subject of political inclusion in the realm of election politics. The Taliban and Hezb-e Islami leadership have formally dismissed any such notion and regularly reaffirm their intention to disrupt the process, but there has not yet been a concerted push to do so. This does not mean that there have been no incidents or that their threat is not felt. At the beginning of August, three provincial council candidates had been killed, as had several members of the IEC and of the various campaign teams. Candidates, campaigners, electoral staff and voters limit their travels and seek to conceal their involvement in the process for fear of attracting Taliban retribution. Women are particularly affected. There have been statements and 'night-letters' (pamphlets) dissuading voters from participating in the polls and calling on them to prevent the elections from happening. There have however to date been no strong indications that the disruption of the elections is a major priority for the Afghan insurgents, who will make their presence felt but may otherwise hold back. There have been reports of a possible split in the Taliban leadership with regard to the elections, which – if true – may be linked to a 'wait and see' approach within certain sections of the movement as a result of the US military surge and the increased 'talk about talks' (but so far very little action).<sup>11</sup>

At the local level there have been isolated cases of individual insurgent commanders allowing voter registration and possibly polling in their areas – usually at a price – as well as reports that local Taliban have acquired voter registration cards (mainly to ease travel through government

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concern (press conference Minister Atmar, 22 June 2009). For a description of registration in Wardak, see Anand Gopal, 'Afghan voter registration marred', *The Christian Science Monitor*, 23 December 2008.

<sup>11</sup> For a further discussion of the Taliban structure and 'talk about talks' see Thomas Ruttig, *The Other Side. Dimensions of an Afghan Insurgency: Causes, Actors – and Approaches to Talks*, Afghanistan Analysts Network (AAN), July 2009.

controlled areas).<sup>12</sup> Taliban commanders at the local level tend to be more affected by local allegiances, grievances and feuds than ideological fervour, and unless instructed otherwise may be prone to enter into local deals or to support their local tribesmen (even in an election).<sup>13</sup>

## 2. FIXING THE OUTCOME

Afghans participating in a political contest try to ensure victory before the contest has formally started. They do this by securing the backing of powerful patrons and supporters and by rearranging the field of rivals through a complex game of negotiations and deals. In a presidential election the most important patron to court is the US, in particular as Afghans believe that it was the US, together with the UN and other international donor countries, who selected and appointed President Karzai in the first place. They assume that it will be no different this time. Perceptions regarding possible US backing (or the lack of it) thus strongly affect how candidates are viewed. The same is true for the efforts to secure the backing of ethnic and factional leaders, and to eliminate or undermine important rivals. A string of seeming successes provides a sense of momentum, which is important in any contest but particularly in a society where people prefer to side with the winner.

This chapter illustrates these principles by exploring some of the ways in which President Karzai has sought to strengthen and consolidate his position as a presidential candidate. It also provides an example of how such deals can sway perceptions and why political fortunes in Afghanistan are so changeable.

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<sup>12</sup> Personal communications with international analysts and residents from Zabul and neighbouring provinces, March-August 2009. See also Jessica Leeder, 'Taliban use voter cards as 'visas'', *The Globe and Mail*, 13 May 2009.

<sup>13</sup> For a discussion of the role of local grievances and alliances see Ruttig *The Other Side* [see FN 11]; and Martine van Bijlert, 'Unruly Commanders and Violent Power Struggles. Taliban Networks in Uruzgan', in Antonio Giustozzi (ed.) *Decoding the Taliban*, Colombia Hurst, 2009. An example of a local deal was the highly-publicised ceasefire brokered in Bala Morghab, Badghis, in late July 2009. For details, see *The Telegraph*, 'Afghanistan agrees ceasefire with Taliban in Badghis province', 27 July 2009; and Dean Nelson, 'Taliban peace deal was "bought" for £20,000', *The Telegraph*, 28 July 2009.

## 2.1 Securing the backing of patrons

The consistent theme in almost every conversation with Afghans about the 2009 elections – regardless of their political background, level of education or area of origin – has been the conviction that the outcome of the presidential vote will be predetermined by the international community and that the next President of Afghanistan will be handpicked by foreign actors.<sup>14</sup> Interlocutors laughed when asked whom they would vote for. The answer of an elder from Uruzgan was echoed by others from all over the country: ‘Why do you ask me, it is you foreigners who decide who the next president will be.’<sup>15</sup> In the eyes of Afghans this had also been the case during the 2004 presidential elections, with Karzai widely – and not wrongly – being perceived as the choice of the international community. This was precisely why so many Afghans voted and campaigned for him at the time: he was seen as a national figure with no blood on his hands, transcending ethnic and factional divides, and as a leader who would be able to deliver on the reconstruction promise through his close relations with international donors.

In early 2009 as the political class, consisting of lower level political leaders and representatives, started to mobilise around the theme of the elections, there was a widespread sense among Afghans that President Karzai’s tenure was most probably over. A recurring theme in conversations was the perception that in a free and fair election Karzai would receive very few votes, due to widespread disappointment over his failure to address corruption, unemployment and a deteriorating security situation. As public criticism increased, including in the international media and by major donors, Afghans frantically tried to determine who the next international favourite would be, while potential candidates went out of their way to forge and suggest close relations with the new US administration. Several potential presidential candidates made a point of being in Washington in January 2009, suggesting they had received personal invitations for President Obama’s inauguration (and that Karzai had not). Encouragement by international diplomats to individual candidates to run in the election – essentially to encourage a real electoral contest –

were generally misunderstood as signs of personal endorsement.<sup>16</sup>

In March 2009 the tide turned. The inability of the other contestants to agree on a strong and united ticket made international analysts and diplomats wonder whether there was in fact a viable alternative. The confusion and sense of crisis surrounding the IEC’s decision to delay the election to August 2009 was also resolved in President Karzai’s favour. The delay, which is in contravention of the Constitution, had been agreed on by the main donors and stakeholders in the course of 2008.<sup>17</sup> The opposition protested but was caught off guard when Karzai decreed on 28 February that the elections would take place in April 2009 after all, which by then had become technically and logistically impossible. The inability of the opposition to unite and field a coherent response meant that the IEC’s final re-confirmation of the August date and the subsequent endorsement by the Supreme Court of an extended presidential tenure went largely unchallenged and was practically welcomed by international actors as the resolution of a crisis.<sup>18</sup>

A US Embassy statement in early March, in support of a delayed election day and an extension of Karzai’s tenure was widely seen as a shift in the US position, in favour of Karzai. This perception was strengthened when reports about US discussions over the possible appointment of a National Executive Officer alongside the President were

<sup>16</sup> The main figures vying for US endorsement were former Interior Minister Ahmad Ali Jalali; former US Ambassador to Afghanistan and Afghan Ambassador to the UN Zalmay Khalilzad; former Finance Minister and World Bank official Ashraf Ghani Ahmadzai; former Foreign Minister Dr Abdullah Abdullah; former Finance Minister Anwar ul-Haq Ahadi and Nangarhar governor Gul Agha Sherzai. In the end only Ashraf Ghani and Dr Abdullah registered their candidacy. Ahadi and Sherzai have since then publicly announced their support for Karzai’s candidacy.

<sup>17</sup> Article 61 of the Constitution determines that elections are to take place 30 to 60 days before the end of the presidential term on 1 *jowza*, which this year was on 22 May 2009. For a more detailed discussion of the Constitutional and legal implications see John Dempsey and J Alexander Thier, *Resolving the Crisis over Constitutional Interpretation in Afghanistan*, United States Institute of Peace (USPI), March 2009.

<sup>18</sup> The Supreme Court issued an opinion on 30 March stating that the continuation of the President’s term was in the interest of the country. There were disjointed calls for the elections to be moved forward or to be called off in favour of a *Loya Jirga*; for the formation of an interim government between May and August; or the calling of a state of emergency, but none of the suggestions were persuasive or widely backed.

<sup>14</sup> This is consistent with the experiences of other analysts, journalists and diplomats in Afghanistan.

<sup>15</sup> Personal discussions about the elections with a wide range of Afghans, January-August 2009.

leaked to the international press.<sup>19</sup> The fact that discussions concerning a post-election set-up were held with the incumbent was widely seen as proof that the main international actors were preparing for another five years of Karzai as President. Many Afghans, as a result, felt that their vote had very little to add to a deal that was already done.

The US administration has actively sought to dispel this impression through public announcements that they are not backing any particular candidate. These statements have been acknowledged and sometimes welcomed by Afghans, but they do not seem to have significantly altered the conviction that it is the internationals that will choose Afghanistan's next President.<sup>20</sup> The highly publicised visits by US Ambassador Karl Eikenberry to three presidential candidates in June 2009 (Ashraf Ghani Ahmadzai, Dr Abdullah Abdullah and Mirwais Yassini) led to speculation in the Afghan press and among the political class as to whether this signalled a search for a new favourite. The Karzai administration initially reacted quite strongly to the visits, which it considered an unacceptable interference, but has since then sought to walk the fine line between trying to curtail activities that threaten to undermine his image as the uncontested candidate and being seen to over-react.

It is sometimes assumed that a perceived close association with the US and other international donors can only harm the chances of a presidential candidate, as it makes him look like a puppet. It is however not as straightforward as that. Although there is resentment over the country's enforced dependence on outside support, fed by growing impatience over civilian casualties and the perceived wastage of aid funds, many Afghans are quite pragmatic. They prefer a leader who has

good relations with the outside world and who is in a position to effectively attract resources, over one who has little access to international support and is thus not in a position to deliver.<sup>21</sup>

Apart from the US-led 'international community' dominated by Western countries there is an assumption among Afghans that the neighbours – in particular Pakistan, Iran, India, Russia and Turkey – will be playing a role in the electoral process. These countries have actively courted and supported candidates in the past and are generally sought out as potential patrons, depending partly on prior relations.<sup>22</sup> However, the fact that in particular Pakistan and Iran are seen to be preoccupied with their own domestic issues has meant that there are currently less and less virulent rumours than has been the case in the past. The events in Iran surrounding the contested election victory of Iranian President Mahmud Ahmadi-Nezhad have meanwhile been followed with interest by the Afghan public and media, who have wondered how the Afghan nation would respond to a stolen election. The Karzai government was swift to extend its congratulations to Ahmadi-Nezhad, probably expecting him to reciprocate if necessary.<sup>23</sup>

## 2.2 Rearranging the field of rivals

Candidates seeking to be successful not only try to secure the backing of powerful patrons, they also try to rearrange the field of rivals through negotiations and deals. They do this through mutual promises and favours, relationships of

<sup>19</sup> See for instance Karl Karlsson, 'Ex-US Envoy May Take Key Role in Afghan Government', *The New York Times*, 18 May 2009; Rajiv Chandrasekaran and Karen de Young, 'Khalilzad Said to Be in Talks With Karzai', *The Washington Post*, 20 May 2009; and Julian Borger and Ewen MacAskill, 'US Will Appoint Afghan "Prime Minister" To Bypass Hamid Karzai', *The Guardian*, 22 March 2009. The information invariably came from anonymous sources in the Washington administration, feeding the perception that this was a US proposal (which the US administration denies).

<sup>20</sup> The announcements included formal statements by President Obama (16 June 2009) and Ambassador Holbrooke (4 July 2009) and repeated public statements by Ambassador Eikenberry over the summer. Although the US statements and actions did not convince Afghans that there would be no 'international selection', they were probably the single most important factor that helped 'level the playing field' between Karzai and his main contenders.

<sup>21</sup> An independent Afghan daily even called on the US to declare its candidate, stating that its refusal to do so was hurting Afghanistan. Kow Nuri, 'America's green light should be lit', *Arman-e Melli*, 27 July 2009 (translated from Dari by BBC Monitoring).

<sup>22</sup> This does not only hold true for the presidential elections. The neighbouring countries are generally also thought to be supporting candidates and possibly buying votes in the parliamentary and (to a lesser extent) the provincial council elections. Iran, Russia and India are often reported to be supporting mainly (but not exclusively) the Tajik and Northern candidates; Pakistan is assumed to be supporting Pashtun candidates who help further its agenda; Iran is still considered to be closely involved in Hazara politics; and there is a close association between the Uzbeks and Turkey.

<sup>23</sup> Karzai was the first head of state to do so. He commented on the high voter turnout and congratulated the Iranian people 'for making a decision about their destiny.' *Radio Free Europe/Radio Liberty (RFE/RL)* 'World Leaders React Cautiously to Iranian Elections', 15 June 2009. See also a statement by the Afghan embassy in Australia at: <http://www.afghanembassy.net/newsfront.php?NewsId=55>.

loyalty and patronage, and the mobilisation of credible threats. This is particularly important in the face of a proliferation of candidates, when the sheer number of candidates makes it difficult for any candidate to win in a first round.

To understand why there are so many candidates, one should first realise that not everyone who nominates him- or herself intends to run, and that not everyone who runs intends to be elected. Many candidates are simply hoping to raise their profile. Some wish to establish themselves as the main leader of their constituency, as was the case for the three main contenders that were running against Karzai in 2004.<sup>24</sup> Others intend to use their new found fame to negotiate a settlement with other candidates (and to step back in their favour), to be offered a high-level position after the elections, or to successfully run for parliament. Some candidates are asked to run in order to split the vote of rivals. There are usually attempts, by neutral mediators or by a joint council of candidates, to decrease the number of contestants in order to improve the quality of the contest or to prevent a seriously split vote. The issue is explored during several rounds of meetings but rarely leads to a decision. Usually all participants agree on the principle, but do not want to be the ones to stand down.

Karzai has proven quite successful at his 2009 attempts to co-opt rivals, secure the backing of ethnic and factional leaders and undermine the remaining contestants – using the full range of opportunities provided by his incumbency. This initially provided his campaign with a strong sense of momentum, on the back of perceived US support. However, perceptions shifted under the influence of effective campaigning by other candidates and criticisms over the ‘old ways of doing politics’ (not in the least by his rival candidates, but also in the media and among voters). The key actions that Karzai engaged in, and that are described below, provide a good example of how Afghan politicians seek to secure a favourable outcome by rearranging the field of rivals.

Firstly, Karzai successfully managed to limit the number of strong contenders in his own primary constituency (the Pashtun vote). Several prominent politicians, who had prepared their candidacy and who would have contributed to a split vote, were persuaded not to run. These

<sup>24</sup> The three have not sought to reaffirm their position in the current elections – nor have any other clear ethnic contenders stood up – signalling that a repeat of that success is probably considered unlikely in the current situation.

included former Finance Minister Anwar ul-Haq Ahadi who resigned from his position in December 2008, when he was still planning to run, but was one of the first to announce his support for Karzai (reportedly in exchange for the promise of a ministerial post); former US Ambassador Zalmay Khalilzad and former Interior Minister Ali Ahmad Jalali whose reluctance to give up their US passports reportedly played an important role in their decision not to nominate themselves; and Nangarhar Governor Gul Agha Sherzai, whose possible candidacy had been followed with interest by the Barakzai and the disgruntled tribes in the south, and who was persuaded not to contest after a long private conversation with the President.<sup>25</sup>

The appointment of Haji Din Mohammad, an influential tribal leader from the east, as Karzai’s campaign manager undermined the chances of two candidates who were from the same family: tribal elder Nasrullah Barialay Arsalai and former Senior Minister Hedayat Amin Arsalai. In July 2009 Barialay Arsalai stepped down in favour of Abdullah (after he had been put in an awkward position earlier when a prominent relative announced on his behalf that he had withdrawn in favour of Karzai).

Secondly, Karzai secured expressions of support from leaders of other constituencies, suggesting that he had their vote as well and indicating that he was able to split the main opposition group, the National Front. Although a wide variety of groups, shuras and political parties came out in support of his candidacy, none attracted as much attention as the deals made with personalities such as Marshal Qasem Fahim, Ustad Mohammad Mohaqeq and Sayed Nurullah. The nomination of Fahim as First Vice President was designed to undermine the National Front and to split the Tajik vote (although it is unclear how many votes Fahim will actually bring). Fahim’s inclusion in the ticket together with current Second Vice President Karim Khalili, was a signal that Karzai was gathering the ‘old guard’ and restating his mujahedin credentials. The move was met with dismay by diplomats and human rights organisations, who had welcomed Karzai’s 2004 decision to drop Fahim from the ticket because of his background of alleged human rights violations

<sup>25</sup> Jason Straziuso, ‘Afghan Governor Leaves Presidential Race’, *The New York Times*, 2 May 2009. Sherzai claimed that he decided he could not evict Karzai and his family from the palace after he had met Karzai’s young son. Others report that during the conversation with President Karzai he was put under considerable pressure to step back.

and links to illegal armed groups and criminal networks.<sup>26</sup>

National Front members Sayed Nurullah (acting head of Jombesh-e Melli) and Ustad Mohaqeq, representing respectively the main Uzbek political party and an important Hazara faction, announced their joint support for Karzai in late May 2009. An earlier round of negotiations with Karzai had broken down, reportedly over Karzai's refusal to put the agreements in writing, and it was only after Nurullah broke a subsequent agreement with Abdullah – reportedly at Turkish prompting – that discussions with Karzai were reopened. Since then Mohaqeq has sought to ensure that the details of his deal with Karzai were upheld by making them public. He claims – not implausibly – to have been promised five ministerial posts and several governor posts, as well as the upgrading of two Hazara districts to provinces, while members of Jombesh say they have received similar promises.<sup>27</sup> The fact that the deal with Dostum seemed to have included the disqualification of rival Akbar Bay from the presidential contest and the possible rehabilitation and return to Afghanistan of Dostum, has been controversial.<sup>28</sup> Shia cleric and former leader of Harakat-e Islami, Ayatollah Asef Mohseni, shifted his allegiance from Abdullah to Karzai in June 2009, reportedly after an agreement was reached over amendments to

the controversial shia personal status law.<sup>29</sup> The leaders of Hezb-e Islami (reportedly all three factions of the formally registered branch) and some branches of Afghan Mellat announced support for Karzai in the face of internal dissent; earlier decisions to support Karzai had been overturned by provincial party delegations.<sup>30</sup>

Thirdly, Karzai mobilised his networks. The main figures in his campaign team – among others acting Minister for Border Affairs Assadullah Khaled, former Interior Minister Moqbel Zarar and Member of Parliament (MP) and mujahedin leader Abdul Rabb Sayyaf – were chosen for their active networks rather than their popular appeal: Khaled for his networks in the south and the southeast based on his (controversial) tenure as governor in Ghazni and Kandahar; Zarar for his MoI based network, as well as his links into Parwani and Andarabi circles; and Sayyaf as Karzai's longstanding adviser because of his close connections to the country's conservative circles. On the local level the Karzai campaign has recruited local leaders and commanders, as well as pro-government MPs.

Through these deals Karzai has gathered several of the main Pashtun contenders, the leaders of the main Uzbek and Hazara factions, one of the prominent Panjshiri leaders and several prominent personalities with active networks. The high profile announcements of support have been followed by a steady stream of expressions of support by other political parties, tribal shuras and social groups, who are looking for a place on the bandwagon. But because this is a game of perceptions, relatively small events can have considerable consequences, in particular as political actors want to 'end up on the winning side.'<sup>31</sup>

<sup>26</sup> For details on human rights allegations see for instance Afghanistan Justice Project (AJP),  *Casting Shadows: War Crimes and Crimes Against Humanity 1978-2001*, July 2005.

<sup>27</sup> See for instance Makia Monir, 'Karzai Vow Draws Negative Reaction', *Pajhwok*, 18 June 2009; and Renee Montagne, 'Afghan Politicians Pursue Minority Hazara Voters', *NPR*, 7 August 2009.

<sup>28</sup> See Sayed Yaqub Ibrahim, 'Candidates Controversy as Presidential Race Kicks Off', *Institute for War & Peace Reporting (IWRP)* No. 323, 24 June 2009. The failure to bring Dostum back to Afghanistan before the elections somewhat undermined the Karzai-Jombesh deal, with certain Jombesh factions publicly joining the Abdullah campaign (organising campaign rallies in his favour and displaying large posters with Dostum and Abdullah in the same picture). This coincided with reports in the media about a possible US investigation into the killing of Taliban prisoners by Dostum's troops in 2001. Several northern analysts interpreted the move as biased, as other possible perpetrators of war crimes were not being investigated and as a possible concession to the Taliban in the context of wider talks. Others saw it as evidence that the US wished to undermine Karzai. See for instance *Payam Mujahed Weekly*, 'Does the Human Rights Book have One Page?', 25 July 2009 (translated by *Haqiqat Media Monitoring* 2, 6).

<sup>29</sup> UN Electoral Assistance Team, weekly electoral report for the period 9-22 June 2009. The weekly reports can be downloaded from [www.afghanelections.org](http://www.afghanelections.org).

<sup>30</sup> *Mandegar Daily*, 'Hezb-e Islami Supports Karzai', 30 June 2009 (translated by *Haqiqat Media Monitoring Newsletter* 1, 7). As well as personal communications with Hezb-e Islami party members, May 2009.

<sup>31</sup> The following description of how war is waged in Afghanistan also holds true for Afghan politics: 'After continuing uninterrupted for more than 30 years, war in Afghanistan has developed its own peculiar rules, style, and logic. One of these rules is side with the winner. Afghan commanders are not cogs in a military machine but the guardians of specific interests -- the interests of the fighters pledged to them and of the tribal, religious, or political groups from which these men are recruited. Few factors have motivated individual Afghan commanders over the years more than the desire to end up on the winning side. They have often switched camps midconflict. In doing so, they have not declared their loyalty to a new cause or a different tribe; they have

Strategic and well-timed defections and popular criticism over ill-advised deals can cause alliances to unravel. In the weeks before the election Abdullah in particular managed to attract several defectors, which chipped away at the sense of momentum of Karzai's campaign.<sup>32</sup> A few of Karzai's deals also seemed to backfire, most prominently the one relating to the pardoning of several drug traffickers by presidential decree.<sup>33</sup> One of them, a relative of Karzai's campaign manager Haji Din Mohammad, was pardoned 'out of respect' for his well-known family in a move that was seen as blatantly related to Din Mohammad's support for Karzai. Deals with the main ethnic leaders also attracted criticism, with even people from their own constituencies sometimes referring to them as *tikka-dars* (contractors) and *commision-kars* (people who sell things or work for a commission or small fee).<sup>34</sup>

Because support is traded for future promises or immediate gains (money and favours), alliances are highly unstable. Promises are only useful if your candidate of choice wins and gains once received still leave the door open to switch sides. This means that if perceptions sway, allegiances start shifting. This whole process of negotiations, deal-making and changing of sides, often without much consultation, leaves many Afghans feeling that this has simply become a way of dividing power among an 'old boys' network' and that if there is a contest at all, it is not one in which they play a role. The sense that the elections are being fixed over their heads leads to disengagement and to a focus on

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argued that changing circumstances, such as a shift in the balance of power, demanded a strategic realignment. Their rationale was obvious: in a war that drags on, changing camps means living and holding on to power, as well as saving one's family and one's village. Thus in Afghanistan, battles have often been decided less by fighting than by defections. Changing sides, realigning, flipping -- whatever one wants to call it -- is the Afghan way of war.' Fotini Christia and Michael Semple, 'Flipping the Taliban' *Foreign Affairs*, July/August 2009. Flipping is also the Afghan way of politics.

<sup>32</sup> These included an early announcement of support in a 9 June press conference by Akbar Qasemi, a Hazara MP from Ghazni linked to Mohaqeq; the high-profile defection of powerful Balkh governor Mohammad Nur Atta in late June; and a series of campaign rallies in his favour by Jombesh factions in late July.

<sup>33</sup> See Farah Stockman, 'Karzai's Pardons Nullify Drug Court Gains', *Boston Globe*, 3 July 2009; Sayyad Salahuddin, 'Karzai Pardons Five Afghan Heroin Traffickers', *Reuters*, 9 July 2009; and Idress Daniel, 'Things Left Unsaid', *Kabul Daily*, 15 July 2009.

<sup>34</sup> Personal communications, mainly with Hazara voters, March-July 2009.

localised interests and deals (as will be discussed in chapter 3).

## 2.3 Campaigning

Campaigning in Afghanistan, as anywhere else, aims to consolidate support, reach out to new constituencies and project an image of success. This is done through large gatherings, often with lunch and transport costs provided; private face-to-face meetings; media interviews and advertisements; the distribution of campaign material; the giving of gifts, money and promises; and the plastering of large and colourful posters.<sup>35</sup> But there are also cruder methods, as illustrated by the description of a former warlord who was engaged to conduct an election campaign during the 2005 Parliamentary contest in Paktika, and who was said to have used 'the full range of methods in favour of his patron – co-opting district level polling staff for ballot stuffing, detaining election personnel who failed to cooperate with the cheating and purchasing the cooperation of counting staff.'<sup>36</sup>

The 2009 elections have shown an interesting diversification of campaign strategies, based on candidate backgrounds, assumptions, connections and resources. Some campaign staff moreover claimed to have adjusted their strategies mid-campaign, which suggests a certain sophistication that did not surface during earlier elections.<sup>37</sup> New campaign features included the use of websites and web-based fundraising (which in the first place seemed to be targeting overseas audiences) and the recruitment of international expertise – both most prominently by Ashraf Ghani Ahmadzai.<sup>38</sup>

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<sup>35</sup> For a more detailed discussion on campaign activities during the 2005 elections, including a study of campaign messages and poster iconography, see Wilder, *A House Divided*, 25-6 [see FN 7].

<sup>36</sup> Michael Semple, 'Afghanistan's Transitional Elections – Learning from the Parliamentary Elections of 2005', *Symposium on Strengthening Democratic Practices in South Asia* (27-29 May 2008).

<sup>37</sup> Interviews with campaign staff members, June-August 2009. Mentioned adjustments included a greater emphasis on media advertisement as opposed to posters and banners; a greater reliance on face-to-face meetings with elders as opposed to large gatherings; a greater emphasis on security as a campaign theme instead of economic issues; and a greater focus on the explanation of political programs. The interviews seemed to suggest that the more serious campaign teams were calibrating their strategies to complement the ways their candidates normally related to constituencies.

<sup>38</sup> *Huffington Post*, 'Carville Involvement in Afghan Race Complicates Situation for Clinton', 14 July 2009. Interlocutors also commented on the possibility of

There is an increasing range of professional campaign material on offer – ranging from pens and baseball caps with slogans to hot air balloons – but its use to date has been limited. The precedent of a televised debate between the three main contenders, which was to include the incumbent, caused considerable excitement.<sup>39</sup> This seems to illustrate a greater emphasis on political programs, even though many still complain that the candidates are found lacking in this respect. Campaign themes and messages that stand out include: changing the country's political system (from presidential to parliamentary), giving power back to the people, protecting the legacy of the mujahedin, talking to the Taleban (possibly through a *Loya Jirga*), affecting an economic overhaul, creating one million jobs, initiating large infrastructure projects, addressing corruption, protecting the role of Islam as a culture and religion under threat, redefining relations with the international military, including the demand for the release of detainees and an end to civilian casualties, reversing the effects of a free market economy, and bringing change. Several candidates have taken their cue from President Obama's campaign messages and imagery (one female candidate has copied his Andy Warhole-like posters and is using the slogan 'positive change').

The revised campaign finance regulations briefly became part of the electoral campaign when candidates accused each other of not complying.<sup>40</sup> Although it is unlikely that the regulations will significantly affect the candidates' campaign financing methods, the peer pressure to comply with the regulation is a welcome step towards

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Iranian expertise being added to Abdullah's campaign, given his campaign themes and slogans.

<sup>39</sup> Karzai however did not attend the debate. According to separate statements by his spokesmen this was because he had not received sufficient advance notice, he did not consider the network sufficiently impartial and opposed the fact that only three candidates had been invited – and he had been busy.

<sup>40</sup> The regulations stipulate that presidential candidates must declare their assets, open a separate campaign account, keep logs of donations and expenses, and regularly submit their financial administration to the IEC. 25 days after the start of the campaign period only 18 of the (then) 41 candidates had submitted their records. The highest expenses in the first reporting cycle were claimed by Abdullah (10 million afghani or \$200,000), and the lowest by Bashardost (10,000 afghani or \$200). *Afghanistan Daily*, 11 July 2009. Eight candidates risked sanctions for not reporting their expenses. *Nukhost Daily*, 'Eight Presidential Candidates are to be Disqualified', 25 July 2009 (translated by *Haqiqat Media Monitoring* 2, 13) and Tolo TV report 6 August 2009 (reported by BBC Monitoring Afghanistan, 8 August 2009).

transparency. The role of money in general is ambiguous. The distribution of money and gifts – to ensure the support of local leaders, finance campaign activities or persuade voters – are an integral part of Afghan campaigning, but opinions vary as to the impact this has on the actual behaviour of voters. An advertisement on private television channel Tolo TV captures the atmosphere quite well when it advises viewers to take the money but to vote according to their conscience.<sup>41</sup> In a secret vote the provider of the money should have no way of finding out whether the voter has upheld his or her part of the bargain. However, with the count taking place at the polling station, it will be relatively easy to evaluate, and reward or sanction, voter behaviour at the community level.

### 3. MOBILISING THE ELECTORATE

Although campaign activities are becoming more sophisticated, this probably does not draw in the bulk of the voters and the more traditional ways of reaching out to leaders and communities (through network mobilisation, deals and pressure) are likely to remain the dominant feature of an Afghan election. In the prevailing situation of popular disengagement of voters, candidates and their campaign teams need to persuade them to re-engage. Political brokers, who act as intermediaries between candidates and voters, play a crucial role in this regard. They tend to be highly engaged in the electoral process even if they do not believe there is a true contest, because it provides them with opportunities for political repositioning and gain, either for themselves or their constituencies. Voters are often pulled in different directions by a wide range of political brokers and try to make sense of their multiple loyalties, preferences and pressures.

This chapter explores the role of political brokers in the electoral process and discusses six factors that affect voter decisions. It also explains why voter behaviour in Afghanistan is so difficult to predict, despite seemingly constant patterns of ethnic and factional alignments.

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<sup>41</sup> Such messages were also spread during earlier elections, among others by the Afghan Independent Human Rights Commission (AIHRC). See Almut Wieland-Karimi, 'The Presidential Elections in Afghanistan – A somewhat shaky step towards democracy', *Friedrich Ebert Stiftung*, September 2004, 3.

### 3.1 The role of political brokers

The perception that the outcome of the presidential elections will be determined by international actors or through a clever game of behind-the-scenes deal-making has paradoxically not prevented political actors from becoming very much engaged. Communities, parties and solidarity groups go through several rounds of internal consultation and negotiation to make up their mind – in a process of communal decision making – about whom they will align themselves to. Representatives are sent to sound out the various candidates in search of the best alliance or the best deal in exchange for the votes on offer. To an outsider this process may seem highly opportunistic, but in a situation where institutions cannot be trusted to treat everyone in the same way, it is not enough to vote for a person with sound policy ideas or agreeable political positions. Instead, groups need to stake their claims clearly to ensure that they are not overlooked once the political competition is over. This can be done either by entering into direct agreements with potential winners or by a show of strength while supporting an opposing candidate.

The main political activity, in particular when it comes to mobilising the electorate, takes place at the level of the ‘political broker’. The term political broker is used here to describe any person who acts (or seeks to act or is seen to act) as an intermediary representing a certain constituency or vote bank, which they claim or are believed to control.<sup>42</sup> Such constituencies can be a tribe or sub-tribe in a certain area, a political party or mujahedin network, a village, but also a trade union, a women’s council or a group of students. The process is a two-way street with candidates, often through their campaign teams, actively contacting as many political brokers as they can find and potential brokers making the rounds to explore their options. Although it is an ongoing process, there are various phases.

In early 2009, while the potential presidential candidates were still deciding whether to run or not, the initiative was clearly on the side of the political brokers. They travelled to Kabul in great numbers and visited the various temporary campaign offices, gauging the strength, political positions and willingness to provide money of the

<sup>42</sup> This definition seeks to describe political brokers within the context of the electoral process. Political brokers however also operate outside the electoral process, usually as intermediaries between communities and the formal or informal authorities (which can include the government, international organisations and military or local strongmen).

various candidates. In the weeks after the nomination the emphasis moved to the recruitment and consolidation of campaign networks by the candidates’ core campaign teams. As the campaign period heated up, the focus moved towards arranging public expressions of support. Political brokers reported considerable pressure to publically declare their allegiances on behalf of their constituencies, as illustrated by the comment from a local leader from Daikundi: ‘What’s new? The candidates and their people, they are calling all the time: “Come eat our food, declare your support”. I really don’t know what to do.’<sup>43</sup>

The motivation for political brokers to spend time and money visiting the various candidates varies. Some are genuinely motivated by a feeling of responsibility towards their constituencies and many of them act as local representatives outside the election period as well, travelling to the provincial centre or to Kabul to lobby the institutions and to solve local problems, for instance to secure relief items or school supplies or to seek the release of local detainees.<sup>44</sup> For others it provides an opportunity to assert and reposition themselves, and to persuade potential patrons and clients of their (often exaggerated) influence and following. It is also an opportunity to solicit promises and privileges, either personally or for their constituencies. Finally, some are simply seeking to secure a share of the money that is being passed around and clearly not everybody posing as a community or tribal leader actually has a constituency.<sup>45</sup>

Many political brokers seem to have an exaggerated sense of the size of their vote bank, as well as the level of control they have over it. A former head of a Kabul trade union, for instance, explained how he had used ‘his’ votes in the 2004 election. He had supported Karzai then, but had been impressed by Massuda Jalal, the only female presidential candidate, and by the fact that she had personally visited him to ask his support. So he

<sup>43</sup> Phone conversation with a community leader from Daikundi, July 2009.

<sup>44</sup> An interesting category of political brokers during the elections is made up of informal community and opinion leaders who are actively networking without linking themselves to a candidate, simply gathering opinions and encouraging voters to take part in the vote.

<sup>45</sup> This is not limited to the electoral process. Anyone with influence or resources on offer (government institutions, aid organisations, the military) is regularly approached and petitioned by brokers, often in the form of tribal elders, party leaders or civil society actors, who claim to represent their constituency. Some of them are serious.

promised her 50,000 votes (out of a claimed total of 250,000).<sup>46</sup>

The decision on whom to support is often a complicated calculation. It includes factors such as the brokers' position vis-à-vis the various candidates, their own constituencies, their rivals and their powerful patrons. Although brokers claim to represent their constituency and its interests, they may also seek to 'trade' the vote bank they believe they control for unrelated gains. In many cases political brokers are linked to multiple and overlapping constituencies, which increases their options but also complicates their choice.

This is illustrated in the musings of a minor political leader who was exploring his options.<sup>47</sup> He had not risen to prominence under the Karzai administration and was still undecided as to whom to support. These were his considerations: On one hand he reckoned that allying himself to a losing candidate would not help his predicament. On the other hand, if he joined the Karzai campaign as his party was suggesting he would be a minor supporter and his role in securing the vote would go unnoticed. If he, however, joined the campaign of one of the other major candidates as an important representative of his ethnic group, he figured he could claim credit for all the votes from his area and use that in future negotiations with the next President. He was also considering using his relations with one of the vice-presidential candidates of a third major candidate to persuade him to step down (in order to weaken the candidate's campaign), but this would depend on whom he allied himself to.

### 3.2 Shows of strength

Many political actors seek to demonstrate their strength in the run up to an election in order to increase their value as an intermediary. There is a flurry of gatherings and party conferences, often attended by people who do not necessarily know what they have been invited to, including large numbers of students some as young as 15 years

<sup>46</sup> Personal communication, March 2009. The man claimed that the figure of 250,000 was based on an assessment made during trips to 'all provinces', during which he also gave instructions on how to vote. He also commented that he somewhat regretted his support, as he had 'given' the votes on the condition that she was not running just to secure a government position (Jalal was appointed Minister of Women's Affairs after the election).

<sup>47</sup> Personal communication with the deputy head of a political party, June 2009.

old, to inflate participant numbers.<sup>48</sup> Community leaders in the provinces are also regularly summoned to Kabul, expenses and accommodation paid.<sup>49</sup> Such activities however can also backfire, as reports of participants having been paid or tricked into attending political meetings – whether reported in the media or passed around by word of mouth – can do considerable damage to the reputation of those involved. In June 2009, for instance, a relatively unknown group decided to organise a gathering with 10,000 participants with the sole purpose of proving how many people it could bring together. They reportedly gathered an estimated 500 people, but the police had to be called in when several of the 'demonstrators' turned out to be day labourers and started demanding their day's wages.<sup>50</sup>

In the early stages, gatherings are often simply a show of force without announcing support for a particular candidate or agenda. As the campaign period proceeds, groups are mobilised in order to show support for the candidates of choice. Campaign messages are delivered, participants speak glowingly in support of the candidate and often some form of general voter education is given (in particular explaining how the candidate can be found on the ballot).<sup>51</sup> Voters and political brokers often attend multiple gatherings to listen to what the candidates have to say, to see whether they will be given anything, or simply because they were invited. Traditions of politeness make it difficult *not* to declare support for the host when asked, particularly if food is served or gifts are given. Obviously not everybody who attends a meeting ultimately votes for the candidate in question.

The mobilisation of the electorate is thus a rather unstable affair. Political brokers exaggerate their strength and promise votes they do not necessarily control or intend to deliver – often to multiple

<sup>48</sup> Reports by participants of political gatherings, June 2009. Other common ways in which political brokers seek to prove their relative strength include providing photocopies (sometimes originals) of large numbers of voter cards, and making claims about the numbers of votes they have delivered or received in the past.

<sup>49</sup> This is not limited to election time. Delegations of elders are often summoned by their patrons in the capital to lobby a certain agenda with the President or other authorities (for instance the removal of a governor) and in many cases at least part of the delegation is not aware of what they have been invited along to.

<sup>50</sup> Personal communication with political party leader, June 2009. See also *The Peninsula (Qatar)*, 'Afghan politicians arrested over "staged rally"', 6 June 2009.

<sup>51</sup> See also Andrew Wilder, *A House Divided* [FN 7].

candidates. Voters may ignore instructions or disregard their pledges. And there is always the suspicion that candidates may not uphold their part of the deal, if only because too much has been promised to too many supporters.

### 3.3 The complexity of voter decisions; six determining factors

A complicating factor in the study of political alignments in Afghanistan is that loyalty networks are not clear-cut. This phenomenon has been described by anthropologists and seems to have only become more pronounced in the last decades, under the influences of upheaval, migration and modernisation.<sup>52</sup> Whitney Azoy wonders: 'How is it that the political field is so full of persons potentially available as clients for self-styled patrons? How is it that such potential followers are not already bound by membership in some unit of social organisation whose authority they recognise in a comprehensive way?'<sup>53</sup> He answers these questions by exploring the 'four ties, that do not always bind': kinship, residence, class and religion. He argues that they tie people together and place them within a social network, but that they do not provide a clear framework within which leadership status is unequivocally defined. He goes on to explain:

In the absence of institutions that specify authority, this critical element is vested instead in individuals who cast themselves as leaders and bolster their claims by the acquisition of followers. (...) recognition comes in the form of allegiances from other individuals who perceive such a patron-client relationship to be to their best advantage. Relatively unfettered by corporate obligations, such followers tend to come and go from situation to situation.<sup>54</sup>

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<sup>52</sup> Fredrik Barth, *Political Leadership Among Swat Pathans*, London School of Economics Monographs on Social Anthropology, Berg Publishers, 1965; and G. Whitney Azoy, *Buzkashi. Game and Power in Afghanistan*. Illinois: Waveland Press, 2003 (second edition). Andrew Wilder commented more recently: 'In Afghanistan this type of analysis [of political alignments and divisions] is notoriously tricky, as allegiances and alliances are constantly shifting. Individuals may be allied to more than one group at any given point in time, and a top layer of alliances may hide multiple lower levels of complex relationships and allegiances.' Wilder, *A House Divided*, 4 [see FN 7].

<sup>53</sup> G. Whitney Azoy, *Buzkashi*, 24 [see FN 52].

<sup>54</sup> G. Whitney Azoy, *Buzkashi*, 27-8 [see FN 52].

But how do those followers choose who they will link themselves to? The idea underlying the system of political brokers is that voters in Afghanistan generally do not decide for themselves, but that they are waiting for instructions from their seniors – be they tribal leaders, economic patrons, commanders, husbands or elder relatives. The assumption is then that if the leaders are co-opted, the voters (and their votes) will follow. This link is however not at all as straightforward as political brokers and candidates like to project. Living in a communal society, many Afghans do indeed look to others for instruction or advice on important decisions, but they often find themselves pulled in multiple directions. In-depth conversations with a large number of voters and political brokers have uncovered at least six, partly overlapping, principles that play a role when deciding who to vote for. These six principles, which will be briefly discussed below, are: instruction; loyalty; patronage and proximity; pressure; positioning; and considerations of substance. Most decisions are a result of the interplay between multiple principles, making voter behaviour difficult to predict.<sup>55</sup>

#### *Factor 1: Instruction*

When following the principle of instruction voters simply adhere to a leader's lead, based on the assumption that this will somehow further the group's interest or, alternatively, based on a lack of appetite to challenge the leader's authority. This principle tends to be particularly pronounced in rural areas where levels of education are low and coercive commander networks are strong, and in areas with sharply drawn factional lines where patterns of instruction and mobilisation are constantly reaffirmed. Examples of such areas are Daikundi or Faryab, where the various factional parties are locked in a longstanding and fierce competition over power and government positions.

The behind-the-scenes deal-making is based on the assumption that once a leader has announced his support, his followers will follow.<sup>56</sup> The

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<sup>55</sup> Voter behaviour in Afghanistan is not only difficult to predict, it is also difficult to credibly analyse (other than based on what people say they will do or have done). As will be discussed in more detail below, the prevalence of multiple and proxy voting, ballot stuffing and manipulation of the count means that it is unclear to what extent election outcomes actually represent voter decisions.

<sup>56</sup> Other objectives of such deals, other than securing the votes of the followers, is to co-opt the networks linked to these leaders for campaigning or manipulation purposes, and to project a show of strength.

endorsement of Karzai's candidacy by Uzbek leader Dostum and Hazara leader Mohaqeq was thus meant to deliver a large part of the Uzbek and Hazara minority vote (in particular in the absence of strong candidates running from these ethnic groups). Many interlocutors have however expressed frustration over the fact that these figures are still considered to represent them, despite their violent backgrounds and their failure to effectively represent the constituencies' interests. There seems to be a general and consistent appetite, at least at the level of political brokers, to support a new generation of leaders.<sup>57</sup>

### *Factor 2: Loyalty*

The principle of loyalty describes often very personal claims that are made on Afghans to provide support to a certain person or cause, based on ties of friendship, duty, obligation and reciprocity (often amounting to emotional blackmail). These claims are not necessarily made in the context of an unequal and hierarchical relationship, as is the case with instruction. The person persuading can be a senior or a peer, but also a very persuasive subordinate. It is these kinds of ties that often force Afghans to reluctantly enter into alliances or expressions of support, against their better judgement or preferences. One of the vice-presidential candidates for instance was unable to refuse the last minute request of a presidential candidate, who was also a close family friend, to join his ticket despite actually supporting a competitor (the candidacy was however later withdrawn).<sup>58</sup> The principle of loyalty does not necessarily imply affinity for or proximity to the candidate, as support or votes are often given out of loyalty to the person who has sought to persuade them and who is seeking to consolidate his or her vote bank in the face of fierce competition.

### *Factor 3: Patronage and proximity*

The principle of patronage and proximity is strongly inspired by the concept of *waseta*

<sup>57</sup> After the fall of the Taleban many Afghans had expected the return to power of the pre-war elites and the educated, and were surprised by the re-emergence of mujahedin networks as the main conduits of power. The return of these networks was facilitated by the fact that their forces were used as ground troops in the 'war on terror', by a half-hearted disarmament program, a lack of support for transitional justice, and the incorporation of former commanders in the security forces and government administration based on considerations of patronage and political inclusion rather than suitability for the task.

<sup>58</sup> Author's interview with associates of the vice-presidential candidate, May 2009.

(literally: connection) that permeates Afghan society. *Waseta* is based on the assumption that you will always need a person 'on the inside' in order to be given what you need – whether it is a government service, an appointment or a favourable ruling. Voters thus actively seek to uncover ties of tribal, geographical or social 'closeness' to the various candidates (or their entourage) in the hope that this will grant them access to the future leadership. This proximity can be quite tenuous. For instance voters in Logar explained how, in the absence of any candidates that they had direct links to, they were contemplating supporting a presidential candidate who had at least lived in their province for a few years.<sup>59</sup> The principle of patronage and proximity is particularly important in the parliamentary and provincial council elections, as the chances of being able to make use of the access it provides is much greater.

An inversion of this principle is the consideration to vote for a candidate because he or she has shown relatively *little* consideration for tribal, geographical or factional ties. Several interlocutors have for this reason, both during this election and during earlier ones, considered voting for one of the female candidates – although it is by no means sure that they actually did so in the end.

### *Factor 4: Pressure*

Voters are put under considerable pressure through intimidation and threats of violence or marginalisation. This is particularly the case in rural areas where it is more difficult to be anonymous and where commander networks, often linked to the local and central administration, tend to be the main conduits of power and influence. During the 2004 presidential elections, for instance, local leaders instructed people on how to vote and put them under considerable pressure (there was the rather infamous example in 2004 of the Terezaï tribal shura in Khost announcing that they would burn the houses of anyone not voting for Karzai).<sup>60</sup> Reports from the south describe how people were checked at bus stands and city entrances to verify whether they were carrying voter cards so that they could vote for Karzai. Those who did not have cards were reportedly 'fined' by the local militiamen.<sup>61</sup>

<sup>59</sup> Personal communication with voter from Logar, May 2009.

<sup>60</sup> See for instance *Swisspeace*, 'Update Afghanistan Quarterly Risk Assessment. September-December 2004', 2005.

<sup>61</sup> Personal communication with tribal elders from, among others, Uruzgan, 2008-2009.

Several interlocutors have reported how in the current elections local strongmen, whether campaigning for a presidential candidate or themselves running as candidates in the provincial council elections, have made it very clear to local populations that they will hold them responsible for a disappointing outcome. The fact that the votes will be counted at the polling station means that populations can be directly linked to voter behaviour (as opposed to during the last elections where the process of mixing batches of ballot papers made it difficult to determine how a certain area had voted).<sup>62</sup> There is thus an increased likelihood of post-election 'punishment' towards communities who have not voted as they were told.

The principle of pressure is closely linked to the principle of positioning, as in many cases the threat is so much implied and so well-known that it does not need to be articulated. Voters thus adjust their behaviour without needing to be told.

#### *Factor 5: Negotiation and positioning*

The principle of negotiation and positioning is hugely important and tends to permeate the other considerations. Many voters do not simply blindly follow instructions or ties of loyalty, if only because they often find themselves pulled in different directions. Instead they seek to evaluate the consequences of their decisions by assessing the risks, estimating the value of the deal they are being offered and comparing the various ties of loyalty. This is particularly the case when people doubt whether their vote will have any impact at all and many then seek to at least use their vote to acquire personal benefits or to further the interests of their group. Voters may decide to vote for their (unpopular) ethnic leader, not so much out of loyalty or because they have been told to do so, but because it will help position their ethnic group as a force to be reckoned with. This is one of the reasons why minorities – for instance Hazara enclaves in insurgency affected areas – lobby so fiercely for voter registration to take place in their areas, as in the absence of statistics it is the only means of staking their claims based numbers and

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<sup>62</sup> Although in some cases it remained very obvious. During the 2004 presidential elections, for instance, the Hazarajat voted overwhelmingly for Hazara candidate Mohaqeq (around 80%). Several interlocutors from Daikondi recounted how when their elders went to meet the President after the elections, he complained that they had not voted for him even though he had given them a province of their own (Daikondi and Panjshir were established as separate provinces shortly before the 2004 elections). Personal communications with community leaders from Daikundi, March-July 2009.

political weight. Communities may also decide to collectively vote for the candidate who provided the most attractive and credible deal, in order to later claim whatever was promised.

Inversely, a tribal leader from the south of Afghanistan explained how he had advised his tribe not to campaign on anybody's behalf in the presidential elections (although, if asked, they would say they were working for the incumbent). Over the last few years he and his tribe had faced many problems in the area due to local rivalries, and it was obvious to him that the fact that he had chosen to support one of the president's rivals in the 2004 election had exacerbated the situation. In the context of a worsening security situation and the preponderance of false reporting by those linked to the government, he did not think it wise to further alienate those who were in power and who, in his view, would ensure the president's re-election, as well as the consolidation of their own power base.<sup>63</sup>

#### *Factor 6: Considerations on substance*

Although the electoral contest continues to be dominated by politics of personality and solidarity networks, there are indications that the role of substance in terms of political programs and positions may be growing. During the 2004 elections the two main defining features of the contest had been the unequivocal international support for Karzai and the fact that every major ethnic group had its own candidate – giving many voters in essence two candidates to choose between (unless they had personal ties or a close political affiliation to one of the other less prominent contenders). In the current election however many voters feel that they are left without a natural choice. They are wondering whether they should vote for the candidate who seems to be the likely winner, but whom many perceive as having been unsuccessful during his tenure, or for one of the contesters who seem to be unknown quantities. In order to make their decision many Afghans seem to be paying more attention to the views and suggested policies of the candidates as compared to the last presidential election. The disappointment over the last eight years seems to have made Afghans aware of the necessity to have policies as well as politics. And

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<sup>63</sup> Personal communication with a tribal elder from Uruzgan, June 2009. The comment on false reporting refers to a pattern of behavior which is most prevalent in the south but can be found in all parts of Afghanistan, in which local commanders use their close relations to the government and/or international coalition forces to marginalise and persecute rivals, for instance by reporting that they are linked to the insurgency.

although considerations of substance may ultimately not determine the decision of many voters, they do feature in the equation.

In the provincial council and parliamentary elections there may be a reversed trend, as illustrated by the new strategy of one of the democratic parties that did not manage to get any of its candidates elected in 2005. It claimed to be fielding 25 provincial council candidates in the 2009 elections in multiple provinces (all of them as independents). The party decided not to prioritise political messages this time, as this had proven unsuccessful during the last election. Instead, they decided to focus on communities and families who could be persuaded that the candidate was 'one of their own' – for instance because he or she was from the same area of origin or from the same tribe or sub-tribe.<sup>64</sup> This approach illustrates three things: (1) a conclusion based on past experience that closeness in terms of social or ethnic ties is likely to be a more reliable basis to win votes than political convictions; (2) the realisation that in the provincial council contest relatively small numbers of votes can determine whether a candidate wins or loses, making it worthwhile to invest in winning over individual families; and (3) the assumption that families and communities can be persuaded to vote as a bloc. There seems to be a greater realisation, particularly among the smaller candidates, that every vote potentially counts.<sup>65</sup>

### 3.4 How will voters vote?

It is difficult to predict voter behaviour in the absence of clear alliances and credible polling data.<sup>66</sup> Voting patterns along ethnic and factionalised political party lines observed during the past two elections provide some guidance. However, the complex decision-making processes and the changing political environment could well lead to a shift in voter behaviour. Compared to the 2004 and 2005 elections there seems to be a

<sup>64</sup> Personal communication with a democratic political party leader, June 2009.

<sup>65</sup> The contest over the last male parliamentary seat in Ghazni in 2005 was famously decided by two votes, while other contests were decided by mere hundreds. Friends of the unlucky Ghazni candidate claimed that he had not bothered to vote and neither had his wife.

<sup>66</sup> Although some organisations conduct polls and opinion surveys in Afghanistan, their samples are often small and the geographic spread across the country limited. More important, however, is the fact that in a low-trust environment respondents may not speak freely to strangers asking them sensitive questions. For this reason it is difficult to take figures describing for instance support for the government at face value, although a series of polls can indicate certain trends.

greater disaffection with the country's factional leaders (*rahbaran*) and a greater openness towards non-factional alignments, at least among the political class and at least in the presidential election. This does not necessarily mean that voters will not vote according to old patterns or that they will no longer listen to their leaders. During the 2005 parliamentary elections many people still seem to have voted for the candidates they had wished to see excluded. In the absence of obvious alternatives in terms of leadership and faced with declining faith in the 'new Afghanistan' Afghans may well stick with what they know. But there seems to be a growing constituency for a new generation and new type of leaders.

Moreover, the proportion of young voters is growing – even more than it should, due to under-age registrations. It is not clear whether voting patterns of the youth differ significantly from those of their parents, but the fact that they grow up in a different world – with no memory of either the  *jihad*  or pre-war peace – and under the influences of globalisation and modernisation, is likely to affect their worldview and decisions.<sup>67</sup> In particular among the Hazaras, whose children are 'flocking to universities and office jobs', there seems to be a generational and political shift, which may or may not play out in the elections.<sup>68</sup>

In a situation, where many voters believe that the election has limited political meaning or that their vote is unlikely to affect its outcome, voters are more likely to vote out of considerations of loyalty (often to the political broker asking for the support), pressure, personal positioning or gain. In a way, the less voters believe that the election is a genuine exercise in representation, the more likely they are to vote in ways that they may feel unhappy about.

Finally, many voters are still not convinced that there is going to be an election (at all or in their area). Others are not sure they want to take the risks involved in participating, given the context of insecurity, insurgency threat, lack of government control and general disaffection. In the face of suspicions of international pre-determination it is unclear to many voters what the point of the

<sup>67</sup> See also Thomas Ruttig, *Präsident Karzai vor zweiter Amtszeit? Sicherheitsprobleme und Legitimitätsdefizite bei den Präsidentschaftswahlen in Afghanistan*, Berlin: Stiftung Wissenschaft und Politik, SWP Aktuell 2009/A 43, August 2009, 7: 'The [electoral behaviour of] young urban voters [is] unpredictable to some extent. In an urban milieu, pressure to conform is less mighty, the level of information higher and interest in politics more developed.'

<sup>68</sup> Pamela Constable, 'Hazaras May Play Key Role in Afghan Vote', *Washington Post*, 26 July 2009.

current elections is. A young trader and political broker from southern Afghanistan had ‘polled’ people from three southern provinces on their views of the elections. He described how several of them said they had torn up their voter card and did not wish to participate in the elections. One of the factors affecting people’s attitude, according to him, was the impact of military operations and the fear that there would be more of them in the run-up to the elections: ‘People wondered whether they should vote while still burying their dead. They said: “Why don’t we just divide the votes without voting. Why don’t we just look at the population and say: in this district so many people voted for so-and-so. Or why don’t we leave it all together. It is inhumane to do a military operation just for a handful of votes.”’<sup>69</sup>

#### 4. MANIPULATING THE ELECTORAL PROCESS

We will decide as a tribe whether we vote and how we vote. We have not decided yet. Some want to vote, others say it is a *kafir* (infidel) process. If we vote, we will put all our cards in a bag and send a person to the provincial centre to vote there. We cannot vote in our area, even if there is a polling centre. There are Taliban everywhere. There will be no voting here. But at the end of the day the boxes will be full.<sup>70</sup>

The third factor that Afghans believe will determine the outcome of the elections – after international decision-making and deals between their leaders – is manipulation and fraud. The 2004 elections saw its share of irregularities, but the outcome matched what was generally expected (a victory for Karzai) and protesting candidates were persuaded to accept the results in the interest of political stability. The irregularities during the 2005 parliamentary and provincial council elections are more likely to have significantly altered the outcome of the vote, as the SNTV electoral system ensured that small margins could determine the difference between winning and losing.<sup>71</sup> The

<sup>69</sup> Personal communication with trader from Helmand, June 2009.

<sup>70</sup> Author’s interview with tribal elder from Helmand, August 2009.

<sup>71</sup> SNTV is the Single Non-Transferrable Vote. Because voters are given only one vote in a multi-person constituency and have to choose between a wide array of candidates, all standing as individuals, popular candidates are often voted in with a surplus of ‘wasted’ votes, while the contest between minor candidates can

electorate largely stayed out of the controversy, but was certainly affected by it. The perception that most candidates (or their supporters) had been involved in some form of fraud or manipulation and had not effectively been challenged, added to the disaffection that many voters already felt about the range of candidates that had been allowed to participate. Many Afghans had assumed that those implicated in gross human rights violations or crimes, or even the uneducated, would be excluded from contesting and were somewhat taken aback to find that this was not the case.<sup>72</sup>

The run-up to the 2009 elections has seen widespread preparations for another round of electoral manipulation. This chapter explores the main mechanisms of fraud and manipulation, which include multiple, proxy and underage registration and voting; manipulation during the count and the data entry; manipulation of the processes of exclusion; and partiality and misuse of government resources.

##### 4.1 Multiplying the vote

###### *Over-registration*

The first indications of possible widespread over-registration surfaced during voter registration in the run-up to the 2004 elections, when the total number of distributed voter cards (10.5 million) exceeded the total number of estimated voters (9.8 million).<sup>73</sup> This was most pronounced in the east and southeast, where in four provinces – Nuristan, Khost, Paktia and Paktika – registration reached an impressive 140% of the number of estimated voters.<sup>74</sup> The over-registration was

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be decided with very small margins. This is particularly the case when the vote is split between large numbers of candidates with similar constituencies.

<sup>72</sup> Based on the Constitution, only those who have been *convicted* of a crime or crimes against humanity can be excluded from running for office. Many Afghans feel that this is overly formalistic, given the weakness of the justice system and the absence of a robust transitional justice process, often arguing that ‘everybody knows who these people are.’

<sup>73</sup> The estimated number of voters by UNAMA was an extrapolated figure based on various sources, including the 1974 census and estimates of demographic changes. Although it is possible the UNAMA estimates were on the conservative side, this is insufficient to explain the massive over-registration.

<sup>74</sup> In Panjshir the situation was even more pronounced, with registration figures reaching 119% of the total estimated *population* (based on estimates by the Central Statistics Office). However on polling day only 44% of the registered votes were cast. Here over-registration

generally considered to have been caused by multiple registrations and, to a lesser extent, the registration of minors.<sup>75</sup> During the registration process in 2005, aimed at those who had not registered before, an additional 1.7 million cards were distributed. The most recent voter registration update, which took place in four phases between October 2008 and February 2009, added another 4.4 million to the total. This has brought the total number of voter cards in circulation to a highly implausible 17 million (an election official who wished to remain anonymous recently estimated that up to 3 million of those cards may be duplicates).<sup>76</sup> It is by now impossible to know how many actual voters these figures represent.

Extra voter cards can be acquired by registering more than once, by buying blank voter cards in the market, or by registering 'phantom voters', i.e. people that do not exist.<sup>77</sup> Some people own so many cards that it would amount to ballot-stuffing if they used them all at once. And if the numbers of the cards are recorded correctly in the polling station registry, there is no trace of fraud having been committed.<sup>78</sup> In the 2005 elections fraud of this nature was often easily detected, as voter registries tended to be incomplete and ballot papers had in many cases been neatly stacked or even folded in packs. There are, however, indications that people have learnt and that efforts will be made to more effectively cover up the manipulation. Some acquire large numbers of voter cards to sell them to the highest bidder. A voter from Logar was reported to have buried hundreds of voter cards in his garden, which he hoped to sell for five dollars each. The cards were genuine but with fake names (mostly of women)

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seemed related to a show of force, rather than a desire to defraud the elections.

<sup>75</sup> See EU DESM, *Final Report*, 9-10 [FN 7].

<sup>76</sup> 'The Situation in Afghanistan and its Implications for International Peace and Security', UN doc A/63/751 – S/2009/135, 10 March 2009, 3. The total figure may still increase, as registration was ongoing at a low level in provincial centres and by mobile registration teams covering previously insecure areas. For the figure on duplicate cards see Carlotta Gall, 'Fears of Fraud Cast Pall over Afghan Election', *New York Times*, 3 August 2009.

<sup>77</sup> The going rate for blank voter cards in Ghazni in May 2009 was reported to be 10,000 afghani (USD \$200) for 200 cards. Similar prices were named for Kandahar. See also 'Britney Spears, Hamid Karzai and a "Nightmare Scenario"', *AfPax Insider*: www.afpax.com.

<sup>78</sup> See Michael Semple, 'Why buy a voter registration card?', a letter circulated on the Afghanistan email list managed by Barney Rubin, March 2008.

and had been provided by a friend working for the electoral administration.<sup>79</sup>

The absence of a credible voter registry, or any other reliable form of registry, and the lack of effective safeguards against multiple registrations has greatly facilitated the widespread incidence of multiple and proxy voting. The use of indelible ink (which failed famously during the 2004 elections, due to confusion over the various kinds of marker pens) is meant to prevent multiple voting. Such measures are however only effective if they are actually implemented. In remote, largely unmonitored and commander-controlled areas it is unlikely that polling staff will be in a position or will want to systematically enforce fraud-mitigating measures. Moreover, voters in insurgency affected areas will be reluctant to have their finger dipped in indelible ink – and rightly so – as this will make them stand out and leave them vulnerable to Taliban repercussions for at least a week.

### 'Phantom female voters'

A particular feature of the registration process, in particular in the Pashtun areas, has been the widespread 'proxy registration' of female voters, which is facilitated by the fact that women are allowed to register without providing photographs. In some cases the proxy registration is done in good faith with electoral staff allowing male voters to register their female family members in line with cultural sensitivities. In other cases male elders simply collect large numbers of cards by providing lists with random female names. A former election official from Kandahar recounted how he had recently sat next to a prominent community leader as the man phoned the female members of his family, instructing them to draw up lists of women's names so he could 'register' them. A community leader from Uruzgan reported how he had been approached several times by a member of his tribe who had been responsible for the registration update in his area and who was offering him the votes of a 'full register' for the candidate of his choice.<sup>80</sup>

Paktika became particularly famous during the 2005 elections for being the most blatant case of over-registration and female proxy voting. In 2005 almost 160,000 registrations were added to the earlier total of 342,000 (which had already represented 140% of the estimated total voters in the province). The implausibly high proportion of alleged female registration in Paktika – 46.5% in

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<sup>79</sup> *Gulf Times*, 'Fraud casts shadow over Afghan Presidential vote', 25 July 2009.

<sup>80</sup> Author's interviews with southern tribal leaders, May and August 2009.

2004 and over 57% in 2005 – despite highly conservative cultural norms, was welcomed as a major achievement.<sup>81</sup> Warnings to the electoral authorities that preparations for massive multiple and proxy voting were being made were largely ignored, which led to chaotic scenes at the provincial counting centre when large numbers of blatantly stuffed ballot boxes were quarantined (and later released by JEMB staff).<sup>82</sup> Interviews in the aftermath of the elections suggested that the manipulation in Paktika was by no means an exception, although it had been taken to the extreme there.<sup>83</sup>

In 2009, there were even higher proportions of female registration than in 2005. In Nuristan, Khost, Logar and Paktia, respectively 71%, 68%, 66% and 62% of the total registrations were 'female voters', while Paktika still registered 50% women. There are moreover indications that the practice of female over-registration has spread to other provinces.<sup>84</sup> Interlocutors from southern Afghanistan, in the meantime, suggest that there may also be proxy voting on behalf of whole villages located in insecure areas. All indications are that preparations have been made for another round of mass proxy voting.

Successful large-scale manipulation requires compliance, if not complicity, of the electoral staff.

<sup>81</sup> The JEMB described the high percentages of women registering in 'the more-traditional areas of the country' as 'a particularly encouraging trend.' JEMBS, *Voter Registration Update Period. End-of-Period Report: 25 June-21 July 2005*, 2005. The EU Election Observation Mission was more realistic: 'Women's participation in the elections was marked by a higher share of female voters (44.4%) compared to 2004. Surprisingly, however, the highest increase in the rates of female registrants took place in provinces which happen to be among the most socially conservative areas of Afghanistan, which may be an indicator of considerable proxy registration in these provinces.' EU EOM, *Final Report*, 2 [see FN 7].

<sup>82</sup> Michael Semple, 'Afghanistan's Transitional Elections' [see FN 36] and Semple, 'Why buy a voter registration card?' [see FN 77].

<sup>83</sup> The generally more cohesive nature of tribal structures in the southeast facilitates the mobilisation necessary for this level of fraud, while the fact that two prominent leaders from the same family had chosen to compete in the same province may have led to a particularly fierce contest.

<sup>84</sup> In provinces like Kandahar, Farah, Ghazni, Kapisa and Panjshir, there were implausibly high proportions of female registrations in selected districts, but it was not widespread enough to bring the provincial total over 50%. Some northern districts also showed signs of female over-registration, but the number of districts and excess votes was much more limited than in other provinces. Personal communication with international analyst, July 2009.

So candidates go to great lengths to get their people recruited in the electoral administration and to co-opt existing staff. Conversely, staff is also known to sell its services. A provincial IEC coordinator is credibly reported to having been offered USD \$20,000 to appoint a local notable as district field coordinator (DFC), indicating that IEC staff can reasonably expect to earn back such an investment.<sup>85</sup> Possible lapses of integrity within the IEC are exacerbated by the cascading mode of recruitment, in which the provincial electoral officer recruits the DFCs, who in turn recruit all polling and counting staff. This has led to persistent allegations of nepotism and partisanship in hiring practices. Former staff members are moreover given priority over new staff, often with no proper evaluation of past performance or integrity and there have been allegations of dismissed electoral staff being rehired, despite having been banned from electoral responsibilities.<sup>86</sup>

### *Manipulating the count and data entry*

The counting process during the 2005 election, which was observed by large crowds of national observers and candidate agents, became the focus of loud and often chaotic allegations that counting staff was involved in irregularities. Allegations included staff invalidating ballots of rival candidates (by adding tick-marks to the papers), tallies being changed when copied from one form to the other, figures on forms being manipulated (by for instance adding a zero), or total figures being changed during data entry.<sup>87</sup> There are several examples of parliamentary candidates who at the last minute miraculously received the number of votes they needed. A *Wolesi Jirga* candidate whose scores were lagging behind described how he had received a phone call during the counting process, offering to boost his count in exchange for money (USD \$5,000). Although he claims not to have taken the caller up on the offer, his number of votes suddenly went up during the

<sup>85</sup> Personal communication with UN staff, May 2009.

<sup>86</sup> During the 2005 electoral process the JEMB fired around 50 staff because of electoral fraud. Their names were recorded so that they would not work in elections again, but reports indicate that some of them may have been rehired in 2009. JEMB, *Final Report*, 18 [see FN 5]; personal communications, June and July 2009.

<sup>87</sup> For a detailed description of irregularities observed during the count, see ANFREL, 'Summary of ANFREL's Post-Election Field Reports from 11 Long-Term Observers in 11 Provinces' (period until 30 September 2005), 2005.

final days of the count, securing him a seat in Parliament.<sup>88</sup>

During the current elections the count will take place at the polling station in order to address some of these irregularities. Many candidates support the decision, arguing that it simplifies the process and decreases opportunities for tampering and ‘after hours’ ballot stuffing’, as the boxes do not have to be transported and are counted immediately after polling ends. However, the absence of impartial observers in many of the more remote and insecure areas means that in many centres both polling and counting will go largely unmonitored. Moreover the fact that the count takes place at this level means that essentially the secrecy of the vote has been compromised, as it will be relatively easy to identify how certain areas and communities have voted (and locals will be able to easily guess who the ‘dissident voters’ were).

The count, tabulation and data entry is an area that (international) observer missions need to focus on. Although few foreign observers will be physically present during the initial count at the polling stations, it should be possible to gather reliable local information from the multiple sources of local observer networks and candidate agents, after which the data can be followed as it travels up the chain.

## 4.2 The exclusion of candidates, votes and voters

### *The quarantining process*

During previous elections there have been credible allegations that the processes of exclusion were manipulated by candidates and their backers in order to strengthen their own position and to eliminate and undermine rivals. This has confused and discredited the process. The main areas of focus have been the processes of quarantining, candidate vetting and voter enfranchisement. The quarantining process aims to isolate votes that seem to have been irregularly cast, pending further audit. During 2004 and 2005 this mainly concerned ballot boxes that seemed to have been tampered with.<sup>89</sup> During the 2004 elections, in the absence of clear guidelines, quarantining decisions were

<sup>88</sup> Personal communication with the successful *Wolesi Jirga* candidate, October 2005.

<sup>89</sup> This includes boxes that were inadequately documented, that contained too many or too few ballots (as compared to the recorded voters), that had broken seals, or that had been blatantly stuffed (usually recognizable by the neatly stacked piles of evenly folded ballots).

initially left to the discretion of the counting staff.<sup>90</sup> The final decisions were however made by a post-election Impartial Panel of Electoral Experts. 163 boxes were finally excluded from the count, representing a little over 64,000 votes (out of a total of over 8 million – i.e. 0.8%).<sup>91</sup>

During the 2005 elections the quarantining process became highly contentious and led to fierce arguments and lobbying by candidates and their agents, who flocked the count centres. Most candidates openly carried lists of ‘their’ ballot boxes, continuously calculating which boxes needed to be released in order to safeguard their election. They claimed to know which proportion of a certain community had promised them their votes, but interviews with people involved indicated that the contents of these boxes had in many cases been manipulated in their favour by electoral staff, as illustrated in the example below.

An unsuccessful *Wolesi Jirga* candidate provided a detailed report on how he had almost won the vote in his area. He had recruited the staff of several polling stations to use the whole night to add additional ballots in his favour to the boxes. The JEMB district field coordinator had also been part of the plan, as he had to fend off calls from Kabul asking for the final number of votes cast (he claimed for hours that he had been unable to raise the polling station staff on the phone). As a result, the candidate in question had detailed lists of the ballot boxes that were ‘his’, with estimates of the number of votes in his favour that they contained. As most candidates, he kept close track of the quarantining and release of ballot boxes, and was greatly relieved when sufficient boxes were released to ensure him a seat in Parliament – only to discover that he had been outdone by a rival candidate, who had apparently managed to recruit

<sup>90</sup> See DESM, *Final Report*, 2004, 24 [FN 7]: ‘...significant problems emerged during the reconciliation process because of a high proportion of erroneously completed General Return Forms. This meant that there was a high level of discrepancy between the number of ballot papers found in ballot boxes and the number of voters recorded as having voted. The JEMB had issued no formal instructions or guidelines on what steps should be taken where there was a significant discrepancy and considerable discretion was given to counting centre supervisors to resolve problematic cases.’

<sup>91</sup> 145 boxes were excluded for suspected ballot-stuffing. Most of them came from the south and the out-of-country vote, respectively from Pakistan (24); Iran (22); Uruzgan (16); Kandahar (15); Wardak (14); Daikundi (14); Kabul (11); Helmand (10); Nimruz (8); Baghlan (6); Nuristan (1), Kunduz (1) and Badghis (1). Final Report of the IPEE, 32 [see FN 7].

the electoral staff in several of 'his' polling stations to ballot-stuff in his favour instead.<sup>92</sup>

The process of releasing quarantined boxes back into the counting process was highly un-transparent.<sup>93</sup> In some cases it seemed random and driven mainly by a desire to decrease the percentage of invalid votes and to meet the counting deadline. In Paktika for instance, electoral staff was initially informally instructed that no more than 15% of the total votes should be kept in quarantine, despite the fact that a much larger proportion of the ballot boxes had been obviously stuffed.<sup>94</sup> In other cases electoral staff gave in to pressure by candidates and candidate agents or was involved in intentionally manipulating the outcome. In the end boxes from 746 polling stations were excluded from the count, representing 3% of the total.<sup>95</sup>

In the 2009 elections, it is unlikely that many ballot boxes will be quarantined before or during the count, as the votes will be counted at the polling station by the same staff that helped cast them. However there are several instances in the tallying process where suspicious results can be isolated pending further investigation. Transparency with regard to the decisions to quarantine or release results will be key to battle the perception of undue interference and manipulation – particularly in the case of a close run-off in the presidential election and in the provincial council contests where small numbers of votes can determine who wins or loses. What needs to be avoided at all

<sup>92</sup> Author's interview with unsuccessful parliamentary candidate, October 2005.

<sup>93</sup> The situation had improved compared to the presidential elections in that there were now clearly defined 'levels of tolerance' for the quarantining of ballot boxes (a discrepancy of 10 between ballots cast and recorded voters), but these were increased (to 20) by the JEMB once it became clear how many polling stations would be affected. Observers recorded the regular release of 'suspect' boxes back into the count without proper audit. EU EOM, *Final Report*, 30 [FN 7].

<sup>94</sup> Personal communication with election observer, October 2005 and July 2009. In the end almost a third of the polling stations was excluded, but this still did not represent the full sample of the obviously suspicious boxes.

<sup>95</sup> The list of irregularities included obvious ballot stuffing (297 polling stations), discrepancies beyond the 20-ballot margin (182 polling stations), and missing documentation which made the boxes unidentifiable. The provinces with the highest proportion of affected polling stations were Paktika (28.6%), Kandahar (8.9%), Nangarhar (4.6%), Helmand (4.1%), Uruzgan (3.6%), Laghman (2.9%), Ghazni (2.9%), and Badghis (2.8%). In Paghman district of Kabul initially all 120 polling stations were quarantined, but almost half were eventually included in the count. EU EOM *Final Report*, 31 [FN 7].

costs is a repeat of the 2005 experience where, in the absence of clear guidelines and proper checks, the processes of containing and releasing suspicious votes was vulnerable to arbitrary decisions and manipulation.

### *Candidate disqualification*

Although the process of candidate disqualification has affected much fewer candidates, it is probably viewed as one of the least fair and credible parts of the electoral process, in particular – but not exclusively – with regard to exclusions based on links to illegal armed groups. In this process there are two ways in which candidates and their backers can seek to exclude or undermine their rivals. They can formally challenge the rivals' candidacy or complain about their actions, or they can seek to influence the process of adjudication through patronage relations, pressure and bribery.

During the 2004 elections the complaints process was ill-defined and under-utilised.<sup>96</sup> During the 2005 electoral process, however, the Electoral Complaints Commission (ECC) received over 5,500 complaints, which considerably challenged the commission's limited resources.<sup>97</sup> The high number of complaints reflected a tradition of petitioning, rather than an understanding of the complaints process, which was illustrated by the fact that most complaints were not presented in ways that could be investigated or were not related to grounds for exclusion or sanction. The high number of complaints also reflected the fierceness of the local contest, as well as the expectation that fraud (particularly when done by rivals) would not go unpunished.

The exclusion of candidates has been even more contentious. After candidate nomination there is a short window in which the public can present challenges based on the criteria in the Constitution and the Electoral Law.<sup>98</sup> The ECC investigates the

<sup>96</sup> It was only after the controversies of Election Day, including the failure of the indelible ink as a safeguard against multiple voting, that a hastily established Impartial Panel of Election Experts (IPEE) received and reviewed several hundred complaints (representing 661 allegations). DESM, *Final Report*, 25; and Report of the IPEE [see FN 7].

<sup>97</sup> 575 complaints that were deemed to have a possible impact on the results were prioritized for investigation; most of the complaints in this category were about fraud. EOM, *Final Report*, 32 [see FN 7].

<sup>98</sup> Based on the Constitution (articles 62 and 85) candidates are to be barred from running in the elections if they have dual citizenship, are below the minimum age specified, or have been convicted for crimes against humanity, a criminal act or deprivation of civil rights by a court. The Electoral Law (article 15) bars those who have not resigned from certain government

challenges, mainly based on information provided by other institutions. For information on links to illegally armed groups the ECC relies on the Joint Secretariat of the Disarmament and Reintegration Commission (DRC). The information has been of varying quality and affected by bias and the process of deciding who should ultimately be excluded has been marred by manipulation and partiality.<sup>99</sup> A governor-led 'remapping' exercise of commanders linked to illegal armed groups in 2008 and 2009 was delayed and did little to improve the quality of the information, so that the process of listing and delisting continued to be affected by political and factional partiality.<sup>100</sup> Local reports suggest that the process mainly affected former commanders without ties to the electoral and government administration, as was the case last time. One of the disqualified candidates for instance claimed that when he went to the DRC to defend his case he was advised to 'withdraw his candidacy with dignity' as his earlier falling out with the head of the DRC rendered his case hopeless.<sup>101</sup>

Although it was agreed that the IEC would have no formal role in establishing the eligibility of candidates (other than whether the application was complete), the IEC sought to expand the list of ECC exclusions after having received the final decision. IEC head Azizullah Ludin expressed frustration over the lack of legal basis to exclude the unsuitable, the uneducated and the allegedly insane, stating that if he had his way, probably not more than five of the current presidential candidates would have been allowed to run.<sup>102</sup> The

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positions, who are a candidate in more than one constituency and those who 'practically command or are members of unofficial military forces or armed groups.'

<sup>99</sup> The EU Observer Mission reported that in 2005 'the ECC attracted credible allegations of political manipulation and favouritism' as many persons who could have been refused candidacy were not excluded, and that this brought the electoral system 'into serious disrepute in the eyes of much of the electorate.' *EU EOM Final Report*, 11 [see FN 7].

<sup>100</sup> Personal communications with international officials involved in the process, May-July 2009. See also ICG, *Afghanistan's Election Challenges*, 20 [FN 2]. The report describes the process of listing and delisting as 'a very opaque process subject to political pressures' based on data of uncertain quality.

<sup>101</sup> Personal communication with disqualified candidate, June 2009.

<sup>102</sup> IEC press conference, announcement of final candidate lists, 13 June 2009. Ludin had stated earlier that the IEC had asked Parliament to introduce eight new criteria for presidential candidates in the Electoral Law, including that they should be a Muslim, hold at least a bachelors degree and must not have committed 'crimes and acts of treason against the nation.' BBC

push for more exclusions was seen by some interlocutors as inspired by the desire to get rid of specific candidates.

Past examples of successful interference to undo disqualification include the last minute re-inclusion of Parwan provincial council candidate Samia Sadat in 2005. She had been excluded by the ECC only six days before the election (together with 11 other candidates) for failing to give up her government position as head of the provincial education department. When the ECC proved unresponsive to lobbying, the Supreme Court was mobilised and asked to review all ECC decisions. In the end both parties backed down and three candidates were reinstated, just three days before the elections. A last-minute meeting between Sadat and Karzai's wife is one of the factors that had reportedly helped her case.<sup>103</sup>

### *Manipulation of voter participation*

In all elections there has been a latent suspicion that issues of voter participation and access to polling stations would be manipulated to favour or disenfranchise certain groups. During the 2005 elections there were complaints that population figures had been manipulated in order to affect the allocation of parliamentary and provincial council seats.<sup>104</sup> More recently, in June 2009, a leaked letter from the Ministry of Interior suggesting to decrease the number of planned polling stations in the North by 1000, due to shortage of security staff, met with protests in the media and led to allegations that certain actors were seeking to disenfranchise the non-Pashtun constituencies.<sup>105</sup> In the south of Afghanistan, several interlocutors commented in the run-up to the elections on the potential willingness of local government officials to sacrifice security in certain districts where opposition candidates may make a strong showing.<sup>106</sup> This has not materialised, mainly because potentially strong candidates have withdrawn from the race, but the dynamic may still play out in future processes.

Due to insecurity, mainly in the Pashtun areas, several hundred planned polling stations may need to be relocated to more secure areas (in many cases next to existing polling stations or into the houses of tribal elders), while others may not open

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Persian website, 26 May 2009 (translated by *Haqiqat Media Monitoring* 2, 3).

<sup>103</sup> Personal communications with Afghan political analysts, September 2005.

<sup>104</sup> EOM, *Final Report*, 10 [see FN 7].

<sup>105</sup> Faisal Karimi, 'MPs Against Polling Centres' Shutting Down', *Quqnoos.com*, 22 June 2009.

<sup>106</sup> Personal communications with local community leaders and international experts, 2008-2009.

at all. This means that voters may have to travel up to 50 km through largely insecure areas to cast their vote, which will obviously affect participation.<sup>107</sup> The wider issue of voter disenfranchisement in insecure areas has, interestingly, not yet been raised with any great urgency by either politicians, local leaders or the press. Candidates and local actors may view the situation as a blessing in disguise, as it provides opportunities for unmonitored manipulation, while voters may not be engaged enough (or may be too fearful) to raise the issue. Others may be awaiting the results of the recent military operations.

There have also been reports of disenfranchisement by partisan hiring. A community leader from a Hazara area in the south explained how monopolisation of the registration in his area by a local faction had threatened to destabilise the whole process. Local elders of the traditional landowning elite had been selected by the IEC officer in charge – who was considered factionally partial – to manage the process. This had angered the area's other main faction. A violent confrontation was prevented, but those who had been left out refused to participate in the registration process.<sup>108</sup>

#### 4.3 Partiality and misuse of government resources

The lines of demarcation between support for the electoral process and the government in general, and support for a certain candidate tend to be blurred. During past elections there has been considerable pressure from government officials and local 'notables' on the local populations to register and to vote for particular candidates. This has been particularly pronounced in favour of the incumbent. Despite a presidential decree banning the use of government resources for campaign purposes, in practice there is no real division between the public and the political. Campaign networks tend to mobilise whatever resources they can muster and in the current election Karzai's team is obviously in a better position to do so than his rivals. Government departments with potential sub-national networks, such as the Independent Directorate for Local Governance (IDLG) and Ministries such as Education, Religious Affairs and Border Affairs, are attractive vehicles

<sup>107</sup> Personal communications with diplomats and UN staff, June-August 2009. At the release of this report the most quoted figure for polling stations that may not be able to open was 600 (roughly 10%). See also Gall 'Fears of Fraud Cast Pall over Afghan Election' [see FN 76].

<sup>108</sup> Telephone conversations with community leader and Daikundi IEC head, June and July 2009.

for campaign activities, while high-level local appointments, such as governors and district governors, have generally been informed by the wish to establish a sub-national network of Karzai loyalists. Atta's defection was an unexpected blow and the President and his team had been somewhat at a loss over how to respond.<sup>109</sup>

The national observer network Free and Fair Election Foundation of Afghanistan (FEFA) has extensively reported on the illegal use of government resources and other electoral offences, as has the media.<sup>110</sup> Most of the reporting has focused on misuse of government resources in support of the Karzai campaign. This has for instance included the use of government helicopters and police cars to transport supporters and goods; the use of government premises for campaign rallies, often in the presence of government officials; the levelling of threats and the issuing of voter instructions by government and security officials; and the withholding of government services to those expressing support for rivals. An example of how the various campaign efforts can be combined was provided by a gathering in Herat. The gathering – in support of both Karzai and a provincial council candidate – was organised by Sibghatullah Sanjar, who heads the Policy Unit in the Presidential Palace as well as the political party that fielded the particular provincial council candidate. The gathering was attended by a large number of government officials, was held in a government building and was broadcast on local state television.<sup>111</sup>

The IEC has been accused of partisanship during every single election so far, including the current one. This perception is exacerbated by the fact that the commission is appointed by the President and that the current head of the commission, Azizullah Ludin, is an outspoken Karzai loyalist.<sup>112</sup>

<sup>109</sup> Posters and banners showing Atta and Abdullah were prominently displayed all over town in June 2009. The Cabinet briefly considered firing Atta, after he had indicated that he had no intention of resigning, but then thought better of it.

<sup>110</sup> See FEFA, 'Campaign Violations Report (16 June-16 July)'; FEFA press release 'Concerns of the Free and Fair Election Foundation of Afghanistan about the increasing violations in the campaign process' dated 7 July 2009, as well as several interviews by the head of FEFA on local television networks. FEFA reports can be downloaded from [www.feфа.org.af/index.php](http://www.feфа.org.af/index.php).

<sup>111</sup> See open letter by FEFA to the Electoral Complaints Commission. The undated letter was distributed in early June 2009. The other examples are taken from reports in local newspapers in the period June-August 2009.

<sup>112</sup> The impression of IEC partiality is exacerbated by Karzai's choice of his electoral symbol, which for the second time in a row resembles the IEC logo. After it

Locally, due to the IEC's mode of recruitment, the electoral body is vulnerable to co-optation by local networks linked to certain candidates or open to be hired by them. This is illustrated in the complaint of a provincial council candidate from Samangan: 'The provincial head of UNAMA [IEC] is good but he is weak. [My rival] has put pressure on him and has managed to get all his people appointed as electoral staff. I also gave lists but UNAMA [IEC] ignored them, so now I have no one. Of course I have candidate agents but the polling staff will not let them near the boxes. They will tell them to monitor from a distance. Can you please call UNAMA [IEC] and tell them that they should also appoint some of my people. It should not be one-sided like this.'<sup>113</sup>

#### 4.4 The role of the 'international community'

During the 2004 and 2005 elections the international community largely focused its attention on the elections as the visible evidence of a democratisation process and on the logistical and technical challenges of the exercise. This focus translated into concerns over the prospect of violence and intimidation and the viability of pulling off the logistically complicated operations. The manipulation of the electoral process and the occurrence of fraud were treated as factors of limited political or practical importance. Electoral experts seemed to consider the occurrence of fraud a natural post-conflict phenomenon, which did not warrant specific attention, while they at the same time seemed to have underestimated the capacity of Afghan voters to understand and manipulate electoral procedures.<sup>114</sup> However, the prevalence of irregularities during both elections have provided a precedent of vote manipulation and government support for the incumbent and have currently made fraud an integral part of the Afghan electoral contest. For instance, several former candidates and political party leaders who fielded candidates in the past recently commented that while during the last elections they had not engaged in any form of manipulation (either because they did not wish to or had not been sufficiently aware of the need to), they had now

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became an issue the IEC decided to remove the logo from their material, where possible.

<sup>113</sup> Author's interview with provincial council candidate from Samangan, August 2008.

<sup>114</sup> The JEMB conceded after the 2005 elections that 'the level of allegations of fraud and the number of polling stations that required investigation was higher than expected.' JEMB, *Final Report*, 18 [see FN 5].

learnt their lesson and would definitely seek to outsmart their rivals in that arena as well.<sup>115</sup>

The combined role of the 'international community' of simultaneously supporting, monitoring and validating the elections is somewhat complicated, although not unusual. In the past this has led international actors to, at least publicly, underplay the political implications of electoral flaws and declining voter confidence. Many of the international actors have a stake in favourably presenting the achievements of the Afghan state-building process (not in the least to ensure continued parliamentary support for their military and financial commitments in Afghanistan) and have prioritised acceptance of election results over the acknowledgement of irregularities. This time around, however, the increased sense of urgency pushed by a new US administration and the more critical relationship with the Afghan government seems to have led to a greater readiness to acknowledge problems. This is illustrated by relatively strong public comments, in particular by the UN and the US, which in the run-up to the past elections would have been unthinkable.<sup>116</sup> The pressure to declare that the elections were sufficiently 'credible, secure and inclusive', irrespective of the electorate's perceptions, will however remain considerable.<sup>117</sup>

One thing should however be clear: the best efforts of observers, candidate agents, international advisers and the IEC will probably not mitigate the prevalence of fraud and interference in any serious way, in particular not in the remote

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<sup>115</sup> Personal communications with political party leaders, March-July 2009.

<sup>116</sup> See for instance a recent op-ed by Tim Carney, head of the US Interagency Electoral Support Team, where he refers to the need to address 'potential fraud from bogus registration cards and polling staff collusion.' US Special Envoy Richard Holbrooke recently conceded that the US is 'worried about voter registration fraud and we are worried about voters who will be unable to reach polling stations because of insecurity. ... And we are worried about the inaccuracy of the vote count, and we are worried about the ability of women to vote.' Tim Carney, 'Ballots not Bullets for Afghanistan', *Huffington Post*, 2 July 2009; and Gall, 'Fears of Fraud Cast Pall over Afghan Election' [see FN 76].

<sup>117</sup> See Carney, 'Ballots not Bullets' [FN 116]: 'Free and fair elections are not always easy to achieve, even in established democracies, including – at times – our own. In Afghanistan, a realistic benchmark is that they are credible, secure and inclusive [emphasis added].' UN Special Representative of the Secretary General Kai Eide however recently mentioned the 'long list' of criteria, stating that the elections should be 'free, fair, transparent, credible, secure and inclusive.' Kai Eide, *UN Envoy Kai Eide on Afghanistan's Critical Election*. Radio Free Europe/Radio Liberty (RFE/RL), 13 July 2009

and insecure areas. International actors will therefore need to make the difficult call on how to respond to the evidence and allegations that they will be faced with. This is complicated by the fact that many candidates have unrealistic expectations of their chances (there are multiple candidates and campaign teams that claim to expect 60-70% of the vote) and will use reports of fraud as proof that their victory has been stolen. The response of the internationals is also complicated by the fact that Afghans tend to overestimate the scope and authorities of international election monitoring missions (and of the international involvement in general). The failure to adequately respond to widespread irregularities will further feed perceptions that the international actors are either indifferent to the occurrence and effect of fraud or that its occurrence is actually part of a wider plot.

International actors will thus have to continue to walk the tightrope of being assumed to be partial (even though it may not be clear for whom and why), being expected to intervene in order to protect the integrity of the process, being told to step back and allow Afghans to take the lead, and being worried about the implications of a flawed process – both for the success of the efforts in Afghanistan and in terms of domestic support. This is a dilemma that is not confined to the elections.

## 5. CONCLUSIONS

The elections in Afghanistan are strongly affected by the challenging environment in which they take place and by the perceptions and practices of the actors involved: the candidates, the political brokers, the voters and the international actors (both political and technical). The undermining effect of the insurgency, the lack of functioning democratic institutions, the continued dominance of violence and manipulation as ways to hold on to power, and the widespread lack of trust make it difficult to organise elections that can meet the hopes and aspirations of the Afghan electorate. The elections in Afghanistan have essentially become a 'contest of skills' in which the various candidates and networks compete. Several of the skills that are needed to win actually undermine the legitimacy of both the process and the successful candidate's mandate in the eyes of the voters.

The electoral process has as a result, left many Afghans feeling disempowered rather than empowered. There is a widespread perception that those in power – whether they are the main international actors, the current government or the various networks of ethnic and factional

leaders – will ultimately determine the outcome of the elections and ensure that their own interests are met. But there is also a more subtle form of disempowerment, where many voters feel that they will end up voting in ways that they do not wish to. These are not issues that can be addressed by better civic education. They are not lapses of understanding, but rather reflect justified misgivings about the nature of the elections and illustrate the pressures Afghans are under.

This study of perceptions and practices relating to the Afghan elections forces the question how to ensure that these elections are politically meaningful and that they uphold at least minimal standards of being free and fair. The key issues that need to be further explored and that are likely to remain central to future elections are: (1) how to respond to a flawed election; (2) what 'good' elections look like in the context of patronage politics; and (3) what the role of the international community should be? These issues will be briefly discussed below, but will need more elaboration elsewhere – preferably before next year's election.

### 5.1 How to respond to a flawed election

During the first round of elections the impact of manipulation and threats was underplayed in order to safeguard the legitimacy of the process. For the upcoming elections however it is necessary to accept that the criticisms and misgivings expressed by Afghans and others are actually (potentially) part of the process towards greater democratisation and that to ignore them is counterproductive. The greater willingness of the main international actors, in particular the US and the UN, to publicly acknowledge some of the critical failings of the electoral process is an important step forward. Many Afghans have been confused for years over the ignorance and indifference of foreigners towards obvious fraud and manipulation, whether in the field of elections, development aid or government administration.

A firmer position on blatant fraud, abuse of power and misuse of government resources is essential. The IEC and ECC are the obvious responsible organs and they should be given all possible support and encouragement to fulfil their duties. However, given the alleged partiality and limited reach of these organs there is an important role for international actors, in particular the UN, the EU and other major donors, to act as impartial observers and possible arbiters. Finally, there is also a burden of responsibility on the candidates, their campaign teams and the political brokers that offer their services. They should be expected to refrain from engaging in manipulation and from

clouding the process by exaggerated or fabricated allegations towards their rivals.

The firmer position on electoral irregularities should be seen in the wider context of the decreased tolerance of corruption perpetrated by government officials and those elected to representative bodies (as those appointed and elected to serve the nation should be held to high standards). The acknowledgement of fraud and abuse, even if it cannot be prevented or adequately addressed (yet), reiterates the boundaries of acceptable behaviour, possibly stemming the further entrenchment of bad practices.

It is often argued and feared that acknowledging the flawed nature of a process threatens to delegitimize the results, derail the process and ultimately destabilise the country. This is not outside the realm of possibility, in particular as the slate of candidates often includes a few 'bad losers' and the messiness which follows a contested election may result in ambiguity over who is in power or provide opportunities for spoilers. However the relative guarantee of stability provided by the presence of international forces and international observers (including the UN and political representations) provides an important opportunity to establish precedents of how to address flaws and arguments without the whole system being called into question.

## 5.2 How patronage politics and democratic elections relate

The study of political processes surrounding the election raises the question of what the place is of democratic elections in an environment of patronage politics, and vice versa. The exploration of this question needs to be based on the acknowledgement of two fairly obvious premises: (1) not all patronage-based politics are bad or counterproductive; and (2) not all existing local politics are appropriate or locally acceptable. There needs to be a balance between seeking to establish the impossible and simply accepting what exists. The practice of communal decision making and interest representation through a system of political brokers, for instance, fits relatively well with an electoral system. Although communal voting decisions and the deals that accompany them may not be the ideal realisation of the principle of 'one man one vote', it is certainly a form of representative politics. However what leaves many Afghans feeling disempowered and frustrated is that the field of patrons they can choose from has remained so limited and that

their choices have been curtailed by threats of violence and marginalisation.

For the process to improve it is imperative that new potential leaders emerge. There is in particular an appetite for 'new faces' that have not become prominent in the past decades of war. To allow for this to happen, Afghan voters and political brokers will need to start backing their wishes with actions. A less centralised government administration, with less incentive for the various factions to compete for the President's patronage, would also help foster a layer of possibly less factional mid-level leaders.<sup>118</sup> Finally an adjustment of the international policies and practices (for instance in the security sector) which currently tend to automatically partner with whoever seems most powerful, regardless of their past or current behaviour, would provide the necessary political space for other actors to emerge.

## 5.3 What is the role of the international community?

As the technical involvement of the international community in the elections decreases, there remains the question of the extent to which they should be involved in its political processes. Some may argue that the elections should be increasingly viewed as a matter of domestic politics and that Afghans should be allowed to reshape it to fit their own culture and practices. Such a hands-off approach seems inadvisable at this stage, given the continued heavy international engagement with Afghanistan's state-building process, the international and domestic stakes involved in a potential failure of the exercise, and the extent to which elections tie into the wider state-building objectives. As it is unrealistic to expect post-conflict elections not to be to some extent flawed, the goal of the international community should be to act in ways that help make the elections more politically meaningful and more conducive to the development of truly representative politics.

There are in this regard four areas in which the international actors can act: (1) an unambiguous acknowledgement of electoral realities and a firm reiteration of the boundaries of acceptable

<sup>118</sup> Currently the Afghan government administration is both highly fragmented and highly centralised. All important decisions are ultimately made by the President, often in response to lobbying efforts rather than a coherent vision or policy. For details see Martine van Bijlert, *Between Discipline and Discretion: Policies Surrounding Senior Subnational Appointments*, AREU, May 2009, 19-20.

behaviour; (2) a strategic but subtle use of their potential role as impartial arbiter;<sup>119</sup> (3) a more thoughtful political strategy on whom to engage with, coupled with a greater acknowledgement of the importance of parties and networks other than those made up of the main ethnic and factional mujahedin leaders; (4) a renewed push to address the systemic and institutional problems that are hampering the holding of more democratic elections.

In practice this means that the tendency to cover up or ignore – at least in public – what cannot be adequately addressed should be resisted, even if in the short term it seems more expedient in terms of domestic politics. It also means that the international actors should guard their reputation as impartial actors as much as possible (in the face of a prevailing assumption that they are not). It means that they should expand the field of politicians that they deal with, to include more respected actors with a non-violent past and to allow for the emergence of a new generation of leaders.<sup>120</sup> It finally means a continued investment, in terms of resources and political capital, in the strengthening of electoral processes and institutions and the reform of the government, the judiciary and the security forces.<sup>121</sup>

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<sup>119</sup> There is a general assumption among Afghans that actions are driven by relations and are thus by nature partisan (you just need to find out in favour of whom). More specifically: UNAMA is widely perceived as having been part of the electoral institutional set-up during the 2004 and 2005 elections and is seen as having been involved in electoral malpractice. The efforts of actors like the UN, ISAF and donor countries to help expand the writ of the Karzai government, essentially by making it look better than it is (for instance by hoping that Provincial Reconstruction Team (PRT) projects would be interpreted as improved government performance), have also made them look partial. Large parts of the population however still hope and expect that internationals will play an independent and impartial role.

<sup>120</sup> Many international actors fail to sufficiently realise that they play a major role in determining who is influential by virtue of who they interact with, whose support and advice they seek and who they provide with resources (through security responsibilities, development projects and operational funds).

<sup>121</sup> Specific recommendations to this effect have already been better described elsewhere. These include a review of the legal framework comprising the electoral system, the complaints process, and the role of political parties; the rationalisation of the electoral calendar; a decision on what to do with the voter registry; IEC reform, including improvements in the fields of fraud mitigation, civic education, and the processes of recruitment, training and asset management; and a greater investment in the observer capacity of domestic election

The dissatisfaction of large parts of the electorate with the current electoral process reflects an understanding of what representative politics should *not* look like. It is not a threat to the process and it should not be ignored. Ignoring it will only lead to greater disengagement and anger.

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monitoring networks and candidate agents; as well as wider improvements in the fields of good governance, rule of law, corruption mitigation, disarmament and security sector reform. See ICG, *Afghanistan's Election Challenges* [see FN 2]; Kippen, *Elections in 2009 and 2010* [see FN 6], as well as the various electoral observer reports.

## **ABOUT THE AFGHANISTAN ANALYSTS NETWORK (AAN)**

The Afghanistan Analysts Network (AAN) is a non-profit, independent policy research organisation. It aims to bring together the knowledge and experience of a large number of experts to inform policy and increase the understanding of Afghan realities.

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