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# **The 2004 Presidential Election: On the Road to Democracy in Afghanistan**

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**March 2005**

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# The 2004 Presidential Election: On the Road to Democracy in Afghanistan

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If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.

Aristotle (384 – 322 BC), Politics

The spirit of democracy cannot be imposed from without. It has to come from within.

Mohandas K. Gandhi

## **Introduction**

On 9 October 2004, over 8 million voters throughout Afghanistan, as well as refugees in Iran and Pakistan, participated for the first time in the country's history through the direct election of their president. A total of 70% of the eligible voters, with over 41% of them being women, were able to cast their ballots on election day<sup>1</sup> — an event that most Afghans would not have imagined possible only three years earlier.

"The election, as an election, was one of the greatest events in the history of the country," said Saifuddin Saihoon, head of the economics department at Kabul University. "People may not recognise it as such now, but will many decades from now.... a huge number of people turned out, which indicates that we have a political society here."<sup>2</sup>

Afghanistan, and the international community that has supported the reconstruction and renewal process since the fall of the Taliban government in late 2001, has justified reason to feel proud of this accomplishment. However, one election does not a democracy make. As impressive as this event was, it was not the first time that elections have taken place in the country. That milestone was attained almost 40 years earlier when parliamentary elections were first held in September 1965, and then again in 1969.

Unfortunately, the 1965 and 1969 elections were to become two isolated events, which led to a prolonged period of war and civil conflict that has few equals in the later half of the twentieth century. History also tells us that there have never been any straightforward or easy solutions to the challenges of governing in Afghanistan. Many countries have played the "Great Game" over the centuries but it has always been the Afghans who have paid the ultimate price in lives lost to conflict or disease and who have endured economic and social isolation.

The simple act of casting a vote, something that is taken for granted by citizens in most western democracies, after so many years of strife and suffering, must have been an enormous cathartic experience for the Afghan people and hopefully will mark the conclusion to a dark chapter in this country's long history. On the face of it the election was successful for a number of reasons.

First, the fact that the election was able to occur so soon after the fall of the Taliban government was a minor miracle, given the extremely tight timelines associated with the implementation of the 2001 Bonn Agreement.

Secondly, and perhaps most importantly, Afghans themselves saw the importance of supporting this process irrespective of the fact that many of them did not completely understand it. As several research studies suggest, the vote was likely more an indication of support for a process directed at improving security and reducing the influence of warlords than it was an overt statement about people's support for democracy per se.<sup>3</sup>

Thirdly, the implementation of the Bonn Agreement was but one of a myriad of challenges, such as reconstruction, stabilizing the tenuous security situation throughout the country, and the booming drug economy that faced the interim administration and the international community.

But will this optimism remain? How will the Afghan government and the international community ensure that the positive momentum is maintained in the future?

To most westerners, images of life in Afghanistan is limited to occasional TV reports or news documentaries. Indeed, even for many westerners that have worked or lived in Afghanistan, it is often hard to comprehend the scale and impact that 25 years of war and civil conflict has imposed on all aspects of Afghan life. While there are visual reminders of this toll, it is the physical, mental and emotional impact that remains hidden and in many respects is incalculable. A recently released report on transitional justice by the Afghan Independent Human Rights Commission

(AIHRC) provides a poignant reminder:

More than a million people lost their lives and almost the same number became disabled in the course of the war, as a result of antipersonnel landmines, indiscriminate bombing and rocket attacks by the former Soviet Union and the regime backed by them, and attacks by armed militia groups, including the Mujahideen and Taliban. Thousands of people were put in jail for their political beliefs and tortured. Thousands of children lost their family members and their fathers. Afghanistan's streets are now full of orphaned children who must beg to survive. Almost all of the

country's major cities were destroyed. Agriculture was destroyed when the fields were burnt. More than seven million people were forced to leave their villages and towns and take refuge in Iran and Pakistan.<sup>4</sup>

Indeed, forging a new modern democratic state from the ashes of a ruined nation will be a formidable challenge and a journey that will likely take place over many generations. This paper examines the 2004 presidential election in the context of one event on a much longer, and as yet undefined, road that will hopefully lead to the development of a broader participatory democracy in Afghanistan.

The genesis for this transitional initiative can be traced to the signing of the Bonn Agreement in December 2001. The agreement set out a process and timetable for a series of events intended to lead to the establishment of representative government in Afghanistan and culminated with the holding of national elections. The 2004 presidential election represents one of the final steps in this process but not the last one. On 18 September 2005, parliamentary (Wolesi Jirga) and provincial council elections will be held, thereby concluding the Bonn milestones. Unlike the presidential election last October, the upcoming elections will be conducted using the Single Non-Transferable Vote (SNTV) system, an electoral method that many experts are speculating could have significant consequences on the make-up and functioning of the Wolesi Jirga. The final set of elections required to meet the constitutional requirements of the Meshrano Jirga will be for the district councils and will likely take place sometime in 2006.

But what can we learn from the presidential election in terms of the future prospects for democracy in Afghanistan? How can the international community support the long-term development of a sustainable democracy in Afghanistan, particularly given the diverse set of challenges that will continue to face the country over the next several generations? The process initiated in the Bonn Agreement can only take the country so far. September 18 will signal the end of Bonn but the question remains — what will be the new roadmap going forward?

### **Elections in the context of Bonn**

Since it was initiated, the Bonn Agreement has provided an important collaborative framework for the Afghan government and international donor community. While there were divergent opinions over whether the timetable was too ambitious or too pedantic, perhaps its most formidable challenge was ensuring that the citizens of Afghanistan had a role in deciding the future of their country.

Larry Diamond makes the point that “in many countries, it makes sense to institute competitive elections as soon as possible, both to generate incentives for reform and to provide part of the institutional means for sharing power in order to manage deadly conflicts. Where political instability is acute and democratic forces extremely weak and battered relative to extremist alternatives, however, free and fair multiparty national elections will be more viable if introduced later in a sequence of reforms to develop the structures and culture of democracy and good governance.”<sup>5</sup>

The answer to whether the Bonn timetable was too fast or too slow will only be known over time, as Afghanistan has yet to complete its first full electoral cycle. But having signed on to the initial transitional process, one thing is clear: the international community has a commitment and responsibility to seeing the entire process through to its conclusion.

From a democratic development perspective the Bonn Agreement had a major impact on the work of the interim administration in Afghanistan, setting in place a very ambitious and

compressed schedule of successive “democratic” events, within a tight two and one-half year period. The first event was the Emergency Loya Jirga (ELJ), held in June 2002. The second event consisted of a constitutional drafting and consultation process that concluded with a Constitutional Loya Jirga (CLJ), where the new constitution would be formally ratified. The third and final event was the holding of national elections by June 2004. However, for various reasons, the date of the national elections was pushed back, with a subsequent decision taken to split the presidential and parliamentary elections.

### **Challenges facing the 2004 elections in Afghanistan**

While there had been a nominal breathing space between the June 2002 Emergency Loya Jirga and the start of the constitutional drafting and consultation period in early 2003, there would be very little let up in the preparations for the

scheduled national elections in June 2004. While undertaking elections in any democracy is an onerous and complicated task, the challenges that Afghanistan faced in preparing for the 2004 elections were nothing short of monumental, both in terms of the general environmental challenges that existed within the country at the time and the operational imperatives of conducting an election.

#### **General Environment**

Politically, a state of dynamic tension existed between the Transitional Administration in Kabul and a number of regional figures, such as Governor Ismael Khan in Herat, and Generals Rashid Dostum and Mohammad Atta in the north. Such tensions were not unfamiliar in Afghanistan but, as in the case of Ismael Khan, they often had associated consequences from an economic and military/security perspective.

This tension was further exacerbated by divergent governance philosophies that were being espoused by key political actors. For example, in the months leading up to the Constitutional Loya Jirga (CLJ), both Dostum and Khan were quite vocal in their views that the country should adopt a federalist model, which would see greater autonomy for the regions, as opposed to the centralist model being favoured by the Transitional Administration in Kabul. These tensions played out at the CLJ when a strong presidential system of government was put forward in the initial draft of the proposed constitution. Those opposed to this centralist model argued in favour of a parliamentary democracy, which would see a greater role for elected members and provide for a more formalized system of checks and balances on the powers vested in the office of the president. In the end, a compromise was reached, but only after fracturing the delegates along ethnic lines, a development that undermined the overall success of the process, and an issue which would later re-emerge in the presidential election.

In addition to the regional tensions that existed, the Cabinet of the Transitional Administration comprised a potent mixture of individuals who had played a variety of roles in past governments, civil wars, and the mujahidin resistance against the Soviets. A sense of the dynamics and personal history that existed between members of the Cabinet can be gleaned from an excerpt from Steve Coll’s recent book, *Ghost Wars*, where he describes an incident that allegedly takes place in 1993 between Mohammed Fahim, the defense minister (and former security chief for Ahmad Shah Massoud), and Hamid Karzai, the president (and deputy foreign minister in 1993):

For several hours Fahim's operatives worked on Karzai, accusing him of collusion with Pakistan. Karzai has never provided a direct account of what happened inside the interrogation cell. Several people he talked to afterward said that he was beaten up and that his face was bloodied and bruised. Some accounts place Fahim himself in the cell during parts of the interrogation.<sup>6</sup>

The overall state of security and the implementation of the Disarmament, Demobilization, and Reintegration (DDR) program were two other major issues that influenced the general environment during this time. The US-led coalition effort was primarily directed towards searching for Taliban and al-Qaeda operations inside the country as well as assisting in the establishment of the Afghan National Army (ANA). In addition to the Coalition effort, the International Security Assistance Force (ISAF) was formed to support the Afghan Transitional Authority in expanding its authority to the rest of the country, and in providing a safe and secure environment conducive to free and fair elections, the spread of the rule of law, and the reconstruction of the country.<sup>7</sup> Due to their relatively small numbers, the international forces had a positive but limited impact on the security environment.

Much of the international effort to address the security issues plaguing Afghanistan focused on the implementation of the (DDR) program. This program faced a number of challenges in gaining momentum, and in the months leading up to the presidential election most of the objectives had still not been achieved. Generally, though, there was widespread concern for security on election day, given the cycle of killings and attacks on Afghans and internationals during the eight-month-long voter registration process. Providing a uniform security environment throughout the country with international troops did not happen, as it would have been a monumental task considering the fact that regional warlords and commanders, Taliban and al-Qaeda operatives, and criminal elements had been successfully exploiting the lawlessness that had existed in the country for the past couple of decades. Even if large numbers of international troops had been deployed, their withdrawal after the elections would have simply created another vacuum.

The overall security environment did have an impact on the ability of registered political parties to conduct their activities in an environment free of intimidation and violence. Their inability to mobilize unimpeded around the country eventually led to the establishment of the political rights verification process,<sup>8</sup> an initiative of the Afghan Independent Human Rights Commission (AIHRC) and the United Nations Assistance Mission in Afghanistan (UNAMA).

While anticipated security concerns did not materialize on election day, there were nevertheless various incidents of abuse and intimidation reported around the country. In their final report, the Impartial Panel of Election Experts cited 300 cases of abuse and intimidation out of a total number of 448 complaints that were officially filed with the Joint Electoral Management Body (JEMB) and the JEMB Secretariat related to events on election day throughout the country.<sup>9</sup>

Complicating the general security environment was the growing influence of poppy cultivation and opium production throughout the country. For many years Afghanistan has been recognized as the world's largest exporter of opium. In a land of few economic opportunities many rural landowners have no alternative but to cultivate poppy when approached by local commanders who oversee drug production and distribution. In November 2004, CBC news, citing a UN report on opium production, stated that "the United Nations Office on Drugs and Crime estimates that opium cultivation has increased by 64 percent in the last year alone. The current crop is valued at \$2.8 billion US, an amount equal to more than 60 per cent of Afghanistan's gross domestic

product. Afghanistan is now the leading producer of opium in the world, providing three quarters of all global supplies.”<sup>10</sup>

Given this challenging and complex environment, both the international community and national authorities ended up suffering from problems related to span of control. Simply put, there were just too many significant issues to manage and not enough resources available for the task. Added to this mix was the need on the part of the Afghan government to understand the complexities of the electoral process, including electoral law, the role of political parties in a democracy, and the necessity of strengthening democratic institutions. As a result the government was caught between adhering to the timelines established under Bonn and the operational imperatives of conducting both a voter registration process and a national election, in addition to trying to lay the foundation for democratic development in the country.

## **Setting the Stage for Elections**

There were also a staggering number of electoral-related activities that needed to be accomplished before a single vote could be cast. These activities basically fell into the following categories: developing the requisite legislative framework; engaging the relevant stakeholder communities; developing the institutional and operational capacity to carry out the scheduled elections; and funding the voter registration process and elections.

### **a. Legislative framework**

Following the ELJ in June 2002 a number of attempts were made to implement a political party law in Afghanistan. During the summer of 2003, a renewed effort took place with input and support from the international community, which resulted in the law finally being passed in September — only months ahead of the Constitutional Loya Jirga and approximately eight to nine months from the scheduled date for the national elections. While adoption of the political party law was a welcome development, particularly to the emerging democratic parties, it also meant that they had very little time in which to organize themselves into viable entities in advance of the CLJ and the scheduled elections in June 2004. Unfortunately, while the parties gained legal recognition as a result of the political party law, their credibility and legitimacy was put into question several months later when the president and Cabinet decided to adopt within electoral law the Single Non-Transferable Vote (SNTV) system for the parliamentary, provincial and district council elections.

Following the adoption of the new constitution at the CLJ, work began on drafting an electoral law, a process that took some five to six months to complete. The electoral law gave formal authority for the electoral process during the transitional period to the Joint Electoral Management Body (JEMB) and operational responsibility to the Joint Electoral Management Body Secretariat (JEMBS). Regulations supporting the electoral law were subsequently drafted and issued up to and throughout the campaign period for the presidential election.

In addition to the relevant legislation being put in place, a massive voter registration exercise also needed to be conducted. This process was originally scheduled to begin in the fall of 2003 but for a number of reasons, including lack of funding, it did not formally begin until 1 December 2003. The voter registration process continued through to August 2004 and expanded to include an Out-Of-Country Voting (OCV) component in Iran and Pakistan.



## **b. Engaging the Relevant Stakeholder Communities**

Critical to the successful outcome of both the voter registration process and the elections was the need to engage as many different Afghan stakeholder organizations as possible. The two primary groups — civil society and the registered political parties — would play different but integral roles in the success of the process.

Civil society in Afghanistan during the post-Taliban period played an important role in the reconstruction of the country. For the voter registration and presidential election, civil society was being coordinated through such domestic umbrella groups as the Afghan Civil Society Forum, Afghan Women's Network, and the Foundation for Civil Society and Culture, and supported by such international partners as IFES, the Asia Foundation, the International Republican Institute, GTZ, the Friedrich Ebert Stiftung, and others.

It would be fair to say that this task was a formidable challenge, given the compressed timeframe in which these activities had to be undertaken as well as the limited amount of funding that was available. The goal of the civic education programs was to encourage Afghans to participate in both the voter registration process and elections. A wide range of programming was developed using such methods as workshops, pamphlets, posters, and radio and TV spots, as well as a traveling drama troupe that toured the country employing professional and amateur actors.

A total of 2.65 million USD was allocated for civic education under the United Nations Development Programme (UNDP) budget for the Afghan Election 2004 Project,<sup>11</sup> which was augmented by additional funds provided by the international donor community. However, these efforts were clearly not enough for the scope of the task required, particularly if the goal was to reach the entire voter population. In a report published just after the October election, the International Crisis Group (ICG) recommended that a comprehensive public information campaign, with a particular emphasis on radio and TV, be undertaken in order to educate voters and candidates about the upcoming elections.<sup>12</sup> The Afghanistan Research and Evaluation Unit (AREU) made a similar recommendation in their September 2004 briefing paper, "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan."<sup>13</sup>

Registered political parties, and to a certain extent nominated candidates, also faced a number of significant obstacles when it came to engagement in the electoral process. Perhaps the biggest hurdle they faced was that of being overlooked and ignored in consultations leading to the development of the political party laws and electoral laws, and the associated regulations. In terms of the electoral law, the registered political parties were provided with no formal opportunity for constructive input. This was of particular significance given that electoral law specified the use of SNTV, which was viewed as very detrimental to

the overall role of political parties. For example, under the SNTV system, candidates ran for election as individuals. This meant that candidates could run independently or be aligned with a political party, but party affiliation was not a pre-requisite to nomination.

It should also be pointed out that the JEMB rendered some 104 decisions pertaining to the 2004 presidential election,<sup>14</sup> but relatively few, if any, of these decisions were made with any formal input from the registered political parties or nominated candidates. This approach led to a less-than-favourable opinion being formed of the JEMB and JEMBS. In fact, the legitimacy, transparency, and impartiality of the JEMB was a constant problem amongst the political parties and presidential candidates.<sup>15</sup>

The Impartial Panel of Electoral Experts noted the credibility and legitimacy issues that had arisen with the JEMB and JEMBS and reported this in their final report: "It is not uncommon for candidates, especially those that do not do well, to level criticisms about the electoral management bodies. However, in Afghanistan, the level of mistrust between some candidates and the JEMB and JEMBS exceeds that which would normally be expected. All concerned have a responsibility to address this problem, to confirm the impartiality of the electoral institutions. Steps to improve transparency and consultation should be considered immediately."<sup>16</sup>

The lack of a level playing field and a transparent electoral funding process also had an impact on the manner in which political parties and nominated candidates could participate in the pre-writ and writ periods. In many respects, the lack of funds and the volatile security situation, exacerbated by the influence and control of regional and local warlords and commanders, created a very narrow opportunity for political parties to make a meaningful contribution to the emerging democratic process.

### **c. Developing the institutional and operational capacity to undertake the elections**

The "light footprint" approach adopted by the United Nations Assistance Mission in Afghanistan (UNAMA) meant that most of the work of the JEMB and JEMBS would be undertaken by Afghans, although guided and supported by international experts. As a result the JEMB and JEMBS were faced with the formidable challenge of not only hiring and training the tens of thousands of Afghans who would be needed for the voter registration process and elections, but also ensuring that both these activities would be credible and legitimate in accordance with international standards.

Timing was extremely compressed for just about every aspect of the election. In its final report, the Impartial Panel of Election Experts concerning Afghanistan Presidential Election 2004 recognized the fact that "the entire election was held under extreme time pressures. But even within this context, there were late decisions on important issues — including campaign financing, accreditation, and the complaints and adjudication processes. This decreased confidence in the JEMB complicated administration, and hampered training and overall understanding of the process."<sup>17</sup>

Their report summed up the effort as follows: "On 9 October in 4,807 polling centres housing close to 22,000 polling stations, over 7 million Afghans exercised their right to vote. Simultaneously, almost 580,000 refugees in Pakistan and 240,000 in Iran cast their vote in the largest post-conflict out-of-country registration and polling operation ever. A total of 141,600 people, some illiterate and most trained in their duties only days before the polling, worked on Election Day to enable Afghans to democratically elect their president for the first time in Afghan history. Despite ominous predictions, Election Day was overall devoid of major violent incidents, a credit to the Afghan people and to national and international forces tasked with providing security."<sup>18</sup>

In terms of democratic development, the question to be raised is whether the people who were involved in the 2003/2004 voter registration and presidential elections will be available for the September 18 elections and the district council elections that are expected to follow in 2006. What kind of capacity is being developed for the longer term? In the end, success will be defined by the confidence that Afghans have in the electoral process and in the institutions that support this process.

#### **d. Funding the Voter Registration Process and Elections**

Preparing Afghanistan for democratic elections also came with a significant price tag. The combined budgets for both the voter registration and elections projects totaled over 203 million USD — the voter registration project was 95,872,533.00 USD<sup>19</sup> and the 2004 elections project budget was 107,817,858.00 USD.<sup>20</sup> The total cost was likely much higher if the full cost associated with the provision of security by international military forces was factored in.

However, the real issue with respect to funding was not necessarily the total budget of these activities but rather the timing of the funds being disbursed by the donors. In the case of the voter registration project, the inability of the donors to commit funds on a timely basis not only necessitated the delay of the process by several months but also required the operational plans to be amended on several occasions.<sup>21</sup> Whatever the respective reasons for the funding delays, it did cause a material impact on the process, thereby affecting its legitimacy and success.

What is disconcerting at the moment is that this situation appears to be repeating itself yet again in the lead up to the parliamentary and provincial elections scheduled for 18 September 2005. In a recent report to the UN Security Council, Jean Arnault, the special representative for the secretary-general in Afghanistan, urged donors "to respond timely and generously" with the \$110 million still outstanding from the \$148.67 million needed for September's elections."<sup>22</sup>

Hopefully material delays in donor funding for the September 18 elections will not materialize, but what if they do? What will be the long-term impact on the credibility and legitimacy of the democratic development process then?

A related issue concerns the future funding requirements of the electoral process in Afghanistan over the next several election cycles. By 18 September 2005, a projected total of 314 million USD will have been spent for an initial voter registration process, and presidential, parliamentary and provincial council elections. This still leaves the district council elections to be conducted, which will also need to be funded by the international community.

Perhaps it is time for the international community and the Afghan authorities to begin examining ways in which (1) funds will be available for future elections so that on-going ad hoc fundraising can be eliminated, and (2) the capacity of the Independent Electoral Commission can be built so that a professional, effective and cost-efficient electoral structure can be developed to meet future operational requirements.

### **The Presidential Election**

In the context of a developing democracy, the presidential election also offered some interesting insights into the transition that is occurring amongst those groups and individuals with a vested interest in preserving the ways of the past but who are slowly recognizing that the rules of the game are changing.

Probably the most startling example of this transitional process played out during the candidate nomination process. It became increasingly clear for those individuals who wished to stand as either a presidential candidate or for one of the vice-presidential positions that they would need to meet certain criteria. One of the most contentious criteria was Article 16.3e of the electoral law, which stated, "Candidates shall not have non-official military forces or be part of them."

During the public input stage of the review of candidate nominations, it was alleged that three of the candidates (two presidential — Mohaqeq and Dostum — and one vice-presidential — Khalili)

did in fact have links with or controlled armed militias. While this should have been automatic grounds for denial of the candidates nomination, all three were allowed to publicly renounce any affiliation with militia forces in addition to making a public commitment to support the removal of those commanders identified in the public complaints petition. As a result, all three of the candidates were allowed to stand for election.

What is interesting to note about this particular incident is that, prior to the public input stage where these linkages were made known, none of the government departments or agencies that were formally petitioned by the JEMB for input on this issue had bothered to respond in an official capacity. It was only during the latter public input stage of the process that the linkages between these three candidates and militia forces were made known publicly.

Such an incident clearly demonstrates the types of challenges and difficulties the electoral authorities and interim government faced at the time and will continue to face in the future. By most western standards such a candidate would simply not be allowed to stand for election yet in these circumstances some degree of latitude was needed in order to ensure engagement of certain political figures and to avoid the appearance that any particular ethnic group was somehow being marginalized.

There are many electoral experts who also fear that with the adoption of the SNTV system for the Wolesi Jirga, as well as for the provincial and district council elections, the process of properly vetting the thousands of prospective candidates will not be sufficiently rigorous and transparent enough to ensure that individuals who have these types of linkages or who have committed past crimes against innocent Afghans will not be allowed to stand for election. Should this vetting process, which is scheduled to begin on April 30 and run for three weeks, fail to be credible, it would cast a considerable pall on the nascent democratic process in Afghanistan.

Such an issue also speaks to the need to view the democratization process underway in Afghanistan in a more holistic manner, rather than simply looking at it through the prism of a series of discreet events called elections. While a certain latitude is required at this point in time, it should not be sufficiently lax as to permit the electoral authorities or the government from manipulating its own laws and regulations, as was clearly the case with the National United Party (Hizb-e Muttahid-e Milli). The NUP was one of the first political parties to submit its application for registration to the Ministry of Justice's Office of Political Party Registration (OPPR). Because it had links to the former PDPA (the communist People's Democratic Party of Afghanistan), considerable pressure was exerted on the Justice Minister and Cabinet from various religious and jihadi factions to deny their registration. Despite repeated interventions by UNAMA and other members of the international community, the NUP has been continually stalled from receiving official registration, even though it has met all the technical requirements of the registration process.<sup>23</sup>

In advance of the presidential election, the government did try to address some concerns about inappropriate use of government resources. Responding to this issue, Interior Minister Jalali introduced a code of conduct for civil servants, police, and military personnel that outlined what their roles and responsibilities were during the election period. This was a laudable effort on Minister Jalali's part but it is difficult to determine just how successful it was. As it turned out, President Karzai was perceived as having attracted considerable media attention, almost to the exclusion of the other candidates, which some claimed was due to his use of state resources for his campaign.<sup>24</sup>

The campaign financing system was also suspect. The regulation governing campaign financing was introduced with less than 48 hours to the start of the campaign period, making it impossible for candidate representatives to be adequately trained on the requirements of the legislation. While there were limits for both personal and business donations to candidates, there were no overall campaign expenditure limits. Given the predominance of drug money and the fact that there existed links between certain regional and international donors with particular presidential candidates, a cloud of suspicion existed over funds that were made available to but not reported by candidates. As it turned out, only 2 of the 18 candidates bothered to file the revenue and expenditure reports required under the legislation.

Looking forward to the upcoming elections, it would appear prudent to have a much more rigorous campaign financing regime in place to more closely monitor these developments and to introduce some confidence and credibility into the process.

## **Election Day**

The strong turnout by Afghans across the country demonstrated their desire for change. In many ways the dimensions along which the Afghans and the international community measured the success of the presidential election were probably quite distinct. While the large-percentage voter turnout would suggest that the majority of the electorate supported the election of Hamid Karzai as president, some analysts suggest that in fact a vote for Karzai was really a proxy vote for their desire to remove those from power who ruled by the gun. An exit poll conducted on election day by the International Republican Institute (IRI) showed that "fifty percent of respondents said that 'disarming commanders' was the number one priority of the new government,"<sup>25</sup> which points to issues of stability and security as major motivators for people casting their votes. (Note: IRI conducted an election day exit poll despite the fact that there was a specific JEMB decision banning the conduct and publication of exit polls for the election. This action called into question the influence of all international organizations supporting the democratic process in Afghanistan.)

This finding by the IRI exit poll corroborated several other research studies that had been conducted within the 12 months prior to the election. The National Democratic Institute (NDI) conducted a series of focus groups around the country in the fall of 2003 and found that in response to assessing priorities for the country and its political leadership, participants identified security as the single biggest priority and "indicated a belief that this can be achieved only through disarmament."<sup>26</sup> In a nationwide survey sponsored by the Asia Foundation, respondents identified security as the biggest problem facing the nation.<sup>27</sup>

While Afghans and internationals were relieved that there were no major security incidents on election day, the occasion was not entirely free from acts of intimidation and bias as reported by candidates, their agents, political party representatives, and observers present at the polling stations. The Impartial Panel of Election Experts investigated a total of 448 specific election day complaints, of which 300 (67%) were categorized as allegations of bias and intimidation.<sup>28</sup> Perhaps one of the reasons that these complaints did not degenerate into further conflict was the role of observers, particularly domestic observers:

Overseeing the election in all 34 provinces of Afghanistan as well as in Pakistan and Iran were approximately 5,000 domestic observers, from 26 Afghan organizations, 122 international observers, and 294 special guests. Although observers were not present in all stations, coverage was more than sufficient to provide a credible assessment. In addition over 52,000 candidate

agents and 24,000 political party agents were accredited by JEMB and observed the process. This is an unusually high number, and may demonstrate both enthusiasm for the elections and a degree of competitiveness amongst candidates. Of the two largest observer groups FEFA retained 50% of its staff as female observers and AIHRC recruited approximately 30% women as observers.<sup>29</sup>

## Looking ahead

The Asia Foundation and NDI research clearly showed that people supported the process because it was perceived as forcing out those who ruled by the gun. In many respects, this is perhaps the most significant issue coming out of the presidential election because it would be misleading to think that voters were supporting a system that they had little knowledge about.

While some donors and analysts were quick to point out the success of the presidential election, some of the commentary went too far in equating elections with the establishment of democracy. One only needs to recall the 1965 and 1969 elections to see that it would be premature to pronounce success on the state of democracy in Afghanistan based on the results of one election. The real challenge, as has been stated repeatedly in this paper, is that both Afghans and the international community must take a much more long-term outlook on the democratic development process. Rather than looking simply at one election or even the first complete cycle of elections, a more comprehensive perspective needs to be adopted. In this way, attention and efforts would be focused on building and strengthening the multi-dimensional aspects of the democratic process, instead of simply trying to measure success on an election-by-election basis.

Democratic development systems in Afghanistan will need to take place at the national, provincial, and district levels, in fact permeating all aspects of the political, social, economic, and educational systems. The initial support that was committed by the international community in advancing the transitional process, as

outlined in the Bonn Agreement, should be extended on an indefinite basis but with a regular review process to assess progress. But how can such progress be measured? One potential approach is to utilize existing assessment frameworks, such as the democracy assessment methodology<sup>30</sup> developed by Democratic Audit and International IDEA. With some adaptation to reflect the variables unique to Afghanistan, such a framework could be used by the relevant Afghan institutions and the international donor community to assess progress and to tailor specific programs. The methodology sets out 14 principles and issues within its framework to assess democracy in a particular country, which include the following:

1. Nationhood and citizenship
2. The rule of law and access to justice
3. Civil and political rights
4. Economic and social rights
5. Free and fair elections
6. The democratic role of political parties
7. Government accountability and effectiveness

8. Civilian control of the military and police
9. Minimizing corruption
10. The media in a democratic society
11. Political participation
12. Government responsiveness
13. Decentralisation
14. Democracy beyond the state

The focus of international effort should be to assist the development of a sustainable democratic system and process, and not simply limit support to the narrow confines of the electoral cycle. A broad-based and inclusive approach needs to be adopted with particular attention paid to ensuring that Afghans themselves are actively engaged in this process, so that they are able to take ownership and responsibility for the changes that are required. The Afghan stakeholder community is defined in this respect in the broadest possible terms, including but not limited to both formal and informal organizations and institutions such as the public service, education system, police and military, civil society, and political parties, as well as tribal and religious leaders and the general public.

In a March 22 address to the UN Security Council, Secretary-General Kofi Annan called on council members and the broader UN member community to take a longer-term sustained approach to international aid efforts in Afghanistan.

Afghanistan will need sustained international help way beyond September's legislative elections marking the completion of the Bonn accord that set up the country's transitional phase after the ouster of the Taliban regime in 2001. Mr. Annan stated that this need "is rooted in the realization that a number of post-conflict peace-building tasks have yet to be fulfilled, including the restoration of countrywide security, full resettlement of refugees and internally displaced persons (IDPs), the rehabilitation of key economic and social infrastructure and the establishment of functional state institutions across the country."<sup>31</sup>

Mr. Annan's comments clearly recognize the need to engage on a longer term basis in Afghanistan, but indirectly point to the fact that a road map still needs to be developed in order to achieve these goals. With the Bonn Agreement about to conclude, there is not a moment to waste. A renewed and reinvigorated effort should be made to map out this next phase of the rebuilding process.

The road ahead from a democratic development perspective will be considerably more complicated than has been the case to date. The focus will shift from simply holding elections, as was mandated by Bonn, to the task of establishing a sustainable democratic process and institutions. So, in this regard, the presidential election last October was a good first step, but it will be one of many that are required going forward. Decision makers should also keep in mind that while most of the energies will be focused on building and strengthening the democratic institutions familiar to westerners (legislatures, legal system, public service, etc.), an equally important and sustained effort will also need to be made on the more traditional elements of Afghan society, such as religious and tribal leaders, so that it is an involved and educated process as opposed to an exclusionary one.

No one knows how long this process of transition will take; that is why it is so important to have an assessment framework in place in order to measure the successes as well as failures. The steps that are taken now will have enormous consequences for the long-term success of the country's reconstruction and it will be education that will play a critical role in this process.

Looking ahead to the September 18 elections, every effort should be made to build on the initial success of the 2004 presidential election, and to look for ways to attach greater credibility and legitimacy to the democratic development process. Such efforts should not be limited to the operational aspects of the elections themselves, but also include broader-based activities such as those focused on education, public information and voter awareness.<sup>32</sup>

The Afghan government and leadership also has a role in legitimizing the democratic process. Some analysts have been critical of the president's apparent flip-flop on making deals with warlords in order to support his candidacy last October. At the time he stated publicly that he would not make any deals with warlords nor would they have a place in his Cabinet. However, since his election and subsequent formation of a new Cabinet, there have been senior appointments of such individuals to his government.

"U.N. officials say the inclusion of controversial warlords in the Afghan government and the disarmament of some 44,000 militiamen marked a significant step in the drive to rid the country of private armies and weapons. A spokesman for the U.N.-backed disarmament and weapons collection effort, known as Afghanistan's New Beginnings Programme (ANBP), says the controversial political appointments of militia leaders has eased the process of disarming. Obviously, politics played a great role in the Disarmament Demobilisation and Reintegration (DDR) programme and we had commanders such as General Abdul Rashid Dostum and Mohammad Atta, who were reluctant to let their soldiers go through the process," ANBP spokesman Rick Grant told Deutsche Presse-Agentur (DPA).<sup>33</sup> This is not the first time that mixed signals have been sent out regarding the emerging state of democracy in Afghanistan. The president has made public his clear dislike and skepticism over the future role of political parties in Afghanistan. This is a troubling development, which can hopefully be overcome if political parties are given the opportunity to demonstrate their value to the process.

In the end, this approach will only serve to undermine the overall credibility and legitimacy of the democratic process, and may well signal the president's preferred approach to dealing with Wolesi Jirga members once elections have been held in September.

## **Lessons Learned**

As has been frequently mentioned throughout this paper, the international community needs to re-commit now to provide long-term support to the democratic development process in Afghanistan. The NDI conducted a pre-election assessment mission in August 2004 and their statement clearly reinforces this particular and important point: "The October 9 and the 2005 elections are not end points in democracy building by Afghans nor should they be an 'exit strategy' for the international community. They must be parts of sustained and comprehensive efforts to develop democratic governance and sustainable peace, which requires sufficient time and a comprehensive common plan for nation building. These efforts are a matter for the people of Afghanistan and their leaders. The efforts require and deserve the full commitment of the international community acting in partnership with Afghans."<sup>34</sup>

With the Bonn Agreement due to expire after the 18 September 2005 elections, there needs to be a renewed effort, on the part of the Afghanistan government and the international



community, to put in place a sustainable democratic development process. This needs to happen from both a funding perspective, as well as in the coordination of donors.

The Afghanistan government's support and commitment, both politically and publicly, to a democratic development agenda and process is critical to its own political success, legitimacy, and credibility. These first few formative years are key to setting the tone and commitment to this process, which in turn will have an enormous influence on the Afghan public. Recognizing that the initial phase of this effort is primarily transitional in nature, domestic and international attention should be focused on providing the necessary educational and mentoring support to the current and future political leadership within the country. Investment in educating the current political leadership as well as future generations is simply the best insurance policy against a relapse to the previous thirty years of conflict.

In a June 2003 article in Policy Review, Larry Diamond hints at the mammoth task that building democracy requires:

There is a lot of work to be done around the world to build the culture of democracy — the understanding of its rules, possibilities, obligations, and limits, the norms of tolerance, civility, participation, and mutual respect. Some of this cultural change happens with economic development, increasing education, and exposure to the global environment. Much of it can and should happen through deliberate programs of civic education and civil society construction. External democracy promotion programs and domestic civil society efforts have made some progress toward these goals. Much more remains to be done.<sup>35</sup>

Without the proper commitment and plans to develop the necessary knowledge and skills base required to build, strengthen, and sustain democratic institutions in the country, both the Afghan government and the international community put the initial success and progress at risk. This risk is not simply limited to the funds that have been donated to date, but also the long-term prospects for the economic, social, and political development of the country.

On-going engagement with the relevant stakeholder communities throughout Afghanistan must be a priority. This means considering the following points:

- Ensuring adequate time for the education of the key stakeholder groups, such as civil society and political parties, is essential for legitimacy of the process. This includes a focus on building knowledge and skill sets for current and future leaders in the country.
- A greater effort needs to be made to “level the playing field” amongst nominated candidates and registered political parties in terms of funding and equitable access to media. This includes examining options for providing sustaining funding for political parties until such time as they are able to properly fund their own activities from traditional sources of fundraising. This also includes placing a greater emphasis on the reporting of political finances both in the pre-writ and writ periods and would include adopting a training and reporting regime that could be effectively monitored by the responsible authority, such as the Independent Election Commission.
- A greater focus should be placed on the capacity building of Independent Electoral Commission officials and staff. The emphasis should be on civics-based education as well as operational knowledge and relevant skills sets.

- Greater effort needs to be made with respect to educating the public, security forces (including police and ANA), public servants in Kabul as well as provincial and district capitals, and tribal and religious leaders.

## Recommendations

While there are many opinions on whether the 2004 presidential elections were successful, the only real criteria that matters is whether the voters themselves believe that the will of the people prevailed.

The vote signalled a desire to support continued democratization efforts by the Afghan authorities and reinforced the need for the on-going support and involvement of the international community. The presidential vote was more about Afghans signalling their intent to move forward in a process that would see the rule of the gun replaced by a more normalized form of representative government. While elections are usually about winners and losers, in this case the real winner in the election was the Afghan people themselves.

The presidential election should be seen as simply the first but important step of a much more involved and dynamic political process known as democracy. In Afghanistan, where conflict and tension have existed for centuries, and where winners traditionally have helped themselves to the spoils of victory, simply focusing on the outcome of an election detracts from the long-term interests of the international community and Afghans themselves, who are committed to this process.

Based on the research, on-the-ground experience, and consultations conducted for this paper, the following recommendations are meant to provide Foreign Affairs Canada officials with some policy options with respect to democratic development for Canada's on-going and future role in Afghanistan:

1. Given that the presidential election and 2005 parliamentary and provincial council elections represent the last milestone identified with the 2001 Bonn Agreement, a new longer-term democratic development framework needs to be established.

The Canadian government has the opportunity to assume a lead role, if it so chooses, amongst the international community in working with the Afghanistan government to develop a long-term democratic development process.

Larry Diamond makes the point that "of course, this would still leave open the question of how democratic change could be accomplished in countries that have never been democracies before. There is no one formula for getting to democracy or for structuring it institutionally so that it works reasonably well. Different countries need different sequences, strategies, and structures. In some cases, the transition to democracy could and should proceed fairly rapidly, since governance is such a mess and viable democratic forces wait in the wings. In other cases — including many of the Arab states — the transition to democracy will need to proceed more cautiously and incrementally."<sup>36</sup>

To that end, Canada should take an active role in the upcoming Afghanistan Development Forum in identifying opportunities to fund democratic development initiatives. Canada should also consider hosting an international conference on democratic development in Afghanistan to advance a post-Bonn democracy agenda.

If there is no emerging thought or consensus with respect to a post-Bonn democracy agenda, Canada might consider tabling a proposed democratic development framework for Afghanistan, based on the International IDEA work.

2. It should be ensured that the international community commits to supporting the democratic development process in Afghanistan over the longer term. Again, the Canadian government has an opportunity, as it currently structures a new bilateral relationship with the government of Afghanistan, to clearly signal its intent to support Afghanistan's reconstruction and democratic development by signifying in the document that it enters into this relationship with a long-term view in mind. Indeed part of that new relationship should include the commitment to developing a program that will foster closer relationships between elected representatives at all levels in Afghanistan and Canada.

The Canadian government has already committed to providing significant development and military assistance in Afghanistan but this important commitment has unfortunately been positioned with the Canadian public as very ad hoc in nature. The Canadian government should therefore place a priority on actively promoting its current and future commitment in Afghanistan so that it becomes more of a centerpiece to its 3-D approach, rather than a policy that it backed into as a result of the decision not to participate in the Iraq conflict.

3. On-going engagement with and support to the key stakeholder groups in Afghanistan should be provided. These groups include political parties, civil society, elected representatives at the national, provincial and district levels, and government and security officials as well as the more traditional tribal and religious leaderships in the country. To this end, the Canadian government, primarily through CIDA, should look to support more direct bilateral projects between Canadian organizations and duly authorized Afghan ministries, agencies, and NGOs.

The focus of Canadian democratic development support should be on projects and activities that support the overall process, such as (but not limited to) building and strengthening democratic institutions, and educating the key stakeholder groups through civics based programming. The Canadian government has the opportunity to begin such an initiative given its planned ISAF-PRT mission to Kandahar later this year. The CSD is actively working on the development of a democracy support education project, modelled on its success in Ukraine, which would partner with Afghanistan post-secondary institutions and government departments.

## Notes

- <sup>1</sup> Joint Electoral Management Body, Afghanistan 2004 Presidential Election Results <<http://www.elections-afghanistan.org.af/Election%20Results%20Website/english/english.htm>>.
- <sup>2</sup> "Afghanistan: From Presidential to Parliamentary Elections," ICG Asia Report 88 (23 November 2004), 15.
- <sup>3</sup> A Society in Transition: Afghanistan 2003 (National Democratic Institute, December 2003); and, Voter Education Planning Survey: Afghanistan 2004 National Elections (The Asia Foundation, July 2004).
- <sup>4</sup> A Call for Justice: A National Consultation on Past Human Rights Violations in Afghanistan (Afghan Independent Human Rights Commission, January 2005).
- <sup>5</sup> Larry Diamond, "Terrorism: How to Win the War," Hoover Digest 1 (2002).
- <sup>6</sup> Steve Coll, Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001 (Penguin: New York, 2004), 287.
- <sup>7</sup> ISAF home page, <<http://www.nato.int/issues/afghanistan/>>.
- <sup>8</sup> United Nations Assistance Mission in Afghanistan, Press Conferences, <[http://www.unama-afg.org/news/pc/\\_english/2004/\\_july/04jul17.htm](http://www.unama-afg.org/news/pc/_english/2004/_july/04jul17.htm)>.
- <sup>9</sup> Final report of Impartial Panel of Election Experts concerning Afghanistan Presidential Election 2004 (1 November 2004), 10.
- <sup>10</sup> CBC News, Opium Production Surging in Afghanistan, <<http://www.cbc.ca/story/world/national/2004/11/18/opium041118.html>>.
- <sup>11</sup> United Nations Development Programme, 2004 Afghan Elections Project, 11.
- <sup>12</sup> "Afghanistan: From Presidential to Parliamentary Elections," ii.
- <sup>13</sup> "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan" (Afghanistan Research and Evaluation Unit, September 2004), 2.
- <sup>14</sup> "JEMB Decisions," 2004 Afghan Elections Project, <<http://www.elections-afghanistan.org.af/Decisions.htm>>.
- <sup>15</sup> "Afghanistan: From Presidential to Parliamentary Elections," 22.
- <sup>16</sup> Final report of Impartial Panel of Election Experts, 37.
- <sup>17</sup> Final report of Impartial Panel of Election Experts, 37.
- <sup>18</sup> Final report of Impartial Panel of Election Experts, 13.
- <sup>19</sup> 2004 Afghan Elections Project, Excel document entitled "Funding status 5 Oct 04.xls," <<http://www.elections-afghanistan.org.af/>>.
- <sup>20</sup> United Nations Development Programme, 2004 Afghan Elections Project Budget, <<http://www.elections-afghanistan.org.af/>>.
- <sup>21</sup> "Afghanistan: From Presidential to Parliamentary Elections," 2.
- <sup>22</sup> UN News Centre release, 22 March 2005.
- <sup>23</sup> "Afghanistan: From Presidential to Parliamentary Elections," 23.
- <sup>24</sup> "Afghanistan: From Presidential to Parliamentary Elections," 8.
- <sup>25</sup> "IRI Announces Afghanistan Election Day Survey Results" (International Republican Institute, 21 October 2004), <<http://www.iri.org/10-21-04-AfghanistanSurvey.asp>>.
- <sup>26</sup> A Society in Transition: Afghanistan 2003.

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<sup>27</sup> Voter Education Planning Survey: Afghanistan 2004 National Elections (The Asia Foundation, July 2004), 17.

<sup>28</sup> Final report of Impartial Panel of Election Experts, 13.

<sup>29</sup> Final report of Impartial Panel of Election Experts, 14. t r t

<sup>30</sup> Democratic Audit, Auditing Democracy, <[http://www.democraticaudit.com/auditing\\_democracy/assessmentframework.php](http://www.democraticaudit.com/auditing_democracy/assessmentframework.php)>. Note: The democracy assessment methodology developed by Democratic Audit and International IDEA is part of an international drive by political scientists since the 1950s to provide measures of democracy, democratic performance, and democratic longevity.

<sup>31</sup> UN News Centre, 22 March 2005.

<sup>32</sup> "Free, Fair or Flawed," 17.

<sup>33</sup> Imtiaz Gul, Deutsche Presse Agentur, Kabul, 21 March 2005.

<sup>34</sup> "Statement of the NDI Pre-election Delegation to Afghanistan" (Kabul: National Democratic Institute, 18 August 2004), <[http://www.accessdemocracy.org/library/1741\\_af\\_statement\\_081804.htm](http://www.accessdemocracy.org/library/1741_af_statement_081804.htm)>.

<sup>35</sup> Larry Diamond, "Universal Democracy?" Policy Review Online (June 2003).

<sup>36</sup> "Universal Democracy?"