

## REFLECTIONS ON AFGHANISTAN'S LOWER HOUSE (*ULASI JIRGA*) PARLIAMENTARY ELECTIONS 2010

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### **Abstract**

*This paper focuses on Ulasi jirga elections of Afghanistan held in September 2010. Main objective of the paper is to analyze the elections; highlight the modern electoral political working in Afghanistan; the role of various factors such as; the political ideology, the political parties, the role of warlords; and the nature of election campaign in the elections. The paper will provide an insight into the electoral politics of Afghanistan. It has been organized into two parts; Part I, highlights pre-poll uncertainties, expressed by the observers of election, the concern for transparency of electoral process, threats of insurgents, and manipulation of warlords. This part also highlights the elections campaigns took place despite the warnings and fears. Part II covers the post-poll scenario, the human toll it took, the frauds reported and the way these issues were interpreted and addressed leading to differences between the Independent Election Commission and the pro-President's attorney general office. Finally, it will further highlight reflections made out of this study.*

**Keywords:** Elections in Afghanistan, Afghan Election Commission, Political parties, Ulasi Jirga, Warlordism

### **Introduction**

The introduction of modern popular democratic elections in the West, ended once for all, the palace conspiracies occurred following death of monarch. While, in the East, especially amongst the Muslim states, with few

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exceptions, the modern elections are yet to be introduced. Its absence in Muslim states certainly is a potential source of political destabilization and national embarrassment. Modern democratic political elections are considered as an essential mechanism for peaceful transfer of political power.<sup>1</sup> Thus, modern democratic electoral politics is a significant tool for every modern nation-state including Afghanistan.

Historically, one important reason for Afghanistan's internal political conflicts has been failure of the kingdom to formulate a peaceful tool of transfer of power. This is reflected in internecine wars for throne between the princes, the tribes such as, the Abdalis versus Barakzais, in the decades of 18<sup>th</sup> and early 19<sup>th</sup> centuries, costing Afghan kingdom financially and territorially.<sup>2</sup> This phenomenon raised its head in the beginning of 20<sup>th</sup> century between a small educated reformists' class called *Mushroota Khwahan (constitutionalists)* and Amir Habibullah Khan (r.1901-1919). The reformists' demands for a constitutional government with an accountable ruler elected by election, were ruthlessly suppressed in 1909 by the Afghan Amir, Habibullah. After a decade, following the footsteps of their predecessors, the constitutionalists regrouped themselves as Young Afghans, killing the monarch in 1919, bringing a new government under king Amanullah (r.1919-1929).<sup>3</sup>

However, the pro-reform regime of king Amanullah (r.1919-1929), was dethroned due to opposition of clergy and tribes with assistance of British Indian government. The new government of Nadir Khan (r.1929-1933), suppressed the reformists. A new constitution framed in 1931 allowed legal opposition and legal political parties.<sup>4</sup> Elections were regularly held but pro-government tribal members and clergy was facilitated and even many re-elected during these elections, held every third year.<sup>5</sup>

For the first time, Shah Mehmud Khan pronounced independent elections in 1949 for 7<sup>th</sup> *Ualsi Jirga*<sup>6</sup> (Lower House) that brought a

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<sup>1</sup> Louis Dupree, *Afghanistan*. New Jersey: Princeton University Press, 1980, 47

<sup>2</sup> Hassan Kakar, *Afghanistan: A Study in International Political Developments*. Lahore: Punjab Educational, press, 1971, 55

<sup>3</sup> Abdul Ghani, *A Brief of Political History of Afghanistan*. Lahore: Maktaba-e-aliya, 1989, 90

<sup>4</sup> A Collection of Area Study Center, University of Peshawar. *Development of Political Parties in Afghanistan*, 8

<sup>5</sup> Dupree Louis. *Comparative Profiles of Recent Parliament s in Afghanistan: Emphasis on Twelfth and Thirteenth*. South Asia Series: Vol.XV No. 4, The American Universities Field Staff: Afghanistan, 1971.

<sup>6</sup> *Wolesi Jirga* is the lower house of the bicameral National Assembly of Afghanistan, alongside the House of Elders. The House of the People is the chamber that bears the greater burden of lawmaking in the country, as with the House of Commons in the Westminster model. It consists

parliament dominated by liberal-reformists members. However, after expiry of three years tenure in 1951, the next election held in 1952, was rigged and popular leaders were disqualified to contest election. The anti-government leaders and reformists were once again suppressed, deported and imprisoned.<sup>7</sup> The next decade under Daud Khan witnessed no elections. While elections were held in 1965 and 1969 for *Ulsi Jirga*, on non-party basis, resulting into a parliament with majority members' illiterate and religious. Similarly, the Upper House (*Masharano Jirga*), a source of legitimacy to a ruler, was drawn mainly from pro-government tribal leaders and religious elements, to support the ruling elite.

The lack of democratic culture in Afghanistan caused the Saur Revolution to occur in 1978.<sup>8</sup> Then, during the socialist rule (1978-1992) under the constitution the internal peace and order could not be achieved due to squabbles inside the PDPA ruling party and external interference. Following that anarchy, the political chaos brought Taliban in 1994 in Kandhar and later on in Kabul in September 1996, which ensued democratic disorder. The fall of Taliban from power on October 7, 2001, brought a new constitution framed in 2004.<sup>9</sup> The new constitution proposed a bicameral legislature, comprising a nominated *Mashrano Jirga* (upper house of parliament) and an elected *Ulsi Jirga* (lower house of parliament)<sup>10</sup>. Under the new constitution, first elections for *Ulsi Jirga* were held in 2005 following the second in 2010.

## PART I

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of 249 delegates directly elected by single non-transferable vote (SNTV). Members are elected by district and serve for five years. The constitution guarantees at least 64 delegates to be female. Kuchi nomads elect 10 representatives through a Single National Constituency. The House of the People has the primary responsibility for making and ratifying laws and approving the actions of the president. The first elections in decades were held only in September 2005, four years after the fall of the Muslim fundamentalist Taliban regime, still under international (mainly UN and NATO) supervision. The 2010 *Wolesi Jirga* elections were held on September 18, 2010.

<sup>7</sup> Muhammad Tauqir Alam, *The Betrayal Of Afghanistan*. Area Study Center, University of Peshawar, 2008, 44

<sup>8</sup> Sher Zaman Taizi, *Saur Revolution*. Ph.D thesis, Area Study Center, University of Peshawar, 1998, 28

<sup>9</sup> *Friday Times*, Islamabad, November, 19, 2010, 16

<sup>10</sup> *Daily Dawn*, Islamabad, 18<sup>th</sup> November, 2004, 12

The Part One of this paper highlights pre-poll reservations, expressed by the observers of election, such as, concern for transparency of electoral process, threats of insurgents, and election of warlords.

## 1. Transparency

Foreign as well as local observers witnessed the major issue of Transparency of the electoral process. Practices such as, buying of votes, ballot stuffing, and co-opting of election officials, were predicted. These concerns emerged due to presidential election of 2009 during which ballot stuffing and voter intimidation were observed.<sup>11</sup> Despite assurances from electoral authorities, western diplomatic sources at Kabul expressed doubt about transparency. Their concern was that President Karzai might be interested in a more compliant parliament for which he will resort to intimidation and fraud. Secondly, they quoted that Afghanistan's security situation was worse than the previous presidential poll; hence the possibility of fraud was greater this time.<sup>12</sup> However, Zekria Barakzai, Deputy Chief of IEC (Independent Election Commission), predicted less fraud in the election admitting that in the last election sensitive material regarding the contest got out of our control. This time around, he further said, we are more experienced and qualified for better show despite the fact that both the task and the situation are difficult.<sup>13</sup>

Moreover, despite all the fears a section of society was of the view that the democratic process of election, though flawed, is much better than no election. Afghanistan a dominantly tribal society and lacking modern democratic traditions of popular elections had this opportunity of conduct of free and fair elections was enough for a certain section of people even if not perfect.

## 2. Insurgent's Threat

Some 2502 candidates were contesting for 249 seats of *Ualsi Jirga*. However, unlike the Presidential Election in 2009, the threat level was high

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<sup>11</sup> Retrieved from Euro News (<http://www.euronews.net/2009/08/22/eu-observers-cry-foul-over-afghan-elections/>). Accessed on August 03, 2010

<sup>12</sup> MARIA ABI-HABIB. Afghan Vote Spurs Fears of Violence, Retrieved from [http://online.wsj.com/article/NA\\_WSJ\\_PUB:SB10001424052748703723504575425362554596190.html](http://online.wsj.com/article/NA_WSJ_PUB:SB10001424052748703723504575425362554596190.html). Accessed on August 17, 2010

<sup>13</sup> Rawa News, Retrieved from, <http://www.rawa.org/temp/runews/2010/07/30/afghanistan-election-will-still-include-suspected-war-criminals.html>

and real from insurgents this time.<sup>14</sup> As soon as election campaign started three parliamentary candidates, from Ghazni, Khost and Herat, were killed and many other became victims of failed attempts on their lives.<sup>15</sup> Taliban's spokesman, Zabihullah Mujahid held those killed were convicted by Taliban's court and their death was a message to other candidates to leave the election or suffer the same fate.<sup>16</sup> In the Nangarhar province, Taliban approached every house to threaten the people of harsh consequences like cutting off right hand if anybody was found having voter registration card. Taliban leadership argued elections didn't carry any validity for them as their spearhead Mullah Omar had already announced boycott of the very process.<sup>17</sup>

The most serious threat was given to the women candidates contesting election. In Logar province, bulk of threats against candidates (9/10) focused on the women candidates.<sup>18</sup> As the threat level in the election was high thus, it forced the government to close 800 polling centers and 1000 polling station that were operational during Presidential polls of 2009.<sup>19</sup> The chief of Independent Election Commission (IEC), Fazel Ahmad Manwai, stated that no polling station will be open without adequate security.<sup>20</sup> Thus, there was a real threat to candidates, voters and women who dared to participate in the polls and it could ultimately lead to disfranchisement of a major portion of electorate. Moreover, insurgents armed and had network in local population could not be resisted collectively by communities. Those active in election either as candidate or political worker take care of themselves in individual capacities.

### 3. Warlordism

<sup>14</sup> Daily *Tribune*, Islamabad, December 12, 2009, 13

<sup>15</sup> Daily *The News*, Islamabad, August, 09, 2001, 15

<sup>16</sup> Pajwak Afghan News, Retrieved from <http://www.pajhwok.com/viewstory.asp?lng=eng&id=99676> . Accessed on August 10, 2010

<sup>17</sup> Enayat Najafizada (AFP), Retrieved from [:http://www.google.com/hostednews/afp/article/ALeqM5ifZzQtPy48HeAHwJTiz43WoLAY6Q](http://www.google.com/hostednews/afp/article/ALeqM5ifZzQtPy48HeAHwJTiz43WoLAY6Q). Retrieved on August 24, 2010

<sup>18</sup> Retrieved from, <http://channel6newsonline.com/2010/08/five-volunteers-of-female-candidate-found-murdered-in-western-afghanistan-taliban-suspected/>. Accessed on August 30, 2010

<sup>19</sup> Trend News Agency, Retrieved from <http://en.trend.az/regions/world/afghanistan/1741147.html>. Retrieved on August 27, 2010

<sup>20</sup> 2010 AFP. Retrieved from [.http://www.google.com/hostednews/afp/article/ALeqM5jwbwGDeJGjVKzsoHLKsh0Fe0mzGEwTop](http://www.google.com/hostednews/afp/article/ALeqM5jwbwGDeJGjVKzsoHLKsh0Fe0mzGEwTop) of Form

Many warlords became members of the parliament during the 2005 election despite criticism from public. This election, again, brought many warlords contesting for elections to *Ulasi Jirga*. This time again their entry was criticized by civil society and human right activist, being against the law clearly putting bar on candidate having links with illegal armed groups.<sup>21</sup> They asserted the Electoral Complaint Commission to ban their entry. Public resentment against the warlords contesting election was observed in many cities of Afghanistan. The resident of Sar-e-Pol, a northern Afghan province, took to the streets against the nomination of Haji Mohammad Rahim and Gul Mohammad Pahlavan, the two prominent warlords. Haji Aman Otmanzai, a resident of Kanduz province, described most of the 80 candidates contesting election in his province, had been accused of crimes, and several still possessed illegal weapons.<sup>22</sup> During this election, some previously elected warlords, such as, Abdul Rabb Rasul Sayyaf and Qasim Fahim, were again contesting, that could reflect a real concern.<sup>23</sup>

Although the Electoral Complaint Commission (ECC) notified 31 candidates ineligible, on the recommendation of Voting Committee, but critics argued that none of the well-known warlord guilty of war crimes in the past, was included in this list.<sup>24</sup> But, spokesman of IEC, Ahmad Zia Rafat, blamed the legal framework that has a limited space from preventing alleged warlords. He further referred to a constitutional provision which

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<sup>21</sup> Retrieved from <http://www.rawa.org/temp/runews/2010/08/09/voting-cards-only-for-those-who-bribe-policemen.html>. Retrieved on 24 August 2010.

<sup>22</sup> While Rahim, formerly a commander with the powerful, Tajik-dominated Jamiat-e-Islami faction, is a candidate in Sar-e Pul province; Pahlavan, who was a leading ethnic Uzbek militia commander in the 1990s, is standing in a neighbouring region, Faryab. Sar-e Pul residents' objections to both men stem from past abuses that armed groups allegedly under their command committed in that province.

<sup>23</sup> Fahim has long been implicated in possible war crimes from the 1990s and is widely perceived by many Afghans to be connected to criminal gangs. Fahim was a senior commander of the Jamiat-e-Islami during Afghanistan's civil war and a Human Rights Watch report found "credible and consistent evidence of widespread and systematic human rights abuses and violations of international humanitarian law.

<sup>24</sup> President Karzai himself cut deals with warlords and men implicated in past crimes ahead of last year's presidential election because of the votes they could deliver. Perhaps not surprisingly, Afghanistan's parliament voted in secret three years ago to grant immunity from prosecution for war crimes to participants in the country's war against the Soviet's in the 1980s and the civil war that followed. That decision was publicized earlier this year.

stipulates that the potential contenders must have a clean past having no criminal conviction.<sup>25</sup>

Thus, warlords were not excluded completely either, because they were politically influential or due to limited space available in law to deal with the issue. While those excluded from election, being warlords, generally regarded weak politically.

#### 4. Nature of Election Campaign

Despite all fears and problems stated above, election campaign, gained momentum and continued in parts of the country. Many cities and districts were decorated with posters; banners of candidates and the local newspapers were full of election advertisements. A variety of ways and means were used by the candidates to reach to masses of their constituencies in various provinces. A candidate, Khadim Ali Khadim, a former commander of Wahdat Party, pictured himself on poster as a wild, long-haired, young *mujahid* (holy warrior). Others pasted pictures of national heroes on their posters, such as, Sayed Jamal-u-Din Afghani, Mir Wais), Ahmad Shah Abdali, Wazir Akbar Khan ( the hero of First Anglo Afghan War), Dr Najibullah, ex-President Sardar Da'ud, Kings Amanullah and king Habibullah ( nick name Bacha-ye Saqao). In the West of Kabul, the picture of Abdul Ali Mazari, leader of Hezb-e-Wahdat, killed by the Taliban in 1995, was visible on the posters of many contestants. Ismat Qane, a candidate from Kabul has linked himself with several leaders like Mirwais Neekua, Ahmad Shah Durrani and Akbar Khan. Other candidates portrayed themselves as political and spiritual heirs of current known Afghans, like Dr. Abdullah, General Dostum, Mohammed Muhaqiq and Sayyed Naderi.<sup>26</sup>

The campaign could equally reflect struggle of existing influential political families posted on important government positions to strengthen their hold. A network of brothers of ministers, daughters of MPs and relatives of heads of politico-religious groups, could have been observed. Brothers of General Dostum, Mohammad Karim Khalili, the Second Vice President, Minister of Education and Finance, Deputy Minister of Parliamentary Affairs, Head of the National Security Council and the Deputy Speaker of Parliament, were contesting election. Then there was cousin of the Minister of Defence, sister of the Chief of Army Staff, and the brother-in-law of former US ambassador to Afghanistan, Zalmai Khalilzad were contesting election. All this seems to be an attempt to enlarge the fortunes of the families by having one member in the government and

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<sup>25</sup> IWPR, July 29, 2010, IWPR-trained journalists - Afghanistan

<sup>26</sup> Daily *Dawn*, Islamabad, September, 29, 2011, 08

another in parliament.<sup>27</sup> Thus, a number of candidates belonging to those having clouts in government, were contesting election.

Some political families fielded multiple candidates. For instance, five members of the sitting MP of Naderi family of Baghlan, Sayyid Mansur<sup>28</sup>, a leader belonging to Ismaili militia, were running for election. Two candidates were fielded by the Gailanis<sup>29</sup>, a very prominent religious family in politics. Similarly, a brother and son of Gulab Mangal, the governor of Helmand, were also contesting the elections.<sup>30</sup>

A section of the educated Afghans youth was also contesting election; however, cultural norms certainly put them at disadvantage. In Afghan society, only older men are considered qualified to lead despite the reality that an educated youth could perform better than their bearded elders. A young candidate, Mansoor Naderi Farkhunda, daughter of the spiritual leader of Afghanistan's Ismaili sect, campaigning from Kabul held that her parliamentary platform is on women's rights and human rights.<sup>31</sup> A few artistes and many television personalities, such as, comedians, actresses and sports stars, fielded themselves as candidates.

But all this didn't mean that everyone nominated himself or herself with the intention of either actually running or winning election. For many of the candidates, the election was a chance to raise their profile. They were hoping to be regarded as the leading politicians of their areas. A majority of candidates were those who wanted to use their candidature as a bargaining in respect of those who were the top runners of the constituency. Similarly, there were such candidates who just want to split the votes on behalf of either one or the other candidate.<sup>32</sup>

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<sup>27</sup> AAN has managed to come up with the following list of relatives of the powerful running for parliament.

<sup>28</sup> He has two sons running: Olfat (Baghlan) and Jaffar (Badakhshan, his election office was burned down in Faizabad) - and a daughter, Farkhonda (Kabul). There is also a son-in-law, Hossamuddin Haqbin (Baghlan), who is estranged from Mansur: whether or not his symbol - the axe - was chosen after finding out about his father-in-law's - the palm tree - is not known.

<sup>29</sup> The Gailanis fielded two candidates., both nephews of Pir Saheb Sayyed Ahmad: Mohammad Eshaq, a sitting MP in Paktika and Mahmoud Hossamuddin, a candidate in Ghazni.

<sup>30</sup> What's in a name? Relatives of the powerful run for parliament by Kate Clark AAN's senior analyst, Kate Clark, and political analyst, Gran Heward, have been looking at how the candidate lists illustrate who may be constituting the new Afghan elite - or rather, who from the younger generation is trying to find their place in the old elite.

<sup>31</sup> *The Friday Times*, Islamabad, October, 2010, 06

<sup>32</sup> Martine van Bijlert: How to Win an Afghan Election, AAN Thematic Report 02/2009 6, *Candidates and their strategies*, : Martine van Bijlert



Thus, election campaign was not a contest between few major political parties rather derive its inspiration from a variety of sources. The pictures and posters could reflect the symbolic attachment, based on personality cult, varied ethnic, sectarian, tribal sensibilities and political affiliations of various candidates. The influence of fortune, family and current government position could also be smelt. However, contrary to that, a feeling of cynicism in the public was also present from majority of the candidates to deliver in real terms. A university teacher, Ghulam Farooq, from Balkh University is hopeless about the candidates from his province majority of whom not enjoying a good reputation among the people

## 5. Party less Election

Interestingly, during this election party affiliation was just one but not the whole factor for voter mobilization. Out of 110 political parties, only 5 could have the chance to field candidates in the election under the party logo. Some 20 political parties failed to register partly due to delays in government offices and partly due to the laziness of political parties. Thus, during the whole election only 31 candidates, out of total 2502, could contest under party's logo as only five parties could fulfill the re-registration requirement.<sup>33</sup>

Thus, during the election, political parties were allowed but election was not contested on political ideologies. The shortage flatly could be put on the shoulders of political parties themselves due to their unawareness and lack

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<sup>33</sup> The non-appearance of most of the parties on this year's ballot papers, however, must largely be blamed on themselves. Last year, the now outgoing parliament passed a new political party law which came into force on 9 September 2009. This law required a re-registration of the hitherto 110 officially recognized parties and gave them six months to do so, up to 8 March 2010. But for technical reasons, many parties did not receive the notification of the Ministry of Justice (or at least said they had not), and a frightening lack of awareness about events in the parliament (a number of parties admitted they did not know about the new law), the MoJ granted another three months to apply. This period ended on 5<sup>th</sup> June, dangerously close to the deadline for candidates to register on 21<sup>st</sup> June. Only five parties fulfilled the re-registration requirement by 21 June - the MoJ took some time beyond 5<sup>th</sup> June to process the papers. Almost 20 others ended up in limbo. They probably had submitted their documents in time, but the MoJ did not finish looking at them by the closing date for the registration of candidates. In practice, this means that they were discriminated against because only the five parties on the top of the pile got the chance to field 'official' candidates. Political Parties at the Fringes Again [Thomas Ruttig](#) Political Parties at the Fringes Again, posted: 13-09-2010:

of registration in time. Without political parties the ideology of the candidates was largely unofficial or confused and it was difficult to assess who was winning and who was losing.

## 6. Women Participation

As compare to elections of 2005, the elections in 2010 witnessed a sharp increase in the number of women candidates. According to one estimate, there was an increase of around 20% in women candidature for these elections.<sup>34</sup> This time some 406, compared to 328 in 2005 election, contested for 68 reserved seats in the *Ualsi Jirga*. Despite the fact that women candidates were more vulnerable to insurgent's attacks, their increased participation was a good sign.

## PART II

Part II covers the post-poll impacts, such as, the people killed, the scams reported, various interpretations of these deceptions that ultimately led to differences between the Independent Election Commission and Attorney General Office. Main issues reported are as follow:

### 1. Fraud Observed

On September 18, 2010, out of the total of 11.4 million voters, around 4 million Afghans went for voting amidst Taliban's threats and attacks. At least 22 people were killed on poll day violence.<sup>35</sup> As soon as polls closed, a variety of election frauds were reported from various regions, ranging from use of multiple votes by single voter, poor quality of marking ink, easily erasable and the fake voter cards, considered to have been printed in Peshawar. In thirty-eight constituencies, cast vote was higher than the total votes, showing ballots were dishonestly cast in favour of the candidates. Similarly, instances of ballot-stuffing were reported and at certain polling stations, ballots were collected and simply doled out for cash payments by the local warlord.<sup>36</sup>

Moreover, a major discrepancy in turnout was also reported. According to the estimates of Independent Election Commission some 4 million votes were to cast during the polls, but preliminary results reflected that the final estimate jumped to more than 5.6 million.<sup>37</sup>

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<sup>34</sup> Women candidates for Afghan vote up: IEC (AFP) – May 13, 2010

<sup>35</sup> Daily *The News*, Islamabad, September, 26, 2010, 09

<sup>36</sup> *TOLO News*, Abdul Khaliq Fazal, Saturday, 16 October 2010.

<sup>37</sup> Voice Of America News, October 28, 2010

In Kandahar, reports were received of handcuffing of election officials and their detention, by provincial head of the border guards, Abdul Razziq, on the entire poll day. Thus, in Kandahar Province, most of the candidates who won seats in Parliament belonged to Karzai's tribe and his allies.<sup>38</sup>

In some regions, use of money in buying votes was also reported. According to Babrak Shinwari, an independent from Nangarhar province, who lost election, there was almost no clean vote cast in his constituency, all votes cast were bought.<sup>39</sup> Similarly some cell phone video was also aired showing men marking a lot of ballots for particular candidates. A video was also recorded having representatives of a candidate dealing with the election officials about the price of votes inside a polling station.<sup>40</sup>

Warlords also forced and influenced polling in their favour. In the eastern province of Nangarhar, almost all the candidate who won were former commanders, having gunmen under their control. In Farah province, fraud and use of force by the local warlords was reported, especially, in the district of Purchaman. When the preliminary results came out, it was found that people voted for two men who were virtual unknowns there.<sup>41</sup>

Before the election, the analysts predicted more fraud in Pakhtun areas, especially in the south, main base of President Karzai and Taliban. But, in fact, insecurity that prevailed in Pashtun area, had seriously affected the turn out in certain Pakhtun areas. The worst case was Ghazni province though with a majority of Pakhtuns but not a single Pakhtun was elected to the *Ulasi Jirga*.<sup>42</sup> In this province with a couple of districts, where members of the Hazara ethnic group predominate, hardly a vote for a Pakhtun candidate was cast because it was too dangerous in the area to go to polls.

## 2. Results Delayed

After these reports of fraud and election irregularities, Afghan election chief invalidated 1.3 million votes. The invalidated votes were related to some 440 polling centers.<sup>43</sup> Staffan de Mistura, the United Nations Secretary General special representative for Afghanistan stated that the number of invalidated identified votes by the I.E.C. showed considerable fraud and electoral irregularities.<sup>44</sup>

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<sup>38</sup> Daily Dawn Islamabad, October,30,2010, 05

<sup>39</sup> *The New York Times* - Africa By ALISSA J. RUBIN October 20, 2010

<sup>40</sup> Daily Tribune, Islamabad, November,10,2010, 10

<sup>41</sup> Ibid, 10

<sup>42</sup> Ibid , 10

<sup>43</sup> *Tulu News.com*, October 14, 2010

<sup>44</sup> Ibid

Due to frauds, the final results got delayed and could not come out by the due date (October 30<sup>th</sup>). It was only after much wrangling and clarification of frauds that result of 33 provinces minus Ghazni were announced in November. It was only by December 1<sup>st</sup> that the election office announced the total result of 34 provinces, after a delay of almost two and a half months. As the result reached, it came out that all the winning 11 candidates from Ghazni were from ethnic group, Hazara. In one district of Ghazni only three Pakhtuns could use their votes.<sup>45</sup> Due to non-participation of Pakhtuns in polls in the province of Ghazni, they lost some 15 seats in the 249 member *Ulasi Jirga*.<sup>46</sup>

There were concerns that Pakhtuns might react if all seats went to one ethnic group that too in minority in Ghazni and there were also speculations that IEC might call for a re-election in Ghazni. But the IEC stuck to its position and its Chairman, Fazal Ahmad Manawi,<sup>47</sup> announced the commission was above ethnicity, language or religious affiliations. He held that the body had completed its job with responsibility.

According to partial results, 72 members of *Ulasi Jirga* were re-elected to parliament but with 177 new faces. Another aspect of the polls was that all sitting MPs contested election. Only 25 did not contest election again<sup>48</sup>, however, out of these 25 people, 15 were unwilling, and the other 10 were killed during their tenure.<sup>49</sup>

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<sup>45</sup> *Tulu News*, December 14, 2010

<sup>46</sup> Ibid

<sup>47</sup> Ibid

<sup>48</sup> Fabrizio Foschini, Retrieved from <http://www.aan-afghanistan.org/index.asp?id=1031>, dated 17-9-2010. List of MPs not running again: Ustad Burhanuddin Rabbani (Badakhshan), Sultan Muhammad Awrang (Badakhshan), General Hilaluddin Hilal (Baghlan), Habibullah Ramin (Baghlan), Najiba Sharif (Kabul), Sabrina Saqeb (Kabul), Taj Muhammad Mujahed (Kabul), Aref Nurzai (Kandahar), Ahmad Shah Achakzai (Kandahar), Mawlawi Ataulah Ludin (Nangarhar), Gharghashta Katawazai Suleimankhel (Paktika), Sona Nilufar (Uruzgan), Piram Qul Ziahi (Takhar), Faizullah Zaki (Jowzjan), Malalai Joya (Farah).

<sup>49</sup> Out of the 249 MPs elected in 2005, 10 have been killed during the legislative period and (at least) 15 other MPs do not run again (\*). Almost all of the candidates run as 'independents', only 31 officially give a party affiliation (more details on this subject in an upcoming blog). List of killed MPs: Seyyed Mustafa Kazemi (Kabul), Muhammad Aref Zarif (Kabul), Nazuk Mir Sarfaraz (Kunduz), Saheb-ur-Rahman Hemmat (Kunar), Engineer Abdul Matin (Helmand), Mawlawi Muhammad Islam Muhammadi (Samangan), Sebghatullah Zaki (Takhar), Fazl ur-Rahman Chamkanai (Paktia), Haji Habibullah Khan (Kandahar), Dad Muhammad Khan, Helmand).

### 3. Differences Between IEC, Attorney General Office

Following announcement of results an unending row developed between the IEC and the pro-President Attorney General office. The IEC Chief Manwai argued that IEC had done its job professionally. On the other hand the Attorney General called for cancellation of results due to corruption, widespread fraud and injustice in the conduct of elections. He alleged the IEC and ECC with sufficient evidence had committed frauds and violations.<sup>50</sup> The Attorney General further suggested that final results of election might be cancelled by Supreme Court.

Electoral Complaints Commission (ECC), on the other hand, raised questions about the right of both the Supreme Court and the Attorney General to change the results. According to a spokesman of ECC,<sup>51</sup> when the according to the law no organistaion possess the right to challenge the result, once the results are confirmed.

International observers feared the differences will be taken to the court by different parties which could delay the opening of the parliament. Although the election official expected parliament to be formed within a week but President was sticking to his gun to clear issues first. The president previously promised to inaugurate parliament by January 20, 2011. Confronted with a rebellion from lawmakers, Karzai backed down and finally open parliament on Wednesday, January 26.

### 4. Pakhtun Case

The Pakhtuns, who comprises around forty six percent of the total population of the country, representatives decreased by twenty-six seats in the new Parliament. According to Mirwais Yassini, a legislator, the Pakhtuns had 120 seats in the previous parliament; they now had just 96 members in the Ulasi Jirga of 249 members. Thus, several predominantly Pakhtun tribes have little or no representation in the new Parliament that naturally reduced the level of participation. This is a big blow to the policy of NATO's strategy which aims at alluring the Pakhtuns by means of increasing their presence in the government.<sup>52</sup>

One reason for disenfranchisement was the failure of election authority to strengthen security in south and southeastern provinces, the

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<sup>50</sup> *Tulu News*, Attorney General Seeks Cancellation of Votes December 11, 2010

<sup>51</sup> *Daily Dawn*, Islamabad. November, 12, 2010, 07

<sup>52</sup> *The New York Times*, An Election Gone Wrong Fuels Tension in Kabul By CARLOTTA GALL and RUHULLAH KHAPALWAK

Pakhtun dominated areas. Certain sources refer part of the problem to the 2009 fraud-ridden Presidential election of Mr. Karzai, especially in south and Pashtuns dominated area. In order to reduce the risk of fraud, the election commissioner Fazal Ahmad Manawi banned election in many of the most insecure areas. As these areas were hit hard by insurgents thus, voters could not use their vote in many of the Pakhtun areas and tribes.<sup>53</sup>

On September 9, 2010, the international rights group informed that the elections are going to be severely compromised due to poor government security. The Afghan election officials also held that 15% polling stations will not open due to security concerns in the country. Only in Nangarhar, the northeastern province of Afghanistan, 81 out of 458 polling stations were closed. While in the eastern and southern part of the country around 900 centers were officially closed due to security threats. The people of these areas were asked to go to safer stations if they want to cast their votes, neglecting the fact that to reach the safer stations these poor people have to pass through insurgent occupied areas.<sup>54</sup> Thus, instead of beefing up security and removing the gaps observed during Presidential election, the election authority closed the polling stations. According to an educator Abdul Bari from the area of Ghazni's Andar district, there was no election in his constituency as Taliban dominate the area and the officials cannot even dare to come there. The situation is self-evident from the fact that for an area having more than 70,000 registered voters, the majority of whom were Pakhtuns, only three ballots were cast.

This is why most of the Pakhtun candidates demanded either a recount or the complete annulment of the result. They claimed that the results are highly manipulated allowing for a majority of the northern ethnic minorities in the new parliament and marginalizing the majority Pakhtuns. Thus, on one hand the insurgency disenfranchised several hundred thousand voters in ethnic Pakhtun majority area, and, on the other, brought into power minority ethnic groups like Hazara. In Ghazni, a Pakhtun majority area, all the 11 seats went to Hazara Shia Muslim community. Thus, out of 249 seats in the lower house, 50 seats alone are occupied by Hazaras, an outsize portion of power compared with their numbers.

## Conclusion

Whatever, gaps observed during the current election needs to be addressed next time before election. Security being the main concern needed to be boosted for transparency. Despite the fact that the United

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<sup>53</sup> Ibid

<sup>54</sup> Voice of America News, Rights Group: Violence Threatens Upcoming Afghan Poll, September 9, 2010

Nations provided both financial and technical support to the Independent Election Commission appointed by the Afghan government, and designated three members of the Electoral Complaints Commission (ECC), the loopholes and weaknesses in the process of election were so ominous that the U.N Secretary General warned of disengaging from any support in the future election. He was of the view that a lot has to be done from the appointment of officials to the handling of election materials and security to ensure impartiality.<sup>55</sup> He feared that if the negative trends are not corrected, there is a risk that the deteriorating overall situation will become irreversible.<sup>56</sup>

Besides these, the environment of tribal culture in form of tribalism and warlordism, have not only impacted adversely the Afghan society, but also deterred the democratic –political culture in Afghanistan. Due to non-availability of effective system of security, and electioneering, the elections of 2010 were not fulfilled as desired. Voter rigging, and corruption in form of buying votes during election, was not stopped. This was more necessary to curb this issue before the elections could be formed.

Political culture is not mature in Afghanistan. This is ensured by the fact that monarchy has just ended a few decades ago, and the civil society, is not working freely as comparing with its neighboring or regional states.

Therefore, in order to cope with the issue of political corruption during elections, democratic culture of political parties, civil society, and independent election commission is more than necessary to prop up in Afghanistan.

Finally, Pakhtun a majority ethnic group, in Afghanistan, if marginalized might have negative consequences on national politics. Next time security needed to be enhanced and more focus are put on Pakhtun dominated regions during elections. If major ethnic group, Pakhtuns, are alienated and keep them outside national politics shall mean more problem for state.

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<sup>55</sup> Reuters, U.N. can't back more Afghan elections without reform, Jan 4, 2010

<sup>56</sup> Reuters, United Nations, January 4, 2010

## APPENDIX I

### List of parties in the 2010 election

***The five parties with ‘official’ candidates (number of candidates on final list)***

Hezb-e Musharekat-e Melli (National Participation Party)  
 Hezb-e Muttahed-e Melli (National United Party)  
 Hezb-e Wahdat-e Islami (Islamic Unity Party)  
 Hezb-e Paiwand-e Melli (National Union Party)  
 Nohzat-e Hambastagi-ye Melli (National Solidarity Movement)

***Other registered parties (parties without ‘official’ candidates on the preliminary final candidates’ lists in italics, in brackets: number of original candidates)***

Hezb-e Jumhurikhwahan (Republican Party of Afghanistan)  
 Hezb-e Melli-ye Watan (National Fatherland Party)  
*Hezb-e Ensaf-e Melli (National Justice Party)*  
 Hezb-e Da’wat-e Islami (Islamic Invitation Party)  
 Hezb-e Melli-ye Fa’alin-e Solh (National Peace Activists Party)  
*Hezb-e Melli-ye Hewad (Country’s National)*  
*Hezb-e Solh-e Melli wa Islami-ye Aqwam-e Afghanistan (National Peace Party of Afghanistan’s Tribes)*  
 Mahaz-e Melli-ye Islami (National Islamic Front)  
*Hezb-e Tawhid-e Mardom (People’s Unity Party)*  
*De Melli Wahdat Wolesi Tehrik (People’s Movement for National Unity)*  
*Hezb-e Wahdat-e Melli (National Unity Party)*  
 Tolonpal Wuluswaki Gund (Social Democratic Party) [Afghan Mellat]  
*De Sole Ghurdzang Gund (Peace Movement Party)*  
*Hezb-e-Nohzat-e Faragir-e Demokrasi wa Taraqi (Broad Movement for Democracy and Progress)*  
 Hezb-e Tafahum wa Demokrasi (Understanding and Democracy Party)  
 Hezb-e Ensejam-e Melli (National Coordination Party)

***Non-registered parties with ‘official’ candidates on the preliminary final candidates’ lists***

De Khalq Enqelabi Gond (Revolutionary People’s Party)  
 De Qaumuno de Milli Tafahom Nuhzat (Tribes’ National Understanding Party)  
 Hezb-e Eqtedar-e Melli (National Rule Party)  
 Harakat-e Enqelab-e Islami (Islamic Revolution Movement)  
 Harakat-e Islami (Islamic Movement)  
 Hezb-e Adalat-e Ejtema’i (Social Justice Party)



Hezb-e Azadikhwahan-e Mardom (People's Liberty Party)  
 Hezb-e Dimokrat (Democratic Party)  
 Hezb-e Hambastagi-ye Milli-ye Jawanan (National Youth Solidarity Party)  
 Harakat-e Enqelab-e Islami wa Milli (Islamic and National Revolution Party)  
 Hezb-e Islami (Islamic Party)  
 Hezb-e Islami-ye Muttahed (United Islamic Party)  
 Hezb-e Refa'-e Melli (National Prosperity Party)  
 Hezb-e Solh-e Melli-ye Islami (Islamic National Peace Party)  
 Jabha-ye Nejat-e Melli (National Salvation Front)  
 Jamiat-e Islami (Islamic Association)  
 Jombesh-e Melli-ye Islami (National Islamic Movement)  
 Hezb-e Kar wa Tawse'a (Labour and Development Party)  
 Hezb-e Liberal (Liberal Party)  
 Kangara-ye Melli (National Congress)  
 Nuhzat-e Madani (Civil Movement)  
 Tehrik-e Wahdat-ul-Muslemin (Muslim Unity Movement)  
 Hezb-e Wahdat-e Melli-ye Islami (Islamic National Unity Party)  
 Hezb-e Wahdat-e Islami-ye Mardom (People's Islamic Unity Party)

## APPENDIX II

Out of the 249 MPs elected in 2005, 10 have been killed during the legislative period and (at least) 15 other MPs do not run again. Almost all of the candidates run as 'independents', only 31 officially give a party affiliation.

### List of killed MPs:

Seyyed Mustafa Kazemi (Kabul)  
 Muhammad Aref Zarif (Kabul)  
 Nazuk Mir Sarfaraz (Kunduz)  
 Saheb-ur-Rahman Hemmat (Kunar)  
 Engineer Abdul Matin (Helmand)  
 Mawlawi Muhammad Islam Muhammadi (Samangan)  
 Sebghatullah Zaki (Takhar)  
 Fazl ur-Rahman Chamkanai (Paktia)  
 Haji Habibullah Khan (Kandahar)  
 Dad Muhammad Khan (Helmand)  
 List of MPs not running again:  
 Ustad Burhanuddin Rabbani (Badakhshan)  
 Sultan Muhammad Awrang (Badakhshan)  
 General Hilaluddin Hilal (Baghlan)

Habibullah Ramin (Baghlan)  
 Najiba Sharif (Kabul)  
 Sabrina Saqeb (Kabul)  
 Taj Muhammad Mujahed (Kabul)  
 Aref Nurzai (Kandahar)  
 Ahmad Shah Achakzai (Kandahar)  
 Mawlawi Ataulloh Ludin (Nangarhar)  
 Gharghashta Katawazai Suleimankhel (Paktika)  
 Sona Nilufar (Uruzgan)  
 Piram Qul Ziahi (Takhar)  
 Faizullah Zaki (Jowzjan)  
 Malalai Joya (Farah)

### **APPENDIX III**

#### **A Network of Relatives of Political Leaders**

1. Abdul Wali Baz (Kabul), brother of Karim Baz, Deputy Minister of Parliamentary Affairs.
2. Adela Bahram (Kabul), sister-in law of the head of the Republican Party and head of the Policy Department of the President's Office, Sebghatullah Sanjar.
3. Ahmad Wahid Taheri (MP for Herat) brother of Ragin Dadfar Spanta, Head of the National Security Council.
4. Ajmal Chamkani (Kabul), son of Haji Mohammad Chamkani, a tribal leader turned (party-less) vice president, who was acting president for two weeks during Dr Najibullah's rule.
5. Dr Almas Bawar Zakhilwal (Kabul), brother of Minister of Finance, Omar Zakhilwal.
6. According to article 85 of the constitution, a person who is nominated or appointed as a member of the National Assembly should have the following qualifications. Ehsan Munawar (Nangrahar), brother-in law of Zalmai Khalilzad, former US ambassador to Afghanistan and father of Wali Munawar, Afghan Ambassador to Qatar.
7. Ezzatullah Wasefi (Kandahar), former Farah governor and controversial former head of the Anti-Corruption Commission, son of Alekozai leader in Kandahar and former minister from Da'ud Khan's government, Azizullah Wasefi.
8. The Gailanis: Sayyid Mahmud Hossamuddin (Ghazni), and Sayyid Eshaq (Paktika), both sons of the jihadi factional leader, Pir Sayyid Ahmad Gailani.

9. Hashmat Karzai (Kandahar), cousin of President Karzai and owner of the Asia Security Group (although ownership has recently been denied), and Jamil Karzai (another cousin and sitting MP for Kabul).
10. The Kufi sisters: Fauzia, MP (Badakhshan) and Mariam, hopeful candidate (Takhar).
11. Abdul Qader Imami Ghor, MP in Ghor, who, this time round, is standing as a candidate in Faryab, while his daughter Jamila Ghor runs in their home province.
12. Mirza Mangal (Paktia), brother of deputy Paktia governor, Abdul Rahman Mangal.
13. Mohammad Eshaq (Kandahar), brother of former Minister of Tribes and Borders and presidential advisor, Aref Nurzai.
14. Mohammad Zia Yari (Kabul), son of Senator Sulaiman Yari.
15. Haji Nabi Khalili (Kabul), brother of Second Vice President and leader of one of the split factions of Hizb-e Wahdat, Karim Khalili.
16. The Naderi family: Sayyid Mansur, MP (Baghlan) and former commander of an Ismaili militia; his son, former commander and former governor of Baghlan, Jaffar (Badakhshan); another son, Olfat (Baghlan); daughter, Farkhonda (Kabul); and son-in-law, Hossamuddin Haqbin, who is not running under his in-laws' name (Baghlan).
17. Qudratullah Zaki (Takhar), brother of the murdered MP, Sebghatullah Zaki.
18. Engineer Sher Wali Wardak (Kabul), brother of the Minister for Education, Faruq Wardak.
19. Sayyid Ali Kazemi (Kabul), brother of the late MP and leader of Eqtedar-e Melli, Sayyid Mustafa Kazemi, who was killed in the 2007 attack on the Baghlan Sugar factory.
20. Qadir Tariq (Kabul), cousin of the Minister of Defence, Rahim Wardak.
21. Zahera Sharif (Khost), MP, lecturer in Khost University and sister of General Shir Mohammad Karimi. Chief of Staff of the ANA.
22. Qadir Dostum (Jawzjan), brother of General Abdul-Rashid Dostam, factional leader of Jumbesh-e Melli.
23. Razia Sadat Mangal (Paktia), the daughter-in-law of former Interior Minister and Paktia governor, Taj Muhammad Wardak.

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