

# Policy Briefing

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## Afghanistan's Parties in Transition

### I. Overview

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Political parties are developing slowly in Afghanistan, discouraged by electoral laws and fragmented ethnic politics, but starting to shed their legacy as armed groups. Their newfound legitimacy will face its most serious challenge during the 2014 presidential election and 2015 parliamentary polls, as parties scramble to ensure their place in the new order that will follow the end of President Hamid Karzai's constitutional mandate. Many obstacles remain, as the outgoing government threatens to revoke the licences of many, if not all, political parties, and introduce tough regulations on political party activity. The jostling for power could inflict lasting damage on the political system, because the government's effort to curtail the number of parties, while a popular measure among many Afghans, could shut out moderate political movements and emerging youth organisations, leaving voters with limited choices among only the biggest of the *tanzims*, or former mujahidin parties. For its part, the international community should condition financial assistance on further government efforts to promote multiparty politics.

Some parties with roots as northern militias are preparing to rally their supporters for street demonstrations that could turn violent. This comes as all the major political players are leveraging pre-election displays of strength in negotiations over slates of presidential and vice presidential candidates. Major opposition players, including traditional rivals such as Junbish-i-Meli-Islami, Hizb-e Islami and the Jamiat-i Islami factions – leading representatives of the Uzbek, Pashtun and Tajik ethnic groups, respectively – are showing unprecedented unity in their calls for electoral reform. However, their activism, albeit for commendable goals, could lead to further destabilisation in the transition period.

Indeed, any profound disruption in Kabul politics would leave an opening for the armed insurgency. Failure to see an understanding emerge between the Palace, parliament, political parties and civil society on remaining electoral reform issues or another veto of the reform law approved by parliament would undermine hopes for a stable transition and play even more directly into the hands of the insurgency. Irrespective of political parties' technical progress, if there is again manipulation in the manner of the 2009 and 2010 elections, the 2014 winner may lack the credibility and legitimacy the new era will require.

For their part, the Taliban do not seem prepared to launch a political party. Despite recent announcements to the contrary from ex-Taliban figures and the successful entry of another armed opposition group, Hizb-e Islami, into mainstream politics,

the insurgents' primary mode of political expression in the near future will remain fighting, not party politics. Nor does the opening of a political office in Doha offer any likelihood of a change in Taliban strategy in relation to entering politics. The overall implications for the coming elections – good or bad – remain unclear.

This briefing builds on earlier Crisis Group reporting on Afghanistan's political parties to provide an overview of their current position and analyse their ability and willingness to shape the transition to the post-Karzai era, after a decade of government efforts to restrict political party functioning. It is based on interviews with political party and other stakeholders in Kabul and four regional centres of Mazar-i-Sharif, Herat, Kandahar and Jalalabad. Without undertaking a detailed assessment of the insurgency, the briefing also includes interviews with insurgents to assess Taliban attitudes toward the party system. Its findings include the need for:

- ❑ Greater transparency in the implementation of laws and regulations on political parties to improve perceptions of impartiality.
- ❑ Greater independence of the Independent Electoral Commission (IEC) and Electoral Complaints Commission (ECC), and consultation with parties to achieve an accord on electoral laws and a more transparent electoral process.
- ❑ Kabul's support for pluralistic political development by providing funds for basic functions of parties that meet a threshold of popular support in elections.
- ❑ Deferring implementation of the requirement, in the 2012 political party regulations, that parties maintain offices in at least twenty provinces. Additional time may be required for parties to establish themselves, and for security conditions to allow party offices in remote provinces. The deferral period should at minimum extend beyond the 2014 presidential and 2015 parliamentary elections. If the requirement is not deferred, Afghan security forces should offer physical security for party facilities where requested by party leaders.
- ❑ Support by donor countries and the UN Mission in Afghanistan (UNAMA) for these reforms, including conditioning continued economic and military assistance in the coming years on credible electoral reforms that allow for political pluralism.

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## II. An Uneasy Relationship with the State

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### A. *Political Parties in Post-Taliban Afghanistan*

Political parties in Afghanistan have had a troubled history, with heavy regulation governing their early development.<sup>1</sup> Informal groups started to coalesce under monarch Amanullah Khan when he established the country's first parliament in the 1920s.<sup>2</sup> His successor Zahir Shah held successive parliamentary elections and established a constitution in 1964 that allowed for political parties, but declined to sign a law permitting party activities. The republic under Mohammed Daud in the 1970s was equally averse to political pluralism, repressing Islamist and leftist groups alike. Opposition

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<sup>1</sup> See Crisis Group Asia Briefing N°39, *Political Parties in Afghanistan*, 2 June 2005. See also Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006; and Asia Briefings N°96, *Afghanistan: Elections and the Crisis of Governance*, 25 November 2009; and N°117, *Afghanistan's Elections Stalemate*, 23 February 2011.

<sup>2</sup> Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton, 2010), p. 189.

parties did not operate with any degree of freedom until 1978-1979, when many of these underground parties became revolutionary forces.

Many of the strongest political brands in Afghanistan today rose to prominence as Islamist rebels against Soviet occupiers and their local communist allies in the 1980s. A majority of seats in the Wolesi Jirga, or Lower House, won by party-affiliated candidates in the 2005 and 2010 parliamentary elections went to those that fought against the Soviet-backed People's Democratic Party of Afghanistan (PDPA) government.<sup>3</sup> Their erstwhile opponents, mostly former PDPA members, now sit alongside the retired mujahidin in a minority of the party-affiliated seats.<sup>4</sup> The popularity of the former communists has been tarnished for some Afghans by memories of the pro-Soviet forces' brutal tactics, while many others say the mujahidin parties lost credibility in the 1990s when they plunged the country into a civil war that gave rise to the Taliban.<sup>5</sup>

Some of the prominent parties, ranked according to their seats in parliament, include:<sup>6</sup>

- Jamiat-i Islami Afghanistan: provisionally headed by Salahuddin Rabbani since the 2011 death of his father, Burhanuddin Rabbani. It is deeply divided between several factions, but remains the dominant party in northern Afghanistan and the most active representative of the Tajik ethnic group.<sup>7</sup>
- Hezb-i-Wahdat-i-Islami Mardom-i-Afghanistan: under Mohammad Mohaqeq. One of two major factions, along with Karim Khalili's group (below), that draw most of their support from the minority Shia sect and Hazara ethnic group. Mohaqeq supported Karzai in the 2009 elections but has since joined the political opposition.<sup>8</sup>
- Junbish-i-Meli-Islami Afghanistan: led by Abdul Rashid Dostum. It began as an offshoot of the Parcham wing of the PDPA, with strongholds among the ethnic Uzbek enclaves of the north,<sup>9</sup> and is now allied with Mohaqeq in opposition to Karzai.
- Hezb-i-Wahdat Islami Afghanistan: headed by Mohammed Karim Khalili. The other major representative of the Shia and Hazara minorities, with particular strength in the central provinces.<sup>10</sup> Khalili became second vice president in 2004 and has remained a key Karzai supporter.
- Mahaz-i-Meli Islami Afghanistan: under Said Ahmad Gailani. It draws support from south-eastern Pashtuns. In part, the party's popularity is based on Gailani's

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<sup>3</sup> Andrew Reynolds and John Carey, "Fixing Afghanistan's Electoral System: Arguments and Options for Reform", Afghanistan Research and Evaluation Unit (AREU), July 2012.

<sup>4</sup> Party affiliation for members of parliament can be somewhat fluid. Reynolds and Carey counted 156 of 249 MPs on major party tickets in the 2005 parliament, falling to 94 in 2010. Ibid. However, Crisis Group had noted that only 36 successful candidates in the 2005 elections entered a party affiliation on their registration forms. Crisis Group Report, *Afghanistan's New Legislature*, op. cit.

<sup>5</sup> Anna Larson, "Toward an Afghan Democracy? Exploring Afghan perceptions of Democratisation", AREU, September 2009.

<sup>6</sup> Using the party rankings in "Political Parties in Afghanistan: A Review of the State of Political Parties after the 2009 and 2010 Elections", Appendix 2, National Democratic Institute (NDI), June 2011.

<sup>7</sup> Crisis Group interviews, senior party members, Mazar-i-Sharif, April 2013.

<sup>8</sup> Crisis Group interviews, political party members, Kabul and Mazar-i-Sharif, February and April 2013.

<sup>9</sup> Crisis Group Briefing, *Political Parties in Afghanistan*, op. cit. The PDPA was divided into two factions, Parcham and Khalq.

<sup>10</sup> Crisis Group interviews, Kabul, April 2013.

status as a Sufi *pir* (saint) and his family's hereditary leadership of the *Qadiri tariqa* (Sufi order).<sup>11</sup>

- Afghan Millat: under Stana Gul Sherzad. One of Afghanistan's oldest parties, tracing its roots to the 1960s. Popular among urban, educated Pashtuns in the east, Millat became one of the few Afghan parties to have changed its leadership through internal elections when Sherzad replaced Commerce Minister Anwarul Haq Ahadi in 2012.<sup>12</sup>
- Dawat-e Islami: run by ex-mujahidin leader Abdul Rab Rasul Sayyaf. Allegedly receiving funding from fellow Salafis in the Middle East,<sup>13</sup> it has remained a staunch Karzai ally during the post-2001 period. Sayyaf declined to join a coalition of opposition parties in 2012, but appears to have since reached an "understanding" with them.<sup>14</sup>
- Paiwand-e Milli: headed by Sayed Mansoor Naderi. With roots in an Ismaili Shia militia from northern Afghanistan, its base is strongest in Baghlan province, where the party runs a 100-bed hospital.<sup>15</sup>
- Harakat-e Islami: another predominately Shia Hazara party, under Sayed Hussein Anwari. Anwari, originally from Parwan province, has been twice elected to parliament from Kabul.
- Hizb-e Islami: with a branch run by Economy Minister Abdul Hadi Arghandiwal, it made a remarkable transition in recent years from an armed opposition group into a hybrid organisation with an insurgent wing that continues fighting international forces, and a political arm with members at the highest levels of government.<sup>16</sup> While officially divided into armed and unarmed factions, senior Hizb-e Islami members claim that the party operates as a unified organisation.<sup>17</sup>
- Mutahed-e Milli: led by retired General Nurul Haq Oloomi. A rare example of a major Afghan party without a strong ethnic base; although a Pashtun, the support for Oloomi comes largely from the former PDPA's Parcham faction.<sup>18</sup>

## B. *Disarmament and Registration Post-2001*

Although the first law (2003) governing political parties after the fall of the Taliban drew from the 1964 constitution, it was significantly less restrictive than laws of that era.<sup>19</sup> Parties needed only 700 members to register,<sup>20</sup> and many of the other require-

<sup>11</sup> Crisis Group Briefing, *Political Parties in Afghanistan*, op. cit.

<sup>12</sup> "The situation in Afghanistan and its implications for international peace and security", Report of the UN Secretary-General, 6 December 2012.

<sup>13</sup> Crisis Group Briefing, *Political Parties in Afghanistan*, op. cit.

<sup>14</sup> Statement by National Front of Afghanistan (NFA) leader Ahmad Zia Masoud broadcast on 1 TV (Kabul station), 21 April 2013.

<sup>15</sup> Crisis Group interviews, political party members, February-April 2013.

<sup>16</sup> On 24 January 2011, *Daily Afghanistan*, a local paper, claimed that Hizb-e Islami had become the largest faction in parliament with 24 seats, or 16 per cent of representatives in the lower house. It is unclear whether this claim is correct because party affiliation is often fluid in Afghanistan.

<sup>17</sup> Crisis Group interviews, senior Hizb-e Islami members, Jalalabad, April 2013.

<sup>18</sup> Crisis Group Briefing, *Political Parties in Afghanistan*, op. cit.

<sup>19</sup> "Political Parties Law", *Ministry of Justice Official Gazette*, Issue no. 812, 18 October 2003.

<sup>20</sup> "Political Parties Law", Article 9 (b).

ments focused primarily on ensuring that the parties acted peacefully.<sup>21</sup> This was part of a broader strategy by the international community to disarm the militias of the 1980s and 1990s and return them to politics.

At the same time, however, the constitution created a centralised government giving the presidency several tools – high-profile appointments, especially – capable of breaking the unity of parties and coalitions. Moreover, the 2004 electoral law created a Single Non-Transferable Vote (SNTV) system with few incentives for candidates to join a political party.<sup>22</sup> Although shifting from the SNTV system to a mix of SNTV and proportional representation would have encouraged national-level parties and strengthened Afghan democracy, a proposal to do so was defeated in the lower house in April 2013.<sup>23</sup> It is unlikely that such a proposal will be revived in the near future.

President Karzai was sceptical of political parties, in part because of their violent history, but also because he depended far more on patronage networks than an organised political constituency. Karzai used his position to discourage parties from assuming a strong role in parliament,<sup>24</sup> but this did not stop parties from flooding the justice ministry with applications: in total, 110 parties registered under the 2003 law.<sup>25</sup> Several party members across the political spectrum argued that the rules during this period were excessively lax, allowing “disreputable” people to set up parties<sup>26</sup> and creating too disparate and fractured a political landscape.<sup>27</sup>

Parliament approved a new law on political parties in 2009, significantly raising the bar for registration.<sup>28</sup> All existing parties were asked to re-register with 10,000 members' signatures and identity card numbers, among other requirements. The justice ministry gave the parties a nine-month period to comply, which coincided with the run-up to the 2010 parliamentary elections. Only five parties satisfied the requirements before the vote, which meant that only 31 of approximately 2,500 candidates could advertise a party ticket, giving rise to speculation that, in its application of the new law, the justice ministry intended to suppress party participation in the election.<sup>29</sup> Eventually, by March 2013, 55 parties registered, with an additional ten parties still in the process of registration.<sup>30</sup>

There is widespread belief within political circles that parties submitted fraudulent membership lists to comply with the new requirements.<sup>31</sup> Accusing their rivals of cor-

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<sup>21</sup> Articles 6 (1), 6 (2), 6 (3), and 6 (4) of the 2003 law are concerned with preventing violence and armed activity by the political parties. The other requirements under the law were that party registrants should be Afghan adults (Article 4); not funded from abroad (Article 6 (5)); with offices inside the country (Article 7); and not copying another party's name (Article 9).

<sup>22</sup> “Under the Single Non-Transferable Voting System (SNTV), which Karzai pushed through against international advice, every candidate stood as an individual in multi-member constituencies. This meant there was little incentive to form pluralistic, broad-based parties”. Crisis Group Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

<sup>23</sup> Abasin Zaheer, “Wolesi Jirga OKs SNTV system”, Pajhwok Afghan News (online), 23 April 2013.

<sup>24</sup> Crisis Group Briefing, *Political Parties in Afghanistan*, op. cit.

<sup>25</sup> NDI, op. cit.

<sup>26</sup> The leader of a major party in Balkh province said he personally knew a “drunken professor” who had established a political party primarily as a way to obtain sexual access to female university students. Apocryphal or not, such anecdotes are typical of Afghans' disdainful views about the abundance of small parties. Crisis Group interview, provincial party leader, Mazar-i-Sharif, 10 April 2013.

<sup>27</sup> Crisis Group interviews, February-April, 2013.

<sup>28</sup> Thomas Ruttig, “Political Parties at the Fringes Again”, Afghanistan Analysts Network (AAN), 13 September 2013.

<sup>29</sup> Ibid.

<sup>30</sup> Crisis Group interview, justice ministry official, Kabul, 13 March 2013.

<sup>31</sup> Crisis Group interviews, countrywide, February-April 2013.

rupting the justice ministry's process, many party leaders have called for better rules to weed out fake parties and those with insufficient support. Currently, the justice ministry has only six staff assigned full-time to political party registration, and lacks capable operators for its two functioning computers. But even with greater capacity, verifying the identity of party members would be difficult in a country with low literacy, predominately paper records, and no census.<sup>32</sup>

Parties have reportedly misled people into signing up. For example, a senator said he had received complaints from a carpenter who claimed that party members had told him that he must register as a professional tradesman, and demanded that he sign a form he could not read. He later discovered that, by signing it, he had joined the party. "This business of the 10,000 members is a sham", the senator said.<sup>33</sup> Some members have even collaborated with the government to reveal misconduct within their own ranks. A senior Hizb-e Islami official, who informed the justice ministry about a party leader's fraudulent practices, said, "the ministry went to check, and [found that] the people who were supposedly members of the party were surprised that [the party official] had used copies of their *Tazkiras* [identity cards] to register them for party membership. They had been promised food assistance if they filled out a form. They didn't know they were signing up for a political party".<sup>34</sup>

### C. *Changed Regulations: 2012 and 2013*

President Karzai approved a new regulation on political parties in early 2012,<sup>35</sup> which calls on parties to establish offices in a minimum of twenty provinces, and provide the office addresses to the justice ministry. What the ministry considers a "party office" remains vague, however. A government official proposed a four-part test: "One: is there anything at the physical address, with a signboard? Two: do they have a paid membership? Three: is the party applying its own rules about internal organisation and mission? Four: is there any written record of meetings, decisions, attendance? There should be signatures showing that people attended meetings".<sup>36</sup>

Some analysts mistakenly saw this as a relaxation of the earlier rules, which required a party to have members in 22 provinces.<sup>37</sup> The rule's application did not become clear until almost a year later, when the justice ministry started sending warning letters,<sup>38</sup> stating that a one-year grace period would expire on 4 April 2013, and requesting that parties submit their lists of provincial headquarters by then. The letters also threatened unspecified action if the parties failed to comply. Eight of the 55 registered parties submitted replies before the deadline, most of them relatively minor parties.<sup>39</sup> A justice ministry official said that after the 4 April deadline lapsed, his superiors

<sup>32</sup> Crisis Group interview, justice ministry official, Kabul, 13 March 2013.

<sup>33</sup> Crisis Group interview, Kabul, 15 March 2013.

<sup>34</sup> Crisis Group interview, Mazar-i-Sharif, 10 April 2013.

<sup>35</sup> *Ministry of Justice Official Gazette*, Issue no. 1075, 3 April 2012.

<sup>36</sup> Crisis Group interview, justice ministry official, Kabul, 13 March 2013.

<sup>37</sup> The U.S. Congressional Research Service (CRS), for example, concluded that the 2012 regulation "apparently eased registration rules". Kenneth Katzman, "Afghanistan: Politics, Elections, and Government Performance", CRS, 18 April 2013.

<sup>38</sup> The English translation of a letter from the justice ministry is reproduced in Appendix A.

<sup>39</sup> A justice ministry official said that the eight parties that formally responded before the deadline were Hezb-e-Tawhid-e-Mardom Afghanistan; Harakat-e Islami Afghanistan; Hezb-e-Mosharekat Milli Afghanistan; Nehzat-e-Hambastagi Milli Afghanistan; Paiwand-e Milli Afghanistan; Hezb-e-Jamhorikhahan Afghanistan (Afghanistan Republican Party); De Milli Wahdat Wolosi Tahrir; and Hezb-e-Haqiqat.

had the option to deregister parties that failed to respond and compel them to reapply under the new rules; simultaneously, the ministry could begin checking the lists submitted by the eight parties. "If they lack even one or two offices in the provinces we will shut them down", the official said.<sup>40</sup>

Former and serving Afghan government officials said they understood the difficulty of establishing political offices in outlying provinces, which are often dangerous, but that the regulation's goal was to drastically reduce the number of parties. This reduction would have the beneficial effect, they said, of weeding out parties that lack support. More fundamentally, some officials expressed hope that the regulation, by forcing parties to extend across twenty provinces, could break the tendency of politics to divide along ethnic and tribal lines, making parties multi-ethnic, as well as more democratic and accountable. "Those with a national view of Afghanistan don't have power and control", a senator said. "It's still with the people who have money and weapons".<sup>41</sup> Government officials claimed that a few parties would likely pass the test of twenty provincial offices,<sup>42</sup> but a justice ministry statement to local media soon after the April 2013 deadline said that none of the registered parties satisfied the requirements for legal activity.<sup>43</sup>

#### D. *Regional Presence*

Despite the apparent threat to their existence as legal entities, many of the largest parties appeared to ignore the justice ministry's letters, as well as similar statements to the press. In many cases, this relaxed approach resulted from the parties' exaggerated view of their own reach in the provinces, and an assumption that the regulations would not be enforced, or that their own party at least might avoid strict enforcement. Senior party officials claimed to have offices in places where either their presence was questionable or where their facilities would likely not meet the justice ministry's criteria.<sup>44</sup> In June 2011, the National Democratic Institute (NDI), which works most closely with the parties, rightly identified "a great need for realism in parties' estimations of the size of their support bases".<sup>45</sup>

Even major parties appeared to have trouble meeting the requirements, failing to hang signboards or maintaining only a cursory presence outside their geographic power bases.<sup>46</sup>

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<sup>40</sup> Crisis Group interview, justice ministry official, Kabul, 13 March 2013.

<sup>41</sup> Crisis Group interview, Kabul, 15 March 2013.

<sup>42</sup> Crisis Group interviews, Kabul, February-April 2013.

<sup>43</sup> "None of political parties meet legal requirements: MoJ", Ariana News (online), 11 April 2013.

<sup>44</sup> Crisis Group staff searched for all the party offices in Mazar-i-Sharif, Herat, Kandahar and Jalalabad, and concluded that to the best of its knowledge only two of the eight parties that submitted lists of twenty offices had offices in each of these four major cities. This does not exclude the possibility that a party could open twenty offices in other provinces, but offices in more far-flung locations are unlikely without a physical presence in these regional centres. Only Hizb-e Jumhuri-i Khihan-yi Afghanistan and Harakat-e Islami Afghanistan had offices in all four cities. It was unclear whether their facilities would qualify under justice ministry rules, however, because neither of them had signboards in Kandahar. Their local representatives said that advertising any connection with the government and political system is dangerous in the south. Crisis Group interviews and observations, Mazar-i-Sharif, Herat, Kandahar and Jalalabad, February-April, 2013.

<sup>45</sup> NDI, *op. cit.*

<sup>46</sup> Crisis Group confirmed that three other parties, which were not on the list of eight parties mentioned above, have offices in all four cities: Jamiat-i Islami, Hizb-e Islami and Afghan Millat. Others may exist. In part because of the upcoming elections, and in part because of the justice ministry's new rules, new offices are opening quickly.

Framed copies of political party licences are prominently displayed in many regional party headquarters. These are not purely decorative: Afghanistan's constitution allows citizens to set up social organisations and political parties,<sup>47</sup> but party officials say that the constitutional guarantee is not enough, in practice, to avoid trouble with the government. They said they had to show copies of the licence to the governor, police chief and other local authorities every time they set up new provincial offices. Few believed that they could exist without justice ministry permission.<sup>48</sup> A small minority of parties said they intended to defy the licensing system, with a senior member of a small party headquartered in Herat even arguing that "these new rules are a conspiracy by the ministry of justice to marginalise the smaller parties. If the government pressures us, okay, we will continue secretly, with shadow offices. They make problems for us, we will make problems for them".<sup>49</sup>

### III. Implications of the 2012 Regulation on Political Parties

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#### A. *Political Violence*

If parties are deregistered for failing to comply with the regulations, it is unlikely that smaller parties have the ability to "make problems", as they claim, for the government. Many party members admit that they do not have enough armed followers to inflict a destabilising level of violence if they are politically marginalised.<sup>50</sup>

The military balance inside Afghanistan has shifted considerably since the 2003 party law, which allowed easy registration at a time when the government's forces and international soldiers were significantly outnumbered, in places, by militias loyal to party factions. Officially, Afghanistan's security personnel has grown from 6,000 to approximately 337,000 in the last decade,<sup>51</sup> giving the government far more confidence in confronting the parties. Moreover, the major parties with enough influence to flout the rules or avoid any significant scrutiny of their offices – Jamiat-i Islami, Hizb-e Islami, Afghan Millat, and Junbish-i Milli – are also the most able to satisfy them.

Yet, some party leaders speculated that even the biggest former mujahidin parties may have trouble resisting a crackdown, should the government choose to enforce the rules strictly:

If the justice ministry enforces these rules properly, most of the jihadi parties will be finished. They will disappear completely. These parties have military sections, and they will react – but they cannot react harshly, because they don't have enough power.<sup>52</sup>

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<sup>47</sup> Article 35 of the Constitution of Afghanistan (2004).

<sup>48</sup> Crisis Group interviews, countrywide, February-April, 2013.

<sup>49</sup> Crisis Group interview, Herat, 28 March 2013.

<sup>50</sup> Crisis Group interviews, countrywide, February-April 2013.

<sup>51</sup> "Afghanistan Index", Brookings Institute, 28 February 2013.

<sup>52</sup> Crisis Group interview, senior member, De Milli Wahdat Wolosi Tahrik, Herat, 27 March 2013.



## B. *Party Mergers*

The government's stated goal of encouraging mergers among the political parties, producing multi-ethnic national coalitions, was endorsed by many party officials – but only in principle. Nearly all agreed that Afghanistan needs better cooperation among political factions, but few seemed receptive to the idea of mergers involving their own parties. Reflecting such attitudes, an official from a predominately Shia party, which would be vulnerable to deregistration if the justice ministry enforced the rules strictly, said, "I agree that some parties could be deregistered and integrated into others, but this won't include our party".<sup>53</sup>

Some party officials indicated that merger talks were already underway, prompted mostly by the upcoming elections but also pressure from the new regulations.<sup>54</sup> Nevertheless, widespread mergers seem unlikely before the 2015 parliamentary polls. In the long term, however, such mergers could help the parties take necessary steps toward becoming national institutions. Some moderate democratic parties, in particular, said they intend to form a new progressive alliance that could meet the criteria of the new regulations. "Yes, we have plans to join more parties together", said a senior member of the Paiwand-e Milli. "We can't follow the ministry of justice rules by ourselves. Having offices in twenty provinces is very difficult, to pay salaries, rent, guards, all these things".<sup>55</sup>

## C. *Voter Alienation*

Many party members said they would quit politics altogether if their parties were deregistered.<sup>56</sup> This could alienate some communities from the Kabul government, particularly in places where party offices serve as a bridge between minority groups and local administrations. Often, party officials act as conflict mediators, advocating on behalf of their members – usually members of their own tribe or ethnic group – in the courts and government. This ranges from settling blood feuds to deciding minor administrative matters.<sup>57</sup> A party in Herat even assisted with divorce settlements. According to a senior member:

We offer services. We help boys and girls get married. We help with divorces. We solve disputes, even traffic accidents. When people appeal to the government for help it causes problems, so we handle cases instead. Sometimes the prosecution department sends cases to us, with a letter saying the claimants should resolve their issues with help from the tribal elders. Then people come to us, we make a decision, get it signed and stamped, and this becomes an official document.<sup>58</sup>

In Kandahar, the main Shia party, Harakat-e Islami, offers support to orphans, widows, the disabled and the poor – a vital service for the Shia minority in a Sunni-dominated province.<sup>59</sup> The parties can also serve as intermediaries between the government and

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<sup>53</sup> Crisis Group interview, senior member, Hezb-e-Ensijam Milli, Herat, 29 March 2013.

<sup>54</sup> Crisis Group interviews, countrywide, February-April 2013.

<sup>55</sup> Crisis Group interview, senior member, Paiwand-e Milli, Jalalabad, 17 April 2013.

<sup>56</sup> Crisis Group interviews, countrywide, February-April 2013.

<sup>57</sup> Crisis Group interviews, countrywide, February-April 2013.

<sup>58</sup> Crisis Group interview, senior member, Hezb-e-Ensijam Milli, Herat, 29 March 2013.

<sup>59</sup> Crisis Group interview, senior member, Harakat-e Islami, Kandahar, 21 April 2013.

insurgents: in Jalalabad, for example, officials from Hezb-e Eqtedar-e Islami claimed to have spoken to Taliban members to encourage them to join peaceful politics.<sup>60</sup>

#### D. *Discouragement of New Parties*

Many parties and social movements have emerged in Afghanistan since 2001, but none of them appears likely to achieve the required number of offices. The Republican Party is one of the few without significant militia roots that has some chance of opening enough offices. But even Republican officials predict they will have difficulty meeting the requirements: "Having twenty offices is difficult", a Republican Party official said. "It's easier for the jihadi parties because they have money".<sup>61</sup> Shutting out smaller parties from the political process would in fact marginalise many of Afghanistan's nascent secular, democratic and youth-oriented political initiatives. Many of these groups criticised the regulations in an April 2013 meeting with 30 political parties in Kabul.<sup>62</sup>

## IV. **Political Parties' Role in the Transition**

#### A. *Belated Calls for Electoral Reforms*

Afghanistan's coming transition – the end of Karzai's constitutional mandate, with presidential polls due in April 2014, and the withdrawal of most international troops by December of that year – has prompted an unprecedented level of cooperation among the biggest political parties. Leaders of former mujahidin parties that fought each other during the 1990s are now working together to ensure their place in the post-Karzai political order.

The first significant sign of pre-election cooperation came in September 2012, when a newly formed coalition, the Cooperation Council of Political Parties and Coalitions of Afghanistan (CCPPCA), issued a declaration on the need for timely presidential elections in 2014 and called for additional electoral fraud-prevention measures.<sup>63</sup> The declaration reflected fears at the time that Karzai may consider delaying the election because of security concerns and a desire for reconciliation with insurgents before the presidential vote.<sup>64</sup> Diplomats and civil society advocates in Kabul welcomed the broad political consensus represented by the CCPPCA, particularly as the parties agreed to abide strictly by the "rules of the game" rather than threatening a return to armed factionalism.<sup>65</sup> In the words of an Afghan observer, "it was wonderful to see the old warlords signing a set of democratic principles".<sup>66</sup>

The CCPPCA was notable for reaching outside its core membership of former mujahidin groups and including figures such as Nurulhaq Olumi, a former communist

<sup>60</sup> Crisis Group interview, senior member, Hezb-e Eqtedar-e Islami, Jalalabad, 17 April 2013.

<sup>61</sup> Crisis Group interview, senior member, Republican Party, 17 April 2013.

<sup>62</sup> Shamshad TV, Kabul (in Pashto), 20 April 2013.

<sup>63</sup> "Cooperation Council of Political Parties and Coalitions of Afghanistan (CCPPCA): Democracy Charter", Kabul, 23 September 2012. Twenty parties originally signed the document, although the CCPPCA later claimed support from an additional two political groups. The list includes most of the party-affiliated seats in parliament.

<sup>64</sup> Crisis Group Asia Report N°236, *Afghanistan: The Long, Hard Road to the 2014 Transition*, 8 October 2012.

<sup>65</sup> Crisis Group interviews, diplomats and civil society advocates, Kabul, February-April 2013.

<sup>66</sup> Crisis Group interview, former Afghan election official, Kabul, 20 February 2013.

leader who had opposed the mujahidin in the southern region; Mohammad Haneef Atmar and Amrullah Saleh, both of whom lead newly formed political groups; and Abdul Hadi Arghandiwal and Mohammed Karim Khalili, who hold prominent positions in Karzai's administration, and risked their jobs by joining a coalition consisting mostly of opposition leaders.

"Although the charter does not constitute the platform of an opposition alliance, it might be perceived so in the presidential camp", Thomas Ruttig, a prominent Afghanistan analyst, noted.<sup>67</sup> The fact that the CCPPCA did not include many of the president's allies, such as former interim President Sebghatullah Mujaddedi and one of the best-known former mujahidin leaders, Abdul Rab Rasul Sayyaf, bolstered impressions of the coalition having an anti-Karzai character.

Some CCPPCA members said the constituent parties showed unprecedented unity because they believed their role in Afghanistan's power structure was at stake. "The election process is on the verge of being lost", said a senior official from the Uzbek-dominated Junbish-i-Meli-Islami, who acknowledged that it was highly unusual to see Hizb-e Islami, a predominately Pashtun party, working with its northern rivals. "Hizb joined us for the same reason that we all share: political parties themselves are threatened .... This is, in Shakespeare's words, 'to be or not to be', for political parties".<sup>68</sup>

The new alliance claimed a victory little more than a month after its first declaration, when the Independent Electoral Commission (IEC) published an electoral calendar in October 2013 that included a fixed date, 5 April 2014, for the presidential polls.<sup>69</sup> While Karzai's political allies continued to suggest cancelling or delaying the election, possibly with a stamp of approval from a Loya Jirga (grand assembly) of tribal leaders, such proposals became less prominent after the IEC formally declared a vote date.<sup>70</sup>

The extent to which CCPPCA activism had any effect on the IEC decision to announce an election date is unclear. The government had already committed to an electoral timetable and a "robust electoral architecture" at the July 2012 meeting with donors in Tokyo.<sup>71</sup> The U.S. and NATO members had also insisted on the need for a presidential election in 2014. During Karzai's January 2013 visit to Washington, U.S. officials stressed that donor countries would condition continuing substantial levels of foreign aid on credible elections that are markedly better than those in 2009.<sup>72</sup> That message was reinforced in an April 2013 call by U.S. President Barack Obama to Karzai and, reportedly, during a conversation between U.S. Secretary of State John Kerry and Karzai in Brussels later that month.<sup>73</sup> The U.S., UNAMA and other major international donors and actors should indeed prioritise calls for electoral reform,

<sup>67</sup> "Ambiguity Reiterated: The 20-parties 'Democracy Charter'", Thomas Ruttig, AAN, 26 September 2012.

<sup>68</sup> Crisis Group interview, Kabul, 20 February 2013.

<sup>69</sup> "IEC press statement with regards to the announcement of 2014 elections timeline", IEC Information & External Relations Department, 31 October 2012.

<sup>70</sup> Some political parties, outside of the CCPPCA, argue that reconciliation with the insurgency should happen before any elections. They suggest delaying the vote for the sake of negotiations with the Taliban. "We have only 20 per cent of the territory, and the rebels have 80 per cent", said a party leader in Jalalabad. "So how can you have a political agreement that covers only 20 per cent?" Crisis Group interview, Jalalabad, 17 April 2013.

<sup>71</sup> Tokyo Mutual Accountability Framework, Annex, 8 July 2012.

<sup>72</sup> Crisis Group interviews, senior U.S. officials, Washington DC, 28 April 2013.

<sup>73</sup> Ibid. Also see <http://1.usa.gov/Yk0emW>.

and follow through on pledges to condition assistance on a credible electoral process that nurtures political pluralism.

Whether the IEC's decision to set an election date was the result of domestic or international pressure, CCPPCA members were encouraged by the early results of their advocacy efforts. A core group continued meeting on a weekly basis.<sup>74</sup> Although the members failed to reach agreement on reconciliation with the insurgency, they continued to issue statements about electoral reform.

A consistent CCPPCA demand has been for greater independence of the Independent Electoral Commission and Electoral Complaints Commission, concerns also voiced by a range of other civil society actors.<sup>75</sup> There is a widespread view that the IEC's autonomy, in particular, is undermined by constitutional provisions giving the president unfettered power to appoint the IEC chairman.<sup>76</sup> In April 2013, Karzai's administration had vetoed a new law that would have limited the presidential power to appoint the IEC leadership.<sup>77</sup>

On 10 June, the lower house of parliament passed a new version of the law governing the IEC, attempting a compromise by changing the procedure for IEC appointments while still restricting whom the president may select. Under the new rules, the president would retain the prerogative to pick the IEC commissioners, but from a limited pool of candidates generated by a multi-stage nomination process involving consultation with senior politicians, the judiciary and civil society.<sup>78</sup> The upper house of parliament approved the proposed law on 23 June.<sup>79</sup> While it may still be vulnerable to a presidential veto, Karzai had earlier indicated that he would sign electoral framework and structure bills being debated in parliament if they are approved, and that he wanted the new law to take effect quickly.<sup>80</sup>

Some members of the international community have argued that the CCPPCA's focus on election procedures, with less than a year remaining before the vote, has come too late – in particular, the CCPPCA's calls for new voter cards to replace the cards previously used in the flawed 2009 and 2010 elections. A senior Western official said that opposition leaders had not raised significant objections when Karzai floated the idea of re-using the old cards after the previous election. "There was no strong response from the opposition at the time; now it's their main political argument, that old voter cards equal fraud", said the official.<sup>81</sup>

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<sup>74</sup> A senior CCPPCA member described one "core group" meeting as including five parties: Mohaqeq's Hezb-i-Wahdat-i-Islami Mardom-i-Afghanistan; Atmar's Hezb-i-Haq wa Adalat; Abdullah's National Coalition of Afghanistan (NCA); Dostum's Junbish-i-Meli-Islami Afghanistan; and Arghandiwal's Hizb-e Islami Afghanistan. Crisis Group interview, Kabul, 19 February 2013.

<sup>75</sup> Crisis Group interviews, party members and civil society activists, Kabul, February-May 2013.

<sup>76</sup> Afghanistan's constitution grants presidential control over "[t]he establishment of commissions for the improvement of the administrative condition of the country, in accordance with law". Article 64, Constitution of Afghanistan, January 2004.

<sup>77</sup> Sarah Chayes, congressional testimony for hearing on "Prospects for Afghanistan's 2014 Elections", Senate sub-committee on Near Eastern and South and Central Asian affairs, Senate Foreign Relations Committee, 21 May 2013.

<sup>78</sup> Crisis Group interviews, parliamentarians and civil society members, Kabul, 12 June 2013. Also see Rafi Sediqi, "Lower house approves the law on governing IEC", Tolo News (online), 10 June 2013.

<sup>79</sup> Rafi Sediqi, "Law on functioning and governing of IEC approved by upper house", Tolo News (online), 23 June 2013.

<sup>80</sup> Mirwais Yasini, deputy speaker of the lower house, describing a meeting between Karzai and parliamentarians in an interview with private broadcaster 1TV, 20 May 2013.

<sup>81</sup> Crisis Group interview, Kabul, 24 April 2013.

The IEC published regulations in early 2013, confirming that a partial registration process would add to the existing stock of voting cards.<sup>82</sup> A former Afghan elections official estimated that there were 17.5 million voter cards in circulation, but, with perhaps only 11 million legitimate voters, more than 6 million of those could be illegitimate. That number could grow as the partial registration exercise swells the voting rolls to 20 million, the former official said – although he suggested that the CCPPCA's emphasis on the number of cards was misplaced, because tally fraud was a more serious problem.<sup>83</sup>

The CCPPCA's election-related concerns also extend to the government's plan to issue electronic identity cards, known as the electronic National Identification Document (eNID) or "*E-Tazkira* project", an ongoing effort that would see every citizen carrying state-of-the-art biometric proof of identity. The single card would replace Afghans' driving licence, passport, voter registration card, and dozens of other documents.<sup>84</sup> The government plans to start issuing the new cards in the latter half of 2013. Political parties, especially those with constituencies in the north, see the *E-Tazkira* as both a threat and an opportunity. They worry that the new cards will be distributed in their relatively safe provinces, but not in the restive south and east, reducing voter fraud only in their own areas while leaving the old system intact elsewhere. This view carries overtones of ethnic rivalry. "We are concerned about the partial implementation of *E-Tazkira*", said a senior member of the Hezb-i-Wahdat Islami. "People living in the secure areas would have access to *E-Tazkira* cards and in the insecure areas they could continue using the invalid cards – which would give an advantage to the president, because he could report fraudulent voting from his Pashtun areas".<sup>85</sup>

As a result, the CCPPCA is pushing for full implementation of the *E-Tazkira* before the presidential election.

Karzai has resisted linking the two issues of elections and identity cards, with the National Security Council (NSC) apparently endorsing his position in January 2013.<sup>86</sup> However, several high-ranking CCPPCA members asserted that, given sufficient resources, the card program could be implemented more quickly. Abdullah Abdullah, a leading member of the coalition and a former presidential candidate, has provided detailed analysis of how the electronic cards could be distributed to the entire country before election day.<sup>87</sup> However, his coalition's calculations assumed that each card distribution centre, at field locations across the country, would perform retinal scans and take fingerprints from individual applicants at a rate of 100 individuals per working day for twelve months – an unrealistic pace, according to a senior official

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<sup>82</sup> "Regulation on Voter Registration", Independent Electoral Commission, 22 January 2013. The rules allow six categories of voters to apply for new cards: people who recently reached voting age; who have recently returned to the country (mostly refugees); who have moved to new constituencies since the previous elections; who have lost their voter cards; whose voter cards were damaged; and who did not previously receive voter cards "due to various reasons". Ibid.

<sup>83</sup> Crisis Group interview, Kabul, 20 February 2013.

<sup>84</sup> Ibid.

<sup>85</sup> Crisis Group interview, senior member, Hezb-i-Wahdat-i-Islami Mardom-i-Afghanistan, 27 February 2013.

<sup>86</sup> "National Security Council's meeting discusses issuance of electronic national ID cards", Office of the President, Islamic Republic of Afghanistan, 20 January 2013. Available at: <http://bit.ly/162FdO6>.

<sup>87</sup> Abdullah Abdullah, "Declaration of Cooperation Council of Political Parties and Coalitions of Afghanistan (CCPPCA) about holding transparent and fair elections in the country", 29 October 2012. Available at: [www.facebook.com/Dr.AbdullahAbdullah/posts/10151212275654717](http://www.facebook.com/Dr.AbdullahAbdullah/posts/10151212275654717).

working on the *E-Tazkira* project. “With a gun to my head? We could do this in two years, maybe; three years is more likely”, the official said.<sup>88</sup>

Many party members demonstrated limited understanding about the electronic identity cards, with some for example expecting the new cards, which are plastic,<sup>89</sup> to resemble their old paper documents. A party member even recommended that “the *E-Tazkira* should have extra pages with a stamp to indicate that person has already voted”.<sup>90</sup>

#### B. Threats of an “Arab Spring”?

In part because of these practical hurdles, key aspects of the CCPPCA’s demands for electoral reform are not likely to be satisfied, portending a confrontation with the government. Early skirmishes along these lines have already occurred. The coalition, for instance, boycotted a meeting called by the president in April 2013 to discuss the selection of a new IEC chairman, demanding that such key posts not be presidential appointments.<sup>91</sup> Non-CCPPCA figures such as Sebghatullah Mujaddedi and Abdul Rab Rasul Sayyaf, usually considered Karzai allies, also failed to attend. Before Karzai pledged he would sign the electoral reform bills parliament passed, some senior CCPPCA members claimed to be planning peaceful demonstrations to pressure the government to accept several of their electoral reform proposals.<sup>92</sup>

Opinions varied considerably about the likelihood of violence as a result of these proposed demonstrations. The owner of a television station in Mazar-i-Sharif reflected a popular view among Afghan political analysts when he noted that many CCPPCA members were still negotiating with President Karzai and his allies about the formation of a consensus slate of candidates for the upcoming elections, and that the proposed demonstrations would be part of their bargaining strategy. “The big demonstrations will be like marketing, to advertise their strength”, the station owner said. “It will affect how they negotiate with each other”.<sup>93</sup> Some expressed concern that such demonstrations could unintentionally slip out of control, possibly exploited and fuelled by insurgents in the crowd or even ordinary, disaffected voters in a country with high unemployment.<sup>94</sup>

Among parties outside of the CCPPCA, there is a widespread view that the former mujahidin parties have lost a degree of credibility in recent years and would need to spend money, directly or indirectly, if they were to successfully mobilise their supporters in large numbers. Several party leaders and observers in Herat noted that three prominent CCPPCA members – Mohammad Mohaqeq, Ahmad Zia Masoud and Abdul Rashid Dostum – had recently tried to hold a political rally but only attracted a small crowd.

<sup>88</sup> Crisis Group interview, *E-Tazkira* project team member, Kabul, 20 February 2013.

<sup>89</sup> Crisis Group inspection of electronic identity card samples, electronic identity card facilities, Kabul, 12 May 2013.

<sup>90</sup> Crisis Group interview, senior member, Harakat-e Islami, Mazar-i-Sharif, 8 April 2013.

<sup>91</sup> Martine van Bijlert, “Pre-electoral consultations: the palace is looking for a new IEC head”, AAN, 13 April 2013.

<sup>92</sup> Crisis Group interviews, countrywide, February-April 2013.

<sup>93</sup> Crisis Group interview, Mazar-i-Sharif, 10 April 2013.

<sup>94</sup> Unemployment figures are difficult to estimate in Afghanistan; the CIA World Factbook puts the figure at 35 per cent, at <http://1.usa.gov/15B6Vg>.

They're talking about an Arab Spring? It's their desire, but not reality. They don't really understand the Arab Spring. That process came from the people, from the bottom up. It cannot be created from the top.<sup>95</sup>

The CCPPCA strongly denies paying demonstrators. On the contrary, they claim, they will have to take measures to prevent crowds from growing out of control. Some even insisted that the Afghan security forces would sympathise with the ultimate objective of Karzai's removal and replacement:

We are training people, teaching them how to conduct a peaceful demonstration. I'm not concerned about the Afghan security forces shooting people, because they have the same concerns we do – as does half the cabinet. Karzai must back down because the people will stand against him .... The demonstrations are intended to force out Karzai, yes. We need a caretaker government after Karzai. It won't end up like Libya, because our security forces have also lost confidence in this government. We will fully inform the security forces about our demonstrations. But we also need to accept some sacrifice to achieve our legitimate demands.<sup>96</sup>

There is, however, strong disagreement within the CCPPCA about whether demonstrations could, or should, "force out Karzai"; moreover, the idea of such direct action was only voiced by a minority of party figures, and the threat of demonstrations has apparently subsided as new electoral laws gained parliamentary approval. Members of the National Front of Afghanistan (NFA), or Jabhe Melli, seemed enthusiastic about the concept in the early months of 2013, but made it less prominent in their rhetoric in April and May. This could be because Karzai opened a channel with the NFA via Sayyaf, as discussed below. Some of the NFA's political allies among the northern Jamiat groups also expressed serious reservations about stoking anger in the streets. A senior Jamiat figure in Mazar-i-Sharif expressed concern that the NFA plans could be dangerous:

We know the people's impatience is reaching a climax, about corruption and bad elections. These things can motivate the poor people. They believe that fighting can bring them happiness and prosperity, although it's not true. They have seen people become rich and wealthy by force, people with Land Cruisers and two or three wives. They know this kind of wealth was impossible for government people in the past, and this provokes them.<sup>97</sup>

Members of Hizb-e Islami – a party with an armed wing fighting an insurgency in parts of Afghanistan – were equally concerned about the prospects of using such pressure tactics to remove the president. Accusing NFA leader Ahmad Zia Massoud of "playing both sides", maintaining links with the government while simultaneously rallying people against it, a senior Hizb-e Islami member said, "he owns the government – why does he want to collapse it?"<sup>98</sup> Many international observers are also sceptical about the feasibility or seriousness of the threat from potential demonstrations, and believe that Kabul politicians would ultimately refrain from taking action that would destroy a system in which they enjoy elite status.<sup>99</sup> Already, several oppo-

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<sup>95</sup> Crisis Group interview, political party leader, Herat, 28 March 2013.

<sup>96</sup> Crisis Group interview, senior member, National Front of Afghanistan, 20 February 2013.

<sup>97</sup> Crisis Group interview, Mazar-i-Sharif, 7 April 2013.

<sup>98</sup> Crisis Group interview, Jalalabad, 17 April 2013.

<sup>99</sup> Crisis Group interviews, Kabul, February-April 2013.

sition leaders who had promised large-scale street mobilisation in April or May 2013 have put those plans on hold. "They delayed it", said a senior CCPPCA member. "But it's still very likely".<sup>100</sup>

### C. *Searching for a Consensus Slate*

With the approach of election season, Afghanistan's most powerful players have been holding countless private meetings, primarily to select a slate of candidates that could dominate the polls. Some party members described this process as an effort to make the voting process less relevant, thus avoiding the risk of a close-run election at a sensitive time, during the withdrawal of international forces.<sup>101</sup> Others suggest that fielding a consensus candidate would limit the impact of electoral fraud, because a slate with backing from a broad array of parties would win overwhelmingly no matter the extent of electoral tampering.<sup>102</sup>

Yet, there is a divergence of views within the CCPPCA on the prospects of achieving consensus. Some predict they will fail to reach agreement among themselves, much less beyond their group for a broader consensus with Karzai's allies and other factions, due to the personal ambitions of many party leaders.<sup>103</sup> Others are, however, more optimistic. For example, Atta Mohammed Nur, governor of Balkh province, has reportedly told close associates that he would set aside his own presidential aspirations in favour of a consensus candidate selected through an *Ijma e Milli*, or national gathering.<sup>104</sup> Ahmed Gailani's party, Mahaz-i-Meli Islami Afghanistan, has also expressed support for the idea of a consensus candidate,<sup>105</sup> suggesting that an offshoot of the CCPPCA – tentatively called the National Cooperation Council of Afghanistan (NCCA) – should select one presidential and two vice presidential candidates by the third week of June 2013.<sup>106</sup> One of Gailani's supporters explained:

We still believe in elections. But if all these parties can come together and choose a candidate, name the vice presidential candidates ... maybe we can have an election on schedule with no surprise about the winner. All the parties would accept this. Maybe a few other candidates would come forward but they could never win.<sup>107</sup>

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<sup>100</sup> Crisis Group interview, Kabul, 11 May 2013.

<sup>101</sup> Crisis Group interviews, countrywide, February-April 2013.

<sup>102</sup> Crisis Group interviews, Kabul, February-April 2013.

<sup>103</sup> Crisis Group interview, senior member, National Coalition of Afghanistan, 20 February 2013.

<sup>104</sup> Crisis Group interviews, Mazar-i-Sharif, April 2013.

<sup>105</sup> Crisis Group interviews, senior member, Mahaz-i-Meli Islami, Jalalabad, 17 April 2013; Western diplomat, Kabul, 24 April 2013.

<sup>106</sup> The membership of the NCCA remains unclear, but it appears to have been intended as a successor to the CCPPCA. An NCCA draft concept paper clarified the distinction between the two groups as related primarily to function rather than membership: "NCCA is not a competitor to the Cooperation Council of Political Parties and Coalition of Afghanistan (CCPPCA). On the contrary, NCCA will strive to support it. While CCPPCA is striving for electoral reform and strengthening of democracy, the purpose of NCCA is to coordinate and ensure unity of purpose and action among like-minded political actors of the country". The paper also set out eight "Principles of Cooperation and Red Lines" that offer some insight into the difficulties of negotiating agreements among the parties. The eight points emphasise internal discipline and encourage members to avoid cutting deals with the government – a reference to recent history, in which opposition parties sold their support to President Karzai's team, allegedly in exchange for money, patronage and high-profile appointments. Draft concept paper, "Establishment of National Cooperation Council of Afghanistan", NCCA, March 2013.

<sup>107</sup> Crisis Group interview, senior member, Mahaz-i-Meli Islami, Jalalabad, 17 April 2013.



The prospect of all factions agreeing on a single candidate appeared to diminish in May 2013, as some members of the CCPPCA declared that the group should confine itself to electoral reform, not coalition building.<sup>108</sup> The CCPPCA continued its weekly meetings but some members broke away in order to hold discussions about selecting a presidential slate. A former Afghan security official observed, “there’s no doubt it’s splitting”.<sup>109</sup>

One of the separate groups discussing presidential slates now includes Hizb-e Islami and Hezb-i-Wahdat Islami.<sup>110</sup> It brings together a major Pashtun faction (Hizb-e) with a predominately Hazara group (Wahdat), with significant strength in the eastern and central provinces, respectively. A senior CCPPCA member referred to this new alliance as the “third camp” to emerge in the presidential race, being neither part of the pro-Karzai group nor the mostly anti-Karzai CCPPCA.<sup>111</sup>

The distinction between pro- and anti-Karzai camps apparently blurred, however, in the spring of 2013, as Karzai reportedly held at least two meetings with Abdul Rab Rasul Sayyaf, who seemingly is serving as a bridge between the president and many of the CCPPCA’s former mujahidin parties.<sup>112</sup> Some members of the CCPPCA even claimed that Sayyaf’s diplomacy made them optimistic about Karzai endorsing “their” candidate,<sup>113</sup> although it is still generally assumed that the president will back a candidate from the Karzai family or its close allies.<sup>114</sup>

Afghan politicians, especially those with roots as militia leaders, have a poor track record of deciding among themselves who should run the country. Many of the parties now involved in the current electoral process had negotiated the Peshawar Accord in 1992, dividing up power in Kabul<sup>115</sup> before falling into the worst factional wars of recent memory.<sup>116</sup> That history colours perceptions – and fears – about the 2014 transition. Leaders across the political spectrum emphasised the need for national unity and non-violent means to settle the question of presidential succession. However, feuding among the parties had prevented them from agreeing on a single candidate for previous elections, a state of affairs that could repeat itself in 2014.

Whether the feverish dialogue among key political actors reaches a successful conclusion or not, some view the process itself as a sign that the election season might pass without a violent rupture among Kabul elites. “Picking a single candidate will be difficult”, a senior politician said. “But we need to agree on the rules of the game, because legitimacy in this election will be conferred by the loser”.<sup>117</sup>

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<sup>108</sup> Crisis Group interview, senior member, CCPPCA, Kabul, 11 May 2013.

<sup>109</sup> Crisis Group interview, former Afghan security official, Kabul, 12 May 2013.

<sup>110</sup> Abasin Zaheer, “Arghandiwal wants rebels to contest elections”, Pajhwok Afghan News (online), 30 May 2013.

<sup>111</sup> Crisis Group interview, Kabul, 11 May 2013.

<sup>112</sup> Crisis Group interview, senior Western diplomat, Kabul, 12 May 2013.

<sup>113</sup> Crisis Group interview, senior member, CCPPCA, Kabul, 11 May 2013.

<sup>114</sup> Crisis Group interviews, Kabul, February–May 2013. Names frequently mentioned as part of the “president’s camp” include, but are not limited to, Qayum Karzai, the president’s older brother; Omar Daudzai, Afghanistan’s ambassador to Pakistan; Zalmay Khalilzad, former U.S. ambassador to Afghanistan; Farooq Wardak, education minister; Zalmay Rassoul, foreign minister; Omar Zakhilwal, finance minister; Ashraf Ghani Ahmedzai, former finance minister; and Asadullah Khalid, head of the National Directorate of Security (NDS).

<sup>115</sup> “Peshawar Accord”, English translation, available at University of Ulster website: <http://bit.ly/1983UKP>.

<sup>116</sup> “Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan’s Legacy of Impunity”, Human Rights Watch, 2005.

<sup>117</sup> Crisis Group interview, former Afghan minister, Kabul, 13 May 2013.

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## V. Taliban and Party Politics

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### A. *Tanzim vs. Taliban: 1980s-1990s*

The Taliban share origins with many of Afghanistan's registered political parties, as many Taliban leaders participated in the anti-Soviet jihad of the 1980s.<sup>118</sup> Cooperation between the more religious *taliban*, or students, among the anti-Soviet rebels and the official *tanzims*, or political parties, broke down after the Soviets withdrew. Various *tanzims* took control of Afghanistan in 1992 but their misrule gave birth to a Taliban rebellion that steadily gained territory, winning Kandahar in 1994 and Kabul in 1996. Until the arrival of foreign troops, the Taliban fought a successful war against the *tanzims* – including many of the same parties that are now the biggest players in Afghanistan. This history of armed confrontation shapes the current discourse on the Taliban's potential entry to party politics.

### B. *"Taliban" Forays into Post-2001 Politics*

The Taliban have not significantly entered Kabul politics since 2001, in part because any insurgent leader wishing to make the transition from armed rebellion to peaceful politics faces threats from both his old comrades and new friends. The Taliban were excluded from the Bonn Agreement that set the initial conditions for Afghan democracy in 2001. Some observers believe that greater inclusion of the Taliban's conservative point of view in the Bonn Agreement could have muted the insurgency, although this is a minority view.<sup>119</sup> Since then, few candidates have run for office under an overt or implied Taliban banner. While some former members of the Taliban's Islamic Emirate of Afghanistan contested the 2005 parliamentary elections,<sup>120</sup> most were unsuccessful. Observers from the European Union noted that the first parliament included "a handful of former Taliban, although several prominent ex-Taliban candidates were soundly defeated at the polls".<sup>121</sup> Former Taliban did not feature prominently in the 2010 parliamentary elections.

### C. *The Example of Hizb-e Islami*

Recent precedent exists for Afghan insurgents to enter politics. For instance, Gulbuddin Hekmatyar turned his Hizb-e Islami party into an insurgent group after 2001, operating mostly in the east, but in 2004 a faction of Hizb-e Islami declared its support for Karzai and fielded candidates in parliamentary elections.<sup>122</sup> Its members said they struggled to get the party registered with the justice ministry, and eventually required a personal intervention by Karzai.<sup>123</sup> The avowedly peaceful arm of the party, Hizb-e Islami Afghanistan (HIA), formally distanced itself from Hizb-e Islami

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<sup>118</sup> Alex Strick van Linschoten and Felix Kuehn, *An Enemy We Created* (London, 2012), p. 58. The authors note that most "Taliban fronts" against the Soviet occupation were located in Panjwai district, south west of Kandahar city.

<sup>119</sup> Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (New York, 2008), p. 229.

<sup>120</sup> Kim Barker, "Ex-Taliban candidates come in from the fringe", *Chicago Tribune*, 28 May 2005.

<sup>121</sup> "Parliamentary and Provincial Council Elections" European Union Election Observer Mission Final Report", European Union, 18 September 2005.

<sup>122</sup> "Hizb-e-Islami Gulbuddin (HIG)", Institute for the Study of War, undated.

<sup>123</sup> Crisis Group interview, senior members, Hizb-e Islami, Jalalabad, 17 April 2013.

Gulbuddin (HIG), but announced in early 2013 that the two were engaged in talks about fielding a “joint candidate” in the presidential election.<sup>124</sup>

Informally, members of the party said that HIG and HIA have always operated as a single entity, claiming that their fighters attacked only international troops and not Afghan government targets.<sup>125</sup> In Jalalabad, party members described how HIG gunmen captured the same Afghan soldier on four different occasions, each time behaving politely with the captive and requesting that he avoid wandering into HIG territory, but doing no harm to an Afghan soldier on the principle that Hizb-e hoped to someday command the army. “The government is now 50 per cent Hizb-e, and we have many people in big posts”, a senior Hizb-e member said. “We are preparing for everything, even maybe putting some people inside the electoral commission”.<sup>126</sup>

#### D. *Mutasim's Proposal and Taliban Response*

The successful entry of Hizb-e Islami into the party system has prompted some optimism about the Taliban doing the same. One study of opinions among Taliban and Hizb-e insurgents found broad support for the idea that “the government should formally bring the Taliban and Hizb-e Islami into the democratic process and allow the leaders to stand for election”.<sup>127</sup> Even if contesting elections does not become the Taliban's primary strategy, but only a backup plan in case the insurgents fail on the battlefield, some international officials are hopeful that the Taliban will formally enter politics. “The Taliban may hedge their bets, like Hizb-e, and develop a political arm”, said a senior Western official.<sup>128</sup>

The urgency behind such hopes was highlighted by a January 2013 statement by Agha Jan Mutasim, a former finance minister for the Islamic Emirate of Afghanistan, which warned of “a gruelling and dangerous civil war” after the withdrawal of international forces. The statement added that “this war could be more disastrous and harmful for the country and region than [sic] the previous ones”.<sup>129</sup> Mutasim urged the Taliban to negotiate a settlement to avoid ruining what has been accomplished since 2001. Such fears of escalating civil war are commonly described as the main impetus for moderate Taliban leaders seeking political solutions to the conflict.<sup>130</sup> Mutasim went on to say, “despite all the mistakes committed by the world community and a broad range corruption of its ally elite Afghans [sic], we had very fruitful achievement[s] in last decade in [the] fields of trade, industry, education and infrastructure building”.<sup>131</sup> Separately, he told a Pakistani newspaper that the Taliban should “launch a political movement” to achieve their goals.<sup>132</sup>

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<sup>124</sup> Javid Hamim Kakar, “HIA factions in talks on reunification”, Pajhwok Afghan News (online), 14 April 2013.

<sup>125</sup> Crisis Group interview, senior members, Hizb-e Islami, Jalalabad, 17 April 2013.

<sup>126</sup> Crisis Group interview, Jalalabad, 17 April 2013.

<sup>127</sup> Sarah Ladbury, “Testing hypotheses on radicalisation in Afghanistan: Why do men join the Taliban and Hizb-e Islami? How much do local communities support them?”, Cooperation for Peace and Unity (CPAU), 14 August 2009.

<sup>128</sup> Crisis Group interview, senior Western official, Kabul, 24 April 2013.

<sup>129</sup> “Statement about current peaceful efforts for solution of Afghan conflict”, Agha Jan Mutasim, 26 January 2013.

<sup>130</sup> Crisis Group interview, Western expert on insurgent groups, Kabul, May 2013.

<sup>131</sup> “Statement about current peaceful efforts”, op. cit.

<sup>132</sup> Tahir Khan, “War-weariness?: Taliban may launch political party”, *The Express Tribune*, 4 March 2013.

Some in the Afghan media described Mutasim as “a senior leader of the movement”,<sup>133</sup> despite an August 2012 declaration by a Taliban spokesperson that he had no standing with the insurgency.<sup>134</sup> “Mutasim wants to make a special party for himself but he doesn’t have any role in the Taliban movement”, said a former Taliban commander.<sup>135</sup> The commander’s disdain for Mutasim was echoed by other current and former Taliban figures.<sup>136</sup> Some insurgents were suspicious of the sophisticated wording in Mutasim’s statement, suggesting that other ex-Taliban figures – perhaps those who served in the Islamic Emirate’s foreign ministry, known for their relatively moderate views within the former Taliban regime – had drafted the statement on his behalf.<sup>137</sup> A senior Taliban field commander said that Mutasim lost his high-ranking position within the insurgency in 2008, and became embittered. “He doesn’t have any popularity among ordinary Afghans”, the field commander said.<sup>138</sup> A more politically-oriented member of the Taliban, based in Karachi, confirmed that Mutasim had been demoted: “He was a simple member of the Taliban; the bosses drove him away from his political post”.<sup>139</sup>

Registered political parties are doubtful that Mutasim’s proposal would gain traction within Taliban circles. Some remained optimistic that the southern Pashtun region would someday be represented more strongly in parliament than on the battlefield, but there was widespread scepticism about whether the Taliban would be willing or able to join the political fray as an organised party. According to a party leader in Herat:

The Taliban are not independent. They follow the ISI [Pakistan’s Inter-Services Intelligence agency] .... They don’t understand politics, or even Islam. They are completely religious and tribal, and they can never really form a political party. Even if they do, it will be with the help of Pakistan. But we need our Pashtun brothers to have a strong party so we can negotiate with them.<sup>140</sup>

The example of Hizb-e Islami may entice some insurgents, but with foreign troops withdrawing, the Taliban are largely continuing to pursue the goal of defeating the government on the battlefield, not in the ballot box.<sup>141</sup> In any case, it appears unlikely that the Taliban would reduce themselves to the status of a political party in an electoral system with little role for parties.<sup>142</sup> The opening of a political office in Doha raises some hope of a reduction in Taliban violence designed to disrupt the coming election. However, any confidence in that possibility will have to await the passage of time and analysis of future statements and actions by the Taliban.<sup>143</sup> Moreover, the fact

<sup>133</sup> “Taliban mull political movement: Mutasim”, Pajhwok Afghan News (online), 4 March 2013.

<sup>134</sup> “Taliban say Mutasim no longer their leader”, Pajhwok Afghan News (online), 15 August 2012.

<sup>135</sup> Crisis Group telephone interview, Kandahar, March 2013.

<sup>136</sup> Crisis Group telephone interviews, Kandahar, March 2013.

<sup>137</sup> Crisis Group telephone interview, Kandahar, March 2013.

<sup>138</sup> Crisis Group telephone interview, Kandahar, March 2013.

<sup>139</sup> Crisis Group telephone interview, Kandahar, March 2013.

<sup>140</sup> Crisis Group interview, Herat, 6 April 2013.

<sup>141</sup> The number of insurgent attacks climbed by 47 per cent in the first three months of 2013, as compared with the same period a year earlier. See Quarterly Data Report, Afghanistan NGO Safety Office (ANSO), April 2013.

<sup>142</sup> Taliban statements about the role of the insurgents’ office in Qatar make no mention of the existing party system in Afghanistan. See “Taliban agree to peace talks with US over Afghanistan – full statement”, *The Guardian* (online), 18 June 2013; and “All-inclusive interview by ‘Morchal’ Magazine with the deputy head of the Cultural Commission of the Islamic Emirate”, Voice of Jihad (online), 13 June 2013.

<sup>143</sup> Crisis Group interviews, diplomats and Afghan analysts, Washington DC, June 2013.

that no ruling clique in Afghan history has ever lost power in an election undermines any existing argument within the insurgency for participation in party politics. For the moment, a registered Taliban party appears unlikely to emerge.

## VI. Conclusion

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Afghanistan's political parties have always fought hard to exist, having struggled against the restrictive rules of former monarchs until the 1970s, taken up arms against the Soviets in the 1980s, and fought a bitter civil war against each other in the 1990s. In the last decade, a new generation of Afghans has been free to join a party without necessarily picking up a gun, but such political freedom remains fragile. The central government must continue to demonstrate a commitment to pluralism as a core value of democracy, and refrain from using regulatory tools that may impede the gradual development of parties into credible and durable institutions. If enforced, the new regulations on political parties could make an alarming number effectively illegal. While this is not likely to result in serious violence, and may even have the beneficial effect of forcing parties to merge into broader national coalitions, it could nevertheless have a crippling effect on the political landscape. Smaller parties could be marginalised, and new social movements discouraged from developing into registered parties.

Such outcomes would be especially costly as Afghanistan enters the 2014-2015 election season, a period when participation in the political process should be encouraged. Government actions to restrict party participation also would be read as moves by Karzai to achieve his desired electoral outcome. Parties are actively engaged in a dialogue on the rules of the game for the electoral process. They are attempting to build consensus around proposals for electoral reform and are starting to coalesce around parallel tracks of dialogue that could lead to presidential slates. That the country's most powerful elites have been absorbed in such conversations is, possibly, a positive sign of their interest in democracy. Yet the parties must exercise restraint in the way they mobilise public opinion. Threatening an "Arab Spring" will not be constructive. As they jockey for power, the parties must avoid disruption on a scale that would help the Taliban movement – which, despite some analysis to the contrary, has so far shown little inclination to play by the rules of the party system.

**Kabul/Brussels, 26 June 2013**

## Appendix A: Justice Ministry Letter to Political Parties

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Islamic Republic of Afghanistan  
Ministry of Justice  
Department of Social Unions and Political Parties  
Administrative Management  
Date: 29/11/1391 (17 February 2013)  
Letter number: xxxx/xxxx

To the head of xxxxxxxx party!

Following up the letter number (xxxx) date 2/05/1391 we are writing that:  
as you are aware, and in the process, item 2 of Article 9 of the regulation for establishing and registering political parties has been added. It was published in official gazette number (1075) dated 15/1/1391 and it says:

Item 2 Article 9:

*The founders of political parties, a year after registering and getting a licence, are to establish offices in twenty provinces and present the addresses with the names of the people in charge to the department of social unions and political parties.*

*If a political party does not establish its provincial offices in the duration above, the party's name will be deleted from the registration office.*

Therefore, we write the issue once again to you, and you should notice that we have little time to reach the deadline of a year. You are required to present the addresses of your provincial offices and names of the people in charge, according to item 2 of Article 9. Otherwise, we will act on the basis of the regulation.

Regards,  
Saranpoh Habibullah Ghalib  
Justice Minister