



## CRS Report for Congress

# Afghanistan: Government Formation and Performance

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### Summary

Post-Taliban Afghanistan has adopted a constitution and elected a president and a parliament; that body is emerging as a significant force and sometimes challenger to President Hamid Karzai. The central government's limited writ, which many Afghans believe should remain limited, and its perceived corruption, are helping sustain a Taliban insurgency. See CRS Report RL30588, *Afghanistan: Post-War Governance, Security, and U.S. Policy*, by Kenneth Katzman.

### Post-Conflict Political Transition and Political Landscape

For the first time, Afghanistan has a fully elected government, although there were parliamentary elections during the reign of King Zahir Shah (the last were in 1969). Presidential, parliamentary, and provincial elections, and adoption of a constitution were part of a post-Taliban transition roadmap established by a United Nations-sponsored agreement of major Afghan factions signed in Bonn, Germany on December 5, 2001, ("Bonn Agreement"),<sup>1</sup> after the Taliban had fallen. The subsequent political transition process is described in the table at the end of this paper.

U.S. policy has been to support and extend the authority of Afghanistan's President Karzai and his central government, predicated on the assumption that it is a lack of governance in the rural areas that cause the population to tolerate the ousted Taliban as a source of stability and justice. However, many observers believe that Afghanistan has always been most stable when it has a weak central government that allows substantial local autonomy. At the same time, the Afghan parliament integrates all the various ethnicities and sects into governance, and they often express local and parochial preferences as parliamentary opposition to Karzai. In an attempt to stabilize Afghanistan, the 47,000 troop NATO-led peacekeeping coalition there, to which the United States provides about 22,000 forces (another 10,000 U.S. troops are under direct U.S. command) sometimes works with local leaders who want to weaken central government authority.

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<sup>1</sup> For text, see [<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>].

As expected by the structure of the election system, many seats in parliament, particularly the elected lower house (*Wolesi Jirga*) are held by personalities and factions prominent in Afghanistan's recent wars. The lower house appears to be divided into pro-Karzai, opposition and "independent" deputies that are loosely organized and not strictly divided among Afghanistan's over 90 registered political parties. Karzai has decided against forming a party, but his support base in the *Wolesi Jirga* includes about 40 former members of the hardline conservative Pashtun-based Hizb-e-Islam party; supporters of Abd-i-Rab Rasul Sayyaf, a prominent Islamic conservative *mujahedin* party leader who was defeated for the speakership; several Karzai clan members including elder brother Qayyum and cousin Jamil Karzai (Qandahar Province) and relative by marriage, Aref Nurzai. Also pro-Karzai are former militia and Taliban leaders, including Hazrat Ali (Nangarhar Province), who had gained fame for directing the Afghan assault on the Al Qaeda redoubt at Tora Bora during the U.S.-led war; Pacha Khan Zadran, from Paktia Province who, by some accounts, helped Osama bin Laden escape Tora Bora; and Mullah Abdul Salam ("Mullah Rocketi"), from Zabol Province. Another pro-Karzai parliamentarian, Mohammad Islam Mohammadi, ran Bamiyan Province during the Taliban's destruction of the large Buddha statues there in March 2001; he was assassinated on January 27, 2007. The Taliban-era Foreign Minister, Wakil Mutawwakil, ran but was not elected, nor was Taliban-era behavior enforcer, Maulvi Qalamuddin.

The "opposition," led by ethnic minorities (Tajik, Uzbek, and Hazara) of the "Northern Alliance," has shown strength, but it is increasingly frustrated at its failure thus far to compel Karzai to share power.<sup>2</sup> In April 2007, *Wolesi Jirga* Speaker Yunus Qanooni and former Afghan president Burhanuddin Rabbani, both prominent Northern Alliance figures, organized a large opposition bloc called the "National Front." In it are not only Northern Alliance members, but also both of Karzai's vice presidents; and some Pashtun ex-Communist leaders such as the feared Soviet-era Interior Minister, Sayed Muhammad Gulabzoi (Khost Province); and Nur ul-Haq Ulumi, an ex-Communist military leader who chairs parliament's defense committee. The bloc advocates amending the constitution to give more power to parliament and selection of governors and mayors by the elected provincial councils. Fearing increased Pashtun domination, the bloc opposes Karzai's repeated offers of negotiations with Taliban members, while at the same time reportedly conducting its own negotiations with Taliban commanders.

The opposition first showed its strength in March 2006, following the December 19, 2005 inauguration of parliament, by requiring Karzai's cabinet to be approved individually, rather than *en bloc*, increasing opposition leverage over nominations. However, Karzai rallied his support and all but 5 of the 25 nominees were confirmed, although three of those achieved only plurality votes. Replacement nominees were approved on August 7, 2006, including Minister of Women's Affairs Husn Banu Ghazanfar, a male professor at Kabul University. However, the defeat of a female nominee for that job left the cabinet with no women. In May 2006, the opposition compelled Karzai to change the nine-member Supreme Court, the highest judicial body, including ousting 74-year-old Islamic conservative Fazl Hadi Shinwari as chief justice. Parliament approved his new Court choices in July 2006, all of whom are trained in modern jurisprudence.

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<sup>2</sup> CRS conversation with former Foreign Minister Dr. Abdullah. January 25, 2008.

In May 2007, the National Front achieved a majority in parliament to oust Karzai ally Rangin Spanta as Foreign Minister. However, Karzai refused to replace him, instead seeking a Supreme Court ruling that Spanta should remain, on the grounds that his ouster was related to a refugee issue (Iran's expulsion of 100,000 Afghan refugees back to Afghanistan), not a foreign policy issue. The Court has, to date, supported Karzai, and some National Front members continue to protest his continuation in office. Karzai did not block the simultaneous removal of Minister for Refugee Affairs Akbar Akbar. On November 27, 2007 Qanooni led an opposition "walkout" of parliament, accusing Karzai of ignoring a parliamentary vote to suspend officials in Baghlan Province for allegedly failing to fully investigate the November 6, 2007, suicide bombing in the province that killed 6 parliamentarians and more than 60 others, mostly children. An internal U.N. report said that jittery guards may have caused some of the deaths.

On less contentious issues, the executive and the legislature appear to be working well. Since the end of 2007, the Wolesi Jirga has passed and forwarded to the Meshrano Jirga several laws, including a labor law, a mines law, a law on economic cooperatives, and a convention on tobacco control. The Wolesi Jirga also during this time confirmed Karzai nominees for a new Minister of Refugee Affairs, head of the Central Bank, and the final justice to fill out the Supreme Court.

Recently, a prominent member of the National Front, Uzbek leader Abdurrashid Dostam, has embarrassed the bloc. Dostam is often referred to as a "warlord" because of his command of partisans in his largely Uzbek redoubt in northern Afghanistan (Jowzjan and Balkh provinces), and he is widely accused of human rights abuses of political opponents in the north. To separate him from his militia, in 2005 Karzai appointed him to the post of chief of staff of the armed forces, requiring him to reside in Kabul. On February 4, 2008, Afghan police surrounded Dostam's villa in response to reports that his followers attacked and beat an ethnic Turkmen rival; Dostam was not arrested but Afghans say Karzai continues to contemplate ordering his arrest. Another prominent Tajik political leader is former Herat governor Ismail Khan, who Karzai has curbed by appointing him Minister of Energy and Water; he visited Washington, D.C. in early March 2008 to sign agreements with USAID on funding for new Afghan energy projects. Karzai is reportedly talking with former Foreign Minister Dr. Abdullah Abdullah, a Qanooni ally, about rejoining the cabinet.

Karzai and the National Front often battle for the support of the many "independent" deputies in the *Wolesi Jirga*. Among them are several outspoken women and intellectuals, including 32-year-old Malalai Joya (Farah Province), an outspoken women's rights advocate and leading critic of major faction leaders. In May 2007 parliament voted to suspend her for this criticism for the duration of her term, but she is challenging the expulsion in court. Others are Ms. Fauzia Gailani (Herat Province); Ms. Shukria Barezai, editor of *Woman Mirror* magazine; and Mr. Ramazan Bashardost, a former Karzai minister who champions parliamentary powers. U.S.-based International Republican Institute (IRI) is working to organize and train the estimated 93 independents; the National Democratic Institute (NDI) has assisted the more established factions. Some traditionalists in parliament oppose the independents.

Karzai has fewer critics in the *Meshrano Jirga* because of his bloc of 34 appointments. However, this body is also considered more conservative. Karzai engineered the appointment of an ally, Sibghatullah Mojadeddi, as Speaker of that body.

Mojadeddi is a noted Islamic scholar who headed the post-Communist *mujahedin* government for one month (May 1992) and who now heads the effort to reconcile with Taliban figures. The deputy speaker is Hamid Gaylani, member of a pro-Karzai family with five members in parliament. Karzai also appointed Northern Alliance military leader Muhammad Fahim, perhaps to compensate for his removal as Defense Minister, although Fahim resigned after only a few months and later joined the National Front. Other Karzai appointments included former Taliban religious affairs deputy minister Arsalah Rahmani. There is one Hindu, and 23 women; 17 Karzai appointees and 6 selected in their own right. This body has been vocal; in May 2007, after a spate of civilian casualties caused by U.S. combat, it passed a resolution calling for international forces to coordinate operations with Afghan authorities. However, international human rights organizations criticized the *Meshrano Jirga* on February 3, 2008 for issuing a statement of support for a death sentence against 23 year old journalist Sayed Kambaksh for allegedly distributing material critical of Islam; the body subsequently retracted the statement. Kambaksh apparently has several levels of appeal remaining, and Karzai is reportedly mulling a pardon if the sentence is upheld.

Both houses of parliament, are assisted by a staff of about 275 Afghans, reporting to a “secretariat.” Staff was hired a year before parliament convened, limiting factional influence, and it and the members received training from the U.N. Development Program and the State University of New York (SUNY) under an \$8 million USAID contract. There are 18 oversight committees, each with two staffers. There is a small research group and library. The parliament’s budget is controlled by the Ministry of Finance.

### **Government Performance<sup>3</sup>**

U.S. policy has been to help Afghan institutions build their staffs based on merit and technical competence, and not ethnic or factional loyalties. Observers report that Afghan ministries are increasingly capable and equipped with administrative technology. However, U.S. officials have generally refrained from criticizing Karzai when, in the interests of political harmony, he has indulged faction leaders with appointments and tolerated corruption. A National Security Council review of Afghanistan policy (reported by the *Washington Post* on November 25, 2007) reportedly concluded that, partly as a result of these compromises, building government capacity has been slow, contributing to the resilience of the Taliban insurgency. On the other hand, these compromises have helped Karzai keep his government intact without violence against faction leaders (other than the Taliban). Some of these arguments are noted in recent research reports on Afghanistan, including a January 30, 2008 report by the a study group, chaired by Gen. James Jones and Ambassador Thomas Pickering, for the Center for the Study of the Presidency. To try to recruit more technically competent governors, in November 2007 Karzai placed the governor (and district security officials) selection process in a new Independent Directorate for Local Governance – and out of the Interior Ministry. Karzai has empowered two key figures to reduce corruption, to instill confidence in the justice sector, and enhance government accountability – Supreme Court chief justice Abdul

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<sup>3</sup> Some information in this section is from the State Department reports on human rights in Afghanistan for 2007. March 11, 2008 [<http://www.state.gov/g/drl/rls/hrrpt/2007/100611.htm>]; and the International Religious Freedom Report, released September 14, 2007. [<http://www.state.gov/g/drl/irf/2007/90225.htm>]

Salam Azimi and Attorney General Abdul Jabbar Sabit. Karzai also has formed an anti-corruption commission. In March 2008 Karzai removed governor of Helmand Asadullah Wafa for his inability to expand governance or to curb poppy cultivation in that most violent of all provinces; he was replaced by Gulab Mangal, who is from Laghman Province and is viewed as effective.

On human rights issues, the overall State Department judgment is that the country's human rights record remains poor, but primarily because of the continuing insurgency, and the weakness of and corruption in the central government. The security forces are widely cited for abuses and corruption, including torture and abuse of detainees. Parliament has both contributed to and, in some cases, slowed progress on human rights. Parliament's views contributed to Karzai's dropping of a July 2006 proposal to revive, although in a far more circumscribed form, a "Ministry of Supporting Virtue and Discouraging Vice," a ministry that was used by the Taliban to commit abuses. On the other hand, in February 2007 both houses passed a law giving amnesty to the so-called "warlords." Karzai altered the draft to give victims the right to seek justice for any abuses; Karzai did not sign a modified version in May 2007, leaving the status "unclear," according to the State Department. In debate over a new press law, both houses of parliament have approved a joint version, but Karzai has vetoed it on the grounds that it gives the government too much control over private media. In the absence of a law, Afghanistan's conservative traditions have been ascendant, and are backed by the advisory Council of Ulema (Islamic scholars). In April 2008 the Ministry of Information and Culture banned five Indian-produced soap operas on the grounds that they are too risqué. That came amid a move by conservative parliamentarians to pass legislation to ban loud music, men and women mingling in public, video games, and other behavior common in the West. This reportedly has had a chilling effect on the 40 private radio stations, seven television networks, and 350 independent newspapers that have opened since the Taliban fell.

Minority religions, including Christians, Sikhs, Hindus, and Baha'i's, often face discrimination; the Supreme Court declared the Baha'i faith to be a form of blasphemy in May 2007. In October 2007, Afghanistan resumed enforcing the death penalty after a four year moratorium, executing 15 criminals. Others note lack of action to prevent sexual trafficking (Afghanistan is placed in Tier 2 in the State Department's June 12, 2007 Trafficking in Persons report).

**Funding Issues.** USAID has spent about \$440 million (FY2002-2007) to build democracy and rule of law, and assist the elections. A revised request for FY2008 supplemental funding included \$100 million to assist with the presidential elections planned for 2009. For FY2009, \$707 million in Economic Support Funds (ESF) has been requested which will be used in part to enable the Karzai government to "extend the reach of good governance...."

## Afghanistan Political Transition Process

Interim Administration	Formed by Bonn Agreement. Headed by Hamid Karzai, an ethnic Pashtun, but key security positions dominated by mostly minority “Northern Alliance.” Karzai reaffirmed as leader by June 2002 “emergency loya jirga.” (A jirga is a traditional Afghan assembly).
Constitution	Approved by January 2004 “Constitutional Loya Jirga” (CLJ). Set up strong presidency, a rebuke to Northern Alliance that wanted prime ministership to balance presidential power, but gave parliament significant powers to compensate. Gives men and women equal rights under the law, allows for political parties as long as they have no foreign affiliations or are un-Islamic; allows for court rulings according to Hanafi (Sunni) Islam (Chapter 7, Article 15). Set out electoral roadmap for simultaneous (if possible) presidential, provincial, and district elections by June 2004. Named ex-King Zahir Shah to non-hereditary position of “Father of the Nation;” he died July 23, 2007.
Presidential Election	Elections for President and two vice presidents, for five year term, held October 9, 2004. Turnout was 80% of 10.5 million registered. Karzai and running mates (Ahmad Zia Masud, a Tajik and brother of legendary mujahedin commander Ahmad Shah Masud, who was assassinated by Al Qaeda two days before the September 11 attacks, and Karim Khalili, a Hazara) elected with 55% against 16 opponents. Second highest vote getter, Northern Alliance figure (and then Education Minister) Yunus Qanooni (16%). One female ran, who got about 1%. Hazara leader Mohammad Mohaqiq got 11.7%; and Uzbek strongman Abdurrashid Dostam won 10% of the vote. Funded with \$90 million in international aid, including \$40 million from U.S. (FY2004 supplemental, P.L. 108-106).
Parliamentary Elections	Elections held September 18, 2005 on Single Non-Transferable Vote” System; candidates stood as individuals, not part of party list. Parliament consists of a 249 elected lower house (Wolesi Jirga, House of the People) and a selected 102 seat upper house (Meshrano Jirga, House of Elder). Voting was for one candidate only, although number of representatives varied by province, ranging from 2 (Panjshir Province) to 33 (Kabul Province). Herat has 17; Nangahar, 14; Qandahar, Balkh, and Ghazni, 11 seats each. Target quota for lower house is 25% women - top two women vote getters per each of 34 provinces. Upper house appointed by Karzai (34 seats, half of which are to be women), by the provincial councils (34 seats), and district councils (remaining 34 seats). Because district elections (400 district councils) were not held, provincial councils selected 68 to Upper House on interim basis. 2,815 candidates for Wolesi Jirga, including 347 women. Turnout was 57% (6.8 million voters) of 12.5 million registered. Funded by \$160 million in international aid, including \$45 million from U.S. (FY2005 supplemental appropriation, P.L. 109-13).
Provincial Elections/ District Elections	Provincial elections held September 18, 2005, simultaneous with parliamentary elections. Exact powers vague, but now taking lead in deciding local reconstruction Provincial councils size range from 9 to the 29 seats on the Kabul provincial council. 3,185 candidates, including 279 women. According to constitution, provincial governors appointed by Karzai, not the provincial councils. Some criticize the provincial election system as disproportionately weighted toward large districts within each province. District elections have not been held due to complexity and potential tensions of drawing district boundaries.
Cabinet	Full-term 27 seat cabinet named by Karzai in December 2004. Heavily weighted toward Pashtuns, and created new Ministry of Counter-Narcotics. Rahim Wardak named Defense Minister, replacing Northern Alliance military leader Mohammad Fahim. Qanooni not in cabinet, subsequently was selected <i>Wolesi Jirga</i> Speaker. Northern Alliance figure Dr. Abdullah replaced as Foreign Minister in March 2006 cabinet appointed after parliamentary elections.
Next Elections	Presidential elections to be held in fall 2009; provincial and presumably district elections in 2010, although discussion persists about combining all. Karzai indicated in March 2008 that he would seek reelection. Qanooni or Rabbani might run. Other possible contenders include Ramazan Bashedost, a Hazara Shiite, mentioned above, and former Interior Minister Ali Jalali, a Pashtun, who resigned in 2005 in opposition to Karzai compromises with faction leaders. Rumors persist that U.S. Ambassador to U.N., Afghan-born Zalmay Khalilzad, might run, particularly if Karzai does not. Each election to cost \$100 million.