



AFGHANISTAN
ANALYSTS
NETWORK

**Prologue:
A Study of International
Engagement in Afghanistan
in the Period 2001-2014**

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FOUNDATIONS AND FAILURES OF POST-2001 INSTITUTION-BUILDING

The root causes of the failure of the post-2001 US-led mission in Afghanistan lay in key decisions taken during the “Golden Hours”¹ – the years of the transitional Bonn process between the start of the US-led military intervention in October 2001 and the Afghanistan Conference in Bonn later that year, and the first set of elections (presidential in 2004 and parliamentary and provincial council elections in 2005). In between were the two key Loya Jirgas (2002 Emergency Loya Jirga and 2003/04 Constitutional Loya Jirga). During this period and afterwards, key provisions of the Bonn Agreement were implemented only superficially, or not at all, particularly on disarmament. This set Afghanistan’s institution-building on a course that favoured non- or even anti-democratic, often corrupt and still armed actors linked with the preceding civil/factional wars and the atrocities committed during them. It enabled them to capture key positions in the supposedly new Afghan state.

Former SIGAR John F. Sopko, one of the closest observers of Afghan events in the US, echoed this in a January 2025 [guest essay](#) for The New York Times: “Experts and senior government officials now say to us ... that decisions made as early as 2002 ... set a course for inevitable failure” – a sentiment expressed by many other experts much earlier. Sopko also criticised the “partnering with warlords.”

For this reason, events before 2016 must be laid out here as a preface to the main AAN paper covering events from 2016 onwards. Much of the following information – otherwise where not sourced – comes from the author’s insights as, subsequently, UN, EU and German embassy staff directly involved in these events.

THE BONN AGREEMENT: INTENTIONS, OMISSIONS AND THE ROLE OF THE UN

The term democratisation is not included in the 2001 [Bonn Agreement](#), the blueprint for “re-establishing permanent government institutions” in Afghanistan. The signatories acknowledged, however, “the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, *democracy*, pluralism and social justice” (author’s emphasis) and to elect a “fully representative government”. This was reflected in one of Norway’s three objectives for its part in the Afghanistan mission 2001-21, “to help to build a stable and democratic Afghan state.”² The transition to a fully legitimate state, through elections, was based on a process involving the traditional Afghan

¹ A term coined by Lord Paddy Ashdown. See [this](#) 2008 Civil Service World interview commenting on his terms as EU High Representative for Bosnia-Herzegovina 2002-06: “Learn to seize the ‘golden hour’ immediately after the initial fighting stops, throwing efforts into nation- [we use the term institution-] building.” He went on to say: “Have enough resources to do the job.” Many observers believe that the institution-building part of the ‘mission’ was underfinanced in the first years.

² A Good Allay: Norway in Afghanistan 2001-2014, Official Norwegian Reports, NOU 2016:8, p21.

institution, Loya Jirga, adopted from a plan developed by supporters of the former king in the Afghan diaspora.

However, a stable and democratic Afghan state was not achieved. This has been a major factor in why many speak of a “strategic defeat” of the US and its allies in Afghanistan, for example, the German parliament’s Afghanistan Inquiry Committee, in its 2025 [final report](#). Instead, Afghanistan became a façade democracy, dominated by warlord-politicians. A number of them, especially self-styled ‘jihadi’ leaders, used religion to underpin their legitimacy and as a springboard to gain social and political dominance in the national political discourse. From this position, they were able to block the implementation of key aspects of the Agreement on Provisional Arrangements in Afghanistan pending the Re-Establishment of Permanent Government Institutions (commonly referred to as the Bonn Agreement) and sideline emerging democratic political forces.

Two main principles adopted by the UN leadership in Afghanistan, and supported by its member-states, contributed to the mission’s failure. First, the so-called ‘light [political] footprint’ left space for the US to shape a political system according to its own interests, including through the enthronement of a single leader. In Bonn, the US – even against the interest of its main Afghan ally, the so-called Northern Alliance³ – eliminated the position of a prime minister from the transitional setup based on the 1964 constitution and laid the ground for a presidential system. (According to the 1964 constitution, parliament elected a prime minister.) Second, ‘security first, justice later’ produced neither security nor justice, but did result in blanket impunity for war criminals and human rights violators, enabling their return to power.

With the re-emergence of the Taliban, starting in the second half of the 2000s, the policy of donors in Afghanistan became more and more ‘governed’ by the logic of war, at the expense of democratic state institutions. This further strengthened armed political factions in the government, gave them access to enormous financial resources and fuelled systemic corruption, which allowed their state capture.

The Bonn Agreement aimed at, among other points, taking the military means away from the leading political actors in Afghanistan in order to allow peaceful competition for power and broaden the base of future Afghan institutions beyond (formerly) armed factions. The latter did not happen, and the former only superficially.

EXCLUSION AND MISSED OPPORTUNITIES AT BONN

Afghan participants in Bonn were armed groups that had been key actors in the preceding factional wars, with the sole exception of the Rome group, composed of supporters of the former King Muhammad Zahir. The participation of a (fifth) delegation composed of clandestine and exile-based, unarmed pro-democratic groups invited by the UN and the host Germany were excluded at the last-minute. Furthermore, civil society was relegated to a separate conference. A delegation of its participants was given only ten minutes to present their ideas to the main conference.

Another early mistake was not making the Taliban part of the Bonn process, either by inviting representatives to Bonn or finding another way of including them. A basis for

³ The official name was United Islamic National Front for the Salvation of Afghanistan.

this was their quasi-capitulation submitted before Bonn and supported by the newly appointed head of the Afghan Interim Administration, Hamed Karzai, but rejected by the US government.⁴

UNEVEN DISARMAMENT AND THE ASCENT OF WARLORDS

Bonn was preceded by the US's broken assurance to keep Kabul demilitarised, allowing for the establishment of a new government there. Instead, the US allowed the Northern Alliance to move in immediately before Bonn, installing Borhanuddin Rabbani, head of the Northern Alliance-led Islamic State of Afghanistan, which had been toppled by the Taliban in 1996, in Afghanistan's capital.⁵

In the wake of the military intervention that began on 7 October 2001, Northern Alliance forces took over key positions in the administration and armed forces in the centre as well as in many provinces and districts, marginalising unarmed actors from the start. In early 2002, the UN Special Representative rejected a mass petition from former civilian government officials to reinstate them to the positions that the Northern Alliance had seized.

A major contributor to this outcome was a non-impartial process of "Disarmament, Demobilization and Reintegration" (DDR) of militia forces, on which the outcome of the 'Bonn process' largely hinged. It left the Northern Alliance – incidentally, the West's main Afghan ally during the Soviet occupation (1979-89) and in the fight against the first Taliban regime (1996-2001) – largely untouched and in the possession of means of violence.

There was also Northern Alliance double-speak on DDR: while its leaders publicly stated support, the UN knew that they internally called for keeping and hiding large weapon stocks. In some cases, international DDR inspectors were prevented from inspecting such stocks at gunpoint, without facing sanctions. The pre-2001 warlords turned DDR into a fund-raising programme: cheap, low-quality weapons were handed over to the DDR programme (many were even purchased on the illegal market for this purpose) and compensation received was used to purchase modern ones.

In March 2004, the international community – through its International Security Assistance Force (ISAF) – failed to fulfil its mandate to assist the Afghan central government in maintaining security during a key event. It refused military support to the head of state, Karzai, who was facing an armed revolt in Herat province, after trying to remove Ismail Khan – a Northern Alliance leader who had established himself as the self-styled autonomous 'amir' of western Afghanistan, an unconstitutional position – from his official position as Herat governor. ISAF treated this as an inter-factional conflict for which it said it had no mandate to interfere. By insisting on remaining neutral, it violated its mandate to support the central government. This incident marked a key moment that led Karzai to lose trust in

⁴ Barnett Rubin, *The Once and Future Defeat*, War on the Rocks, 1 November 2021. Rubin wrote: "The failure of the U.S.-led mission in Afghanistan arguably started on Dec. 6, 2001, the day after the signing of the Bonn Agreement, when U.S. Secretary of Defense Donald Rumsfeld, under repeated questioning from reporters at the Pentagon, rejected a political agreement between Karzai and the remaining Taliban leadership in Kandahar."

⁵ The country was renamed the Islamic State of Afghanistan after the 1989 Soviet withdrawal and the 1992 fall of the Najibullah government and takeover of the mujahedin. After the Taliban captured Kabul in 1996, the Islamic State of Afghanistan held out in some areas of north-eastern Afghanistan and in exile in Tajikistan with a rump-government. It still considered itself the country's legitimate government and had been allowed to hold on to the country's UN seat.

the international community and to establish his own militia-like structures, particularly in his home region of Kandahar.

Favouring certain factions during the DDR put Afghanistan's further political process at the mercy of the former warlords.

Some of those leaders claimed religious authority as 'ulema' and portrayed criticism of themselves, their policies and their role in previous armed conflict as 'criticism of Islam' itself. They set early precedents of silencing dissident voices.

In 2003, they started a massive campaign against the private newspaper Aftab, which had accused jihadi leaders of using Islam as an "instrument to seize power" and establish the "rule of the mullahs," labelling this "holy fascism." Accused of insulting Islam, the newspaper's editor-in-chief was forced to flee abroad. In 2005, the women's monthly magazine Huquq-e Zan (Women's Rights) was banned and its (male) editor-in-chief was threatened with the death penalty for apostasy after he questioned orthodox Islamic views on women's rights. In 2008, a freelance journalist in Mazar-e Sharif was imprisoned and sentenced to death for blasphemy after he printed and distributed pamphlets questioning orthodox teachings of Islam from a Shia perspective. He was finally pardoned by the president, but had to be taken out of the country.

SIDELINING OF CIVIL SOCIETY

Afghan civil society groups, although diverse and with a core of home-grown activists, often fell into the trap of 'projectisation', becoming dependent on external funding and thus donor-driven. The well-resourced Afghan government and 'jihadi leaders' saw them as potential contenders and tried to keep them at bay, seeking to split, infiltrate, paralyse or co-opt independent-minded civil society and pro-democratic forces. On the international and national levels, despite much lip service, civil society was often relegated to the margins at key events and in key decision-making. Striking examples of how civil society was misused as window-dressing for inclusiveness were the 2019 women's *ejma* (large gathering) in Kabul⁶ and the 'intra-Afghan dialogue' organised by Germany and Qatar parallel to the US-Taliban negotiations in Qatar.

One striking example was when, before the 2014 presidential and 2015 parliamentary elections, a whole array of new election observer NGOs emerged, some with factional affiliation, splitting the hitherto united and independent umbrella organisation, the Free and Fair Election Foundation (later Forum) of *Afghanistan* (FEFA) that had helped to expose fraud during early elections. A similar fate befell Afghanistan 1400, a movement to mobilise the young, educated generation across ethnicity or old political blocs, after it decided to field its own candidate in the 2018 or 2019 elections, which was seen as a credible threat to the established actors of power.⁷ The earlier attempt to create an anti-corruption Republic Party in 2007 was paralysed when government ministers and government officials, some with adverse credentials, imposed themselves as members.

⁶ Thomas Ruttig, [Women and Afghan Peace Talks: 'Peace consensus' gathering left Afghan women without reassurance](#), AAN, 13 April 2019.

⁷ See Rachel Reid, [Afghanistan 1400: The dawn and decline of a political movement](#), AAN, 24 March 2021.

What some describe as ‘traditional civil society’⁸ – such as jirgas, shuras and *arbaki* (non-permanent tribal and unpaid self-defence groups) – was increasingly monetised by the international military and Afghan governments and reshaped into government arms reaching into local communities. This intrusiveness devalued surviving local decision-making bodies that could have been included, on the basis of regulated autonomy, within an Afghan-style democratic system.

The jihadi leaders’ fight for cultural and, through it, political hegemony found another culmination in their resistance to Afghanistan implementing the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Ratified by the Afghan transitional government in 2003, this remained conditional on parliamentary approval. In 2013, a motion in favour of making it Afghan law had to be withdrawn after it became clear that an Islamist-inspired majority in parliament would reject it, although Afghanistan remained a party.

IMPUNITY AND OBSTRUCTING TRANSITIONAL JUSTICE

Transitional justice, designed to hold war crime perpetrators and human rights abusers accountable, was seen by armed actors as a direct threat to their monopoly of power. They resisted it actively, which was (sometimes not so) tacitly accepted by donors – who feared the unstable situation would be exacerbated if key ‘power brokers’ were named – adopting a ‘don’t rock the boat’ attitude. They helped suppress key publications designed to bring transitional justice forward, such as a 2004 UN Office of the High Commissioner for Human Rights (OHCHR) mapping war crimes committed from 1978 to 2002 and the 2012 ‘Conflict Mapping in Afghanistan Since 1978’ by the Afghan Independent Human Rights Commission (AIHRC).⁹ In 2003, the AIHRC received a public dressing-down by the UN Special Representative after publishing a report about the so-called Sherpur case, a massive government-related land grab scandal, because it named names.¹⁰ As Rachel Reid wrote in her 2025 [report](#) for AAN on the extradition of former MP Haji Zahir from Nairobi to the US on drug charges: “impunity ... was wired into the twisted Afghan state”.

The lack of international emphasis on transitional justice, despite continuous lip service to it, allowed the Afghan parliament (with several sitting perpetrators) to pass a blanket amnesty law in 2008, officially the National Reconciliation, General Amnesty and National Stability Law. As AAN wrote at the time, this was “not only a breach of Afghanistan’s commitments under international law; it also turned a failed political strategy into law.”¹¹ Affidavits signed by each candidate before the first parliamentary election in 2005, declaring that they agree to be investigated if war crime- or human rights-related accusations came up, were never used.

The low international interest in transitional justice might have been bolstered by the fact that the US and allies had committed human rights violations (such as causing a high number of Afghan civilian casualties) themselves from the very beginning of the military

⁸ See for example, Kajsa Johansson, [SCA Policy Brief: Supporting Civil Society in Afghanistan](#), Solidarity Committee for Afghanistan, 2025.

⁹ See Ahmed Rashid, [The Cloak of Silence: Afghanistan’s Human Rights Mapping](#), AAN, 27 July 2012.

¹⁰ Joanna Nathen, [Land Grab in Sherpur: Monuments to Powerlessness, Impunity, and Inaction](#), Middle East Institute, 2009.

¹¹ Sari Kouvo, [After two years in legal limbo: A first glance at the approved ‘Amnesty law’](#), AAN, 2010.

intervention. The US had long rejected all such accusations. The US and its allies also collaborated with Afghan government actors who continued to violate human rights and committed other crimes in full view of the international community, ranging from the use of systematic torture to illegal prisons and drug trafficking.¹²

Not least, blocking transitional justice – beyond a few cases – contradicted the expressed will of the Afghan population as set out in the 2005 AIHRC report “A Call for Justice.”

As Alex Their, a former legal adviser to the post-2001 Afghanistan’s constitutional and judicial reform commissions, summarised the role of the US as early as 2011:

*Afghanistan has become a collection of warlord-run fiefs fueled by a multi-billion-dollar opium economy. [The US] armed and financed warlord armies with records of drug-running and human rights abuses stretching back two decades. Then we blocked the expansion of an international security force to rein in the militias.*¹³

Bonn’s initial intention of creating a (more) level playing field necessary for democratic decision-making never materialised.

DESIGN FLAWS IN THE ELECTORAL SYSTEM

The flawed course in institution-building was insufficiently camouflaged by holding regular elections, which became fewer, less regular and increasingly unrepresentative. Western governments made elections virtually the main benchmark for an emerging Afghan democracy, using them in their messaging to their own home audiences as signs of progress while ignoring shortcomings and open manipulation from the start.

On the other side of the coin, the concentration on elections led to lesser emphasis on institutions that worked efficiently *between* elections in supporting the population, “to address the issues that matter most to them – a more secure environment in which to live and work, greater economic opportunity for themselves and their children, and some basic level of social assistance be it education or access to medical care,” as election expert Grant Kippen, with long experience in Afghanistan, described in a 2011 [guest blog](#) for AAN.

While the first Norwegian report stated: “Every election in Afghanistan has involved major security challenges, practical problems and accusations of rigging and fraudulent electoral institutions,” election quality, in fact, became worse from one election to the next from the very beginning. Early warnings to that effect from leading UN representatives and election experts with experience in other post- or still-in-conflict countries were not heeded. Attempts for election reform came too late, were not energetic enough and were bogged down in the same political rivalries that were created during the 2009 presidential and 2010 parliamentary elections. In 2009, again, the UN was not “addressing consistent reports of fraud” as even its second-highest ranking official in Afghanistan and former US diplomat, Peter Galbraith, pointed out in a scathing opinion piece published by the Washington Post

¹² In this context, Prof Barnett R Rubin – dealing with Afghanistan in the US government under various administrations – said in November 2024: “[I]ts insistence on total impunity for its own actions in Afghanistan, have destroyed whatever moral authority the U.S. might claim to invoke international standards and mechanisms for protecting and enforcing human rights and humanitarian law against the Taliban.” (See video and full transcript posted on Substack [here](#).)

¹³ Michael Barry, *Kabul’s Long Shadows: Historical Perspectives*, Liechtenstein Institute on Self-Determination, 2011.

after he was fired from his post by UN Secretary General Ban Ki-moon.¹⁴ About the 2010 parliamentary election, a USIP expert said the international community had still adopted a “see no evil, speak no evil” approach.¹⁵ This did not change in future elections (see the election chapter in the AAN main report).

INTERFERENCE BY EXTERNAL ACTORS

Election manipulations started at the Bonn conference, led by the US and tacitly accepted by its Western allies. The US wanted to shape the new Afghan state according to its own ideas and – partly – to its own structure, and on the cheap. At that time, President George W. Bush did not prioritise institution-building. (This later changed under the influence of the neocons in Washington, who wanted to make Afghanistan the ‘beacon’ of their projects of democratising the entire Middle East.) Furthermore, institution-building was accompanied by permanent lip-service to the political process being ‘Afghan-led’, while decision-making often came from the US, sometimes even overruling Karzai. One example was the creation of ‘professional’ armed forces rather than returning to the Afghan tradition of general conscription, under which conscripts were divided between the army, the gendarmerie-style police, and a ‘labour corps’ for maintaining major infrastructure – a model initially favoured by Karzai.

At the Bonn conference, with at least tacit support from the UN special envoy, Lakhdar Brahimi, the US carried out internal test votes in the four delegations until the last of them – the Rome group – agreed to vote for Karzai. The group initially chose another former politician, but the vote was repeated to achieve the desired result. (In contrast to the widespread enthusiasm about the well-spoken Pashtun in the West, Afghans were more sober about him: he was often characterised as “the one-eyed among the blind”, recognising that he was not a warlord or commander, and seeing him representing “half-alive democracy” at least.¹⁶ The bumpy process of anointing Karzai was even more embarrassing, as he was supposed to have been the candidate of the Rome group, which his father – a former deputy speaker of parliament who was assassinated in 1999 in Pakistan – had been instrumental in establishing.

Before the 2002 Emergency Loya Jirga, which was to mark the transition from the interim administration set up in Bonn to a transitional administration legitimised by a Loya Jirga, US pressure led to the former king withdrawing his candidacy for heading this administration. A majority of Emergency Loya Jirga delegates had already expressed their support for the ex-king in a written petition. Moreover, during the Emergency Loya Jirga, the US, the UN and Karzai imposed the introduction of 50 additional members – mainly key militia commanders in government positions (and as such excluded initially) – who pressured and threatened the delegates to support Karzai, the US’s candidate, and a Northern Alliance-dominated cabinet.

The Bonn Agreement further failed to include a clause that the heads of the interim and transitional administrations could not run in the first regular election, as demanded by the

¹⁴ See Peter Galbraith’s 2009 opinion piece, [U.N. Isn’t Addressing Fraud in Afghan Election](#), published by the Washington Post.

¹⁵ Scott Warden, [Guest Blog: Why the West should care about Afghan election fraud](#), AAN, 7 September 2010.

¹⁶ Martine van Bijlert, [AAN Election Blog No. 2: On the Campaign Trail](#), AAN, 10 August 2009.

Bonn civil society conference, to prevent the incumbent from having an advantage in the first regular election. As a result, Karzai was able to run in the first presidential election in 2004. But when he failed to secure a straight 50 per cent majority in the first round, the US and the UN persuaded (and probably pressured) the other candidates to agree to declare him the outright winner anyway and to forgo a second round. (Officially, a result of 55.4 per cent of the vote for Karzai was announced.)

During the Constitutional Loya Jirga in 2003/04, the decision whether Afghanistan's new constitution would stipulate a presidential – according to the US model and US preferences – or a parliamentary or mixed, and more balanced, system, was achieved through massive, US-supported arm-twisting and massive ethnic mobilisation, this time among Pashtun delegates and those of small 'allied' ethnic groups which, together, held a small numerical majority in the Jirga.

In 2009, before the second presidential election, the new US administration of President Barack Obama, which had grown frustrated with President Karzai's increasingly independent and sometimes erratic decision-making (and also by corruption becoming systemic), was seeking to replace him with another candidate before he could run for a second term. Although the idea was finally abandoned, Karzai saw this as even more US interference, now to his disadvantage, leading to US-Afghan relations becoming even more strained.¹⁷

Even the UN allowed itself to be made part of election manipulations. During the counting of votes after the 2005 parliamentary election, it instructed its own and other election observers that they should not cancel more than 5 per cent of the ballots.

INTIMIDATION, MANIPULATION AND FRAUD

Afghan actors also manipulated elections from the beginning. As early as the "indirect election or selection", according to the Bonn Agreement, for the 2002 Emergency Loya Jirga, the Northern Alliance systematically 'invited' candidates from each province to closed meetings and intimidated them to vote for their nominees. There were also numerous direct threats to non-Northern Alliance candidates in the countryside.

Warlord/commanders' control over key positions in the centre and the subnational levels gained immediately after the military removal of the Taliban regime in late 2001 enabled their candidates to unfairly 'win' elections. Candidate vetting was "lax" and, as early as the first parliamentary election in 2005, "enabled many candidates with links to illegal armed groups, narcotics trafficking, criminal gangs as well as some facing war crime allegations, to contest and win seats," then Director of the Afghanistan Research and Evaluation Unit (AREU), Andrew Wilder, noted.¹⁸ This further disadvantaged new, unarmed political forces that could have been a counterbalance to the jihadis in elected bodies. As Wilder reported: "For some candidates security issues were a major factor restricting campaign activities

¹⁷ The Obama team was surely aware of the upcoming US Congress's June 2010 [report Warlord, Inc.](#), which not only showed that US money went to the Taliban but also that its own Afghan allies were siphoning off much of the US's financial support.

¹⁸ Andrew Wilder, [A House Divided? Analysing the 2005 Afghan Elections](#), Afghanistan Research and Evaluation Unit (AREA), 2005.

and, in some cases, the ability to campaign at all.” (Seven candidates were killed during the campaign period and two elected to the Wolesi Jirga were killed soon after.)

Wilder quoted an anonymous international official: “the newly elected [National Assembly, ie lower and upper house together] will include 40 commanders still associated with armed groups, 24 members who belong to criminal gangs, 17 drug traffickers and 19 members who face serious allegations of war crimes and human rights violations.” This was true even though the Electoral Complaints Commission (ECC) had disqualified 34 candidates “for having links to illegal armed groups, 12 for holding a prohibited government position.” While many such complaints were “not submitted to the ECC [in the first place] as there were concerns that any disqualification would be ‘destabilising’.”

Wilder concluded that “the diminished reputation, moral authority and legitimacy of the *Wolesi Jirga* (lower house of parliament) could be one of the many consequences of the inattention to transitional justice issues by the government and the international community for the past four years.”

WEAKENED POLITICAL PARTIES AND A FRAGMENTED PARLIAMENT

A major element in the flawed institution-building was the decision to minimise the role of political parties, particularly for parliamentary elections. This process began with the choice of electoral system, specifically the rarely used Single Non-Transferable Vote (SNTV) system. It is based on multi-party constituencies, and in Afghanistan, the provinces were designated as constituencies. (Each province/constituency was allocated several seats according to its population. The lack of a census created additional conflict.) Again, the US intervened and took the final decision, their special envoy even claiming it came directly from President Bush.¹⁹

Also, the UN became part of this sham by holding ‘consultations’ on the future form of the electoral system with political party representatives, after the decision had already been taken, though not yet officially announced. This led to protests, but to no avail.

The SNTV system also provided a striking example of how decisions, once taken and even when recognised as harmful, were difficult to change. When it was proposed, for example, to alter the voting system for parliament with an inclusion of a party list, MPs – who were elected under the SNTV system – not surprisingly rejected this.²⁰

In 2004, the [Electoral Law](#), particularly the Political Parties Law, was passed so close to the election date that parties had little time to prepare. (Particularly new parties, among them many pro-democratic ones, had refused to start their activity before the law came into force, in order to show their obedience to the rule of law – to set themselves apart from the ‘jihadi’ parties.) As a result, the registration of political parties, through a cumbersome process, started late, making it hard for the parties to campaign simultaneously. (According to one stipulation, the parties needed to have offices with signboards in a certain number of provinces. This was difficult to achieve, as they feared persecution in provinces

¹⁹ Scott Seward Smith, *Afghanistan's Troubled Transition: Politics, peacekeeping and the 2004 Presidential Election*, New Delhi, First Forum Press/ Lynne Rienner Publishers, 2012, p160.

²⁰ Grant Kippen, [Elections in 2009 and 2010: Technical and Contextual Challenges to Building Democracy in Afghanistan](#), Afghanistan Research and Evaluation Unit (AREU), 2008.

controlled by warlords – the majority of whom saw new parties as a challenge to their monopoly of power.)

Furthermore, the electoral law stipulated that only individual candidates could run (they were allowed to mention their party affiliation on their own election material, but were not officially registered as political party candidates and did not appear as such on the ballot paper). That prevented them from fielding their candidates as lists. In parliament, parties were not allowed to establish their parliamentary groups or factions.

Although political parties were highly unpopular in parts of the population, after the de facto (if not de jure) one-party regime bolstered by Soviet occupation forces (1979-89) and the factional wars between 1992 and 1996, the damage done by some parties was used as a populist argument against parties in general, including by President Karzai (who, nevertheless, toyed with a short-lived idea of setting up a ‘presidential party’). It also took up a widespread belief based on sharia and supported by ulema and jihadi leaders – although the latter led their own factions – namely, that there should be no *fitna* (split) in the community of Muslims (*umma*). With their absence, an organising principle was missing to focus the interests of a diverse Afghan populace, including in parliament, where the lower house of parliament became an unruly body of what some observers called a ‘house of 249 parties’ (the number of MPs).

At the same time, it opened the way for massive parliamentary corruption, often reported in the form of vote buying, particularly for parliamentary decisions such as the confirmation of ministers who had to go through individual hearings (*entezah*, or *confirmation hearings*) before the vote.

The refusal of Western donors to provide sufficient funding for a fully functioning parliament, and thereby guarantee the independence of MPs, left the arena open to those who possessed the resources and were willing to invest in the MPs. Also, the attempt to establish a new, non-aligned parliamentary group, the ‘Third Way’ (*Khat-e Sewum*), was left unsupported in the name of neutrality. The Third Way soon petered out.

A significant side effect of the lack of a role for political parties or other forms of parliamentary groups was the expansion of business interests into parliament. It resulted in an ever-growing number of businesspeople, who were at least on the face of it non-allied with the jihadi leaders or parties, finding their way into parliament. As Coburn and Larson wrote, “local commanders and other political figures were using elections to solidify and formalize their authority” and were seeking immunity.²¹ The economic lucrativeness of seats in parliament, or even at its governing bodies, was exemplified by the dogged struggle over the Wolesi Jirga speakership in 2019²² and the 2021 national budget,²³ underpinned by a conflict over control of lucrative fuel procurements for Afghan and foreign forces.

EROSION OF ELECTORAL INTEGRITY

²¹ Noah Coburn and Anna Larson, *Derailing Democracy in Afghanistan: Elections in an Unstable Political Landscape*, Columbia University Press, 2014, p XV. DOI: 10.7312/cobu16620

²² Ali Yawar Adili and Rohullah Soroush, [The disputed election of the Wolesi Jirga’s speaker: A story of a balance of power, political allegiance and money](#), AAN, 22 July 2019.

²³ Roxanna Shapour, [Realpolitik and the 2021 National Budget: The toxic struggle for money and power that undermined Afghanistan’s Republic](#), AAN, 21 December 2021.

The electoral calendar agreed to in Bonn was already thrown overboard by the first electoral cycle. Presidential and parliamentary elections, originally planned to be held in parallel, were decoupled. This echoed the US's wish to establish a presidential system and relegated parliament's importance to a second rank.

Furthermore, the first presidential election was not held on time. The Bonn Agreement stipulated that "free and fair elections" for a "fully representative government" were "to be held no later than two years from the date of the convening of the Emergency Loya Jirga", which would have been before 11 June 2004. The election took place in October 2004. Although there were good reasons to delay, such as moving the election out of the hot summer season, the date was ultimately set so late that in some parts of the country, winter had already set in, hampering turnout. Primarily, the Hazara/Shia population of central Afghanistan perceived this as a deliberate attempt to deny them their right to vote or at least disadvantage them.

The deprioritisation of elections on the subnational levels, ie provinces and districts, signalled a concentration on building central(ised) institutions at the expense of, particularly, the rural population and deepened the Kabul/countryside divide. Over the following elections, the rural population was further marginalised, as the expanding war diminished the number of polling stations in many more marginal areas. In some cases, the problematic security situation might have been used as a pretext for the targeted exclusion of particular constituencies or, at least, was perceived as such.

Most importantly, both the decoupling and the delay, which donors then saw as an acceptable compromise, went against the constitution and circumvented other laws. This opened the door not only for much more substantial delays of later elections (the third parliamentary elections due in June 2015 were finally held in October 2018 only, after several delays), but also for the bending or overruling of the legal framework, including the constitution, in other matters.

Elections were put on an unreliable base by the failure to hold a population census, as stipulated by the Bonn Agreement, in the first place. A census was never held. As a result, no delineation of district boundaries took place – a heavily contentious issue as scores of new districts had been created by previous administrations, partly to accommodate followers with government jobs in the administration. In a situation where security in large parts of the country was still relatively permissive, this delayed the planned district council elections, the elected bodies most close to the people, indefinitely. They also never took place until 2021, having been "quietly dropped... without any announcement or formal decision taken" in September 2018.²⁴ Also, the idea of holding staggered district elections was never taken up. As a result, locally established councils, many of them dominated by local violent actors, maintained control of this key link between the state and the population in many areas.

The lack of a census also turned voter registration into an instrument for massive fraud. After various registration stages, millions more voter cards were in circulation than the estimated number of voters, allowing for multiple voting, ballot stuffing and other manipulation. In 2004, AAN reported that "according to estimates one million Afghans

²⁴ Ali Yawar Adili, [Afghanistan Election Conundrum \(14\): District council and Ghazni parliamentary elections quietly dropped](#), AAN, 26 September 2018.

voted at least twice.”²⁵ By the 2014 election, the balance between the estimated total number of voters and of voter cards in circulation had risen to 12 versus 23 million.²⁶

After the 2009 presidential election, AAN reported from southeastern Afghanistan: “Massive and blatant ballot stuffing; the removal or invalidation of votes for rival candidates; complete overhaul of ballot boxes; intimidation of witnesses and IEC staff; systematic removal of the publicly displayed tally sheets.”²⁷ Local IEC representatives are informally releasing figures that have no relationship to observations on the ground and that are beyond the absurd.” AAN then called the outcome “the fog of an election result.”²⁸

Before the 2010 parliamentary elections, AAN summarised the situation as follows:

Independent election institutions only in the name; no usable voters’ register; 17 million voter cards in circulation with only [estimated] 12.6 million voters – i.e. almost five million ghost voters used for ballot stuffing –; changed regulations for the [electoral commissions] ECC and the IEC that decrease transparency (the IEC is even not obliged anymore to store all election documents ‘permanently’) – a blatant invitation for new fraud –; abysmally bad [voters] outreach and voter education.

There was also the use of excess and fake election material, such as ballot papers, for ballot stuffing. Even Afghan election institutions were releasing “‘dirty’ ballot boxes into the count.”²⁹ A witness from Ghazni reported the election “took place in the governor’s guesthouse, and in the compounds of the district governors, and in several houses.”³⁰

There was systematic undue influence by the executive. The Independent Directorate for Local Government (IDLG), created in 2007 with the mandate to coordinate Afghanistan’s new sub-national governance, was visibly used “to direct the re-election efforts of the President” by placing “sympathetic public officials in positions from which they can support Karzai’s re-election efforts,” as noted by the UN’s Chief Electoral Advisor in Afghanistan, Grant Kippen in his paper published by AREU.³¹ The president also used his power to create and even staff new, extra-constitutional electoral institutions, such as a “Special Elections Court,” that finally served his interests and piled a new layer of manipulation on the already existing ones.

Kippen argued at that point that “if action [on electoral reform] isn’t taken soon ... there will be no opportunity to correct those past mistakes. The immediate goal here is to ensure the 2014 Presidential elections are a significant improvement over efforts in 2009 and 2010.” This did not happen.

As Kippen wrote after the “fraud-marred” 2010 presidential and 2011 parliamentary elections ([here](#)), a “power struggle between the Executive and Legislative branches of government” developed, each controlled by one of the two main political camps, that

²⁵ Thomas Ruttig, [Flash from the Past: Elections under Fire](#), AAN, 12 September 2008.

²⁶ Scott Warden, [Afghanistan Election Conundrum \(13\): New voter registry too good to be true](#), AAN, 28 August 2018.

²⁷ Martine van Bijlert, [AAN Election Blog No. 23: How much are we expected to believe?](#), AAN, 23 August 2009.

²⁸ Martine van Bijlert, [AAN Election Blog 35: The fog of an election result](#), AAN, 18 October 2009.

²⁹ Martine van Bijlert, [AAN Election Blog No. 30: Which votes are to be counted – a crucial battle](#), AAN, 8 September 2009.

³⁰ Martine van Bijlert, [AAN Election Blog No. 23: How much are we expected to believe?](#), AAN, 23 August 2009.

³¹ Grant Kippen, [Elections in 2009 and 2010: Technical and Contextual Challenges to Building Democracy in Afghanistan](#), Afghanistan Research and Evaluation Unit (AREU), 2008.

of the president and the domestic opposition.³² Attempts at electoral reform were mainly reduced to a struggle over who controlled the electoral institutions. The problems were exacerbated by the decision of the summer 2010 donor meetings in London and Kabul and the Lisbon NATO summit in November 2010, to gradually hand over security and other responsibilities to the Afghan authorities by the end of 2014. This included that Afghans would be fully responsible for organising the election independently, only with some outside financial support.

Each of the following elections was marred by widespread fraud, resulting in crises with different features, but not qualitatively different from the early elections. Each of these crises was formally solved by high-level US-led international troubleshooting. This, however, created artificial, politically unsustainable ‘solutions’, each followed by endless wrangling over dividing the spoils of government and with key agreements (such as a referendum about the re-establishment of the position of a Prime Minister), never implemented.

After the uniquely contested 2014 presidential election, which never announced an officially published result, a ‘Government of National Unity’ was established – an idea already discussed after the flawed election of 2009.

CONCLUSION: EARLY MISSTEPS AND ENTRENCHED STRUCTURAL WEAKNESSES

“If the first brick is uneven, the wall won’t be straight.” This Afghan proverb aptly describes the process of democratic institution-building as experienced by the Afghans from 2001 onwards.

Key omissions and mistakes committed in the ‘Golden Hours’, already visible during the first electoral cycle and the controversies around Afghanistan’s future political system during the Constitutional Loya Jirga, were not systematically addressed. The inflexible institutional architecture established from the 2001 Bonn conference and political polarisation blocked meaningful reform, from executive-legislative relations to electoral processes. Superficial disarmament following Bonn left an uneven playing field between armed and unarmed political forces, giving the advantage to the former. The ever-growing military focus of the ‘Afghanistan mission’ diverted attention and funding from what, starting in Bonn, was designed as a political process of rebuilding.

³² Before each election, however, the incumbent managed to pull sections of the highly fragmented opposition on his side with the promise of government positions.