Afghanistan Research and Evaluation Unit

LOSING LEGITIMACY?

Some Afghan Views on the Government, the International Community, and the 2009 Elections

AREU Post-Elections Brief 2
by Noah Coburn

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Introduction

Following the confusing conclusion to Afghanistan's 2009 election season, an immediate international concern was the extent to which the process had damaged the legitimacy of the Afghan government. Officials from the United States and several European countries began privately and publicly questioning the degree to which President Hamid Karzai and his government are effective partners in the fight against the Taliban, the uncertainty stemming at least in part from the government's complicity in the fraudulent electoral process and Karzai's willingness to associate himself with unsavoury characters during his campaign. But to what extent did the presidential elections of 2009 actually damage the legitimacy of the government in the eyes of the Afghan people? Have Afghan attitudes toward the state and the electoral process actually shifted?

Simple assertions that the elections "delegitimised" Karzai's government gloss over some of the real complications that emerged from the election process:

- What does "legitimacy" actually mean to Afghan voters?
- Who or what was delegitimised by the 2009 elections?
- Was it Karzai's personal reputation that was damaged or the government more generally?
- Who is to blame for fraud? The candidates? The Independent Election Committee (IEC)? The international community that supported the process?
- Will shifts in Afghan public opinion from the chaotic weeks following the initial round of voting have long-term implications for political processes in Afghanistan and the international efforts here?

This brief paper is not intended to provide conclusive answers and does not claim to represent "Afghan opinion" (if such a uniform thing did exist). It does, however, provide some reflections on trends found in numerous interviews with Afghans, which took place in three communities tracked by AREU researchers over several months, and were conducted both before and after the initial August vote and after the second round was cancelled in early November. The paper also builds on a series of other studies about representation and the political processes in Afghanistan[1] and provides some questions going forward for the parliamentary elections of 2010 and beyond.

Two previous AREU papers have focused on the 2009 elections in three communities of Kabul Province: the districts of Istalif and Qarabagh, and the urban neighbourhood of Dasht-i Barchi.[2] Researchers conducted approximately 150 interviews with voters, provincial council candidates, campaign workers, and community leaders in the lead-up to the vote, and in the weeks that followed an additional 50 interviews were done. Whenever possible the research team followed-up with individuals who had previously been interviewed, to see how the electoral process had changed their perceptions.

1 Such as Anna Larson, *Toward an Afghan Democracy? Exploring Perceptions of Democratisation in Afghanistan* (Kabul: AREU, 2009), and Anna Larson, *Afghanistan's New Political Parties: A Means to Organise Democracy?* (Kabul: AREU, 2009).

2 See Noah Coburn and Anna Larson, "Patronage, Posturing, Duty, Demographics: Why Afghans Voted in 2009" (Kabul: AREU, 2009) and Noah Coburn and Anna Larson, *Voting Together: Why the Afghan Elections of 2009 were (and were not) a Disaster* (Kabul: AREU, 2009).

This paper is based upon those second-round interviews and is meant to offer some initial thoughts about legitimacy and public perception of the electoral process in Afghanistan. In particular, it argues that legitimacy is less about holding successful, Western-style elections than it is about meeting certain expectations that Afghan citizens possess. In fact, the provincial council elections (which were conducted alongside the higher-profile presidential poll) did provide a forum for citizens to express local political concerns and as a result most voters reported that they were eager to participate in next year's parliamentary elections. As a result, while the confusing electoral process did little to help public opinion of the Karzai government or concepts such as "representative government," the clearest consensus among respondents may come as a surprise to some: the process damaged the legitimacy of the international community in Afghanistan.

No Single Opinion

It is important to point out that despite attempts to summarise Afghan opinion, the entire electoral process in fact created a very wide range of opinions. Several interviewees explained that they were "very happy with the process," while others said that "the presidential election is nothing but theatre." Despite this range, there were several key trends shaping how voters interpreted the elections.

Most clear was a divide between supporters of Karzai and challenger Dr Abdullah Abdullah. Karzai supporters tended to praise the electoral process and those involved in it, such as the Independent Electoral Commission (IEC), while Abdullah supporters were understandably more critical of all its aspects. Similarly, people in urban areas, where security was good and where the government has generally provided better services, tended to be more positive than those in rural areas, where researchers found significantly more complaints about fraud and corruption.

The divide between rural and urban, however, also reflects some different attitudes toward elections in general. Several urban voters described elections as healthy democratic competition. In more rural areas, however, elements such as honour and patronage played a much stronger role. This was particularly true of perceptions of Karzai's involvement in fraud. As one rural voter stated, "I am ashamed that I supported Karzai in the first round, because Karzai himself has admitted to the accusations of fraud against him...Since Karzai won through fraud, this means that my vote for Karzai was also fraudulent." This allusion to honour shaping opinions of the voting process was typical of more-rural respondents.

Another element in rural communities was that several voters in Qarabagh and Istalif mentioned holding a *loya jirga* ("grand council"), used in several historical instances to select the *shah* (king) and more recently to write the constitution in 2004. They described this as a method of gaining consensus and legitimising the new government. No voters actually stated that the *loya jirga* should replace the electoral process, but when it was unclear whether there would be a second round of voting, several people promoted the idea as an alternative to another vote, arguing that it could establish an interim government until more transparent elections could be held. It was also argued that such a transparent, open meeting would have been better than the closed-door negotiations between candidates, the IEC, and international figures that many respondents resented. Notably, however, no interviewee in more-urban Dasht-i Barchi, where respondents were more positive about new democratic processes, suggested using this alternative forum for the establishment of a government.

Elections and Legitimacy

"Legitimacy" has often been discussed in the Afghan and international press in the context of these elections, but these discussions often include blanket-statements about Afghan voter opinion that miss some of the nuance found in respondents' descriptions of their perceptions of government. As many interviewees pointed out, legitimacy for most voters is about having trust in the government and the satisfaction of certain expectations. The legitimacy of the elections were not as damaged by accusations of fraud as some have concluded because legitimacy for many Afghans is more about outcomes than processes, and the legitimacy of Karzai's new government is based more on what he will now deliver than how he came into office. It was uncommon for interviewees to use the formal Dari word for legitimacy, *mashroyat*, in their criticisms of the government or the elections. Instead, a much more used phrase was *baa atebaar*, "with trust." Those critical of the election process often said they had "lost trust" in Karzai and his government.

Other respondents said that international expectations for a free and transparent election in an unstable country with a population that has limited experience of elections were unrealistic. From the start of the process, Afghan observers generally had much lower expectations than the international community. As one community leader said, "I accept that there has been fraud and people's votes were not respected and candidates were disgraced, but still this situation and the government is much better than the past governments we have experienced in this country." Another man added, "Thirty years of destruction cannot be reconstructed in eight years," a sentiment typical of Karzai supporters.

Across interviews, legitimacy was perceived to derive mostly from the meeting of voter expectations. Those with higher expectations and those who thought Abdullah and his supporters should ultimately have been given a firmer place in the government tended to state that they had lost trust in the government and elections more generally over the past several months. For most voters, however, the greatest concern was security, and they tended to voice support for any government that could provide it, regardless of the flaws in the democratic process. As a teacher at Kabul University said, "Ordinary people do not consider matters of legitimacy and whether the election process is transparent; the things that are most important for them are peace, security and jobs." Another man believed, "Democracy is second to the needs of the people. First there should be security and an improvement of people's economic situation, then democracy can be practiced."

Keeping in mind that respondents rarely held a simple concept of legitimacy, voters did focus their criticisms on several groups and individuals: Karzai, his government, and runner-up Abdullah; the concepts of "elections" and "democracy"; and the international community.

Has the Karzai Government been "Delegitimised?"

While supporters of Abdullah, in particular, were highly critical of Karzai's role in election day fraud, few could agree on exactly what Karzai's role in it had been. Some directly blamed Karzai, but it was more common for respondents to mention a series of actors who were responsible for the flawed political process, from overzealous supporters who acted without the direct command of the president to international actors who were said to have had "their hand" on the entire process.

Karzai's reputation in the communities studied seems to have been much less damaged by the flawed election process than much of the current debate in the international community suggests. With the exception of some Tajiks who originally voted for Karzai but later moved to Abdullah, in general there seemed to be little real movement in opinions about Karzai or his government as a direct result of the election process. Most people originally supporting Karzai maintained their positive opinion of him and those initially opposed to him used the electoral fraud only as further evidence of the problems of his administration.

Much of the criticism was instead directed at Karzai's political allies. As one voter in Qarabagh stated, "His brother is the leader of all smugglers and his first assistant is the leader of the mafia in Afghanistan." Another added, "A group of traitors, smugglers, mafia and robbers are leading Afghanistan and now the destiny of the country is in their hands." Karzai was also criticised for his relationship with the international community, particularly for not responding more strongly to issues such as civilian casualties and for some of his criticisms of conservative religious leaders, which many believe is done at the behest of the international community: "If Karzai follows his previous strategy of not bringing foreign soldiers to justice for killing innocent Afghans and calling legitimate religious scholars Al Qaeda, his government will weaken."

Others, particularly in Dasht-i Barchi, maintained a positive opinion of Karzai and his government. He was particularly praised for bringing some degree of stability and economic growth to the country, and for preventing ethnic conflict. As one man stated, "Most people voted for Karzai because he is the symbol of unification among the ethnicities of Afghanistan...he is the only person who can bring peace and security in Afghanistan because he is in touch with all the ethnicities."

Other candidates similarly were not seriously damaged by public perceptions of the flawed electoral process. In particular, Abdullah received praise from supporters for withdrawing from a fraudulent process. They pointed out that the Electoral Complaints Commission (ECC) reported significantly more fraud from those votes cast for Karzai than for him. Even some voters opposing Abdullah had words of praise for him for stepping down and allowing the country to forgo the economic and human cost of a second round of voting.

Finally, since legitimacy is so tied to meeting expectations, the selection of cabinet members is an important next step in the political process. Voters in Dasht-i Barchi, who are fairly satisfied with the current situation, may not remain so if Hazara are not given the cabinet posts that they believe they deserve for supporting Karzai during the election. Similarly, discontent among Abdullah supporters may increase if they feel that Tajiks are particularly marginalised in the new administration.

Have Elections in Afghanistan been "Delegitimised?"

The complications following the August vote generated a high amount of discussion about elections and democracy in Afghanistan. While in the weeks after voting some respondents claimed that they had become *khasta* (tired) of discussing such issues, most had clearly reflected on what the elections meant for governance in Afghanistan. Understandings of democracy vary in Afghanistan, and in many cases the concept is associated with the perceived immorality of the West, but in general most considered elections a vital aspect of governance in Afghanistan.[3]

3 For more on Afghan perceptions of democratisation, see Larson, *Toward an Afghan Democracy*.

Particularly among those who were most critical of the current government, there were respondents who said the entire process was a waste of money and energy. One man claimed that he was not planning on voting, and only at the last minute changed his mind, went to the station, and "decided to vote for the candidate who was less incompetent than the others." Even some of those who supported the process thought that elections should not take place often because they were potentially so destabilising. Some argued that having a parliamentary election in 2010 was an unnecessary cost and that parliamentary, presidential, and provincial council elections should be held at the same time.

Among Hazara respondents, however, there was a common sentiment that the group had made significant economic and political gains under the Karzai regime and that this was partially due to the new democratic system. As a result, they often had a much more positive outlook on the entire process. As one student said, "Now it is the people who are participating in the government and giving it legitimacy...People in Dasht-i Barchi participated in the last election very actively because these people thought that they could restore their lost identity through political participation. They were oppressed by past governments and deprived of their rights for a long time."

While there were still positive opinions about elections as a means of establishing a representative government, the prevailing opinion was that the elections had been tainted by outside forces. Several respondents, rural and urban, educated and uneducated, voiced sophisticated opinions about the legality of the process, and there was evidence that many voters watched the media coverage with great interest. It was common to point to the IEC as distorting the process, with one man stating, "I do not agree with the IEC decision because the president of Afghanistan should be selected by the election, not by a single body like the IEC." Others felt that other government bodies should have been more involved: "Karzai and his supporters should be judged by the Supreme Court of Afghanistan because Karzai and his followers have played with the votes and the destinies of the Afghan people." The most serious concerns were that Afghanistan was potentially moving away from democracy, with several references to the former monarchy. Said one respondent, "The IEC has buried democracy in Afghanistan and it has brought the monarchy back by ignoring the will of the Afghan people."

Despite some of these criticisms, it is important to note that most respondents said they would participate in the parliamentary elections of 2010. In fact, many stated that people would be "eager" for these next elections and that they would be very "active." Much of this is due to the perceived importance of parliamentary positions for local communities to access government funds. There is also a sense that parliamentary elections are important political arenas in which local concerns can be addressed and where local actors can demonstrate their strength by mobilising significant numbers of voters. Across interviews, respondents were clear that while there were concerns with the way that the elections had been conducted, they were still one of the most direct avenues for participating in and influencing the government.[4]

The International Community: The Real Culprits?

While opinions were mixed on the role of figures like Karzai and Abdullah, and institutions such as the IEC, there was almost uniform condemnation of the role of the international community, both on election day and in the period following. Alarmingly, almost every

4 For more on this issue see Coburn and Larson, *Voting Together*.

respondent interviewed after the IEC's announcement of a planned second round vote mentioned the role of the international community in manipulating the electoral process (the decision was widely reported as made under international pressure). The perceived interference shaped many of the negative opinions about the election in general. One voter stated, "I personally know that my vote is useless. Even though I did vote, I am sure that whatever happens is the decision of the foreigners."

This paper has thus far been using the term "international community" as if it were an uncomplicated bloc, but this very much reflects the way that most respondents described the amalgam of international military forces, diplomats, nongovernmental organisations and private companies that currently comprise the international presence in Afghanistan. Most respondents simply referred to these groups as *harajis*—"foreigners" or "outsiders." Occasionally, or when asked to clarify, respondents in particular mentioned the United States, the United Nations, "the 38 countries" in Afghanistan, or simply "foreign agents." Interestingly, there was a shift here in responses before and after the election. In most of the instances when the influence of *harajis* was mentioned before the vote, respondents referred to the interference of Pakistan, and occasionally Iran, in Afghan domestic politics. However, when *harajis* were mentioned toward the conclusion of the election process, respondents almost always mentioned the United States, with some mentioning the UN, Britain and France as well.

While almost all respondents were convinced of the international community's nefarious involvement in the elections, there was no coherent narrative of how they had done so. Accusations ranged from pressure by international figures, such as Senator John Kerry, to much more direct involvement in fraud, such as international workers actually stuffing ballot boxes themselves. The theories about international community involvement often contradicted each other. For example, some argued that the international community did not want Abdullah to win because "he is not suitable for foreigners because he is a *jihadi* and not as powerful as Karzai." Others, however, accused Abdullah of being an "agent" of the West. Similarly, many thought that the international community wanted Karzai to win from the beginning, while other respondents pointed to accusations of fraud as attempts by the international community to weaken him.

When asked about fraud and corruption in general, many respondents mentioned the fact that both Afghans and internationals were guilty of corrupting the election process, but many saw the Afghan actors as working for foreign governments. One man described some of the corruption in his area: "One candidate paid 700,000 Afs to one of the IEC staff and as a result won the election...most of the fraud, however, was done by agents of the West in order to defame the name of Afghanistan. The fraud was not committed by the candidates themselves."

International actors were particularly perceived as manipulating the political process in the period after the August vote. Respondents emphasised the fact that the IEC and, even more so, the ECC, were controlled by the international community. One voter stated, "I think the second round of the election will not be held because the international community does not want this to happen and they will select someone else without holding an election." In general, the decision to have a second round was said to have been dictated by the international community. In some cases respondents even saw the eventual declaration of Karzai's victory as a welcome act of defiance against the international community. "People were satisfied with the first round of voting, but foreigners wanted there to be a second round, but now people are happy that the second round has been stopped," said one man.

Some may be tempted to dismiss Afghan concerns about the role of the international community in the elections simply as a general mistrust of outsiders, but there are several important sources for this resentment that came out in interviews, and it should be remembered that the criticisms grew perceptibly more intense over the three months that interviews were conducted. Criticism of the international community's involvement in the election is tied to wider concerns about the role of the international community in Afghanistan. The issue of civilian casualties came up repeatedly in interviews, as did perceived illegal searches and arrests of Afghans by the international military. In many of these statements the elections were only one aspect of a grander plan that the international community has for Afghanistan. One respondent stated, "Foreigners are doing much economic investment in Afghanistan, so now they want to run the government as well." In fact, much as the criticism of Karzai was directly related to his inability to control the international military in Afghanistan. One man in Istalif, who was a Karzai supporter, said, "Karzai must bring to justice the foreign soldiers who are killing innocent people in the western parts of the country. If he does not, the number of people who support the government will decrease and Karzai's government will weaken." In other cases, much of the language describing leaders as "agents of the west" demonstrates the significant distrust Afghans have of their own leaders and the extent to which many feel that powerful figures are only trying to protect their own interests. In other responses, however, it was clear that accusations of fraud against the international community essentially deflected blame from any Afghan actors involved.

Across interviews, respondents had very little positive to say about the role of the international community. One respondent did commend the European Union for helping highlight fraud early in the process, while another mentioned that he had heard that UN Special Representative to Afghanistan Kai Eide's assistant had been helpful in the process (though he could not remember Peter Galbraith's name). While qualitative interviews are not ideal for measuring slight changes in public opinion, interviews post-election did seem notably more hostile to the international presence than those beforehand. While respondents tended to at least commend the international community for development projects in earlier interviews, post-election it was more common to hear comments such as the claim that the international community starts projects and "takes the invested money back to their countries...they are very sharp and clever."

Outcome as Opposed to Process

Across the interviews conducted there was also a sense that voters had separated in their minds the outcome of the elections (i.e., Karzai as the leader of the country) and the process of the elections. Many voters continued to be upset with some of the events during the election process and the perceived inappropriate influence of both Afghan and international actors, but the vast majority were satisfied with the outcome of the election. Multiple interviewees referred to the coalition government of Berhanuddin Rabbani in 1992, which was unable to unite the country, and which they described the key trigger of the civil war. During the period between the initial vote and the eventual declaration of Karzai's victory by the IEC, there were rumours that such a government might be formed and this caused significant anxiety for many of the respondents. Ultimately, many were happy with the outcome of the election because stability was preserved through a united non-coalition government. They were not disappointed that the elections were flawed because few expected them to be transparent and effective.

At the same time, voters, regardless of their education level, had numerous ideas about how the electoral process could be improved and were generally well-informed about

it. This is probably due in part to the fact that the furthest communities studied were only 90 minutes from Kabul city. More important, however, was the role of the media. While some respondents critiqued the role of the media in certain cases, most had used media sources to gather a significant amount of information about the election process. As a result of the conversations taking place at the local level about the elections, many respondents made suggestions about how the IEC could be reconfigured, the international community given less influence, and the electoral process made more effective.

The Road from Here?

One of the points taken from respondents in the study areas is that Afghan voters support the idea of a representative government selected through an electoral process. The major concerns revolve around how these elections were corrupted by Afghan and, more importantly, international actors. Most respondents felt that voter turnout would be high for the parliamentary elections in 2010 and very few said that they were less likely to participate due to the problems of 2009. The fact that local concerns will be brought to the fore in these parliamentary elections (which are conducted by province and are therefore very local in nature) will provide a democratic arena in which most respondents are eager to participate.[5]

Despite voicing a desire for a more transparent electoral process, most Afghans continue to have more basic concerns, particularly security and the stability of the government. Perhaps for this reason then, it was clear that while there were criticisms about the actions of Karzai and his allies during the election, and more general concerns about the failure of the government to provide basic services, respondents—even those supporting other candidates—still favoured a strong, united government led by Karzai over a weaker coalition government. Additionally, it is important to note that in almost every criticism of the Karzai government, there was a linked concern about how the international community was manipulating that government. Typically, respondents pointed out that the Karzai government was weak and ineffective because the American government wanted it to be weak and ineffective. Issues such as civilian causalities feed into a deep suspicion of and growing hostility toward the international community in Afghanistan.

If the international community wants Afghan voters to continue to support their presence in the country, and particularly their involvement in Afghanistan's electoral process, several changes need to be made. In the formation of a new administration and in preparation for the parliamentary elections of 2010, there are several concrete steps that can be taken to make elections part of a process that supports a more democratic and transparent government:

- Steps need to be taken to make the IEC and ECC more independent. Given the constitutional and electoral laws that govern the IEC, altering this body will be difficult, but bringing in Afghans who are considered to have fewer ties to the international community and to President Karzai could be a major step. This means giving Afghans a more public role in the electoral process, restricting the way the IEC currently appears to function and limiting interactions between the international community and the IEC that appear to shape their decisions. (For example, the fact that the IEC issued results in waves was thought to be done to limit unrest among Abdullah supporters and demonstrated the highly political nature of the commission to most Afghan observers.)

5 This builds on conclusions from Coburn and Larson, *Voting Together*.

- The international community should also rethink some of its approaches to diplomacy in Afghanistan and the way that they voice concerns over democratisation in the country. The very public nature of some of the pressure that international leaders applied to Karzai during the recent electoral process and their criticisms of him in the days after he was declared president were in many ways counterproductive. For many Afghans, it proved that the international community is politically manipulating much of the democratic process and allowed the current government to use this suspicion to avoid acting in a more accountable manner. The Karzai government has managed to deflect much of the criticism of it by claiming that the international community is truly at fault, and interviews demonstrated that many Afghan voters are convinced by these arguments.
- Since perceptions of the electoral process are so closely tied to the government formed from it, it is important to note that for many Afghans this election cycle will not be over until a new cabinet and governors are announced by Karzai and confirmed by parliament. Many voters who are currently satisfied with the outcome of the election may become less satisfied if their community's leaders are not appointed to powerful positions as they expect. Furthermore, if some of the most notorious figures that continue to influence Afghan politics are again given important positions it will only further demonstrate to Afghans the weakness of rule of law in the country and the ways in which the democratic process has been corrupted.
- Accusations of corruption and fraud from the 2009 presidential and provincial council elections need to be investigated thoroughly. Some members of the international community are already attempting to move on from these results, but if those guilty of serious fraud go unpunished there will be little to ensure that future elections are less corrupt, and indeed they may be more so. While most Afghans did not expect these elections to be free from fraud, the continued impunity of many actors threatens the long-term viability of the electoral processes in Afghanistan.
- Finally, the international community should provide significant technical and logistical support in the period leading up to the parliamentary elections of 2010 to ensure they are as transparent as possible. This will be difficult because such support needs to demonstrate that the international community is assisting a fair election process and not simply promoting certain pro-Western candidates. Evidence suggests that Afghan voters will be highly engaged in the next round of voting due to the very local nature of parliamentary politics. If corruption and fraud are again significant in 2010 and the international community appears to have been involved in the manipulation, it will only solidify the opinion that rule in Afghanistan is based upon their will.

The irony of the situation is that while many international observers worry that the democratic process and the government in Afghanistan have lost legitimacy, in the eyes of many Afghans it is the international community that has lost legitimacy. Some American officials have begun publicly worrying that Karzai is not a "willing partner," but, as many interviews demonstrated, there is evidence that the Afghan public is becoming an increasingly unwilling partner itself. Many of those interviewed described the elections of 2009 as a pivotal point in Afghan history. It remains to be seen, but these elections could be remembered as an important early step in the democratisation process, or the moment when public opinion turned against the international presence in Afghanistan.