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Legislature and Legislative Elections in Afghanistan: An Analysis

By A. Farid Tookhy



An Afghan woman shows her inked finger after casting her vote at a polling station during the parliamentary elections in Kabul on October 20, 2018. (Photo by Rahmat Gul/AP)

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Summary

- Afghan legislative elections in 2005, 2010, and 2018 have each fallen short of producing a legislature that adequately represents the country's population.
- Electoral fraud, low voter participation, elected candidates' tiny vote shares, and imbalance in representation between major urban centers and rural areas raise serious questions about the representativeness of the Wolesi Jirga.
- A significant factor in the lack of representativeness of the Wolesi Jirga is the country's use of the single nontransferable vote (SNTV) system to conduct its elections.
- The SNTV system, quota provisions for female candidates, and the large number of contesting candidates all contribute to a dynamic in which winning candidates collectively received less than 50 percent of the vote in most provinces in the 2018 elections.
- At the individual candidate level, winning candidates rarely received more than 10 percent of the total vote in 2018, and won their races by razor-thin margins.
- In addition to creating a secure environment in which to conduct elections, Afghanistan needs to adopt an electoral system that converts votes into seats more efficiently and encourages the meaningful participation of political parties in national elections.



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**DEMOCRACY &
GOVERNANCE**

ABOUT THE REPORT

Based on a quantitative analysis of voting data from Afghanistan's parliamentary elections in 2005, 2010, and 2018, this report offers a comparative profile of who has won parliamentary seats in the lower house of the Afghan National Assembly and highlights questions regarding the fairness of representation in that body. The research was supported by the Asia Center at the United States Institute of Peace.

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Afghan men line up outside a polling station during the October 20, 2018 parliamentary elections in Helmand Province.
(Photo by Abdul Khaliq/AP)

Introduction

Afghanistan's third legislative elections since 2001 were held in October 2018 after a delay of more than three years, the first having been in 2005 and the second in 2010.¹ The new Wolesi Jirga—the lower house of the Afghan National Assembly—boasts a younger and more educated membership, but serious questions can be raised about its representativeness.² Voter turnout was low, elected candidates received only tiny shares of the vote, and smaller towns and rural areas were left underrepresented. Political parties continue to remain on the margins of the legislature and legislative elections, and incumbency rates—the percentage of legislators re-elected—have not shifted markedly since 2010 and continue to be low. Female representation in the legislature remains at about 28 percent—yet even this accomplishment is largely due to the number of legislative seats reserved for women under Afghanistan's constitution.

To be sure, the poor quality of Afghanistan's three legislative elections would invite serious questions about the representativeness of the Wolesi Jirga, but the focus of this study is not on election quality per se. It is instead to shed light on the representativeness of the Wolesi Jirga on the basis of another set of metrics—election outcomes. These metrics include voter turnout, vote shares of elected members of parliament (MP), geographic distribution of representation, ethnic representation, and representation of political parties and women in the legislature. The report also compares the three classes of MPs in terms of incumbency rate, age, educational credentials, and social and occupational backgrounds to identify temporal shifts, if any, in these facets of representation.

Weaved into the narrative is a brief analysis of factors influencing the representativeness of the Afghan legislature. Broadly speaking, these factors fall into two categories. One set—such as security, logistical, and administrative challenges—is external to the electoral process; the other is internal. The focus here is on the internal challenges, especially on the crucial role of the electoral system in producing outcomes. These are analytical categories, however, and in reality it is not possible to entirely separate the roles of external and internal factors. The lack of security, in particular, contributes to the weaknesses of a host of internal factors—for example, by discouraging voter turnout. Last, the report focuses on the implications the composition and character of the Wolesi Jirga have for executive-legislative relations and the functioning of Afghanistan’s presidential system of rule.

Representation

Representation lies at the core of electoral democracy—by taking part in elections, citizens choose their representatives for elected institutions, delegating to them the authority to make decisions on their behalf. A major yardstick for assessing any elected institution is the extent to which it reasonably represents various demographic and political groups in a society. Low voter turnout, tiny shares of votes in a constituency, and an imbalance in representation between urban and rural areas raise serious questions about the representativeness of Afghanistan’s Wolesi Jirga.

Electoral fraud also raises concerns about the extent to which Afghan polls can be said to have yielded representative legislatures.³ The integrity of the 2005 and 2010 elections was seriously compromised by fraud, in part attributable to the lack of voter registries. Given that Afghanistan has never had a full census or a reliable, up-to-date civil registry, election officials relied on a registration exercise initially carried out before the 2004 presidential polls and followed by supplemental registration drives in the lead-up to succeeding elections. These registration exercises were beset by fraud that included overregistration, proxy registration (for example, individuals purporting to register on behalf of family members or a network of supporters), and the sale of blank voter cards. From the outset, the number of issued registration cards exceeded the total estimated voting age population, by about five million in 2010.⁴ Fraud during registration obviously translated into fraud on election day—including multiple voting, proxy voting, and ballot stuffing on a massive scale.

A fresh voter registration exercise—aimed at creating a single reliable voter registry that would tie voters to specific polling centers—and the introduction of biometric fraud controls might have reduced the scale of fraud in the 2018 elections. Even these measures, however, failed to inject enough integrity into the electoral process.⁵ The question thus remains on the extent to which the electoral process might have succeeded in producing a legislature that genuinely reflects the Afghan people’s will.

The objective of this study is to shed light on the representativeness of the Afghan legislature by examining election outcomes and the profiles of elected MPs. A preface to the empirical analysis is a brief examination of the electoral system used in Afghanistan’s legislative elections, which has arguably played a significant role in producing the anomalous electoral outcomes described in this report.

A woman casts her vote during parliamentary elections in Kandahar on October 20, 2018. (Photo by AP)

ELECTORAL SYSTEM

Afghanistan uses the single non-transferable vote (SNTV) system for its legislative elections.⁶ In this system, each voter casts a single vote for an individual candidate in one of thirty-five multimember electoral constituencies—thirty-four provinces plus a nationwide constituency for the nomadic communities of the country, the *kuchis*. The highest vote-getters in each constituency win the seats allocated to that constituency, regardless of their actual vote totals or their percentage of the overall vote. An exception to this general rule is that female candidates can and have actually won seats with fewer votes than their male counterparts as a result of stipulations in Article 83 of the constitution that require one or more seats in each constituency (for a total of at least sixty-eight seats nationwide) to be set aside for female candidates.

Since it was adopted in 2004, the SNTV system has been the subject of much criticism by scholars and election practitioners alike.⁷ Even though it benefits independent candidates and is relatively easy to understand and operationalize, experts have rightly argued that the system's downsides far outweigh its putative advantages. The SNTV performs poorly in translating votes into seats, for example, leaving major segments of the voting population without representation. This is especially the case when a large number of candidates compete for the available seats in a constituency. The results are threefold: vote dispersion, in which votes are spread thinly across all candidates; a "lottery effect," in which a small number of votes separate elected and nonelected candidates; and a large number of "wasted votes" cast for nonelected candidates.⁸

A second major flaw is that the system impedes effective participation of political parties in the elections. To perform effectively under the SNTV system, parties need to field an optimal number of candidates in each constituency because nominating too few or too many harms the party's chances to win as many seats as possible. Parties also need to be able to educate their supporters to spread their votes among party candidates evenly to secure the maximum number of seats for the party. These conditions, however, are extremely difficult to meet, especially in the context of Afghanistan, where parties have little experience in elections and are beset by poor organization and weak discipline.

Thus, in a sociopolitical climate already marked by extreme fragmentation, the SNTV has encouraged further political individualism. The weakness of the Afghan political parties has



TABLE 1. COMPARATIVE STATISTICS FOR LEGISLATIVE ELECTIONS

	2005	2010	2018
Registered voters	12,500,000	9,200,000	8,663,531
Turnout (total votes cast)	6,400,000	4,216,594	3,660,529
Valid votes cast	5,882,867	4,030,227	3,296,643
Number of candidates	2,775	2,583	2,566
Number of female candidates	335	401	415
Sum of votes won by elected MPs	2,093,216	1,533,618	1,238,682
Ratio of elected candidates' votes to all valid votes	35.6%	38%	37.6%
Elected candidates' average number of votes	8,406	6,159	5,183
Lowest number of seat-winning votes	751	251	484
Highest number of votes	52,686	26,491	21,738
Lowest percentage of seat-winning votes	0.41%	0.25%	0.2%
Highest percentage of votes	35.27%	59.4%	36%

Sources: Registered voters 2005 (Joint Electoral Management Body Secretariat [JEMBS], "Background Briefing: Wolesi Jirga and Provincial Council Elections 2005"), 2010 (IPU PARLINE Database), 2018 (Afghanistan Election Data [AED], "2018 Wolesi Jirga Elections"); Turnout 2005 (JEMBS, "Final Report: National Assembly and Provincial Council Elections 2005"), 2010 (Independent Election Commission of Afghanistan [IEC], "Afghanistan 2010 Wolesi Jirga Turnout Summary"), 2018 (IEC, "2018 Wolesi Jirga Elections"); Valid votes 2005 (AED, "2005 Wolesi Jirga Elections"), 2010 (IEC, "Afghanistan 2010 Wolesi Jirga Turnout Summary"), 2018 (IEC, "2018 Wolesi Jirga Elections"); Number of candidates and female candidates in 2005 (JEMBS, "Background Briefing").

led many individuals, including some senior party members, to conclude—correctly—that they benefit very little from running under a party label. Many candidates, even those with allegiance to political parties, have therefore decided to run as independents. This, coupled with the politicization of Afghan society and the limited avenues otherwise available for social and political participation, has induced many to try their luck in parliamentary elections, especially in larger constituencies, where more seats are up for grabs, resulting—in the past three elections—in a lottery effect and a high volume of wasted votes.

Extreme vote dispersion, largely a by-product of the SNTV, has significant implications for the representativeness of Afghanistan's main legislative body. Clearly, the electoral process, given its dampening effect on organized political competition, does not offer much space for articulating, aggregating, and effectively representing social and political interests. Indeed, despite formally representing the entire province, many elected MPs owe their seats to a narrow and politically ill-defined base. The problem is a critical one.

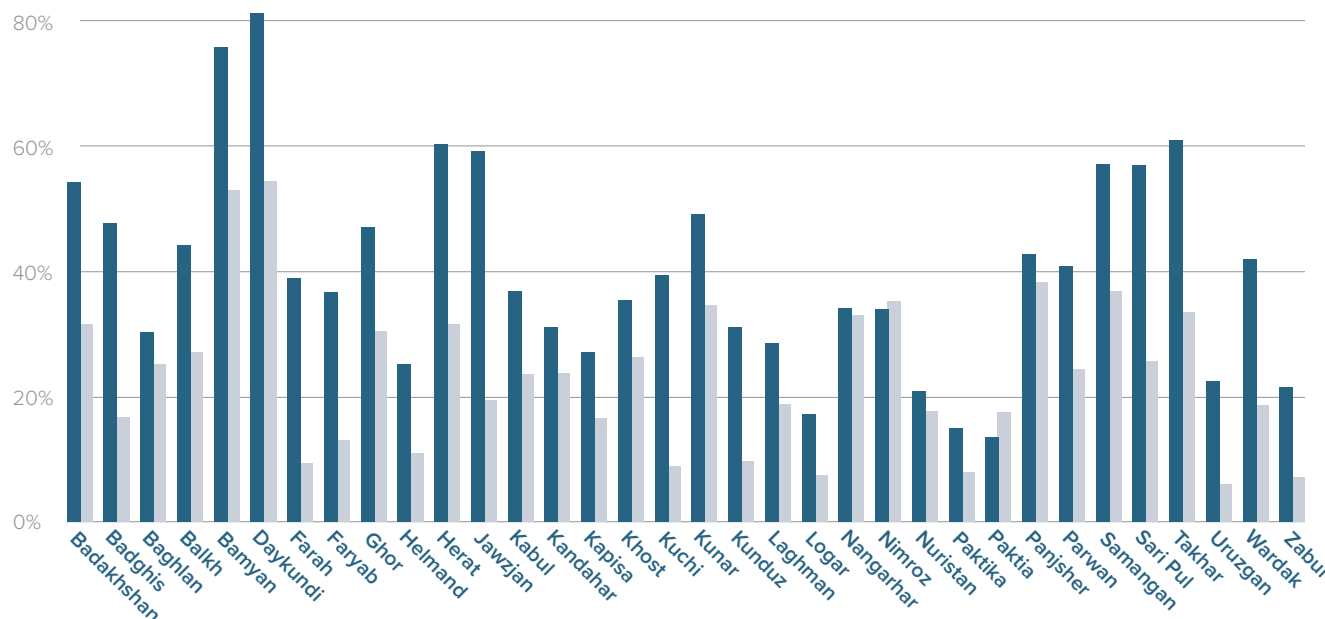
VOTER TURNOUT

Although turnout figures pertaining to Afghan elections—whether expressed in percentages or absolute numbers—are hardly reliable, a declining trend in the number of people participating in the elections is indisputable. Given the massive fraud characterizing both the registration and voting phases of the 2005 and 2010 polls, it is impossible to know the number of either registered or actual voters with any confidence.⁹

FIGURE 1.

Voter Turnout by Province, 2018

■ As a percentage of registration ■ As a percentage of population



Similar issues plagued the 2018 elections, though probably to a lesser extent given the attempt to create a new, clean, reliable voter list associating voters with specific polling centers and the introduction of biometric fraud controls.¹⁰ The number of valid votes cast in the past three legislative elections reveal an obvious significant declining trend (see table 1). The decrease in the number of votes in each successive elections might be attributed to the inflated figures of the 2005 polls, or to the introduction of more stringent measures to separate valid from invalid votes in subsequent elections—in particular the 2018 elections. However, because between 2005 and 2018 the estimated voting age population increased by about 50 percent—roughly five million—the steep decline in the number of valid votes in the 2018 elections is surprising and indicates extremely low turnout.

Constituency-level turnout rates indicate that in a significant number of provinces participation in the 2018 elections was extremely low. For example, of the thirty-four constituencies—no elections were held in Ghazni Province—only eight registered turnout of more than 50 percent, and only two of those recorded turnout above 70 percent.¹¹ In eleven provinces, turnout was under 30 percent, while in Paktika, Paktia, and Logar fewer than 20 percent of the registered voters cast valid votes.

The actual participation rate in the 2018 elections was far lower than that suggested by the official turnout rate of 42 percent. For the year 2018–19 (the solar year 1397 in Afghanistan's calendar), Afghanistan's National Information and Statistics Authority estimated the country's population at 31.6 million.¹² Assuming that half of that population met the minimum voting age of eighteen, it is apparent that just under 25 percent of eligible voters actually went to the polls in October 2018. In Kabul Province—the country's largest electoral constituency—about 36 percent did. However, given the

province's estimated population of just under 4.9 million, only one in four eligible voters actually participated in its elections.¹³ In an overwhelming number of constituencies, participation rates were extremely low (see figure 1). Clearly, such rates undermine the representativeness of the legislature.

Several factors accounted for such low levels of participation. A major issue, especially in rural and outlying areas, was lack of security and Taliban threats against the elections, which made a significant number of localities wholly or partially inaccessible to the electoral process. Logistical challenges and inadequate electoral administration might have also played a role, given that in some areas people who had turned up at their polling center left because either the center was closed or did not have polling materials. However, a major factor appears to have been popular disillusionment with the elections and elected institutions. This is why, even in relatively secure urban areas, participation was so low in 2018.

VOTE SHARES

Elected MP's tiny shares—both collectively and individually—of the votes cast in their respective constituencies compound the problems arising from low turnout. Collectively, elected candidates have never won more than 38 percent of the votes cast in the legislative elections nationwide (see table 1). In each of the last three elections, an absolute majority of the total votes were cast for nonelected candidates: in 2005, 2010, and 2018, winning Wolesi Jirga candidates accounted, respectively, for 35.6, 38, and 37.6 percent of the total valid votes cast in the elections. In other words, each time, more than 60 percent of the votes were cast for *losing* candidates, a clear subversion of the representativeness of an elected institution.¹⁴ Of course, as noted, the SNTV is directly responsible for such huge volumes of wasted votes because it encourages a large number of candidates to stand for elections, which translates into extreme vote dispersion.

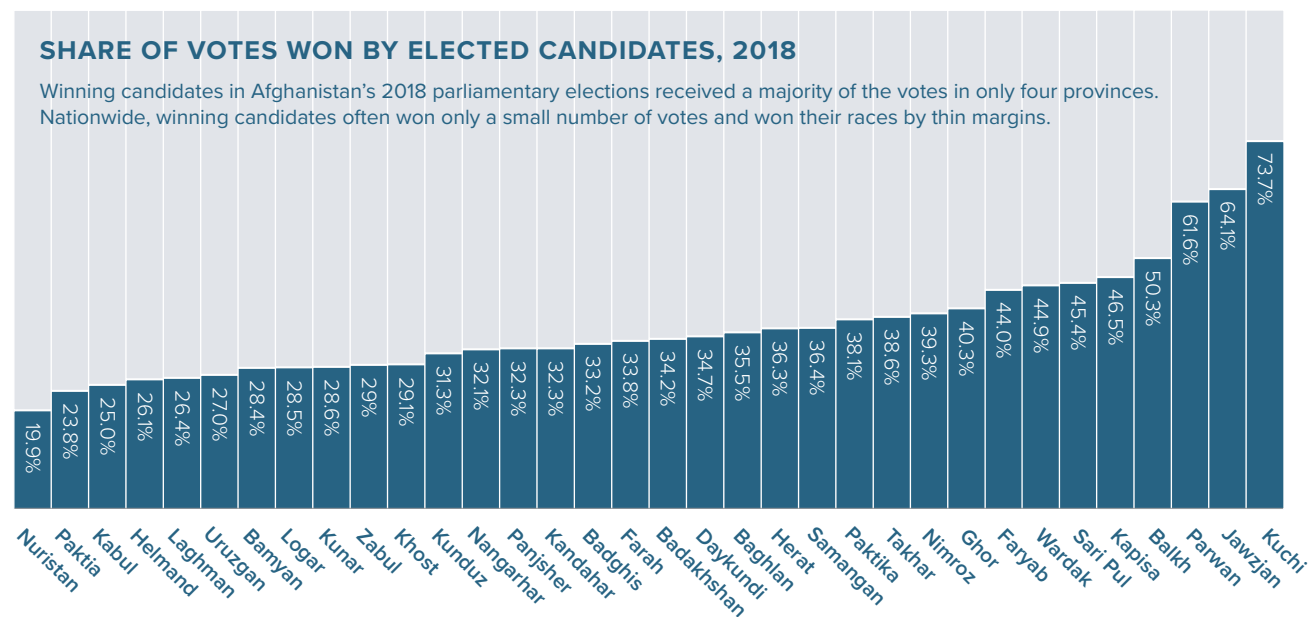
In the 2018 elections, elected candidates collectively won a larger share of the total votes than nonelected ones in only four constituencies—Kuchi, Jawzjan, Parwan, and Balkh (see the top panel in figure 2). In the remaining thirty, a majority of the votes were cast for nonelected candidates. In eleven constituencies, elected candidates collectively secured less than 30 percent of the total votes cast in their constituencies; and in twenty-five, the figure was less than 40 percent. In Kabul, the largest electoral constituency and where the most candidates ran for office, 75 percent of the votes were for nonelected candidates. The province of Nuristan and the Kuchi constituency registered the lowest and highest share of votes for elected candidates at 20 and 74 percent, respectively.

Declining turnout and the largely constant number of candidates contesting successive polls have resulted in candidates being elected into office with dwindling absolute vote numbers. In the 2005, 2010, and 2018 elections, elected candidates won on average 8,406, 6,159, and 5,183 votes, respectively. More than half of the MPs elected in 2018—125 of 239—secured fewer than five thousand votes. Fifty—about one in five Wolesi Jirga members—made it into the parliament with fewer than two thousand votes. Only twenty-one, less than 9 percent of the total, received more than ten thousand votes (see the bottom left panel in figure 2).

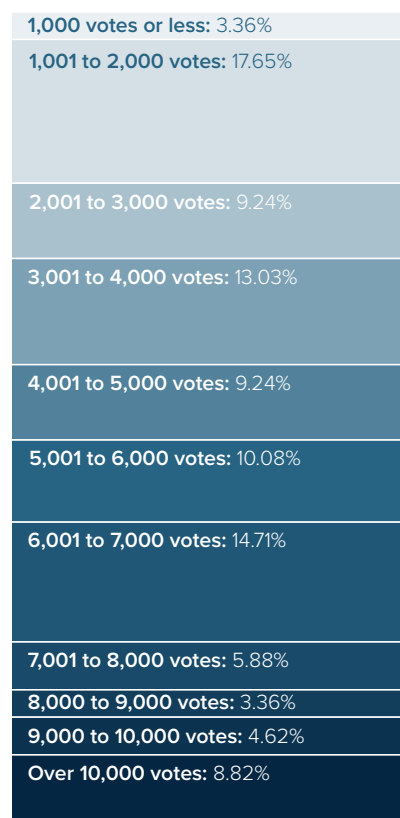
Similarly, elected candidates' share of valid votes cast in their respective constituencies has been abysmally low—yet another consequence of the SNTV system. In each of the three legislative elections since 2005, one in four victorious candidates won only 2 percent or less of all the votes in their constituency; six in ten elected MPs won 5 percent or less (see the bottom right panel in figure 2).

FIGURE 2.

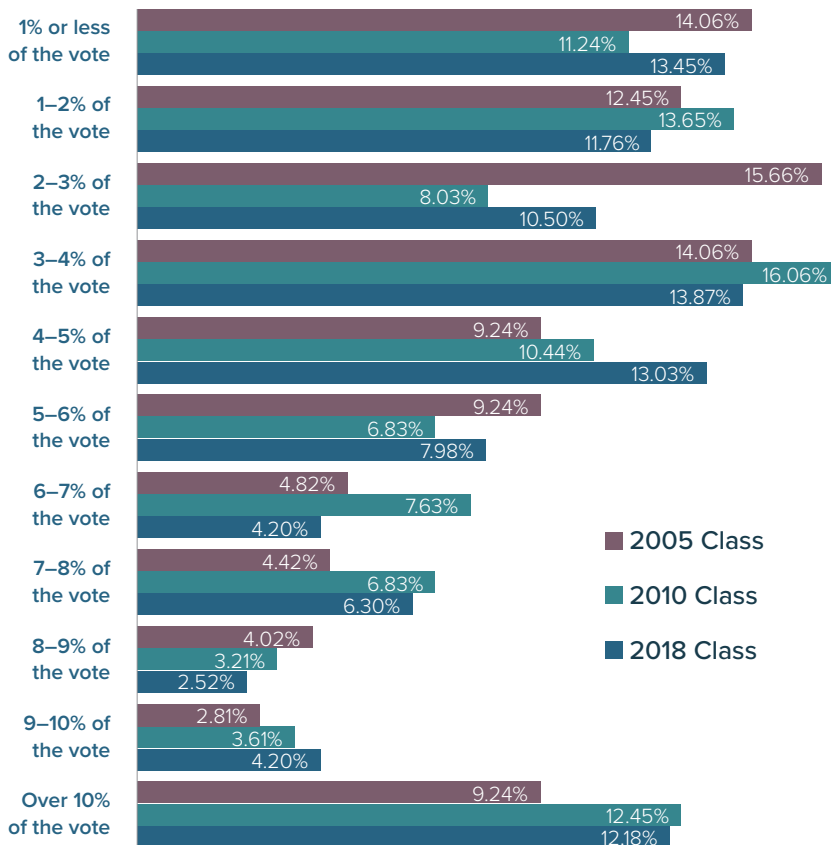
Vote Shares and Totals in the 2018 Legislative Elections



VOTE TOTALS FOR WINNING CANDIDATES



WINNING CANDIDATE VOTE PERCENTAGES



In the 2018 elections, for instance, more than 62 percent of the elected MPs made it into the lower house having won 5 percent or less. Only twenty-nine—about 12 percent—won more than 10 percent. Part of the reason for these tiny vote shares for winning candidates, as noted earlier, is that female candidates—who have generally polled small numbers of votes in their constituencies—are guaranteed a certain number of seats in each constituency. However, even if the female candidate vote shares are removed from these calculations, elected candidates' vote shares would still be quite small.

The problem of candidates' winning seats with small fractions of the votes has been especially acute in large constituencies such as Kabul. In the 2018 elections, 804 candidates competed for just thirty-three seats in the province, leading to extreme vote dispersion and candidates being elected into office with tiny fractions of the total vote. The top vote-getter in Kabul received only 2 percent of the vote; twenty-four of the thirty-three elected from the province secured 1 percent or less. Seven of Kabul's elected candidates—all female—registered the lowest vote shares among all elected candidates nationwide, winning only 0.2 percent of the valid votes in their constituency.

DISTRIBUTION

A third major factor affecting representativeness involves geographic distribution. Because no full census has ever been conducted in Afghanistan, seats have been allocated to provinces in proportion to estimates of their population figures, creating electoral constituencies that vary in size from two to thirty-three. This allocation dates to 2004 and has not been adjusted since. A quick examination of current population estimates reveals that for almost all constituencies, the share of Wolesi Jirga seats does correspond to the estimated share of population. The notable exception is Kabul Province, which accounts for about 15 percent of the population, though its share of seats stands at 13 percent. Kabul should be allocated four more seats to reflect its share of the national population.

The 2018 elections seem to have favored candidates of major urban centers over those from smaller towns and rural areas (see figure 3). About 70 percent of the 2018 elected MPs—166 of the 235 for whom data exists—cited a provincial center as their current place of residence. Around 45 percent—106 of 235—reported that they currently lived in one of Afghanistan's five major urban centers—Kabul, Herat, Mazar-i-Sharif, Jalalabad, or Kandahar. These cities, however, account for only 19 percent of the country's population.¹⁵ These figures clearly indicate that the 2018 elections have resulted in the overrepresentation of provincial centers and major cities, and underrepresentation of smaller towns and rural areas. This is despite the fact that only one in four Afghans live in urban areas.¹⁶

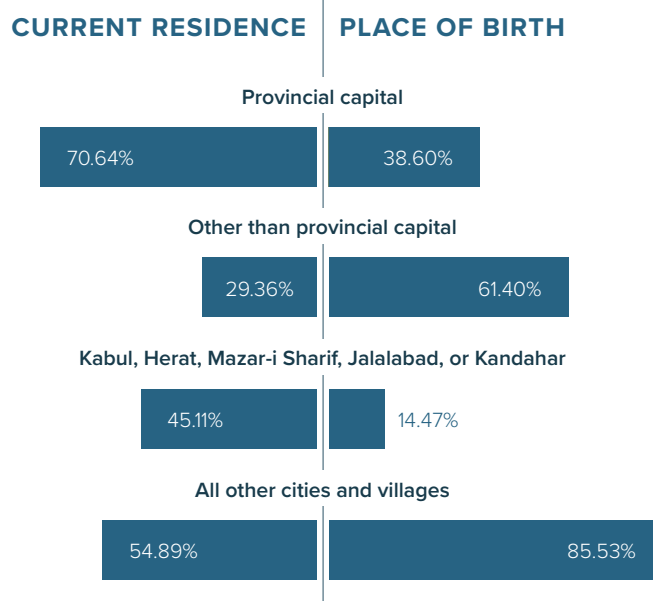
The imbalance between urban and rural population demonstrates yet another setback of the electoral system design. The use of SNTV in province-sized constituencies coupled with the marginal role of political parties in the elections leaves independent candidates competing for the legislative seats available in each province. This situation favors candidates of major urban centers over those of smaller towns and rural areas. Major cities are relatively more secure, have a higher population density, and are more accessible to the electoral process. For all these reasons, rural candidates are at a disadvantage when it comes to legislative elections.

This situation leaves significant portions of the rural population without representation in the national legislature, which has major political consequences. For rural communities, such

representation is critical because “being connected” to Kabul brings material and symbolic benefits to the entire community.¹⁷ Although formally representing the whole population of the province, MPs elected in province-sized constituencies are unlikely to provide such connectivity between local communities and the political center. Research has shown the prevalence of “localized understandings” of representation in Afghanistan, in the sense that elected MPs are considered as agents of the specific tribe, district, locality, or individual community from which they come rather than the whole province in which they were elected.¹⁸ Thus, in their

current format, legislative elections deprive both significant portions of the rural population and the state from a major medium of access to one another. This can have serious implications both for the state’s fulfillment of its governance functions and for its degree of perceived legitimacy.

FIGURE 3. WINNING CANDIDATES’ CURRENT RESIDENCE AND PLACE OF BIRTH, 2018



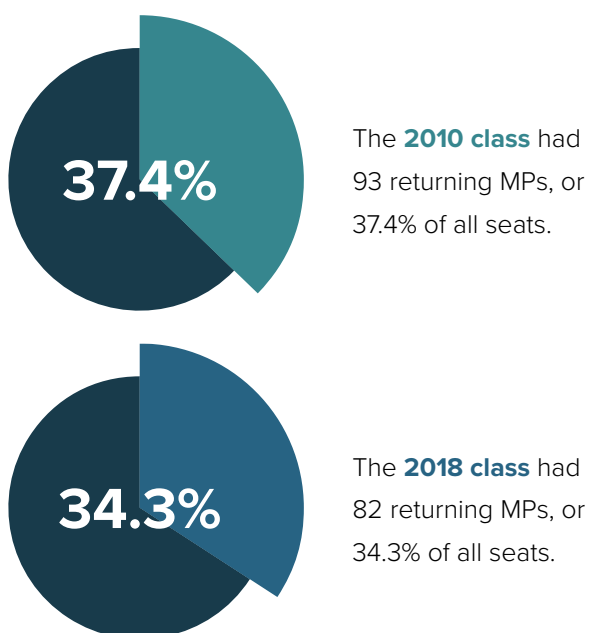
Incumbency

Incumbency rates were fairly low in both 2010 and 2018 elections, with non-incumbents winning around 63 and 66 percent of Wolesi Jirga seats, respectively (see figure 4). Only about 17 percent of the MPs elected in 2018 were also members of the 2005 class; and only about 15 percent of the 2005 MPs retained their seats in both 2010 and 2018 elections. Not all 2005 and 2010 MPs ran for reelection in the subsequent elections. From the 2005 class, 194 incumbents ran for reelection in 2010.¹⁹ Of the 2010 class, only 174 did so in 2018.²⁰

Incumbency rates also vary across constituencies, with some registering higher rates than the nationwide rate, and others lower. In the 2010 elections, in Badghis, Nimroz, and Nuristan, none of the winners were incumbents; in Farah, Paktia, and Wardak, only one in five were; and in Ghazni and Kandahar, three in eleven. On the other hand, some provinces registered high incumbency rates. In both Bamyan and Daykundi, three of the four elected MPs were incumbents; in Parwan, four of the six were. In Kabul Province, twelve of the thirty-three elected were incumbents—more than one in three.

In the 2018 elections, six provinces registered a zero incumbency rate: Badghis, Farah, Jawzjan, Logar, Nuristan, and Uruzgan. In Helmand, seven of the eight seat-winners were non-incumbents; in Kandahar, nine of eleven; and in Takhar, seven of nine. On the other hand, in Zabul all three incumbents were reelected. In Daykundi, as in 2010, three of four elected MPs were incumbents,

FIGURE 4. INCUMBENCY RATES, 2010 AND 2018



and in Parwan, as in 2010, four of six. Kabul also registered the same incumbency as in 2010, as twelve of thirty-three incumbents retained their seats.

These figures point to the absence of any significant incumbency advantage overall in Afghanistan's legislative elections. Low incumbency rates and related variations from one constituency to another might be due either to voter dissatisfaction with the incumbents or to the vagaries of the SNTV system—notably, its lottery effect. Which of these two factors has more causal influence over incumbency rates is difficult to establish with the existing data.

Regardless of causes, such low

rates, one would think, could disrupt the accumulation of lawmaking and political experience within the legislature, impairing its capacity as an effective institution. Given Afghanistan's strong presidentialism and the fragmentation of parliament, this is a particular area of concern.

Political Parties

The argument that the SNTV is not a party-friendly electoral system gets empirical support from an examination of the participation and performance of political parties in the past three legislative elections (see table 2). Party-affiliated candidates account for a small fraction of candidates standing for legislative elections in the country. Of all the candidates who stood for the past three legislative elections in Afghanistan, only 7.5 percent decided to run for office formally affiliated with a political party. Only 14 percent of candidates were party affiliated in the 2005 elections, and 7 percent in 2018. In the 2010 elections, of 2,583 candidates, only thirty-two—or 1 percent of all candidates—were formally affiliated with a political party on the ballot.

The number of seats won by party-affiliated candidates has been similarly low—forty-four, four, and eighteen seats in 2005, 2010, and 2018, respectively. It is true that political parties have actually won more seats than these figures indicate—given that a significant number of candidates actually affiliated with a party decided not to run under the party's label. However, that even party members decided to run independently shows the disintegrating impact of the SNTV on political parties and their internal discipline and coherence. A more party-friendly electoral system could have helped political parties build and sustain some measure of internal discipline, which could, in turn, help with the emergence of more organized political blocs in the legislature.

TABLE 2. PERFORMANCE OF POLITICAL PARTIES IN LEGISLATIVE ELECTIONS

Election	2005	2010	2018
Number of candidates	2,775	2,583	2,566
Independent candidates	2,385	2,551	2,385
Party-affiliated candidates	390 (14%)	32 (1%)	181 (7%)
Party-affiliated winners	44/249 (17.7%)	4/249 (1.6%)	18/239 (7.5%)

TABLE 3. NUMBER OF PARTY-AFFILIATED CANDIDATES AND SEATS, 2018

Party	Candidates	Seats Won
Hizb-e Junbish-e Milli Islami Afghanistan	43	5
Hizb-e Islami Afghanistan	36	3
Hizb-e Wahdat-e Islami Mardom-e Afghanistan	22	4
Hizb-e Wahdat-e Islami Afghanistan	16	2
De Afghanistan de Milli Wahdat Wolesi Tahrik	13	0
Hizb-e Jamiyat-e Islami Afghanistan	7	1
Hizb-e Mottahid-e Milli Afghanistan	7	0
Hizb-e Harasat-e Islami Afghanistan	6	0
Hizb-e Dawat-e Islami Afghanistan	4	3
Hizb-e Insijam-e Milli Afghanistan	3	0
Hizb-e Iqtedar-e Milli Afghanistan	2	0
Hizb-e Mahaz-e Milli Islami Afghanistan	2	0
Hizb-e Millat-e Afghanistan	2	0
Hizb-e Milli Taraqi Mardom-e Afghanistan	2	0
Hizb-e Refah-e Milli Afghanistan	2	0
Sixteen other parties	16	0

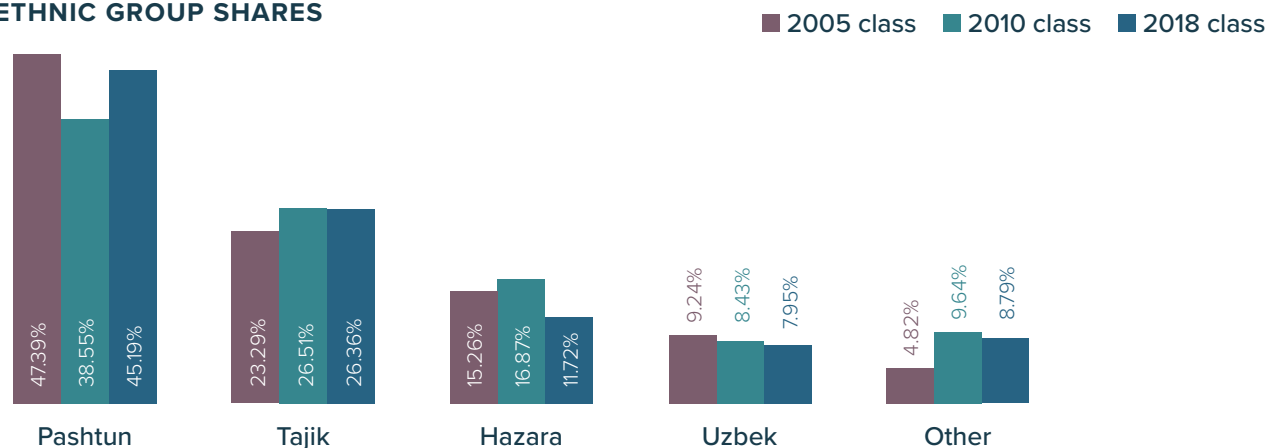
In the 2005 Wolesi Jirga elections, fifty-four political parties fielded a total of 390 candidates for legislative seats. Fifteen of the parties each fielded ten candidates or more, including Hizb-e Junbish-e Milli Islami (forty-five candidates), Hizb-e Afghan Millat (forty-three), Hizb-e Mahaz-e Milli Islami (thirty-nine), and Hizb-e Wahdat-e Islami Mardom-e Afghanistan (twenty-eight). Party-affiliated candidates from eighteen parties won a total of forty-four seats. The parties winning the most seats through officially endorsed candidates were Hizb-e Junbish-e Milli Islami (ten seats), Hizb-e Wahdat-e Islami Mardom-e Afghanistan (six), Hizb-e Mahaz-e Milli Islami (five), and Hizb-e Afghan Millat (four).

The number of party-affiliated candidates declined sharply in the 2010 Wolesi Jirga elections because almost all candidates ran independently. The thirty-two candidates who stood

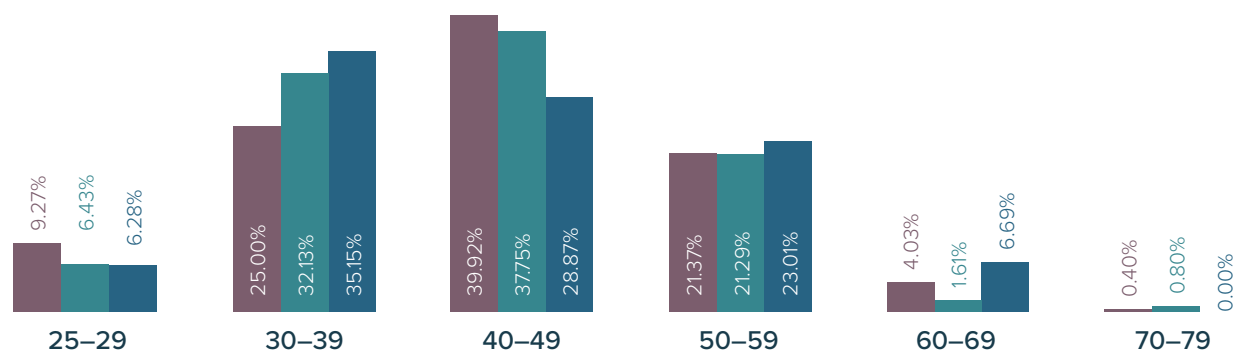
FIGURE 5.

Ethnicity, Age, and Education of MPs

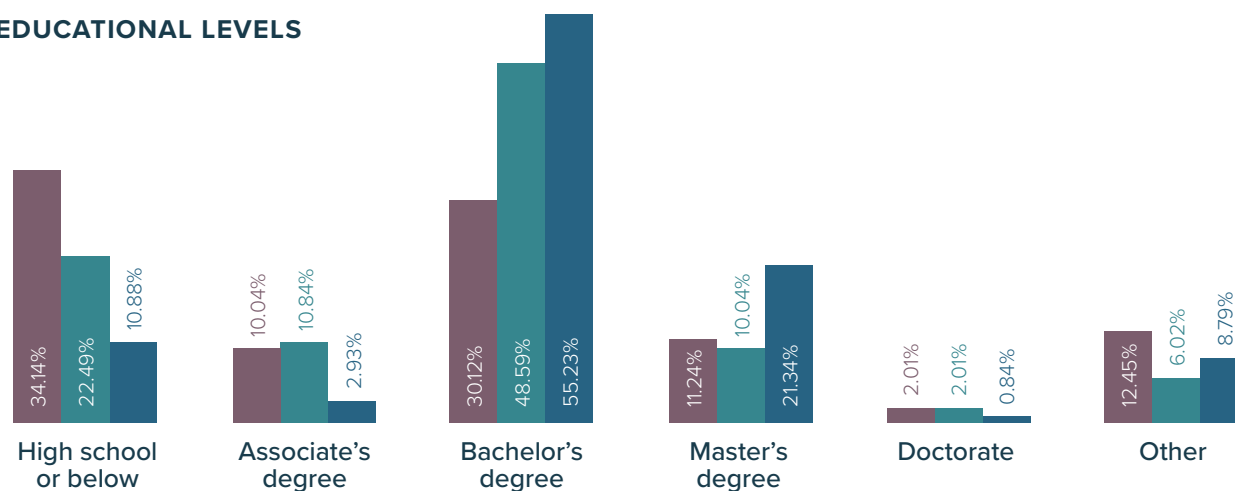
ETHNIC GROUP SHARES



AGE DISTRIBUTION



EDUCATIONAL LEVELS



for election as party-affiliated candidates represented five political parties. The drop in party-affiliated candidates was because, by the election candidate nomination deadline, only five parties had registered under the new and stricter guidelines, passed in 2009.²¹ Of the thirty-two party-affiliated candidates, nineteen were associated with Hizb-e Wahdat-e Islami, two of whom won seats; two other parties each won one seat.

In the 2018 elections, thirty-two parties nominated 181 candidates—less than half the number of party-affiliated candidates in 2005. As shown in table 3, the five parties fielding the highest number of candidates were Hizb-e Junbish-e Milli Islami (forty-three), Hizb-e Islami (thirty-six), Hizb-e Wahdat-e Islami Mardom-e Afghanistan (twenty-two), Hizb-e Wahdat-e Islami (sixteen), and De Afghanistan de Milli Wahdat Wolesi Tahrik (thirteen). However, only eighteen candidates affiliated with six of the thirty-two parties fielding candidates for the elections managed to win seats in their respective constituencies. The remainder of the seats went to independent candidates.

The weak representation of political parties in the Afghan legislature has reduced it to a fragmented body characterized by parochialism and personalism. The fragmentation has several actual or potential consequences. Presidential systems are premised on the twin notions of separation of powers and checks and balances. When the same party or political group ends up controlling both the presidency and the legislature, or when the legislature is too weak to serve as an effective counterweight to the executive, these advantages of presidential systems disappear, allowing the winner-take-all potential of presidentialism to become an actuality.²² A major consequence of such a scenario is that presidential elections become zero-sum games, which entails the possibility of increased tension, instability, or even outright conflict around them. The controversies surrounding the last three presidential elections in Afghanistan point to the unfolding of such scenarios within the country's presidential system of rule.

Demographics

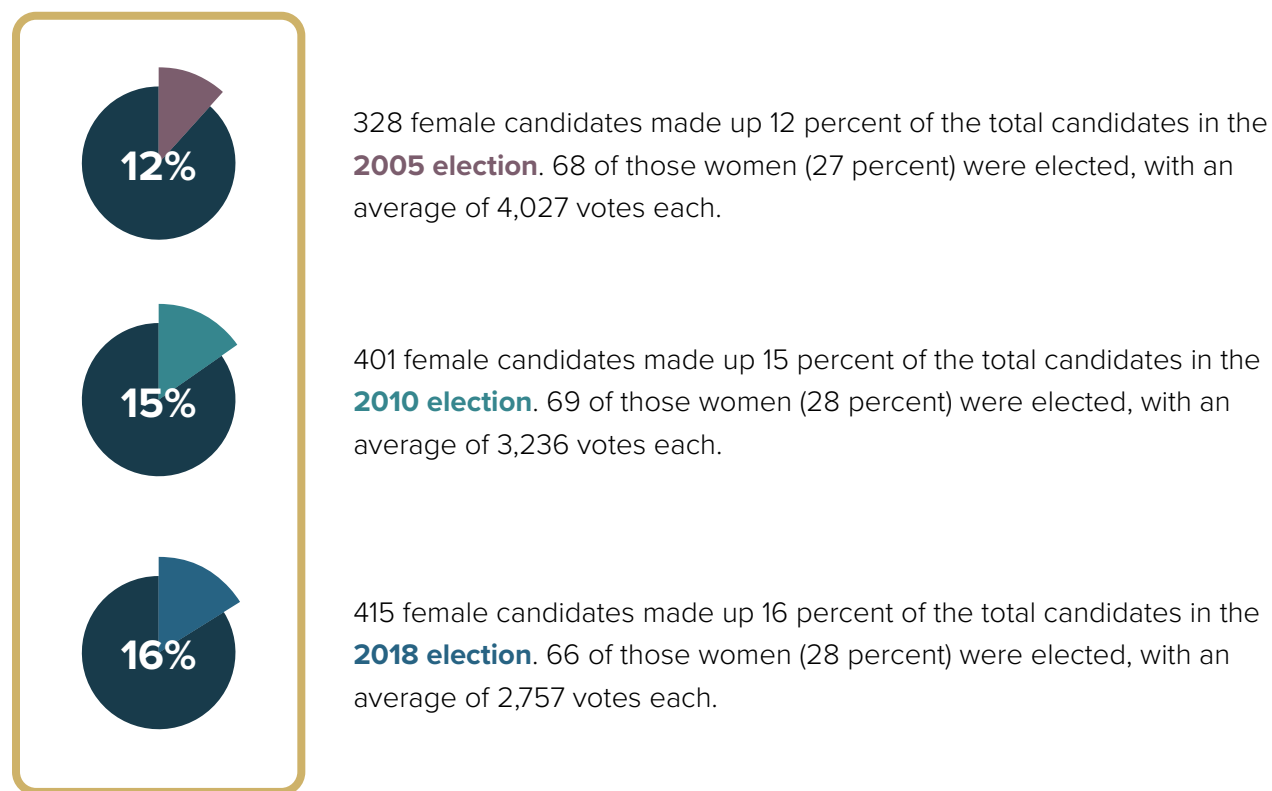
Demographics—ethnicity, gender, age, occupation, social status, and education—are also essential to a full understanding of representativeness in Afghanistan's legislative assembly.

ETHNICITY

Overall, the ethnic composition of the Wolesi Jirga has seen no dramatic changes over the last three elections.²³ No ethnic group has been able to secure a majority of the seats, though Pashtuns have consistently held a plurality (see the top panel in figure 5). Their share decreased from 47 percent in 2005 to 38 percent in 2010, but bounced back to 45 percent in 2018. The Tajik portion of seats has, by and large, remained constant, although slightly increasing in 2010 and 2018 relative to that of 2005. This is also true of the Uzbek share, though in their case a minor decline is discernible from 2005 to 2018. The decline in the Hazara share of seats won in 2018 is likely because no elections were held in Ghazni Province, where in 2010 Hazara candidates won all available seats.

FIGURE 6.

Female Candidates, 2005, 2010, and 2018



GENDER

The extent of female representation in the Wolesi Jirga is thanks in large part to the constitutional provision that reserves at least sixty-eight of the body's seats for women. Female candidates made up 12, 15, and 16 percent of the total candidates in the 2005, 2010, and 2018 elections, respectively (see figure 6). In each election, however, they won 27 to 28 percent of the seats, which is almost identical to the portion of seats guaranteed to them under Article 83 of the constitution. Without this quota, female candidates would have won far fewer seats: approximately 8, 7, and 5 percent of the seats in 2005, 2010, and 2018, respectively.

On average, female MPs have been younger than their male colleagues. In 2005, the difference was ten years—thirty-six to forty-six. In 2010, it was seven years, and in 2018, two years. Female MPs have also enjoyed significantly higher incumbency rates than their male counterparts; almost half of the female MPs of the 2005 class kept their seats in 2010 relative to one-third of their male colleagues; in 2018, 56 percent did, relative to 26 percent of male MPs.

Female MPs have also had higher educational credentials than their male peers. None of the female MPs elected in the 2018 elections has less than an associate's degree; 15 percent of male MPs have a high school graduation or less; 64 percent of female MPs have bachelor's

degrees versus 52 percent of male MPs; and 26 percent of female MPs have master's degrees versus 20 percent of their male colleagues. In the 2010 class, only 3 percent of female MPs had acquired a high school–level education or less versus 30 percent of male MPs; 71 percent had bachelor's degrees relative to 40 percent of their male colleagues; and 14 percent had master's degrees versus 8 percent of their male peers. The pattern holds for the 2005 class, except for the master's degree holders, where male MPs outdid female MPs—13 to 6 percent.

On the other hand, female elected candidates have generally won significantly fewer votes than their male counterparts. On average, men won more than double the number of votes that women did. In the 2018 elections, of the sixty-six victorious female candidates, thirty-five received fewer than two thousand votes; only two—both from Daykundi Province—garnered more than ten thousand. Only five of the elected female candidates won more votes than one or more of the elected male candidates in their constituency—with only one managing to win the most votes in her constituency. None of the female candidates elected from Kabul, Herat, Kandahar, Balkh, or Nangarhar managed to win more votes than *any* of the male candidates elected in their constituency. In 2005, only ten of the sixty-eight elected female candidates received more votes than one or more of the elected male candidates in their province—only one female candidate emerged as the top vote-getter in her constituency. In 2010, twelve of the sixty-nine elected female candidates won more votes than one or more of the elected male candidates in their constituency—female candidates in two provinces emerging as the top vote-getters. These figures point to the significance of constitutional quotas in ensuring a certain level of female representation in Afghanistan's main legislative institution.

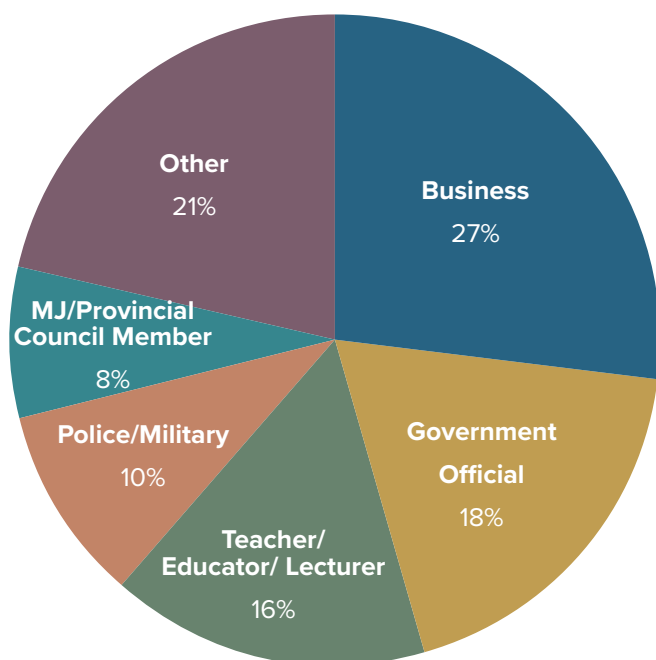
Elected female MPs have consequently won even fewer votes than their male colleagues. In each of the last three elections, about half of the elected female MPs won only 2 percent or less. In the 2018 elections, eight won more than 5 percent, and only one of them won more than 10 percent. This was similar to the performance of victorious female candidates in 2005, when seven won more than 5 percent, and only one won (slightly) over 10 percent. In 2010, female elected candidates did slightly better, with ten winning more than 5 percent and five of those winning more than 15 percent.

AGE

In a sense, the parliament elected in 2018 is younger than its predecessors (see the middle panel in figure 5). For both the 2005 and 2010 classes, a plurality of MPs were in their forties when elected. For the 2018 class, a plurality were in their thirties. In this sense, the 2018 cohort of MPs is younger than its predecessors, although the average age of the MPs is almost identical for the three classes of MPs.

Young MPs account for a majority of non-incumbent seat-winners in the 2018 legislative elections. Of the ninety-nine MPs younger than forty, ninety-one are newly elected. Given that the overall number of new MPs is 157, nearly six in ten of the new entrants were thus in their twenties or thirties on election day. The four major ethnic groups of Pashtun, Tajik, Hazara, and Uzbek account for 50, 20, 10, and 10 percent of these young MPs, respectively. About a quarter of the MPs under forty are women. The education level of young MPs does not differ much from that of the overall population of MPs (about 80 percent hold either a bachelor's or a master's degree). Businesspeople

FIGURE 7. OCCUPATIONAL BACKGROUNDS OF MPS, 2018



and government civilian officials account for 30 and 16 percent of this young cohort, respectively. Almost half—forty-seven of ninety-nine—reported that they currently lived in one of the five major cities of Herat, Kandahar, Jalalabad, Mazar-i-Sharif, or Kabul. Thirty-two live in the capital.

OCCUPATIONAL AND SOCIAL STATUS

Several trends are clear about the occupational background of individuals elected to Afghanistan's Wolesi Jirga since the 2005 elections (figure 7 shows the occupational backgrounds of the 2018 class). First is a steady and strong increase in the number of

businesspeople: in 2005, only about 8 percent of the elected MPs were businesspeople, a share that jumped to 19 percent in 2010 and to 27 percent in the 2018 class. Of the sixty-five businesspeople elected in 2018, fifty-one were newly elected—though two had been members of the 2005 class. Those businesspeople newly elected in 2018 were all male, and all ran as independent candidates and received on average 5,584 votes—against 5,183 votes for all elected MPs. Also noteworthy is that twelve of them were elected from Kabul Province—that is, slightly over one-third of the MPs elected from that constituency.

Second, in the most recent legislative polls, the decline in the share of seats won by government civilian officials is notable. They won about 27 percent of seats in the 2005 and 2010 elections, but only 18 percent in 2018. Former high-ranking government officials had a stronger presence in the 2005 parliament than in either of the succeeding houses. The list of MPs elected in 2005 included eight ministers, two deputy ministers, twelve governors, four deputy governors, two mayors, and four district administrators. Among those elected in 2010 were one minister, one deputy minister, four governors, one deputy governor, and eight district administrators. Finally, in the 2018 elections, the elected MPs include three ministers, five governors, two deputy governors, two presidential advisers, two advisers to the chief executive, and one district administrator.

Third, the reduction in the proportion of MPs with a background in the education sector is striking: in 2005, they occupied 22 percent of the Wolesi Jirga seats, a share that dropped in 2010 and 2018 to 20 percent and 16 percent, respectively. Finally, beginning with the 2010 elections, individuals who had previously been members of either the Upper House—the Mesherano Jirga—or provincial councils began to stand for seats in the lower house: such candidates won

5.6 and 7.5 percent of Wolesi Jirga seats in 2010 and 2018, respectively. Given that most of these individuals were previously members of provincial councils, it is fair to say that these institutions served well as conduits for political advancement.

EDUCATION

Compared with their predecessors in the 2005 and 2010 classes, MPs elected in 2018 have more formal education. Looking at the last three classes of Wolesi Jirga members, a steady and significant decline is evident in the number of MPs with a high school education or less, together with a sharp rise in the number of those holding bachelor's or master's degrees (see the bottom panel in figure 5). About 76 percent of the 2018 MPs hold either a bachelor's or a master's degree, relative to 41 and 59 percent for the 2005 and 2010 classes, respectively. In the 2005 cohort, MPs with a high school education or less made up the largest category in the Wolesi Jirga, accounting for 34 percent of its membership, whereas in both the 2010 and 2018 cohorts bachelor's degree holders were the largest contingent. In the 2018 class, there was also a sharp rise in the number of MPs with master's degrees—more than 21 percent, versus about 10 percent in both 2005 and 2010. The impact of this steady rise on the performance of the Wolesi Jirga in each successive period is worth examining.

For the 2018 class, nearly half of the MPs holding bachelor's degrees or higher had majored in law, political science, or international relations (or some combination of these); twenty-six had studied science, engineering, or medicine; twenty-one had degrees in business or economics; seventeen had studied sharia and Islamic jurisprudence; and the rest were graduates of various other fields such as education, journalism, literature, and so on. Of the eighty-two returning MPs in the 2018 class, forty held bachelor's degrees, twenty-two held master's degrees, nine were high school graduates, and the remaining eleven had other types of degrees.

Conclusion

Over the past decade and a half, Afghanistan's legislative elections have fallen short of producing a legislature fairly representative of the country's electoral constituencies. Electoral fraud, declining voter turnout, elected MPs' tiny shares of the votes cast in their respective constituencies, and overrepresentation of major urban centers have combined to frustrate the balanced representation of the country's population. Further, electoral rules have hindered the effective participation of the country's nascent political parties in legislative elections, further disintegrating the parties and resulting in a legislature marked by fragmentation, personalism, and parochialism and unable to serve as an effective counterpoint to the presidency.

To mitigate the severity of these shortcomings in future legislative contests, both external and internal factors affecting the quality of elections need to be addressed. Widespread and meaningful participation of all eligible voters and candidates in the elections requires a secure environment and an adequate administrative basis. Afghanistan also needs to conduct a full population census and develop a reliable, up-to-date civil registry that can be used for election purposes to avoid costly and disputable registration exercises before each election.

As far as factors internal to the electoral process are concerned, the faithful translation of votes into seats demands that rules governing the conduct of elections be changed. In particular, Afghanistan should adopt an electoral system that converts votes into seats more efficiently and encourages the meaningful participation of political parties in national elections. Ever since the 2005 elections, scholars, election experts, and observer groups have repeated the need for Afghanistan to adopt a different electoral system for its legislative elections. Variants of majoritarian, proportional representation, and mixed systems have been recommended as viable alternatives to the current system. Given the pathologies of the SNTV approach, any of these would likely be an improvement, although a mixed system might be preferable in that it could ensure the representation of both local communities and political parties.

In actuality, politics have stalled efforts to adopt a new electoral system. The presidency has been less keen to change the electoral system, which comes as no surprise given that the SNTV ensures a fragmented and weak assembly—helping tip the scales in favor of the presidency in executive-legislative relations. On the other hand, advocates of change have been too disorganized to successfully push for a different electoral system. Political parties have repeatedly voiced their objection to the SNTV, but their efforts to change it have thus far failed—in 2005, 2008, 2012, 2016, and most recently in 2018. These failures are further testimony to the weaknesses of political parties. Political contestations have also foiled efforts to create a civil registry.

If the failures of the past fifteen years are any indication, instituting these reforms will be far from straightforward. However, only if they are adopted can Afghanistan hope to hold credible national elections that yield truly representative elected institutions. Until then, elections will continue to produce unrepresentative outcomes and to deepen disillusionment about democracy.

Notes

Author acknowledgment: In preparing this report, I benefited from the generous support of many individuals and institutions, all of whom have my sincere gratitude. I am grateful to Afghanistan's Independent Election Commission and to the Secretariat of the Wolesi Jirga for providing the data needed for this project.

1. For excellent and thorough analyses of the 2005 and 2010 legislative elections, see Andrew Wilder, "A House Divided? Analyzing the 2005 Afghan Elections," Afghanistan Research and Evaluation Unit (AREU), December 1, 2005, www.areu.org.af/publication/531; and National Democratic Institute (NDI), *The 2010 Wolesi Jirga Elections in Afghanistan* (Washington, DC: NDI, 2011), www.ndi.org/sites/default/files/Afghanistan-2010-election-observers-final-report.pdf.
2. The Wolesi Jirga (the House of People) and the Mesherano Jirga (the House of Elders) are the two chambers of Afghanistan's bicameral National Assembly. The Wolesi Jirga is vested with far more powers, including exclusive authority to impeach members of the cabinet, to approve government budget and development programs, and to approve or reject certain presidential appointments.
3. For an analysis of how the 2010 elections might have actually impaired representative governance in Afghanistan, see Noah Coburn and Anna Larson, "Undermining Representative Governance: Afghanistan's 2010 Parliamentary Election and Its Alienating Impact," AREU, February 22, 2011, www.areu.org.af/publication/1104.
4. For background, see Staffan Darnolf, "Case Study: Afghanistan," in *Civil and Voter Registries: Lessons Learned from Global Experiences*, ed. Michael Yard (Washington, DC: International Foundation for Electoral Systems, June 2011), 46–65, www.ifes.org/sites/default/files/civil_and_voter_registries_final_0.pdf; Martine van Bijlert, "What to Watch in the Elections (I): Voter Registration," Afghanistan Analysts Network (AAN), April 1, 2014, www.afghanistan-analysts.org/what-to-watch-in-the-elections-1-voter-registration; and Martine van Bijlert, "How to Win an Afghan Election: Perceptions and Practices," AAN, August 11, 2009, www.afghanistan-analysts.org/en/special-reports/how-to-win-an-afghan-election-perceptions-and-practices.
5. For more detail and analysis, see Scott Worden, "Afghanistan Election Conundrum (12): New Voter Registry Too Good to Be True," AAN, August 28, 2018, www.afghanistan-analysts.org/afghanistan-election-conundrum-12-new-voter-registry-too-good-to-be-true; and Ali Yawar Adili and Thomas Ruttig, "The Afghanistan Election Conundrum (8): Controversies over Voter Registration," AAN, May 27, 2018, www.afghanistan-analysts.org/the-afghanistan-election-conundrum-8-controversies-over-voter-registration.
6. Over the past few decades, the other major countries using the SNTV system—Japan, Jordan, and Taiwan—have all discarded the system, leaving Afghanistan as the only large country in the world still using it. See Andrew Reynolds and John Carey, "Fixing Afghanistan's Electoral System: Arguments and Options for Reform," AREU, July 15, 2012, www.areu.org.af/publication/1211.
7. These have been raised and discussed in length ever since the system was adopted in Afghanistan. See, for example, Andrew Reynolds and Andrew Wilder, "Free, Fair or Flawed? Challenges to Legitimate Elections in Afghanistan," AREU, September 1, 2004, www.areu.org.af/publication/433; Reynolds and Carey, "Fixing Afghanistan's Electoral System"; Andrew Reynolds, "Electoral Systems Today: The Curious Case of Afghanistan," *Journal of Democracy*, no. 2 (2006): 104–17; and Barnett R. Rubin, "The Wrong Voting System," *New York Times*, March 16, 2005, www.nytimes.com/2005/03/16/opinion/afghanistan-the-wrong-voting-system.html.
8. See Reynolds and Wilder, "Free, Fair or Flawed?"; Reynolds, "Electoral Systems Today"; and Reynolds and Carey, "Fixing Afghanistan's Electoral System." The lottery effect arises when small margins separate elected from nonelected candidates, in essence turning elections into a lottery whereby small changes in vote tallies change election results. The dispersion of votes among a large number of candidates results in many votes being in effect "wasted" on nonelected candidates.
9. On this point, see NDI, *The 2010 Wolesi Jirga Elections*, 25–26.
10. On the registration exercise prior to the 2018 elections, see Worden, "Afghanistan Election Conundrum (12)."
11. For background on the situation in Ghazni Province, see Ali Yawar Adili, "Afghanistan Election Conundrum (14): District Council and Ghazni Parliamentary Elections Quietly Dropped," AAN, September 26, 2018, www.afghanistan-analysts.org/afghanistan-election-conundrum-14-district-council-and-ghazni-parliamentary-elections-quietly-dropped.
12. National Statistics and Information Authority (NSIA), *Afghanistan Statistical Yearbook 2018–19* (2019), 3, www.nsia.gov.af:8080/wp-content/uploads/2019/11/Afghanistan-Statistical-Yearbook-2018-19.pdf.
13. For the population estimate of Kabul Province, see NSIA, *Afghanistan Statistical Yearbook*, 5.
14. In the 2005 Iraqi legislative elections, only about five percent of the vote was cast for nonelected candidates. See Reynolds and Carey, "Fixing Afghanistan's Electoral System."
15. See NSIA, *Afghanistan Statistical Yearbook*, 5–7.
16. NSIA, *Afghanistan Statistical Yearbook*, 3.

17. Noah Coburn, "Connecting with Kabul: The Importance of the Wolesi Jirga Election and Local Political Networks in Afghanistan," AREU, May 1, 2010, www.areu.org.af/publication/1018.
18. Reynolds and Carey, "Fixing Afghanistan's Electoral System."
19. NDI, *The 2010 Wolesi Jirga Elections*, 71. Another source puts the number of incumbent candidates at 223 (Coburn and Larson, "Undermining Representative Governance," 4).
20. Thomas Ruttig, "Afghanistan Election Conundrum (19): A Young Wave for the Wolesi Jirga?," AAN, October 18, 2018, www.afghanistan-analysts.org/a-young-wave-wolesi-jirga-candidates-between-hopes-for-change-and-family-ties.
21. According to the NDI, "Old requirements called for the filing of signatures from 700 members. Under the new law, parties must file signatures from 10,000 members to be registered. In addition, the parties must have an advisory board whose members must come from at least 22 of Afghanistan's 34 provinces. Before the registration is completed, the MoJ [Ministry of Justice] must receive approval from Afghanistan's security agencies" (*The 2010 Wolesi Jirga Elections*, 66–67).
22. For a discussion of this and other defects of presidential systems, see Juan J. Linz, "The Perils of Presidentialism," *Journal of Democracy* 1, no. 1 (Winter 1990): 51–69.
23. This section is not meant to suggest that the parliament can be divided along ethnic lines, a point other observers have also been keen to make clear. See, for example, Coburn and Larson, "Undermining Representative Governance."

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