

## CAN AFGHANISTAN SURVIVE ITS PRESIDENTIAL ELECTION?

By Richard Kraemer



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Nearly thirteen years since the United States and its allies undertook one of the largest efforts at nation building in recent history, prospects for Afghanistan's future peace and prosperity are facing critical threats. The Taliban and affiliated insurgent groups continue to destabilize much of the countryside. Uncertainty as to prospects of a negotiated peace deters capital investment and propels the flight of the country's best and brightest. Following the second round of presidential elections in June, the equitable and constitutional transfer of executive power from President Hamid Karzai to his successor is in a state of jeopardy. In May this year, President Barak Obama announced a near total drawdown of US troops in Afghanistan by the end of 2016. At the moment, the fate of the Afghan people is most uncertain.

Yet as dispiriting as this state of affairs is, Afghanistan is not yet lost. While its insurgency is persistent, the Taliban lack the means and popular support to retake control of the state. Warlords-cum-politicians recognize that they have more to lose by taking guns to the hills than by brokering negotiated deals. Its increasingly educated and globally aware youth comprise nearly two-thirds of its population. And given its mineral resources and position as a geographic bridge for regional trade and energy transit, Afghanistan is not without economic opportunities.

For its potential to be realized, however, Afghanistan will need continued support from the international community with America in the lead, especially at this crucial juncture with changing of the guard at the presidential palace. Over the past century, Afghanistan's chief executives have only left office in coffins or into exile. This year's presidential election still has a chance to break this tragic historical trend – but this positive outcome is highly unlikely without continued and committed US engagement in the current electoral crisis and beyond.

As brinkmanship between Afghanistan's two remaining presidential candidates approached irreconcilability, Secretary of State John Kerry landed in Kabul on July 10 to rescue prospects for a pacific transfer of executive power in that country. Presidential candidate and former foreign minister Abdullah Abdullah (of mixed Tajik and Pashtun heritage) had sternly threatened to form a parallel government in reaction to strong indicators of significant electoral fraud compounded by Independent Election Commission (IEC) actions that appeared strongly partial to his opponent. Abdullah's fundamental distrust of the process and his subsequent boycott of it was on the verge of sparking a violent confrontation between the two rival camps.

Out-going president Hamid Karzai had little recourse other than to call for direct intervention from the United Nations and US government. Arriving just in time, Secretary Kerry and team applied a desperately needed band-aid, forging a political framework agreement between Abdullah and his rival, former finance minister Ashraf Ghani Ahmadzai (ethnically Pashtun). Broadly, the parties agreed to a full audit of all ballots cast in June's second round elections and, in principle, to the formation of a national unity government once a winner is declared.<sup>1</sup>

<sup>1</sup> On August 8, both candidates signed a joint declaration which provided more details as to processes to move forward the audit and

Given the magnitude of these tasks, it is too early to judge whether this agreement will hold. An audit of a tallied 7.9 million votes must be completed in a manner accepted by both candidates as transparent, objective, and professional. Given the range of logistical and methodological pitfalls in such a politically pregnant undertaking, it was hardly surprising when the audit was suspended only days after it began due to a controversy over tallying methods. Initially committing to a daily counting of 1,000 boxes from over 23,000, technical difficulties, unclear criteria, and candidates' discord over them have greatly impeded the audit. As of August 21, over one-half had been checked; however, as many as 6,000 boxes may require "special scrutiny" and so will require more thorough and time consuming review.<sup>2</sup>

To recap what led to the intense dispute between the two presidential finalists: The first round of presidential elections - together with provincial council elections - failed to produce a majority win for any of the eight candidates remaining in the race. On April 5, 2014, Afghans cast more than six-and-a-half million votes in an election relatively unmarred by fraud. Even more surprising was the 55% turnout of eligible voters who came out despite very real threats of Taliban-sponsored violence. Following a comparatively smooth first-round tally, Abdullah and Ghani had 45% and 31.6% of the vote, respectively. But Afghan law required the two top contenders to face off in a second round, for which Afghans returned to the polls on June 14.

Within 24 hours following the second round, both sides -- but Abdullah's camp in particular -- were alleging numerous instances of fraud. Many of these claims, as discussed below, were well founded. These included implausible voter numbers, with particularly massive spikes in the returns for provinces with previously low turnouts. Furthermore a high-ranking Independent Election Commission officer was caught clandestinely transporting thousands of unmarked ballots that would have been used to stuff ballot boxes. Fearful that the IEC had already chosen his opponent as the intended winner, Abdullah boycotted the vote counting process and called his supporters to the streets in protest. With no good end to the impasse in sight, President Hamid Karzai called on the UN and the US to intervene.

While the July 10 framework agreement and consequent joint declaration negotiated by Kerry deserve praise, the events that led to the agreement will remain as distinct and contradicting narratives in the minds of the winning and losing parties. Those perceptions will color Afghanistan's politics for the next several years. While Abdullah and Ghani have each agreed to accept the audit's outcome, the possibility of one ending up as a "sore loser" is palpable. He and his supporters would bear bitterness and thus poison Afghan politics. Going forward, diplomats and policy makers should keep clearly in mind the outlines of these competing narratives.

Your author returned from Afghanistan in early July, having spent the two weeks immediately following the second round speaking with tens of Afghan journalists, civic activists, policy advisors, academics, and friends. Typically, within five-to-ten minutes of the start of a discussion regarding June 14, the speaker's version of events readily revealed how they voted.<sup>3</sup> The quotes below, coupled with analysis of preliminary election results, reflects the assertions they made and the rationales supporting their conflicting narratives.

## SOURCES OF DOUBT AND DISTRUST

'The IEC's claim of 7.9 million votes in the second round is grossly inflated.'<sup>4</sup>

The first round of Afghanistan's elections saw over 6.6 million participating voters of an approximate 12 million registered; the IEC reported that 7.9 million cast their ballots in the runoff. The remarkably high first turnout was due in part to the simultaneity of presidential and provincial council elections, the latter's candidates proactively mobilizing voters. Lacking this impetus for the runoff, it is unlikely that a greater number voted in the follow-up. In my own discussions with activists, reporters, and other Afghans in Kabul, Ghor, and Bamyan provinces, not one

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national unity government formation, as well as re-committing themselves to the July 12 political framework agreement. Van Bijlert, Martine. *Elections 2014 (44): Key Documents underwriting the electoral agreement*. Afghanistan Analysts Network, August 13, 2014. <https://www.afghanistan-analysts.org/elections-2014-44-key-documents-underwriting-the-electoral-agreement/>

<sup>2</sup> For a list of criteria to which the candidates agreed, see IEC Decision No: 30 – 1393. <http://iec.org.af/pdf/decisions-1393/eng/30.pdf>

<sup>3</sup> Author's Note - Tellingly, in the few instances where the speaker's alliance was unclear, the individual turned out to have voted for the first round runner-up, the technocratic Zalmay Rasoul.

<sup>4</sup> Figures drawn from reported IEC statistics; comparative data courtesy of the National Democratic Institute for International Affairs. For more information, go to: <http://2014.afghanistanelectiondata.org>

claimed to have witnessed comparable amounts of voters, regardless their preferred candidate.<sup>5</sup> It was argued by some that polling stations emptied quicker due to the simplicity of only having to choose between two candidates; nonetheless, quicker lines at the polls fail to reasonably account for a 1.3 million increase.

“The dramatic inversion in the candidates’ respective totals between the first and second rounds is highly implausible.”

As noted, the final tabulation of April’s first round produced the two runoff candidates, Abdullah taking shy of 3 million votes, while Ghani garnered just over 2 million. In percentages, Abdullah finished with 45 percent of the vote and Ghani 31 percent, thus the former with a comfortable lead of 14 percent. Fast-forwarding to the second round, the IEC reported a staggering upset: 56.4 percent of ballots cast for Ghani and the remaining 43.6 percent to Abdullah. In comparison to the first round, Ghani purportedly gained a total of 2,401,301 votes – an upswing of 115%.

What are the arguments used by Ghani supporters to explain this remarkable about face? That Ghani revived his campaign following the disappointing April outcome by encouraging Pashtun clergy and tribal leaders to mobilize their communities – including women - to vote. Abdullah’s critics also argue that, to his detriment, he devoted an inordinate amount of time securing endorsements in Kabul following the first round, rather than continuing to work to get out the vote.

However, the Abdullah camp offers strong rebuttals: First, that Ghani’s renewed drive cannot entirely account for a 1.3 million increase in total votes or for the disproportionate ballot hikes in several Taliban-infested provinces (see below). Second, three unsuccessful first-round presidential candidates, Zalmay Rasoul, Abdul Rab Rasul Sayyaf, Gul Agha Sherzai, who had a combined total of 19.98% of the votes all expressed support for Abdullah’s campaign following their respective concessions, presumably bringing over a substantial share of their supporters.

In the author’s discussions before and after June 14, he found no one who believed that their erstwhile voters would swing in bloc for Ghani. For example, despite Rasoul’s endorsement of Abdullah, if one assumes that Ghani took a generous 7 of Rasoul’s total 11.37 percent of ballots cast, leaving only 4.4 percentage points for Abdullah, he would still have finished with over 49 percent. Taking this into account together with the apparent degree of fraudulent activity at a number of polling stations in eastern Afghanistan, the final tally should be significantly closer. For example, polls undertaken by Glevum Associates indicate a Ghani victory by approximately seven percent.<sup>6</sup> While six points less than posted by the IEC’s preliminary results, such an apparent lead in exit polls would leave Ghani understandably aggrieved in the event of an Abdullah victory.

“The initial tallies of votes in certain eastern, Pashtun-majority provinces indicate systematic fraud.”

The increase in votes supposedly cast for Ashraf Ghani in eastern, highly compromised Wardak, Zabul, and Khost provinces, among others, raises numerous questions. Here are some examples of suspicious differences in preliminary tallies from the first and to the second round:

- Wardak saw a reported increased increase of 1,137% in votes for Ghani, up from 15,064 to 186,382. (with Abdullah up only 36%)
- Zabul, where like Wardak Taliban presence is strong, a pro-Ghani surge of 612%, from 7,782 to 55,408. (Abdullah up 15%)
- Khost, bordering Pakistan, with a population of 546,800, saw a total 113,083 ballots cast in round one, followed by an inconceivable 388,532 reported in the second. Ghani would thus have a 364% increase, as compared to Abdullah’s 41%.

However, Ghani may in fact have gained some ground in these and other provinces thanks to his invigorated campaigning following April’s results. His team’s efforts at outreach and mobilization were thorough and targeted

<sup>5</sup> Related Radio Free Europe coverage at <http://www.rferl.org/content/afghanistan-presidential-transition-crisis-election-fraud-allegations/25428355.html> and <http://www.rferl.org/content/afghan-election-doubts-cast-over-high-turnout/25422919.html>.

<sup>6</sup> See Andrew Garfield, *The Afghan Elections: Is Abdullah Right that He Was Wronged (Twice)?* Foreign Policy Research Institute, June 2014. <http://www.fpri.org/articles/2014/06/afghan-elections-abdullah-right-he-was-wronged-twice>

in Pashtun communities, even advocating women's participation to traditional and religious community leaders.<sup>7</sup> Moreover, tribal elders successfully brokered agreements with some local Taliban chiefs to refrain from violence at the polls on election day, thereby emboldening ethnically Pashtun supporters to get out and vote.<sup>8</sup> Nevertheless, while Ghani's showing in these provinces may well have improved somewhat, the huge magnitude of the reported changes renders them implausible.

“The IEC is orchestrating a victory for candidate Ashraf Ghani.”

Election day witnessed a blatant dereliction of duty by a high-ranking IEC official, enough to cast a long shadow of suspicion on IEC impartiality. On June 14, IEC's chief electoral officer, Ziaulhaq Amarkhil, was detained in Kabul while departing his office's headquarters with several cars full of tens of thousands of unmarked ballots. Reportedly en route to Sorabi district in the east of Kabul province, Amarkhil failed to request police escort as required by law. Days later, recorded phone conversations of him surfaced, purportedly discussing stuffing ballot boxes with other election officials and a member of Ghani's campaign team. Between such affairs and the unbelievably high turnout in Pashtun-majority provinces noted above, the damage to the commission's image of impartiality was done.

These were not the only basis for persistent concerns about IEC neutrality. Despite a more inclusive selection process under the reformed IEC and Electoral Complaints Commission law, the president remains empowered with the final determination of its nine-member composition. Consequently, much attention has been given to any indicators of presidential preference for a particular candidate. While Karzai was astute enough to forego outright candidate endorsement, anxieties remained, whether of a shadowy state intervention or individual commissioners independently compromising their positions in favor of their desired candidate. Whatever the source of motive, any missteps or oversights by IEC leadership and staff in such a heated and conspiratorial environment as Afghan elections will almost invariably result in calls of foul play, as is the case in this election. The incoming president would be wise to boldly undertake to further broaden oversight of the IEC beyond the president's office.

“Afghans in the second round primarily voted along ethnic lines.”

While there were clear voting tendencies reflecting provinces' ethnic composition, both rounds revealed a willingness to reach across lines. Not only was this an indicator of an arguably more mature electorate, but a development that prevents a simplistic analysis whereby an outcome can be hypothesized as a direct reflection of ethnic proportionality. To illustrate, while Rashid Dostum's candidacy as first vice president for Ghani likely helped win a majority of Uzbek votes, many voted for Abdullah, given his team's close association with the Jamiat-e Islami party. Abdullah's first vice presidential candidate, Mohammad Khan, is a member of the Pashtun dominated Hezb-i Islami; his association arguably must have swayed some of his kin's votes. Personally, the author spoke with several Tajiks and Hazaras who voted for Ghani. Ethnocentric categorizing simply won't do to explain the second round results.

In sum, based on the significant discrepancies cited above, a full audit was wholly warranted. Abdullah and his supporters had sound cause to protest as firmly and vociferously as they did. Between the numbers, dubious undertakings at the top of the IEC, and an electorate that is maturing beyond simple ethnic alliances, something went clearly amiss on June 14. It will likely remain unknown to what extent fraud was committed at orders from high places, or based on individual or local initiatives, or a combination of all of the above. But the signs of its occurrence are so blatant that a total recount remains the best means to reach a conclusion potentially acceptable to both candidates and, hopefully, to their backers.

#### AFTER THE AUDIT AND BEYOND

Posing another major challenge to a peaceful transition are the new but ill-defined positions to be created in pursuit of a national unity government once the new president is confirmed. The July framework agreement and the August declaration call for the following:

- The establishment by presidential decree of a “Government Chief Executive Officer” (CEO), held by a

<sup>7</sup> See Pakteen Ibrahimi and Kate Clark, *Elections 2014 (32): A second round surge in turnout in Loya Paktia?* Afghan Analysts Network, June 20, 2014. <https://www.afghanistan-analysts.org/elections-2014-32-a-second-round-surge-in-turnout-in-loya-paktia/>

<sup>8</sup> While in Kabul, colleagues in media, civil society, and a former Taliban government official reported of such negotiations and their effectiveness. See also *ibid*.



nominee of the runner-up and mutually agreed by the president. The position's scope of authority is yet undefined.

- The position of the "Leader of the Opposition" selected by the runner-up, who is to be consulted by the president when assigning "cabinet, judiciary, and key sub-national appointments."
- The convening of a Loya Jirga within two years to amend the constitution so as provide for the position of an "Executive Prime Minister", which will initially be filled by the CEO.<sup>9</sup>

Of the three working groups negotiating the formation of a unity government, one failed to reach consensus; predictably, the one tasked with power sharing arrangements, methods of appointment and breadth of authorities in particular.<sup>10</sup> Among others disputes, the key issues include who will chair the council of ministers, joint representation on the national security council, and whether the CEO and the Leader of the Opposition is one and the same or two separate positions, exacerbated by the fact that while the latter position was identified in the July agreement, there is no mention of it in the August declaration.

The prospect of formerly bitter adversaries for the country's top office working harmoniously as two cooks in a single kitchen evokes a strong dose of skepticism. As mistrust and ego clashes between these presidential hopefuls almost boiled over into political chaos and possibly much worse, it is hard to envision an executive post where the losing party would wield genuine authority to the runner-up's satisfaction. In such a scenario, a functioning relationship would require a genuine spirit of compromise and cooperation. Given the personalities of the candidates, the stakes perceived by their supporting camps, and the certainty held by each that their own candidate won, it is difficult to foresee a well-forged will to effectively share power. And even if they do agree to cooperate, the acceptability of such an arrangement to their powerful and well-positioned patrons, fearful as to who will inevitably lose his seat at the table, is highly questionable.

This will, in turn, impact Afghanistan's ability to transform from a presidential to parliamentary system, as the framework and declaration imply. If the strategy were to succeed against the odds, however, this would be a major step towards the future consolidation of Afghanistan's democracy. The argument that, in the early years of post-Taliban Afghanistan, a strong executive remains necessary to keep the state together has some merit. However, Afghanistan's present political development suggests that the coalition-building demanded from a parliamentary system of government might be more suitable given the country's ethnic diversity. Others have argued that such a step would be premature, citing the need for "smaller, more effective governance."<sup>11</sup> This is true (most states could stand that), but continued executive dominance would not address concerns surrounding the current candidates' dispute; nor would it set the course for a more inclusive government in the future. What is certain is that this process is one which will be fraught with numerous pitfalls. One in particular will likely concern the constitutional powers of the prime minister, where the president may either actively seek or be perceived as working to unduly limit the position's authority.

Here is cautionary tale: "America is at war. Its people rise to their country's defense and invade a foreign land. For tactical gains, US forces turn to less-than-savory local powerbrokers who, as bad as they may be, are better than the enemy. American troops are stationed among them, bringing a host of needs in security, governance, and logistics. Largely ignorant of the locals' society, culture and language, officers turn to these undemocratic persons of influence for assistance and arrangements. They, in turn, become stronger in proportion to our military's needs. So empowered, they fortify their increasingly vested interests through violence, patronage, and corruption. The prospect of a democratic future looks ever bleaker."

Sound familiar? If you have been observing events in Afghanistan since October 2001, this should be a sadly familiar story; however, the quote above is based on the World War II scenario in Sicily. Our enemy was Mussolini's fascist troops, while our allies-of-dubious-character were local families comprising Cosa Nostra. It was summer 1943, when American forces took the west and center of the island in seven days - as compared to the five weeks of the

<sup>9</sup> Fn. 1, *ibid*.

<sup>10</sup> Ahbrimkhil, Shakeela. "Two of Three Working Groups Complete National Unity Negotiations." Tolo News, August 18, 2014. <http://www.tolonews.com/en/afghanistan/16016-two-of-three-working-groups-complete-national-unity-negotiations>

<sup>11</sup> Bose, Srinjoy and Ibrahimi, Niamat, *Why Afghanistan's National Unity Government is Risky*. *Foreign Policy*, July 22, 2014. [http://southasia.foreignpolicy.com/posts/2014/07/22/why\\_afghanistans\\_national\\_unity\\_government\\_is\\_risky?utm\\_source=Sailthru&utm\\_medium=email&utm\\_term=%2AAfPak%20Daily%20Brief&utm\\_campaign=2014\\_The%20South%20Asia%20Daily](http://southasia.foreignpolicy.com/posts/2014/07/22/why_afghanistans_national_unity_government_is_risky?utm_source=Sailthru&utm_medium=email&utm_term=%2AAfPak%20Daily%20Brief&utm_campaign=2014_The%20South%20Asia%20Daily)

joint British-Canadian campaign in the east. While American preparatory reliance on the familial connections of the likes of mobsters Salvatore Lucania (aka Lucky Luciano) and Vito Genovese remains an allegation, what is certain is that the US Army depended heavily on the mafiosos' abilities to procure and influence, given that their anti-fascist credentials were strongest. This relationship paved the way to their commandeering of heights of political and commercial power that persevere to the present.<sup>12</sup>

Similar interests have become entrenched with undemocratic forces whose accumulation of influence is in part due to American foreign policy and our presence in Afghanistan, and part to Afghan politics. These powerbrokers' maintenance of ill-gotten gains demands their competing domination of a limited political space. As was the case in Sicily, regular elections for a representative government won't in itself prevent this outcome. But combined with a form of government where coalitions are built and governance shared may have a better chance of providing a more equitable distribution of power and wealth than the continued preservation of an unduly empowered executive.

While Afghanistan's political leadership has made noteworthy progress since 2004, there is still a long way to go. It is hardly remarkable that decades of war, ethnic divisions, cronyism, and long-standing personal rivalries persist in inhibiting a democratic culture of compromise and consensus building. Given the context, it was clear to this author ten years ago when he first arrived in Kabul that an influential third-party arbiter was going to need to moderate disputes for many years to come. The United States remains best positioned to do so, taking into account its economic, military, and political might. By all accounts, the mercurial and distrusting Karzai will soon step down, leaving behind an executive who campaigned on securing a bilateral security agreement with the US – which both candidates have promised. Their will to do so is bolstered by a Loya Jirga that approved such an agreement and a *parliament that stated its desire to maintain a robust relationship with America*.

We have a partner in Afghanistan, albeit a weak democracy, in a region replete with national security concerns: terrorism and radical Islam; Iran's regional agenda; Pakistan's nuclear arsenal; and vast energy resources, among others. Unlike our unfortunate full withdrawal from Iraq, where we could still project regional influence through our presence in the Gulf, we have no such anchor at the crossroads of Central and Southwest Asia, where these critical interests converge. And, with the creation of the Islamic State, we see in most glaring terms what disengagement in Iraq brought for millions of Arabs. This is a serious warning as to what premature disengagement might bring to us and to our allies.

Afghanistan needn't be consigned to a fate of strife, violence, and radicalism. The millions that voted in both of this year's elections made it plain that they have a stake in who governs their country and that the ballot is their voice. And while Afghanistan is fraught with weighty challenges ahead, the past thirteen years have seen far more progress than not, democratic and otherwise. There is a process shaping up to weather the current electoral conflict to a peaceful change in power and a potentially more representative system of government for its people. With committed patience, respectful tone, nuanced diplomacy, and a genuine sense of partnership on both sides, we can work with Afghans to better protect our national interests.

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<sup>12</sup> Robb, Peter. *Midnight in Sicily*. Picador, 1996, pp. 43-49.