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Presidential Elections in Afghanistan: Unintended Consequences?

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Incumbent Hamid Karzai is the front-runner, by a considerable distance, in the upcoming Presidential elections in Afghanistan – a far cry from predictions made as recently as six months ago that he had become lame duck as he had lost the confidence of both the Afghans and the Americans. His opposition was clustering around a new grouping, the United National Front, his allies were deserting him and he seemed doomed to be in the footnotes of Afghanistan's history. Critically, there were constitutional and legal issues about his term that seemed to seriously question his continuance in office beyond 22 May 2009, with elections scheduled only for 20 August 2009. However, the circle seems to have come around and those Afghans and foreigners hoping for a change of leadership and fortunes are sounding extremely demoralised.

The increased insecurity in the country, the rise of the drug economy and failure on the development front had eroded confidence in the President. Different opinion polls showed decreasing confidence of the Afghan people in the way things were going on in the country, signalling the loss of support for the government and its international backers. As early as December 2006, according to one poll (worldpublicopinion.org), a majority of Afghans saw their "country as going in the right direction and are positive towards the central government, President Karzai, the North Atlantic Treaty Organization (NATO) forces and the United States. But all of these majorities are declining." Similarly, the Asia Society, which conducts annual surveys, showed a fall in the number of (Afghans) who believe that their country is going in the right direction from 64 percent in 2004 to 38 percent in 2008. Karzai's approval ratings declined from 83 percent in 2005 to 52 percent in February 2009.

Overall, Karzai was seen as weak and ineffectual at best, and downright complicit with warlords and the drug mafia at worst. He had frequent stand-offs with the Lower House of the National Assembly, the Wolesi Jirga, which passed motions of no-confidence on two of his ministers and over-rode his veto on the Media Bill.² Both his Vice Presidents, Ahmad Zia Massoud, the younger brother of the legendary Ahmad Shah Massoud and representative of

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² The National Assembly passed a relatively liberal Bill that would reduce the government's control over the media, particularly the government-owned television and radio channels, and ease funding flows to the independent media. However, despite the National Assembly passing the Bill again to over-ride the Presidential veto, the government has not notified the Bill into an Act, though according to the Constitution, such laws should come into effect 15 days after their second passing.

the Tajiks, the second biggest ethnic group, and Karim Khalili, the leader of the Hazaras, the third biggest ethnic group, had supported the formation of the United National Front, which brought together disparate opponents of Karzai, including members of the erstwhile Northern Alliance, ex-communists and even royalists. They argued for a Westminster-style parliamentary democracy with much greater accountability of the provincial executive to the local elected bodies.

Less than a year ago, then Senator Joseph Biden, then Chairman of the United States Senate's Foreign Relations Committee, had famously walked out of Karzai's dinner, furious at Karzai's denial of corruption in his administration. Then United States presidential candidate Barack Obama, in his first visit to Afghanistan, called upon Karzai "to get out of the bunker" and link with the people. When Obama became President, he did not call Karzai for weeks, a very different treatment from the weekly calls from President Bush. In fact, for his inauguration, of the Afghans invited, none was considered close to Karzai, and one, Gul Agha Sherzai, a rival from Karzai's hometown of Kandahar and presently Governor of the eastern province of Nangrahar, was seen as a potential challenger in the forthcoming elections. Karzai was clearly in the American doghouse.

On his part, Karzai, over the past two years, had started openly clashing with his American allies on the issue of civilian deaths, particularly with the indiscriminate use of air strikes. These had killed members of marriage parties and innumerable women and children in their homes, occasionally victims of the Taliban tactic of using human shields but, more often, of bad intelligence and personal enmity. One American convoy attacked on a highway reacted by going on a ten-mile shooting spree. In many cases, the United Nations, the Afghanistan Independent Human Rights Commission and respected non-government organisations had come up with impeccable findings which demolished the American army's and NATO's argument that they had targeted the Taliban. However, no action was taken to punish the guilty.

There was also the potential legitimacy issue looming over Karzai's tenure. According to Article 61 of the Afghanistan Constitution, the term of a new President begins on the 1st of Jowza (22 May) and elections should be held 30 to 60 days before that date. Karzai was elected on 9 October 2004 and took over as the first directly elected President on 7 December 2004. The President's term is for five years. Since his term could not extend beyond 7 December 2009, it was agreed that the new President's term would have to begin in May 2009.

A further complication arose as the elections for the National Assembly, elections first held in 2005, are due in mid 2010. To further complicate the issue, the Provincial Council elections are also due in 2009. There were attempts by various international players to bring an element of synchronicity in holding these elections as it has been calculated that over the next 50 years, Afghanistan would be holding some election or the other in 38 of them. An agreement was almost reached by which the President's term would be extended by six months and that of the Wolesi Jirga curtailed by six months. However, mutual suspicion among the parties meant that there was deadlock.

This failure to agree would not have been a problem if not for the fact that the Independent Election Commission (IEC) and neutral observers said that the earliest the Presidential elections could be held was in August 2009 and not March or April 2009. Adverse weather conditions would have meant that a considerable part of the country, particularly the Central

Highlands, would not be able to participate if the elections were held on schedule. The international community also indicated that it would not be able to provide adequate security for the elections till late summer. Amending the Constitution would be a cumbersome procedure requiring the summoning of a Loya Jirga (Grand Assembly) as well as political compromise.

Karzai, in a sudden move in February this year, asked the IEC to conduct the presidential elections as per constitutional provisions although he had no legal authority to do so. Not unexpectedly, there was a furore, with the IEC, the United Nations, the United States and others saying that it would not be possible to do so. His own Interior Minister, Hanif Atmar, who has presidential ambitions, said that his ministry would be in a position to give the IEC the security cover required. Having 'established' that he was not keen on extending his term, Karzai then asked the Supreme Court to give its opinion on the issue. Again not entirely unexpectedly, the Court ruled that the President and his deputies can continue to be in power until a new President was elected, largely to avoid a legal vacuum. This opinion had the effect on silencing his critics and has made Karzai's continuance in office beyond 22 May 2009 a non-issue.

Karzai has shown similar political *élan* in re-establishing himself as the main political player in the country, dividing and defanging his opponents so much that he hardly faces any challenge in the elections. Initially, a number of notables had positioned themselves as potential candidates. These included two of Karzai's ex-Finance Ministers, Ashraf Ghani Ahmedzai, who was an anthropologist at the World Bank for many years, and Anwar-ul Haq Ahady, a former professor of political science, as well as ex-Foreign Minister Dr Abdullah, ex-Interior Minister Ali Ahmad Jalali, a grandson of the former King, Prince Mustapha Zahir, Nangrahar Governor Gul Agha Sherzai, and Ex-United States' Ambassador to Afghanistan, Iraq and the United Nations, Zalmay Khalilzad. Hanif Atmar, a successful Rural Development and, later, Education Minister, was also seen as a dark horse. He has had tremendous recognition throughout the country due to the success of the community-based development programme, the National Solidarity Program that had established the Community Development Councils in over 22,000 villages. The fact that four of the potential candidates had been Karzai's ministers, and three of whom, at different times after leaving office, had negotiated their rehabilitation with him, exposed their weaknesses.

In recent times, either they or Karzai had announced that they would be taken back in the cabinet or would work together but, ultimately, Karzai kept them hanging. The fourth (Ahady), although a son-in-law of the influential Sayyid Ahmad Gailani who is the recognised head of the Qadiriyyah Sufi order and the head of a political party (*Milli* or Federal Party), had been in the cabinet until March 2009 and could not distance himself from Karzai. Jalali, a professor at the National Defense University at Washington, D. C., a United States citizen, like Ghani and others, made a number of trips to Afghanistan to assess his chances. Ultimately, he did not enter the race. Khalilzad sent out a number of subtle messages about his intentions and convened a meeting of many potential candidates in Dubai with a view to agreeing on a single candidate to challenge Karzai. However, he did not succeed and gave up the idea. As Ahady reported, each person thought that he had the best chance to unseat Karzai and was not prepared to withdraw in favour of any other. The fact that Khalilzad was an American citizen went against him. Atmar, in his mid-forties, was moved into the pivotal Interior Ministry, a move welcomed by many Afghans and internationals as he was seen as somebody who could deliver. That would place him as a favourite for the next elections. Mustapha Zahir, the head of Afghanistan's National Environment Protection

Agency, was never considered a serious candidate although he attended meetings of the United National Front. Sherzai met Karzai and pledged his support, reportedly after striking a deal.

Karzai was further able to strengthen his position by luring three key opposition figures, Marshal Fahim, Mohammad Mohaqiq and Abdul Rashid Dostum. Marshal Fahim had been Karzai's first Defense Minister and a Vice President in the Afghanistan Interim Administration but was sacked just before the 2004 elections on account of his unsavoury reputation – the army had a very large number of 'ghost' soldiers whose salaries were collected and Fahim also reportedly presided over an extortion racket. International forces were put on alert at the time of his dismissal to prevent any attempted coup since Fahim was Ahmad Shah Massoud's successor as head of the Northern Alliance army, which marched into Kabul after expelling the Taliban. Karzai's selection of Ahmad Shah's younger brother, Ahmad Zia, as his candidate for First Vice President was hailed as the latter represented a younger breed of Panjsheris, untainted by human rights violations and other charges. This time around, with Massoud's loyalty in doubt, Karzai reached out to Fahim and offered him the Vice Presidency, a hard blow to the unity of the main opposition grouping. He then made a deal with the leader of the Hezb-i-Wahadat, Mohaqiq who had come in third in the last presidential elections, by promising to upgrade two districts, which are dominated by Hazaras but are located in Pashtun-majority provinces, into provinces. Karzai's second Vice President, Khalili, is a Hazara, this new alliance means that Karzai has managed to ensure that he would carry the Hazara votes quite substantially. Dostum had been pushed to the wall, losing his executive position in the Ministry of Defense, marginalised in his former stronghold of Mazar-i-Sharif by the Tajik Governor, Atta Mohammad, and challenged within his own Uzbek community and Jumbish-i-Milli party so much that he flew into 'voluntary' exile to Turkey to save himself the ignominy of prosecution. Karzai has reportedly agreed to allow him control of his native province of Jowzjan and the neighbouring Andkhoy district of Faryab, which controls considerable traffic in carpets and other commodities to Central Asia. Atta's reported backing of Dr Abdullah could also be a factor for this new and unlikely alliance. With these three new allies, Karzai has dealt a serious blow to the main opposition grouping, the United National Front, as the latter's main base was in the grievances of the three main minorities, the Tajiks, the mainly Shi-ite Hazaras and the Uzbeks.

The IEC scheduled a two-week period (26 April to 10 May 2009) to receive nominations. According to the Constitution, the President must be an Afghan, Muslim, at least 40 years of age, holding no foreign citizenship and with no record of human rights violations or war crimes. The winning candidate must win a 50 percent plurality, otherwise the election would go into the second round between the top two candidates. Forty four candidates filed their nominations, of which one withdrew and two were disqualified by the IEC. Of the 41 candidates in the race, there are two women. The elections will be held on 20 August 2009 and in the terms of Article 38 of the Constitution, the campaign period will run from 16 June to 17 August 2009.

Karzai's main challengers are Dr Abdullah and Ashraf Ghani Ahmedzai; the latter gave up his United States citizenship just before filing his nomination. Others include Wolesi Jirga's deputy speaker Mirwais Yasini, Communist-era Defense Minister Shahnawaz Tanai who later defected to Pakistan after his failed coup attempt, ex-Mujahideen Abdul Salam Rocketi who is now a member of the Wolesi Jirga, ex-Planning Minister Ramzan Bashardost and ex-Vice President Hedayat Amin Arsala who is a well-connected eastern Pashtun from Nangrahar.

According to an opinion poll by the International Republican Institute in May 2009, Karzai was the first choice of 31 percent of the voters. Dr Abdullah was a distant second at seven percent and Ashraf Ghani at four percent. Karzai's approval ratings have gone to 69 percent and 43 percent of the voters think he deserves a second term. During the 2004 elections, Karzai won in the first round itself, polling over 55 percent of the votes. His next closest rivals were Yunus Qanoni (Tajik) with 16.3 percent, Mohaqiq (Hazara) with 11.7 percent And Dostum (Uzbek) with 10 percent of the votes.

The costs of the elections are estimated at over US\$350 million, including the already completed voter registration, and the international community has pooled its resources through a United Nations Development Programme project, ELECT. There will be 29,000 polling stations over the 34 provinces. This time, there are 17.5 million voters, as compared with 11 million at the last elections. Besides supporting the IEC, ELECT has been working with local civil society organisations to generate voter awareness. In order to ensure that elections are credible, ELECT is supporting the Free and Fair Election Foundation of Afghanistan to hire and train 8,000 local election observers. The European Union, the Organization for Security and Cooperation in Europe and others are also expected to send international observers to the elections.

In an interesting development, the United States has gone out of the way to stress that it does not have a favourite candidate. The United States Ambassador Karl Eikenberry quoted the United States President as saying that the "United States does not support or oppose any particular presidential or provincial council candidate. The United States seeks an enduring partnership with the Afghan people and not with any particular Afghan leader". The National Security Advisor Jim Jones had, more or less, the same opinion, adding that the United States "is interested in creating a level playing field for all". However this time around, it is Karzai who is on the offensive, with his spokesperson charging that the United States has gone too far by meeting different candidates and discussing their political platforms. This, he said, amounted to interfering in Afghanistan's political processes, that it was "a clear violation of national sovereignty". This new-found aggressiveness is likely to help Karzai as Eikenberry's statement was made at his joint press conference with Dr Abdullah, and Jones held a joint meeting at the United States Embassy with Dr Abdullah, Ashraf Ghani and Mirwais Yasini.

Clearly, Karzai has outwitted his many critics and rivals, and made a virtue of the American displeasure about his obvious failings, gambling that the Afghans would like to support a candidate who can stand up to the Americans and yet keep foreign assistance flowing, without which they realise the country's stabilisation and development efforts would be doomed. This is indeed a far cry from when he was seen as little more than an American puppet.

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