



# Middle East Studies

at the Marine Corps University

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## Afghanistan's Presidential Election of 2014

by Amin Tarzi

Afghan President Hamid Karzai told a number of Afghan parliamentarians in Kabul on 11 August 2011 that he will not be seeking a third term as president when his current five-year term ends in 2014, thus respecting the two-term limitation placed on the presidential office under the Afghan Constitution. According to Afghanistan's official National Television, Mr. Karzai added: "I do not intend nor will I try to serve as president for a third time, because I believe such a move harms Afghanistan"[1].

President Karzai is absolutely correct in stating that any attempt by him to seek a third unconstitutional term would harm Afghanistan, and that harm could very well be irreversible.

Since the October 2004 presidential election, Afghanistan's democratic experiment has declined in transparency and fairness, and the enthusiasm of the Afghans for a better future through the electoral process has diminished. Recurring causes of concern from past Afghan elections include: the lack of adequate preparations before elections; the failure to address irregularities in a timely and transparent manner; and the selection of expedient, short-term solutions over more difficult foundational decisions.

Afghan Presidential Election... (CONTINUED ON PG 2)

## Karzai Election Decree Complicates Afghan Political Crisis

by Abubakar Siddique, RFE/RL

Afghan President Hamid Karzai has made his move, ordering the Afghan Independent Election Commission (IEC) to "immediately finalize" the controversial results of last year's parliamentary polls.

Instead of breaking a political deadlock over more than 60 seats in the lower house of parliament, the Wolesi Jirga, however, the president appears to have muddied the waters.

Karzai Election Decree... (CONTINUED ON PG 3)

### MES Notes

#### MCU Emerald Express Strategic Symposium

Marine Corps University, in partnership with the Defense Intelligence Agency Afghanistan-Pakistan Regional Expertise Training Program and the Marine Corps University Foundation, is pleased to announce its 30-31 August 2011 Emerald Express Strategic Symposium, entitled "Shaping for Successful Transition in Afghanistan".

Post Symposium products will be available at the MCU website at [www.mcu.usmc.mil](http://www.mcu.usmc.mil). POC for this event is Mr. Adam Seitz at (703) 432-5260 or [seitzac@grc.usmcu.edu](mailto:seitzac@grc.usmcu.edu).

#### MES at MCU Disclaimer

The opinions and conclusions expressed herein are those of the individual author and do not necessarily represent the views of either the Marine Corps University or any other governmental agency. Any references to this newsletter should include the foregoing statement.

One of the prerequisites for Afghans to assume primary responsibility for the future of their country is to have a government in which the majority of the Afghans believe and trust. The neo-Taliban and other anti-governmental forces will only lose momentum if the population does not allow them room to maneuver, and this will only occur if the majority of Afghans believes in the legitimacy and sincerity, if not efficiency, of their national leadership in Kabul.

Under the Bonn Agreement of 2001, the head of the executive branch was designed to be the mechanism under which Afghanistan would reorganize itself as a state and emerge as a democracy. In the decade since, the mechanism envisaged in Bonn has withstood numerous tests while its shortsightedness has been exposed in the reality of Afghan politics. However, Afghans, by and large, have respected the electoral institutions. This last statement could, in itself, be regarded as a major achievement when compared to how political aims were being achieved in Afghanistan in the decade following the end of the struggle against the communist regime in 1992, and both Afghans and their international partners have paid a very heavy price to get to this point. It would dishonor the sacrifices made to settle for a post transition period in Afghanistan that could revert to the pre-2002 period.

The timing of the next presidential election – in 2014 – coincides with the planned completion of the drawdown of international forces and the transition of security authority to the Afghan National Security Forces. Afghanistan cannot go through this transition while suffering a constitutional crisis over the fate of the most important office in the country, which would occur if Mr. Karzai intended to seek a third term. Any attempts to alter the constitution of Afghanistan during a transition period that has called for reintegration of reconcilable members of the armed opposition would also severely weaken the most important clause of reconciliation and reintegration programs: respect for the Constitution of the Islamic Republic of Afghanistan.

To ensure success of the transition, there is an urgent need to strengthen Afghanistan's electoral institutions, address those recurring problems, and provide the electoral process protection from executive branch—and by proxy, judicial branch—encroachments.

It seems incumbent on the Government of the Islamic Republic of Afghanistan (GIROA), with the active support of its international partners, to ensure that the country's crucial presidential election of 2014 is carried out in a transparent, organized fashion and produces a new Afghan leader. This would result in a victory for institutionalizing democratic values in the country. A successful presidential election, based on the current constitutional requirement, will undoubtedly raise the credibility and legitimacy of the GIROA among the majority of the Afghan people and could very well become the catalyst for a new Afghanistan that, with international partnership and responsible Afghan stewardship, can realize the dreams and aspirations of millions of Afghans and justify the sacrifices of all involved in Afghanistan in the last decade.

Anything tampering with the electoral process will most likely lead to a reopening of the dark chapters of Afghan history, even if the meddling in the electoral process is accepted as an expedient step to a smooth transition. Afghanistan needs a long-term foundational solution, not another façade building. Most observers have responded to Mr. Karzai's early announcement with skepticism. They see it as a politically expedient statement that the Afghan leader can disregard closer to the next presidential elections. May it not be so.

#### Presidential Elections Notes:

[1] "Afghan leader meets new pro-government parliamentary grouping," *National TV Afghanistan* in Dari, 11 August 2011 via OSC (SAP20110813950024).

The Afghan election body, lawmakers, political factions, media, and legal experts are divided over the interpretation of the August 10 decree.

## MES Notes (cont.)

26 June 2011

Dr. Tarzi participated in a joint discussion with Tom Wide on the Afghan National Archives as part of a conference entitled "Invisible Archives" at St. John's College, Oxford University.

29 June 2011

Dr. Tarzi presented a paper entitled "Pashtun Tribalism and the Future of Afghan and Pakistani States and Societies," at the British Society for Middle Eastern Studies Annual Conference 2011, in Exeter.

12 July 2011

Dr. Tarzi presented a lecture entitled "Afghan Legal History and the Evolution of Afghanistan as a State," to 4th Rule of Law Course at Army JAG School, Charlottesville.

4 August 2011

Dr. Tarzi presented a lecture entitled "Transition in Afghanistan: Regional Approach and Reconciliation," to CMC Fellows, Navy Annex.

The 62 candidates who were granted parliamentary seats after a special election tribunal overturned the initial results of the September 2010 election have welcomed the order, taking it as a sign that they will finally be sworn in as members of the lower house (see *MES Insights*, Vol. 2, Issue 1). They have gone so far as to characterize the decree as a victory for the rule of law in Afghanistan.

A sizeable number of sitting lawmakers – a group that has served as a wedge between parliament and the presidential administration by stalling cabinet confirmations and legislation as the crisis has played out — have a vastly different interpretation. They too are touting Karzai's order as a victory, predicting that the election commission will now validate its initial results.

### IEC Welcomes Decree

Meanwhile, IEC head Fazal Ahmad Manawi is also taking the situation as a win. He has welcomed the Karzai decree, saying it backs his stance that the IEC has the last say in all matters related to the elections.

"The high court called on the president to take steps to resolve the problem," Manawi said. "And the president called on the election commission to take steps in the light of the constitution and the election laws."

Manawi openly opposed the president's creation of the special election tribunal amid claims of fraud that emerged after the results were released.

International media reports have suggested that the IEC now intends to consider just 17 cases of alleged election fraud.

Such an outcome would hint at the possibility for a compromise that would placate Karzai by allowing some of the candidates he backs to retain their seats, but is far from the radical overhaul of the parliament recommended by the special election tribunal.

### 'This Is The Law'

What is clear is that the president's new course is fraught with risk. Supporters of the 62 candidates declared winners by the tribunal are unlikely to stay silent if they are unable to join the parliament.

Daud Sultanzoi, a leading member of the group of 62, told RFE/RL's Radio Free Afghanistan he welcomed Karzai's decree, and called on the IEC to implement the special tribunal's decision.

Sultanzoi said that the fact that it's called the "Independent Election Commission" doesn't mean that it's above Afghan laws and institutions.

"The court decision is a binding and enforced by Islamic [Shari'a] law. Nobody can defy the injunctions sanctified by the law," Sultanzoi said. "If they stand in the way of implementing this decision they will be considered 'mutamarid' [defying Islamic principles]. We all know that what Shari'a prescribes for dealing with such people."

### **Sitting Members Unhappy**

Speaking at a stormy parliament session on August 10, sitting members threatened to boycott parliament if the IEC moves to implement the tribunal's decision. They warned of an unsolvable crisis if some members are forced out of the Wolesi Jirga.

Lawmaker Yunos Qanuni decried it as "part of a deliberate plan to foment a crisis in Afghanistan that will pave the way for a power grab after the 2013 elections."

While the two sides invoke the constitution and the rule of law, observers in Kabul see it as unending wrangling between strongmen and the political factions they control. They suggest that the eventual IEC results would not placate all sides, but might ensure that powerful interests of the pro- and anti-Karzai camps are accommodated.

*This piece was originally published on 11 August 2011 by Radio Free Europe/Radio Liberty. Reprinted with permission of RFE/RL.*

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