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## “We like democracy, but elections ruined it”: Thoughts on Democratization in Afghanistan after 2014

by Scott Smith

The quote in the title comes from a comment reportedly made by an Afghan voter after the 2014 elections. It describes one of the more perplexing questions arising from the democratization effort in Afghanistan: Why has each successive election been better prepared technically but yielded a worse result politically? An exploration of this question reveals a great deal about political order in Afghanistan, but perhaps also about our own understanding, or misunderstanding, of what democracy is.

A great deal of hope was invested in the 2014 elections. President Hamid Karzai was constitutionally not allowed to stand for another term. The strongest candidates to replace him promised reforms. As international troops ended their combat role the same year and aid began to decline, these elections were expected to yield a reformist government that would allow Afghanistan to govern itself more effectively and with greater self-reliance.

Reinhold Niebuhr once described democracy as “a method of finding proximate solutions to insoluble problems.”<sup>1</sup> In Afghanistan in 2014, the insoluble problem was political order and the proximate solution was the democratic constitution of 2004. The constitution, despite its lofty aspirations, had really only been successful in performing the dirty work of holding formerly warring elites together. Its real function was to serve as an agreed-upon set of rules that governed political competition between political actors with power that was somewhat autonomous from Afghanistan’s weak state institutions.

Viewed from this minimalistic perspective, the 2014 elections served two purposes. First, they were the means by which elites demonstrated their power relative to each other as part of the elite negotiation—the ability to command “vote banks” was a sign of power. Second, holding the elections on schedule demonstrated that the constitution was still accepted as the “rules of the game.” Both of these purposes are related to the distribution and legitimization of power among elites. Neither had much to do with increasing representation or citizen participation in political decisions, or other features of what is understood as democracy.

### MES Notes

This issue of *Insights* carries an abridged version of a talk presented on 7 April 2015 as part of the Middle East Studies Lecture Series, “Perspectives on Democracy Promotion and Democratization in the Middle East and North Africa”, hosted by the Middle East Studies at Marine Corps University.

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But something funny happened on the way to the polling station. As the campaign period progressed, popular excitement grew. Tens of thousands of people attended the rallies of the eight candidates. This interest was sustained throughout the two months of the campaign period. The first round, on 5 April, was a rare day of optimism in Afghanistan. There was high turnout—around seven million voters—and few security problems. The Independent Election Commission (IEC), with very little technical support from the international community, pulled off the complicated logistics of an Afghan election with few complaints, for which the IEC received significant praise.

From a political perspective, the electoral result was ideal. Abdullah Abdullah received the most votes with 45 percent—a commanding lead but too far from the 50 percent threshold to plausibly argue that fraud had denied him outright victory. Ashraf Ghani came second with 31.5 percent. Most importantly, Zalmay Rassoul, Karzai’s foreign minister, only received 10 percent. Rassoul had been perceived as Karzai’s preferred candidate. Many people interpreted his poor showing as a sign that the palace was not manipulating the election, further legitimizing the process. His weak showing also dissuaded him from arguing that fraud had deprived him of second place.

Interestingly, anecdotal reports emerged that voters increasingly had ignored local power-brokers and voted for whom they actually wanted. In other words, the “vote banks” were less reliable than in previous elections. This was encouraging for democratization, but problematic if the election was to serve as a means for power brokers to demonstrate their power. In other words, the more genuinely democratic the election became, the less helpful it was to maintaining the elite pact.

Perhaps for that reason, the Abdullah camp, with its solid lead, proposed negotiating a political agreement with Ghani to avoid a second round. The argument, backed by some in the international community, was that a second round would be expensive, violent, and more ethnically divisive. A negotiated pact between the two front runners would avoid these dangers. Ghani, however, had no incentive to negotiate. His strategy had been to win the most votes among Pashtuns in the first round and count on Pashtun votes to back him in the second round. The stage was set for an unprecedented second round in Afghanistan.

The two candidates adopted divergent strategies in the brief campaign before the second round. Ghani sought to mobilize Pashtun voters, while Abdullah sought the endorsements of the candidates who had lost as well as other influential politicians. Ghani’s ethnic strategy assumed that there would be a shift of voters from other Pashtun candidates to him. Abdullah’s “vote bank” strategy assumed that voters who had voted for certain candidates in the first round would transfer their votes to whomever their candidates endorsed in the second round.

The second round took place on 14 June. If the political result of the first round had been ideal, the result of the second round was catastrophic. But the catastrophe did not reveal itself immediately. Within 24 hours of the polls closing, and before any results had been released—although the IEC had announced a surprisingly high turnout of 8 million—the Abdullah campaign accused the IEC of committing massive fraud. According to observer reports, 95 percent of the 22,000 tally sheets had signatures from agents of both candidates. It is likely that in those 24 hours, the Abdullah campaign had added up their tallies and realized they were behind.

There were good reasons to believe that fraud had taken place. The Abdullah campaign quickly capitalized on these by releasing a secretly recorded tape of a purported phone conversation in which the IEC’s Chief Electoral Officer appeared to have been ordering a provincial official to stuff ballot boxes for Ghani. This tape fatally undermined the credibility of the IEC, which it would never recover.

According to the electoral calendar, the IEC was supposed to release its preliminary results on 7 July. The allegations of fraud, however, and Abdullah’s threats to withdraw from the process had forced the two camps into a negotiation over how to resolve the impasse. Pressure was put on the IEC to delay its announcement of the results.

Out of a sense of either panic or respect for its set procedures, the IEC released the preliminary results on 7 July anyway, announcing that Ghani had approximately 4.5 million votes to Abdullah’s 3.5 million. For the Abdullah camp, this was further evidence of the IEC’s pro-Ghani partiality, as the announcement strengthened Ghani’s hand in the negotiations. Furthermore, the IEC had only removed around 140,000

votes, suggesting that hardly any fraud had taken place.

Abdullah supporters were genuinely incensed. Some of his powerful backers threatened to declare a parallel government or to march on the presidential palace. The entire effort to rebuild Afghanistan on a democratic premise was now in the balance. A failed political transition would put in jeopardy every real gain that had been made in the previous decade.

The United States, which had financed or inspired many of these gains, immediately grasped the stakes. Secretary of State John Kerry, then on a visit to China, immediately flew to Kabul. In 2009 he had helped broker a solution to electoral impasse between Abdullah and President Karzai; he was, therefore, familiar with the dynamics and many of the faces. Several days of shuttle diplomacy yielded the framework of an agreement: both sides would consent to a full audit of the vote, and both would simultaneously begin negotiating a power-sharing agreement. The victor, determined by the audit, would become the president, and the runner up would become the Chief Executive Officer—a position that did not exist in the constitution but that would be decreed by the new president.

It was at this moment that the tension was defused, but the election had ceased to be about democracy. To have only called for an audit would have preserved the vote count as the determinant of the election's outcome. To simultaneously call for a power-sharing agreement, however, conveyed that no matter what the voters said, the resulting political arrangement would be different from what they presumed when the election began. The rules were changing as the game was being played.

During the audit, every ballot box was reopened—a process unprecedented in electoral history. Nearly 125 United Nations electoral experts were flown in on short notice to provide technical assistance and often to adjudicate audit decisions; hundreds of national and international observers were present as well as hundreds of agents. The 22,000 ballot boxes were flown to Kabul from far-flung districts and stacked in hangers in the IEC compound in Kabul. Agents from both campaigns were intimately involved in the evaluation and adjudication of ballots. Violence between them was frequent.

No set of ballots has been as closely scrutinized as the Afghan ballots in 2014. Yet, after all of this, the verdict reached by Democracy International, which observed the audit, was stunning: “The audit was imperfect, but the process revealed that it was much harder to find evidence of fraud in this election compared to previous elections. The serious allegations of widespread fraud from both candidates remain unsubstantiated.”<sup>2</sup>

The more one looked at the actual evidence in the ballot boxes, the more it seemed that the 2014 election was a better election than had been characterized in media and other reports. This dissonance matters. Giovanni Sartori wrote, “wrong ideas about democracy make democracy go wrong.”<sup>3</sup> There were a number of cases in which it seemed that our wrong ideas about democracy made Afghan democracy go wrong. The fact that the post-audit results of the election have still not been released to the Afghan voters is the most obvious one. A few others deserve to be noted because democracy cannot be promoted abroad if it is misunderstood by those who would promote it.

The Kerry proposal for a power-sharing agreement regardless of the outcome of the audit was the first strike against a democratic outcome. An election where there is fraud is not necessarily a fraudulent election. The pre-determined power-sharing agreement undid this axiom; it assumed that fraud had been so prevalent that a political compromise was required before proof of fraud could be ascertained. The power-sharing agreement made the audit almost irrelevant before it began. Some observers claimed afterwards that the main purpose of the audit was to buy time to allow the parties to reach a political agreement. It had no electoral meaning.

Another indication that the international community had lost track of democracy's essence was the confirmation bias evident throughout the process. International actors seemed supremely confident about the election results before the first vote had been cast. When the evidence, especially during the audit, began to contradict these presuppositions, they discounted the evidence.

Many internationals based their predictions of the second round on the results of the first. This ignored two salient features about democracy. The first is that every election allows voters to make up their minds again in light of the new facts. In the second round there were two candidates rather than eight. Many believed that Abdullah's victory in the second round was inevitable because he had won the first round and

secured the “vote banks” of powerful figures. When the initial results suggested he did not win, they assumed that the cause was fraud. They did not consider that the two-round voting system might have worked precisely as designed. The technical papers prepared in 2003 by international experts to inform the Afghan constitutional drafting commission all stated that in an ethnically divided country like Afghanistan, it was important for the president to be elected on the basis of a majority, not a plurality. The two-round system was a response to that advice. In other words, the constitutional designers anticipated a situation exactly like the one that occurred in 2014, where an ethnic minority candidate won the first round against a divided majority, and the second round was won by the candidate representing the ethnic majority. This outcome that was intended by international experts in 2003 was greeted with incredulity by many international experts in 2014.

Confirmation bias also existed in reporting on the election. *The New York Times* quoted Abdullah officials saying that the fraud was too sophisticated to be detected and western officials as saying “that the audit of millions of ballots cast on June 14 has made clear that the scope and sophistication of fraud was staggering.”<sup>4</sup> But the assertion that the fraud was massive in scope requires proof that massive fraud took place. If it was so sophisticated that it could not be detected, then there is only supposition rather than proof.

An alternative explanation is that when the Afghan people were on the verge of a democratic breakthrough, the international community, out of a sense of fear, political prudence, or a failure to appreciate the nature of the substance, sided with the elites against the emerging democratic process. In 2009, William Maley wrote, “It is more than likely that those who are unready for democracy are not ordinary people but entrenched elites, for whom the idea of ejection from office at the hands of the electorate may indeed be unpalatable.”<sup>5</sup>

Never mind that it is not only the voices of the “ordinary people” that have been undermined by this election, but also the minimalist goal of preserving the constitution as a set of rules for elite pact-making. The political deal to resolve the election requires that a constitutional convention be held in 2016. But to convene a legitimate constitutional convention, district council and parliamentary elections must be held. The agreement also calls for a wholesale reform of the electoral infrastructure. Experience suggests that none of this can happen within the agreed timeframe. This means that there will either be a political crisis in two years time—since the conditions for convening a proper constitutional convention will not have been met—or the constitution will be amended on the basis of an illegitimate constitutional convention.

One can hope that the matters at hand are so important that Afghan leaders will find a way, even with dwindling international support, to resolve them. But the evidence so far from the “unity government” is not promising. It seems sometimes that, even though the votes have been counted, the election is not really over. And in the meantime the international community seems to be rapidly losing interest in elections as a means of preserving political order in Afghanistan. They too liked democracy until elections ruined it.

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#### Notes:

<sup>1</sup> Reinhold Niebuhr, *The Children of Light and the Children of Darkness* (New York: Charles Scribner’s Sons, 1944), p. 118.

<sup>2</sup> Democracy International, *Afghanistan Election Observation Mission 2014 – Final Report*, January 2015, p.41.

<sup>3</sup> Giovanni Sartori, *The Theory of Democracy Revisited* (New York: Chatham House, 1987), p.3.

<sup>4</sup> “In Afghanistan, Time for Compromise,” *The New York Times*, 4 September 2014.

<sup>5</sup> William Maley, “Afghan Elections: From the Sublime to the Ridiculous?,” paper delivered at “State-Building in the Contemporary Islamic World: U.S. Intervention in Afghanistan and Iraq”, 13–14 November 2001, Indiana University.