



## Center for Strategic & Regional Studies Kabul

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## Preface

Afghan President Ashraf Ghani is leading a high-level delegation to Washington for five days. Besides his meetings with American officials, he had addressed the joint session of US Congress. President Ghani in his first visit to US had focused to build new ties, rethink on US troop's withdrawal and to attract US assistance.

It seems that President Ghani tries to have friendly relations with the US, unlike his predecessor, Hamid Karzai. Has Ashraf Ghani achieved what he had expected from his visit? Alternatively, what impacts his visit will have on the continuation of war and peace process in the country? The analysis of this week contains the answers.

Moreover, before leaving for US the president introduced the remaining ministers of the cabinet to the parliament and also appointed *Shukria Barakzai* as the head of the commission for electoral reforms.

The two leaders of the government, before the formation of NUG agreed up on electoral reforms. But, to what extent the commission will be able to bring about changes in electoral commissions? On the other hand, the electoral system needs which reforms and to which extent the changes are possible in the light of constitution?

Center for Strategic and Regional Studies in this week's analysis discusses the aforementioned topics:

## The New Afghan-US Friendship: Hopes & Concerns



Since Afghan President Mohammad Ashraf Ghani took power in the last September, he made effort in his first visit to United States of America to repair the strained relations between the two countries and attract urgent aides from its strategic partner.

President Ghani pays the visit in a time that the US foreign policy is dragged towards the incidents in Eastern Europe, Middle-East, and talks with Iran on its nuclear program. At the same time, it is expected that Taliban's attacks in the summer may also increases.

### Background of Bilateral relations:

At the end of World War II, the world witnessed another, but "Cold" war, which had great impacts on the world affairs. The relations between Afghanistan and the United States were strained due to *Pakhtoonistan* dispute – between Afghanistan and Pakistan. Even though during that era, US supported Pakistan while USSR was in favor of Afghanistan. Nevertheless, US were too, after USSR, the second largest donor country to Afghanistan.

During USSR's invasion of Afghanistan, due to the common enemy, US assisted Afghans to wage war against Soviet troops in Afghanistan. However, the assistance was suspended sharply after the withdrawal of Soviet Forces from Afghanistan in mid-February 1989. When Taliban took over in 1996, the suspended aids were turned into embargos and finally, after 9/11 incidents, US militarily invaded Afghanistan.

After the invasion of Afghanistan (Oct 2001), the relations between the then President Hamid Karzai and US government were very cordial. But it did not last longer. In January 2008, when Barak Obama won Presidential elections in the United States and then with the Karzai's re-election in 2009's controversial election, the relations started deteriorating due to few reasons: First, Karzai was more close to Republicans compared to Democrats. Second, based on Kai Eide's book, Obama did not trust Karzai. There were some other reasons too, like corruption, large scale of frauds in 2009 election, violation of Afghan sovereignty, torturing, detaining, killing and bombardment of Afghan civilians.

### **Paradigm Shift in Afghan Foreign Policy:**

The relations of Kabul with Washington and Islamabad were deeply strained during the last year of Hamid Karzai's tenure. Karzai in his farewell speech too advised his successor to be careful while dealing with Pakistan and United States.

The deterioration of bilateral relations date back to 2008, when Barak Obama was elected as the president of United States and he started criticizing Karzai's government. Later on, when the differences erupted between Hamid Karzai (the then president) and Dr. Abdullah Abdullah (his main rival in elections) over the allegations of fraud in election, US special envoy to Pakistan and Afghanistan, Richard Holbrooke tried to intervene in the election process and form a coalition government between Karzai and Abdullah<sup>1</sup>.

It was a turning point in Kabul's foreign policy perspective, which inclined more towards India, Russia and China. From 2010 to 2014 Karzai paid several visits to China and in 2011 had a trip to Moscow. In the *Loya Jirga* (Grand Council), Karzai refused to sign the bilateral security agreement (BSA) with the United States. President Karzai bound BSA approval to peace and security in Afghanistan.

In September 2014, however, president Ghani signed the long delayed and much controversial bilateral security agreement within the first 24 hours of his government. Besides, the new National Unity Government of Afghanistan gave some unprecedented privileges to Pakistan. Ghani's initiatives towards Pakistan were have been criticized even by former president as well.

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<sup>1</sup> The details of the allegations have been mentioned in 'Duty: Memoirs of a Secretary at War' and Kai Eide's Book.

In recent visit to Washington, the President has tried to repair the previously strained relations with the US. In his first ever address to joint session of congress and his gratitude of US presence and assistance with Afghanistan is considered to have improved the relations.

### **Hopes regarding Ashraf Ghani's Visit:**

As far it is concerned President Ghani had two aims from his visit to the US: first, to attract the financial aids of the US for his government, and secondly, to overcome the Taliban's expected increase of insurgency in spring. Ashraf Ghani had asked US to keep 10,000 troops until the end of 2015 in Afghanistan, and slowdown the withdrawal process.

Ashraf Ghani had been to some extent successful in achieving these goals. President Obama announced to slowdown the withdrawal process. With it, Obama had decided to leave not less than 10,000 US troops until the end of 2015. Previously, US had announced to leave five thousand troops in Afghanistan until the end of 2015.

Moreover, US officials promised to ask the congress to approve \$4 Billions to support the 352000 Afghan army. In addition, John Kerry, Secretary of State, had promised Ghani and Abdullah that US would assist Afghanistan up to \$800 million per year.

### **Three-Dimensional Peace and War Policy:**

Usually, in the last 14 years, we had witnessed a great deal of increase in insurgency during the spring season. It is the first time that the new Afghan government under Ashraf Ghani's leadership will encounter Taliban attacks. Therefore, the unity government pursues a three dimensional policy:

1. Tries to talk to Taliban;
2. The government had relied too on military operations in Helmand and some other areas against Taliban in order to prevent Taliban's spring assaults;
3. Thirdly, the Afghan government is pursuing a regional approach to pressurize not only Taliban, but also Pakistan to make Taliban to sit down at negotiation table.

## Impacts of Visit on Peace & War

Currently, peace and reconciliation is on the top of foreign policy agenda.

From one side, the recent visit assured President Ghani regarding security, but it had increased the barriers in the path of negotiation with Taliban too. During the last 14 years, the armed opposition has not been suppressed in spite of all the military facilities with Afghan government and its international allies. Now, it does not likely seem to achieve soon and at least the remote areas will remain in Taliban's control.

From the other side, having cordial relations and attracting US financial aids shows the pragmatic foreign policy, but the current policies of the government proves that the barriers in the path of peace are increasing and subsequently the war would continue as it is.

The leaders of NUG promised peoples over peace talks, but after six months, they have not succeeded to start negotiations. Taliban are also not ready to talk to Afghan government.

Some of the reasons are as follow:

- Ashraf Ghani signed BSA;
- The demand of leaving more US troops;
- Focusing on military operation against the armed opposition, instead of honest peace efforts.

President Ghani exaggerated in thanking US government and military and undermined the Afghans' sacrifices. Ghani expressed as that BSA is a great help of US with Afghanistan, in spite not giving any solid privilege to Afghanistan. While the signature of BSA is one of the reasons of continuation of war in Afghanistan.

Afghan President paid visits to Pakistan and China, but the efforts look fruitless. Because, China and Pakistan looks failed in persuading Taliban to talk with Kabul. Pakistan's Chief of Army Staff, General Raheel Sharif had promised that Taliban would sit down at negotiations table in mid-March; but his statement look too to have gone in vain. Besides, Taliban claims that they had just shared some issues with China regarding their stance, not peace talks.

## What Will Electoral Reforms Commission Do?



According to the agreement between Ashraf Ghani (current president) and Abdullah Abdullah (CEO) to reform Afghanistan's electoral process, President Ashraf Ghani had finally ordered an electoral reforms commission.

The Ghani-Abdullah's agreement says about electoral system reform:

"[The] President has agreed on the basis of article 1 of the agreement that he will order a commission to reform the electoral system of Afghanistan soon after the establishment of National Unity Government (NUG)."

Members of the special commission will be selected with the consent of president and chief executive, and the cabinet will evaluate the recommendations of the commission and will take measures accordingly. It is worth mentioning that the electoral reforms should be implemented before the next parliamentary election".

### Need of Reform

During the last presidential election, independent election commission was accused of great deal of fraud, even the 100% recount of votes could not solve the dispute, and as a result the tensions between the two (run off) candidates paved the way for international community's intervention. In a political agreement, both agreed to form a national unity government and to reform election commission of Afghanistan.

Previously, EU that has assisted Afghanistan in the elections has asked Afghan officials to disclose those who managed frauds in the last election. EU also demanded reform in the election process.

Franz-Michael Mellbin, special envoy of EU to Afghanistan has even said that without reform in the election commission of Afghanistan and electoral institutions, he cannot even imagine the next parliamentary election in the country.

Without implementation of the reforms, EU will not support and monitor next election in Afghanistan, Mellbin added.

The concern of international community and Afghan people on the same commission is understandable. Finally, president announced the commission:

“The president of Afghanistan, Mohammad Ashraf Ghani announces the electoral reform commission under the chairwomanship of *Shukria Barakzai* for electoral reforms, strengthening national system, repairing peoples’ trust about governmental institutions, rule of law and preventing electoral violations.”

But these reforms will be in which sections? Change of election commission officials, change of electoral system or both?

## **Fundamental Reforms in Electoral System**

The electoral system of Afghanistan is based on adult franchise vote, which has prevented the expansion and growth of political parties in the country.

When the draft of the present constitution was discussed, the type of political system was the main issue. Some of the participants supported the parliamentary system where political parties could emerge. But another group insisted on presidential system and their choice was implemented. The electoral system of Afghanistan is based on this belief.

The system of adult franchise looks very simple where every voter can cast its vote, but from its implications point of view it is very complicated system that refrain the growth of political parties.



The aforementioned system was approved due to political reasons. After Taliban's defeat there was no political party other than the previous *Jihadi* parties. If the electoral system was founded on the basis of political parties, keeping in view their reputation they would have won the elections.

Therefore, international community decided to prevent *Jihadis* rule, they based the electoral system on adult franchise vote. In addition, at the same time they tried to form new political parties. After 2001, hundreds of political parties were registered in the Justice Ministry with international community's support and with very flexible conditions, but none of them succeeded to gain the public support. Later on, dozens of political parties joined hands, but even then, they could not form an influential political party.

Since then, the international community did not emphasize on electoral system of Afghanistan and finally an essential characteristic of democratic system did not come to existence.

If really there is a will for change in electoral system of Afghanistan, the system should be changed fundamentally. But keeping in view the members of newly formed reform commission are -including their chairwoman- anti-*Jihadi* parties' elements, so they will not bring any fundamental change, and it will be referred to *Joya Jirga* (Grand Council). While the presidential statement says in this regard:

"The reforms in electoral commission of Afghanistan have been part of the need that the people of Afghanistan felt in the 2014 election, so there should be broad changes"

It is worth to mention that the same electoral system was opted for Japan during the US occupation of that country after WWII until 1993, so in Afghanistan too, it cannot be considered randomly.

## **Constitution and Electoral Changes**

Article 109 of the constitution says:

"The recommendation of changes in electoral law cannot be added to the agenda of parliament in its last year".

According to above article, head of election commission of Afghanistan says change in the electoral system is repugnant to the law. At the same time, Head and members of the commission who were accused of large-scale frauds in the last election, because of the current election law they are not ready to resign from their portfolios before the completion of six-year tenure, the article six of election law says:

“The president will select 9 out of 27 candidates with at least two women for six years”

## Conclusion

The agreement of NUG says: “to regain the trust of the people of Afghanistan in the next election, electoral system (Laws and institutions) needs fundamental changes”.

Some are of the opinion that the members of electoral reform commission that have been appointed by the president have no experience and they will not be able to gain any success.

The commission may recommend some technical reforms in the election commission i.e. to distribute electronic ID cards. The new ID cards can prevent electoral frauds, but it is a long-term process and requires the postponement of next parliamentary elections. However, if the election law is not amended, the next 2015 parliamentary election’s results are not guaranteed.

The End

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### Contact Us:

Email: [info@csrskabul.com](mailto:info@csrskabul.com) - [csrskabul@gmail.com](mailto:csrskabul@gmail.com)

Website: [www.csrskabul.com](http://www.csrskabul.com)

Contact: (+93) 784089590

