

“The Afghan Elections: Who Lost What?”
Testimony of J Alexander Thier, U.S. Institute of Peace

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before the US House of Representatives

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia

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*The views expressed here are my own and not those of the United States Institute of Peace.

Mr. Chairman, ranking member, and members of the Subcommittee.

I am Alex Thier, Director for Afghanistan and Pakistan at the U.S. Institute of Peace, thank you for the opportunity to present my own views on the Afghan elections.

The legitimacy and credibility of the Afghan government and its international backers are the lynchpin of a successful stabilization strategy in Afghanistan. Victory is not guaranteed with improved governance and accountability, but without them failure is assured. Reversing the current crisis of confidence among the Afghan and American people will require the just and transparent resolution of the ongoing election conflict as well as a serious campaign to address the culture of impunity that undermines our efforts there.

The Big Picture

We need to put Afghanistan’s unresolved election in the broader context of the struggle for that country today. The election represents a pivotal moment in a pivotal year: 1) a demonstration of the relative strength of the government and NATO on one side and the insurgency on the other; 2) an exhibition of the resiliency and righteousness of the democratic process and the rule of law, and; 3) a referendum on nearly eight years of partnership between the Karzai administration and the international community.

The purpose of this election was not simply to choose national and provincial leaders for the country, but to demonstrate that choosing leaders through fair and non-violent means is possible, and preferable, in Afghanistan in 2009. Albeit still unresolved, thus far the process is lacking on both counts: a national leader has not been selected and deep flaws have shaken confidence in the prospect of fair elections in Afghanistan.

And why is this so important? I believe that we know what success looks like in Afghanistan: Success is that the path offered by the Afghan government in partnership with the international community is more attractive, more credible, and more legitimate than the path offered by the insurgents.

Is it more attractive? On paper, the government offers people a comprehensive array of rights – to security, to equality, to participate in the political process – and promises to

subordinate the powerful to the rule of law. It ratifies compacts with the international donor community promising to better the lives of its citizens through education, health care, and economic development while combating criminality, corruption, and drug trafficking. These are all things that most every Afghan yearns for, and indeed would fight for. The Taliban offer much less in material terms, and their ideology and theology are far more extreme than the solidly pragmatic majority of the Afghan people would prefer.

But is the path offered by the government credible? Thus far, the Afghan government and its international partners have failed to deliver on many of these key issues. Most importantly, many Afghans do not feel secure. The Taliban use brutal tactics and intimidation to demonstrate to the population that the government and its international backers are unable to protect them. At the same time, private militias, drug mafias, and criminal gangs act with impunity throughout the country. At best, the government seems powerless or unwilling to stop them. At worst, many of these bad actors are government officials or closely associated with the government.

The twin ills of insecurity and injustice lead to illegitimacy. No government that is unable to provide security to its population, and which is seen as corrupt and unjust, will be legitimate in the eyes of the population. Further, the perceived failure to deliver on economic development promises and belief that this stems from both domestic and international corruption has also deeply strained support for the government and the international community. The most dangerous direction for Afghanistan, and the U.S., is that as more U.S. military forces are deployed and fighting spikes, the Afghan population loses confidence in their government, in the post-2001 political process, and, by extension, in the international community.

The Flawed Election

The narrative of the 2009 election reinforces this legitimacy crisis. First, insecurity and apathy gravely depressed turnout on August 20, which may have been as low as 30%, a precipitous drop from the 70% turnout in the 2004 presidential elections. Second, during the campaign, several figures infamous for their brutality and avarice were brought back into the national political arena and convicted drug traffickers close to key candidates were pardoned, all to fulfill a narrow, cynical political agenda. These are the same figures whose conduct during the civil war in the 1990s was so deplorable that the

Taliban were welcomed by many the first time they took over the country. These acts served to heighten the perception of a complete lack of accountability. And third, massive, organized fraud affirmed the worst fears of voters and opposition politicians that the election would be stolen, and that elections are merely horrifically expensive showpieces for the West rather than meaningful processes of political participation and accountability.

The 2009 elections cost \$300 million and diverted significant political and military resources from the counter-insurgency effort. Yet, the continued uncertainty and sense of corruption that have surrounded the results have injected deeper doubt into the minds of the Afghan, American, and European populations about our objectives in Afghanistan and the likelihood of achieving them.

As more information comes to light, the scale of fraud in the elections appears to be dramatic, and may very possibly affect the outcome of the vote. Several hundred ballot boxes have already been excluded due to blatant fraud. The Electoral Complaints Commission (ECC) has further ordered a recount of 3,000 to 3,500 out of 25,000 polling stations. Based on the criteria established for the recount, this may encompass between 1.75 and 2 million votes, or up to 35% of the vote. The ECC is bringing a statistically valid sample of these votes to Kabul for examination over the next few days. On this basis, it will determine how many of the total suspect ballots to exclude from the tally.

A run-off between President Karzai and Dr. Abdullah will be called if Karzai's vote total – currently at 54.6% - falls below the 50% mark. This outcome would require that 524,000 votes for Karzai alone be invalidated, or considerably more if those invalidated votes include ballots for other candidates, which would lower the total number of valid votes cast. For example, even if 700,000 votes are invalidated, including 600,000 for Karzai and 100,000 for Dr. Abdullah, the President would remain above the 50% threshold. This is significant because the legal finding of fraud on such a massive scale and predominantly in favor of one party would simultaneously delegitimize the electoral process and ratify the victory of the candidate in whose name the fraud was perpetrated. Such an outcome may pose untenable problems for the legitimacy of the next government.

Mother nature also plays a role here, as a run-off vote would likely have to be held before the end of October to avoid disenfranchising many Afghans due to snow. That

said, the prospect of leaving the electoral process unresolved until Spring is likely to cause even greater havoc.

A Way Forward?

Resolving the Election

The ongoing uncertainty about the outcome of the election has created turmoil but also presents some opportunity. The existence of institutions and groups in Afghanistan able to detect the fraud – including Afghan civil society organizations and the Electoral Complaints Commission – are a welcome presence. The current process of investigations and recounts has the potential to undo some of the harm of the electoral process, and may serve to demonstrate that the powerful can be subordinated to the law. Both the Karzai and Abdullah camps have said they would abide by the decisions of the ECC and the Independent Elections Commission.

Unless the recount process gives the election a credible (and unexpected) clean bill of health, a run-off election may be the only way to restore the legitimacy of the democratic process at this point. Afghans have intensely watched the election saga in neighboring Iran, and went into this election with a heightened awareness of the potential and dangers of electoral fraud.

A run-off could serve as a shot in the arm for democratic politics in Afghanistan. It would demonstrate that even a sitting president can be subordinated to the will of the people and the rule of law, a first for Afghanistan which might further strengthen confidence in the system. The first round had 38 candidates for president and not a single debate between the frontrunners Karzai and Abdullah. A second round could be a real contest that could provoke further meaningful debate over the country’s future at a critical moment.

A run-off election, however, carries risks and burdens of its own. Although better than the worst predictions, election day in Afghanistan this year was a violent affair. Giving the Taliban another chance to disrupt the polling should not be taken lightly. At the same time – the chance to demonstrate that the political calendar in Afghanistan is not held hostage by extremist violence could send a powerful message to the population.

There is also concern that a run-off between Karzai, a Pashtun leader, and Abdullah, who is part Tajik and part Pashtun (but strongly identified with his Tajik roots), could

have a divisive effect on the country. It is true that Afghanistan has never really dealt with the trauma from its civil war in the 1990s, which took on an increasingly ethnic character as the country devolved into a patchwork of warring fiefdoms. But candidates of all ethnicities campaigned around the country in the first round and avoided stoking ethnic divisiveness. Furthermore, the division caused by the suggestion that it is too dangerous for non-Pushtuns to run for President will be far greater than anything caused by a multi-ethnic election contest.

Finally, experience and pressure should be able to substantially reduce fraud in the second round. The electoral commissions and the international community should be able to exclude officials who committed fraud in the first round, more effectively pinpoint problem areas for monitoring, and quickly recognize the distinctive patterns of fraud from the first round. Additional safeguards can also be introduced— like parallel vote tabulation wherein the total voters entering a single station are counted from outside to make sure ballot numbers match the number of bodies going into the precinct. President Obama, other world leaders and diplomats in Afghanistan must also make unrelenting statements that the world’s support for Afghanistan’s government depends on a cleaner second round.

Tackling the Culture of Impunity

On a broader level, the U.S. must act aggressively with its Afghan partners in the lead to break the cycle of impunity and corruption that is dragging all sides down and providing a hospitable environment for the insurgency.

A few key steps should be taken immediately after the election to set a clear tone for the next Afghan government. First, the Afghan President should make a major speech indicating zero tolerance for corruption and criminality. Second, this demonstration of leadership should be accompanied by the creation of a new, empowered anti-corruption and serious crimes task force, independent of the government agencies it may be investigating. The international community must devote intelligence and investigative support, as well as the manpower to support dangerous raids. In the first few months, several high profile cases including the removal and/or prosecution of officials engaged in criminality, including government officials, should be highly publicized. The U.S. should approach this mission with the same vigor as other key elements of the counter-insurgency campaign.

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Finally, the U.S. must put real effort into strengthening Afghan institutions that will be responsible for these matters over the long haul, giving them the capacity and tools they need to lead. At the same time, the U.S. must be realistic in understanding that most Afghan disputes will continue to be resolved at the local level, by traditional councils of elders, tribal and religious leaders working in conjunction with local officials. Rather than fight what works, the U.S. should embrace it and develop ties between the formal and informal systems.

All of these efforts will require significantly more resources and attention than we have devoted to promoting justice and combating impunity over the last eight years – but still a fraction of the cost of elections and military campaigns. Most importantly, it will require political will, from Washington and Kabul, to reverse the perception of injustice that threatens our success.