

## Unity Government in Kabul

AFGHAN HANDOVER UNDEMOCRATIC BUT PEACEFUL

**The Afghan constitution barred serving President Hamid Karzai from standing again in 2014. Thus, many Afghans hoped that the third presidential election since the fall of the Taliban in 2001 would bring the first democratic handover in the country's history. But when a victor was finally announced almost six months after the first round of voting, there was little mention of democracy in Kabul. Large parts of the population were simply relieved to see what appeared to be a peaceful handover, and glad that the economic stagnation and political and personal uncertainty of the election period were over. Yet the election process, which some observers made into a milestone of the transition phase or a litmus test of the current state of democracy, did (especially in the early phases) demonstrate democratic advances and a string of positive aspects. Despite its strange origins, and the diversity of the rival political and social groups involved, the National Unity Government is not automatically condemned to failure. But it does face a string of daunting challenges.**

On 21 September, Afghanistan's *Independent Election Commission (IEC)* declared Dr. Ashraf Ghani Ahmadzai the winner of the 2014 presidential vote – without presenting an actual election result. This ended an election process that had actually been supposed to pave the way for the first democratic handover in the country's history, but had become bogged down for months. Just a few hours earlier the two rivals from the June 14 run-off, Dr. Ashraf Ghani and Dr. Abdullah Abdullah, had – after weeks of hard negotiations that repeatedly went to

the brink of collapse – agreed to form a *National Unity Government*.

The inauguration of Ashraf Ghani followed on 29 September and ended the almost 13-year presidency of Hamid Karzai, who initially served as interim president for two years from December 2001 and then won the 2004 and 2009 presidential elections.

The IEC sent result of the second round of voting on 14 June to the election teams of both candidates on 21 September, after the agreement on forming a National Unity Government had been signed and the head of the Commission, Ahmad Yousuf Nuristani, had declared Ghani the winner of the presidential elections. While sources close to Ghani disseminated the results to the press and social networks the very same day, no official announcement of the final second-round result has ever been made. The IEC lists released by Ghani's team show 3,935,567 valid votes for Ghani (55.27 percent) and 3,185,018 for Abdullah (44.73 percent).

The total of 7,120,585 valid votes in the final second-round count compares with 7,972,727 in the provisional result announced by the IEC on 7 July (4,485,888 or 56.44 percent for Ghani and 3,461,639 or 43.56 percent for Abdullah). So the audit process funded and supervised by the United Nations, which was concluded on 5 September, led to the disqualification of 852,142 votes, but no decisive change in

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the distribution (Ghani -1.17 percent, Abdullah +1.21 percent).<sup>1</sup>

#### Evaluation of the election process

The first-round campaign conducted in February and March by initially eleven, later eight candidates was noticeably more professional than in 2009. Even if personal networks and alliance-building still dominated the campaign, interest in the candidates' political ideas and policies was more intense than in previous Afghan elections, especially on the part of the media. A surprisingly high turnout on 5 April 2014, despite serious threats and intimidation by the Taliban, confirmed the level of interest in political participation and the wish for change. The unexpectedly stable security situation on election day was regarded as a great success for the Afghan National Security Forces (ANSF) and enhanced their reputation in sections of the population. Before the final result of the first round was announced on 15 May, representatives of independent Afghan election monitoring groups put the number of fraudulent votes at about 10 percent of the total turnout of 6,892,816.<sup>2</sup> They also expected that electoral fraud had been committed on behalf of almost all the candidates and that manipulation had not decisively benefited or disadvantaged any one candidate. Thus the final result that put Abdullah Abdullah (45.00 percent) and Ashraf Ghani (31.56 percent) far ahead of third-placed Zalmay Rassoul (11.37 per-

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<sup>1</sup> Thomas Ruttig, "The Not Yet Officially Announced Results – Electoral Maths with Unknowns", Elections 2014 (52), Afghanistan Analysts Network, 28 September 2014, <https://www.afghanistan-analysts.org/2014-elections-52-the-not-yet-officially-announced-results-elections-maths-with-unknowns/>.

<sup>2</sup> Meaning that the 6,604,546 votes counted in the final result after verification by the Independent Election Commission and the Independent Electoral Complaints Commission would have still included about 400,000 fraudulent ballots.

cent),<sup>3</sup> ultimately reflected the will of the voters. Many voters and Afghan and international observers regarded the outcome of the first round as acceptable, and in some respects better than expected. In the eyes of numerous Afghans it boiled down to the conclusion that the first round had produced two losers and no winner. On the basis of the unexpectedly high turnout and its inability to decisively disrupt the election, many Afghans saw the Taliban as the real loser of the first round. The second loser was incumbent President Karzai, after his failure to secure Zalmay Rassoul, whom many Afghans regarded as his preferred candidate and possible future "puppet", a place in the run-off.<sup>4</sup> Ultimately, the simple fact that the election was held as planned on 5 April and the original election timetable broadly speaking observed had to be regarded as a success.

Straight after the second round on 14 June, "only" 17 days behind a timetable that had always been regarded as optimistic, the hitherto positively connotated election process began to fall apart. Within 48 hours of polling stations closing, the Electoral Complaints Commission received more than 2,500 complaints of fraud and the Abdullah camp in particular raised serious allegations against his opponent's side, whom Abdullah accused of "industrial-scale" manipulation. Evidence of significant ballot-stuffing quickly relativised initial euphoria about what was again an unexpectedly strong turnout. On 29 June the head of Abdullah's campaign team announced that they would regard any further action by the IEC as illegal. After the IEC published a provisional result on 7 July showing Ghani ahead by something more

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<sup>3</sup> Independent Election Commission of Afghanistan, "Presidential and Provincial Councils Elections: Afghanistan 2014 Elections", <http://www.iec.org.af/results/en/finalresults/presidential/1>.

<sup>4</sup> The extent to which Karzai really did attempt to support Rassoul and set him up as successor or "puppet" is debatable.

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than one million votes (56.44 percent for Ghani, 43.56 for Abdullah), the situation escalated dramatically. Before the day was out, two former warlords among Abdullah's most powerful supporters – Atta Mohammad Noor, the governor of Balkh, and Abdullah's vice-presidential running mate Mohammad Mohaqiq – declared that the Abdullah camp was entitled to form a government, raised the possibility of forming a rival government, and announced demonstrations.<sup>5</sup> On 8 July Abdullah even declared himself the victor of the presidential election, leading to fears that this could provoke violent clashes between the camps. Abdullah's supporters did indeed hold demonstrations during the following days – in Kabul up to 10,000 – but they remained far smaller than the Abdullah camp had hoped and the international community feared.<sup>6</sup> After US President Barack Obama called Abdullah on 9 July to urge restraint and moderation, Secretary of State John Kerry negotiated with both candidates in Kabul between 10 and 12 July. After tough negotiations and constant toing and froing between Abdullah, Ghani and the outgoing President Hamid Karzai, Kerry and the two presidential candidates announced at a joint press conference on 12 July that they had agreed on to hold a comprehensive audit of the run-off and then form a National Unity Government.

#### Audit and National Unity Government

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<sup>5</sup> Matthew Rosenberg and Azam Ahmed, "Tentative Results in Afghan Presidential Runoff Spark Protests", *New York Times*, 7 July 2014.  
[http://www.nytimes.com/2014/07/08/world/asia/afghan-preliminary-results-put-ashraf-ghani-ahead-of-abdullah-abdullah.html?\\_r=0](http://www.nytimes.com/2014/07/08/world/asia/afghan-preliminary-results-put-ashraf-ghani-ahead-of-abdullah-abdullah.html?_r=0).

<sup>6</sup> Some of Abdullah's younger supporters in Kabul said they stayed away from the demonstrations because of the heat, or because they were fasting for Ramadan or spending their nights watching the football World Cup.

The audit process began by having all the approximately 23,000 ballot boxes flown to Kabul with the assistance of ISAF. The verification of more than eight million ballot papers began in the capital on 18 July, under the oversight of the IEC and the United Nations. The process was a de facto recount involving hundreds of national and even more international observers. It was interrupted several times by disagreements about the verification criteria, which were largely stipulated by UNAMA and the IEC. Until the end of August observers from both election teams participated in the audit. After Abdullah withdrew his team in protest at what he said was grave electoral fraud, UNAMA insisted on also excluding the Ghani team, so from that point the process was conducted exclusively by "independent" Afghan and international personnel. Finally, on 5 September, the IEC announced that the audit of all the second-round ballot papers had been completed the previous evening.

Some of the international observers believe that despite considerable fraud Ghani most likely gained more votes than his rival. Others admitted – although often not openly – that the scale of manipulation precluded any meaningful correction of the result. The political situation in Kabul was extremely tense before, during and after the roughly seven-week audit process.<sup>7</sup> It was rarely

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<sup>7</sup> Carlotta Gall, "Disputes Threaten to Derail Audit of Afghanistan Vote", *New York Times*, 3 August 2014,  
[http://www.nytimes.com/2014/08/04/world/asia/disputes-threaten-to-derail-audit-of-afghanistan-vote.html?\\_r=0](http://www.nytimes.com/2014/08/04/world/asia/disputes-threaten-to-derail-audit-of-afghanistan-vote.html?_r=0); Carlotta Gall, "In Afghan Election, Signs of Systemic Fraud Cast Doubt on Many Votes", *New York Times*, 23 August 2014.  
<http://www.nytimes.com/2014/08/24/world/asia/in-afghan-election-signs-of-systemic-fraud-cast-doubt-on-many-votes.html?action=click&contentCollection=Asia%20Pacific&module=RelatedCoverage&region=Marginalia&pgtype=article>

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clear whether the regular reports about a possible complete collapse of the election process, imminent clashes and even speculation about a (military) coup were based completely on rumour or contained a grain of truth. There were phases where this greatly unsettled parts of the population and caused months of stagnation in the already sickly Afghan economy. The situation also strengthened the sceptics and opponents of democratisation and buttressed the militant opposition in the eyes of many Afghans.

Before Abdullah and Ghani signed the agreement on a National Unity Government on 21 September, there were weeks of negotiations staged in parallel to the recount. In advance of the run-off most of the candidates eliminated in the first round came down on one side or the other, for Abdullah or for Ghani. Between them they eventually mobilised most of the relevant actors in Afghan society, from prominent individuals through political parties, youth and women's organisations to tribal councils. This generally occurred not on the basis of political convictions or programmes but in return for promises of positions, posts and access to resources. Such pledges were made on the assumption that – if they had to be fulfilled in the event of a victory – the entire state apparatus would be available for the distribution of posts and influence. When it became apparent that power-sharing would mean only being able to deliver half, both candidates found themselves under strong internal pressure. On top of this came external pressure from the international community, especially the United States, to achieve an agreement and bring the election process to a conclusion come what may. Many donors made their medium- and long-term funding promises conditional upon this. Apart from the two candidates' patronage problems, the talks concentrated above all on three complexes: how to deal with the election result, the powers of the new post of Chief Executive Officer (which will later become "prime minister"), and the division of cabinet seats and other key positions in the new administration. One of Abdullah's demands was for the election result to be kept secret. When it was released via

unofficial channels shortly after the signing of the agreement on a National Unity Government on 21 September, trouble broke out again, which lasted until shortly before Ashraf Ghani's inauguration on 29 September. Until the end there was speculation that Abdullah might stay away from the ceremony.

The agreement signed by Abdullah and Ghani on 21 September provides for the establishment of four new posts: *Chief Executive Officer (CEO)*, the CEO's two deputies and a leader of the opposition.<sup>8</sup> The CEO presides over a new Council of Ministers and is under the wording of the agreement responsible for the implementation of cabinet decisions. He also has a right of nomination or consultation on appointments to key government posts, although the last word appears to lie with the president. The agreement, which deals almost exclusively with the position and powers of the CEO, basically provides almost equal influence for both the top positions of state.<sup>9</sup> The president's powers still stem largely from the Afghan constitution but are now constrained by the new arrangement. This state of affairs is to be legitimised within the next two years by the *loya jirga* (grand assembly) and will mean amending the existing constitution. Cabinet posts and other key offices in the new government have apparently been shared out equally between Abdullah and Ghani. The first five weeks following the inauguration of the two rivals saw great speculation about the division of ministries and posts, although few personnel decisions were made during this phase. Almost all

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<sup>8</sup> Immediately after appointing Abdullah CEO, Ghani named his vice-presidential running mates, Mohammad Khan and Mohammad Mohaqiq, as his deputies.

<sup>9</sup> For a detailed analysis of the agreement (and the text itself in the appendix), see Kate Clark, "Finally, a Deal, But Not Yet Democracy", *Elections 2014* (51), Afghanistan Analysts Network, 21 September 2014, <https://www.afghanistan-analysts.org/elections-2014-51-finally-a-deal-but-not-yet-democracy/>.

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ministers and provincial governors remained in office in an acting capacity, and Abdullah and Ghani appear to have agreed to leave the heads of the three security services – the defence minister, the interior minister and the head of the *National Directorate for Security (NDS)* in office for the first six months.

#### First moves by the new president

A few hours after his inauguration, Ghani appointed Ahmad Zia Massoud as his special envoy for reform and good governance and former interior minister Hanif Atmar to succeed Rangin Dadfar Spanta as national security adviser. At a ceremony on 30 September (just one day after the inauguration) officiated by Ashraf Ghani and attended by the new government, Atmar signed the *Bilateral Security Agreement (BSA)* between the Afghan and US governments and the Status of Forces Agreement with NATO. This ended almost a year of argument between the two governments and paved the way for setting up the planned *Resolute Support Mission (RSM)* for 2015 and 2016 and securing ongoing financial support from the international community.

Ashraf Ghani's first official acts included budget cuts at the presidential palace and redundancies among the presidential staff, as well as a series of decrees and speeches to civil servants and members of parliament driving at stemming grave waste of state resources and abuses of power by top state officials. The president immediately announced that the investigation into the *Kabul Bank* scandal, in which almost a billion dollars were embezzled, would be reopened. This underlines the earnestness of the hard line against widespread corruption that he repeatedly emphasised during the campaign, but also places pressure on a number of heavyweights in Afghan politics who are directly or indirectly implicated in the scandal. Ghani also announced reforms in the judiciary, the taxation system and the leadership of the security apparatus, and appears to be preparing a fresh start for the peace process (and in association with that a reform of the High Peace Council). Few details of the latter have yet emerged.

Media and popular attention have been grabbed above all by the president's numerous, sometimes unannounced, visits to army bases and police stations, as well as hospitals, the biggest prison and other civilian government agencies. This new type of supervision from "the very top" and Ghani's sometimes blunt manner with civil servants with whom he finds fault initially earned the president recognition and the approval of large sections of the population. In the meantime some Afghan observers also criticise their new head of state's behaviour as micro-management and merely "cosmetic or symbolic interventions" and wish he would focus on forming a cabinet and then tackling the big political questions like economic development, the peace process and relationships with neighbouring states, above all Iran and Pakistan.<sup>10</sup>

#### Summary

Representatives of the international community often cited the 2009 presidential election as the yardstick for success or failure in 2014. From that perspective the elections could be regarded as "successful" if they were more transparent, fair, free and inclusive than the 2009 presidential elections, which were overshadowed by fraud, abuse of power and violence.

Given that in the end all involved merely hoped that the process could somehow be brought to an end without an escalation of violence, and that even that required massive external pressure, it would appear – viewed dispassionately – that it failed. In particular, statements made by observers

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<sup>10</sup> Azzam Ahmed "Ashraf Ghani Races to Make His Mark on Presidency in Afghanistan", *New York Times*, 21 October 2014, <http://www.nytimes.com/2014/10/22/world/asia/afghanistan-ashraf-ghani.html>; Thomas Ruttig, "The Start into the Better Governance Marathon: Ghani's First Days", *Afghanistan Analysts Network*, 11 October 2014, <https://www.afghanistan-analysts.org/the-start-into-the-better-governance-marathon-ghanis-first-days/>.

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involved in the audit of the second round would support that negative assessment. But to label the entire process “failed” or “unsuccessful” would be too one-sided and would negate positive aspects, above all the engagement of many Afghan citizens. Put in simple terms, everything that occurred before 14 June, including the process of nominating candidates and the election campaign itself, was acceptable and in many respects better than five years ago. But when the campaign became a duel of two and figures from both sides threw all their resources behind their own candidate, state and electoral structures were not resilient enough to resist grave violations, abuses and frauds. Of course in a country at the development level of Afghanistan – facing an extremely delicate security situation and in the throes of a political, military and economic transition – nothing else was really to be expected. But it is positive that many Afghans were not prepared to participate in demonstrations, still less in violent protests. Instead the tenor – especially in the urban centres – was that people had already seen enough violence during the 1990s and wanted to avoid a repeat of that at all costs. In this connection hope remains that the Afghans will also learn from the considerable deficits this time around and draw lessons with respect to future elections, above all in the areas of voter registration and preventing manipulation by state instances and informal power-holders.

In view of the course taken by the election process and Afghanistan’s troubled economic and security situation, many Afghans will regard the agreement on a National Unity Government as the “least-worst solution”. If Ghani and Abdullah succeed in harmonising at a personal level and truly finding a way to govern together, consolidation of the government, formation of a cabinet and installation of a strong and effective administration would appear quite possible. But this process is yet young and it is quite possible that differences between the camps or lack of personal chemistry between Abdullah and Ghani could bring down the National Unity Government. Two aspects are especially relevant in this connection. Firstly, none of the politicians involved in the future

government have any experience with the new decision-making process created by the Ghani/Abdullah accord. It is unclear whether all involved really share the same ideas about how to govern in practice and take decisions, and above all how to proceed if the president and his CEO disagree. It must also be remembered that the agreement to set up a National Unity Government was a political deal between two presidential runoff candidates. If, for example, Abdullah were to pull out of the agreement and resign his post it would not be properly clear what would come next. Abdullah’s demand for power-sharing and his legitimacy as CEO are rooted in his having had the best result in the first round and a good second place in the controversial second round. The National Unity Government finds itself facing immense political and socio-economic pressures with considerable and diverse conflict potential. A collapse of the Ghani/Abdullah coalition would not only create a political vacuum, but also raise a series of legal questions with respect to the necessity to form a new or reshuffled government.