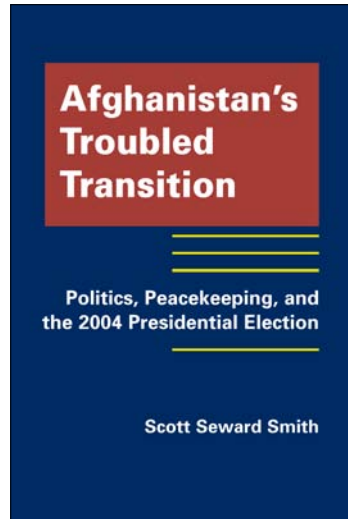


EXCERPTED FROM

Afghanistan's
Troubled Transition:
Politics, Peacekeeping, and
the 2004 Presidential Election

Scott Seward Smith

Copyright © 2011
ISBN: 978-1-935049-36-4 hc



FIRSTFORUMPRESS

A DIVISION OF LYNNE RIENNER PUBLISHERS, INC.

1800 30th Street, Ste. 314
Boulder, CO 80301
USA
telephone 303.444.6684
fax 303.444.0824

This excerpt was downloaded from the
FirstForumPress website
www.firstforumpress.com

Contents

| | |
|---|------------|
| <i>List of Acronyms</i> | <i>ix</i> |
| 1 Introduction | 1 |
| 2 The Bonn Agreement | 7 |
| 3 Signposts of Democracy: The Emergency Loya Jirga | 25 |
| 4 Plans and Personalities | 41 |
| 5 Budgets and Donors | 67 |
| 6 Security and the Baghdad Effect | 81 |
| 7 Drafting the Constitution | 89 |
| 8 Resetting the Electoral Clock | 103 |
| 9 Voter Registration: Turning Victims into Citizens | 117 |
| 10 Democracy and the Durand Line | 131 |
| 11 Drafting the Electoral Law | 149 |
| 12 Applying the Law | 165 |
| 13 Countdown to Election Day | 193 |
| 14 Polling and Counting | 205 |
| 15 The 2005 Parliamentary Elections | 233 |
| 16 Reckonings: The 2009 Presidential Elections | 255 |
| 17 Logistics, Politics, and Transitions | 283 |
| <i>Bibliography</i> | <i>291</i> |
| <i>Index</i> | <i>301</i> |

1

Introduction

In a large bureaucracy it is rare to work in the area of one's specialty. My specialty, if I had one when I joined the United Nations in 1998, was Afghanistan. I had first visited the country in 1994, to carry out a short, three-week exploratory mission for a French Non-Governmental Organization (NGO), Solidarités. I returned the following year for eleven months, working for Solidarités again. In that first visit I had already discovered what many before me had discovered: Afghanistan, despite its manifest misery, is a dangerously addictive country to foreigners. There is something—perhaps the savage beauty of its landscape, perhaps the anachronistic dignity of its people, perhaps the culture of hospitality amid scarcity—that affects almost every foreigner who visits, and makes Afghanistan a place where one must always return. This was certainly the case for me. Between 1996 and 1998, while obtaining my Masters degree in international relations in New York, I obsessively sought to link every assignment I was given to Afghanistan so that I could read as much as I could about it. I had chosen my place of study—Columbia University—in large part because they offered a course in intensive Persian. In the summer of 2007, I returned to Kabul for a month to research my thesis on humanitarian work in Afghanistan. While all this helped satisfy my unending curiosity about the country, Afghanistan was, in terms of preparing a career, a fairly pointless obsession in the 1990s.

Indeed, my first posting for the United Nations was in Bougainville, Papua New Guinea. From that experience I developed a minor specialty in the South Pacific. In September 2001 I was en route to the Solomon Islands for a three month posting. My itinerary took me through Brisbane, Australia, where I breakfasted with a friend who I knew from my Bougainville days and who was also knowledgeable about the situation in the Solomons. Returning to my hotel room to pack and catch my flight to Honiara, a bit of news on CNN caught my attention. Ahmad Shah Massoud, the leader of one of the Afghan factions fighting the

2 *Afghanistan's Troubled Transition*

Taliban, had been assassinated, apparently by members of Al Qaeda. Massoud was considered by many to be a brilliant strategist whose leadership was essential to the anti-Taliban coalition, known as the Northern Alliance. With his death, the defeat of the alliance was likely, and with it the takeover of the entire country by the Taliban. That would confront global policy-makers with the decision of whether or not to recognize the Taliban as the legitimate government of Afghanistan, but otherwise would not much disturb the world, which remained generally indifferent to that remote and unimportant country.

Later that evening I landed in Honiara and checked into my hotel. Around midnight, my friend in Brisbane called me to say that a plane had crashed into one of the towers of the World Trade Center in Manhattan. He knew that my wife was in New York and said that I might want to call her. Groggy from the long flights over the previous days, I simply assumed that it was one of those incidents where a single-engine Cessna lost control and hit the building. My wife was on the Upper West Side and was not likely to be affected by such an event, so I went back to sleep instead. The next morning, I did call my wife to report that I had arrived safely in Honiara, and asked, in passing, about this incident with the plane and the Twin Towers. That was when I learned what had really happened. I switched on the TV in my room and absorbed the events of the previous 12 hours. I was, perhaps, one of the last people on earth to learn the news of this horrific event that put Afghanistan, my obscure obsession, in the center of international affairs again.

When I returned to New York in December of 2001 I was assigned to the Afghanistan desk in the Department of Political Affairs (DPA). The Bonn Agreement had already been signed and the United Nations was preparing to expand its presence in the country in order to carry guide the political transition prescribed by the Agreement. One of the specific tasks assigned to the U.N. by the agreement was the registration of voters ahead of the general elections that were to be held in June 2004. In the late spring of 2003, I was assigned to the Electoral Assistance Division (EAD), specifically to work on the upcoming Afghan elections. This was the beginning of my involvement in the somewhat quixotic process that forms the subject of the following pages.

The 2004 Afghan presidential elections undoubtedly marked the high point of Afghanistan's political transition. But in the arduous process of making them happen, the seeds for the decline that followed were sown. Throughout the process, two points of view were in perpetual tension. The first, what might be called an institutionalist perspective, saw the legitimization of political structures as a long and

incremental process, in which elections play a necessary but not sufficient role in assuring stability. It argues that “legitimacy is the key to building sustainable peace, and this legitimacy comes not from the timetable of donors with blueprints of postconflict reconstruction, but from the points of view of the population.”¹ The second point of view, what might be called the political perspective, saw elections as a culminating event—a “punctuation point in a peacekeeping mission”²—whose political value resided more in the fact that they were held than on the conditions under which they were held.

My main contention is that the 2004 election was a success in both institutional and political terms, but the inattention to institutional aspects contributed, over the long term, to Afghanistan’s present political crisis. In political terms, the election of Hamid Karzai in 2004 with more than 50 percent of the vote, in a process that was widely perceived as credible, not least by the Afghan people, fulfilled the primary purpose of the election—to legitimize the president. The secondary purpose was for the election to act as a referendum on the Bonn process; here the high turnout was correctly interpreted as a sign of popular support for the Bonn process. From the institutionalist perspective, the perceived credibility of the election was a major asset, as it allowed Afghan voters, many of whom were voting for the first time, to connect the act of voting with political change. The election therefore gave meaning to the process, as well as legitimacy to the government. The voter registration process that preceded the election had conferred a civic identity on a population that had, for the previous three decades, too often been the victim of politics. Finally, while international experts had played a large role in planning and organizing the election, enough Afghan capacity had been built to lay the foundation for a future Afghan electoral institutional framework.

After 2004, however, the institutional considerations were increasingly forsaken for short-term political concerns. This was the result of the pressure of time, the deteriorating security situation, an uncoordinated international community, and an Afghan political class whose members consistently and grossly put personal gain above the national interest. The difficult and contentious 2009 presidential election, was the logical result of the inattention to institutionalization that had characterized the previous half-decade. In many ways it undid the work of 2004, delegitimizing Karzai and signaling widespread discontent with the political process. Charles Tilly has noted that “democratization is a dynamic process that always remains incomplete and perpetually runs the risk of reversal—of de-democratization.”³

Many now ask if we have reached in Afghanistan today the point of democratization.

While this is an attempt to write an objective history of the 2004 Afghan presidential elections, it cannot avoid the biases of its author. One of the charms of Afghanistan is how completely it captures its observers, so that in writing about it, it is almost impossible to remain detached or impersonal.⁴ At the same time, one of the temptations of writing a bureaucratic postmortem is the possibility of settling scores. This book suffers from a little of both that singular charm and that irresistible temptation. One hopes it is more interesting for both.

The book also contains chapters on the 2005 parliamentary election and the 2009 presidential election, to illustrate the consequences of the failure of institutionalization. The 2009 election was particularly contentious because of a dispute within the United Nations mission between the mission's head, Kai Eide, and one of his deputies, Peter Galbraith. In 2009 I was the Special Assistant to Eide and participated in many of the decisions taken during the very public controversy over how the electoral crisis was handled. I am necessarily less objective in my consideration of this dispute. My purpose is to elucidate the complexities that were too often glossed over in the heated press coverage, and to provide a defense of the approach taken by Eide.

As much as possible, I have used public sources to back-up my main contentions. These include official United Nations reports, papers issued by the myriad groups that offer policy advice for free—of which there are several devoted to Afghanistan—as well as published monographs. But the story cannot be fully understood without describing the more decisive policy discussions that took place within the United Nations. In these cases I have relied on memory, notes, and my journals, as well as internal documentation (such as budgets, operating plans, and so forth).

In writing this book, I owe an extreme debt of gratitude to José María Aranáz, a colleague during the 2004 election and a friend ever since. José María was based in Kabul while I was mostly based in New York during the preparations for the presidential election. Among many valuable contributions to my understanding of events in Kabul, José María also essentially wrote the first draft of Chapter 11 on the electoral law. Had there been, over the past five years, fewer elections in the world that required José María's even temperament and acute legal judgment, he would have been this book's co-author, and it would have been a better book.

I am also grateful to Richard Atwood, who was an early reader of the manuscript and a surprisingly supportive critic, given my own

criticisms of the 2005 parliamentary election, on which he worked. I don't expect Richard to fully endorse my views of that election, but I hope my criticism is fairer for his comments. I am all the more grateful to him for the several embarrassing mistakes he saved me from making. Those that remain are purely the result of my obduracy in continuing to perceive them as brilliant insights.

Finally, Professor William Maley has supported this project from the beginning. Ever since I met him at the U.N. bar in Kabul during the Taliban regime in 1997, he has been something of an unofficial mentor to me in my study of Afghanistan. Once, while still in graduate school in 1998, I sent him a snarky review I had published of a book on Afghanistan that had just come out. He gently admonished me, saying that the community of Afghan scholars was small and, for a group of academics, rather courteous, hinting that I had violated this decorum. Now fate and my foolish compulsion to write and be read has put me on the other side of the author-critic divide. I can only hope that the community of Afghan scholars, now far larger than it was before, will be indulgent and heed Professor Maley's long-ago advice to me.

¹ Shahrbanou Tadjbakhsh and Michael Schoiswohl, "Playing with Fire? The International Community's Democratization Experiment in Afghanistan" *International Peacekeeping* 15, no. 2, April 2008, p. 265.

² See Ben Reilly, "Elections in Post-Conflict Societies" in *The UN Role In Promoting Democracy: Between Ideals and Reality*, eds. Edward Newman and Roland Rich (Tokyo: United Nations University Press, 2004) p. 118.

³ Charles Tilly, *Democratization* (New York: Cambridge University Press, 2007) p. xi.

⁴ For example, Louis Dupree's sentimental account of Afghanistan's geology in the early chapters of his masterpiece, *Afghanistan* (Princeton: Princeton University Press, 1980), or Octavio Paz's wonderful comment that "I have seen the birth, the full flowering, and the decline of the Gothic style in rocks in the Valley of Kabul." *Alternating Current* (New York: Arcade Publishing, 1990) p. 28.