



Center for Strategic & Regional Studies

Kabul

Weekly Analysis - Issue Number 78 (July 5-12, 2014)

Weekly Analysis is one of the CSRS' publications analyzing significant weekly political and economic events of Afghanistan and region to provide strategic insights and policy solutions to help decision-maker institutions and individuals design better policies. Weekly Analysis is published in local languages Pashto and Dari, English and Arabic languages.

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Introduction

In this issue CSRS' Weekly Analysis Board has analyzed and provided insights on announcement of the preliminary results of the presidential election, ongoing political games and eavesdropping on private telephone conversations, which has recently raised broad doubts and concerns.

- * Afghanistan Independent Election Commission (IEC) has announced the preliminary results of June 14 presidential runoff vote. Result indicates Dr. Ashraf Ghani Ahmadzai is around one million votes ahead of his rival candidate Dr. Abdullah Abdullah; but Dr. Abdullah Abdullah claims that the result is announced before separation of valid votes from fraudulent ones and would not accept it. Meanwhile US have started open intervention in the process through trips by top American officials to Kabul or by telephone conversations of President Barack Obama with both candidates.
- * Also in relation with fraud allegations in the presidential election a series of tapped telephone conversations has been publicized which have caused serious concerns about the privacy protection of Afghans. Minister of Communications and Information Technology Mr. Amirzai Sangin has said that the only institution allowed to listen in to private telephone conversation is the National Directorate of Security (NDS) and otherwise there should be authorization from court. Though it is not yet clear who have recorded these conversations, but this complex game have angered many Afghan officials.

Presidential elections: preliminary results and ongoing political game



Preliminary results from June 14 run-off election indicate Dr. Ashraf Ghani Ahmadzai by gaining 56.44 percent of the votes is well ahead of his rival candidate Dr. Abdullah Abdullah. Abdullah have warned that he will announce his own government. Question rises that where will Abdullah's rejection of the results and international mediation in the process take political situation of the country?

Failing trials of elections in Afghanistan

The history of rejecting the results of election and banning the electoral process continues since the first years of formation of the new democratic government in Afghanistan. After the tenure of transitional government, installed after the fall of Taliban regime, ended and first Bonn Conference held, Afghanistan witnessed first presidential election in 2004, won by President Hamid Karzai by securing 56 percent of the votes while his rival Mohammad Yunis Qanooni only secured 16.3 percent of the votes and rejected to accept the result. Since the first time of presidential elections in Afghanistan, Qanooni's standoff harmed believes of people in electoral process.

In 2009 presidential bid, Abdullah Abdullah one of the candidates, not only rejected the results, but declined the credibility of the upcoming government which was due to be held by Hamid Karzai, which seems to be repeated this year as well.

In the last few rounds of elections held in Afghanistan, the conditions were not ready for transparent process which could lead to stability in the country. The electoral system was designed to give the opportunity of widespread frauds, especially by the security institutions

and the electoral commission's field staff, so these frauds gave the pretext to one of the parties that rejected entire process, in order to justify his failure in election.

The past experience shows that looking to the conditions in Afghanistan, democratic experiments are mostly unworkable in the context of Afghanistan since most the Afghan politicians could only accept the process which helps them to reach to power. Also the past rounds of elections showed that slogans for democracy and elections were almost fake and problems were created in order to facilitate a role for international parties to intermediate and solve the problem maintaining their profits.

Problems of the electoral teams

What we have seen in the last rounds of election were mostly the rivaling of two kind of personalities in the election; first where those educated abroad and believed in democracy, mostly with support of the west and had some programs for empowering democracy. On the other side in 2004, 2009 and finally in 2014 elections, personalities entered into bid who were involved in the past civil war and were promoting their background for winning the election, their support was from the parties who monopolize the power in the new government system after the Bonn Conference.

In 2014, the nominee from the first category is someone with highest level of education abroad and global work experience; but meanwhile in the structure of his camp some personalities came together who have the same interpretation from democracy as his rival team has, therefore the fear of rejecting the results existed from the both camps even before elections were conducted.

Links with foreign countries and circles is Afghanistan's known problem, which is seen in both camps every time and has a huge effect on the process.

Political deals

The sense of the need for political deal appeared before runoff election, even the chief commissioner of the Independent Election Commission (IEC) who is head of the only institution to elect president through a democratic process, has also supported this kind of resolutions.

Political negotiation and deals behind the scene caused maneuvers of opposing the electoral process and insisting on their victory in the election, in order to achieve more privileges from

such resolutions, or it caused other concepts for transition of power or widespread interferences from foreigners. This also raised questions within the nation regarding election and electoral process and harmed the trust of Afghans on such democratic processes.

There are also perceptions that the rival camps are bargaining over their participation in the coming government by insisting on their demands and conditions for accepting the results or entering to the electoral process, but this kind of measures could split the fragile country into two or more fiefdoms along tribal fault lines, or even return to the bloody civil war, or at least widespread foreign interferences in internal affairs of Afghanistan.

Foreigners' role and influence on the election

In 2009 election, when both candidates could not secure 50+1 threshold John Kerry, the then Chairman of the US Senate Committee on Foreign Relations came to Kabul in order to mediate for solving the deadlock over the votes and finally convinced Abdullah Abdullah not to enter runoff.

John Kerry as senator and now as Foreign Secretary is believed to be close to President Barack Obama. In 2009, the resolution for deadlock over Afghan election bid was diplomatic achievement of John Kerry, and therefore he in 2010 traveled to Kabul to solve the problem raised from the decision of the President Karzai to liquidate private security companies and in various other occasions to find solutions.

Since the United States has an obvious role in the Afghan election, Abdullah Abdullah told a gathering that he spoke to John Kerry and he will come for mediation. Before the preliminary results announcement a group of American senators traveled to Kabul and discussed related issues; but in spite of discussions with the senators Abdullah Abdullah warned announcing his own government.

After Abdullah's warning, US President Barack Obama called both rivals saying that achieving power in illegal ways will result in US discontinuation of support for Afghan government. Though, after runoff election there are attempts being made to bring crisis and tension for possible crisis exists, but looking to current situation of the country and stand of international society, the situation does not seem dangerous. Broad role of foreigners instead of electoral commissions and reliance of both hopefuls on foreign mediation have led to decline in confidence of the nation in process; besides, it meant failure of the process which has faced it with problems in the future.

In general it seems that this democratic process did not have results for Afghans which were expected. In contrast foreigners in different ways try to prevent existence of a relatively powerful administration in Afghanistan. It looks like Afghanistan will go towards crisis as a result of this process; it could be a political deal or formation of government by any other approach without accepting election results.

Wiretapping: failure of the international standards



It appears like we live in a world where human is being watched as a microscopic creature by super powers all the time. When people are not able to take care of their phone conversations and other communications' from eavesdropping and spying, they mentally feel naked and unsecured leading to thinking that all perspectives of their life are watched by a being named government or international government

Edward Snowden, a CIA contractor who lately took asylum in Russia, disclosed some secrets which shows that US has been eavesdropping on its allies such as German Prime Minister Angela Merkel. Such spying activities are not limited to Merkel, but tens of other world leaders could also be victim to such activities of US.

On the contrary of what's claimed, eavesdropping on phone conversations is not only aimed to counter terrorism and organized crimes, but it also intends to keep a control of US on the world and minds of world leaders.

Eavesdropping: a violation of international law

The United States after 9/11 with the pretext of war on terror has violated all international laws and by force has redefined them through its actions, for its own interests.

The universal declaration of human rights which is the divine manual of western democracy and a so-called standard of identifying countries as good and bad by US, points out in its article 12 that: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks."

International Covenant on Civil and Political Rights also insist on this right, the covenant which came into act on 22 MAR 1976, utters the following in its article 17:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

The difference between article 17 and 12 is the “unlawful interference” phrase mentioned in article 17 which justifies the lawful interference, if a governmental body perpetrates such an action, it shall gain the proper permit from the court before going through it.

Cairo declaration of human rights in Islam also articulates in second paragraph of article 18:

(b) Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships. It is not permitted to spy on him, to place him under surveillance or to besmirch his good name. The State shall protect him from arbitrary interference.

During cold war

During the cold war, US used the universal human rights declaration as a tool against USSR, eastern bloc and China, especially in regards to their actions in limiting the rights of their citizens in communications. Amnesty International in Stockholm, Sweden, in 1977, emphasized on the privacy of human against the followings:

1. All kinds of interference in the private, internal and family life
2. All kinds of interference on physical, psychological and moral and spiritual freedoms,
3. All kinds of interference on his honor and reputation,
4. All kind of bad and mis-paraphrase of his saying and acts
5. The exposition of private life related bad happenings
6. Use of his name, identity and photo
7. All kinds of his activities related to his intelligence work
8. His pursuance and his limitation
9. Disclosing the information which he gave related to his job or his profession

Violation of the international conventions

International conventions are more focused on ethical procedures, and enforcement guarantee comes as member countries sign the convention. US can pressurize other countries because for violation of such conventions, while the opposite could not be done. For instance after disclosure of US eavesdropping of German Prime Minister Angela Merkel, Germany just complained and finally accepted the justifications of the US.

Spying on Afghanistan

Edward Snowden who exposed CIA secrets has told that, Afghanistan is a country where phone conversations of all citizens are snooped upon. Therefore we can say that the rights of Afghans have been violated more than any other country. Afghan constitution in its article 37 insists that:

“The freedom and privacy of the private written or telephonic, telegraph or from other means communications of the people are safe from any kind of interference.

The government has the right to access the private communication, otherwise according to the law.”

According to this article if there is a need for observation on people’s conversations, only a legal authority can permit for its recording or hearing not by individuals or by non-governmental organizations. If a foreign country does so, it’s a clear violation of constitution and national sovereignty.

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