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Preface

After the controversial elections of 2014, reformation of the election commission was one of the key promises made by the unity government. Although the government brought changes in the commission, but these alterations did not reduce the problems in the electoral system. The new commission conducted controversial parliamentary elections after three years. Even after 4 months, the final results of the parliamentary elections are not yet announced.

Recently, president Ghani, after consulting with civil societies and approval of the cabinet, endorsed changes in article 26 of the elections law. The decision was made at the time when only six months are remaining to the presidential elections. In addition, after the changes in the law of elections, the commissioners of IEC were fired by the government.

The first part of CSRS weekly analysis discusses the amendment of the electoral law Afghanistan and the dismissal of electoral officials by president Ghani.

The second part of the weekly analysis includes a discussion on the peace talks between the Taliban and the Afghan politicians and hopes for the commencement of intra-Afghan peace negotiations. Although the Afghan officials were not present in the meeting the government criticized the Moscow summit, but many Afghans think that the meeting will open doors for intra- Afghans negotiations.

Amendment of the electoral law; a step towards transparency in elections



The government, after a number of consultative meetings with some candidates, representatives of candidates, political parties and civil societies, appointed technical committee to reform the electoral law improve the electoral commissions.

The committee which included representatives of political parties, representatives of candidates and other related organs, agreed on and organized the final draft of amendment in the law of commission. Last week, on 12th of February 2019, the cabinet sanctioned the draft and was later signed by the president of Afghanistan.

At the same time, based on a decree of the president Ashraf Ghani, all electoral officials were dismissed and banned from leaving the country by the attorney general.

The electoral system of Afghanistan, disposition of amendments in the electoral law, hopes for transparency in the electoral system and worries about the implementation of the reforms are issues that are discussed here.

The electoral system of Afghanistan

Based on the previous electoral law of Afghanistan, the method of elections in the country was Single Non-Transferable Vote (SNTV). This system is applied in countries where elections are newly introduced. According to the system, every voter has the right to use only one vote and the vote is transferable. This means that the vote cannot be transferred to other candidates or political parties. For instance, if there are a specific number of chairs available in elections, those candidates who obtain the highest number of votes, are announced the winners of elections.

After the fall of the Taliban regime, other than Jahadi parties, there was no party who could compete in elections. Therefore, based on political reasons, it was perceived that the best system for the elections in Afghanistan is Single Non-Transferable Vote (SNTV). If this system was not chosen for the elections, the Jihadi parties would have been the winners of the elections.

The implementation of SNTV electoral system after the fall of the Taliban regime and with the establishment of new government, has led the political parties not to grow and develop.

Amendment in the electoral law

After the presidential elections in 2014, the unity government agreed to reform the election commission. However, the government wasn't able to amend the foundations of the electoral system. Even after three years of delay, the parliamentary elections were poorly held and still, the final results of some provinces are not announced, which indicate the weakness of the commission.

The reforms in the electoral law were one of the promises of the Unity government, a demand of political parties, supervisory and international organs. Thus, a committee was appointed to amend the electoral law.

In the electoral law of Afghanistan, articles that are amended include: article eleven, twelve thirteen, fourteen, section 3 of article sixteen, article nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-eight, twenty-nine,

section 1 of article thirty-one, article thirty-two, thirty-three, forty-one, section 2 of article sixty-one, section 2 of article sixty-four, section 2 and 3 of article seventy-four, seventy-nine, part two of section 1, and section 6 of article eighty-three, article eighty-five, eighty-nine, ninety-three, section four and five of article ninety-four, and section 1 of article one-hundred and eight. Here, we discuss a few issues:

Conversion from SNTV electoral system to MDR system: the Multi-Dimensional Representation (MDR) system is a fragment of proportional governments. In MDR, three types of lists of candidates are prepared: (list of independent candidates, list of united political parties and list of political parties). In this system, votes can be transferred to one another within the list. The supporters of MDR system say that the system enables fair competition for candidates and participation and fair competition for political parties.

The second article of president Ghani's decree regarding the amendment of electoral system says "Elections in future will be held according to MDR system. The independent election commission, with the assistance of political parties and civil societies, should prepare a plan which include the amendment of the electoral law, within a month and present it to the cabinet for approval".

Elimination of selection committee: Previously, the selection committee was responsible to shortlist and introduce 21 candidates to the president who had the highest standards for membership in the commission. The president, after considering national and gender compositions, used to choose the members of election commission.

After the reforms in law of elections, the selection committee has been eliminated. Based on the new law, in order to appoint the members of the commission, electoral complaints commission, and the secretariat of commissions, political parties which are registered with the ministry of Justice will introduce one person, and civil societies will introduce 15 members, among whom, 5 should be female, for the selection process.

According to the law, if one of the candidates for presidential elections is the president himself, then every candidate votes fourteen members (7 for elections

commission, 5 for complaints commission, and two for the Secretariat of the commission). Among all the members who obtained the highest votes, the president, according to the requirements, will choose seven candidates, for the first stage. Among these chosen candidates, two of them must be female. They will be appointed according to the following order:

- Four members for 5 years
- Three members for 3 years

Recruitment of permanent employees: Permanent members of Secretariat and provincial offices will be hired according to the joint procedures sanctioned by the independent election commission and the Independent Administrative Reform and Civil Service Commission.

Electoral complaints commission: The complaints commission has 5 members. According to the new law, in order to bring transparency and reach the criticisms and complaints, the government, with the agreement of the U.N., can hire international experts as members of the complaints commission, without giving them the right to voting.

Usage of electronic system: According to the new law, in order to have transparent elections, the commission is responsible to use electronic system and biometric technology in all the activities of the commission, including registration process and for recognition of voters.

In addition, the commission is responsible to appoint international experts for technical support and evaluation of electronic systems before the usage.

Conclusion

Overall, after an insight to the history of elections, the electoral system of Afghanistan needed reform and amendment. Although the government acted a little late, but apparently, it is a good effort for improvement and have increased hopes for transparency in electoral process.

Although the government, with the agreement of political parties and representatives of candidates and other organs, amended the electoral law of Afghanistan and the president approved the new law, but there are still concerns regarding the implementation of the new law. Since only six months are remaining for the upcoming presidential election, and on the other hand, the commencement of the presidential election process faced plenty of changes, it is certain that the changes will affect the elections of 1398.

According to the new law, the voters should be registered by biometric machines in order to have transparent election. However, the failed experience of the usage of biometric equipment is another issue that raises people's concerns about the next electoral process.

Besides all the mentioned issues, the schedule of elections is connected to the peace talks between the Taliban and the United States. Zalmay Khalilzad, in his recent statement pointed this issue and said that, in case of peace agreement with the Taliban, the presidential elections will be delayed.

According to some analysts, the recent amendment in the electoral law of Afghanistan was a sort of pressure on the Taliban and the U.S. for the recent negotiations. However, since the government cannot hold the elections without the financial support of Internationals, it is expected that the presidential election will not be conducted on February 18, 2020 but will be delayed for a few months.

The Moscow Summit: the beginning of Intra- Afghan talks?



A few days ago, on 5th and 6th of Feb 2019, the Taliban, Afghan politicians, Jihadi leaders and former government officials met to discuss the Afghan peace in Moscow. After the meeting, the participants published a proclamation.

Regarding the Moscow summit, many politicians think that such meetings will help to end the disagreements between the Afghan government and the Taliban. However, the Afghan officials criticized the meeting and said that the meeting has no executive ability.

Although the views of Afghan officials regarding the face to face meetings between the Taliban and the U.S. and the criticisms of the Afghan government on the Moscow summit have raised doubts about the government's intentions, but the government's call to bring consultative loya jirga in March of this year is something that have increased hopes for the success of peace negotiations.

Here, the meeting of the Taliban and Afghan politicians, the nature of intra-Afghan talks and the direction towards which the peace negotiations are headed, are discussed.

The Moscow Summit

The Afghan politicians, national and religious figures, including former president Hamid Karzai, Hanif Atmar, Mohammad Younus Qanuni, Mulla Abdul Salam Zaeef, Mohammad Ismail Khan, Wakil Ahmad Motawakel, Mohammad Muhaqq, Ata Mohammad Noor and others, met with the Taliban representatives who participated in the summit under the leadership of Abbas Stanikzai. It was a two days meeting and at the end, they published a mutual resolution which contained nine articles. The participants agreed on the following issues:

First: The participants believe that through intra-Afghan negotiations, a permanent and courteous peace in Afghanistan is possible.

Second: The intra-Afghan meetings are essential for the peace process and will continue.

Third: The Qatar meetings about Afghan peace will be supported.

Fourth: If the peace process succeeds, the defense and other national establishments will be retained and improved.

Fifth: In order to bring sustainable and permanent peace to Afghanistan, the support of regional and other major foreign countries is important.

Sixth: Both sides must obey Islamic commands in all activities of the government, accept Afghanistan as shared home, emphasize on a strong and all-inclusive central Islamic government, assure unity and Justice, and admit impartiality of Afghanistan in regional and international conflicts.

Seventh: Complete pullout of Foreign forces from Afghanistan, emphasize on prevention of other countries interferences and threats, hindrance of threats to internationals from Afghanistan, freedom of speech according to Islam, Performing educational, political, Economic and social activities, attraction of foreign aids for reconstruction and development.

Eighth: for building trust issues, releasing elderly, sick and those prisoners whose imprisonment duration has ended or will end in near future. In addition, removal of the Talib leader from UN's black list and officially opening an office at Duha of Qatar.

Ninth: conducting another intra-Afghan meeting at Doha of Qatar.

Reactions about the Moscow Summit

There were various reacts regarding the Moscow Summit. The Afghan government criticized the meeting and said that the meeting can only be considered as an academic discussion and cannot have executable results. In addition, the government complained to the United Nations about the summit, since some of the Taliban representatives are in the blacklist of the UN and cannot travel freely.

On the other hand, the former president of Afghanistan, Hamid Karzai expressed inclination and told the news reporters “The main solicitation of Afghans is peace and provision of peace was emphasized in the summit”. Similarly, Hanif Atmar, candidate for the presidential election and former national security advisor told the reporters “Taliban were not ready for negotiating with the Afghan government. However, if u see the mutual proclamation of the summit, the Intra-Afghan peace talks are emphasized.

Although Russia's ministry of foreign affairs said that they haven't facilitated the summit, but some Afghans believe that the summit is a result of competition between the U.S. and Russia and Moscow is trying to strengthen their position in Afghanistan. Therefore, people demonstrated in some provinces against Russia during the summit.

The Intra-Afghan peace talks

The struggles to end the war in Afghanistan through intra-Afghan negotiations have started since a decade. The attempts have increased with the establishment of Unity government. The Taliban were pressured regionally and internationally in this period in order to force them to negotiate with Afghan government about peace. However, all the struggles have no satisfactory results yet.

The Taliban have always emphasized on negotiating with the U.S. which the at the end, the U.S. felt need for peace negotiation with the party and introduced Zalmi Khalilzad as special representative of the United States for the Afghan peace four months ago. The Taliban and the U.S. met four times during four months.

However, the biggest problem of the so called peace process was exclusion of Afghan government from the process.

Although the Moscow summit can be considered as the first step towards the Intra-Afghan peace talks and significant opportunity to end the current war, but apparently, the views of the Taliban and the Afghan government differs from one another and these differences have led to a sort of dead end of the peace process.

The Taliban considers talks with political groups and leader as intra-Afghan mutual understanding process. Which means, the Taliban do not recognize the current government of Ashraf Ghani. Regarding this, Zalmay Khalilzad, in a TV interview a while ago, stated that the Taliban do not want to negotiate the leaders of the Unity government. According to him, they do not recognize the government as a legal entity. Furthermore, they say that if they negotiate with the government, it will be only be in favor of a particular Candidate, who is Ashraf Ghani. On the other hand, the Afghan government defines the Intra-Afghan talks differently and says that the Taliban should accept the government as legal and negotiate with it about peace.

Conclusion

The peace summit in Moscow between the Taliban and Afghan politicians was a unique meeting since eighteen years because it was the first time that Afghans meet and publish a mutual proclamation in order to end the current war in Afghanistan.

The progressive meetings between the Taliban and the U.S. and their agreement on a general framework, similarly, a meeting between the Taliban and the Afghan politicians for the first time, pleasure of the summit's participants and emphasized on conducting similar meeting, and additionally, the request for consultative Loya Jirga are issues that have increased hopes for peace in Afghanistan.

If all those articles that were published in the mutual proclamation are honestly implemented, success in ending the current war does not seem far. In addition, it is possible that more meetings like the Moscow summit and consultative Loya Jirga can resolve the issue of negotiation between the Taliban and Afghan government and eliminate the current dead end of negotiation.

End

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