

In the Name of God, the Most Merciful, the Most Kind



December 08, 2018

ECC to Revise Its Electoral Decision

In a shocking decision that took candidates and voters by surprise, Afghanistan Complaints Commission said on Thursday that fraud and mismanagement had rendered invalid the votes cast in the capital Kabul, during last October's parliamentary election. This decision was made after ECC received a total of 2,767 complaints in Kabul. Over a million citizens cast their votes in the Afghan capital, in October, to select from over 800 candidates to represent 33 seats in the national parliament.

The election process was marred with violence, allegations of fraud, as well as technical problems with biometric voter verification gear and inaccurate voter lists. According to ECC authorities there have been serious outstanding problems in Kabul that could hurt the fairness, transparency and inclusiveness of the election.

However, the decision by the ECC prompted a backlash from candidates as well as Afghanistan's top election authority. Further, the Independent Election Commission also rejected the ECC's decision, exposing deep political rifts between the two bodies charged with organizing and managing the election. The chairman of IEC rejected the ECC decision and said the ECC's decision was made without their consultation. He described the move to invalidate votes as a political, sentimental, unrealistic decision that was not based on credible evidence. Mr Sayyad also claimed that the ECC did not have the authority to invalidate votes. According to Sayyad, This decision was illegal since the Independent Election Commission is the only body that can make decisions on elections, and he also accused the ECC of trying to sabotage the elections.

Apart from annulling Kabul votes, the ECC on Thursday also fined five IEC officials for mismanagement and failure to fulfill their duties. This was also dismissed by the IEC, stating that the former had no legal authority over the organization.

Meanwhile, during the two days election, Afghans voted under threat of Taliban violence across the country during one of the most fragile moments in 17 years of the war.

It was an election that was supposed to happen three years ago, delayed time and again by widening political schisms and worsening security. And where voting did go ahead on 20 and 21 October, it did so under the shadow of a Taliban vow to punish those who took part.

The insurgents carried through on their threat, but security forces prevented the dramatic attacks that many feared. Still, officials said there was widespread violence across the country, with the Taliban attacking districts and polling centers, firing mortar shells and exploding bombs in cities.

A rough tally from security and health officials after polls closed showed that at least 78 people, including 28 members of the security forces, were killed and least 470, mostly civilians, were wounded in smaller attacks targeting dozens of districts. In Kabul alone, more than a dozen explosions were reported by officials.

Considering the current security, financial and psychological impacts of invalidation of the votes in Kabul the Afghan government was required to find a legitimized and acceptable mechanism to solve this issue. As a result, joint meeting was scheduled chaired by Sarwar Danish, the Second Vice President on December 7, 2018 and Chief of the Supreme Court, General Attorney, Chief of Independent oversight Commission of the Constitution, General Director of IDLG, and Chief of National Statistic Office included the participants of the meeting. The meeting concluded that the ECC shall to amend its decision on invalidating all votes in Kabul.

This decision not only prevents further political, security and social tensions in Kabul, but ensures that the clear votes of the people will not be wasted as well.

Cancellation of Election Results of Entire Kabul Province Is yet another Blow to People's Trust on Electoral Process

By: Mohammed Gul Sahibzada

Transparent, fair and free elections and electoral processes form the bedrock of a democratic society. It is through these processes and institutions that people's voices, their will to be part of democratic flow in their society and their participation, which would result in a sense of inclusiveness, independence, ownership of their government and governance process and construction of a rule based constitutional system, which would govern the way how they live, are reflected. But alas, Independent Electoral Commission (IEC) and Electoral Complaints Commission (ECC), the two major institutions responsible for administering and supervising elections and electoral processes and addressing objections and complaints respectively, have miserably failed to come up to the expectations of people of Afghanistan. Both are the main pillars of the election process and they have functional autonomy. Despite numerous failures these two institutions exhibited during the last eight months when electoral process started in March 2018 to the run up to conducting parliamentary elections, which took place on 20 October 2018, recent cancellation of elections results of the entire Kabul province is a shameful indication of inability and pathetic status of IEC. ECC also ignored objections and complaints raised earlier and waited till they evaluated the accumulated impact on Kabul.

It seems the two bodies i.e. IEC and ECC have not synchronized themselves and have not developed rule based policies and mechanisms in place to form a platform whereby they could work together on policies, modus operandi of conducting electoral processes and consultations before they encounter a catastrophe such as the one on Kabul yesterday. Article 93 of Election Law 2016 empowers the ECC to be the final decision making body with regard to addressing electoral objections and complaints and Art 94 authorizes the ECC to invalidate the election if the principles of fair, secret and direct election are compromised. This landmark decision of ECC shows that the IEC could not live up to the expectations and there were repeated complaints of malpractices, which could not be addressed timely. ECC, which is an important oversight body to address complaints and infuse credibility into the process, was late to take off but at least started 'a new beginning' towards credible elections if their decision is based upon irrefutable facts. Hours after ECC announced nullification of 2018 parliamentary elections results for Kabul province, IEC has jumped out to reject ECC announcement and brand it as 'illegal'. This sorry state of IEC is a disappointing indication of 'tip of the iceberg' of the scale and breadth of structural problems prevailing in the entire election process at a much larger magnitude.

At present, lack of coordination and cooperation between IEC and ECC where IEC ensures fair, transparent and credible election and ECC ensures addressing objections and complaints efficiently, continue to take immense toll on both, people's trust and the ongoing electoral process. In addition, lack of coordination and cooperation between IEC and

government defense and security institutions have already inflicted huge miseries on civilians as hundreds of people - men and women - were killed and injured in almost all the provinces in the country during registration of candidates in April, election campaign and election day on 20 and 21 October. In some areas, some people could not participate and cast their votes due to lack of availability of proper security and safety nets.

In addition, use of government facilities, power and position by candidates who were existing members of parliament and individual candidates with kinship to powerful government officials in provinces to suit their individual or group interests during this year electoral processes, have further added to the miseries of people and ruined the very concept of a 'free and fair' elections. This phenomena has happened at a time when many ordinary civilians had braced to face existential security challenges and come out of their homes to vote for candidates of their choice, in order to 'get rid of the present parliament and parliamentarians' who they believed 'have been responsible for much of the miseries' of the people in this country.

The voters who casted their votes now start to question legitimacy and abilities of IEC and ECC to decide on matters concerning their votes, elections and electoral processes. One of the major factors that have contributed to this situation is the unpredictability of both IEC and ECC. Any major event has mini-events at its peripheries that pave the way for it, and those mini-events could be logical pathways and basis for making major decisions. ECC should have taken note of those mini events timely and IEC should be undertaken path corrections as and when requires. Now, ECC should have shared with the people causes and effects that they believed warranted nullification of the entire province's results.

In addition, to avoid legitimacy of, and possible challenges to their decisions, IEC leadership should take lessons to restructure its election process and come out in public with their strategy and methodology. People's sacrifice and their acceptance of democratic values and system are the most important factors, which both IEC and ECC should consider while deciding on matters that belong to the people and to the entire democratic system in the country. It seems lack of leadership or the ability of leadership in the highest echelon of these two organizations, more in IEC doesn't seem to care for these values. Elections results for many of the provinces in the country are still pending announcement despite the passage of more than one and half month, and neither IEC nor ECC have come forward to present valid reasons for such delays! It is a shame that two most important institutions responsible for conducting free and fair elections are now becoming in the spotlight with questions over their legitimacy and ability to do the very job they are meant for.

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US Senate Resolution Potentially Changes Middle East Dynamics

By: James M. Dorsey

A draft US Senate resolution effectively portraying Saudi policy as detrimental to US interests and values and Crown Prince Mohammed bin Salman as "complicit" in the killing of journalist Jamal Khashoggi, if adopted and implemented, potentially could change the dynamics of the region's politics and create an initial exit from almost a decade of mayhem, conflict and bloodshed.

The six-page draft also holds Prince Mohammed accountable for the devastating war in Yemen that has sparked one of the world's worst humanitarian crises, the failure to end the 17-month-old Saudi-United Arab Emirates-led economic and diplomatic boycott of Qatar, and the jailing and torture of Saudi dissidents and activists.

In doing so, the resolution confronts not only Prince Mohammed's policies but also by implication those of his closest ally, UAE crown prince Mohammed bin Zayed. The UAE was the first country that Saudi leader visited after the Khashoggi killing.

By in effect challenging the position of king-in-waiting Prince Mohammed, the resolution raises the question whether some of his closest allies, including the UAE crown prince, will in future want to be identified that closely with him.

Moreover, by demanding the release of activist Raif bin Muhammad Badawi, better known as Raif Badawi, and women's rights activists, the resolution further the challenges fundamentals of Prince Mohammed's iron-fisted repression of his critics, the extent of his proposed social reforms as part of his drive to diversify and streamline the Saudi economy, and the kingdom's human rights record.

A 34-year-old blogger who named his website Free Saudi Liberals, Mr. Badawi was barred from travel and had his assets frozen in 2009, arrested in 2012, and sentenced to 10 years in prison and 1,000 lashes for insulting Islam. His sister, Samar Badawi, a women's rights activist, was detained earlier this year. Mr. Badawi's wife and children were granted asylum and citizenship in Canada.

A diplomatic row that stunned many erupted in August when Saudi Arabia expelled the Canadian ambassador after the foreign ministry in Ottawa demanded in a tweet the release of Ms. Badawi and other activists.

Prince Mohammed and Saudi Arabia, even prior to introduction of the Senate resolution, were discovering that the Khashoggi killing had weakened the kingdom internationally and had made it more vulnerable to pressure.

Talks in Sweden between the Saudi-backed Yemeni government and Houthi rebels to end the war is the most immediate consequence of the kingdom's changing position.

So is the resolution that is unprecedented in the scope and harshness of the criticism of a long-standing ally.

While the resolution is likely to spark initial anger among some of

Prince's Mohammed's allies, it nevertheless, if adopted and/or implemented, could persuade some like UAE crown prince Mohammed to rethink their fundamental strategies.

The relationship between the two Mohammeds constituted a cornerstone of the UAE leader's strategy to achieve his political, foreign policy and defense goals.

These include projecting the Emirates as a guiding light of cutting-edge Arab and Muslim modernity; ensuring that the Middle East fits the crown prince's autocratic, anti-Islamist mould; and enabling the UAE, described by US defense secretary Jim Mattis as 'Little Sparta,' to punch above its weight politically, diplomatically and militarily.

To compensate for the Emirates' small size, Prince Mohammed opted to pursue his goals in part by working through the Saudi royal court. In leaked emails, UAE ambassador to Washington Yousef al-Otaiba, a close associate of Prince Mohammed, said of the Saudi crown prince that

"I don't think we'll ever see a more pragmatic leader in that country."

Mr. Al-Otaiba went on to say: "I think in the long term we might be a good influence on KSA (Kingdom of Saudi Arabia), at least with certain people there. Our relationship with them is based on strategic depth, shared interests, and most importantly the hope that we could influence them. Not the other way around."

The impact of the Senate resolution and what it means for the US policy will to a large extent depend on the politics of the differences between the Congress and President Donald J. Trump who has so far sought to shield the Saudi crown prince.

To further do so, Mr. Trump, with or without the resolution, would likely have to pressure Saudi Arabia to give him something tangible to work with such as an immediate release of imprisoned activists followed by a resolution of the Qatar crisis as well as some indication that the Yemen peace negotiations are progressing.

Whichever way, the fallout of the Khashoggi killing, culminating in unprecedented Congressional anger against Prince Mohammed and the kingdom, is likely to have significant consequences not only for the Saudi crown prince but potentially also for the strategy of his UAE counterpart.

That in turn could create light at the end of the Middle East's tunnel of almost a decade of volatility and violent and bloody conflict that has been driven by Saudi and UAE assertiveness in countering dissent at home and abroad in the wake of the 2011 popular Arab revolts as well as Iran that has played its part in countries like Syria and Yemen in fueling destruction and bloodshed.

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