

## Postmortem Afghanistan: The iron law of a world-class election farce

*Innocent Afghans will, as usual, pay the heaviest price by the hundreds*

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It is time for a postmortem analysis in Afghanistan. With all the misery that has befallen the wretched peoples of Afghanistan over 40 years of invasions and civil wars, the mess is far from over. By all accounts, the elections were heavily rigged by the president. The “independent” electoral commission’s head declaring Karzai the winner before the second round was cancelled will long resonate in elections’ annals as the

grotesque crowning of a world-class farce. Most pathetic were Karzai’s congratulation by the UN chief, and by the British and American governments. In Afghanistan, the “credible leadership” that the Obama administration was relying on is over, and the Afghan government will stumble from declared unity to declared unity until Karzai is out. Like Saddam’s Iraq, Ahmadinejad’s Iran, Mugabe’s Zimbabwe and other sad holes in the planet, there will be no credible government in Afghanistan so long as a brutal self-perpetuating president is part of it. Innocent Afghans will, as usual, pay the heaviest price by the hundreds. The ricochet will also be grave for the rest of the world, especially for the US administration, and for the UN secretary general.

The implications are not benign. In the case of the UN, the moral failure in Afghanistan will affect the very heart of what is left of its international missions. We all know the difficulties that the UN Secretariat faces in troubled electoral spots, but it’s all too convenient to reject accountability when a UN mission fails, and to trumpet success when the election is successful. The result is somber in Afghanistan, because the UN chief endorsed a rigged election, while the courage and decency of the UN number two in Kabul Peter Galbraith were punished. The UN secretary general’s representative Kate Eide remains in place, and Galbraith was relieved from its duties for refusing to play false witness. UN Secretary General Ban Ki-moon’s congratulatory visit to Karzai on the day he announced his triumph was the latest nail in the coffin of the sad Kabul saga.

The matter is grave well beyond the Afghan theater. If the UN Secretariat, which is in charge of securing free and fair elections, endorses results that are openly falsified, there is little or no role left for UN missions.

UN “peacekeeping” forces have generally been a failure in zones of tension since the Congo crisis in 1961 showed the UN blue berets’ structural inability to fight. Srebrenica is its most tragic illustration, when several thousand Muslim Bosnians were massacred in the allegedly protected UN zone in July 1995. The UN organization was since left to “soft policy,” of which elections is the lynchpin. With

the failure in Afghanistan, the iron law of rigged elections will destroy the one area of credibility that had remained protected by-and-large as a worthy UN task.

For anyone who knows how complex the logistics of a free and fair election in war-torn countries, this collapse of credibility is the more tragic because of the immense sacrifices and dedication of the UN people on the ground, many of whom, as in Afghanistan and Iraq, pay with their lives the fulfillment of their mission. It is not so much wasting the hundreds of millions of dollars that get poured in the organization of any election. It is chiefly the lives of so many civilians and military personnel who have to deploy to protect the citizens' votes.

The other major implication is on America's foreign policy. After all, Afghanistan's invasion was carried out by the book. Following September 11, the Taliban government was summoned to surrender Osama bin Laden and the New York massacre masterminds who were on Afghan territory. They did not, and so provided a firm legal rationale for the invasion. The US moved with the best possible strategy: not a full scale occupation, but a beefing up of the Afghani opposition, under full international legal coverage in the UN, and an absolute support from all their NATO allies by advocating "collective defense" under Article 5 of the NATO treaty, the first ever such instance since the establishment of NATO. This was for the West and US President Barack Obama the paragon of a just war. The moral argument has just collapsed into a rigged election government with, at the helm, a dictator instead of a president. For how does one qualify Hamid Karzai now other than as dictator, and how does one explain to those whose dearest ones will continue to sacrifice their lives in Afghanistan, that they died for a rigged presidency?

Because Americans offered the largest military contingent, the presidential-election ricochet looms large for the US administration and its NATO allies. Surely, it will be argued by Realpolitikers, this won't be the first dictatorship that the United States props up. Yet the comparison is not adequate: in Afghanistan, Karzai did not exist in the first place before US and UN endorsement, nor could he stay one day in power without their active legitimization and military protection. Surely also, the Western leadership fears the Taliban taking over and offering again the country to Al-Qaeda and similar groups as a base for their worldwide violence. This is a strong argument, but the Obama administration should ponder its options carefully. There is no credible government in Afghanistan, so how can they rely on Karzai to implement any effective policy against the insurrection? To rely on a government issuing from rigged elections will fly in the face of David Petraeus' central counter-insurgency (COIN) doctrine which the Pentagon has adopted as its strategy. COIN is doomed if the host nation is not behind it. Without a credible government in Kabul, how can the people in the host nation rally behind any policy?

To be coherent, and in the obvious absence of a credible partner, the Obama administration should therefore pull out of Afghanistan. The question then becomes: how do you organize your withdrawal without the Taliban taking over? No one has a convincing response to this quandary. I would merely repeat my previous suggestions for a constitutional route that puts the reins of government in Afghanistan in its Loya Jirga/Grand Council, rather than in its president or any fake unity government as presently carried. The earlier the formal de-legitimization of Karzai starts in Washington, the better for a withdrawal that doesn't bring the whole US foreign-policy down, together with streams of innocent Afghani blood and much of the international order.

**Professor Chibli Mallat**, from the University of Utah and Saint Joseph's University in Lebanon, is the editor of the law page. This is the last in a series on Afghanistan in **The Daily Star**. The previous three articles appeared on October 15, 22, and November 2. His latest book, "Iraq: Guide to Law and Policy," has just been published by Aspen/Kluwer.