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Forging Afghanistan's National Unity Government

Summary

- Afghanistan's presidential election was resolved in a U.S.-brokered deal that created a national unity government (NUG). New president Ashraf Ghani, by decree, created the post of chief executive officer (CEO), filled by Abdullah Abdullah. This has resulted in a power-sharing arrangement between two teams, the legal parameters of which will not be decided for another two years.
- In addition to its internal tensions, the NUG faces a challenging political, security, and economic situation in the country at large—one that threatens to be exacerbated as international assistance and U.S. military forces draw down.
- The formation of the NUG, however, also presents an opportunity for Afghanistan's leaders to redefine the role of government and institute reforms that can strengthen public support and improve the chances of obtaining further international assistance.
- To take advantage of these opportunities, leaders in the NUG could make a serious unified commitment to reforms and fully integrate the governing body both politically and professionally, despite the power-sharing arrangement that has been created.

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Introduction

Afghanistan's contentious presidential election was ultimately resolved not by the ballot box but by a U.S.-brokered deal that created a national unity government (NUG). As at least eight million voters had braved Taliban threats and gone to the polls in two rounds of elections, the power-sharing deal was seen as a major setback in Afghanistan's democratic transition, but a necessary price to pay for stability. If legitimacy could not be derived through elections, it must now be secured through government performance and meeting Afghan citizens' expectations. This means that a number of structural obstacles in the agreement must be overcome, and Afghan elites need to generate a sufficient spirit of compromise and cooperation to begin the actual process of governing.

Under the NUG agreement signed on September 21, 2014, Ashraf Ghani became president after an internationally supervised audit concluded that he had won the most votes. Under the constitution, the president is the head of state and government. He leads the cabinet, which consists of

the council of ministers, two vice presidents, and the chief adviser to the president. Meanwhile, Abdullah Abdullah assumed the office of chief executive officer (CEO), a position that is not in the constitution; Ghani created it through presidential decree immediately after taking office. The CEO carries out specific executive authorities delegated to him also by presidential decree. Accordingly the CEO participates with the president in bilateral decision-making meetings and is responsible for certain administrative and executive functions in government. These functions include overseeing the council of ministers—distinct from the cabinet and consisting of the CEO, deputy CEOs, and all ministers—and the day-to-day running of government affairs. He also chairs all the subcommittees of the council of ministers. Meanwhile, the president committed to convoking a *loya jirga* in two years for a “debate on amending the Constitution and creating a post of executive prime minister,” formalizing the current CEO role.

Until the *loya jirga* is convened, both the CEO and the president sit on the National Security Council, along with the vice presidents, national security adviser, chief adviser, and ministers for defense, interior, and finance. Although the CEO works under the president, the agreement provides for parity in personnel appointments between the president and the CEO for heads of key security and economic institutions as well as independent directorates. As a consequence, CEO and presidential appointees will be equally represented among National Security Council leaders and equitably (*barabar-guna*) represented among members.

The Challenge of Sustainability

Power-sharing arrangements do not have a good track record in Afghanistan's recent history. One of the main factors in their failure has been the emergence of powerful patronage networks generated by decades of war and the involvement of outside supporters. These centers of authority disrupted the traditional conflict resolution mechanisms that the government formerly exercised, as well as the effectiveness of traditional informal authorities, including tribes, clergy, and tribal jirgas.

Given the failed experience of the past, what are the prospects for the current Afghan coalition to function effectively? Although political fragmentation and ethnic division continue to strongly influence domestic politics in Afghanistan, there are many compelling reasons for the NUG to mobilize to achieve national goals. The bulk of international forces are leaving and future external financial and military assistance will hinge on Afghanistan's commitment to govern itself and promote reforms and stability. There are several factors to consider.

First, the political ethos in Afghanistan has evolved during the past thirteen years into a culture of seeking power through nonviolent political struggle. Many of the main actors in the civil war of the 1990s seem to have lost the incentive to pursue their interests through violent means. Several have joined political teams that campaigned for power through elections and other peaceful means. Second, Afghan political elites have learned from the dark years of the past, when every warring faction emerged from the conflict as a loser. Power-seeking figures, especially those who have become prosperous, are unlikely to risk losing what they have gained in the past decade. Third, the survival of the Afghan state greatly depends on foreign assistance for at least another decade. No foreign state will pour money or other resources into an unstable and chaotic situation. The need for international assistance is a strong incentive for the NUG to maintain unity and invest its energy and resources in reform. Finally, there are simply no other options available to Afghan leaders for the country to weather the difficult years of the transformation decade ahead.

But there are reasons for concern. First, the people's acceptance and support of the government depends on the government's commitment to reform, accountability, and efficiency in security,

governance, and economy. But most power-sharing deals in other countries have not successfully managed the competing demands of maintaining unity and governing effectively. Focusing on maintaining unity at the expense of effectiveness can severely damage the government's legitimacy.

Second, it is unclear how the constitutional authority of the president will be shared, given the legal vacuum in which the CEO is to exercise power. Without clearly legislated power sharing, the process depends solely on the vision, statesmanship, and effective leadership of NUG partners. Given the tough negotiations and petty disputes during the lead-up to the final deal, however, sharing power will not be smooth or easy.

Third, until the CEO position is legislated through constitutional amendment in two years, the varying bases of authority could create institutional rifts between the president and CEO. The president gets his authority from his office, while the CEO's authority is a delegated power. The president can change, modify, or reduce it on the basis of his constitutional authority. The CEO may thus cultivate his heterogeneous political allies as a bloc to counterbalance the president's power of office and consolidate his position. This too will undermine the government's ability to govern effectively and possibly create public disenchantment.

The Opportunities

Despite the political, institutional, and technical challenges, the NUG also presents unique opportunities should government leaders maintain unity and mobilize to achieve national goals. The international refocus on Afghanistan following the signing of the Bilateral Security Agreement and the Status of Forces Agreement with the North Atlantic Treaty Organization lets Afghanistan receive sustainable assistance from its international partners to build the national capacities the country needs for political stability and economic recovery. The growing challenges of terrorism and extremism in the Middle East and their possible spillover across the region may catalyze closer and more meaningful regional cooperation. A slow thaw in Afghanistan's relationship with Pakistan, as well as recent Chinese interest in facilitating a regional solution to the Afghan situation, are welcome opportunities that the NUG cannot afford to miss.

The Steps Toward a Broader Process

The formation of the NUG is just the beginning of a lengthy and complex process. In the next two years, while the NUG will have to respond to major challenges in security, governance, and economy, before the next loya jirga is convened, it will also have to move steadily toward legalizing the power-sharing deal through constitutional amendment. To form the loya jirga according to the terms of the constitution, district elections should be held no later than the end of 2015. This step requires defining the boundaries of Afghanistan's districts and dealing with the unofficial administrative units created during the war that continue to exist. The formation of the jirga and debate over the draft of constitutional amendments will require significant cooperation and compromises that may take time and distract government attention from other important tasks. Only strong leadership and commitment to working above personal factional and parochial interests can mitigate the problems related to these challenges.

Doing More with Limited Means

Despite the international commitment to provide substantive assistance to Afghanistan beyond 2014, the security threat to the country will be greater than the indigenous capacity to respond to it. This requires mobilizing all available domestic capacities, seeking a political settlement with

ABOUT THIS BRIEF

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the insurgents, winning meaningful cooperation from regional actors, and delaying the planned withdrawal of U.S. military forces from Afghanistan.

A political settlement to the conflict can contribute to peace and security and allow the reduction of a large security force, the sustainability of which beyond 2017 is uncertain. But whatever peace deal emerges needs to be inclusive, legitimate, and sustainable. Although the NUG is keen on opening a dialogue with the Taliban and other insurgents, the prospect of a political settlement is years away, and any move in this direction requires domestic consensus and cooperation from Pakistan, which has significant influence over the Taliban. For their part, Taliban leaders may know they cannot restore their emirate in Afghanistan, but they will test the viability of the NUG and the international commitment to its survival during the next two years before they seriously engage in substantive peace talks. This means that, for a while, the talking and fighting will continue. To provide breathing space for Afghanistan while it is engaged in political development and reform and fighting insurgents, there is need for some flexibility in the drawdown of international military forces. There are indications that Afghan leaders may formally request a delay in the withdrawal of U.S. troops and make it a condition-based drawdown.

Afghan leaders expressed their intention during the December London conference to free the country from the status of an assisted nation and move to a self-reliant country as soon as possible. Development of agriculture, mining, and transit trade offer sources of future economic development but will take years and major investments in infrastructure and human capital. This means Afghanistan and the NUG will need substantive international political, diplomatic, military, and economic assistance at least for another decade.

Key to Success

Even given all of the above, no amount of international assistance will help unless Afghanistan's NUG addresses the competing demands of maintaining unity and governing effectively. There are two main prerequisites for this balance:

- *A strong unified commitment to reforms and cooperative decision making on the basis of a unified national agenda.* The two teams forming the government—between the president and CEO—comprise various political factions with different visions, interests, and concerns. Only by exercising a wise, cohesive, and effective leadership can the NUG maximize the advantages that the available opportunities provide. A common reform agenda can help to structure this relationship. Uniting around such an agenda should become easier after the current impasse of selecting cabinet members is overcome.
- *Political and professional integration of the government despite the parity in appointments and the power split.* While different supporters of each team may expect to be rewarded for their support in the election, it is important to respect the principle of merit-based appointments. Only when the choices of the two teams are politically and professionally integrated into a unified governance body will there be hopes for a viable and effective NUG. While the recent appointment of a cabinet shows that the two leaders ultimately can make compromises necessary for the government to work, the delays required to reach a consensus also suggest that implementation of a coherent reform agenda will not be easy. Finding the correct balance between maintaining unity and delivering on policy expectations is likely to be a constant feature of this government.



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