Post-Taliban State-Building in Afghanistan

The State Governmental Design at the National Level and the Role of Democratic Provincial Councils in Decentralization at the Sub-National Level

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Abstract

This research endeavors to critically study the state-building intervention in Afghanistan since the collapse of the Taliban regime in late 2001. By analyzing field interviews collected from six large Afghan provinces, this dissertation, in particular, explores an alternative state governmental design at the central level, and examines the role of elected provincial councils for decentralization at the sub-national level in Afghanistan.

Since the Bonn conference in 2001, the Afghan ethnopolitical elites are divided between the Pashtuns for a heavy centralized presidential state system, and the non-Pashtuns (mainly Tajik, Hazara, and Uzbek) for semi-presidential parliamentarism, among them some advocates for parliamentary federalism. While the 2004 Afghan constitution adopted a heavy unitary centralized state system. In practice, it continued an ethnopolitical elite power-sharing government agreed upon at the December 2001 Bonn conference. The findings of this study reveal that implementing a non-ethnic-party and merit-based democratically elected unitary government as envisioned in the 2004 Afghan constitution, would neither be accepted by the various ethnic groups and parties nor would it be backed by the regional and international partner countries. A complete federal option also fails to have majority Afghan support, nor is it suitable for a geographically and socio-politically complex, and economically weak Afghanistan. The National Unity Government (NUG) model in place since 2014 – a somewhat semi-presidential system – has not been successful, and the lack of a strong political party system also weakens the arguments for adopting semi-presidentialism. If peace, social justice, political stability, good governance, economic development, and national integration is the optimum goal for system change, Afghans need to adopt a unitary ethnic grand-coalition at the center, (a president with three vice-presidents with no constitutional pre-specification of ethnic status for these executive posts) and a moderate decentralized administration at the sub-national level.

This dissertation also finds that the Afghan elected Provincial Councils (PC) in place since 2005 are constitutionally week and in some instances dominated by warlords and drug mafias. Nevertheless, they have proved significant to local governance in rural Afghanistan, improving political awareness, the mobilization and participation of women, government legitimacy, democracy, and economic development. If the Afghan government ever managed to make peace with the Taliban, curbed warlordism and corruption, then for implementing decentralization, the Afghan PCs are the most feasible democratic institution to build on.

List of Acronyms

AISS	Afghansitan Institute for Stratigic Stidudies
AREU	Afghanistan Research Eveluation Unit
CDC	Community Development Council
CEO	Chief Executive Officer
CIA	Central Intelligence Agency
CLJ	Counstitutional Loya Jirga
DC	District Council
DDR	Disarmament Demobilization and Reintigeration
IDLG	Independent Directorate of Local Governance
ISAF	International Security Assistant Force
ISI	Inter-services Intelligence
MP	Member of Parliament
NATO	North Atlantic Treaty Organizationa
NUG	National Unity Government
OECD	Organization for Economic Cooperation and Development
PC	Provincial Council
PDC	Provincial Development Council
SNTV	Single Non-transferable Vote
USSR	United of Sovit Socilist Rebpublic
UN	United Nation
US	United States
VC	Village Council

Glossary

Fiqh	Islamic Jurisprudence
Khan/Malik/Big	Traditional community leader
Jihad	Holy War
Jirga/Shura	Consultative Council
Islamic-Ummah	Islamic-Community
Meshrano-Jirga	The Upper House of the Afghan Parliament
Mujahedeen	Holy Warriors or Freedom Fighters
Pashtunwali	The Pashtun ethnic code of conduct
Sharia	The Islamic Law
Sharwal	Mayor
Shura-e-Mili	The National Assembly of Afghanistan
Wali	Provincial Governor
Wolesi Jirga	The Lower House of the Afghan Parliament
Woluswal	District Governor

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CHAPTER 1: INTRODUCTION

The September 11th terrorist attack was a human tragedy for the people of the United States, whereas the United States' subsequent military intervention that led to the toppling of the Taliban Emirate created a window of opportunity for lasting peace, democratization and economic development for the people of Afghanistan. In November 2001, while the U.S. was still conducting its military operations (Operation Enduring Freedom) in the Afghan soil, the UN Security Council issued resolution '1378', convening an international conference in Bonn Germany aimed at forming a new government between the warring factions in Afghanistan (United Nations Security Council, 2001, p. 2).

The December 5, 2001, Bonn agreement – also known as the Bonn Accord – produced a series of sequencing state-building steps including a six-month interim government, the emergency Loya Jirga (grand council) for the formation of a two-year transitional government, and the constitutional Loya Jirga for establishing a new Afghan constitution for a permanent government (Rubin B. R., 2004).

Nevertheless, the Bonn peace and state-building opportunity was damaged right from the beginning by hasty and reckless policy decisions of the U.S., Afghan, and U.N. key stakeholders between 2001-2004. The Taliban – one of the key conflict groups – were not only excluded from the talks, but were also mercilessly killed or tortured at the Guantanamo Bay detention camp. The Taliban's almost defeated enemy, the ex-Mujahedeen warlords – were brought back to state power overnight. This undoubtedly led to the rebirth of the Taliban insurgency in the following years, more violent than ever before. Empowering the warlords and bringing them into the government led to a corrupt and weak government establishment in Kabul. In the following years, this caused civilians in many rural areas of the country to turn to the Taliban for maintaining justice and security.

The U.S. intervention in Afghanistan could be justified based on what Eric A. Heinze (2009) would call 'self-defense' or Andrea Kathryn Talentino (2005) 'global 'security'. Nevertheless, it should be equally criticized for its subsequent ill-advised peace- and state-building policies in the Afghan complex sociopolitical context. Berit Beliesemann de Guevara (2012), notes that the international state-builders' attempt to export modern 'liberal peace', democracy, 'internationalization and depoliticization' policy and practices to non-western societies aim at building states and (good) governance, yet ignore quite different historical and social dynamics and processes. According to Beliesemann de Guevara (2012) since state-building is a complex interaction between local, national and international actors, the institutionalization of power as a legitimate rule/actor requires the utilization of 'strategies and tactics' the application of which often produces diverse 'reactions' including 'resistance, cooperation and manipulation' (Bliesemann de Guevara, 2012).

In the Afghan context, while the warlords collaborated with the U.S. and the international community for their own political and financial interests, the Taliban resisted for their own survival. The U.S. in euphory of winning the Afghan war quite easily those days did not bother to take fundamental steps for restoring sustainable peace and government order.

Among the fatal peace and state-building flaws, one was the implementation of a contradictory state institutional design in the 2004 Afghan constitution. According to Rubin and others, the Afghans were divided based on the ethnopolitical identity of Pashtuns versus non-Pashtun (this includes mainly the chief groups Tajiks, Hazara, and Uzbek), in which the former insisted on a unitary centralized state system, whereas the other opted for a parliamentary decentralization, some among them even demanding federalism (Rubin B. R., 2004), (Maley, 2013) & (Malejacaq, 2016). It was the interventionists – the U.S. and its NATO allies – which pushed its various indigenous yet rival cooperatives – the Northern Alliances warlords and

the Zahir Shah diaspora group – to align on some state governmental modality. Eventually, a heavy unitary centralized system was agreed in the 2004 constitution, whereas in practice an ethnolinguistic power-sharing government of mainly non-Pashtuns warlords and the diaspora Pashtuns headed by Hamid Karzai continued until late 2014.

To ensure his winning, Karzai – an ethnic Pashtun – had chosen both of his vice-presidents from among the most influential Tajik and Hazara warlords during the 2004 and 2009 presidential elections. To secure the consent of his Uzbek ethnic ally, General Abdul Rashid Dostum, Karzai had to award him the post of Afghan National Army (ANA) chief of staff. Moreover, Karzai had to share cabinet positions with both of his vice presidents and General Dostum. Likewise, to maintain his government's sub-national power, leading warlord commanders of all major ethnic groups were promoted to governorships and other high-ranking government positions.

Meanwhile, the heated divide over a state governmental modality never ended even after the approval of the 2004 constitution. As soon Karzai purged some of the non-Pashtun ethnopolitical elites from government positions, they went on building political alliances and demanding change from a unitary centralized system to parliamentary federalism. The establishment of Etelaf-Mili or Afghanistan National Front by some of the former Northern Alliances warlords during 2010 and 2012, for example, was widely supported by the anti-unitary centralization advocates in the country. The U.S. Republican congressmen headed by Dana Rohrabacher were also backing the initiative (Ruttig, 2012).

The formation of the National Unity Government (NUG) in September 2014 officially recognized that a unitary centralized state system was no longer acceptable for the majority of the non-Pashtun political elites. Following a long-disputed presidential election, Abdullah

Abdullah, the losing candidate refused to accept the final results of the second-round elections. Alleging widespread fraud, Abdullah and his supporters warned of violence and the formation of a parallel government if the election commission were to announce his opponent, Ashraf Ghani, the winner (Wörmer N., 2014). Hence, the U.S. and the UN intervened to sort out a political settlement that resulted in the formation of the NUG. In apparent contradiction to the Afghan constitution, the NUG agreement created a Chief Executive position equivalent to a prime minister post for the losing candidate Abdallah along with fifty percent of the cabinet seats. The agreement also stated that within two years of the NUG, the Loya Jirga (Grand Assembly) would be convened to amend the state constitution to change the present presidential to a semi-presidential system.

No doubt, the NUG agreement facilitated a peaceful handover of power. Nevertheless, it clearly undermined the young Afghan democracy among the ordinary citizens, who besides all security challenges went to the polling centers, hoping to elect their next president. Furthermore, some critical articles agreed in the NUG document remained unimplemented, including the inauguration of the Loya Jirga for amending the constitution. While the next presidential elections are scheduled for early 2019, the fate of the NUG agreement in general and the Chief Executive post in particular, remained unclear.

Thus, taking the above stated institutional design puzzle and the ethnopolitical divide over the issue into consideration, this dissertation partly attempts to find reasonable answers to the questions on state institutional design in Afghanistan in the long run.

The elected Afghan provincial councils and their increasing role at the subnational administration is another major theme; this dissertation deals with. Adopting a heavy centralized administrative structure in an ethno-politically divided society like Afghanistan causes political instability. The increasing role of the elected provincial

councils and the influential warlords at the sub-national governance have repeatedly challenged the central government authorities. The heavily centralized administration adopted in the 2004 Afghan constitution gave executive authority only to sectoral ministries and independent directorates in the capital Kabul. In theory, the Afghan province, designated as the ‘local administrative unit' sub-nationally in the constitution (2004, Article One Hundred Thirty-Six), holds no real political, administrative and fiscal autonomy of its own. In practice, however, depending on which warlord has influence in the province, the local councils may have a larger role.

For the first time in the Afghan history, the 2005 fully elected provincial councils (PC) increasingly changed the local versus central political dynamics. Though constitutionally weak, and still heavily influenced by major local warlords, nevertheless the PC’s fully democratic nature created a vibrant political transformation locally. Its political representation role at the province level created deep political awareness among the local citizens. Their limited oversight authority not only challenged the local government administrations for accountability but also repeatedly alerted the central government for reviewing its sub-national policies.

The PC’s role and functions are very much significant to the Afghan sub-national administration. No matter which (centralized or decentralized) administrative system the Afghan government might adopt in the future, the present democratic provincial councils would prove more effective in local governance if equipped with real power and precise mechanisms of its implementation. Supplemented with qualitative field research this dissertation has studied the Afghan PCs painstakingly in a separate chapter.

1.1 Research Hypothesis, Questions and Significance:

Of course, the constitution is a document that can be amended. The constitution shall be respected. Its implementation is essential and requires a strong determination by the nation. However, the constitution is not the Quran. If five or ten years down the line we find that stability improves, proper political parties emerge, and we judge that a parliamentary system can function better, then a Loya Jirga can at a time of our choosing be convened to adopt a different system of government. (Hamid Karzai January 4, 2004)

The above statement is part of the closing speech by Hamid Karzai – by a then interim president of Afghanistan – to the participants of Constitutional Loya Jirga (CLJ) in January 2004. At the CLJ meeting, Karzai acknowledged that the bulk of his non-Pashtun – mainly Tajiks, Hazara, and Uzbek – countrymen were unhappy with the adoption of a heavily centralized presidential system. To calm down the non-Pashtun opponents of Presidentialism, Karzai assured the possibility of adopting a parliamentary system through amending the constitution in the near future.

The well-known scholar on Afghanistan, Barnet R. Rubin – who was also actively involved at the Bonn state-building process for Afghanistan – highlights from his notes from the CLJ that "nearly all Pushtun delegates, joined by some members from other ethnic groups, came out for a presidential system. A bloc of non-Pushtun delegates, however, strongly supported a parliamentary system. Both sides made cases that mixed genuine public considerations with ethnopolitical ambitions" (Rubin B. R., Crafting a Constitution for Afghanistan, 2004, p. 12). Although the 2004 constitution adopted a heavy unitary centralized state system, the government formed a de-facto ethnopolitical elite coalition, sharing power with various local power-holders. While Karzai, a Pashtun became the president, the two vice-presidents and other vital ministerial posts were given to the Tajik, Hazara, and Uzbek Northern Alliances parties. At the sub-

national government level, the provincial and district governor positions were also handed over to those local warlords who already controlled the areas.

Historically too, Afghanistan has always remained a unitary centralized state in theory, while, in practice, the central government rulers had to either conquer or compromise with the local ethno-tribal elites.

Following the fraudulent and disputed presidential elections in September 2014, the U.S. Secretary of State's John Kerry mediated a power-sharing arrangement, known as the National Unity Government (NUG), between the second-round two leading candidates, Ashraf Ghani, and Abdullah Abdullah. The NUG agreement formally recognized the ethnopolitical power-sharing government through a unique style of semi-Presidentialism arrangements by creating a Chief Executive Officer (CEO) post – somewhat similar to a prime minister position – for Abdullah Abdullah. The agreement also called on "convening of a Loya Jirga to amend the (2004) constitution and considering the proposal to create a post of an executive prime minister" within two years of its deal (The 'government of national unity' deal (full text), 2014). While the NUG government is soon to enter its final year of the five-year period, the constitutional Loya Jirga has not been taken place so far. Furthermore, the deal also insisted on the 'equal' distribution of 'senior officials' of the government at national and local levels (The 'government of national unity' deal (full text), 2014).

Although the prerequisites 'stability and the emergence of proper political parties' noted by Karzai in 2004 are not yet in place, the NUG arrangements revived the ethnopolitical divide over the state, which stemmed from the Bonn state-building discourse in 2001. If it ever happens that the Afghan political elites reach to a consensus on amending the constitution, the question on which alternative state governmental form would suit better the Afghan context would be a matter of discourse. Hence, the outcome of this research would not

only add to the academic discourse of the post-conflict and ethnopolitical fragmented democracies but also serve as a policy proposal for the case of Afghanistan.

As discussed in detail below, the state-institutional design is a significant component of the state-building process. According to Stefan Wollff:

> The underlying assumption of the state-building literature, in other words, is that peace can be facilitated through an institutional bargain that establishes macro-level structures through which micro-level rewards are provided to elites (and their supporters), giving them incentives to resolve their differences by democratic political, non-violent means. (Wollf, 2011, p. 1779)

Wollf's observation leads us to one of the critical hypotheses of this dissertation. I argue that ignoring peace-making – as one the most significant precondition for state-building –at the 2001 Bonn conference, resulted in the return of the Taliban insurgency and prolongation of the Afghan conflict. Based on the state-building interventionist theory, chapter three of this thesis briefly analyses the cause and consequences of the U.S. intervention and its peace and state-building failure in Afghanistan. The first hypothesis is tested in chapter four.

The second hypothesis of this dissertation is that the Afghan ethnopolitical elites are divide over the state-institutional design – in which the Pashtuns resist for a unitary centralization, whereas the non-Pashtuns advocate for a parliamentary decentralization. By providing extensive incentives to the anti-Taliban coalition of the Northern Alliances at the ground and the Bonn processes, also led to the lack of a genuine bargain over the state institutional design in the Afghan context. The second hypothesis is tested in chapter four and five.

Besides testing the above-stated hypophyses, the present research studies state-building in Afghanistan mainly from the perspective of state-institutional design (unitary centralization vs. parliamentary

decentralization) at the national level. Based on the field research, it also attempts to find the role of the 2005 elected provincial councils at the sub-national administration for a possible decentralization. Following are some of the critical questions which this dissertation aims to undertake for the discussion.

1. How far are the Afghan ethnopolitical elites divided over state-institutional design?
2. Taking the ethnopolitical divisions of the Afghan elites and the present security, sociopolitical, and economic conditions of the country into consideration, is the current presidential system appropriate or is there a need for an alternative model?
3. The Afghan democratic provincial councils (PCs) are completing their third successive term in March 2019. What role do they play at the sub-national administrations? What has been improved in their role, authority, and performance since their establishment in September 2005?
4. Taking the elected PCs as a prerequisite for local democracy, good governance, and decentralization, is Afghanistan ready to transform into a decentralized government administration? If yes, which kind of decentralization fits into the Afghan context?

The first question attempts to test the hypothesis, by finding how far the Afghan political elites are divided over state-institutional design. It follows the post-Bonn constitutional discourse over the state-governmental design in which Pashtun political elites opted for a presidential centralization and the non-Pashtun for parliamentary decentralization, few of whom demanded Federalism. I argue that the U.S. as the key architect of the Bonn processes, through its threat and incentive policy made the non-Pashtun Afghan elites to compromise over present unitary centralized system in Afghanistan.

Based on the theoretical foundation for existing classical democracies around the world including Juan J. Linz's (1990) Parliamentarism, Donald L. Horowitz's (1990) Presidentialism, Maurice Duverger's (1980) semi-Presidentialism, and Lijphart`s (1977 & 2002/2003) consociational democracy, the second question seeks to

find out which system would fit best the Afghan context. The first two questions are mainly concerned with state-building and its institutional design at the national government level.

Any alternative proposal to the present presidential centralization brings the sub-national government institutions into the discussion, which leads us to our third and fourth questions. The third question aims to study the elected provincial councils' role, functions, and capacity, since its first-time establishment in September 2005. Strong local democratic institutions are considered as the prerequisite for decentralization in the academic literature. Hence, taking the present status and capacity of the PCs, question four test the applicability for a possible decentralization model in the Afghan context.

Although the author briefly evaluated the historical context as sociopolitical background knowledge for its reader, the Bonn process in 2001 until the establishment of the NUG government in 2014 is considered as the main timeframe for this dissertation.

The focus of this study is primarily on Afghan state central institutional design and is also democratic provincial councils-centric. The author is aware that the sub-national state and its actors are not the only players involved in contemporary state-building and its reform agenda. Nevertheless, owing to the time and scope of this research project, the focus is on the elected provincial councils and their role and impact on a broader state-building reform project in Afghanistan.

1.2 Methodology

The qualitative research methodology makes the foundation of this dissertation. The data used in this study comprised both secondary academic sources and materials, as well as the author's own field research in Afghanistan. The secondary source materials used in this study includes a wide range of academic books, journals, research publications and papers, survey materials, the Afghan government, and international donor organization's policy papers, and finally investigative reports and articles from credentialed Afghan and international media outlets.

The primary desk-based research is done in author's home university library – the University of Erfurt, Thuringia federal state of the Federal Republic of Germany. Due to family reasons, on June 2015, the author moved to Frankfurt am Main – Hessen federal state of Federal Republic of Germany – where he was based in the library of Goethe University. Both Erfurt and Goethe University libraries have extensive access to a wide range of academic source materials and facilities (including access to online databases of other academic institutions) on the field. However, there has been limited access to Afghanistan specific source materials, particularly access to materials published and available only in local Afghan languages of Pashtu and Dari.

Fortunately, this problem has been overcome largely by author's multiple visits to Afghanistan including two months field research, where the library of Kabul University has been used for this purpose. Though a majority of the secondary source materials used in this study are in the English language, however, sources in Pashtu, Dari, and German languages are also used as needed. While Pashtu and Dari are the author's mother tongues, he has comprehensive command of the German language due to his living, studying and working in Germany for eight years.

In addition to secondary data, field research makes the significant part of this dissertation. Due to inferior security conditions across Afghanistan, the field research was considered mainly in one phase that lasted from 10th March until 24th April 2016. However, one spontaneous interview was conducted in September 2017, in Kabul – a trip made primarily for personal purposes by the author.

From the 34 Afghan provinces six large provinces including Kabul, Kandahar, Balkh, Bamyan, Herat, and Nangarhar were chosen for conducting the field research. The key reasons behind the selection of the above provinces for field research comprise the de-facto ethnolinguistic power-politics of the warlords and their influence on national and sub-national government institutions including the elected provincial councils. While the capital Kabul is the largest populated city for all major ethnic groups in Afghanistan and the home for national politics, the remaining five provinces have their significance in respect to being the home and power-base for major ethnolinguistic groups and political parties in sub-national politics. For example, Kandahar remained the capital for Pashtun tribal, ethnic groups and the birthplace for influential Pashtun political leaders and movements including the Taliban, ex-President Hamid Karzai and his family, and general Raziq– to point out just a few of the historical figures and movements of the last two-decades. Nangrahar is another Pashtun dominant province in eastern Afghanistan, and also the defacto power-base for the Tajik dominant Northern Alliances warlord group including the Pashtun Qadir family (Abdul Qadir and his son Zahir Qadir) and the Pashaie ethnic Ali family (Hazrat Ali and his son Ahmad Ali) – again to mention just a few prominent figures. Herat is a dominant Tajik province and is identified with the prominent Jamiat-e-Islami (Islamic Society) party leader and warlord Ismail Khan. Balkh, though a multi-ethnic province, nevertheless remains the battle-ground for power between the dominant Tajik Jamiat-e-Islami party of Atta Mohammad Noor and the Uzbek Junbish (Movement) party of Abdul Rashid Dostum. Finally, Bamyan is

known as the capital of the Hazara ethnic group, de-facto ruled by the Hezb-e-Wahdat Islami (Islamic Unity Movement) party of Karim Khalili.

The conducted field research is primarily based on qualitative expert and elite interviews. The Afghan elected Provincial Council (PC) members make the main target group for interviewing in this research. The PC members could be primarily considered as elites, due to their functional power and position but also experts due to their specific knowledge in the field. According to Beate Littig (2009), there is no fundamental difference between the elite and expert interviews from the methodological point of view and research approach. The only difference between elite and experts' interviews lies behind the 'differing social and political sciences research traditions and interests' (p. 98). A clear understanding of the elite and expert interviews and their overlapping commonalities could be extracted from the Littig`s (2009) following lines:

> It concludes with a sociology of knowledge-based appeal that the (professional) functional elite – given their positions of power – be considered as a specific group of experts. From a methodological perspective and as a result of their specific interpretive knowledge ("know why") and procedural knowledge ("know-how"), experts (and thus also the elite) are of relevance to social and political sciences research. Consequently, interviews with the elite aimed at generating explicit, tacit, professional or occupational knowledge should be seen as expert interview. (pp. 98-99)

Moreover, as it revealed in our test-interview with the IDLG personnel[1], the majority of the PC members possess double roles; (1) the formal elected representation positions at the PC, and (2) the infor-

[1], the IDLG is the primary liaison office between the Afghan PCs and the central government. Besides other responsibilities, the IDLG provides regular capacity building courses for the PC members across the country.

mal local community elite role, including tribal elder, Jihadi commander, religious scholar (e.g. Mullah), spiritual elite (e.g. Sufi Pir), civil society activist or member of a political party. In addition to the above-listed elites, interviews are also conducted with other experts including government employees, members of informal community councils, civil society actors and Taliban shadow-government members.

The exploratory research approach is considered for developing interview questions. Bernt Reiter (2013) exclusively describe the exploratory research approach in the following paragraph:

> We can spend hours debating what "democracy," or "citizenship" really is. However, this discussion is beside the point. What exploratory research focuses on is to what reality a word like "democracy" refers to. What does democracy mean in Colombia today? What does it mean to a poor campesino, a black Chocoano, or an indigenous tribe member from Vaupés? We need to dissect, to analyze by pulling apart, words from the reality they refer to and, as exploratory social scientists, we should focus on the reality, not the words. This means, in most cases, that we need to look for indicators that tell us something about the reality represented by a word. (p. 6)

To summarize Reiter, exploratory research is concerned with the world ‘reality' of concepts and approaches that depend on different contextual conditions. This approach is significant to the present study, as it dwells not only into the post-2001 state building intervention in Afghanistan from the international standard principles perspective but also from the Afghan elite and contextual perspective. It is attempting to draw an Afghan solution to the problem and thereby, the Afghan perspective is considered significant for finding answers to the questions. In other words, it is critical to know what and how the Afghan elite perceive the state-building concepts and

mechanisms including democracy, state-institutional design at the central (unitary centralization and the debate around possible alternatives) and local (democratic provincial councils and its role in decentralization) levels. As Littig (2009) also notes that in exploratory expert interviews “members of the elite serve as sources of information on specific areas of knowledge that would otherwise be inaccessible” (p. 101). Thus, considering the explorative research approach, field interviews were designed in a semi-structured and open-ended questionnaire format. According to Nigel King and Christine Horrocks (2010), semi-structured interviews provide participants the opportunity to present their understandings of the concepts and phenomena through sharing individual experiences (p. 16).

In total, the author conducted thirty-nine semi-structured interviews in six large provinces, respectively ten in Kabul, eight in Herat, three in Kandahar, six in Jalalabad, six in Balkh and six in Bamyan province. From out of a total forty-two interviews, thirty-two were conducted with PC members and the reaming ten with government officials, tribal elders, members of community development councils (CDCs), civil society activists and Taliban shadow-governments leading officials.

Based on their prior request[2] the author conducted a group discussion interview with Kandahar PC members, while the remaining thirty-one interviews were in individual or one-to-one session manner. The group discussion with Kandahar PC members comprised seven representatives from whom three were female, and the remaining four were male participants. Moreover, based on interviewees' prior request, five interviews, (three with Taliban officials in Herat and Kabul, and two with civil society activists in Kandahar and Balkh) are conducted in an off-the-record manner, the remaining interviews are

[2], before conducting the field research, the author considered individual interviews for his field research. However, in Kandahar province, PC members after consulting with their chairman proposed only group interview with the author. Consequently, seven PC members (three female and four male) agreed to participate in a group discussion of nearly half an hour.

all recorded. In addition, to snow-ball technique, the author used his contact networks[3]

The length of interviews varies from person to person, encompassing around five to forty minutes each. With total fifteen open-ended questions, the author designed the semi-structured questionnaire in three main sections; the demographic section; the local governance section; and Central Governance section[4]. Taking the sensitivity of the issue into consideration, the author prepared the questionnaire not only in both Afghan national languages of Pashto and Dari but also conducted as wished by the interviewee either in Pashtu or Dari[5]. From out of 42 interviews, 20 interviews were conducted in Dari language and remaining in Pashtu.

Moreover, due to limited (25% reserved quota based on the Afghan electoral law) participation of Afghan women in the PC, attempts were made to interview as many females as possible. From out of thirty-two interviews with PC representatives, the author managed to interview nine female PCs respectively three in Kandahar, two in Kabul, and the remaining four (one in each) in Balkh, Bamyan, Herat and Nangarhar provinces.

The recorded interviews are transcribed together with the help of native Afghans who had fluent commend on both national languages of Pashto and Dari. The author analyzed the transcribed text through content analyses method. The inaccessibility to computer-based coding software for both Pashtu and Dari languages led the author to work with the data manually. The direct quotes woven in the study are translated from Pashtu and Dari into the English language by the author himself. Efforts have been made to deliver the exact massage

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[3] for reaching out to the informants across six chosen provinces. The author is of Afghan origin, who lived most of his life in Afghanistan. From January 2008 until March 2011 the author worked as a legislative program officer for the United State Agency for International Development (USAID) for the Afghan parliament in Kabul.

[4] Annex 1 is the English copy of the questionnaire specified for the PC members.

[5]. The author is native Pashtun from Kabul and has fluent command on Dari language too.

while translating. The author’s previous experiences as official translator for Pashtun and Dari to English and vice versa with international organizations was an asset in this regard.

Besides interviews, the author also applied observation and participation method in this study. The author collected notes during his attendance at several provincial council's members' sessions and meetings with the constituencies during the field research. The collected notes are paraphrased, and quoted word for word and are highlighted via footnotes in this dissertation.

1.3 An Overview of the Literature:

State-building is amongst the blurred and multifaced term in academic literature, as well as in its policy approach. It encompasses a wide range of interdisciplinary meanings, applications and outcomes, including building peace, security, legitimacy, institutions, democracy, good governance and economic development in the following literature: (Huntington, 1968 &1991), (Martinussen, 1997), (Battera, 2003), (Caplan, 2004), (Fukuyama, 2004), (Fukuyama, 2004 & 2005), (Brinkerhoff, 2005), (von Bogdandy, Häußler, Hanschmann, & Utz, 2005), (Scott, 2007), (Grindle, 2007), (Wesley, 2008), (Grävingholt, Gänzle, & Ziaja, 2009), (Chandler, 2010), (Wollf, 2011), (Van de Walle & Scott, 2011), (Marquette & Beswick, 2011) (Maley, 2013), (Podder, 2014), (M. Gisselquist, 2014) & (Grotenhuis, 2016). Different perceptions among scholars of state-building and its relevant concepts are elaborated under another title in chapter two.

With respect to state-building in Afghanistan, numerous literatures (Rubin B. R., 2002; 2004; 2006; 2013 & 2016), (Maley, 2004; 2013 & 2018), (Nixon, 2008), (Lister S. , 2007), (Brahimi, 2007), (Schetter & Mielke, 2008), (Berman, 2010), (Edwards, 2010), (Ganapathiraju & Miske, 2012), (Podder, 2014), (Young Greven, 2014), (Monten, 2014), (Keane, 2016) and (Edward, 2017) have made significant contributions from various perspectives including

that of security, peace-making, nation and state-formation, reconstruction, donor engagements etc.
Several academic works have studied Afghanistan, from third-party state-building – also known as the international or humanitarian intervention – perspective, among them (Rubin B. R., 2006). (Schetter & Mielke, 2008), (Ayub & Kouvo, 2008), (Münch, 2013), (Edward, 2017). For Heinze and others, the rationale for international intervention is the act of interference by a state, an organization of a group of states (e.g. in the case Afghanistan, the U.S. and NATO), or an international organization (United Nations) in another state - with or without using force - aiming at ending 'violent' oppression and atrocities or other human rights violations committed by a ruling government regime on its own people (Heinze, 2009) & (Trim & Simms, 2011). However, as Fatima Ayub and Sari Kouvo (2008) also note, the US-led international intervention in Afghanistan was primarily driven by 'self-security' 'with no clear strategies for long-term stabilization, state-building or development' (2008, p. 641). The Taliban Emirate's refusal to surrender Usama bin Laden – leader of the Al-Qaida organization and the suspect of the 9/11 terrorist attacks – led to the US-led NATO military invasion in Afghanistan. The U.N. sponsored the Bonn haste process, aiming at the stabilization and a political settlement in Afghanistan following the US-military invasion in late 2001. Thus, it is also at this juncture that the academic literature critically reviews the Bonn arrangements and its following state-building process.

For instance, in his paper, *Peace Building and State-Building in Afghanistan: Constructing Sovereignty for Whose Security?* Barnett R. Rubin (2006), analyses post-Taliban state-building intervention based on the 'combined' 'mobilization' of three key statehood elements of 'coercion, capital and legitimacy' (pp. 176-178). According to Rubin (2006), historically, foreign aid (state capital) was the key to the mobilization of the Afghan rulers for building political coercion (military) and legitimacy to form states. However, the end of

the Cold War in the early 90s and the global war on terror in 2001 changed the terms of conditions for state-building in general, and for Afghanistan in particular (p. 178).

Rubin (2006) notes that the dominating role of the U.S. obstructed the UN coordinating position in all the state-building operations in Afghanistan. Empowering warlords through military and financial assistance, excluding the Taliban – as one of the main parties to the conflict – from the Bonn talks, and the failure to co-ordinate foreign aid are listed by Rubin (2006, pp. 180-183), Maley (2013) and Ahmad Rashid (2008/2009 & 2010) as the significant factors blocking the way towards Afghan state sustainability. Although Rubin observes that the UN involvement, the international consensus on the intervention, and the application of liberal democracy were some of the relatively positives outcomes of the Bonn process, and conducive to local legitimacy (2006, pp. 183-184). Nevertheless, I argue that some major flaws in the Bonn process (listed by Rubin and others above) resulted in the rebirth of insurgency, political deadlocks, corruption and the lack of rule of law in the following years. This not only gradually reduced the state legitimacy locally, but also weakened the consensus supporting the US-led intervention in Afghanistan regionally and internationally.

While the international intervention is highlighted as counterproductive for local governance, in the first place by Chandler (2010), the lack of contextual knowledge and 'what constitutes' local 'legitimacy' is noted as the 'major problem' of the 'imposed state-building projects' by Edwards (2010, p. 16). According to Edwards (2010), the US-led international state-building strategies stem from the Western statehood modality that is incompatible to a 'hybrid political order' and 'fragile' social context like Afghanistan (p. 16).

Nevertheless, citing Ullmann-Margalit (1977), Maley (2013) believes that "On occasion it may be a good idea to attempt a break from 'traditional' ways of doing things that privilege the power of

some aspirants over others by entrenching norms of partiality" (pp. 256-257). Maley (2013) continues that besides 'local history' and 'culture' the Afghan state-building enterprise is 'subject' to 'internationally accepted' 'norms' including 'human rights and the laws of armed conflict,' as well as 'democratic governance' (p. 257).

A separates chapter in this dissertation critically analyzes the Bonn process and its outcomes in the following years.

The present research is mainly concerned with state-building in Afghanistan from the perspective of state-institutional design (presidential vs. parliamentary) at the national level and the role of 2005 elected provincial councils at the sub-national administrative structure for a possible decentralization. Therefore, the author briefly reviewed some of the relevant literature.

Scholars on Afghanistan agrees that Afghan political elites are ethnically divided on state-institutional design, in which the Pashtuns opt for presidential centralization, whereas the non-Pashtuns (mainly Tajiks, Hazara and Uzbeks) for a sort of parliamentary decentralization, and among them some even wish for federalism (Malikyar & Rubin, 2002), (Goodson L. , 2003), (Rubin B. R., 2004) & (Rubin & Gagnon, 2016). This discourse is equally divided between academic scholars too.

The pragmatic rationale for adopting a robust presidential centralization in 2004 – aiming at demobilizing various warlord groups and maintaining Afghan national integration – has been acknowledged by several scholars including (Smith J. P., 2001), (Goodson L. , 2003), (Rubin B. R., 2004), (Berman, 2010), (Nuruzzaman, 2010) and (Smith O. M., 2018) and strongly supported by some others (Zakhilwal, 2001, ph. 16), (Berman, 2010, pp. 7-9) & (Khalilzad, 2016, p. 195).

Following field research in 2002, Malikyar and Rubin (2002) proposed the Afghan constitution drafting commission for "a state structure (for Afghanistan) that is unitary enough to unite the country

and decentralized enough to permit real participation to a population" (p. 46). In another place, Rubin and others concretely promote a presidential system with the devolution of power to sub-national government structures (Rubin B. R., 2013), (Ghai, 2003), (Selassie, 2003), (Ganapathiraju & Miske, 2012).

Nonetheless, taking the ethnolinguistic fragmented nature of the Afghan context into consideration, some academic discourse heavily weighs on parliamentary federalism among them (Shahrani, 2001; 2014), (Cameron, 2001), (Tremblay, 2002), (Goodson L. , 2003) (Carroll & Anderson, 2009) and (Torabi, 2012). Whereas others propose some sort of semi-Presidentialism with a decentralized administrative structure (Maley, 2003 & 2013) & (Ahmadi, Mohammadi, & Erfani, 2016, p. 82). In one place, Maley (2013) notes that the application of a strong Presidential system as 'the most serious single weakness' in the 2004 Afghan constitution, which led to 'manipulative neopatrimonialism' of executive power and 'burgeoning corruption' in the following years (2013, pp. 259-266).

In August 2016, the Afghan Institute for Strategic Studies (AISS) published its field research results in a paper '*Afghanistan`s Constitution and the Society in Transition'* in which besides other significant constitutional controversial issues, it attempts to reveal Afghans' preferences for state institutional design at national and local level. The study is conducted through surveying 800 people and interviewing around 34 elites in ten Afghan provinces including Bamyan, Badakhshan, Balkh, Ghazni, Ghor, Kandahar, Kabul, Kunduz, Nangarhar, and Herat (Ahmadi, Mohammadi, & Erfani, pp. 12-13). The quantitative polls of the AISS report that the majority (49%) of the respondents agree with the current presidential system, whereas 29% favor parliamentary and 22% a semi-presidential system (p. 59). Whereas, the qualitative interview results show that half (17 out of 34) of the experts are for a parliamentary system

(Ahmadi, Mohammadi, & Erfani, 2016, p. 75).[6] (Ahmadi, Mohammadi, & Erfani, 2016, p. 75) Similarly, according to this study, 39.8% of the respondents opted for the present heavy centralization, whereas 40.9% preferred decentralization in which "provinces should be given the decision- making power and local officials should be elected by the people" (p. 67). The remaining 19.4% demand federalism with a division of power between the center and periphery (Ahmadi, Mohammadi, & Erfani, 2016, p. 67). Nevertheless 'one-third' of the respondents perceive the 'non-implementation of the constitution" as the main issue rather the present state-institutional design (Ahmadi, Mohammadi, & Erfani, 2016, p. 44 & 52).

Although the AISS study is the first field research that assesses the Afghan perception on the implementation of the Afghan constitution post-2004, it has serious technical, methodical and ethical shortcomings. While the authors ignore the ethnopolitical divide (Pashtun vs. the non-Pashtun) over the matter, they intentionally attempt to project the results of the study in favor of parliamentary (30%) system by merely ignoring that 49% of the polls are in favors of a presidential system. Likewise, from among its qualitative interviews, only 17 (out of 34) experts (almost all of whom are non-Pashtuns) are quoted for the parliamentary system while the remaining (17 experts) are overlooked.

Furthermore, the lack of awareness among the ordinary Afghans regarding the political system and the sub-national administrative structure, which may impede the accuracy of a quantitative survey is one of the critical issues disregarded in this study.

The selection of provinces is also not ethnically proportional. While the Pashtun makes the majority (40-50%) ethnic group (Schetter,

[6] The researcher misinterpreted 17 out 34 as the majority which is incorrect. 34 mines 17 is equal to 17. That means only half of the respondents were against Presidentialism.

Stammesstrukturen und ethnische Gruppen, 2009, p. 24)[7], only two (Kandahar and Nangarhar) out of ten selected provinces are chosen for the survey. Similarly, the study is conducted only in Dari language and mainly quotes prominent opposition of the present government and critical of the Pashtun dominance. For instance, it quotes Ahmad Wali Massoud – an ethnic Tajik, brother of the late leading Northern Alliance commander Ahmad Shah Massoud and now head of the Massoud foundation; Hafiz Mansoor – ethnic Tajik, a prominent member of the Northern Alliances and very famous for his anti-Pashtun stance. Likewise, Sima Samar and Habiba Sarabi – ethnic Hazara; and finally, Mohammad Shahir Rafeeq Shaheer and Fauzia Koofi, are among the outspoken Tajik parliamentarians against Pashtun domination in the present government. The non-Pashtun political elites understand that a centralized presidential system would favor the Pashtun dominance. Therefore, they are more inclined to opt for an alternative model.

It is also worth mentioning here, that AISS invited chief executive Abdullah Abdullah as the honorary guest at the inauguration ceremony of this particular study results. Abdullah, who brought up the constitution amendments and changing the presidential system to semi-Presidentialism in his NUG political deal in 2014. In his speech, Abdullah appreciated the initiative of the AISS and claimed that his demand for a change in the political system is backed by academic research (Office of the Chief Executive , 2016). It is also worth mentioning here that all three authors in this study belong to the non-Pashtun (Tajik and Hazara) ethnic group. The AISS's biased approach brings the results and credibility of its study in question. Hence, the author has learned significant lessons from the above-listed short-comings for the present study.

[7] Though there is no up to date data that fixes the present statistics on ethnic groups. However, there is also no data that shows that Pashtuns are not the majority group.

Another major subject covered by the present study is the Afghan elected provincial councils (PCs) and their role in an alternative decentralized state structure. Unfortunately, except for Sarah Lister and Hamish Nixon's two research papers (Lister & Nixon, 2006 pp.6-9 & Nixon, 2008 pp.19-23) which partly introduces the 2005 elected PCs, there is hardly any analytical study in the literature. In their research paper *'Center-periphery Relations in the Afghan State: Current Practices, Future Prospects'* Malikyar & Rubin (2002) proposes the power over sub-national 'allocations' to the provincial and district councils (2002, pp. 45-46). However, the proposal came before the creation of Afghan PCs in 2002. Thereby, the present study attempts to fill this knowledge gap with field research results.

The Afghan informal governance structures (*Jirag/Shura*), the warlords' power, and the patronage-based system are among the highlighting themes in several of the sub-national governance literature including (Malikyar & Rubin, 2002), (Lister S. , 2007), (Lamb & Shawn, 2012), (Münch, 2013), (Schetter, 2014) and (Malejacaq, 2016) to mention but a few. Few relevant points discussed by Sarah Lister (2007) and Conrad Schtetter (2014) are reviewed here. Lister analyses the Afghan local government institutions from the Chesterman's (2004) theory of a state in which 'political power' has been 'manifested and exercised' 'in progressively depersonalized, formalized and rationalized' manner (2007, p. 3). Lister believes that following the US intervention in Afghanistan in 2001, the co-option of local warlords into the state structures, resulted in parallel power institutions to the Afghan state (p. 16). Lister suggests that:

> Disarmament, the reform of the police, and the judicial sector, and close attention to the quality of senior appointments are all measures that would have contributed to shifting 'the rules of the game' in Afghanistan from informal patronage based systems, and towards a more depersonalised, formalised and rationalised exercise of power through the state. (p. 16)

While Lister disparages the U.S. and its Afghan partners for not applying the liberal state-building strategies, surprisingly enough Schetter (2014) is exactly criticizing for the opposite. According to Schetter (2014):

> The approach taken by the interventionists also revealed the strong limitations of the political vocabulary and imagination. Political dynamics that could not be squeezed into these bequeathed categories or did not follow the 'rational logic' of the modern nation state were often labelled as illegitimate (e.g., warlords, informal institutions) or even chaotic and anarchic. (p. 9)

Schetter notes that the lack of in-depth knowledge of the 'local realities' and non-contextualization of the modern state-building strategies led to counterproductive outcomes in Afghanistan. Pointing to what was earlier emphasized by Lister (2007), Schetter believes that while the international community aimed at changing the local 'rules of the game' in Afghanistan, not knowing that "quite often" "its own actions became determined by the local 'rules of the game'" (p. 10). The remilitarization of the local warlords – in the form of para-military forces – and the creation of several parallel development councils are underlined as the severe drawbacks by Schetter (2014). Taking into consideration the significantly different analyses of Lister and Schetter on the sub-national political dynamics, the present study also updates on the similar issues in general and the PCs in particular in a separate chapter.

1.4 The Structure of the Thesis

Chapter one of this thesis follows the standard academic procedure of opening the discussion with an introduction, the rationale, research questions, literature review, and methodology. This chapter provides the reader with a first glance at what the thesis is about, how it is conducted, why it is significant and finally what its relevance is to the academic and practical field. This thesis is intended not only for the academic researchers of this field but also to the

policy makers and readers interested in the subject of Afghanistan. Therefore, efforts have been made to use basic language terminology.

Chapter two of the thesis is divided into three main sections. Section one defines the blurred term of state-building and its relevant concepts including its historical evolution and overlapping relations with peace and nation-building. This section also briefly discusses state from the Western or Weberian and the Third World statehood perspective. Section one attempts to provide a foundation for the mega theories and approaches discussed in the following sections. Section two of chapter two dwells on state-building relevant theories, approaches, and strategies. This section begins with reviewing first the classical and dialectical or clientelistic modernization theories that provide the base for the nation and state-building approaches. Though both theories are outdated among the social scientists, ironically, in practice, they still have a dominant influence over many policy approaches. The post-9/11 U.S. and its western allies' nation and state-building approach in Afghanistan could be a perfect example for this claim, discussed in chapter four. Classical modernization theories are followed by political modernization, international intervention, and new-institutionalism theories, each providing fundamental backgrounds and perspectives on state-building strategies and approaches. Section three of the chapter is allocated for some state-building components including state-intuitional design at the central and local level that are relevant to the case study of Afghanistan. This section reviews the key democratic state governmental models including Parliamentarism, Presidentialism, and Semi-Presidentialism. Taking the post-conflict and social segmental conditions into account, it also brings into discussion the consociational democracy of Arend Lijpart and federalism. Section three of chapter two concludes with the decentralization approach on the basis of which the case of sub-national governance in Afghanistan is analyzed in the following chapters.

Chapter three is a brief historical overview of the Afghan state, society and political transformation from its foundation as a tribal federation in the mid-18th century until the Taliban Islamic Emirate at the beginning of 21st century. The reader will find that Islam, tribalism, and ethnicity, are the critical influential phenomena/tools in shaping the Afghan state and society relations, gaining political power and resistance against modernization and external invasions. Islam as the dominant faith and ideology has evolved along various versions including mysticism, traditionalism, the political Islam of Mujahideen and the recent traditional extremism in Afghanistan. Short-lived experiments with democracy and communism are also briefly discussed in this chapter. Due to its geopolitical location, state-building in Afghanistan has been heavily subject to great-powers' regional interests, and a battleground and buffer zone throughout its nearly 300 years of modern history. The overall aim of chapter three is to provide its reader with a sharp sociopolitical contextual picture of modern-day Afghanistan.

Chapter four analyzes the U.S. post-9/11 military and subsequent state-building intervention in Afghanistan. The interventionist theory and state-building approaches are contextualized in the post-Taliban Afghanistan. It attempts to highlight the U.S., the U.N., and the Afghan players' roles regarding the institutional achievements and drawbacks of the 2001 Bonn agreement. Freeing Afghans from the oppressive authoritarian regime of the Taliban and the formation of a constitution that not only secures women and minority rights but for the first time in its history introduced Afghanistan to a fully democratic system are among the great achievements discussed in this chapter. Whereas ignoring peace-making before state-building is one of the key flaws of the whole intervention. Empowering Afghan warlords and mafia groups, endemic corruption, the de-facto formation of an ethnolinguistic based government despite de-jure support for a strong unitary centralized state system, and the underestimation of the regional powers' (Pakistan, Iran, Russia, and

India) interests by the U.S., its western allies, and the U.N. are highlighted as key failures of the state-building process in Afghanistan. Chapter four concludes with case studies of prominent warlords around six researched provinces. The case studies serve to inform the reader about the power-struggle and -cooption between formal (elected PC members) and informal state actors in the Afghan sub-national politics. The overall aim of this chapter is to prepare its reader with the security and sociopolitical context of the country during the past decade. This background knowledge is imperative for discussing the central questions of the dissertation in the following chapters.

Chapter five addresses one of the central questions of this thesis, namely state institutional design at the central/national level. It begins with an analysis of the 2004 Afghan constitution with regard to its controversial topics including the role of Islam, the right of women, the electoral system and ethnic identity. It then turns to the state-institutional design discourse during and in the aftermath of the Bonn process. Adding the field research findings of this dissertation, it then brings forward the Afghan perception of key terms and concepts, including democracy, presidential, parliamentary, and federal systems, as well as centralization and decentralization. It tests the hypotheses of the Afghan ethnopolitical divide over state-institutional design through field interviews with elites, as well as supported by second-hand data. This thesis hypothesizes that Afghan political elites are divided along ethnolinguistic lines, in which Pashtuns propagate the existing presidential centralization, whereas non-Pashtun (Tajik, Hazara, and Uzbek) advocate for a sort of parliamentary decentralization.

Chapter six focuses on the Afghan sub-national governance and state administrative structures. To provide the reader with a full picture, it begins by introducing the entire Afghan formal and informal sub-national administration structure, including provincial and district administrations, and the informal governance mechanism of Jirgas and Shuras. Based on the field interviews, it then explicitly

introduces the Afghan elected provincial councils (PCs), its role and responsibility at the sub-national governance sector.

Chapter seven is a joint conclusion for chapter five and six. Looking at possible future scenarios for Afghanistan, it proposes alternative government models at the national and sub-national level.

CHAPTER 2: Part-I, State-Building Concepts and Definitions

2.1 State-Building and Its Relevant Concepts

State-building is a multidisciplinary theme, borrowing its theories and concepts from broad social sciences` subjects including; anthropology, political science, security studies, conflict management, comparative politics, economic development, and international relations – to mention but a few (Scott, 2007), (Wollf, 2011), & (Marquette & Beswick, State Building, Security and Development: state building as a new development paradigm?, 2011). The state as a *'human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory*' by Max Weber (1946), and the thesis of *'war made states'* by Charles Tilly (1975) serve as the foundation for debates on the nature and formulation of state-building. However, the contemporary state-building discussion can also be traced in several theories among them modernization, political development, intervention, institutionalization, and new-institutionalization, which are discussed briefly in the following sections. This varied inter-disciplinary approach to the state-building topic adds to the complexity, diversity, and ambiguity of both its concepts and practices. It certainly leads to an exciting yet blurred discussion in the literature.

The implicit rationale of state-building, according to Francis Fukuyama, goes something like this. When a state is so weak or fragile that its institutions fail to deliver the expected services (for example security, health, education, construction and the rule of law) to its citizens, then it needs to be reformed or built from scratch (Fukuyama, 2004). Conceptually, the term "failed states" was first

used in the early 1990s to list countries which were prone to social, economic, and institutional instability and to fragmentation due to poverty, sectarian wars and civil conflicts (Nay, 2012). Another very broad notion, "fragile states," refers to the categories of state institutions which lack legitimacy, authority, and capacity, and as a result are unable to provide basic public services and governance to its citizens (OECD, 2010). Nevertheless, Olivier Nay (2012) notes that ‘fragile state' is relatively new, blurry, and controversial concept in the literature, government policy papers, and donor evaluation reports (p. 2), entailing a long list of ‘notions' including weak, failing, failed, collapsed, post-conflicted, divided, and other crises contexts.

For Fukuyama (2004) state-building is concerned with a state's ‘institutional building' or with improving its ‘capacity' and functionality. Public administration, political institutional design (e.g., parliamentary, presidential, centralization, decentralization), legitimacy or democratic participation, good governance, and cultural values with respect to the formal and informal social structure of a particular country are the significant components in a state-building strategy, notes Fukuyama (2004). For the Max Plank 2005 publication, state-building "means the establishment, re-establishment, and strengthening of a public structure in a given territory capable of delivering public goods" (von Bogdandy, Häußler, Hanschmann, & Utz, 2005). According to Maley William (2013) state-building ‘refers to attempts to create' ‘key political and administrative structures' within ‘territorial units' of a state or to ‘re-create them when they have either broken down or been severely disruptive.' Derick W. Brinkerhoff sees state-building more as reforming and strengthening governance or as he called it "rebuilding governance" with regard to ‘legitimacy, security, and effectiveness' in post-conflict and failed contexts both through national actors and international interventions (2005). In another place, for Brinkerhoff (2005) state-building in a post-conflict context means, providing security through Disarmament, Demobilization,

and Reintegration (DDR), promoting inclusion and participation of citizens in the political process, providing public services and economic opportunities, and implementing the rule of law and good governance. Taking the DDR and security conditions into consideration, Brinkerhoff (2005) sees state-building as identical with peace-building (2005).

Nevertheless, there are contradictory and blurred viewpoints concerning whether peace-building and state-building are converging concepts. In his statement "An Agenda for Peace" the 1992 United Nation's Secretary General Boutros-Ghali defines post-conflict peace-building as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict" (1992, Chapter II, Article 21). OECD writes that "peacebuilding is about ending or preventing violent conflict and supporting sustainable peace, while state-building is about establishing capable, accountable, responsive and legitimate states" (OECD, 2010, p. 21). However, in an interesting analytical paper, by the German Institute for Development, state-building and peace-building are noted as 'congruent' concepts which 'ultimately address a common purpose from different perspectives and 'generate compatible or complementary approaches of engagement' (Grävingholt, Gänzle, & Ziaja, 2009, p. 10). Nevertheless, if peace-building and state-building are congruent approaches and target the same goals, the peace-making process is considered a prerequisite by the United Nations. As Boutros-Ghali (1992) writes; "Between the tasks of seeking to prevent conflict and keeping the peace lies the responsibility to try to bring hostile parties to agreement by peaceful means" (Chapter IV, Article 34).

Likewise, Brinkerhoff (2005) believes that conflict and post-conflict are "relative terms" used interchangeably in peace-building studies. He notes that post-conflict does not only refer to the situation of ended violence in a defined terrain, but it could be stopped in some parts and still ongoing in others (Brinkerhoff, 2005). Therefore, state-building initiatives are not dependent on an absolute ceasefire

and peace (e.g., Afghanistan, Iraq). However, minimal security is a precondition for state-building in a post-conflict-conflict context, according to Wolf (2011). Wollf notes that democracy and lasting peace are the ultimate goals of a state-building project, yet minimal security is a precondition in post-conflict societies (2011).

Furthermore, the term ‘state-building' is not identical with ‘nation-building' in the literature. According to the Max Plank 2005 publication, "Nation-building is the most common form of a process of collective identity formation with a view to legitimizing public power within a given territory" (von Bogdandy, Häußler, Hanschmann, & Utz, 2005, p. 586). Moreover, unlike peace-building (e.g. usually United Nations) and state-building (third-party intervention) nation-building is an "essentially indigenous process which often not only projects a meaningful future but also draws on existing traditions, institutions, and customs, redefining them as national characteristics in order to support the nation's claim to sovereignty and uniqueness" (von Bogdandy, Häußler, Hanschmann, & Utz, 2005, p. 586). Hence, nation-building is the outcome of both peace-building and state-building processes in the long run.

Moreover, state-building initiatives have been driven by diverse factors and motives through the course of modern history. Fukuyama's (2004 & 2005) well-known book, “*State-Building: Governance and World Order in the 21st Century”* classifies ‘modern' (democratic) state-buildings into three main phases. According to Fukuyama, the first phase of the so-called ‘modern' state-building agenda began in Europe after the World War II, and in Asia (e.g., India) and Africa with the end of colonialization. However, it gained momentum during the second phase with the collapse of the communism in 1989, at which time countries in the developing world, including Latin America, embraced neo-liberalism by introducing the free market economy and minimizing state functions. Because many of these states lacked the capacity and authority to enforce laws and regulate the market, this led to

increased fragility and in some cases to failure. (Fukuyama, 2004 & 2005) & (Marquette & Beswick, State Building, Security and Development: state building as a new development paradigm?, 2011). Fukuyama`s (2004 & 2005) thesis of "the missing dimensions of the stateness" differentiates between the "scope" of the state which encompasses a large list of functions or services (e.g., security, health, education, infrastructure and so on) provided for its citizens, and the 'strength' or 'capacity' (e.g., institutional capability to enforce law and order) through which a state 'executes' its public policy objectives transparently and with accountability. Nevertheless, his analysis of state-building is from the economic development perspective. (Fukuyama, 2004 & 2005, pp. 18-20).

The third, most recent phase of the state-building mission run by international intervention ostensibly aims not only at curving violent conflicts and civil wars (e.g. Bosnia, -Herzegovina, East Timor, Sierra Leone, Afghanistan), international terrorism (e.g. Afghanistan), or dictatorial regimes (Iraq), but also at bringing western democracy and economic development to these third world countries (Fritz & Rocha Menocal, 2007). David Chandler (2010) notes that the international state-building went beyond its primary "humanitarian and security reasons" of peacebuilding by "developing and exporting frameworks of good governance" (p. 1). Based on Chandler (2010) though, the intention of the international state-building is that of bringing social, economic and political stability and development, however problematic the way these policies and strategies are formed and implemented may be. Lack of contextual understanding and difficulties in coordination are the two main problems identified by Chandler (2010) in international state-building policy design and implementation.

The state-building intervention of the developed world, particularly OECD countries, in developing countries tends to be western liberal democracy-centric both in policy design and in practice, and is often criticized in the literature for this reason. Some scholars and pundits compare it with the 19th century`s European colonization of injecting

western linear bureaucratic norms and values in developing countries` hybrid social and political settings. Nevertheless, the difference is that contemporary interventions are temporary and are carried out in a development assistance format (Marquette & Beswick, State Building, Security and Development: state building as a new development paradigm?, 2011) & (Skendaj, 2014). However, Albrecht & Wiuff Moe (2014) note that western and nonwestern state discourse is by no means about advocating hybrid political orders over stable democracies, but is intended to deepen our understanding of the complexity of the contexts, which is key to the success of the state-building approach.

It can be seen that the term state-building and its policy approach encompasses a wide variety of interdisciplinary concepts and perceptions aiming at bringing security, peace, institutionalization, democratization, legitimacy, good governance and economic development.

The conceptual and literature-based practical controversies about state fragility and state formation require us to acknowledge that there can be no 'one size fits all' state-building policy or approach. However, it is essential to study various cases and their approaches, and identify the missing factors causing state fragility or other instability circumstances and then act accordingly.

Taking the above definitions, overlapping concepts and discourse into consideration. We need to distinguish between state-building as the formation of institutions (democratic, functioning and accountable) through various available institutional designs or forms of government (parliamentary vs. presidential and centralization vs decentralization) and also as a governance process (elections, the rule of law, good governance and economic development) both at national and local level. Both could be causes and consequences of a state sliding into fragility, failed and collapse circumstances. That means that a state with none or ill-functioning political systems and institutions could lead to poor service delivery, corruption, economic stagnation, and, conversely, poor service delivery, corruption and

stagnation could lead to a deterioration of political systems and institutions. Furthermore, formal and informal state institutions are the prime concern of state-building literature.

In post-Taliban Afghanistan too, we witnessed the design and implementation of state-building strategies not only to bring an end to the decades-long conflicts and build a better future for the nation's citizens, but also to prevent the hijacking of Afghan soil by international terrorists as a safe-haven from which to threaten global security.

The present stuttering democracy of the Afghan state is the outcome of the Bonn state-building process, which is built on the loss of hundred-thousands of human lives (these includes Afghan and international civilians and soldiers), and billions of US dollars in aid. If we wish to preserve these costly state-building achievements and enter into a stabilization period, the Afghan government must undertake an overall review and reform of its state-building agenda at both the national and local levels. This dissertation attempts to contribute to this global cause.

2.2 What is the State?

Max Weber`s (1946) definition of the state as 'a human community that (successfully) claim[s] the monopoly of the legitimate use of physical force within a given territory' is one of the most cited definitions in political science literature. Simeon Mitropolitski analyzes Weber's definition into contemporary political science disciplines. According to Mitropolitski (2011) the concepts; monopoly, legitimacy, and force, are 'three main' features, and human community and territory are two sub or 'secondary' features through which political science could well understand the state. He interprets the concept of 'monopoly' as political power, of 'legitimacy' as 'the type of cultural acceptance' (e.g. Islamic, authoritarian or democracy) of a regime, and of 'physical force' as 'the main technique of governance' (e.g. centralized vs decentralized

political systems) in a society (Mitropolitski, 2011). Among contemporary political science scholars, however, Bob Jessop (1990) is very reluctant to settle on a specific definition of the state and specifically disagrees with Weber's definition. According to Jessop (1990), the state is a 'form-determined social relation' rather than an 'abstract and formal object' which varies, in real-world politics, from one state to another. Jessop (1990) asserts that

> the core of the state apparatus comprises a distinct ensemble of institutions and organizations whose socially accepted function is to define and enforce collectively binding decisions on the members of a society in the name of their common interest or general will. (p. 341)

In other words, it is a 'macro-political organization' with 'social bases,' projects, and big national goals (Jessop, 1990). According to Jessop, most state-centric theories agree that the 'state' is "just one institutional ensemble among others (e.g., civil society, media, market, interest groups, and so on.) within a social formation", yet it is seen as responsible for providing 'cohesion' to all other institutions and for fixing their problems. (Jessop, 2015). Jessop (1990) asserts that in order to understand the nature of the state, it is important to understand the "complex forms of articulations among the state institutions and between the state and non-state institutions" (p. 340). In another place, he states, that 'structural power and capacities' of a state can be understood in its particular "strategic-relational" context (Jessop, 2015, p. 18). John Martinussen (1997) defined the state from a socialist point of view as an "independent institution that functions in accordance with the decision of rational decision makers" (pp. 220-221). Whereas, the economic theory dethrones the state as an independent institution and makes it dependent on the 'interests of international capital' (Martinussen, 1997). However, Martinussen (1997) cautions that most of the theories on state are derived from the western developed or industrialized context which could be misleading for the Third World countries' context. Thus, for him too, the state is one institution among many, nevertheless in the Third

World context with the following four main characteristics. (1) It is 'a product of conflicting interests and power struggles'; (2) 'a manifestation of structures' which holds certain powers and functions, and determines the roles, relations and behaviors of state and non-state institutions and individuals; (3) 'an arena' or a political sphere where different social forces interact and compete for their interests, and (4) 'an actor' which through its autonomous power and capacities influences processes and events in a society (Martinussen, 1997). Parts of the above-listed dimensions of a state will be contextualized in this dissertation's case study in the coming chapters, for which it was necessary to understand what a state is.

It is also essential to draw on what differentiates western from non-western statehood. Western or Weberian-type states refer to all "stable liberal democracies based on an industrialized market economy" namely OECD countries (Boege et al., 2009, p. 18). The main concept under the Weberian state model is the "clear distinction between public and private spheres" in which its people accept the state as the only "legitimate" and the "highest authority" having the "monopoly" of power "over a territory and population." In return, it provides public services to its citizens including security, health, education, law and order, and economic opportunities (OECD, 2010) & (Marquette & Beswick, State Building, Security and Development: state building as a new development paradigm?, 2011) On the other hand, hybrid or non-western states are characterized with more than one "legitimate actor" or source of power in a defined territory in which `*the state*` shares both the legitimacy and authority with other informal actors (e.g. clan or tribal elders, community and religious figures and representatives of village councils, strongmen and warlords, etc.). In this case, the state is engaged with citizens partly through other than formal mechanisms including religious, customary and traditional laws and codes of conducts (Boege et al., 2009). Patronage networks and personal relations are the prime sources of attaining political representation and economic opportunities in hybrid political orders

(OECD, 2010). According to Boege and others (2009), the "mainstream" practices and literature on state-building are mostly that of the western perspective, which is why it is unsuccessful in many cases. For a hybrid, social and political society a *hybrid* political order (mixture or a compromise of a modern state and traditional local structures) could prove more effective than a western cooked exported model (Clement, Boege, Brown, Foley, & Nolan, 2007). Boege and his colleagues also recommend a state-building approach which speaks to the ground realities and conditions, namely integrating and engaging informal/local actors in formal state structures, giving them a sense of ownership through transferring roles and responsibilities (2009). 'Ownership' is a new buzzword in donor development policies that means letting local actors set priorities and agendas. While this makes sense conceptually, in practice, if these "local actors" are none-democratic (e.g., self-imposed strongmen and elites, warlords and drug-mafia), then local ownership does more harm than good. For example, warlords, drug-traffickers, and strongmen who hold official positions in Afghanistan's government, particularly in peripheries, further eroded and complicated the situation for state legitimacy and stability (for more, see the chapter on warlords in Afghanistan). Beoge at al. (2009) also notes that there is to be a distinction between local-spoilers; warlords and drug-traffickers who only seek their personal interests, and local-cooperators; e. g. clan-chiefs, tribal elders and informal council representatives who are motivated, not only by personal and group incentives, but also by legitimacy concerns, when it comes to building a state in a hybrid manner.

One concept crucial to understanding the state and its formation is legitimacy, which is as necessary for maintaining the authority of local power brokers as it is for the state.[8] OECD defines legitimacy as the acceptance of 'a political order,' an 'institution,' or an 'actor'

[8] over their patrons. For more, please refer to the section informal governance in Afghanistan.

by a group of people as a legitimate form of rule, without questioning its correctness of 'how' and 'why' (2010, p. 15). Legitimacy is not a directly measurable concept. The classic understanding of state legitimacy could be listed under functions and concepts including nationalism, religious identity, public service delivery, economic performance and development, democratic participation and accountability (Fritz & Rocha Menocal, 2007). However, both Fukuyama (2004 & 2005) and Brinkerhoff (2005) notes that, since the end of the cold war, democracy and good governance are accepted prime standards through which states' legitimacy could be universally measured. However, it is significant to note that field experience shows that developing, war-torn, and some Muslim countries have a different measurement of legitimacy and democracy[9]. As March and Oslen (2008) write "Legitimacy depends not only on showing that actions accomplish appropriate objective, but also that actors behave in accordance with legitimate procedures ingrained in a culture" (p. 8).

Theories that support state-building and its relevant concepts and agendas are reviewed in the following chapter.

Part II: State-Building Theories

2.3 Classical and Dialectical Modernization Theories:

Nigel King and Christine Horrocks correctly note that when we let "theory guide us in research; it can sometime help define the problem, offer insight and show us possible solutions" (2010, p. 10). The theories discussed in this section are introduced with the intention of following the above-quoted rationale. As discussed

[9] The field research in this study finds that the concept of democracy in Afghanistan is seen as compatible with Islamic values by some, but unIslamic by others. Whatever seems opposed to the Muslim perception of Islamic values and laws (for example, liberal democracy) is perceived as illegitimate as per Islamic principles. It is not only social perception but is also stressed in the Afghan constitution. Article three of the Afghan constitution notes "No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan." (The Constitution of Afghanistan, 2004, p. 7)

above, state-building is concerned with the problem of forming 'new' or strengthening and reforming existing institutions. The attempt in the following pages is to review theories which support similar concepts and process. In the meantime, efforts are made to look for theories that are more Third World-centric and to contextualize and analyze the problem through a case study of state-building in Afghanistan. Since this study is intended to study state-building at the national – in the form of a suitable political regime or government system – and at the local level – decentralization, aiming at political stability which is significant for sustainable peace and development. Therefore, to provide a source for empirical argumentation, a mixture of theories and schools of thought are reviewed comparatively. However, the objective is not only to find a firm theoretical background, which is a challenging job for this case study, but also to testify to the validity of these theories, leaving an analytical footprint for future researchers and students of political science and development studies.

The state-building agenda applied in war-torn and post-conflict countries, as well as the so-called Third World failed states, relies strongly on the early 1950s classical modernization, on 1980s new-institutionalization, and on the post-cold war humanitarian interventionist theories of the 1990s. This will be reviewed here briefly. According to Törnquist (1999) the contemporary new institutionalization theories "are not based on grand substantive theories … rather they are broad analytical frameworks that permit us to borrow valuable insights and hypotheses from earlier schools" (p. 86). He adds that many of the 20th-century democracies are studied based on revised modernization and similar categories of theories (Törnquist, 1999). Therefore, a review of the modernization theories is also an attempt to get valuable insights and concepts which are relevant to creating a theoretical framework for the empirical research of this dissertation.

To begin with, Samuel P. Huntington (1971) notes that the pioneers of modernization theory, Talcott Parsons, Edward Shils, and Frank Sutton embraced a change in political sciences through their 'theory of action.' According to Huntigton (1971), these pioneers, divided the post-World War II Europe as 'modern industrialized society' and the rest of the developing world as 'agricultural society' that laid the foundation for the classical modernization theory. In the meantime, Joseph R. Gusfield (1967) writes that the bases of the modernization theory rest on Max-Weber's economic theory of rational and traditional behavior. Olle Törnquist (1999) also cities that followers of the Max Weber school of thought "distinguished traditional from modern, or development-promoting attitudes and values" (1999, p. 45). According to Huntington (1971) and Törnquist (1999) in modernization theory – which is primarily economic and social development-driven – a 'modern man' was seen as development-oriented, 'independent', able to plan, 'efficient', flexible to change, and having the ability to control change, while a 'traditional man' was 'passive', 'conservative', unable to plan, and lacking the ambition to change or control the change. John Martinussen (1997) also asserts that the central point of modernization theory lays on the differentiation between the modern and the traditional, and that modernization theory has to do with "how the traditional values, attitudes, practices, and social structures break down and are replaced with more modern ones" (p. 56). The modernist also believed that the Western societies (Northern America and Western Europe) and their institutions were modern and progressive, and that Third World societies were traditional and backward (Martinussen, 1997) & (Törnquist, 1999). According to Martinussen (1997) and Törnquist (1999), the modernization theory came into existence as a result of the 'positive assessment' of the history of Western colonization and imperialism in Asia, Africa, and Latin America. For the western modernist scholars, colonization was not the cause of backwardness but a positive impact on the colonies due to the replacement of the old and traditional structures with new and modern ones (Martinussen, 1997) &

(Törnquist, 1999). Modernism theorists also recommended that, if the developing countries of the Third World wanted to catch up with the progressiveness of the industrialized societies, they be required to build economic and other ties with the Western nations. This would make it possible for them to learn and simply copy and paste the developed institutions and structures of the West into their countries (Martinussen, 1997). In the meantime, the anti-colonization uprising coupled with the Marxist-communist ideology contended that the Western imperialistic approach to modernization was itself the cause for the 'backwardness' of the Third World countries (Törnquist, 1999). However, both blocks assumed traditionalism to be the main cause of the underdevelopment and were obsessed to push the developing countries of the Third World into modernity, each defining that modernity based on their own socio-political ideologies, namely Western imperialism and capitalism versus Soviet Marxist-socialism (Törnquist, 1999). According to Törnquist (1999), the political modernization or development theory arose as a consequence of social, cultural and economic modernity and change, which meant a transformation to a more complex and advanced government apparatus, including democratic elections, political parties, interest-groups, parliament, specialized administrative bureaucracies, mass media and so on (pp. 47-48). Before long, however, modernization theory came under strong criticism due to its North-West-centric approach with a lack of 'empirical justification,' and as being "much too optimistic and characterized by wishful thinking" (Törnquist, 1999, p. 54) & (Martinussen, 1997, pp. 167-168). Several revisions have attempted to overcome the shortcomings of the classical modernization approach, introducing a variety of new concepts and theories.

In the1960s Gabriel Almond and James S. Coleman, through empirically studying some non-Western countries, brought significant perceptional change to modernization studies in general and to the study of political development in particular. Reducing the

modernization theory to an approach, Almond (1960) stated that both Western developed and non-western developing or underdeveloped societies have political structures, perform similar functions, are multifunctional, and are culturally mixed. In another place, he writes that all political systems have a dualistic nature of formal and informal structures and cultures (Almond, 1960). Almond (1960) concludes that "the universe of political system is less tractable to simple contrasts (between modern or traditional) that we have supposed (p. 25). He furtherly adds "we need dualistic models rather than monistic ones, and developmental as well as equilibrium models, if we are to understand differences precisely and grapple effectively with the process of political change" (Almond, 1960, p. 25)

Another revised version of the classical modernization theory, according to Martinussen (1997) is the *'dialectical modernization theory'* which is mainly based on social change theory rather political development, and is nevertheless very significant for 'affecting state-building, the form of regime and political change' (p. 172). Introduced by Joseph R. Gusfield, the dialectical or clientelism theory is based on a study of India's traditional, diverse religious, caste-based society. Gusfield (1967) brings forward the notion that traditional values and structures are not 'necessarily in conflict' but rather in many cases make the foundation for 'supporting modernizing frameworks' (p. 352). He notes that traditions are not 'static,' but they evolve during the course of historical events (Gusfield, 1967). According to Gusfield, tradition was exposed development and change even before the Western dual characterization (new and modern versus old and traditional) of development and their proposed change in developing counties (1967). Two other pioneer scholars Lioydl I. Rudolph and Susanne Hoeber Rudolph enriched the dialectical modernization theory based on empirical research of political development in Indian concerning its caste system. Both Rudolphs (1967) assert that modernization scholars not only 'underestimated the potentialities' of the tradition for development but they

also misunderstood modernity by ‘excluding’ valuable structures and symbols which could play a vital role for social and political change in a society – pointing to the Mahatma Gandhi`s freedom movement formed based on the existing social and religious informal institutions.

In another place, Gusfield (1967) also notes that “the role of traditional values in the form of segmental loyalties and principles of legitimate authority are of great importance in understanding the possibilities for the occurrence of unified and stable politics at the national level” (p. 357). This understanding is highly relevant to the sociopolitical context of Afghanistan and speaks powerfully to the present impasse in the country. The political legitimacy and stability in Afghanistan is often challenged by its patronage clans and tribal structures in scattered rural areas and their divided loyalties. The decades of war and internal conflict which intensified the ethnolinguistic fragmentation of Afghan society even farther complicated the political atmosphere for stability at the national and local level. In the meantime, the US post 9/11 military intervention and its subsequent imported state-building agendas have been wrestling with the so-called *primitive traditional and tribal settings* for more than one and half decades. This will be discussed in much detail in the empirical part in coming chapters.

Supporting Gusfield theory, Martinussen (1997) asserts that it is the developing countries ‘traditional and tradition bound institutions and practices' which form the bases for the ‘modernization and development processes.' This can be done most effectively by empirically studying the social, political and cultural structures, and ‘in particular networks including patron-client relations, ethnicity and religion' within developing countries independently rather than in comparison to western world values of development. In other words, modernization in non-western societies should happen based

on their own social, religious, ethical and tribal characteristics, and sociopolitical cultural potentials.

Gusfield (1967) adds that stressing the significance of tradition does not mean that it should oppose new values and reformed institutions. According to Gusfield (1967), Mahatma Gandhi's successes 'in social reform and political union' also rest on his use of tradition and its potential force in mobilizing the Indian society. The decentralization of governance in India, for example, is based on the already existed traditional village democracy of Panchayati Raj[10] (Gusfield, 1967). Initially, in the 1920`s, Gandhi aimed to tackle poverty and foster his independent movement by reviving these local self-governing assemblies (Ananth, 2014). Later in 1993 the Panchayati Raj were embedded in the Indian constitution with more power and authority as a decentralization reforming strategy known as "The 73rd Constitutional Amendment Act" (Ananth, 2014).

The Indian local self-governance reform brought forward by Gusfield has a parallel in the Afghan sociopolitical culture. The incorporation of the Panchayati Raj or traditional village assemblies into the formal Indian government format is comparable to the newly elected provincial councils and expected district and village councils, which existed informally before modern day Afghanistan as the village councils, or *Jirga/Shuras*. The hypothesis of this dissertation is that if the local informal Jirgas/Shuras are integrated into the formal government format, of course with more defined mechanisms, power and responsibility, and required financial resources, they will serve as the foundation for citizen participation, security, democracy, development, and eventually political stability at the national level. This is discussed in more detail in the following empirical chapters too. Gusfield (1967), Rudolph and Rudolph (1967) agrees that the use of traditional structures and institutions can smooth the course of development while the marginalization of

[10] Panchayats or village assemblies are local self-governing intuitions in India which are embedded in the formal political system of local governance. For more, please read http://jespnet.com/journals/Vol_1_No_1_June_2014/1.pdf

those institutions would result in a lack of indigenous backing of political systems (1967, p. 362). Gusfield concludes that "…the past (traditional structures) serves as support, especially in the sphere of values and political legitimation, to the present and the future. We need a perspective toward change which does not deny the specific and contextual character of events" (p. 362).

According to Martinussen (1997) through studying the sociopolitical culture of the developing countries, the classical political modernization and development theorists were concerned mainly with four questions: (1) 'state-building': 'creating bureaucratic or other structures' that can 'ensure the required support needed for' political stability; (2) nation-building: "creating a political community and promoting the citizens` transfer of loyalty from smaller groups, like tribes and local communities, to the larger political systems"; (3) democracy building: active citizen participation in 'political life', and (4) Trust-building: by equal distribution of goods and services for the well-being of citizens on the one hand, and gaining political support of the 'government in office' on the other (1997, p. 171).

Martinussen (1997) asserts that there is an "increasing understanding" among state-building scholars and policymakers that:

> (a)That western institutions and the state-building strategies pursued by the industrialized countries cannot simply be transplanted to the developing countries; (b) that the developing countries are so different that different strategies must be applied; and (c) that the public administration must accept 'the people' as *partners* in the developing process – not just as clients or a passive target group of intended beneficiaries (p. 175).

Nevertheless, it is worth noting here, that the central critique of the dialectical or clientelism theory rests on the corruption and inequality outcomes which result from the client-patron relationship in developing countries. Törnquist (1999) writes that the "patron-

client relations are based on mutual personal exchange of goods or services between unequal actors" (p. 57). 'In a wider political context' this leads to an unhealthy or corrupt relationship between political elites and 'businessman and large land-owners' – in which the latter receives business relevant 'treatment' in return for financial and political (vote) support (Törnquist, 1999). The patron-client political culture noted in developing countries by Törnquist is not much different from that of the lobbying of the large industrial companies and corporations in developed countries. Nevertheless, the patron-client culture leads to social and political instability when politicians instrumentalize cultural, religious, and ethnolinguistic cleavages. This is the basis for another major hypothesis of this research. The warlords and tribal elites utilize the ethnolinguistic (Pashtun vs. non-Pashtun) and some case religious (Shira vs. Sunni) differences in order to gain political support in Afghanistan. This is also discussed in the empirical and historical analyses in five large provinces in Afghanistan.

2.4 The Political Development Theory and the State-building Strategy

Contemporary state-building strategies borrow their theoretical backgrounds predominantly from Samuel P. Huntington`s late 1960s political institutionalization or political development theory (Martinussen, 1997). According to Martinussen (1997) Huntington's theory of political institutional shares 'several of its basic assumptions with the classical modernization theory' which rests on building government institutions and their capacity that are significant to 'order' and to economic development in Third World countries. The essence of Huntington`s (1971) theory is concerned about the 'balance of' relationship between 'political participation and political institutionalization.' Huntington (1968) writes "urbanization, literacy, education, mass media, all expose the traditional man to new forms of life, new standards of enjoyment,

new possibilities of satisfaction" (p. 53). This 'social mobilization' creates an 'aspiration' for economic development and opportunities in a newly modernizing society and if the these 'wants' are not fulfilled; it leads to 'social frustration.' According to Huntington (1968), the 'traditional structures' in developing countries are less likely to 'encourage' economic mobilization 'rather than political.' Therefore social frustration turns into a political drive in the form of political participation and demands for more actions by the political apparatus. If the government lacks the political institutions and the capacity through which individuals can practice their political will in a more civilized way, uprisings and political instability will result (Huntington, 1968). Therefore, before any attempt toward promoting people participation and economic development, there is a need to build strong government institutions including, public administration, law, and order and military institutions that aim to curve corruption and any possible revolt (Huntington, 1968).
Martinussen (1997) notes, that although Huntington's theory didn't win popularity among the political science scholars due to his 'conception of the military as a monolithic actor with considerable capacity for coordination and promotion of economic development', he was 'one of the first exponents of the many later theories and strategies concerning *reaching-down* state-building' (pp. 174-175). However Martinussen (1997) adds that while there is no doubt that a state`s institutional capacity is significant for maintaining political stability and eventually economic development, nevertheless "a development-promoting state-building strategy could still never be based exclusively on these components" (p. 175). Martinussen concludes that the 'repressive' or 'top-down' state-building approach in some of the developing countries led the political scientists to introduce 'decentralization and popular participation' theories and strategies which ensure a 'genuine' relationship between state and the people for political stability and economic development (Martinussen, 1997). For the sake of a possible policy solution in the

context of Afghanistan, decentralization is discussed in the following section of this dissertation.

2.5 'New'- Institutionalism theory and the Political Institutional Approach

In the earlier section, we discussed that political modernization and development theories are based on rational choice and individual behavior theories. The contemporary 'new-institutionalization theory' brings in institutions as the game changer in the political science studies. As B. Guy Peter (2005) writes: "the success of these two (behaviouralism and the rational choice) disciplinary revolutions is the backdrop for which the 'new institutionalism' came into existence" (p. 16).The 'new'-institutionalization theory introduced by James G. March and John P. Oslen in the late 1980s is a shift of focus from individual to institutions which according to Peters (2000) are 'arrangements of rules and incentives' and are independent variables influencing individuals` attitudes and choices. March and Oslen (1989) defined institution as a set of 'rules,' 'routines' and forms that are constructed along the historical experiences in a society and 'persist beyond the historical moments and conditions' which influence individual behaviors and vice versa (pp. 167-168). According to Sven Steinmo institutions are 'formal and informal rules' which constitute the bases for political behavior (2001). He adds, formal institutions are embedded in constitutional forms and the informal in cultural norms, and with their (both formal and informal) absence 'there could be no organized politics' (Steinmo, 2001).

The 'new-institutionalism' theory is also dispersed into various sub-category approaches among political science and sociology scholars. In his book *Institutional Theory in Political Science*, Peters (2005) lists them under six significant approaches, including rational choice, empirical, historical, sociological, institutions of interest representation, and international institutionalism. Edwin Amenta

and Kelly M. Ramsey reduced them to three categories: historical, sociological and political institutionalism (2010). Peter A. Hall and Rosemary C.R. Tylor (1996) also divided them into three main approaches, namely historical, rational choice, and sociological institutionalism.

However, the pioneers of the normative institutionalization approach March and Oslen (2008) notes that institutionalism, "connotes a general approach to the study of political institutions, (which are) a set of theoretical ideas and hypotheses concerning the relations between institutional characteristics and political agency, performance, and change" (p. 2). In another place, Peters (2008) also writes "Although there are several approaches to institutionalism, they all focus on the central role of structures in shaping politics and also in shaping individual behavior" (p. 48). Since institutionalism in a broader sense is concerned with rules, routines, structures and processes in an institution in a society, with their impact on individuals and vice versa, and with the notion that they are all in constant change, therefore, it is appropriate to choose this theoretical approach for analyzing the state-building project in Afghanistan at both the local and national level. The author is primarily relying on the normative or political institutionalization theory of March and Oslen as a theoretical framework for this research. Based on this, the author will review the formal and informal institutions, and their controversial relations and social and political impacts on national and local level governance. However, to project a precise picture of the matter and for the purpose of analysis, some necessary concepts and terms are borrowed from other approaches too. For example, the study of how warlords and tribal elites emerged as influential political leaders in the Afghan government context (in Chapter V) requires a historical review, for which one needs the historical institutionalism framework and approach.

Fortunately, institutional approaches are all relevant to and dependent on each other. Amenta and Ramsey (2010) note that

“political institutionalism has become more historical and focused on historical processes, and focuses theoretical attention on the interaction of actors at a medium-systemic, interorganizational, or meso-level” (p. 27).

Moreover, in respect to whether institutions could have formal and informal format and be in national and local levels, Peters (2005) says “… in political science…everything from formal structure like a parliament to very amorphous entities like social class, with other components of the sociopolitical universe …(are) also being described as institutions” (p. 29). Theda Skocpol (2010) also writes “institutions may be formal organization or informal networks” (p. 105). In another place, Peters (2008) writes it is the ‘continuous interaction' of ‘a range of institutions, actors and ideas' that ‘provide' the foundation for governance in a society. If institutions encompass both formal government and informal traditional structures and norms, then institutionalism can be used as a theoretical framework for this empirical research. The problem statements and research questions of this dissertation explore the state formal political (particularly provincial councils) and the traditional informal (warlord networks and tribal councils) institutions, their routines, orders, roles, inter-interaction and the changes which occur as result of impacts on each other. This approach will help us to know how politics work and what the causing factors and consequences are that lead to instability or stability in the Afghan sociopolitical context. However, before going into detail March and Oslen (2008) highlight a very relevant point which speaks to the issue this thesis is concerned with:

> Another core assumption (in new institutionalism) is that the translation of structures into political action and action into institutional continuity and change, are generated by comprehensible and routine processes. A challenge for (the) student of institutions is to explain how such processes are stabilized or destabilized, and which factors sustain or interrupt ongoing processes (p. 3).

This research analyzes political institutions (both formal and informal) and their processes and consequences for the sake of stable and democratic state institutional design at the central and subnational levels in the Afghan context. It will be a challenge to propose a concrete prescription as March and Oslen cautioned above. Nevertheless, the attempt is to learn about these institutions, their structures and processes, and possibly find improved alternatives for both political scientists and policymakers.

Now that institutions and what they constitute have been clearly defined, the next questions would be where do they come from or how do they form? The answers to these questions are important for the informal institutions and structures discussed in the Afghan sociopolitical context in later chapters. Peters (2005) writes that 'the rules and norms that are argued to shape institutions' crystalizes from collective behaviors of individuals viewed as *appropriat*e in society. He adds that once 'some common norms' in the form of 'reciprocity, honesty and cooperation' are practiced in a society, they turn into routines 'in proto-institutional settings' which create meaning, values and the motivation for membership (p. 33). In Peters' words "an institution is created when a formal structure has meaning for the members, and when those members begin to believe that the structure is something more than a means to an end" (2005, p. 33). According to Peters (2005), it is this 'logic of appropriateness' that moves people to participate and get membership in an institution, including in a political one. In another place, he notes that political parties and networks come into existence as a result of 'political dynamics' in a state, which he called this 'institutions of interest representation' (2005).

Regarding what institutions produce, what role they play in shaping and changing the political behaviors of political actors, March, and Oslen (2008) writes:

> Within an institutional perspective, a core assumption is that institutions create elements of order and predictability. They fashion, enable and constrain political actors as they act

> within a logic of appropriate action. Institutions are carriers of identities and roles and they are makers of a polity's character, history, and vision. They provide bonds that tie citizens together in spite of the many things that divide them." (p. 3).

Alternatively, in another place they note:

> "institutions are imagined to organize the polity and to have an ordering effect on how authority and power is constituted, exercised, legitimated, controlled and redistributed. They affect how political actors are enabled or constrained and the governing capacities of a political system. Institutions simplify political life by ensuring that some things are taken as given. Institutions provide codes of appropriate behavior, affective ties, and a belief in a legitimate order. Rules and practices specify what is normal, what must be expected, what can be relied upon, and what makes sense in the community; that is, what a normal, reasonable, and responsible (yet fallible) citizen, elected representative, administrator, or judge, can be expected to do in various situations (p. 6).

To contextualize the characteristics mentioned above, dynamics and consequences of institutions, the empirical questions, and hypotheses of this dissertation are briefly brought into the discussion, here. Do the Afghan elected provincial councils (PCs) as quite new political institutions (though weak, however, embedded in the constitution) constitute, exercise, legitimate, control and redistribute authority and power? What impact had these new institutions (PCs) on the political behavior of the Afghan tribal and warlord political elites? Moreover, how much have these new institutions (PCs) made and changed the 'political character' and 'vision' of these political actors so far. In other words, has the formation of PCs in the Afghan sub-national political context been able to 'provide codes of appropriate behavior, affective ties, and a belief in a legitimate order'? According to the findings of this

research study, a majority of the provincial council representatives are sponsored by, or themselves are warlords, drug mafia and powerful tribal elites who not only run and shape local politics, but also influence national agendas through violent and illegal means. These local power brokers are used to doing politics in a more traditional patron-client manner in which rules are established by an informal code of conduct rather than by a constitution and its embedded laws. If these formal institutions (PCs) haven't built this capacity and 'vision' yet, is there any tendency for building it in the future or is it opposite?
Moreover, what impact did the new constitutionally defined formal institutions (PCs) have over the old traditional informal institutions (namely Shuras/Jirgas)? The answers to the above questions would lead us to one part of our main subject namely, the potential of the sub-national institution in a stable and democratic institutional design. In other words, this thesis will highlight whether the PCs are institutions capable of taking the load and responsibility for a possible decentralization of Afghan state institutions.

Another significant matter, which March and Oslen are concerned about is the 'order' and 'change' in political institutions. To put it differently, what orders do institutions produce? And whether, and when, institutions change from one form to another. In this respect March and Oslen (1989) describe:

> "Although they (Institutions) provide important elements of order in the changing scene of politics, political institutions themselves also change. The processes of change include the mundane, incremental transformations of everyday life as well as the rarer metamorphoses at breaking points of history – when a society's values and institutions are challenged or shattered. These are situations where citizens are more likely to become aware of the values, concepts, beliefs and institutions by which they live. Typically, in such situations the political institutions and the ways in which they organize

> the relations between citizens, elected representatives, bureaucrats and experts, and organized interests are reexamined, and possibly modified, transformed, or replaced.
>
> In general, changes are produced through some kind of encounter between the rules (or action based on them) and an environment, partly consisting of other rules. The dramatic version is war or civil war which may replace one definition of appropriateness with another. The less dramatic version is an ongoing tension among alternative institutional rules – and an ongoing debate or struggle over the matching of institutional principles and actual situations and spheres of activities." (March & Olsen, The Organization of Basis of Politics , 1989, pp. 166-167)

March and Oslen's description speaks very well to the conditions of both informal and formal political institutions in Afghanistan. From the establishment of modern-day Afghanistan until contemporary political developments, the informal social institutions and networks (e.g., tribal councils and patronage networks) often played a game-changing role in overthrowing one regime and bringing another in power. The more than three and half decades of war and conflict brought considerable changes in its format, norms, and values. For example, the 1920s modernization, the 1970s communism and the 1990s radical Islamization years including civil war and ethnic conflicts shaped and reshaped the norms, values, and structures of these institutions. One of the recent developments is that the establishment of new democratic institutions, the provincial councils (PCs), in sub-national governments is replacing the traditional councils. If the bulk of the population still wishes for a traditional Islamic-Sharia system, a majority of the younger population believe in democracy and people's participation. As deliberately explained in Chapter five (state-institutional design at the central level), Afghans (as voters and candidates for political positions) are aware of their vote value and believe that they could influence local politics

by merely electing someone who is more responsive to their demands. Therefore, the informal patronage and elite institutions and actors according to the hypothesis of this research are moving toward more formal settings and institutions.

Furthermore, Amenta and Ramsey (2010) state that its 'medium-systemic, interorganizational, or meso-level' approach to political institutionalism is mainly macro state-centric. Concerning how national political institutions and systems influence local politics, Amenta and Ramsey (2010) write:

> The main theoretical framework (of political institutionalism) is that macro-level political institutions shape politics and political actors, who act under constrains that may influence their impact on state and policies, refashioning political institutions in the process, and so on (p. 29).

In another place, Amenta (2005) notes that questions surrounding the state and its formation, structures and processes makes the core of the political institutionalism. Peters (2008) writes that, through 'new institutionalism', political science scholars build new comparative analysis and approaches over the differences between the parliamentary versus presidential and between federal versus unitary states. According to him, political stability in presidential institutions is one of the main subject matters some political scientists are concerned with, in less developing political contexts (2008). In differing between 'old' and 'new' institutionalism in another place, Peters (2005) says:

> …the old institutionalism argued that presidential systems are significantly different from parliamentary systems, based upon the formal structures and rules. The 'new institutionalism goes further and undertakes trying to determine if these assumed differences do indeed exist, and if so in what ways those two alternative ways of organizing political life differ, and what difference this makes for performance of the systems (p. 2).

This point opens another significant discussion which constitutes the second part of this research, namely the discussion over which government system (parliamentary or semi-presidential, decentralized, or unitary centralized) better accommodates the sociopolitical needs of the Afghan context. The Afghan centralized unitary constitution restricts all power and authority to the central line ministries, leaving subnational democratic institutions with advisory and conflict resolution roles. The central government which is a de-facto power-coalition of all major ethnic minorities is often divided and in conflict, each group (faction? element?) perusing their own regional and ethnolinguistic interests. The major ethnic groups are divided between the Pashtuns, the proponents of the currently installed unitary centralized state system and the Tajik, Hazara, and Uzbek who advocate a change to a decentralized parliamentary one, and some even prefer federalism. Therefore, the new institutionalism theory, particularly political institutionalism, supports the key questions in this thesis. It empirically studies the constitutional parliamentary versus Presidentialism discourse in the Afghan national politics on the one hand and the decentralization process through elected provincial councils and its implication in formal and informal governance institutions on the other. In the informal governance format, warlords and tribal elites directly influence and shape the local and national government politics.

In order to know why the current political system (unitary centralized) is not suitable (to follow the line of argument of its opponents) or very much suitable (to follow the line of argument of its proponents) we need to review these both classical government systems of Parliamentarism vs Presidentialism, as well other alternative systems including semi-presidential and consociational democracy.

Furthermore, decentralization is reviewed as a possible strategy for prevailing democracy, good governance, sustainable development and political stability in Afghanistan.

2.6 Humanitarian Intervention Theory and Statebuilding

Ostensibly, the contemporary OECD state-building policies and projects are either part of the preventive or extended mission of the primarily humanitarian intervention, halting weak, failing, or post-conflict states sliding into human catastrophes. The spectrum of such intervention contains military and nonmilitary policy packages, including the provision of humanitarian assistance, security, 'rule of law,' 'good governance,' democracy, and institutionalization of the government apparatus (Veit & Klaus, 2012). Richard Caplan called this 'third-party' state-building which is different both in authority and legitimacy from that of 'indigenous state-building' (Caplan, 2004, p. 53). In both policy and practice, part of these state-building and humanitarian interventions is still highly inspired by the invalid classical modernization and political development theories – discussed in detail above.

Humanitarian intervention is defined as the act of interference by a state, organization of a group of states (e.g., NATO) or an international organization (United Nations) in another state - with or without using force - aiming at ending 'violent' oppression and atrocities or other human rights violations committed by a ruling government regime on its own people (Heinze, 2009) & (Trim & Simms, 2011). Eric A. Heinze (2009) notes that humanitarian intervention takes its justification from the moral reasoning of the cosmopolitan theory. According to Heinze (2009), "a cosmopolitan morality suggests that state is rightfully the subject of external moral scrutiny for how it treats its citizens" (p. 16). In other words, since cosmopolitanism considers 'human well-being' and 'individual autonomy' 'as the highest moral good,' therefore, where human suffering occurs by a state on its people, international intervention is morally permissible (Heinze, 2009). Whereas, according to the statism theory, states 'have a legal and moral claim against outside

interference' and are 'free' to 'create their own political community' the way that is appropriate for them (Heinze, 2009 , pp. 16-17).

The statists are against any intervention in a sovereign state's affairs, unless, and only if, a state government commits 'widespread massacre or enslavement of their own people' (Heinze, 2009). It is worth noting here that Henze's humanitarian intervention perspective is primarily military intervention. According to Joseph Boyle (2006) based on the traditional *just war theory* military intervention or intervention with force is 'morally a kind of warfare.' Nevertheless, there is a distinction between humanitarian action/assistance, and intervention, in which the former requires the willingness and 'cooperation' of the installed government and the latter is carried out with force (Trim & Simms, 2011). Similarly, any military intervention is not considered humanitarian intervention, even if it is invited by 'a party claiming de jure or de facto authority in that state' (Trim & Simms, 2011, p. 5). Thus, military intervention is legal only under the condition of 'self-defense' and 'prior authorization' of 'the United Nations (UN) Security Council', based on Heinze (2009). Brendan Simms and D.J.B Trim (2011) note that despite being 'perfectly licit within the international law,' nevertheless, due to its 'controversial' drawbacks on 'international relations,' humanitarian intervention with military force is seen as the very last option. Another primary justification or legitimization for intervention – besides human rights violations - is the right to self-defense and security. However, as Andrea Kathryn Talentino notes, the concept of security has not remained in its traditional form of a military threat, but in contemporary world politics encompasses a larger area of concern of states, including: economics, health, migration, drug trade, terrorism, gender, and environmental issues (Talentino, 2005). In this regard Howard Adelman also writes:

> In the global nation-states system, there is a compact among the states that each (state) has exclusive jurisdiction over the land and peoples within their respective territories. States assume responsibility for the security and well-being of their

> own people. But a state only exists as a fully developed state if there is sufficient control and power exercised over the body politic, and if the polity is capable of surviving on its own. As a body politic, there has to be both centralized coercive control and economy in place that will ensure survival. (2002, pp. 3-4)

It can be asserted from Adelman (2002) and Talentino (Talentino, 2005) that where a state fails to ensure the security and well-being of its own citizens – and where that may affect the security and stability of another state – intervention by the other state/s is permissible. In other words, international security and stability are dependent on the ability of individual states to provide security, economic opportunity, and law and order. Thus, it is at this juncture where the powerful states go beyond their primarily humanitarian intervention of providing security and aid to state-building engagement. The invasion of Afghanistan and Iraq by the United States after the 9/11 attack and its following state-building engagement could be a perfect example of such kind.

Although the intention and objectives of such interventions might be humanitarian and reformative, its operational policies and strategies might often result in disruptive rather than constructive outcomes. It is at this juncture, where the humanitarian intervention with or without military force is controversial among the scholars. Heinze (2009) also believes that any humanitarian intervention is subject to moral, legal and political justification questions. Another major point in the interventionist literature is the increasing responsibility taken by the strong western states for failing or failed states.

As David Chandler writes:

> International state-building is no longer something that just happens after the event – western military intervention for humanitarian or security reasons (Kosovo, Afghanistan and Iraq) or post-conflict peacebuilding (Bosnia and East Timor) – but is increasingly seen as a vital package of policy measures designed to prevent states from sliding into

> economic and political collapse. A set of international policy prescriptions, the frameworks of good governance are seen as a 'silver bullet' capable of assisting states in coping with the problems of our complex globalized world: facilitating sustainable development, social peace and the development of democracy and the rule of law. (2010, p. 1)

Chandler's statements bring us a step nearer to the present debate of what an international state-building intervention is and how it happens.

Berit Beliesemann de Guevara writes "…any powerful group struggling to institutionalise its power as a legitimate form of state rule can be framed as an agent of state-building" (2012, p. 5). That means the international community state-building intervention is a top-down, self-styled and ready-made strategy applied to third world countries. Whereas, state-formation is the product of historical conflicting interactions and processes among different groups within a society (Bliesemann de Guevara, 2012). Beliesemann de Guevara (2012) analyzes state-building discourse from 'the international state-builders' and 'the local recipients' perspectives. According to him, international state-builders attempt to export modern 'liberal peace', democracy, 'internationalisation and depoliticisation' policy and practices to non-western societies aiming at building states and (good) governance, yet ignoring historical contexts, and social dynamics and processes quite different from that of western societies (Bliesemann de Guevara, 2012). The local recipients (powerful political elites) in their account often question the legitimacy of such intervention and continue to struggle for their social and political survival, in some cases with revolt (e.g., warlords and the re-insurgency in the case of Afghanistan), which doom any reforming efforts to failure. Besides, since statehood is a complex interaction between local, national and international actors and processes, the institutionalization of power as a legitimate rule/actor therefore requires the utilization of 'strategies and tactics' (Bliesemann de Guevara, 2012). The application of these strategies and tactics

results in conflicting interests between various groups in a society, which leads to diverse ‘reactions’ including ‘resistance, cooperation and manipulation’ (Bliesemann de Guevara, 2012).

Moreover, the internationalized conditions for state-building made many post-conflict states dependent on their international partners for finances, security, the rule of law and legitimacy (Chandler, 2004) & (Bliesemann de Guevara, 2012). The primary state-society relation – provision of services and the monopoly of force by the state and in return collecting taxes and earning legitimacy from its population – is distorted and replaced by ‘clientelistic networks sustained’ by political and economic ‘rents’ (Bliesemann de Guevara, 2012). For example, the flow of financial and military aid by the US and NATO forces to warlords and tribal elites created powerful para-state actors in Afghanistan. By providing economic and political rents to its local subordinates and tribal networks, these once unpopular power-brokers not only gained local loyalty but also managed to occupy key government decision-making positions - soon misused for farther personal gains. The government office farther facilitated access to illicit income opportunities including the drug-trade and widespread corruption. Meanwhile these powerbrokers became so strong and influential that any attempt at reform that might cause their income sources to dry-up would lead to political instability and even to the threat of collapse of the political regime. This is in no small extent happening at the current Ashraf Ghani and Abdullah Abdullah national unity government. In contrast to ex-president Hamid Karzai, president Ghani stopped paying powerful Mujahideen commanders, which resulted in their withdrawing support from the regime and even planning plots to remove Ghani, which were disclosed and reported to the US embassy.

In addition to direct state military interventions, the United Nations (UN) and the OECD countries' national development organizations are among the key players of soft-skill state-building strategies and policies in developing in general, and in post-conflict countries in

particular. Here too, the independent academia has a viewpoint quite critical of the parties implementing these projects. For instance, Chandler (2010) believes that the international 'fictional policy narrative' of 'universalizing' western liberal democracy and market economics is ignoring 'the needs and interests of those subject to intervention' which not only disrupts the state-formation processes but also undermines the reform objectives of the interventionists. Florian P. Kühn (2012) affirms the international state-builders for their 'contradictory logic' of disturbing the natural social and political interactions and processes by injecting western 'ideal' state models in non-western societies.

In the case of Afghanistan, a majority of the aid is directly spent by the individual donor institutions based on their own institutional mandates and conditions. Therefore, it often not only fails to help the state-building process but also undermines the minimum state institutions. Lack of cooperation and coordination among these international players in applying contradictory, self-styled reform strategies and projects are another major dilemma ahead of state institutionalization for intervened countries. The creation of several duplicated local development councils at the village, district and provincial levels in Afghanistan for instance impaired the existence of the elected provincial and traditional village councils.

Part-III: A Few Essential State-Building Components

2.7 State Institutional Design: Presidential versus Parliamentary Democracies

State-building in the 21st century is not about whether democracies are preferred over autocracies, but about which type of democracies fit better in a particular social and political context. In other words, democracy is the primary parameter for the state-building agenda.

Therefore, after ceasefires and the end of conflicts, both policymakers and political scientists search for a state model (parliamentary or presidential, unitary or decentralized) that will best accommodate political stability, legitimacy, and good governance in a particular social context. However, before discussing which type of democracies best suits post-conflict and divided societies, we need to take a brief glance at the concept of democracy itself.

In Joseph A. Schumpeter`s (1943/2003) words - an influential economist and political scientist of the 20th century- democracy is an "… institutional arrangement for arriving at political decision which realises the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will" (Schumpeter, 1943/2003, p. 250). A more explicit definition of democracy is provided by Robert A. Dahl (1999). According to Dahl, democracy constitutes two dimensions; (1) the provision of 'enforceable set of rights and opportunities', by a political institution and (2) the 'actual participation in political life' by its citizens (pp. 12-13). Dahl (1999) asserts that for a democracy to be implemented fundamentally, its political institution "must" deliver its citizens the rights and opportunities 'by law and practice'; to choose their representatives through participating in free and fair elections, 'freedom of expression', freedom of media, civil society organization and inquiry of government policies, among others (p. 13).

The development of contemporary world democracies has gone through many historical ups and downs. According Samuel P. Huntington (1991) 'the first wave of democratization' lasted between 1820s and 1926 in which 29 states (e.g., West-Europe and North America) were transformed into democracies, nevertheless the number declined to 12 with coming of Mussolini in power in 1922, and 'the second of wave' began after the end of World War II in which around 36 countries adopted democracies (p. 12). Nevertheless, a small (6 countries) reversed from democracy between 1960-1975 (p. 12). Huntington notes that the collapse of

communism in 1989 marked the ‘third wave of democratization’ in the world (1991). The shift from authoritarian regimes to democracies in the third wave of democratization was fundamentally extensive: by the beginning of the twenty-first century the number of world democracies increased to 75%, including states in Asia, Latin America, Central Europe and Africa (Mair, 2008) & (Brooker, 2008). Some literature categorized the present era as the ‘fourth wave of democratization' initiated by the outbreak of the ‘Arab-Spring’ in Tunisia, Egypt, Libya, Yemen in 2010, and 2011 in Syria (Howard & Hussain, 2013) & (Abushouk, 2016).

Although, the debate over the two principle alternative government models (parliamentary and presidential) existed before the emergence of the modern democracy (Lijphart, 1992). The ‘third wave of democratization' played a vital role in widening the horizon of political scientists and ‘constitutional builders' regarding democratic institutions and available choices both in theory and in practice, according to Mair (2008). According to Douglas V. Verney (1959/1992), the British monarchy was the first to be challenged and transformed a limited monarchy. The system that resulted was a parliament, entailing the roles of ‘both government and assembly', whereas in the United States the monarch was replaced by an elected president/governor and the ‘assembly remained' as a separate legislative body (Congress), which formed the first presidential system in the 18th century. (Verney D. V., 1959/1992). It is not surprising that the Asian and African countries inherited the parliamentary model of democracies from its colonial power Great Britain, and Latin America countries, the presidential model from the United States (Horowitz D. L., 1990) & (Lijphart, 1992). There is no consensus on ‘an exact definition' for presidential and parliamentary systems in the literature, however, according to Arend Lijphart (1992) and others, the executive-legislature power relationship is one of the prime distinctions between the two. In a parliamentary system, the executive power is shared with legislatures in a collegial manner, while in a presidential model, it is

unipersonal, namely with the head of the government or president (Verney D. V., 1959/1992), (Carey, 2005) & (Müller, 2008). In other words, in a parliamentary system, besides its legislative function, the parliament chooses and controls the government through electing the executive (prime minister or chancellor and cabinet), while in the presidential system, the executive (the president) is directly elected by popular vote and is independent of the legislative power. The president chooses his own cabinet, requiring vote of confirmation (e.g. in the U.S.) or confidence (e.g. in Afghanistan) of his choices by the legislative (Canas, 2004) This is the principle characteristic distinguishing these two models of governments. Some of the significant differences are illustrated in the table below (Table 1).

Table 1 Comparison of presidential, parliamentary and semi-presidential governments

Institutional characteristics	**Presidential**	**Parliamentary**	**Semi-Presidential**
Head of the government	President	Prime minister or chancellor, etc.	Prime minister or chancellor, etc.
Head of the state	Identical with the head of the government	Monarch or President (non-executive and usually has a ceremonial role)	President (usually has arbitrary power)
Choosing the head of the government	Via popular vote, directly or via electoral college for a	Via parliament (e.g., Germany, Spain) or	Appointed by the president or nominated by the president and elected by the

	constitutionally fixed term	appointed by the head of the states with an obligatory vote of confidence (e.g., UK, Netherland)	parliament (e.g., Portugal)
Choosing the head of the state	-	Monarchy is inherited, and the president is elected by the parliament, particular electoral college or popular vote	President is directly or quasi-directly elected
executive-legislative relations	Separated, executive with one-person (president)	Shared in a collegial manner (Prime minister & parliament)	Balanced through mutual interaction between all three bodies: president, parliament and the government/prime minister
Cabinet appointment and its role	By the president (usually with the consent of the	By the parliament with a high degree of collegiality in	By the president (usually with the consent of the legislature)

	legislature) and has an advisory role	decision making	collegiality in decision making
Political accountability to the legislature	President is not accountable to the legislature (usually the cabinet is)	Prime minister and ministers are accountable to the parliament and can be dismissed from the office with the vote of no-confidence	President is not accountable to the legislature, but the cabinet is

Source: assembled by the author from various sources see, please note[11].

Lijphart (1992) points out three significant features: (1) 'executive stability', (2) 'greater democracy' (3) and 'limited government' as the

[11] the above Table is constructed based on the general features of these three major government models by the author. The information in this table is collected from various sources, including (1) from the book "*Parliamentary Versus Presidential Government"* part one "Introduction", page, 1-30 by Arend Lijphart and *"Parliamentary Government and Presidential Government",* page, 31-47 by Douglas V. Verney, 1992, Oxford University Press Inc., New York. (2) "Comparative Politics" Chapter 8 *"Governments and bureaucracies"* page 193 by Wolfgang C. Müller, 2008, Oxford University Press. Oxford. (3) *"The Semi-Presidential System"*, journal article by Vitalino Canas, 2004, *Max Planck-Institute für ausländisches öffentliches Recht und Völkerrecgt*, pages 95-124. (4) *"Non-Executive Presidencies in Parliamentary Democracies"* page 7, by International Institute for Democracy and Electoral Assistance (IDEA), 2014

positive characteristics of Presidentialism, that are counted at the same time as the negative features for Parliamentarism. In other words, the advantage of Presidentialism is in its stable executive power in which the president is elected for a fixed term and cannot be dismissed by the legislature. Unlike the prime minister or chancellor who is subject to the vote of confidence of the parliament. Since the president is elected through a direct popular vote, it is more democratic, versus the prime minister, who is elected indirectly by the members of the legislature. The executive power is separated between the president and the legislative house; therefore it is limited and competitive. Whereas in a parliamentary system there is a fusion of executive-legislative power in one body namely parliament and that makes the government uncontrolled (Schlesinger JR, 1982/1992), (Linz, 1990) & (Lijphart, 1992).

Meanwhile, the opposite of these features is counted as the advantages for Parliamentarism and vice versa. To put it more explicit, the first two major disadvantage of the Presidentialism are (1) its conflict of interest between executive and legislature over national policies, (2) the 'temporal rigidity' or the fixed term of the president – in the case of the death of the president or of the president going against national interests – leads to a political deadlock. While the fusion of powers results in cooperation and forming coalitions, and the flexibility of the executive term results in the smoothness of the government politics in Parliamentarism (Linz, 1990) & (Lijphart, 1992). The third problematic - common in presidential regime - in Juan J. Linz (1990) words is that the 'winner-take-all' rule which brings 'democratic politics to a zero-sum game' could be particularly harmful in divided and plural societies. Although the majority of contemporary world governments fit somehow into either of the models (Parliamentarism or Presidentialism), there are many variations of the principles including, semi-Presidentialism (e.g., in France and Austria), directorial government (e.g., Switzerland), and directly elected prime minister (in Israel) (Müller, 2008). Semi-Presidentialism is also known as the hybrid or

‘intermediate' of parliamentary and presidential government systems and is derived from the French political regime in 1970 (Duverger, 1980). The emergence of semi-presidential is the result of the short-comings of both pure classical government systems (Parliamentarism and Presidentialism) in some political contexts discussed earlier above (Lijphart, 1992) & (Canas, 2004). In other words, by bringing in an elected president in the power paradigm, semi-Presidentialism tries to compensate some of the deficits of Parliamentarism (less democratic) and Presidentialism (political deadlock). Vitalino Canas (2004) defines semi-Presidentialism as a political system in which ‘the dynamic’ of power or ‘relations’ is ‘balanced’ between ‘three political bodies’ namely, ‘a Government’ or prime minister, ‘a Parliament’ and ‘Head of the State’ or president elected based on universal suffrage (p. 95). Canas notes (2004) that the balance can be achieved through attaining a mutual political legitimacy to all three bodies, and a "mutual legitimacy" is achieved through the election of the president, the prime minister and parliament via ‘more or less[12]' popular votes, nevertheless, mutual legitimacy is not ‘sufficient' if it is not followed by ‘equivalent' power and collaborative interactions. According to Canas, unlike the parliamentary and presidential government, the distribution of powers in a semi-presidential system is subject to a constraint for all three major bodies. In his words: "the principle of balance, a principle that is the backbone of the semi-presidential system, determines that none of the bodies may acquire essential and permanent influence over either of the others (Canas, 2004, p. 102)” Nonetheless, Lijphart (1992) claims, that the disadvantage of the semi-presidential system is its combination of ‘two forms’ which ‘do not operate simultaneously but in phases’ (p. 21). That means, when the semi-presidential system is in its parliamentary phase, it is not as

[12]. According to the Vitalino Canas (2004), since the prime minister is elected by parliamentary majority vote, and the members of the parliament are elected by popular vote, the election of the prime minister is seen as equivalently demo-cratic. However, because it is still not as democratic as direct elections, the ex-pression ‘more or less' is appropriate to use.

efficient as in pure Parliamentarism for forming coalitions. However, when it is in its presidential phase, its government lacks 'more democracy' because of the absence of a popular vote for the prime minister, and it can become a 'hyper-presidential' through which the president could dominate all power as it happened in France between 1962-1974 and 1981-1986 (Lijphart, 1992/1999/2004). However, Lijphart believes that semi-Presidentialism has convincing potential as an alternative model, particularly for contexts where the presidential system has lost its popularity, and where a radical move to pure Parliamentarism is challenging due to the historical longevity of Presidentialism in a society (Lijphart, 1992/1999/2004).

In general, however, there is no clear consensus among the scholars and constitution makers in respect to which type of democracy (parliamentary or presidential) is superior to the other. Linz - (1990) an advocate for Parliamentarism – tags the 'winner-take-all' rule as an instability factor for Presidentialism and argues that the institutional flexibility of the parliamentary system facilitates the efforts of different parties (particularly minorities in divided societies) to form political coalitions, which leads to greater stability and its superiority over presidential governments. According to him, apart from the US Presidentialism, and France and Finland`s mixed or semi-Presidentialism, the majority of the world's 'stable democracies' are parliamentary (Linz, 1990). Fred W. Riggs (1992) goes even farther, disapproving of Presidentialism as an alternative system to Parliamentarism, and claiming that the 'longevity' of the United States government is not a good basis for measuring the 'superiority' of the presidential system. Riggs's notes that almost all presidential systems in the third world countries including Korea, South Vietnam, Liberia, Philippines and many countries in Latin American have experienced frequent 'disruptions' usually through military coups or sometimes through the dissolution of congress by the president, in contrast to the proved relative stability of 'two-thirds' of parliamentary and semi-presidential systems in third world

countries (Riggs, 1992). However, Donald L. Horowitz (1990) – a proponent of Presidentialism – brings back the 'winner-take-all' rule: a plurality electoral system in which the majority wins all and the minority loses, as a contra-argument to Linz. He describes its use in parliamentary elections in which it also shut-out minority parties from the parliament, resulting in disruption to ethnically divided societies. Horowitz (1990) says that it is the majoritarian or popular electoral system which causes the 'winner take all' rule in a presidential system, that could be replaced with a different electoral system for 'divided societies'.

Horowitz (1990) notes that for instance the 'plurality plus distribution' electoral system in Nigeria was intentionally chosen to 'shut out ethnic extremists and elect a moderate centrist president' (Horowitz D. L., 1990, pp. 75-76)He also adds that the focus of study and critiques of Linz are based on presidential systems in Latin America, and if Linz had studied the failures of parliamentary democracies in Asia and Africa, his conclusion would have been different (Horowitz D. L., 1990).

Meanwhile, Seymour Martin Lipset (1992) does not believe in either Horowitz`s (1990) or Linz`s (1990) arguments that 'constitutional variations' in both alternative models could be the deciding factors for achieving stable democracies. He emphasizes 'economic and cultural factors' as essential prerequisites for establishing sustainable democracies, particularly in third world countries (Lipset, 1992). According to Lipset (1992), although recent development shows different results in Non-Protestant nations in southern Europe and Latin America, historical evidence shows that democracies in rich Protestant nations were more sustainable than in poor Catholic ones. He adds that the reason why many Muslim countries still have authoritarian and monarchy regimes and not democracies, are the non-separation of religion from politics (Lipset, 1992). In another place, Linz (1990) also concludes that it is not only the institutional choice which brings success and stability to democracies but social-political culture and leadership

play a significant role in supporting both parliamentary and presidential democracies in many nations.

2.8 Consociational Democracy in Divided Societies

After the world war II, besides the continued rivalry between the capitalist democracy and authoritarian communist regimes, social and segmental cleavages were the main challenges for political stability in western Europe (Schendelen, 1985). The Netherlands, for example, was divided among various religious and class groups, in which the religious parties were not only antagonistic toward non-religious parties (socialist and liberal), but also fragmented among their own various sects (mainly the Catholic versus Calvinist), In addition, the class stratum was alienated between lower, middle and higher layers (Schendelen, 1985). Nonetheless, despite these severe social and segmental cleavages, the Dutch people managed to form an ‘effective' and ‘stable' democracy in the country (Lijphart, 1968). Arend Lijphart studied the sociopolitical climate of his home country – in his book "The politics of accommodation: pluralism and democracy in the Netherland" – and developed the consensus or consociational democracy theory in the late 1960s (Schendelen, 1985) & (Binningsbo, 2013).

In general, Lijphart`s (1977 & 2002/2003) consociational democracy theory rests on two major features: (1) ‘sharing of executive power’ or establishing a ‘grand coalition’ government at the national level and (2) granting ‘group autonomy’ at the local (p. 3). Lijphart (1999/2004) describes these two features as below:

> Power sharing denotes the participation of representatives of all significant communal groups in political decisions making, especially at the executive level; group autonomy means that these groups have authority to run their own internal affairs, especially in the areas of education and culture (p. 97).

The grand coalition and self-governance theory is complemented by two additional features namely (1) mutual veto and (2) proportional representation. The former is a political power through which a minority segment or party could block a decision of the majority of the grand ollation that goes against their 'vital interest' and the latter grants a share of civil and political participation in the whole government to all segmental groups (Lijphart, 1977). Lijphart (1977) believes that in a segmentally divided society, the desire for 'statesmanship' and the fear from 'mutual destruction' are the major political motives for political elites entering into a coalition and forming 'intersegmental elite cooperation' with their opponents.

The significance of the consociational theory is in its creation of conflict regulation capacity in societies with deep segmental cleavages. According to Harry Eckstein (1966) segmental cleavages are those racial, ethnic, language, religion, tribal and regional dissimilarities in a society, which are followed by political competition and conflict. In its extreme form, one distinctive group or party seeks 'autonomy' or 'dominance' over the other, (p. 34). For Donald L Horowitz (2003) a divided society is a society "in which ethnic-group identities have a high degree of salience, exceeding that accorded to alternative identities – including supra-ethnic, territorial, ideological, and class-based alternatives – and in which levels of antipathy between ethnic groups are high" (p. 26). Due to its power-sharing feature at the center and self-governance at the peripheries, the consociational democracy is very often cited as a conflict regulation approach in post-conflict and divided societies. Lijphart claims that consociational democracy is not only an option but "the only feasible solution" for multi-ethnic societies, which suffered or are still suffering from conflict and civil war (2003, p. 2). In comparing political systems, B. Guy Peter (2008) also believes that consociational democracy is a 'form of conflict resolution mechanism' in societies with segmental cleavages. Stefan Wolff (2011) called consociational democracy as an appealing 'post-conflict state-building' strategy.

Furthermore, during the rise of 'new-institutionalism' in the 1980s – when democracy was 'the only game in town' – institutions were the independent variables whose impact on society was being studied by political scientists, according to Peter Mair (2008). It was also the time in which the traditional alternative government models (parliamentary and presidential) were farther developed, and in which democracy emerged as a 'rich' political system with several conceptual and institutional classifications' (Mair, 2008). Also, democracy was analyzed based on various attractive parameters including; 'legitimacy', 'performance', 'effectiveness' and efficiencies (Mair, 2008). Arend Lijphart greatly contributed to this account by comparing the majoritarian versus consociational democracies, which is cited as the "most comprehensive and well developed whole (government) system" study by Mair (2008). In his book *'Patterns of Democracy, Government Forms and Performance in Thirty-Six Countries'* Arend Lijphart (1999, 2012) distinguishes the majoritarian models of democracies from consensus in ten institutional characteristics. According to Lijphart (1999, 2012) in majoritarian democracies:

(1) Executive power is controlled by 'single-party majority cabinets';

(2) Legislative power is dominated by executive power;

(3) There are (usually) two parties;

(4) Electoral systems are 'majoritarian and disproportional;

(5) Interest groups are pluralist and competitive;

(6) Institutionally governments are 'unitary and centralized;

(7) Legislative power is concentrated in unicameral house;

(8) Constitution is flexible;

(9) Judicial review is done by legislature; and

(10) 'Central banks are dependent on executive' (pp. 3-4).

Whereas, in consociational democracies:

(1) executive power is composed of 'broad multi-party coalitions;

(2) the executive-legislative power relations are balanced;

(3) party system is multiple;

(4) the electoral system is the proportional representation;

(5) interest groups negotiate, are compromising and 'corporatist'

(6) institutionally governments are federal and decentralized;

(7) the legislative house is bicameral, 'equally strong but differently 'formed';

(8) constitutions are not flexible and could only be amended by 'extraordinary' majority vote;

(9) judicial review is done by supreme or
constitutional court; and

(10) central banks are independent of executive power (Lijphart, 1999, 2012, pp. 3-4)

In another place, Lijphart briefs majoritarian democracies as 'exclusive, competitive and adversarial' and consociational as 'inclusive, bargaining and compromises' (1999, 2012). According to Lijphart (1977), the executive power-sharing aspect of consensus democracy could be adopted in both traditional government models; in parliamentary through 'grand coalition cabinet' and in a presidential system via 'grand coalition of a president and other top officeholders' (p. 25). Besides preferring parliamentary democracy over presidential and semi-presidential systems for various reasons discussed deliberatively in the earlier section, Lijphart (1999/2004) strongly advocates for federalism and decentralization due to its support for his segmental autonomy feature. In his ten differentiating features listed above, the federal and decentralized government are identified with consociational democracy, while centralized and unitary state systems are categorized under the majoritarian type of government (Lijphart, 1999, 2012, pp. 3-4).

Moreover, according to him, in the real world politics, there is hardly an absolute majoritarian or consensus democracy. However the United Kingdom and New Zealand could be called ‘relatively pure majoritarian democracies', whereas Switzerland and Belgium consociational (Lijphart, 1999, 2012). In his study of thirty-six countries` democracies around the world (between 1945- 2010), Lijphart (1999, 2012) concludes that the performance of consociations in regards to ‘more democratic’ and effective governance is much better than majoritarian, and he recommends consociational democracy as more suitable for ‘culturally and ethnically deep divided societies’ (pp. 295-296). Due to its ‘power-sharing’ aspect at the national and ‘self-governance’ at the local level which could settle conflict and bring stability, the consensus democracy is widely practiced, particularly in several third world post-conflict and divided societies including in Burundi, Bosnia, Lebanon, Nepal, Sierra Leone, South Africa and Zimbabwe (Sisk, 1995), (Wollf, 2011) & (Binningsbo, 2013).

However, for Lijphart, the success of consociational democracy is very much dependent on ‘favorable conditions’ in place. According to Lijphart (1977) the balance of power through and among multiple segments, multiparty system, small population size, cross-cutting cleavages, overreaching loyalties (for example nationalism), and territorial segmental isolation are the favorable factors and conditions which are conducive to consociational democracy in general and to federalism in particular.

Consociational democracy approach is very relevant to the case study of this dissertation. Although a constitutionally centralized unitary system, the de-facto post 9/11 Afghanistan state is based on an ethnolinguistic coalition in the capital with extended influence of each primarily ethnolinguistic party in the sub-national units. Parliamentary federalism is often proposed by most non-Pashtun minorities, while the predominantly Pashtun majority insists on strong centralism, fearing to lose its inherited dominance in the government. The newly established elected provincial councils have

opened another social and political discourse for decentralization, discussed more fully in another chapter.

It should be noted that there is a list of critiques on Lijphart's consociational theory. For example, Donald L. Horowitz (2003) believes that the incentives and motives through which the Lijphart's consociational approach brings conflicting parties into coalitions are not realistic. Horowitz (2003) argues that "why should majority-group leaders" who have "the ability to gain all of political power in a majoritarian democracy, be so abnegating as to give some of it away to minority group leaders?" (p. 7). Furthermore, there are competing political elites and parties within ethnic groups. If one elite party enters into a grand-coalition, which usually requires some kind of compromise, the opponent elites "make an issue of the compromise, referring to it as a sell-out", according to Horowitz (2003, p. 8). Other major critiques of the consociational approach are that the grand-coalition is undemocratic due to its lack of strong opposition which is a condition for democracy, and that it is unpractical because once the coalition is formed, there is still usually no consensus on certain decisions which might lead to political deadlocks (Lijphart, 2003) & (Horowitz D. L., 2003). Lijphart (2003) tried to respond to the above-listed critiques made by the opponent of his theory in several places[13].

The Horowitz's critiques on consociational democracy are relevant to the case of Afghanistan. The political elites and parties in both main Pashtun and Non-Pashtun minorities who are left out of the coalition blame the government for not representing *their ethnic* group and claim the compromise was made for the personal gain of the ethnic representatives in the coalition. This sometimes pressures and challenges the main coalition partners, when faced with ethnic-based decisions, to try to win more power and positions for their

[13] For more, please find in Journal article "The Wave of Power-Sharing Democracy" Arend Lijphart, 2003, Oxford Scholarship Online, page 1-22 and book "Democracy in Plural Societies" Arend Lijphart, 1977, Yale University Press, New Haven and London

groups in order to neutralize the critiques of their sub-elites. This has often led to political deadlock. For instance, although the Afghan unity government is in its third year now, most of the critical ministerial seats are still empty because no agreement could be reached in the coalition for the appointments. In another case, the distribution of electronic identity cards for the Afghan nationals was a project ready for implementation even at the time of ex-president Hamid Karzai, but still has not been implemented, as both sides (the Pashtun and the non-Pashtun minorities) have their reservations (read more in chapter five).

Since the Bonn agreement, the Afghan political elites are divided between Pashtuns for presidential centralization and non-Pashtuns for parliamentary decentralization, with some non-Pashtuns advocating federalism. Therefore, it is a matter of relevance to review both federalism and decentralization in the following section.

2.9 Federalism

Globalization and its socioeconomic consequences challenged the authorities of centralized nation-states as groups and political parties intensified pressure for approving their segmental identities and ensuring their regional interests, according to Ronald Watts (2001) and Harihar Bhattacharyya (2010). Federalism has served as a 'reconciling technique' for the 'contradictory trends' of 'intergeneration and disintegration' caused by globalization, "by establishing a shared government for specified common purposes, while allowing autonomous action by regional units of government on matters relating to particularly regional interests", based on Watts (2001, p. 9).

The term 'federal' originally derived from the Latin word of *foedus*, - 'means covenant or compact'- initially used in the Christian theological context referring to the human-God partnership relationship (Elazar, 1976/2011). Since the French Revolution and the rise of theories of mass democracy, the term Federal is used to

refer to a political partnership between government and people through power-sharing based on 'real' justice and cooperation (Elazar, 1976/2011). In 1787, the American constitutional makers used the word 'federalism' in this way for the first time to denote the United States government system (Verney D. V., 1995/2011). Although used interchangeably in some literature, there is a conceptual distinction between 'federalism', and 'federal political systems' (Watts, 2001) & (Verney D. V., 1995/2011). According to Watts (2001) "federalism is a normative term" and "refers to the advocacy of multi-tiered government combining elements of shared-rule and regional self-rule" (p. 24). The term 'federal political systems' applies to broad categories of non-unitary political systems, mainly including federation, confederation, federacy, decentralized union, associated states, condominium and league, all entailing at least two main elements of shared-rule and self-rule (Watts, 2001). It is worth noting here, that in this dissertation I am concerned only with a federation model of the federal political system, which is used interchangeably with federalism.

Lijphart (1977) brings federalism under the consociational approach, calling it a particular form of consociational democracy. 'Overrepresentation' at the national and 'segmental autonomy' at the local level are the two key features which make consociation theory identical with federalism, based on Lijphart (1977). Additionally, Lijphart (1977) and others argue that while constitutional democracy has been applied in various forms of federalism in several post-conflict contexts around the world, some have formed stable and successful democracies, while others failed depending on their approach to segmental or territorial conflict settlement (Norris, 2008) & (Wollf, 2011). Norris (2008) considers federalism an 'important strategy' for societies which are fragmented along the language, religious, racial and tribal lines because under a federal arrangement; each group is granted the autonomy to preserve its own distinctive identity. Wollf (2011) also enlists federalism under consociational theory and defines it as "a constitutionally entrenched

structure in which the entire territory of a given state is divided into separate political units, all of which enjoy certain exclusive, legislative and judicial powers independent of the central government" (p. 1785).

However, there is a slight difference among some of the scholars regarding whether federalism is similar to consociation democracy. Malcom M. Feeley & Edward Rubin (2008) distinguish between consociation and federalism:

> Federalism may fulfill some of the same functions as consociation and might even count as a consociational approach, but many consociational strategies do not count as federalism, because they do not possess federalism's defining characteristics; that is, they do not establish geographically defined subunits with definitive autonomy rights against the central government (p. 29).

For Feeley & Rubin (2008) there is a geographically 'separate government' which has 'semiautonomous authority' in federal arrangements, whereas in consociation the idea is to protect minority groups by granting them a role in the center and subcultural autonomy at the local. Similarly, Daniel J. Elazar (1976/2011) defines federalism as "a form of political organization which unites separate polities within an overreaching political system so that all maintain their fundamental political integrity" (p. 82). Pointing to the American federal system, Elazar (1976/2011) notes that the federal, state or local entities are each structurally separate and autonomous polities which each obtain their authority directly from the people. Herman Bakvis (2011) also differentiates federalism with consociation, considering the Canadian government model as federalism (in which the federal units are territorially separated between English and French-speaking groups) while regarding the Netherlands as consociational (in which the government was formed based on religious and class cleavages in non-territorial bases).

Nevertheless, Lijphart (1977) notes that federalism could be applied in both plural and non-plural societies, with territorial and non-territorial bases. However, it would be ‘especially attractive' if segmental cleavages coincide with territorial ones, which he calls ‘federal society'. He adds that when populations are segmentally deeply intermingled, the autonomy aspect of the federal arrangements is applied based on non-territorial or ‘personality principle' (Lijphart, 1977). The personality principle grants autonomy to groups or communities based on their distinctive ethnolinguistic, religious and other ideological subculture identities (Lijphart, 1977).

Some of the successful examples of non-territorial federal systems around the world are Belgium, Switzerland, The Netherlands (until 1967), India, South Africa, Lebanon (until 1975), Malaysia (until 1969) (Lijphart, 1977 & 2002/2003) & (Erk, 2003). Nevertheless, taking the conceptual differentiation between federalism and consociational democracy among some scholars into account, one should consider Lijphart’s (1977) favorable conditions for federalism. Based on Lijphart’s (1977) favorable conditions: in a deeply fragmented society, a federal arrangement is more ‘conducive’ if its political party systems are based on segmental cleavages and if it has more than two political parties, "because if one segment has a clear majority its leader may attempt to dominate rather than cooperate with the rival minority” (p. 55 & 61). Moreover, federal governments are more stable if its segmental cleavages are stable, crosscutting, have overreaching loyalties (for example nationalism), and separated territorially (Lijphart, 1977).

As noted above, consociational theory in general and federalism, in particular, are criticized due to possible secession and partition consequences in divided societies. Some of the general consociational approach-centric critiques are mentioned above. Eric A. Nordlinger (1972) also cited by Lijphart (1977, p. 44) himself, accuses federalism of secession and civil war. Nordlinger (1972) states that “federalism may actually contribute to a conflict’s

exacerbation" rather than conflict regulation (p. 31). According to Nordlinger (1972) minority groups in one state with territorial roots from another, usually suffer from the dominant group due to impossible segmental state boundaries in some federal arrangements, which strengthen ethnic cleavages and as a result increase the conflict. In addition, once federalism provides the segmental group with 'partial autonomy', they become powerful enough to contest for more and more autonomy. If the central government refuses their demands, it leads eventually to succession. However, Lijphart tries to defend Nordlinger's argument by justifying it with one of the four features of the consociational theory namely 'Mutual Veto', through which a segment could blackball another segment if it goes against the national interests or interests of the other groups (1977).

Furthermore, Lijphart (1977) believes that secession should not be considered as an "undesirable result of the tensions in a plural society under all circumstances." Instead secession can be seen as an alternative solution when both centralization and decentralization fail to prevent conflict and civil war. He acknowledges the costly and unfavorable consequences of succession, which may cause resettlements of the minority groups in new or partition states. However, he favors this burden over the 'human suffering', that usually occurs under one state solution (Lijphart, 1977).

One can conclude from the above discussion, that federal political systems, constitutionally provide the opportunity for all segmental minority groups to run their parallel autonomous governments sub-nationally, while forming a joint central government nationally. Although this seems attractive theoretically, the real-life case is more challenging and competing, because it is not a win-win scenario for some minority groups.

In the Afghan context, the Pashtun elites hold on to some of the above-stated contra-arguments for federal government brought by Nordlinger. The eruption of a bloody civil war between mainly ethnolinguistic (Pashtun, Tajik, Hazara, Uzbek) and religious sects

(Shia vs. Sunni), in which each group tried to reach to power, ended up with a more fragmented society. Therefore, on the one hand, the Pashtun minority group resists federalsim ostensibly for the sake of national unity, claiming a federal government would lead to secession, while on the other hand, the non-Pashtun minorities advocate for federalism, citing the historical suppression of minorities by the dominant Pashtuns. Another major problem arises after the implementation of a federal system. Since all regions/states or provinces are not equally gifted with geographical, natural, and industrial resources, there is always conflict between rich and poor regions affecting the national unity.

These arguments are deliberatively discussed in chapter five and seven. However, in the following section, decentralization is reviewed as one of the compromising strategy for Afghanistan.

2.10 Decentralization

The field interviews for this research shows that the majority of Afghans perceive the Federal system a dangerous government model for the national integration of the country. Therefore, the term federal turned out to be a political Taboo. Moreover, among many Afghan political elites, the decentralization concept is perceived interchangeably with Federalism. Referring to the same problem, Daniel J. Elazar differentiates these terminologies very clearly as he contextualized it as the American federal system. Elazar (1976/2011) notes that the power in the American federal system is distributed vertically among the autonomous federal, state and local entities in a matrix shape, that is very much different from decentralization, in which the power is transferred horizontally from central to local government levels. According to Elazar (1976/2011), it is a centralized government which has the authority to decentralize or centralize the power whenever it wishes to do so, whereas, in a ‘non-centralization'/federal form, the power cannot be centralized, unless one violates the constitution. Freeley and Rubin also

distinguish decentralization from federalism, in which the former is the central government's 'managerial strategy' of its sub-national tiers, whereas, in the latter, sub-national tiers have 'definitive rights against the center' (2008). Nevertheless, taking the diverse forms of political systems into account, decentralization could be applied as a governance reforming strategy in unitary, federal (for example where the states tiers are very large and divided into several sub-tiers), or mixed models (Norris, 2008). Since this thesis is concerned with decentralization in the context of Afghanistan, which has a strong centralized unitary political system, therefore, the focus is on decentralization in unitary systems.

Initially, decentralization was applied in American business enterprises in the early 1950s, for improved efficiency and better management in its hierarchal organizational structures (Elazar, 1976/2011). About two decades later, it was introduced by Richard Nixon as a 'new-federalism' – a reforming strategy - to counter over-centralization in the United States' government system (Elazar, 1976/2011). Since the 1980s, both developing countries – in which a strong centralization was once the norm and desire - and developed nations gradually moved toward decentralized government structures (Rondinelli, Nellis, & Cheema, 1983) & (Schneider, 2003). According to the 2005 World Bank report, in the last two and half decades 75 developing countries across Asia, Africa, Latin America, and Eastern Europe shifted to decentralization through introducing fiscal, administrative, and political structures and authorities to its sub-national tiers (Ahmad, Devarajan, Khemani, & Shah, 2005). Sub-nationally, the central government-appointed officials were replaced with directly or indirectly elected governors, independent public service institutions (education, health, and infrastructure) were established, and responsibility for self-planning, budgeting, spending, and revenues collection were transferred to local governments (Grindle, 2007). After a decade of experience, in the 1990s, it has been revealed that the process of decentralization improved governance, democracy, and economic development in

some countries, while in others, the results were disappointing (Grindle, 2007). This has led to a more constructive academic discourse, followed by several empirically based research and studies, as well as the development of various assessment frameworks through which decentralization outcomes are measured. However, even today the contemporary decentralization literature accepts that though theoretically decentralization may promise better service delivery, good governance, local democracy, and economic development, in practice the results are limited and vary from country to country (Schneider, 2003), (Grindle, 2007) & (White, 2011).

Decentralization is a strategy which a central government employs for the horizontal transfer of structures, powers, resources, and responsibilities to its sub-national institutions. Aaron Schneider (2003) defines decentralization as "the transfer of power and resources away from the central government" (p. 33). Tulia G. Falleti (2005) describes decentralization as "a process of state reform composed of a set of public policies that transfer responsibilities, resources, or authority from higher to lower levels of government in the context of a specific type of state" (p. 328). Although, it was accomplished through the actions of central government leaders who loosened up the pyramid of power horizontally, in many cases they were prodded into doing so by the continuous pressure of the civil society, domestic political and international financial (for example the World Bank) institutions who pushed for decentralization (Grindle, 2007). In addition, administrative congestion under centralized government, inefficiency, and lagging economic growth and development provided critical motives in developing countries for shifting to a downward governance process (Schneider, 2003). Decentralization - also known as the bottom-up or local governance strategy - received widespread support from international and mulita-national

financial and economic development organizations[14] (e.g., World Bank and OECD) for its compatibility not only with the alleviation of poverty but also with economic growth and development.

Better service delivery, democracy, good governance, and economic growth and development are the key incentives attached to decentralization strategy cited in the literature. Merliee S. Grindle, in her well-known research, "*Going Local*", reviews decentralization as the driving force for 'improved governance and democracy' which provides 'local conditions of (people's) well-being' (2007, p. 10). Noriss (2008) argues that 'decentralized governance' results in effective and accountable government and public policy, and 'the representation and accommodation of territorially' segmental fragmentation (p. 3). After reviewing around 33 scholarly papers on decentralization (between 1958 and 2011), Stacey White (2011) concludes that decentralization is about bringing government closer to the people. According to White (2011) 'the implicit rationale' of decentralization is that, the closer the government is to its people, the better it serves the people, and in addition, the more the people get out of the government, the higher their willingness to accept its authority. That means, the legitimacy and stability of a government strongly depend on how much services it provides to its people locally. Furthermore, since the local governments are closer to people, they are in a better to position to identify local needs. If they have enough resources and authority in hand, they may target these needs more efficiently than the central government. As cited above, these are conceptual promises of the decentralization strategy, which may or may not meet the ground realities.

Decentralization is divided along various forms and degrees in the literature. Based on theories of fiscal federalism, public administration, and political sciences, Schneider (2003) considers

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[14] See for example the World Bank Report 2006, edited by Anwar Shah here: http://siteresources.worldbank.org/PSGLP/Resources/LocalGovernanceinDe-veloping.pdf or OECD report 2005 here: http://www.oecd.org/leed-forum/pub-lications/Local%20Governance%20and%20the%20Drivers%20of%20Growth.pdf

decentralization along three critical dimensions including fiscal, political, and administrative decentralization. The amount of *autonomy* given by the central government to local levels is the deciding factor for measuring the functionality of decentralization in all three dimensions, though Schneider (2003) underlines it in administrative decentralization only.

2.10.1 Administrative decentralization is concerned with the public administration sub-nationally. According to Schneider (2003), contemporary theories of modern bureaucracy measure the functionality of sub-national administration along the fundamental parameters of efficiency, effectiveness, and 'rational'. That means, result-based management is the key concern, once central governments decide to extend service delivery units downward. As mentioned earlier, Schneider (2003) believes that it is the amount of 'autonomy' by which the degree of administrative decentralization is measured. Some literature separately divides decentralization along deconcentration, delegation, devolution, and privatization. However, Schneider (2003) uses this categorization under administrative decentralization only.

2.10.1.1 Deconcentration is the lowest degree of decentralization, in which the central government deploys only some service delivery and managerial responsibility to sub-national units through line ministries (Martinussen, 1997). In some literature, it is even not considered as 'true' decentralization, since the central government runs these sub-national offices, which have no authority or autonomy of their own (White, 2011). According to Martinussen (1997), in 'pure' deconcentration, there is neither a 'discrete entities' as local government nor a 'mechanism' 'for mandatory horizontal coordination and integration' (pp. 210-211). De-jure, Afghanistan is a perfect example of deconcentration. The provincial and district governments are not more than just political representation offices for the president, with administrations providing only some public services of the central line ministries.

2.10.1.2 Delegation is the second lowest degree of decentralization. It happens when the central government delivers decision-making authority on specific public functions and utilities to sub-national governments (White, 2011). In delegation, both public and Semi-public enterprises offer sector-based services including energy, water, health, communication, and transportation sub-nationally (Martinussen, 1997). In this instance, the sub-national governments are still accountable to the central government, however, not entirely controlled (White, 2011).

2.10.1.3 Devolution also known as the 'pure' or 'extensive form' of decentralization, provides sub-national governments with administrative, decision-making, financial authority, and power (White, 2011). In devolution, the sub-national government functions as 'quasi-autonomous' units, thus giving them a relatively free hand, although the original political power and legitimacy of devolved regions still rest with the central government (Martinussen, 1997). In other words, a true devolution encompasses all three main dimensions of decentralization – political, administrative, and fiscal. Great Britain is a relatively excellent and recent example of devolution in the literature.

2.10.1.4 Privatization occurs when the central government contracts specific service delivery projects or programs to private profit, non-profit, and non-governmental organizations (NGOs) (Martinussen, 1997).

Boex and Yilmaz (2010) argue that for an effective decentralized administration, at least four central departments are needed. These include: (1) 'regularity powers' and physical or space planning; (2) finance and procurement; (3) human resources HR and (4) public service delivery (2010). Since local officials are closer to its people than the central government, therefore, they are in a better position to identify local needs and conditions and plan and regulate accordingly. Likewise, though most of the national programs (e.g., health, schooling, and environment) and projects (e.g.,

infrastructure) are determined at the central government, flexibility in its implementation by local administration might prevent inefficiency (Boex & Yilmaz, 2010).

2.10.2 Political decentralization is concerned with people's participation and representation in policy articulation sub-nationally (Schneider, 2003). In other words, political decentralization allows people to elect their provincial, district and village level councils, governors and city mayors through free and fair elections. It helps citizens not only to control public services actively, but also to hold local politicians accountable for their decision-making (Norris, 2008). Both civil society institutions and political parties play a significant representation role in articulating and bargaining for people's interests with government bureaucracies (Schneider, 2003). To stay in office and make a higher career, local politicians too, compete to win hearts and minds, and votes of local people by opting for public interest projects and programs.

Furthermore, Jamie Boex and Serdar Yilmaz (2010) identify four main 'components' for political decentralization sub-nationally: (1) the political structure; (2) electoral system; (3) party systems and finally (4) accountability mechanisms. The political structure of decentralization deals with how the institutional arrangements function within the legislative (e.g., whether the local councils run the governments departments or only provide oversight to the appointed officials), the executive (e.g., whether the mayor is elected by the council or directly by popular vote), and the judicial (courts) powers (Boex & Yilmaz, 2010). The electoral system both allows the citizens to choose their representative, and accordingly encourages the candidates to reach out to their voters. Locally, proportional representation (PR) and single-member constituencies (or the first-past-the-post) are the two popular electoral systems through which the voters directly chose their favorite candidate, in which the former is rated as a minority and women-friendly system and the latter is known for its transparency, (Boex & Yilmaz, 2010).

Another major component that adds to the attractiveness of political decentralization is the nature of political party systems. Based on Boex and Yilmaz's extended assessments, both party-based and non-party-based elections have their advantages and disadvantages. Nevertheless, it is the intensity of political contestation between political parties and individuals which can promote local constituent interests rather than the interests of the local elites and their national political parties (2010). Grindle (2007) also notes that higher levels of political competition lead to better governance, whereas the contrary relies 'on traditional methods of mobilizing support' favoring 'clientelism' and elite interests.

Last but not least, the legitimacy and acceptability of the whole political decentralization rely on accountability mechanisms. Boex and Yilmaz (2010) are concerned with the citizens' based accountability measurements through which the local representatives and policymakers are expected to provide information on public programs and projects to their constituents. In the case study of Afghanistan, political decentralization is limited only to popular representation in provincial and district councils, where the representatives have only poor oversight authority with no apparent accountability mechanisms, nor any legal checks and balances.

2.10.3 Fiscal decentralization happens when the central government transfers revenue and expenditure authority to its sub-national jurisdictions. In such circumstances, the provincial and district governments not only allocate their budgets and spending but are directly responsible for collecting revenues through local taxation, leasing, and contracting public assets and resources. Through its regulatory policies and financial instruments, the central government plays the distributing role in balancing the economy as a whole in fiscal decentralization (Schneider, 2003). Since local governments are not equally bestowed with natural and industrial resources, central governments usually interfere through the use of

national funds, loans or intergovernmental fiscal transfers to uplift the poorer localities.

According to Boex and Yilmaz (2010), the effectiveness of both administrative and political decentralization lies within fiscal decentralization. Because, it is the fiscal power through which local politicians respond to the demands of their constituencies and justify their authority over local populations (Boex & Yilmaz, 2010). Nevertheless, the allocation of revenue, expenditure, inter-governmental transfers, and loans are challenging assignments which require not only professional competence but also transparency and accountability from the officials involved in local government administrations, based on Boex and Yilmaz (2010). Therefore, Grindle (2007) is correct in her assumption as she says: "from the perspective of local officials and agencies, decentralization means not only a complex of new responsibilities but also a series of different relationships with other levels of government that have to be managed simultaneously" (p. 6). Adequate knowledge and capacity at the local level is the precondition before adopting any form of decentralization, particularly in a country with a long history of centralization.

Furthermore, although decentralization is primarily attributed with local democracy, transparency, efficiency and its potential for decreasing segmental cleavages and conflict, its opponents criticize it precisely for not providing these reforms and for even farther worsening and destabilizing local governance. Niamh Gaynor (2014) notes that several empirical studies have shown that decentralization caused corruption, inequality, and increased conflict in post-conflict and developing countries. According to Gaynor (2014), ignoring the 'state formation history', informal and formal governance structures and political norms of a particular country context leads to the failure of decentralization. It is in this context where elites capture local power and state institutions through patron-client relations, and where it leads to corruption, inequality, and increased conflict (Grindle, 2007) & (Gaynor, 2014).

Taking the above review into account, the newly half-political decentralization process in Afghanistan encompasses one of the two central concerns of this dissertation. Although only endowed with a conflict resolution function, the newly elected provincial councils have shifted the dynamic of local politics in Afghanistan. Those warlords and elites who once ruled by the power of gun had to provide free meals and services at their own expense during the election campaigns in order to win the hearts, minds, and votes of their local citizens. The local representation and minimum oversight authority not only challenged the line ministries' service delivery units, but also put pressure on the central government authorities through mobilizing and organizing a mass demonstration for local reforms. Besides these significant outcomes, however, there are also grave challenges ahead of these new democratic institutions. As stated earlier, at this point the administrative decentralization is in a mere deconstruction degree. It has been now almost a decade since the establishment of the provincial councils in Afghanistan, but representatives in some areas lack the political and professional capacity needed to perform their duties and achieve what has been expected locally. In many areas, provincial councils and governments are occupied and run in a patronage manner by major illegal power-brokers, including warlords, drug-traffickers and tribal elites. These factors make the central government hesitant to transfer more power and responsibility to the already democratically elected provincial councils. These and other relevant facts and stories of sub-national government are illustrated based on the empirical study done in major large provinces of Afghanistan. The chapter on provincial councils in Afghanistan is mainly devoted to this discussion.

CHAPTER 3:

A Historical Overview of the State-Building in Modern-Day Afghanistan

3.1 State, Society, and Politics in Afghanistan

The Afghan state first came into existence in the form of the Max Weber's (1946) definition – "a human community that (successfully) claim(s) the monopoly of the legitimate use of physical forces with a given territory" – as an ethno-tribal federation in the mid-18th century. From its creation in 1747 until today, Afghanistan has experienced various state governmental models including: absolute monarchies (between 1747-1922 without constitution, and between 1923-1962 with constitution), parliamentary monarchy with partly democratic elections (1963-1972), republicanism (1973-1977), communist socialist republic (1977-1992), Islamic government (1992-1996), Islamic Emirate (1996-2001) and the current presidential democracy (2001-present), all based on the principle of centralization of power and authority.

Throughout its modern history, the Afghan state has shared both legitimacy and authority with its Pashtun tribal and non-tribal ethnic minorities, particularly in sub-national governments in rural areas. The Erwin Orywal (ed) 1986 study identifies around fifty-five ethnic groups within the modern-day Afghan territory (Orywal, 1986). In chapter one, article four of the 2004 Afghan constitution only fourteen ethnic groups are named: "The nation of Afghanistan shall be comprised of Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pachaie, Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahwui and other tribes." (The Constitution of Afghanistan (English Translation), 2004). An accurate update of ethnic statistics is not available today, but in some academic accounts from before the Afghan civil war, four ethnic groups were highlighted as the

major ones, with Pashtuns estimated to make up between 40-50% of the population, Tajiks 20-35%, Hazara 7-20%, and Uzbek 8-15% (Schetter, Stammesstrukturen und ethnische Gruppen, 2009, p. 24) (Glatzer, 1998). During the Afghan civil war, these four major ethnic groups fought against each other to gain military and political support, with some building alliances with others. By building an ethno-political collation government in late 2001, the Bonn international conference officially recognized these four ethnic groups as the major ethnic minorities in Afghan politics.

In addition to ethnic differences, the Afghans can be divided linguistically, mainly between Pashtu and Dari speakers. Pashtu is the language of the Pashtun ethnic group, whereas Dari originally belongs to Tajik ethnic groups, but is also spoken by Hazara (with a slight different dialect of Hazaragi). The Uzbek, Turkish, Pashaye, Baluchi, and some other local languages are spoken in their areas of influence. However, depending on whether these minority groups reside alongside a majority of Pashtun or Tajik ethnic groups, the official or second language becames either Dari or Pashtu. For instance, in the South and Eastern Afghanistan, where the majority of Pashtun live, the official communication language for Baloch, Pashaye, Nuristani or Hazara is Pashtu. Whereas the Hazara, Uzbek, Turkmen, Pashaye and other minorities in the north and central Afghanistan adopted Dari as their official communication language. Since this dissertation is partly concerned with the political divide of the Pashtun ethnic and speaking groups vs. the non-Pashtun ethnic and speaking groups, this thesis uses the phrase Pashtu vs. non-Pashtun for simplifying the matter. The non-Pashtun means here, mainly the Dari language-speaking major ethnic groups of Tajiks, Hazara, Uzbek and Turkmen.

The social construct or family-tree of each Pashtun family can be traced back in a network of a sub-clan, clan, sub-tribe, and the tribe. But the non-Pashtuns' social identity is limited to its family, community, village, or occupation. However, due to centuries of co-existence (except for a few instances of ethnic cleansing), each

Afghan belongs to a *Qaum* – a primary identity which could be a family, a clan, a tribe, village, or an occupation (Roy, 1986). Each *Qaum* has its own somewhat structured or unstructured consensus system, run by a group of noble elders *Spingeri* (in Pashtu)/*Mo-sapid* (in Dari) meaning white-beard or elderly men, headed by a chief (*Khan or Malik*) – usually in a better socio-economic condition than the rest of his *Qaum*. The *Khan* or *Malik* is the prime legitimate, though non-state, actor who is responsible for settling internal family and property matters through informal governance mechanisms including religious and customary laws, and codes (*Pashtunwali*), but also protecting and ensuring local interests against other *Qaums* or the state. Through personal and patronage networks, the state interlocutors and bureaucrats get into contact with the *Khans* and *Maliks* for maintaining state-society politics at provincial, district and village levels.

Nevertheless, the Afghan social construction and its interaction with the state is comparably different and relatively more advanced in the cities (usually large cities of Kabul, Herat, Masar-e-Sharif, Jalalabad) and provincial towns (provincial capitals) than in rural areas. Although urban populations reside in neighborhoods according to their ethnicity, tribe, or *Qaum,* (for example, in Kabul city, the eastern Afshar town is primarily inhabited by Hazaras, the northern zone of Khirkhan, Sare-e-Kotal is primarily Tajik of the Northern region, the Qala-e-Zaman Khan, Bagrami in south and western part of are Pashtuns), they are nevertheless mingled by inter-ethnic marriages, occupations, and business dealings with each other.

There are several internal and external socio-economic and political factors, which explain why Afghanistan has never managed to keep a steady pace toward state institutionalization and modernization despite its 270 year long history of existence. The socio-economic and ideological differences between the centers and the peripheries are common even in most developed countries in the world.

However, in Afghanistan, this gap has led to constant conflicts throughout its history (Roy, 1986).

Olivier Roy (1986) notes:

> …there are really two Afghanistan: first there is the town (*shahr*), the place of innovation (bid`at); this is the natural environment of the civil servant, the teacher, the soldier and the communist, all "intellectuals" and "bare-head" (*sar-luchak*), held to be unbelievers and arrogant; and secondly the province (*atraf*), the home of religion, tradition (sunnah) and values which stand the test.

To a considerable extent, Roy's 1980s observation still fits present-day Afghanistan. The predominantly peasant livelihood and lack of access to education in the provinces has badly divided the Afghan rural communities from the cities, where inhabitants enjoy basic urban facilities including health, schools, and jobs in public and private sectors. In their early years, children (predominantly boys) in these scattered remote communities learn to read the Quran in Arabic and learn the basics of *Fiqh,* or the Islamic jurisprudence, taught by local Mullahs/Imams either at traditional Madrasas (religious schools) or at the village Mosque. Due to insecurity and poor social and economic conditions, only a few children manage to move to towns for schools or jobs. The rest follow their family occupation in their local villages, be it farming or other hand-skill professions. According to 2017 Human Rights report, "3.5 million children are out of school, and 85 percent of them are girls" (Human Rights Watch , 2017, p. 4). It certainly divided the Afghan society between the moderns and liberals who reside in the city and towns and the religious conservatives living in the countryside. Also, the long history of foreign invasions and internal uprisings caused deep divisions as a majority of these populations periodically became seasonal militiamen who fought either for or against the state.

Historians and authors on Afghanistan, OlivierRoy (1986), Angelo Rasanayagam, (2003) & Amin Saikal (2004) note that the Afghan

state has relied upon ‘tribalism’, Islam and Afghan nationalism as the key state legitimacy tools, rather than on governance and public service delivery, for maintaining state authority on tribal and non-tribal ethnic communities. For instance, Afghans were mobilized under the same legitimacy concepts of Islam and Afghan nationalism to defeat foreign interventions (Saikal, 2004). As Angelo Rasanayagam also notes, it is the Islamic ‘traditional’ fundamentalist nature of the Afghan society that not only fought against foreign ‘non-Muslim’ occupations (the British and the Soviets), but also resisted internal modernization attempts throughout history (Rasanayagam, 2003).

Men belonging to various tribal and non-tribal ethnic minorities of *Qaums* make up the Afghan military. Therefore, they were first loyal to their local communities' chiefs, then to the central government. In return, the *Qaum* chief, in the role of *Khan, Malik*, or local commander secured the interest of his community and militiamen with the government (Rasanayagam, 2003). This culture of patron and client has been continued even in post 9/11 Afghanistan, where ethnic warlords and tribal elites conditioned their support on the state appointing their favorite men in key government posts.

When a *Qaum,* or networks of several close Quams, felt threatened by central state politics, they revolted against the state, utilizing its own militiamen (Roy, 1986). Time and again, the Afghan state ruler (Amanullah Khan 1919-29) or regime (the communists 1977-1989) attempted to penetrate these tribal and non-tribal micro-communities and to integrate them into state institutions. Not only did they fail to do so, but the effort cost them bitterly, with the collapse of their own governments. Historians and scholars: Roy (1986) Ghubar, Meer Ghulam Mohammad (1989/2012), Rasanayagam (2003) & Saikal (2004) note these reforming and modernization attempts were hasty and, in some parts, in strong opposition to the very socio-cultural beliefs of the Afghan society, which is why modernization backfired against those regimes at the very early stages of its development. The Afghans did support those modernization and state reforming

agendas that respected and secured Islam and the Afghan cultural principles (e.g., during the Amir Abdul-Rahman khan era between 1880-1901) (Roy, 1986).

Similarly, because it is land-locked and has a predominantly agricultural economy, the country is constantly dependent on foreign aid, and consequently has unequal relationships with neighboring and regional powers. Afghanistan's geopolitical location also trapped the country as a buffer zone between the great empires of the time, namely British-India and Russia in the 19th century, and the Soviets and the United States during the cold war in the 20th century. The country's buffer zone role eventually led to direct military interventions by the British (1880-1919), the Soviets (1979-89) and the United States (2001-until present). Besides the imperialistic motivations behind these episodes, the intervening powers also aimed not only to change the traditional Afghan state institutions into a modern western bureaucracy, but also to penetrate the indigenous social-culture structures and beliefs (Pashtunwali and Islam) by imposing their imported ideologies (e.g. communism and western liberal democracy. These efforts, however, faced bitter resistance from Afghanistan's rural communities and were ultimately defeated. Following the U.S. military invasion in late 2001, a number of international aid organizations and some private investment companies (including telecommunications) arrived in the country, with the effect of tremendously changing Afghan perceptions in both urban and rural areas. The broadcasting of tens of private Radio and TV stations not only provided the younger generation job opportunities, but also linked them with the outside world. The access of Mobile telephones and internet even in remote areas of the country connected Afghans to other parts of the country and beyond, to the rest of the world. Today, the social media outlets of Facebook, YouTube, and Twitter are used not only by educated professionals, but also by those who are not educated. The insecurity and uncertainty caused by prolonged years of conflict have made Afghans among the most politicized in the region and probably in

the world. Facebook groups and pages are widely used even in the most remote areas of the country for sharing news and commenting on issues, and also for election campaigns and against corrupt government officials.
Politically, once again, the Afghan society is divided between three main groups: the liberal democrats (supporting the US invasion and the Afghan government and opposing the Taliban ideology), the Afghan nationalists (who are mostly moderate Muslims opposing the U.S. invasion, but supporting the Afghan government and willing to include the Taliban) and the traditional Islamists, (opposing the US invasion and directly or indirectly supporting the Taliban movement).

To have a better picture, in the following, we briefly review state-building attempts from Afghanistan's emergence in 1747 until the pre-9/11 Taliban Emirates in late 2001. Islam, which as the religion of the Afghan state and society throughout history, has played a fundamental legitimacy role is reviewed in a separate chapter. The post-Taliban state-building project is also discussed in a separate chapter.

3.2 The Emergence of an Ethno-Confederation Afghanistan (1747-1880)

Modern-Day Afghanistan came into existence after the disintegration of the Persian King Nadir Afshar's empire in the mid-18th century. In the aftermath of a nine days long, contested grand assembly – known as the Loya Jirga (LJ) – which marked a historical milestone for the foundation of an independent multi-ethnic and tribal confederation, choose Ahmad Khan – an Abdali Pashtun tribesman– as its king or Shah in Kandahar, by then the capital of Afghanistan (Ghubar, 1989/2012). It is this historical legitimacy that, time and again, has led the Afghans to call upon the Loya Jirga, which requires the representation of both Pashtun

numerous tribal and non-Pashtun ethnic groups across the country, for an all-inclusive consensus on a national matter. The 2002 Emergency LJ during the interim government of President Hamid Karzai and the 2004 Constitutional Loya Jirga (CLJ) for drafting the post-Taliban constitution are recent examples.

The founding father of modern-day Afghanistan is Ahmad Khan Durrani (1747 -1772), who successfully managed to establish the basis for a strong centralized state through imposing taxes and tariffs on local chiefs and landlords. With regard to sub-national matters, Khan installed his loyal *provincial Hakims* or governors to ensure security, judicial and financial issues (Ghubar, 1989/2012). His success rested on the considerable experience and knowledge of Afghan tribal and non-tribal rivalry politics which he had gained during his service as a significant army general in the Persian Empire responsible for the Afghan and Uzbek battalion (Ghubar, 1989/2012). Now, as the Shah (king), Ahmad Khan used both state incentives and force to obtain the submission of numerous tribal and ethnic communities to his central authority (Ghubar, 1989/2012). To legitimize his central state power, the king had to pick up the manpower for his army from among various tribal and ethnic groups and to share the bounties earned from the wars and from territorial extension the Indian subcontinent (Ghubar, 1989/2012).

At heart a warrior, Ahmad Shah spent most of his time and focus on expanding his empire – to encompass a territory reaching from the Amu (Oxus) river in the north to the Arabian sea in the south and from Indian Panjab in the east to Khorasan of Iran in the west (Rasanayagam, 2003). Because he kept his state authority limited to his personal leadership skills rather than institutionalizing it into a state system with a robust government mechanism (Saikal, 2004), Ahmad Shah's death in 1772 left a power vacuum. His empire shrank, and the state went into a long period of domestic turmoil, local uprisings, and foreign interventions (Saikal, 2004). Ahmad Shah's successor was his favorite son Timor, whose efforts remained limited to the distribution of the sub-national governments' power

among his 36 sons (Saikal, 2004). Following Timor Shah's death, rivalries over the throne arose among his dozen descendants, and the geopolitical competition between the great empires of British-India and Tsarist-Russia (a contest that became known as "The Great Game") trapped Afghanistan as a buffer-state, plunging the country into political chaos and the ultimate British intervention in the early 19th century (Saikal, 2004).

3.3 State Modernization Attempts (1880-1963)

In the aftermath of the second Afghan-Anglo war (1879-1880), it was Abdul Rahman Khan or the 'Iron Amir' – a descendant of the Ghalzai tribe of the Muhammadzai clan – who initiated the basis for a modern state by introducing 'universally applied administrative and judiciary' regulations and institutions in Afghanistan (Saikal, 2004). However, as Roy (1986) notes, Abdul Rahman Khan's attempt was only to "rationalize the institutions of the state to make them more efficient, without thereby affecting traditional society" (p. 15). The Amir's strategy aimed at building a strong military power, for which purpose he used all other state sectors' resources, including placing the economy and manufacturing at the disposal of the military (Roy, 1986). Islam was declared the religion of the state. Sharia law was enforced in the legal courts and religious leaders or *Ulama* were integrated into his government institutions – policies through which the Amir easily legitimized his power not only within the diverse Pashtun tribes but also with other ethnic minorities (Saikal, 2004). It was his Afghan context-based strategy, to which he owed his popular support, and which guaranteed the survival of his regime for the following two decades (Roy, 1986) & (Saikal, 2004). However, Abdul Rahman Khan's national integration policy was widely criticized due to his discrimination and use of violence against non-Pashtun ethnic minorities, including the forced conversion of Nuristanis to Islam and the brutal suppression of the Hazara's uprising. According to historian Mir Mohammad Ghulam Ghubar (1989/2012), although the Amir had an aggressive policy toward all

local revolts, including Pashtun landlords in the southern Kandahar and Tajiks in eastern Herat who rose up against government tax enforcement policy, his stance towards Hazara minority was discriminatory and ruthless (pp. 663-671).

When Amir[15] (or Shah) Abdul Rahman Khan died in 1901, his son Habibullah Khan became the new Amir. According to historian Amin Saikal, the rule of Habibullah Khan marked a significant shift from the internal family power struggles of the royal family to the beginning of a national revolution against the British invasion and the establishment of the basis for constitutional modernization and state-building reformation in Afghanistan (2004). However, just before achieving his dream of independence, the Amir Habibullah was mysteriously assassinated in a plot and left the throne to his son and successor Amanullah Khan (Rasanayagam, 2003). Amanullah Khan not only achieved Afghan independence in 1919 through declaring *Jihad* (Holy War) against the British invasion (which led to the third Afghan-Anglo war), but also kicked off his father's plans for state and society modernization in a radical form (Ghubar, 1989/2012). Shah Amanullah's modernization strategy was different from that of his grandfather's Abdul Rahman. He not only aimed at reforming the state institutions into a western style bureaucracy, but also intended a radical change in the social, political and economic structures (Saikal, 2004). In 1923 he issued the first Afghan constitution, an absolute monarchy with the structure in place for participatory national and sub-national institutions, including a national advisory assembly (Shura-e-Melli) at the central level and provincial and district councils at the sub-national level (Constitution of Afghanistan , 1923). The national assembly and sub-national councils had a consultative and legislative role. Their representation was half democratically elected, and half appointed

[15] The title Amir which literally means leader in Arabic was taken from the Islamic culture of the Prophet Mohammad. For legitimacy reasons the Afghan King or Shah titled himself the Amir or leader of the faithful.

by the central government (Constitution of Afghanistan , 1923). Inspired by the western or Weberian state bureaucracy, King Amanullah also formed a 'well-structured' ministerial cabinet, including a prime minister at the national level and assigned governors and bureaucrats at the provincial and local levels (Saikal, 2004). Through socio-economic infrastructure and development programs and projects, the King attempted to congregate Afghanistan's scattered 'micro-societies' into a sovereign 'nation-state' (Saikal, 2004). His modernization reform was partly inspired by Turkey's revolutionary leader Kamal Ataturk, who had close ties with the king, but as a believing Muslim, Amanullah aimed at integrating the socio-religious Afghan society into western institutional modernization (Saikal, 2004). While Islam and its main principles remained as the defining principle for the state-society relations, the new constitution, known as the 'basic code', and its subsequent laws distinguished itself from the outdated and traditionally-Islamized rules and norms and established relatively secular ones (Saikal, 2004). Establishing schools for both girls and boys with a secular educational curriculum, sending female and male adults for higher education abroad, and calling for equal social rights for women were among the new initiatives, highly sensitive in the traditionally male-dominated Afghan society (Saikal, 2004).

At the sub-national level, the King also took bold reforming measures against the tribal chiefs and khans who in the past enjoyed local autonomy and were conditionally submissive to the central government orders (Ghubar, 1989/2012). By abandoning all free privileges and gifts to tribal elites and local chiefs, the new King attempted to integrate them into the sub-national government bureaucracy with new roles and responsibilities, along with new checks and balances. He also took a strict stance against religious leaders or Ulama. Curbing their areas of influence, the King introduced judicial courts with a relatively loose Sharia law mingled with western secular codes (Ghubar, 1989/2012). Thus, it is not surprising that his reforming agenda had little buy-in among the

tribal and religious elites who crystalized social unrest and stirred mass-uprisings against the King across the country, particularly among the underdeveloped rural population.

According to some historians, King Amanullah made some grave mistakes in his domestic and foreign policies, that brought a halt to his reforming agenda and ultimately resulted in his overthrow from the power. The visionary King failed to acknowledge the social fabric of Afghan society – a complex weave of tribal norms and traditional Islamic values (Ghubar, 1989/2012), (Rasanayagam, 2003) and (Saikal, 2004). His speedy and radical modernization policies proved antagonistic toward local values and customs. For instance, upon his return from Europe – where he was impressed by the development of the industrial world – the king banned women from wearing veils in public and ordered government officials to wear western uniforms, a bold symbolic move which spread rumors around the country that the king had turned away from Islam and become *Kafir* or infidel (Ghubar, 1989/2012).

Likewise, the extension of close diplomatic and developmental ties with the major western European and regional countries such as Germany, France, Italy, Turkey, Iran, Egypt, and notably Russia, distressed the British empire (Saikal, 2004). These new developments plus the defeat of the British by Afghans in the third Anglo-Afghan war motivated the British Empire to help destabilize Amanullah's power from within (Saikal, 2004).

Consequently, in January 1929, a Tajik militiaman named Habibullah Bache-e-Saqau, backed by local religious elites from north of Kabul, ousted King Amanullah from power and announced himself as the new Amir (Ghubar, 1989/2012). Amanullah escaped with his family to Kandahar and from there to a permanent exile to Italy (Saikal, 2004). With this, the modernization chance which could have changed Afghanistan's destiny forever came to an end. The sociopolitical backfire from which Amanullah suffered, discouraged his successors in the following years, which is why the social gap between the state and society continued at a similar, slow

pace in the following decades as well. In consequence, the Afghan rural population not only remained deprived of socio-economic infrastructure and developments but also continuously remained subject to outdated traditional rules (a mixture of traditional Pashtunwali and medieval age interpretations of Islamic laws). It is not surprising, therefore, that the Islamic radicalization of the 20th and 21st centuries had a better market in the Afghan soil than in that of its birthplace, Saudi-Arabia.

General Nader – a former Defense Minister and diplomat during the reign of Amanullah – returned from self-imposed exile from France, seized power, and publicly hanged Bache-e-Saqau in Kabul (Ghubar, 1989/2012). (It is worth mentioning here that Habibullah Bache-e-Saqau, with almost nine months of limited power in Kabul, was the first non-Pashtun head of the state in Afghan history. He was followed by another Tajik president – Burhanuddin Rabbani, leader of the Jamiat-e-Islami party of Mujahidin – during the civil war in the early 1990s.)

In 1929 again the Loya Jirga played its institutional role by crowning General Nader as the new King. Nader's family tree goes back to the Mohamadzai branch of Barakzai Pashtun (Rasanayagam, 2003). To avoid a similar fate as his Pashtun predecessor, Amanullah, the new King not only slowed down the modernization programs, but also reversed them to a certain degree, notably with respect to policies towards tribal and religious elites and their consensus in government affairs (Saikal, 2004). In 1931 Nader Shah issued a new constitution, creating a constitutional monarchy with a two-house parliament, and the separation of powers with a weight on Sharia law in the judiciary branch (Saikal, 2004). He also appointed tribal and religious leaders to crucial government positions, aiming to win legitimacy to his dynasty. The King also managed to build a neutral and friendly foreign policy towards both great powers – Russia and Britain, and with other regional and European countries. It was in Nader's reign that the United States of America officially recognized Afghanistan, however with no diplomatic ties, as it did not want to

upset the British Empire by interfering in its zone of influence. Though Nader Shah succeeded in maintaining a broad political balance both at home and abroad, his antagonistic and 'eliminating' policy against some political elites eventually resulted in his assassination (Rasanayagam, 2003).

3.4 The First Afghan 'Democracy' (1964-1953)

In 1933, following the death of Nader Shah his 19-year-old son Mohammad Zahir ascended to the throne (Saikal, 2004). However, the de-facto power was seized by Nader's brother, Mohammad Hashim, who was Prime Minister under Nader and remained in that position under Zahir. Hashim controlled both domestic and foreign politics and treated Zahir Shah merely as a ceremonial figurehead until Hashim retired in 1946 (Saikal, 2004). During this period, Prime Minister Hashim took advantage of the opportunity to empower two of his other nephews, Mohammad Daoud and Mohammad Naim, who both played significant roles in Afghan politics in following decades. Daoud who was also King Zahir's cousin and brother-in-law is known as the second most ambitious modernization leader in Afghan history after King Amanullah. A convinced Pashtun nationalist, Daoud not only made efforts to reform and modernize state institutions, but also tirelessly fought for the claim of Pashtunistan and the Durand Line[16] (Saikal, 2004) – the disputed border between Afghanistan and Pakistan.

[16]. The Durand Line was demarcated by the British Empire in 1893 as the buffer zone and border between British-India and independent Afghanistan. The Line also divided tribal Pashtuns. With the end of British colonialization in Indian continent and the creation of two independent states, Pakistan and India, in 1947, the disputed Durand Line, by then marked off the North West Frontier Province (NWFP), and the five Pashtun tribal Agencies were integrated into the newly Muslim established Pakistan. Afghan governments have never accepted this line as an international border with its neighboring Pakistan, but have called either for this region's reintegration into Afghanistan or for its establishment as an independent Pashtun state. The dispute over the Durand Line remains unresolved to this day. Although not discussed in the public agendas of both states, it remains one of the critical background factors in contemporary security and political tensions between Afghanistan and Pakistan.

In his capacity as Defense Minister and later as Prime Minister (between 1953-63), Daoud Khan repeatedly threatened Pakistan in defense of his fellow Pashtuns on the other side of the Durand Line. His Belligerence towards Pakistan caused economic stagnation for Afghanistan when the border – a key trading route, which most of the Afghan economy relies on to this day – was closed. The Afghan government's dependence on the trading route with Pakistan and the King's concerns for the stability of his reign, led to increasing tensions between the Prime Minister and the King, which finally led Daoud to resign from Prime ministership. By that time, this charismatic, modernizing, and nationalist leader had already built up unprecedented popularity among the Afghans, particularly among the ethnic Pashtuns, who made up the backbone of the Afghan army (Saikal, 2004). His popularity later facilitated Daud's return to power.

Daoud's exit from political scene signified King Zahir's awakening from political passivity. Seizing de-facto power of his kingdom in his own hands, King Zahir assigned a committee of highly qualified experts to lay down the foundation for a new democratic constitution for Afghanistan (Rasanayagam, 2003). After a deliberative discussion and genuine scrutiny of the prepared draft by the members of the Loya Jirga, the new Afghan constitution was endorsed on October 1st, 1964 (Rasanayagam, 2003). In comparison to previous constitutions, the 1964 constitution is known as Afghanistan's first democratic and inclusive document. In part one, article one, the word Afghan (which historically referred only to Pashtuns) was applied to all individuals living and holding citizenship in Afghanistan (Rasanayagam, 2003). In theory, the new constitution also ensured the fundamental rights of all individuals and the equality of Afghan citizens before the law with no gender, race, ethnic or religious discrimination. Alhough the new constitution declared Islam as the religion of the state, the courts would apply Sharia law only when there was no state law on the matter in place (Constitution of Afghanistan, 1964, article 102).

Freedom of religion for non-Muslims – in this case the Hindu and Sikh minorities, who predominantly reside in Kabul and earthen Nangarhar provinces – was also assured by the new constitution, however with limitation 'determined by laws for public decency and public peace' (Constitution of Afghanistan, 1964, article 2).

The 1964 constitution also endorsed a bicameral parliament or *Shura* in which members of the lower house or *Wolesi Jirga* were exclusively elected representatives from across the Afghan provinces. Members of the upper house or *Meshrano Jirga* were composed as follows: one third from the provinces, one-third provincial councils and the remaining one-third appointed by the King, 'from amongst well-informed and experienced persons' (Constitution of Afghanistan, 1964, article 45). (Rasanayagam, 2003) The prime minister, who was appointed by the King, had to introduce the cabinet ministers to the *Wolesi Jirga for a vote of confidence,* after approval by the King. According to the new constitution, the Royal family had no right to hold government positions (Constitution of Afghanistan, 1964).

Based on the principle of centralization, the 1964 constitution defined the province as the unit for sub-national administration, in line with major public service delivery ministries of the central government. Elected provincial and municipality councils had an advisory role to the centrally appointed sub-national governments only (Constitution of Afghanistan, 1964).

3.5 The Formation of First Afghan Political Parties

In theory, for the first time in history, the right to freedom of expression, a free press, and the formation political parties was also established in the 1964 constitution. However, a separate law on the press was passed in 1965, in which the press was subordinated to the higher authority of 'Islam and constitutional monarchy' (Rasanayagam, 2003).

Though unofficial and limited only to intellectual circles, the first Afghan political movements had come into existence in the early 1950s, including the *Wikh-Zalmayan* (awaked youth), primarily a nationalist movement led by Daoud Khan; the Watan (Motherland), anti-monarchy liberal leftists; and Nida-e-Khalq (the voice of people), leftist Tajik intellectuals (Saikal, 2004). Despite no provision of subsequent law on the status of the political parties, the 1964 constitution opened the door for an official formation of these political parties and encouraged both Islamists and Marxist-socialists to form alliances along their already existing movements (Rasanayagam, 2003). The People's Democratic Party of Afghanistan (PDPA) or Hezb-e-Demokratik-e-Khalq – a convinced Marxist-socialist movement backed by the USSR – officially formed in 1965 and soon split along personal lines into two separate parties: The Parchami (the Banner) branch of PDPA led by Karmal, and the Khalqi (the People) branch of PDPA led by Taraki and Amin in 1967 (Rasanayagam, 2003). Although PDPA contained some significant non-Pashtun ethnic minorities, friction during its early period led to the birth to two other major ethno-based parties in 1966, including a Tajik-based *Sitam-e-Mili* or the national oppression party, aimed at anti-Pashtun domination, and 'a pro-Beijing' Maoist party initiated by Dr. Mahmoodis aiming at (mobilizing the Hazara ethnic group for equal social rights in the Afghan society (Rasanayagam, 2003).

In response to these new developments, in 1965, the Islamists also established their first political party of *Jamiat-e-Islami* or 'Islamic Society' under the leadership of Ghulam Mohammad Nyazi, later Burhanuddin Rabbani – both Cairo-based Al-Azhar Islamic University graduates (Roy, 1986) & (Rasanayagam, 2003). The Egyptian *Al-Ekhwanul Muslimin* or the Muslim Brotherhood of Hassan Al-Bana was the ideological source for the Afghan Jamit-e-Islami party (Roy, 1986).

Angelo Rasanayagam asserts that the Afghan Jamiat-*e-Islami* party was not rooted in the so-called 'traditional Afghan religious

establishment' or *'Ulama*', but was pioneered mainly by Kabul University professors and students who were partly educated in state-sponsored programs abroad, including in Egypt and the Indian subcontinent (Rasanayagam, 2003, p. 50). Headed by Sibghatullah Mujadidi, the traditional Ulama formed their political party in 1970. Mujaddidi was affiliated with the Naqshbandiyya writ of the Sufi brotherhood (Roy, 1986, p. 47).

Although initially unpopular and limited only to the capital Kabul and few other major towns, it was PDPA, backed by the USSR, that took control of Afghan politics in the late 1970s and ruled in a manner antagonistic to the Islamists movements, which ultimately led to an uprising and then the Russian invasion.

However, following the Soviet Union's invasion of Afghanistan, not only the traditional Ulama and the Intellectuals Islamists build alliances, but also fundamentalist Wahhabis from Saudi-Arabia and other Muslim countries reached out to fight for the same cause against Godless communism (Roy, 1986, p. 47). As mentioned earlier, on principle, the movement was established to oppose not only the communist regime but to align the Afghan society under one umbrella of the Islamic Ummah (Muslim community in the whole world). However, it did not take long before the *Jamiat-e-Islami* members, including Burhanuddin Rabbani, Gulbuddin Hekmatyar, Ahmad Shah Massoud, and Abdul Rabrasul Syaf formed their own individual Sunni-sect Islamic movements along ethnolinguistic lines (Griffin, 2001). According to William Maley (1998), the flow of arms and financial assistance from the United States and Saudi Arabia motivated prominent leaders to compete for a larger piece of the pie, which subsequently caused the birth of dozens ethnolinguistic parties in the ground. Inspired and backed by the Iranian Islamic Revolution of Khomeini, the Hazaras ethnic minority also formed several political parties based on Shia-Islamic ideology including Al-Nasr "victory" and Sepah-e-Pasdaran "Revolutionary Guard Corps" in Iran and the Hazarajat region of Afghanistan in 1979 (Amstutz, 1986, pp. 116-118). In 1989, when

the Soviets were forced to withdraw, the Khomeini regime in Iran urged all Hazara parties to consolidate under one armed and political movement of Hezb-e-Wahdat Islami “Islamic Unity Party” led by Ali Mazari (Griffin, 2001, p. 23) & (Razaiat & Pearson, 2002).

3.6 The Radical Shift from Monarchy to Republicanism, and the Failed Attempt of Communism

Zahir Shah’s democracy and state-building reform experiment was in its first phase of implementation in July 1973 when his own cousin and brother-in-law Dauod ousted him from power (Saikal, 2004). Dauod Khan declared republicanism and put an end to the Afghan monarchy. Historians have noted that the *Parchami* fraction of PDPA unofficially facilitated the coup for Dauod. Since PDPA was a Soviet-funded party, it is clear that the Russians were behind the masterplan (Rasanayagam, 2003) & (Saikal, 2004). In return for their support, Daoud appointed Parcham members to high-level government posts including positions as cabinet ministers in the early days of power. However, when his relations turned sour with the Soviets, he gradually purged Parchamis from power. According to Saikal (2004), Dauod was not ideologically a communist, but a ‘nationalist reformist' who only used the PDPA for seizing power. In the days following his revolt, he initiated ‘17-strong' commissions of executive power which in return elected Dauod as president, chancellor, foreign minister, and defense minister of the new Afghan Republic (Saikal, 2004). After seizing full political power, Dauod quickly kicked off his reform agenda, declaring Zahir's regime ‘despotic' and ‘anarchy,’ suspending the constitution and the parliament, and regulating state affairs through presidential decrees (Saikal, 2004). Based on the principle of centralization, Dauod aimed to extend the state bureaucracy and public services beyond the urban cities to the far-reaching rural areas of the country. He planned a modernization strategy for over 25 years, including a ‘Seven Year Development Plan' which contained major infrastructure and mining

projects for the country (Saikal, 2004). Historians note that Dauod was genuinely committed to institutional reform and aimed for a progressive and modern Afghanistan. However, his lack of tolerance toward his political opposition, both at home and abroad, caused him and his regime a short life (Rasanayagam, 2003) & (Saikal, 2004). He oppressed or killed anyone who threatened his establishment. He sided with the PDPA in curbing Islamists at home through political repression and target killings (Saikal, 2004). Dauod re-raised the cause of Pashtunistan for 'self-determination', and provided the Baluch separatists training comps inside Afghanistan, which made Pakistan respond by providing safe haven to the leading Afghan members of *Jamiat-e-Islami* (Griffin, 2001) & (Rasanayagam, 2003). His heavy financial dependence on Soviets led them to demand that he establisah a pro-communist regime, sharing power with PDPA. (Rasanayagam, 2003). Frustrated, Dauod officially stressed his friendship with the Kremlin, but not only purged PDPA members and sympathizers from government positions, but also extended his hand for assistance from an anti-Russian block - Iran, the Gulf countries, and the United States (Saikal, 2004). This reckless move in the heat of cold war convinced the Soviets to remove Dauod and install their long time invested party – The PDPA (Saikal, 2004). The Russian backed communist PDPA revolution was followed by continuous inner-circle coups and assassinations and eventually by the Soviets' direct intervention in 1979 (Saikal, 2004).

The toppling of the Dauod regime in 1977 could be marked for Afghanistan not only as the halting point for a social-economic and state institutionalization and modernization reform, but also a radical reverse from the late 20th century to medieval times. Although the communist regime's state and society reform agenda had little difference from that of Dauod Khan, its ideological approach and implementation were in direct conflict with the social fabric of a predominantly traditional Islamic society. The core of PDPA's reform scheme encompassed: spreading literacy, improving

agriculture through land reform, and strengthening state institutions, but less for the sake of the Afghan people than for the cause of Marxist ideology (Roy, 1986). Hence, once again the regime was not welcomed but promptly faced resistance from all classes of the Afghan society, including the Muslim clergy, university teachers and students, and even ordinary landlords. The PDPA replied with brutal oppression and mass murder, causing more local resistance, and ultimately national armed revolt (Ibrahimi N. , 2009). According to the 1991 Human Rights Watch report, the ruthless Afghan communist regime and the subsequent Soviet invasion cost over a million Afghan civilians' lives, with five million others forced to migrate into the neighboring Pakistan and Iran (Human Rights Watch, 1991).

3.7 Islam and the State in Afghanistan: from 'traditional fundamentalism' to 'political Islam', and to fundamental extremism

Throughout Afghanistan's modern history, Islam, mingled with local tribal and traditional customs, remained the dominant religion, culture and ideology in the country. The Umayyad and Abbasid caliphates brought the religion of Islam to the area of today's Afghanistan between the late 7th and in the early 8th century (Gibb, 1923). However, local traditions, including Hinduism, Buddhism, and Zoroastrian, remained the main practices of the region until the late 9th century (Azad, 2017, pp. 44-47). It was the 'Ghaznavid conquest of the eleventh century' in that transformed the today's Afghanistan and its surrounding geography 'into the dar-Islam (the realm of Islam)' (Azad, 2017, p. 47). Today it is hard to access accurate statistics, but according to Roy's 1986 publication, in addition to only 'a few thousand Hindus and Sikhs', 80% of the Afghan population followed the Sunni sect of Hanafi jurisprudence and the rest the Shia sect Jaffari jurisprudence (p. 30). By the late 20th-century, decades-long conflict and forced-migration had

certainly brought large variations to the given statistics by Roy. In comparison to neighboring Pakistan, or to Iraq's bloody religious sectarian conflicts, the Afghan Sunni and Shia Muslims have lived in relative peace with each other until the present. The only exception was during the Sunni orthodox Taliban regime, which not only discriminated against the Shai-Hazara minority, but also forced a large number of Hindus and Sikhs to leave the country (Rashid A. , 1998) & (Silinsky, 2011). Likewise, Afghanistan was historically also home for a considerable number of Jews, who mostly resided in the capital Kabul and the western city of Herat. By the late 20th century most Jews had migrated either to Israel or the United States, and by the early 21st century, none remained in Afghanistan (Silinsky, 2011, p. 672).

In Afghanistan, Islam is mixed with the local cultural norms, particularly with the tribal code of Pashtunwali, and in some instances, Islam comes second to local customs when dealing with matters concerning daily life. For example, the Badal custom *Badal*is still practiced mainly in rural areas of the country, especially in the Pashtun population. The word *Badal* in Pashtu language means revenge, or in exchange. It is a conflict resolution method, often applied in a murder case. To end a conflict between two families or clans, an unmarried female relation of the murderer is married to a male relation of the victim. Sharia law strongly prohibits this act, yet it is a locally accepted norm.

According to Arezou Azad (2017) 'the medieval Afghan society' has not adapted itself to the Arab 'finished product' of Islam, but rather the Islamic religion has had to integrate locally, a circumstance that has resulted in 'the multiple version of Islam in Afghanistan' (p. 55). The various mystic sects of Sufism, the traditional fundamentalism of the Sharia law of Ulama, the reformist political Islamism of Mujahidin (Roy, 1986), and the traditional fundamental extremism of Taliban are the versions of Islam, through which the Afghans rulers (Amir Abdul Rahman Khan in 1880, Amir Habibullah Bach-e-Saqau 1929, Mujahideen in 1992, Taliban in

1996) gained political legitimacy for building the state. Moreover, Islam was the driving force behind bitter efforts to oust foreign invaders from the Afghan soil (three Afghan-Anglo wars during the mid-19th and early 20th century, the Soviets between 1979-1989, and the post-2001 Taliban insurgency continuing to the present). Likewise, any state modernization attempts that presumably contradicted or disrespected local cultural and religious norms met with bitter resistance that resulted in overthrowing Afghan rulers (Amanullah Khan1923) and regimes (Communists PDPA 1977-1991).

According to Roy (1986), historically the Islamic religion has evolved from traditional fundamentalism in the 18th and 19th century, to the political Islam of Jihadism in the mid-20th century, to what he also called the popular religions in the Afghan political context (p. 31). Maley (1998) states that the emergence of the Taliban in the late 20th century was the rebirth of the traditional fundamentalism of the Afghan Ulama. For the sake of clarification of the subject and drawing its specific distinctions and origins, others describe Taliban as traditional extremists. Although all three forms share the Islamic fundamentals of the Quran (the Muslim holy book) and Hadith (tradition of the Prophet Mohammad), there are different understandings and interpretations of the religious texts and sources. The distinction made by Oliver Roy (1986) between the different religious 'forms' including "the legal orthodoxy of the Ulama[17], the mysticism of the Sufis, and the political Islam of the Islamists" in the late 20th century in the Afghan context is a matter of importance in this regard (p. 30). Since the traditional Afghan *Ulama* approve of Sufism (Islamic mysticism) and some of them are simultaneously both *Sufi* (a follower of the mysticism) and *Alim* (a scholar in Islamic law), Sufism is listed as traditionalist, whereas the fundamental Arab

[17] Ulama is the plural form of 'Alim' literally means a scholar, and in this Islamic context, refers to someone who studied the Islamic law or Fiq. For more please see "Islam and Resistance in Afghanistan" (p.10), Roy, Olivier, 1986, Cambridge: Cambridge University Press

Wahhabism (1986, pp. 38-39), and the traditional extremists disapproved of mysticism in Islam. For example, the Taliban strictly prohibited the Sufi from practicing their rituals in public, which caused the Afghan Ghailani family of Qadiriyya and the Mujaddidi of Naqshbandiyya to go into exile in Peshawar, Pakistan.

The traditional Afghan Ulama are predominantly followers of the Deobandi school of Islam, who until the mid-19th century, regularly traveled to the Indian-subcontinent to obtain their Islamic education in Deoband Madrasa[18], with some of those in northern Afghanistan attendimg the 'Diwan Begi' Madrasa in Bukhara (Roy, 1986). Following the partition of India and the creation of an independent Islamic Republic of Pakistan in 1947, Peshawar – the capital of the north-west frontier province and the home for various chains of Madrassas including the Deobandi school of Islam – became the center for Islamic education for the Afghan *Ulama* (Roy, 1986, p. 47).

The Deoband Madrasa or 'Dar-al-Ulum' is an Islamic religious 'seminary' named after the township of *Deoband* near Delhi, India, which was founded by Mawlana Qasim Nanuatwi in 1866 (Miftahi, 2012).The creation of Deoband aimed at consolidating the fundamental teaching of Islam through the strict interpretation of the holy book (Quran) and the sayings and tradition (Hadith) of Prophet Mohammad for the sake of Muslim *Umma* (community) fate in British-Indian (Metcalf, 1982). About the teaching curriculum at Deoband Madrassa Roy (1986, p. 57) writes:

> comprised 106 books having to do with theology (according to Ashari doctrine), the commentary on the Quran, the Hanafite *fiqh*, and the hadith, and also included Arabic and Persian grammar, literature, Greek and Arabic philosophy, astronomy and medieval geometry, the branch of medicine known as Greek (Yunani) and logic.

[18] Madrassa literally means a school or educational institution in Arabic and Farsi, however, in the Afghan context, it connotes primarily a religious school.

Upon the completion of their studies at Deoband, the Afghan Ulama were to open their local 'private' Madrassas throughout the country, particularly in the rural regions of Afghanistan (Roy, 1986). Hence, it provided both the legalistic and mystic religious elites a significant legitimacy and influence on their communities, and in some instances, a role superior even to that of the tribal elders in matters concerning state and society (Roy, 1986). Although the Afghan Ulama did not form their political parties until in the 1960s, they have long played an active legitimacy role in the Afghan politics. For example, Abdul Rahman Khan (1880-1901) urged the Afghan Ulama to preach Jihad against the British infidels and proclaimed himself Amir (commander or leader in the religious context) (Rasanayagam, 2003, pp. 11-12). Likewise, the overthrow of King Amanullah by Habibullah Bach-e-Saqau in 1929 was directly supported by the traditional Afghan Ulama (both the legalistic and mystics) in accord with their tribal alliances (Roy, 1986) & (Saikal, 2004). When Bach-e-Saqau took over Kabul, "he was crowned king with the title of Habibullah' (friend or beloved of God) by the *pir*[19] of Taqao[20]" (Roy, 1986, p. 66), and in return, he exclusively placed his nine months (17th January-13th October 1929) limited kingdom and treasury at the service of religious elites (Saikal, 2004). However, King Nadir (1929-1933) on the one hand, hanged Bach-e-Saqau for his revolt against the state, and on the other hand integrated the Ulama into his judicial system, a punish and reward policy through which Nadir not only controlled the religious elites, but also gradually decreased their area of influence in his state politics (Roy, 1986, p. 47) & (Saikal, 2004).

The penetration of communist ideology into the thought of trained intellectuals in the Afghan sociopolitical context caused the birth of political Islam of the Islamist variety in the mid-20th century in Afghanistan (Roy, 1986) at a time when many young Afghan

[19] Pir is a religious leader in the Sufi tradition of Islam.

[20] or Tagab, a district of northern Kapisa province in Afghanistan.

graduates were returning home from foreign universities, among them the leading Al-Azhar Islamic University in Cairo, Egypt. Dr. Gholam Mohammad Niyazi was among those returnees and, upon his arrival, became dean of the theology faculty of Kabul University (Roy, 1986) & (Saikal, 2004). The Islamic theology faculty establishe at Kabul University in 1951 by the Afghan government had direct links with the Al-Azhar, University of Cairo. It aimed not only to institutionalize Islamic studies along with secular education, but also to draw a line between the traditional clergy of Madrassa and the reformist and moderate Islamists (Roy, 1986). The reformists had attracted students from other scientific studies, including Gulbuddin Hekmatyar and Ahmad Shah Massoud, students at the Polytechnic engineering university in Kabul who went on to build resistance movements against the Soviets in the 1980s (Roy, 1986). According to Roy, the Islamic reformists, Jamiat-e-Islami of Burhanuddin Rabbani and Hezb-e-Islami of Gulbuddin Hekmatyar, were critical of the traditional clergy or Ulama (Roy, 1986, p. 69), who felt obliged to serve only Din (religion) and to follow a Muslim 'Hakim' or 'Amir' (ruler or leader), in contrast to the Islamist belief in ruling the state by reforming and politicizing the Islam religion.

The origin of the political Islam ideology of the Afghan Islamists, later Mujahiddin, according to Roy (1986), has come primarily from the 'Egyptian Muslim Brothers' in Cairo, but also from the teaching of Indian-subcontinent based Sayyid Abul Ala, Maududi (p. 68). Maududi's ideology starkly confronted nationalism, capitalism, and socialism and sought a Pan-Islamism, but he also distanced his teachings from traditional Islam by redefining the relation of faith to state and society (Nasr, 1994, p. 8). According to Seyyed Vali Reza Nasr (1994), it was the 'revivalist' Maududi, who in 1941 formed the first Islamic political party of Jamiat-e-Islami (Islamic Society) or JI in India, and who viewed politics as an inseparable part of the Muslim faith. For Maududi the fate of Islamic religion was dependent upon politics. He was for the establishment of an Islamic

caliphate, but more in the form of a modern state, compatible with western-style democracy and denouncing social classes and violence. Similarly, he criticized the 'latitudinarian tendencies of Sufism' by emphasizing necessary reformations. The Pan-Islamism doctrine of Maududi was against the Indian partition, but when Pakistan was established, Maududi moved his JI party from the Pathankot of India to the Pakistani city of Lahore, and from there his ideas spread to other major cities of the country including Peshawar (Nasr, 1994, p. 12).

In the 1980s, the Maududi Jamiat-e-Islami actively helped to mobilize the Afghan Mujahideen with arms and funds, and enrolled their children at madrasas in Peshawar and Baluchistan (Nasr, 1994).

Through their modern Islamist ideology and guerrilla warfare, the Afghan (Mujahideen) not only drove out the Russian super power and overthrew their communist regime, but also marginalized the traditional Ulama from the central political scene. For example, the main political parties who fought over power in Kabul were the Islamists Rabbani-Masud, Hekmatyar, Mazari, and Syaf. However, according to Roy (The Failure of Political Islam , 1994), the Afghan Islamists failed to establish a functioning state based on Islamic ideology. Pointing to the post-Soviet fractured Mujahedeen government, Roy (1994) writes: "Thus the politicization of traditional society in Afghanistan both by war and by Islamism has produced only one form of relatively modern politico-military organization: the Masud System", which was "not an effective political model" (p. 166).

It was this political failure and the subsequent barbaric warlordism which facilitated the rebirth of traditional fundamentalism, yet this time in its extremist form. Although the exact root of the Taliban's fundamental extremism remains unclear, according to Maley (1998), 'the social and doctorial roots' of the Taliban are mainly derived from the traditional Ulama of Deoband, with its leadership comprised of the madrassa teachers and its soldiers drawn from the

students (1998, pp. 14-15). Furthermore, according to Maley (1998), Rashid (1999), and Saikal (2004) the movement's ideological thread goes back to the Pakistani-based Jamiat-e-Ulama-e-Islam (the Islamic Society of Ulama) of Maulana Fazul-ul Rahman (JUI-F), from which the Taliban received substantial political and technical support during its time in power between 1994-2001. The Jamiat-e-Ulama-e-Islam is one the of largest mainstream Islamic political parties in Pakistan which follow the Deoband strict traditional school of thought (Amin, 2014, p. 127), and has distinguished itself considerably from that of Maududi's moderate JI (which supported the Mujahideen resistance in the 1980s (Nasr, 1994). The JUI-F leadership and members are predominantly graduates of the traditional madrassas, and the party receives its political support from the lower social class, while the JI leadership structure is composed of university intellectuals and is mainly backed by the middle-class Pakistanis (Amin, 2014, p. 127). Moreover, although both parties follow the Hanafi jurisprudence, unlike the JI of Maududi, the JUI-F has a strict stance vis-à-vis the Shia Muslims and the role of women in the society (Rashid A. , 1998). During their regime between 1996 and late 2001, the Taliban strictly applied JUI-F ideology in Kabul.

Although the Taliban's origin is often linked to the traditional Ulama of Deoband, they departed from that tradition in the implementation of their extreme Sharia system. The Taliban opted for the full implementation of the medieval Islam and sharia system, disqualifying the political Islam of the Mujahideen, and discarding Sufism and the Shia sect of Islam, while the traditional Afghan Ulama of the 18th and 19th and mid-20th century not only bestowed legitimacy on the Afghan rulers and regimes but also were both Ulama and Sufis, who respected the local traditions and the minority cults of the Afghan society. Likewise, the consolidation of the Taliban with the Wahhabi Usama bin Laden's Al-Qaida organization, in 1996 (Saikal, 2004) is another sign of the Taliban's departure from its traditionalist origins.

Thus, the Taliban version of Islam is a significant shift from traditional fundamentalism to fundamental extremism. Moreover, the conclusion can also be drawn, that due to the relatively identical socio-religious patterns of the region, throughout Afghanistan's modern history, all forms of Islamic ideologies (the traditionalists, Islamists, and extremists) have made their way to Afghanistan from the Indian subcontinent, particularly from today's Pakistan. Furthermore, although these ideologies substantially affected the Afghan socio-political culture and structures, due to the ethnic, religious, and cultural heterogeneity of Afghan society, none of the Islamic ideologies have managed to build an entirely legitimate political order in Afghanistan. Since the Afghan Islamists of the 1979-1996 period and the Taliban extremists of 1994-2001 have actively fought to establish their version of Islam state in Afghanistan, it is essential to have a brief review of their regimes in the following pages.

3.8 The Afghan Resistance and the Failure of Political Islam

The Afghans who took refuge from the brutality of the communist regime in neighboring Pakistan and Iran were soon mobilized by the American Central Intelligence Agency (CIA) to launch a *Jihad* "holy-war" based on Islamic ideology against the Russian invasion and their Marxism-Leninism ideology in 1979 (Roy, 1995, p. 79). Certainly, Islamic parties (discussed in the earlier section) came in the forefront, taking the leadership of the Afghan *Mujahideen* "holy warriors or freedom fighters". The CIA and Saudis assigned Pakistani Inter-Services Intelligence (ISI) to recruit, train and supply Afghan Sunni fighters on the ground (Saikal, 2004). The Islamic regime of Khomeini in Iran - as the major neighbor to the west of Afghanistan – funded the Shia Afghans to fight the Russian red army and its 'puppet' regime on the front line (Saikal, 2004).

When the Soviets troops withdrew in 1989, the subsequent Geneva Accord[21] (GA), based on the Afghan Interim Government (AIG), failed to align all resistance parties in an all-inclusive and broad-based political settlement in Kabul (Saikal, 2004, pp. 200-208). The Soviet-backed Dr. Najibullah government collapsed in April 1992, and the Mujahideen declared Afghanistan an 'Islamic State" for the first time in its history (Rasanayagam, 2003). The Mujahideen government appointed Sebghatullah Mujadidi for two months, who was followed by Burhanuddin Rabbani head of the Jamiat-e-Islami party (Saikal, 2004). Gulbuddin Hekmatyar, head of the Hezb-e-Islami party never agreed to the new power establishment, in which his chief rival commander Ahmad Shah Massoud was appointed as defense minister (Rasanayagam, 2003). As a result, Hekmatyar stormed Kabul with rockets, killing thousands of Afghan civilians (Saikal, 2004). The failure of the Geneva Accord led to a disastrous civil war between several fractured Mujahedeen parties throughout the country. Although having limited territory (few northern provinces) under his control, Rabbani remained the official president of Afghanistan with the UN until the fall of the Taliban regime (Saikal, 2004).

The political immaturity of the *Mujahideen* leaders and their ethnolinguistic and Sunni-Shia sectarian divide, made them easy pawns for the external secret service intelligence of Pakistan, Saudi Arabia, and Iran, who dragged Afghanistan to a bloody civil war. The Mazari led *Wahdat* forces seized power in the central *Hazarajat* region. It also controlled the *Hazara* populated zone of western Kabul city which led to street to street clashes with the Saudi-sponsored *Ittihad-e-Islami* "Islamic Union" party`s armed forces of Abul-Rassoul Sayyaf.

Since 1992, the Mujahedeen "warlord militias" on their part committed worse kinds of human crimes, including murder, rape,

[21] A UN-led peace settlement between the Pakistan government and the PDPA regime which facilitated Soviet withdrawal from Afghanistan in 1988. See more (Saikal, 2004, pp. 200-201)

abduction, forced labor, looting, and destroying Kabul city to ruin[22] by their street fights and blind rockets (Human Rights Watch , 2005). Afghanistan changed to a base of small fiefdoms controlled by local warlords, loyal to their own ethnolinguistic parties, who in return gave them financial and military support. It did not take too long before the chaos of this period paved the way for the rise of yet another medieval movement under the banner of Islam – the Taliban regime.

3.9 The Islamic Emirate of Taliban (1994-2001)

The Soviet withdrawal left no valid excuse for the US to stay in the region, so the fate of crucial Sunni Islamic parties of Mujahideen was handed over to the US's major allies: Pakistan and the Saudis (Saikal, 2004). Pakistan preferred *Hezb-e-Islami* (the Islamic Party) of Gulbuddin Hekmatyar – a predominantly Pashtun ethnic party – and provided it with financial and military support to take control of the Rabbani-Massoud government in Kabul (Rasanayagam, 2003). With the passage of time, the Hezb-e-Islami party led by Hekmatyar showed incompetence in achieving Pakistani goals, so the Taliban became the right alternative for Pakistan to invest in (Saikal, 2004). In the meantime, the Rabbani-Massoud government was heavily dependent on India, Iran, and Russian military and financial assistance (Griffin, 2001).

In 1994, a small group of Madrasa (religious schools) students or "Taliban", mobilized by their instructors – who were ex-Mujahedeen who had fought against the Soviets in the 80s and had continued their education in Madrassas when the war ended – rebelled against the atrocities and 'lawlessness' of the local warlords in the southern Kandahar province (Rashid A. , 1999). In another account, according to Saikal (2004), the Taliban were trained and sent by the Interior Ministry of Pakistan to provide security for their cargo transport via

[22]. It is worth noting here, that the author migrated to neighboring Pakistan as an eight-year-old child, not because of the Russian invasion, but to escape the street fights of the Mujahideen parties in Kabul city in 1992.

the Chaman-Spinboldak border to Central Asia – a test-mission in which the Taliban succeeded. After that the Taliban were mobilized to topple the predominant Tajik government in Kabul. Although there remains no doubt that the Pakistani military plus ISI supported the Taliban, when and how this support began and whether or not the Taliban were a self-emerging group from the first is unclear. Certainly, there were some major ex-Mujahedeen fighters among the Taliban who, after the withdrawal of Soviets, laid down their arms and either returned to normal life or continued Islamic education in Pakistani Madrassas (Rashid A. , 2000). For example, Mullah Mohammad Omar, leader of the movement, and later *Amir-ul-Mumeneen*, "leader of the faithful" of the Islamic Emirate, who was an ex-Mujahedeen commander of *Hezb-e-Islami* (led by Maulavi Mohammad Yunis Khalis), and also other major Taliban commanders who later were promoted to high-ranking Emirate's posts, had previously served with various anti-Soviet movements (Rashid A. , 2000). At first, the Taliban assured an end to the brutality of warlordism and vowed that peace and security would prevail in Afghanistan (Rashid A. , 1999) & (Rashid A. , 2000). The new movement thus soon won the hearts and minds of the Pashtun-dominated population in the southwestern Afghanistan who had suffered years of conflict and brutality (Goodson L. P., 2011). Under a famous slogan: The End of Evil and Corruption *"Shar-aw-Fesad"* [23] – referring to the warlords of ex-Mujahedeen – the Taliban

[23] It is worth mentioning, that on the eve of 26 September 1996, the author himself was in Qarabagh, a district in the north of Kabul province, where the Northern Alliance forces of Ahmad Shah Massoud left Kabul city towards the north of Afghanistan. Massoud's caravan which included all possible military personnel and civilian vehicles that were overloaded with ex-mujahedeen and their families who feared they would have no future if they stayed behind. Late in the afternoon of the following day the Taliban forces marched toward north Kabul in a long convoy of pick up cars, tanks, and other heavy military vehicles. The author, 12 years old at the time, came out on the street, along with other kids and elders, to greet the Taliban's arrival and show a gesture of welcome. However, there were mixed feelings of hope and fear, and uncertainty as a whole. The people only heard stories of Taliban heroism from BBC Radio in the past two years, and yet here they were arriving at their villages. The first thing the Taliban did was to denounce warlordism and disarm all militiamen. Those who surrendered themselves were given their arms back to rule and fight

managed to sweep up district after district and province after province until 1996 when they reached the doorsteps of Kabul with their heavy equipped forces (Rashid A. , 2000). It is worth noting that the Taliban did bring security and an end to the warlords' lawless cruelty in all the region under their control. Nevertheless the conditions that they later imposed on the ordinary citizens were suffocating and inhuman. On September 27, 1996, they captured Kabul and swiftly moved towards the north (Rashid A. , 1999). By the mid-1998, the Taliban controlled almost 90% of the Afghan soil, squeezing the Northern Alliance's militias to a limited territory in the north (Rashid A. , 1999) & (Goodson L. P., 2011). By 1997 the Taliban regime was officially recognized as 'the legitimate Afghan government' by Pakistan, and soon thereafter by Saudi Arabia and United Arab Emirates (Saikal, 2004).

It was after the capture of Kabul city that the Taliban removed its savior mask, declaring Afghanistan as an Islamic Emirate, enforcing their version of 'Islamic Sharia law' – a unique style of violence based on an ultra-conservative and literal interpretation of the Quran. The Emirate signed a Sharia police department named 'Amr-e-Belmaruf wa-Nah-e-Anel-Munkar' literally, "the order to do good and refrain from bad or illegal" in all corners of the country. The Islamic Emirate banned women from social life, including going to school and working in government or the private sector. Men were ordered to grow long beards. Photography, films, and music were strongly prohibited, and those who violated the rules were publicly punished. The Sharia police conducted self-style street courts, in which men and women were whipped , beaten and shot for alleged disobedience of Sharia law[24]. Between 1998 and 2001, Taliban forces met with violent resistance mainly from the Shia minority in Hazarajat areas particularly in Bamyan and from Uzbek warlords in

alongside them. As the days went by they started to implement sharia law, lashing, beating, and cutting off hands and fingers, and another horror spread through the town and streets of Kabul.

[24]. The author lived under the Taliban regime in the year 1998 in Kabul city.

Mazar-e-Sharif, where alone 3000 Taliban prisoners were 'summarily executed' by general Malik of the Junbish Mili party of General Dostum (Human Rights Watch, 2001). The Taliban replied with even harsher retaliation, massacring thousands of Hazara and Uzbek forces including civilians both in Mazar-e-Sharif and Bamyan provinces (Human Rights Watch, 2001). Between 1996 and 2001, both the Taliban and the Northern Alliance's forces committed horrific massacres and human rights abuses in the north, particularly in Mazar-e-Sharif (Fatima, 2014, pp. 41-42). According to the Human Rights Watch report, nearly 2,000 civilians, mostly Hazara and Uzbek ethnic were brutally killed by the Taliban in 1998 when they recaptured Mazar-e-Sharif for the second time (Human Rights Watch, 1998). In retaliation, around 3,000 Taliban prisoners were suffocated and shot dead in shipping containers by General Dostum`s militias in a 2001 US-backed operation which is also known as the killing of Dasht-e-Laili[25] – according to Jamie Doran's documentary "Afghan Massacre: Convoy of Death" (2003). These massacres and war crimes tremendously added to the ethnic hostility of Pashtuns vis-a-vis Tajik, Hazara, and Uzbek in the north and the rest of the country. They also fueled the recruitment of Pashtun sympathizers for the resurgence of the Taliban offensive in later years in the south and east, as well as in northern Afghanistan.

Likewise, the poppy cultivation and trade became widespread around the country (Saikal, 2004) – which not only offered the local farmers a better livelihood, but also became a vital source of government income through the imposition of taxes and tolls on farmers and traders (Rashid A. , 2000)& (Rubin B. R., 2002). At the request of the international community during their last year of power, the Taliban banned the cultivation and trade of opium in the areas remaining under their control (Rubin B. R., 2002). In 2004, the international community supported the Afghan government with

[25] A desert in Jawazjan province in northern Afghanistan. It is the capital of Sheberghan and counts as the power-base for General Abdul Rashid Dostum.

funds amounting to 25.5 Million US dollars to ban the harvest of poppy on over 1.5 million Afghan farmers in Helmand, Kandahar, Nangarhar and Badakhshan provinces (United Nations , 2004). Shortly after their fall in late 2002, the re-emerging Taliban insurgency not only allowed but supported the poppy cultivation in the areas of their control, which motivated local farmers and traders to supported the reemergence of the Taliban after US invasion.

The Taliban movement is nothing but the legacy of the joint venture of the United States, Saudi Arabia, and Pakistan on the war against the Soviet invasion in Afghanistan in the 1980s (Rashid A. , 2000), (Griffin, 2001) & (Saikal, 2004). The core of Taliban ideology contains two fundamental principles: a never-ending *'Jihad'* against the infidels, and the implementation of the divine law or *Sharia* in Muslim territories. This notion attracted thousands of Muslim students and warriors from all around the world to fight the Godless communist regime and its Soviet backers in Afghanistan. Among them, of Saudi origin, was Usama Bin Landen of Al-Qaida (Rashid A. , 2000) & (Saikal, 2004). The Soviets withdrew, but while Pakistan had a strategic stake in the area (threatening India in the border with Kashmir and using that conflict as a proxy to gain a pro-Pakistan regime in Kabul), it continued to breed new multi-national Jihadists including Afghans, Pakistanis, Arabs and Chechens in its Madrasas and training comps (Rashid A. , 2000). When the Taliban movement gathered momentum, with fighters pouring into Afghanistan from the Pakistani Madrassas and training camps, Pakistan publicly supported the new Islamic Emirate and lobbied for it around the world (Saikal, 2004). Pakistan was the key architect behind the Taliban project in Afghanistan, and Saikal (2004) called it the 'creepy invasion of Pakistan'. Jamiat-e-Ulama-e-Islam (the Islamic Society of Ulama) of Maulana Fazul-ul Rahman (JUI-F), which provided fighters, training, and political support to the Taliban (Maley, 1998) & (Rashid A. , 1999), was the main political ally of Pakistan Prime Minister Benazir Bhutto's regime between 1993-1996 (Rashid A. , 1999). When the US attacked the Taliban regime

in late 2001, it was the JUI-F, that with the support and cooperation of the ISI, provided a safe haven for the Taliban fighters in the Quetta and Peshawar cities of Pakistan (Rashid A. , 2008/2009). According to historian Saikal (2004), when Usama bin Laden entered Afghanistan through Pakistan in1996 seeking a safe haven for his Al-Qaida fighters, he pledged in return to support the Taliban regime financially in its fight against ex-Mujahedeen. By September 2001 the Taliban Emirate had ruled in Kabul for five years when the 9/11 attack launched by Usma bin Laden radically changed the Taliban regime’s fate. It suffered a disastrous collapse within just a few weeks.

Chapter 4: A Critical Analyses of the U.S. Post-Taliban Intervention in Afghanistan

4.1 The U.S. post-Taliban Nation and State Building Intervention:

It would be unfair to deny that the U.S.-led military intervention and the subsequent nation-and state-building mission not only ended the Taliban authoritarian and oppressive regime, but also introduced Afghanistan to a democratic government for the first time in its history. They also brought a constitution that guarantees an elected government through free and fair election; equal rights and opportunities for all citizens including women; freedom of expression and civil society. Yet it is equally fair and significant to highlight the U.S. intervention's flaws and, in some instances unfixable ones (to which I will return in short), and to note that an alternative approach could have brought Afghanistan into much better shape than today and also saved a hundred-thousand human lives and billions of U.S. dollars' worth of resources.

The United States post-9/11 military intervention in Afghanistan could be primarily justified by reason of 'self-defense' and 'security' conditions, according to Adelman (2002), Talentino (2005) and Heinze (2009). The Taliban Emirate's refusal to hand over the 9/11 suspect Usama bin Laden – leader of the Al-Qaida extremist organization – led the U.S. to embark on the *war on terror* (on Al-Qaida and on the Taliban for providing it sanctuary) and eventually to the invasion of Afghanistan. Another rational for the U.S. invasion, according to Heinze (2009), calls on the cosmopolitan theory's moral reasoning, which justifies international intervention with military force where a state or regime inflicts human suffering on its own people (p. 16). That argument had been made even prior to the 9/11 incident, and the Taliban regime was already under scrutiny by international forces with an eye to possible

intervention because of its violent and oppressive rule and human rights violations on its own people, including the ban on women's education.

Furthermore, according to Talentino (2005), the contemporary concept of 'security' in international politics encompasses a large list of issues including health, migration, gender, environment, and terrorism. Adelman (2002) & Talentino (2005) argue that the failure of a state in ensuring the basic needs of its own citizens – including security, health, education, economic opportunities, and the rule of law – eventually jeopardizes the security and well-being of citizens of another state. Thus, it is at this juncture that the 'self-defense' military intervention reason extends to the wider 'security' concept and justifies state-building engagements in failing and failed states, or in 'no state' circumstances – as was the case in Afghanistan after the Taliban was ousted. The state-building intervention was in dire need in Afghanistan even prior to 9/11.

When the Bush administration declared its *war against terror* (Al-Qaida organization) and its sanctuaries (Taliban regime), no intention and plan was in place for a subsequent nation- and state-building mission in Afghanistan (Rashid A. , 2008/2009). The Bonn process was aimed to fill the power (Rashid A. , 2008/2009)created by the Taliban removal.

Additionally, it is important to note that, before the U.S. invasion, Afghanistan did not have a functioning state as was the case in Iraq, Japan and Germany (Monten, 2014, pp. 185-186). Due to decades-long war and conflict (discussed in the earlier section), the state-machinery was so severely damaged that it was barely able to deliver even basic services (e.g., security, water, shelter, health, education, and the rule of law) to its people. One-quarter of the Afghan population had migrated (Rashid A. , 2008/2009), the rest were in captivity either to the strict Sharia law of the Taliban Emirate or to the savage brutality of the Northern Alliance warlords. Since the arrival of the warlords in 1990s, the Afghan informal governance structures, which had proved successful in resolving community

conflicts, and had often played a mediating role between the state and society in the past, were also disrupted. As the well-known scholar on Afghanistan, Barnett Rubin, noted in an article in 2002, "over the past two decades Afghanistan has been ruled, in whole or in part, at times badly and at times atrociously, but it has not been governed" (2002, p. 153). Likewise, the illicit economy – comprised of poppy cultivation, drug-trade, and the illegal export and import of other goods – primarily benefited the conflict parties and mafia groups (Rubin B. R., 2002). In short, Afghanistan matched all the tags of a 'fragile state' listed by Olivier Nay (2012, p. 2) as weak, failing, failed, collapsed and divided, and was in dire need of the establishment of a sustainable peace and the creation of new state security, political, administrative and economic institutions.

The focus of this discussion is not whether the U.S. military intervention in Afghanistan was morally justifiable or not. Rather it describes the basis of the arguments for the subsequent nation- and state-building engagement of the international community in general, and of the United Nations and the U.S in particular. In other words, state-building by an external interventionist and its local legitimacy are the main themes of this discourse. As Marina Ottaway (2002) notes, the challenging task for third party state-builders is not the creation of states but the creation of local legitimacy. Chesterman et al. (2004) write:

> States cannot be made to work from the outside. International assistance may be necessary, but it is never sufficient to establish institutions that are legitimate and sustainable. This is not an excuse for inaction, if only to minimize the humanitarian consequences of a state's incapacity to care for its vulnerable population. Beyond that, however, international action should be seen first and foremost as facilitating local processes, providing resources and creating the space for local actors to start a conversation that will define and consolidate their polity by mediating their vision of a good life into responsive, robust, and resilient institutions. (pii)

If third-party intervention is legitimate for the sake of international security, then it is rational to subject the interventionist/s to scrutiny of the outcomes of their state-building mission. Heinze (2009) also believes that any intervention is subject to moral, legal and political questions. The current chapter will critically analyze the U.S. post-9/11 military invasion and its subsequent nation- and state-building intervention that shaped the Bonn agreement and the ongoing state apparatus in Afghanistan.

4.2 The Bonn Agreement and Its Unfixable Flaws

In late November 2001, while the U.S. and its local ally – the Afghan Northern Alliances – forces were still hunting Al-Qaida and Taliban forces in Afghanistan, the United Nations Security Council issued resolution '1378', convening a conference in Bonn, Germany, to establish a 'transitional administration leading to the formation of a new government' in Afghanistan (United Nations Security Council , 2001, p. 2).

In Afghanistan, from 1994 until the invasion of the U.S. in late 2001, the Taliban and the Northern Alliances warlords were the main conflict parties, whose armed forces fought each other on the front-lines. Once hostile to each other, the Northern Alliances– an ethnic collation of Tajik Jamiat-e-Islami "Islamic Society" party under Burhanuddin Rabbani, the Panjshiri[26] Shura-e-Nezar party "supervisory council of the north" under Ahmad Shah Massoud, the Hazara Wahdat-Islami "Islamic Unity" party led by Abdul Ali Mazari and the Jumbish-e- Mili of General Dostum – was formed after the capture of Kabul by the predominantly Pashtun movement of the Taliban in September 1996 (Collins, 2011, p. 38).

[26] Panjshir is a Tajik speaking province in north-central Afghanistan. It is the birthplace of Ahmad Shah Massoud, the late leader of the Shura-e-Nezar party or the supervisory council of the North. Since the leadership of the Shura-e-Nezar mainly comprised individuals from Panjshir province, therefore it is popularly referred to as the 'Panjshiri' party.

The initial outcome of the December 5th, 2001 Bonn agreement – also known as the Bonn Accord – was the formation of a six-months transitional government, also known as the Interim Authority of Afghanistan (Rubin B. R., 2004). The Interim Authority of Afghanistan was supplemented by a supreme court and a commission for facilitating the inauguration of an Emergency *Loya Jirga*, or grand council, that would lay the foundation for a future complete and 'permanent' government's 'structure and key personnel' (Rubin B. R., 2004).

The Bonn agreement was followed by some state-building (institution building) efforts which were principally a nation-building attempt – imposed on the warring factions, who hardly represented the Afghan broader population. The Interim Authority of Afghanistan was an ethnopolitical power-sharing deal between two parties, the NA warlords and the exiled ex-king Zahir (Rubin B. R., 2004). Thus, the key government positions were also divided based on ethnolinguistic political leaders of Pashtun, Tajik, Hazara and Uzbek.

It was the miscalculated state and nation-building policies and strategies of the Bonn Accord that led to the longest ongoing U.S. war, the extended Afghan conflict and government instability, and widespread corruption in Afghanistan. Let's bring Berit Beliesemann de Guevara's (2012) perspective on 'international state-builders' (in this case the U.S.) and the 'local recipients' (Afghan conflict parties) into consideration here (p. 5). According to Beliesemann de Guevara (2012), while imposing western style state-building policy and practices – these includes; liberal peace, democracy, governance, internationalization and depoliticisation – the international state-builders often ignores the local historical context and sociopolitical dynamics of a country that are very critical to the questions of legitimacy and the political stability of a state. In Afghanistan, the fundamental flaws began with the November 14th, 2001 United Nation's Security Councils' nation- and state-building arrangements (United Nations Security Council , 2001). By

excluding one of the critical conflict parties, namely the Taliban, from the negotiations, the Bonn agreement failed to conduct peace-making arrangements. It also failed to ensure a fair representation of the largest ethnic group of Pashtuns in the new government architecture. As Rubin (2004), author on Afghanistan and diplomacy at the Bonn talks, confesses "despite this attempt (bringing exiled Pashtuns) at ethnic inclusiveness, the group assembled in Bonn did not represent the people of Afghanistan, either directly or indirectly" (p. 7). Thus, it not only significantly undermined the Bonn process, but it paved the ground for the revival of the Taliban as an insurgency group and the consequent destabilization of the country in the following years. The cause and consequences of the failure of the Bonn peace-making are discussed in detail under a separate title in this chapter.

The Afghan population – who were exhausted from decades of war and forced migration – hoped that maybe this time the United States would save their future by bringing a sustainable government. However, the US along with its UN organizers primarily focused on how to fill the power gap left by the Taliban regime. There was fear that the Northern Alliances inner factions would re-enter the conflict for power as had happened during the early 1990s, when the Mujaheddin committed horrific human crimes in the Kabul. There was no grantee that history would not repeat itself (Rubin B. R., 2004), and although Kabul remained safe, shortly after the fall of the Taliban regime, Balkh province experienced several clashes over the Mazar-e-Sharif city between the Jamiat-e-Islami militia of commander Atta Mohammad Noor and the Jumbish-e-Islami of General Abdul Rashid Dostum. This danger led the UN to send its first peacekeeping mission of International Security Assistance Force (ISAF) in January 2002, and by May the same year UN forces comprised around 4500 soldiers from nearly 19 nations (Lansford, 2012, pp. 56-57).

The U.N., as the facilitator of the Bonn process, also failed to play its significant role, due to the overall control of the United States

over the Bonn process. Chaired by the UN special representative for Afghanistan, Lakhdar Brahimi, the key architects and controllers of the Bonn process were U.S. special envoys James Dobbins and Zalmay Khalilzad, who aimed to reach some quick and reasonable consensuses between the Afghan warlords and Zahir Shah's team through a policy of reward and threat (Khalilzad, 2016, pp. 119-127).

Moreover, the Bush invasion of Iraq in 2003 considerably reduced the amount of U.S. attention and resources available to the barely began state-building mission in Afghanistan (Rubin B. R., 2002), (Rashid A. , 2010) & (Maley, 2013). Following the Bonn agreement, Afghans awaited some vital infrastructure projects and programs from the newly US-backed government which could have created millions of jobs to the war-torn population while restoring agriculture and building industrial sectors. It was a lost chance, through which the US could have helped the Afghan government gain public support and legitimacy after decades of long war and devastation. However, instead, to cut short their burden of responsibility, the Americans supported the Northern Alliances warlords – who still maintained their militiamen in the regional power-bases – with the U.S. pouring financial and military resources their way, ostensibly to help them fight the remnants of Al-Qaida and the Taliban (Forsberg, 2009). While the ISAF mission was limited only to the capital Kabul, the rest of the country remained contested among various warlord militia (Rashid A. , 2010). To sustain their income, the various warlords' groups turned to the drug-trade and opened other illicit businesses in the areas of their influence (Rashid A. , 2010) & (Jackson A. , Politics and governance in Afghanistan: the case of Kandahar, 2015). In a very short period they became wealthy and influential enough to threaten the American-installed government in Kabul. According to Rashid (2010), in later years, the Americans accepted that substituting warlords for the Taliban was a fatal mistake. The de-facto control of

the warlords in five major provinces is empirically assessed in the following section.

There is no doubt that the U.S. government faced enormous public pressure to respond to the 9/11 perpetrators promptly and accordingly. However, the lack of a policy after *'the war on terror'* in Afghanistan not only dragged the U.S. into its history's longest war, causing the loss of hundreds of thousands of human lives and billions of US dollars, but it also made circumstances even bloodier and more complicated for the Afghans than they had been in the first place.

Moreover, in 200l there was a regional and international census on the US intervention in Afghanistan. Nevertheless, as the U.S. showed its intention for longer mission then just removing the Taliban, it significantly alerted the regional powers for their own interests particularly Russia and Iran.

The exclusion of the Taliban from the peace talks, the empowerment of warlords and mafia groups, the de-facto formation of an ethnopolitical power-sharing government, and the underestimation of the interests of the regional powers (Pakistan, Iran, Russia, and India) are some of the critical failures of the U.S. led nation- and state-building mission in Afghanistan, discussed separately in the following.

4.2.1 Ignoring Peace-Making in Afghanistan: A Prerequisite for Nation and State-Building

In an analytical paper, the German Institute for Development "Deutsche Institute for Entwicklungspolitik (d.i.e)" describes state-building and peace-building in a post-conflict context as 'congruent' concepts, targeting a common goal of building and strengthening state institutions that leads to preventing conflict (Grävingholt, Gänzle, & Ziaja, 2009). So, if state-building is compatible with peace-building, then there must be a prior step which facilitates the successful execution of the two. In his statement "An Agenda for

Peace," the 1992 United Nation's Secretary-General, Boutros Boutros-Ghali — called this step 'peace-making' which aims at bringing "hostile parties to agreement by peaceful means" (Chapter IV, Article 34). Thus, according to Nicole Ball (1996,2001,2003), peace-making requires "formal cessation of hostilities" between conflicting parties through 'negotiations' (p. 722). (For more on this discussion, please review chapter Two, Part One)

At the Bonn conference in 2001, the U.N. instead of making peace between the main hostile parties – namely Taliban militias and the NA warlords - directly engaged in nation-and state-building in Afghanistan. The Afghan delegates invited to the Bonn negotiations comprised four factions: the predominantly non-Pashtun (Tajik, Hazara, and Uzbek) coalition of Northern Alliances' warlords, the exile Pashtun elites under former King Zahir[27](native Pashtun, however, who couldn't speak Pashtu), the Peshawar based diaspora elites, led by Pir Ghailani (Non-native Pashtun) and the Cypress[28] group headed by Humayon Jarir (Panjshiri Tajik) (Shahran, 2010). The Taliban were not only entirely excluded from the talks, but the U.S. administration detained those who showed interest in Bagram and Guantanamo prisons (Rubin B., 2018, para.7). While Karzai – a member of former King Zahir's group who lived in exile – was chosen as the chairman of the interim government, the NA warlords – the main armed opposition to the Taliban – seized the majority of the key cabinet seats (Rubin B. R., 2002) (Rashid A. , 2010) (Shahran, 2010) & (Maley, 2013). As a result, the UN agreement in Bonn settled a political deal for the formation new government between anti-Taliban factions. Thus, peace-making, a fundamental

[27] Zahir Shah was the Afghan monarch between (1933-1953), who lived in exile in Rome after the1953 coup d'état by his cousin Daoud Khan. Despite the deplorable socioeconomic conditions, Afghans enjoyed relative peace during King Zahir's regime. Therefore, Zahir holds legitimate credits among many Afghans, who recall his monarchy as the 'golden era' in the country. (Amin Saikal, 2004, Modern Afghanistan; a history of struggle and survival)

[28] The group was named after the island 'Cypress' because its participants were mainly the Shia minority of Hazara and Pashtuns, supported by Iran (Timor Shahran, An Analysis of Peacemaking in Afghanistan, 2010).

prerequisite for peace-building and nation-building was intentionally sabotaged.

Scholars and diplomats who participated in or wrote about the Bonn conference have noted various reasons for the exclusion of the Taliban from the peace talks. Barnet Rubin – a well-known experts on the subject and advisor to the UN special representative for Afghanistan, Lakhdar Brahimi, in the Bonn talks – writes that “the international community has defined one side of the ongoing war in Afghanistan – the alliance of Al-Qaida and the Taliban – as an outlaw formation that must be defeated” (2002, p. 155). Likewise, William Maley (2013) – another well-known author on Afghanistan – believes that the assassination of the Ahmad Shah Massoud, leader of the Shura-e-Nezar or Supervisory Council of the North, by Al-Qaida suicide bombers just before the US-led invasion of Afghanistan made it difficult to accept the condition of including the Taliban at the Bonn talks on the Northern Alliances. Likewise, Zalmay Khalilzad – special representative of the U.S. in the Bonn process and later U.S. ambassador to Kabul – believes that the Taliban were ‘determined’ to fight, and as he writes, “I was skeptical that the international community could have lured the Taliban to the table at Bonn (2016, p. 121).”

However, it was just recently ‘revealed' that the George W. Bush administration purposely excluded the Taliban from the peace talks, and that those who ‘tried to participate' were ‘imprisoned at Guantanamo or Bagram' (Rubin B. , 2018, p. para.7) & (Coll, 2018). Moreover, the Northern Alliances warlords were armed and financed by the United States to go after the remnants of Al-Qaida and Taliban fighters (Rashid A. , 2010). Thus, though the UN played a facilitative role, nevertheless the Bonn process was overwhelmingly controlled by the U.S., which favored the military alliances of the Northern warlords. In other words, the U.S. overthrew the Taliban regime and installed the Northern Alliances warlords’ government in Kabul. The Bonn conference was a legitimizing effort by the U.S. for its

intervention and establishment of the new government in Afghanistan.

However, a legitimate government in Afghanistan required an ethnically broad-based representation, and the Bonn conference failed to accomplish this. Instead, political power was distributed between the predominantly non-Pashtun warlords Mujahedeen and a few exile Pashtun elites who had little Afghan ground support (Rubin B. R., 2004). Because of his political base in exile, even Karzai – a native Popalzai Pashtun tribesman of eastern Kandahar – had little foothold among the largest Pashtun ethnic group in Afghanistan. Furthermore, he was an affiliate of the Northern Alliances leading party of Jamiat-e-Islami of the late president Rabbani in early 1990s, and joined the anti-Taliban campaign during 2000/2001 (Rashid A. , 2008/2009). It was the U.S. special forces that brought Karzai to eastern Afghanistan in late 2001 to cut a deal with the Taliban for the surrender of Kandahar (Rashid A. , 2010) & (Khalilzad, 2016). It can be concluded that after Hezb-e-Islami (Islamic movement of Gulbuddin Hekmatyar) who also boycotted the Bonn talks and declared Jihad against the U.S. invasion, hiding first in Iran and then in Peshawar, Pakistan (Rashid A. , 2008/2009, pp. 244-245), the Taliban remained the only dominant group representing the largest ethnic group of Pashtun inside Afghanistan. It is worth mentioning here, that brutal atrocities committed by the Taliban in the following years significantly affected their image and legitimacy among majority Pashtuns.

Finally, the U.S.'s initial enemy was the Al-Qaida network, not the Taliban regime. It was the refusal of handing over Usama Bin-Laden which made the Taliban enemy of the U.S. and led to the war on terror and its safe heavens. The war succeeded in dismantling both Al-Qaida and the Taliban at the end of 2001 and throughout 2002, but The U.S.'s treatment of the Taliban as Al-Qaida terrorists even after the toppling of their regime was a significant mistake. If the U.S. was concerned about the human rights abuses, then the NA warlords were not lagging behind the Taliban. Had the U.S. included

the Taliban in the Bonn process in the first place, the Afghan conflict would have had an end in 2001.

4.2.2 The Re-Emergence of Taliban: A Major Obstacle to Peace-and State-Building Process

Multiple factors fueled the re-emergence of the Taliban insurgency in Afghanistan. Among them, the humiliating ouster of the Taliban from the power and their exclusion from the Bonn talks (discussed in detail above), the empowering of the long-fought enemy – the Northern Alliances warlords, the installment of a weak and corrupt state, and the underestimation of the regional power's interests were the determining ones. The Taliban were mercilessly bombed by the U.S. air forces, killing hundreds-thousands of them, and thousands more arrested and brought to the Guantanamo Bay – the United States military detention camp in Cuba (Rashid A. , 2010). Likewise, the US armed and financed the Northern Alliances warlords – the frontline enemy of the Taliban in the North – and they brutally hit the Taliban on the ground (Rashid A. , 2008/2009) & (Khalilzad, 2016). When the Taliban regime collapsed, many of its fighters surrendered to the Uzbek militias of General Dostum of the Northern Alliances and were mercilessly massacred and buried in the Dasht-e-Laili desert in Jawazjan province (Rashid A. , 2008/2009). Irish filmmaker Jamie Doran (2003) collected the video footages of the atrocities in a documentary film named "Afghan Massacre: Convoy of Death"[29] in which around 3,000 Taliban prisoners were suffocated and shot dead in shipping containers by General Dostum`s militiamen in 2001. Dostum was on the CIA payroll and was accompanied by American soldiers, when the brutal human rights volitions occurred (Raisen, 2009).

[29] The film can be watched in the following link: https://www.democracynow.org/2003/5/26/afghan_massacre_the_convoy_of_death

According to Rashid (2008/2009) the Taliban commanders foresaw their massacre by the Northern Alliances and repeatedly requested to be allowed to surrender to the US troops, the UN and the International Committee of the Red Cross (ICRC). However, neither the Americans nor the international organizations responded to their appeal, but instead watched as the massacre happened. In the following years, when insurgency mounted, the Taliban responded to their humiliating ouster, with the worst human crimes ever, including beheadings and suicide bombings on the Afghan and International military, on aid workers, and on civilians. In an off-the-record interview with the author, a Taliban commander, partially justified their crimes as a response to what had happened to them when the U.S,, the UN, and the international community did nothing to stop the massacre during the collapse of their regime[30].

Based on the Bonn agreement, the new government was assigned to establish the Afghan Independent Human Rights Commission (AIHRC) to oversee war crimes and human rights violations, and act accordingly (Rubin B. R., 2002). However, except for periodic reports, the AIHRC failed to bring even a single war criminal to justice. In late 2001, when the Uzbek and Tajik militia of Northern Alliances warlords entered the Kunduz and Mazar-e-Sharif cities abandoned by the Taliban – they accused the minority ethnic Pashtuns there of being Taliban and committed horrific human crimes, including 'summary exactions', torture, looting, and rape of

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[30] The author interviewed Taliban commanders and the shadow-governor of the Herat province in March 2016. In September 2017 the author interviewed several Taliban prisoners released from Poli-Charkhi detention camp in Kabul. The Taliban justifies their civilian attacks something like this. "The west is in a war against Muslims and Islam, and the Taliban are the only true movement who are standing against them through holy Jihad". The Afghan government is "a US puppet" regime like the communist regime had been a Soviet puppet be-tween 1978-1991. Therefore, "those who work for them are traitors, and the punishment for traitors is worse than for infidels and invaders". When they were asked if the Taliban were also getting support from Pakistan, who is an ally in the war against the Taliban and who gave military bases to the US forces, they denied any support from the Pakistan government. "It is with the support of Allah, the Almighty, that we get financial and military support from individual Muslims from all around the world including Pakistan". Besides, "Pakistan is a Muslim country, and there is no border between the Muslim Ummah".

women (Human Rights Watch, 2001). Instead of being brought to justice, the Northern Alliances warlords enjoyed key leadership positions in the Afghan government, supplemented by the U.S. financial, military and political support. Through patronage relations, the new government administration was occupied by ill-educated corrupt and in some cases illiterate officials. As the government administration machine started to run, some Afghans already missed the Taliban's law enforcement even though it had been cruel and chaotic. The return of the warlords to power and the widespread corruption in government administration immensely disappointed the majority of the Afghan public.

Moreover, the collateral damage from U.S. and NATO combat forces significantly helped the Taliban win back local Afghan support in the early days of the occupation. Often local civilians were detained and mistreated by the Central Intelligence Agency (CIA) in suspicion of Taliban or Al-Qaida affiliation. A 2004 Human Rights Watch reports notes "it appears that faulty and inadequate intelligence has resulted in targeting civilians who had taken no a part in the hostilities, in unnecessary civilian deaths and inquiry during arrest operations, and in the needless destruction of civilian homes and property" (2004, p. 11). Steve Coll (2018) writes that C.I.A. paid “impoverished locals for information” who for “financial incentives” invented “tantalizing false stories or settled vendettas by labeling a business or tribal rival as Al Qaeda (2018, para. 14)”. These accused detainees were then badly tortured, as the 2004 Human Rights Watch reports:

> Afghans detained at Bagram airbase in 2002 have described being held in detention for weeks, continuously shackled, intentionally kept awake for extended periods of time, and forced to kneel or stand in painful positions for extended periods. Some say they were kicked and beaten when arrested, or later as part of efforts to keep them awake. Some say they were doused with freezing water in the winter. Similar allegations have been made about treatment in 2002

> and 2003 at the U.S. military bases in Kandahar and in U.S. detention facilities in the eastern cities of Jalalabad and Asadabad. (Human Rights Watch, 2004, p. 4)

Moreover, the U.S. forces' night raids and air-strikes aimed at capturing and killing the Al-Qaida and Taliban leaders also resulted in massive civilian causalities. The 2008 Human Rights Watch reports documented 424 civilian deaths caused by U.S. and NATO air and land attacks between 2006 and 2008 (p. 13). According to this report, 47 civilians were killed in an airstrike on a wedding party in eastern Nangarhar province in July 2008. These numbers significantly increased in the following years. House-searches by heavy equipped male US soldiers in a traditional Afghan society, particularly in southern Pashtun communities where the female family member is perceived as the *Nang* or *Namus* (pride) of family and clan, and where even her appearance in the presence of male stranger is forbidden, resulted in anti-American and pro-Taliban sentiments among the local population[31].

Furthermore, the U.S. administration's refusal to negotiate an 'amnesty' forced the Taliban to seek refuge with their old friend Pakistan (Rubin B., 2018, para.7). According to Ahmad Rashid (2008/2009), the Pakistani army and intelligence service ISI evacuated a large number of leading Taliban commanders from the Kunduz and Kandahar provinces to safe-heavens in Pakistan. Thus Pakistan remained the only brother in time of need for the Taliban, and in return they also vowed loyalty to Pakistan in the following years. For Pakistan – who played the role of both friend and foe in the U.S. war on terror – the Taliban remained a strategic proxy against their lifetime enemy, India (Rashid A. , 2010). Moreover, the U.S.'s extended war in Afghanistan also meant extended financial and military support to Pakistan – as a non-NATO major ally.

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[31]. An ex-Taliban and sympathizer told the author in the off-the-record interview "The Americans are mercilessly bombing our villages, disgracing and raping our women and children in their night rides, whereas the United Nations and Human Rights Watch watch it all. The United Nations and Human Rights is only a drama against the Muslim and Mujahideen."

By mid-2002, soon after resettling in Pakistan, Taliban leaders began to reorganize their remnant fighters to start yet another *Jihad* (holy war) against the U.S occupation and the 'puppet' Afghan government (Rashid A. , 2008/2009, pp. 242-243). The Pakistani Islamic political parties generously helped the Afghan Taliban in fund-raising and recruiting new fighters[32]. In 'spring 2003' the Taliban launched their first assault by assassinating an international aid worker in Kandahar, and by mid-2004 killing dozens of Afghan and foreign military and aid personnel, and seizing areas in Zabul and Helmand provinces (Rashid A. , 2008/2009, pp. 245-253). By early 2009, Taliban's guerrilla warfare, suicide bombings, and kidnappings destabilized 'over 60 percent' of the Afghan territory (Masadykov, Giustozzi, & Michael Page, 2010, p. 3). Nearly one year after the ISAF mission termination and the withdrawal of the U.S. combat forces, on September 28, 2015, the Taliban managed to seize the northern Kunduz province capital and kept control of it for about two weeks (Landinfo, 2017, p. 6). It was their first major success since their removal from power in 2001. The field research of the present also revealed that during the past couple of years, the Taliban established their parallel government structures that include the appointment of shadow provincial and district governors and the sharia courts. Except for in a few provinces, (Bamyan and Daikundi) the Taliban controls the majority of the villages and in some areas also the district affairs in rural areas, and the Afghan government controls city centers – (Off-the-record-Interview35Kabul, 2017). Notwithstanding their limited personal and military equipment, the Taliban's success lies in their ideological war of fighting 'the occupation', the 'infidels' and 'defending Islam'. (Off-the-record-

[32]. At that time, the Author was living in Peshawar city of Pakistan and witnessed the Pakistani Islamic parties and movements including, the Jamit-e-Ulama Islam (JUI), Jaish-e-Mohammad and the Lashkar-e-Taiba campaign for Afghan Taliban through collecting charities in Masques but also recruiting volunteer fighters to fight against U.S. troops in Afghanistan. They have installed charity tents in Friday prayers at Masques and call on local people to contribute with whatever they can to support the holy cause of Jihad in Afghanistan.

Interview36Herat, 2016) & (Off-the-record-Interview37Herat, 2016). For their part, the Afghan government and its international partners propagate the Afghan war as a war against international terror. Nevertheless, the international troops' presence in Afghanistan significantly undermined the ideological aspect of the war among the poor-educated Afghan army. The widespread corruption in the Afghan army is another vital factor of the losing land and personal to the Taliban.

4.2.3 Conflicting Regional Interests in Afghanistan

Taking the *self-security* rationale of the foreign intervention into consideration, Afghanistan was home for proxy wars and interests between regional countries even prior to the U.S. intervention and still is today. After the Soviet withdrawal in 1989, Pakistan relied on the Pashtun warrior Gulbodin Hekmatyar of Hezb-e-Islami to represent its interests until the Taliban replaced him in 1994. Hekmatyar, and after him, the Taliban, became a force in support of an Afghan government that would accommodate Pakistan's bests interests. Pakistani vital interests include reduced Afghan interactions with neighboring India, or if possible, even a move towards hostile relations with India, and official recognition of the Durned line[33] – a historically disputed border between Afghanistan and Pakistan. Meanwhile, India, Russia, Iran, and Turkey backed the Northern Alliances Mujahedeen for its proxy war in Afghanistan

[33] The Durand Line was drawn as a buffer zone and border between the British-India and independent Afghanistan by the British Empire in 1893 which divided tribal Pashtuns along the line. With the end of British colonialization of the Indian continent and the creation of two independent states, Pakistan and India in 1947, the disputed Durand Line, by then the North-West Frontier Province (NWFP) and the unruled five tribal Agencies were integrated into the newly established Muslim Pakistan. The Afghan governments have never accepted this line as an international border with its neighboring Pakistan and argued for either its reintegration into Afghanistan or its establishment as an independent Pashtun state. The dispute over the Durand Line remained unresolved even until today. Though not discussed in the public agendas of both states, however, it is one of the critical background factors in contemporary security and political tensions between the two states.

(Saikal, 2004). Before its inter-party alliances in 1996, support for the NA was divided among the regional countries around Afghanistan. India and Russia favored the Jamiat-e-Islami of Burhanuddin Rabbani and the Shura-e-Nezar of Ahmad Shah Massoud for its anti-Taliban struggle. Russia feared the Taliban as a potential supporter of the central Asian Islamic movements and Chechen separatists. For India, the backing of the Taliban by Pakistan was a major concern. Iran supported and still supports the Hazara ethnic parties because of their common Shia-sect ideology – and in response to Saud-Arabia's backing of Sunni-sect groups, whether Mujahideen or the Taliban. Turkey's support of the Uzbek party led by General Abdul Rashid Dostum is primarily based on their shared Turkic ethnicity (Rashid A. , 2010).

Despite being a close economic alley to Pakistan, China remained impartial until the collapse of the Taliban regime. Following the installment of the new Afghan government, China not only supported the Afghan government but hugely invested in its mining sector. China's interests in Afghanistan appear to be purely economic.

With all these conflicting interests in place, the post 9/11 'war on terror' campaign left the regional powers including Pakistan and Saudi-Arabia – who nurtured the Taliban Emirate – with no other option (at least for the time being and because of existing circumstances) but to agree to the terms of conditions, namely the U.S.-led military intervention in Afghanistan. At the Bonn negotiations, Russia, Turkey, Iran, and India strongly backed the Northern Alliances' desire to exempt the Taliban from the Bonn talks, whereas Pakistan was opposed to any non-Pashtun led government in Kabul (Bird & Marshall, 2011, pp. 96-97).

Because the Pakistani establishment was concerned that the NA-led government in Kabul would give great leverage to its border enemy India, it pressured the United States to bring in more Pashtuns, which resulted in introducing Karzai as the head of the interim government (Rashid A. , 2010). During late 1990s Karzai's main base had been

in Pakistan (Rashid A. , 2008/2009, p. 16). Pakistan's concerns later met reality when, during the regimes of both president Hamid Karzai and Ashraf Ghani, Afghanistan enjoyed close relations with India. The Trump administration's August 2017 South-Asia strategy not only replaced Pakistan with India as a close U.S. ally against Islamic extremism – including the Pakistani Taliban, who target India's interests in Kashmir – but also isolated Pakistan internationally and in the region. The Trump Administration also publicly accused Pakistan of harboring the Taliban who target U.S. interests in Afghanistan (Garamone, 2017).

Likewise, although Russia and Iran had shown no objection to the U.S. role in Afghanistan in the early years, the longer the U.S. and its western allies engagement extended, the worried became Russia and Iran. In an analytical article to the BBC Pashtu, Umar Zakhilwal – Afghan ambassador and president Ghani's special envoy to Pakistan – writes:

> In 2001/2002 there was a regional consensus on the U.S. led international military intervention in Afghanistan. The toppling of the Taliban regime and its replacement with a civilized elected government was nearly a regional demand. However, as the time passed, this consensus became weak. In mentioned years, regional countries (Pakistan, India, Iran, Saudi-Arabia, China, Turkey, Russia, and the central Asian countries) had a similar stand with the U.S. and its western allies regarding Afghanistan. It might be that some of these nations had no other choice, but a majority of them due to various reasons declared Taliban as a common enemy. For example, besides very critical relations between the U.S. and Iran, however, on toppling the Taliban they shared common ground. Likewise, besides conflicting interests in Afghanistan and the region, Iran and Saudi-Arabia demonstrated common interests on the issue in Afghanistan. In 2016/2017, the consensus and common interests have not existed anymore. (Zakhilwal U., 2017, para.10-14)

Zakhilwal does provide detailed reasons for the lack of consensus on the U.S. presence in Afghanistan. However, to follow the line of argument of the self-security and interests, it becomes clear that neither Russia nor Iran is happy with a permanent U.S. military presence in Afghanistan. In an off-the-record interview to the Author, the Taliban shadow governor in Herat province shared that, following the U.S. pressure on Pakistan, both Iran and Russia are supporting Taliban in their '*Jihad* against the U.S. led western invasion' (Off-the-record-Interview36Herat, 2016).

While it is true that Afghanistan is segmentally divided, until there is consensus on a government that accommodates the varying interests of the regional and international actors, any peace and stability effort would be doomed to failure.

4.2.4 The Installation of Ethnopoltical Elites and Warlords into State-men:

One of the significant flaws committed by the U.S. and its international Allies at the Bonn Conference was the systemic support and installation of the Warlord Mujahideen into the Afghan government. Empowering the warlords went against the very idea of a centralized state system, sliding Afghanistan into endemic corruption, political instability, and eventually a lack of local legitimacy.

The Afghan warlords were first formed in the shape of *Mujahideen* "holy warriors or freedom fighters" in the Pakistani refugee camps by the CIA, based on Islamic ideology to launch *Jihad* "holy-war" against the Russian invasion and their Marxism-Leninism ideology in 1979 (Roy, 1995, p. 79). In 1989 when the Soviets troops withdrew, the dozen Mujahedeen groups were already divided along the ethnolinguistic and Sunni-Shia sectarian lines.

The failure of the Mujahideen government in 1992 led to a devastating civil war in which the Mujahideen (holy worriers) turned into ethnic warlords, committing horrific human crimes on other

fellow ethnic citizens. The arrival of the Taliban in 1994 not only intensified the ethnic tension by discriminating the non-Pashtun minorities but also enslaved the whole Afghan population by implementing their medieval Sharia system. By 2000 Taliban managed to control a majority of the territory of Afghanistan, squeezing the Northern Alliance warlords to a minimal region in the north.

Following the 9/11 attacks, it was the U.S. *'war on terror'* that brought the Warlord Mujahedeen back into the forefront of the Afghan politics. The U.S. rearmed and financed the Northern Alliances warlords aiming at going after Taliban and Al-Qaida leftovers (Rashid A. , 2008/2009) & (Coll, 2018).

At the Bonn talks, the U.S. also favored its NA ally warlords, because of their significant role in hunting Taliban and Al-Qaida fighters, and because they already controlled territories (Rashid A. , 2008/2009). While Hamid Karzai was appointed as the chairman of the interim and transitional administrations, the critical political positions remained with the Northern Alliances' men (Rubin B. R., 2004, p. 9). For instance, the defense minister Mohammad Qasim Fahim, the interior minister Yunes Qanuni, the foreign minister Abdullah Abdullah were all 'Panjshiri' warlords (Goodson L. , 2003, p. 87).

The 2004 constitution defined Afghanistan as a heavy centralized presidential system, however, in practice the power-sharing or collation government model adopted in Bonn 2001 was pursued in the following years. At the central level, the government power was divided between warlords and Hamid Karzai in the 2004 and 2009 elected governments. For example, Ahmad Zai Massoud – brother of the late Ahmad Shah Massoud, leader of the Shura-e-Nezar or Supervisory Council of the North – was made the first-vice-president of Hamid Karzai while Mohammad Karim Khalili – leader of the Hazara ethnic Hezb-e-Wahdat Islami (Islamic Unity) party – the second. To win the consent of his powerful ally, the Defense Ministry was already promised to Mohammad Qasim Fahim by the

leader of the United Front who was promoted by Karzai to a symbolic Marshal rank. The same ethno-power-sharing method was followed at the 2009 and 2014 elections as well.

Likewise, local commanders affiliated with the central line warlord ministers were equally promoted to governors or other high government positions. The U.S. government systematically credited these local warlords with money and arms to fight against the remnants of the Taliban and Al-Qaida. The U.S. government paychecks and arms and the Afghan government positions (e.g., the governor and police chief) were used by these individuals to increase their local socioeconomic and political influence over the central authority. To secure their income, these warlords commenced illicit businesses including the trade of drugs and embezzlement. Consequently, once little known local chiefs became prominent political and military powers, challenging the stability of the central government authority (Rashid A. , 2010) & (Jackson A. , Politics and governance in Afghanistan: the case of Kandahar, 2015). According to Rashid (2010), the Americans accepted in later years that substituting the Taliban with warlords was a fatal mistake. Due to their excessive influence over the local power-politics, local Afghans and international journalists identify some of the major provinces and regions with influential warlords, for example, Balkh with Atta Mohammad Noor, Herat with Ismail Khan, Kandahar with General Raziq, etc.

In the following, the author also reviews the de-facto power-politics of the five provinces visited individually, including Balkh, Bamyan, Herat, Kandahar, and Nangarhar.

4.2.4.1 The Case of Balkh: The Kingdom of 'Ustad' Atta Mohammad Noor

Balkh, with its evolving historical background, is one of the oldest cities in the north, dating back centuries before the existence of

modern-day Afghanistan. Its Hairatan[34] port adds to the strategic geopolitical and economic significance of Balkh as one of two gateways in the north - connecting Afghanistan with central Asian countries through Uzbekistan. The capital Mazar-e-Sharif, or 'the holy shrine', is named after its iconic Blue-Mosque, which legend claims to be the tomb of Hazrat-e-Ali, the fourth caliph, and cousin of prophet Mohammad in Islam. Mazar-e-Sharif, hosting the country`s major ethnic groups of Tajiks, Uzbek, Turkmen, Hazara, and Pashtun, counts amongst the most diverse cities in Afghanistan. Although ethnic cleansing and hostility among different groups were planted during Amir Abdul-Rahman Khan's reign, between 1880-1901, in which the ethnic Pashtun King cruelly discriminated and suppressed the Hazara minority and those who stood against his rule (Ghubar, 1989/2012), ethnic tensions were revived during the post-Soviet civil war and also during the Taliban regime (See also Bamyan case).

During the civil-war, Balkh was controlled by General Abdul Rashid Dostum, a prominent Uzbek warlord, and leader of Jumbish-e-Milli "National Movement" party. Dostum was an army general during the communist regime in the 1980s who later build his own militia and fought against different *Mujahedeen* fractions and the Taliban in the north. In 1996 the predominantly Pashtun Taliban group took control of Kabul and marched steadily toward the north. Once hostile to each other, the Tajik based Jamiat-e-Islami "Islamic Society" party under Burhanuddin Rabbani, the Shura-e-Nezar party "supervisory council of the north" of Ahmad Shah Massoud, the Hazara ethnic Wahdat-Islami "Islamic Unity" party led by Abdul Ali Mazari, and the Jumbish-e- Mili of General Dostum formed a coalition against the Taliban in the north - called the Northern Alliance (Collins, 2011, p. 38). Between 1996 and 2001, both the Taliban and the Northern Alliances forces committed horrific

[34] Hairatan is located in Kaldar district of Balkh province which is one of the strategic ports which connect Afghanistan to central Asian countries.

massacres and human rights abuses in the north, particularly in Mazar-e-Sharif (Fatima, 2014, pp. 41-42). According to a Human Rights Watch report, nearly 2,000 civilians, mostly Hazara and Uzbek ethnic were brutally killed by the Taliban in 1998 when they recaptured Mazar-e-Sharif for the second time (Human Rights Watch, 1998). In retaliation, around 3,000 Taliban prisoners were suffocated and shot dead in shipping containers by General Dostum`s militias in a 2001 US-backed operation, which is also known as the killing of Dasht-e-Laili,[35]. These massacres and war crimes tremendously added to the ethnic hostility of Pashtun vis-a-vis Tajik, Hazara, and Uzbek in the north and the rest of the country. It also won Pashtun sympathizers for the resurgence of the Taliban offensive in later years in the south and the east, as well as in northern Afghanistan.

In October 2001, when the Bush administration toppled the Taliban regime in Afghanistan, all parties of the Northern Alliances entered Kabul. However, General Dostum and Atta Mohammad Noor, a little known Tajik commander of Jamiat party, remained in Balkh to vie for power in Mazar-e-Sharif city. After several clashes between the two commanders` militiamen, the newly installed president Hamid Karzai convinced General Dostum to take part in Kabul's defense administration. Noor, the winner of the battle against his rival, was appointed as the governor of Balkh in 2004. Washington Post journalist Sudarasan Raghavan noted that it was financial and military support from the US and NATO that elevated Noor from an unpopular commander to an 'ultra-rich businessmen' and 'King' 'with an iron hand' in northern Afghanistan (2015). The governor's close diplomatic ties with US and NATO officials also added to his fame, with high ranking officials like the US secretary John Kerry visiting Noor in his palace in Balkh to discuss the 2009 Afghan presidential election (Traub, 2011). Criticism over Noor`s personal

[35] A desert in Jawazjan province in northern Afghanistan. Its capital Sheberghan and counts as the power-base for General Abdul Rashid Dostum.

and political character in Afghanistan gained momentum when he resisted president Karzai`s demands to consolidate with the Kabul government principles.

Several Afghan media released a long list of Noor`s property and income sources including townships, supermarkets, fuel stations and constructions companies which are named after his family members. A Hazara ethnic resident and construction engineer in Mazar-e-Sharif said to the author in an off-the-record interview that if he gets a contract then it is second-hand, since Noor holds the monopoly on all military and civil aid contracts in Balkh province, through which millions of US Dollars are pouring to his and his family members' accounts[36]. Many of his Tajik supporters praise Noor for providing relative security and reconstruction in Mazar-e-Sharif city, as well as for his clear pro-Tajik-nationalist stand in Afghan politics. However, the 2015 Human Rights Watch report accused Noor of killings, abduction, keeping personal militias, and committing systemic crimes against minority Pashtuns in the north (Human Rights Watch, 2015).

Despite holding the governorship post of the Balkh province for the last twelve years, Noor has publicly remained a strong opposition president Karzai and president Ghani's government. Noor has emerged as a visionary politician who is prone to federalism and has taken the lead in the Tajik quest for social and political power in the north. Although his main power-base has remained in Balkh, Noor's Tajik support stretches from Kabul, Parwan, Kapisa, Baghlan in the north and Kunduz, Takhar, Badakhshan and Panjshir provinces in the north-east. According to Enayat Najafizada, an independent Afghan analyst with the Afghanistan Analysts Network (AAN), Noor has controlled all media outlets both through banning warlord-critic printed media and through sponsoring private TV channels for his propaganda in Mazar-e-Sharif (2011). He also backed his Tajik

[36]. A Hazara ethnic construction engineer talked with the Author in Mazar-e-Sharif on the condition of anonymity.

ally Abdullah Abdulla in the 2014 presidential campaign and publicly 'vowed' that he would establish 'parallel government in the north' if the election results favored Ghani (Raghavan, 2015).

Ghani in his turn in a campaign speech in Mazar-e-Sharif promised his supporters that he would end the corrupt fiefdom of Balkh if he were elected president. The controversy stalled election results for months until the US Secretary John Kerry brokered a deal of National Unity Government (NUG), in which Ghani become the president and Abdullah Abdullah his chief executive, a post not backed by the Afghan constitution. After assuming the office, president Ghani issued a decree in which he announced all 34 provincial governors, including Balkh, as 'acting governors' and promised that new officials would be appointed by the IDLG on a merit basis and screened personally by him. However, in an interview told the Voice of America (VOA) Dari, Abdullah said, "I named my dear brother Ustad[37] Atta Mohammad Noor as the governor of Balkh and there is no need for farther discussion on this issue" (2015). Noor, who is also chief executive of the Tajik Jamjiat-Islami party, introduced three significant ministers' posts to the unity government's cabinet, including foreign affairs, education, and economy (1TV Kabul, 2016). The issue of Noor as an acting governor in theory, and the only power monopoly in Balkh in practice, remained unresolved since chief executive Abdullah, and president Ghani did not agree on the matter.

The failure of chief-executive Abdullah Abdullah to secure the promised fifty-fifty government seats for his party and allies led Noor to engage in negotiations with president Ghani personally. The Ghani team also used this opportunity for their benefit by conditioning Noor to step-down from the governorship of Balkh province. After a lengthy standoff, Noor finally stepped down from the governor post, cutting a political deal with the central

[37] Ustad "Teacher" is a nickname used for Atta Mohammad Noor since he was a high school teacher before joining the Mujahedeen movement

government in March 2018. The deal allowed Noor to pick four major political seats for his own men, including the Ministry of Education, the Embassy of Kazakhstan, the Balkh police chief and the governorship posts (RFE/RL, 2018).

4.2.4.2 The Case of Bamyan: The De-facto Capital and Power-base of Hazara Elites

Bamyan, the de-facto capital of Hazaras - the third largest ethnic group in the country (Glatzer, Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?, 1998) - is situated along the Baba and Hindukush mountains in central Afghanistan. Although scattered across the country, the Hazaras are primarily settled in the Hazarajat[38] region, mainly including Bamyan, Daykundi, Maidan-Wardak and Ghazni provinces. According to most citied theories, the Hazaras are believed to be the descendants of Mongols and leftovers of the military garrison of Genghis Khan in the 12th century in the areas of modern-day Afghanistan (Hussain, 2003) & (Creasy, 2009). Hazaras speak the Dari/Farsi-dialect of "Hazaragi" and primarily follow the Shia version of Islam in a majority Sunni Muslim country (Glatzer, Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?, 1998). The group's first uprising was violently stifled by Pashtun ruler Amir Abdul-Raman Khan at the end of 18th century (Ghubar, 1989/2012), and the Hazaras were systemically discriminated against and pushed to the lower social class until the late 19th century when they managed to raise as a competing military and political power in Afghan society.

The first political inclusion occurred in 1981 when Sultan Ali Keshmand, a Hazara ethnic, became the Afghan prime minister during the communists' republic regime of the People`s Democratic Party (PDPA) in 1981 (Hussain, 2003, p. 53). The PDPA`s imposition of a Marxist-Leninist ideology in a traditionally Islamic-

[38] Hazarajat is named after the territory inhabited by Hazaras in the central region of Afghanistan

social context like Afghanistan and their subsequent land-reform project resulted in a national revolt against the USSR backed regime in rural communities, including the mostly peasant Hazaras in the central Hazarajat region (Ibrahimi N. , 2009). Resistance against the direct Soviet occupation intensified from all directions with the US, Saudi-Arabia, and Pakistan collectively sponsoring the Sunni *Mujahideen* 'freedom fighters' and Iran securing its interests through funding and arming the Shia-sect of Hazaras in Afghanistan. Inspired and backed by the Iranian Islamic Revolution of Khomeini, the Hazaras for the first time formed several political parties based on Shia-Islamic ideology including Al-Nasr 'victory' and Sepah-e-Pasdaran 'Revolutionary Guard Corps' in Iran and Hazarajat region in 1979 (Amstutz, 1986, pp. 116-118). In 1989, when the Soviets were forced to withdraw, the Khomeini regime mediated an agreement among all Hazara parties to consolidate under one armed and political movement of Hezb-e-Wahdat Islami 'Islamic Unity Party' led by Ali Mazari (Griffin, Reaping the Whirlwind, The Taliban Movement in Afghanistan, 2001, p. 23) & (Razaiat & Pearson, 2002).

The Geneva Accord (GA) in 1992 which created the Afghan Interim Government (AIG) failed to align all resistance parties on an all-inclusive and broad-based political settlement on the ground (Saikal, 2004, pp. 200-208). The political immaturity of the *Mujahideen* leaders and their division along the ethnolinguistic and Sunni-Shia sectarian lines made them pawns of foreign secret intelligence services, including those of Pakistan, Saudi Arabia, and Iran, which dragged Afghanistan to a bloody civil war. The Mazari-led *Wahdat* forces seized power in central *Hazarajat* region. It also controlled *Hazara* populated zone of western Kabul city which led to the street to street clashes with the *Ittihad-e-Islami* 'Islamic Union' party`s armed forces of Abul-Rassoul Sayyaf – a Saudi sponsored party. The inter-party clashes of the warlords' Mujahiddin groups resulted in the loss thousands of innocent lives, migrations of millions of others, and the destruction of the capital city Kabul.

The emergence of the Taliban as a predominantly Pashtun Sunni extremist group in 1994 marked another chapter of ethnolinguistic and religious sectarianism in the history of Afghanistan. Once again, the Hazara ethnic group paid the highest price inflicted by the Sunni Taliban regime because of their Shia Islamic belief. The 1998 Massacre in Mazar-e-Sharif and the Taliban's cutting off the food supply to Bamyan province between 1997-1998 as a pressure strategy against the Wahdat party (Fatima, 2014) proved the Taliban`s anti-Hazara sentiments. It was the Hazara civilians who suffered the most, The historical Buddha statues of the fourth and fifth century of Bamyan were also declared un-Islamic and smashed down by the Taliban in early 2001.

Early in 1995 the Taliban mysteriously killed of Ali Mazari, the leader of the consolidated Hasara Wahdat party and the virtual father of Hazara people (Saikal, 2004), and Karim Khalili stepped up to take his place as head of the party. After the occupation of the Hazarajat region by the Taliban both Khalili and Mohammad Muhaqiq – another senior leader of Wahdat party fled to Iran (Ibrahimi N. , 2009).

The fall of the Taliban regime and the Bonn-agreement that followed marked a turning point in social and political developments for the Hazaras. Both Khalili and Muhaqiq were given and continue to hold high ranking positions in the interim and elected governments. Khalili moved from Bamyan to Kabul and twice became second vice-president under president Karzai between 2004 and 2014. Muhaqiq who was by then deputy leader of the Wahdat party, initially become Minister of Planning; however, he soon switched to the opposition party against Karzai. According to Ibrahimi (2009), this led to contention between Khalili and Muhaqiq and fragmented the Wahdat party. Muhaqiq formed his own part of Wahdat party under Hizb-eWahdat Isalmi Mardum-e Afghanistan 'Islamic Unity Party of people of Afghanistan' and ran unsuccessfully in the 2005 presidential election against Khalili who was in Karzai`s camp.

Nevertheless, he won a great deal of popularity among the Hazara people (Ibrahimi N. , 2009). In the 2014 presidential elections, Muhaqiq entered Abdullah Abdullah`s camp for a second vice-president post. Khalili, the two term second vice-president during Hamid Karzai, introduced his replacement to Ashraf Ghani`s camp, Sarwar Danish – a former Justice Minister and deputy leader of the Khalili Wahdat party. In the formation of the National Unity government, both candidates secured their positions, (Danish became the second vice president and Muhaqiq the second vice executive. Despite being politically in different camps, however, both the Wahdat parties remained united and committed to the Hazaras quest for an equal share in the political and socio-economic development of Afghanistan. In early summer 2016, when president Ghani issued the implementation of a 500kV power transmission project, the second vice president Danish and the second vice executive Muhaqiq along with Khalili joined the Hazara protesters against the government`s decision, demanding a change of line route from the northern Salang pass through central Bamyan province. President Ghani was forced to compromise with an alternative offer that kept the old plan due to its estimated lesser costs, but provided an extra line of 220kV to the central Hazarajat region (Khaama Press, 2016).

The Sunni-Shia sectarian divide is now relatively harmonious nationally, compared to the neighboring countries of Pakistan and Iran, and Iraq. However, locally, the Sunni-Shia sectarian conflict is simmering under the surface between the Sunni Tajik and Pashtun ethnic minorities versus the Shia Hazara ethnic majority in Hazarajat region in general, particularly in Bamyan province. Tajik and Pashtun minorities which are mostly settled in Syghan, Kohmard and Shebar districts of Bamyan province often claim discrimination by their fellow Hazar ethnic citizens. A Tajik representative at the Bamyan PC noted:

> we request the central government to consider equality in power-sharing in Bamyan local government. If the governor

> comes from the Shia sect, then the deputy should come from the Sunni sect. It does not matter if he is a Pashtun, Tajik or Uzbek but he should be from Bamyan. The Nasar[39] organization who rooted its influence in here; it is Khalili who installed his people here, and they torture our (Sunni) sect and us Tajiks. (Interview13Bamyan, 2016).

Because of its relatively homogenious Hazara ethnic composition, and because the Hazara are strongly opposed to the Taliban ideology, Bamyan is ranked as one of the secure provinces in the last fifteen years. It has also attracted foreign aid which has resulted in fair development in socio-economic and cultural activities in the province. However, both main routes connecting Bamyan with Kabul – the Maidan-Wardak road through Hajigak pass to the west and the Ghurband road through Parwan province to the north – remain highly insecure due to regular attacks and the taking of hostages by the Taliban [40].

4.2.4.3 The Case of Herat: The Fiefdom of Ismail Khan

Herat province is in western Afghanistan and borders with Iran (Islam-Qala) and Turkmenistan (Turghundi). The province is known as one of the critical centers of Afghan history and civilization (Dietl, 2004). While Dari is the dominant language in Herat city, the Pashtuns, Tajiks, Turkmen, and Aimaq comprise the main ethnic groups in this province. Despite religious (Sunni-Shia) and ethnic

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[39] Al Nasr (victory) is a pro-Iranian Shia-Hazara organization in Afghanistan; inspired by the Iranian Islamic revolution and established during the Soviet invasion in 1979. Among others, late Ali Mazari was one of the founding fathers of the Al-Nasr, see more > (Amstutz, 1986, pp. 107-119). After the brutal assassination of Mazari by the Taliban, at the time leader of the Hezb-e-Wahdat (union party) of central Afghanistan, Karim Khalili took over the charge of the party.

[40] In March 2016, the author went to Bamyan province by road through the Maidan-Wardak route in order to conduct interviews with the PC members. Just a week before his trip, four university students were taken hostage by Taliban on the same route. The author had to hide his recording and questionnaire in the car. The contact persons who accompanied the author on this trip organized a trustworthy driver. It has been said that sometimes drivers on these routes report beforehand to the Taliban when they notice government officials will travel with them.

heterogeneity, the situation in Herat remains harmonious in comparison to Bamyan and Balkh provinces. However, the influence of the ex-Jahadi commander Ismail Khan and the drug-mafia is strongly visible over both appointed and elected local government institutions, as is also the case in many other provinces in Afghanistan.

Mohammad Ismail Khan was an Afghan army officer before the Soviet invasion. He turned against the PDPA government in 1979 and joined the Afghan Mujahedin resistance movement of Jamiat-e-Islami of Burhanuddin Rabbani. During the Afghan civil war, Khan controlled Herat province and proclaimed himself the 'Emir of Herat'. When the Taliban captured Herat in 1995, Khan fled to Iran where he remobilized his militia and returned to fight them. However, in 1997, the Taliban captured and imprisoned Khan, until he escaped the jail and fled once again to Iran (Dietl, 2004, pp. 46-49).

After the fall of the Taliban regime, Ismail Khan returned to Herat and ran the governor office from 2001 until 2005. Regarding Herat as his own fiefdom, Khan refused to transfer the millions of dollars in customs revenues raised from the Islam-Qala port, the border with Iran. After a battle in which Khan`s private Tajik militias defeated Pashtun warlord Amanullah Khan's forces in the Shindand district of Herat (which was soon after seized by the Afghan national army) president Karzai offered Ismail Khan a ministerial post in Kabul (Synoyitz, 2004). Ismail Khan stayed as water and energy minister until 2009 and as acting minister until 2013. The new unity government under president Ghani did not offer Khan any office, but he remained, de-facto, the key strongmen in Herat.

On 17th, April 2016 Ismail Khan commemorated the victory of the 'Mujahideen' against the Soviet invasion in a large gathering in Herat province[41]. In his speech to an audience that included late

[41] From the personal notes of the author: co-incidentally, the author was in Herat province on the same date (April 17, 2016) to conduct Interviews with the PC members. Some of the PC members canceled their interview appointments

Jihadi commanders, government officials including the governor, and some PC representatives (only a few PC members boycotted the ceremony), Ismail Khan warned the unity government to not ignore or sideline 'Mujahedeen' in national decision makings. He also pledged that, if the government failed to bring security, he and his Mujahedeen would act against the rebels without the consent of the Kabul government. The Ghani government took no notice of his remarks. In March 2018, Khan called on the Taliban to sit with Mujahedeen for negotiations, and "find a solution that will actually bring an Islamic system" (TOLOnews, 2018, para.3).

4.2.4.4 The Case of Nangrahar: Divided between Pashtun and Pashayie Ethnic Warlords

Nangrahar is a Pashtun dominant province in eastern Afghanistan. As in other parts of the country, here too, the collapse of the Taliban regime paved the way for the return of a warlord Mujahedin. With a long history of internal rivalry among each other, Haji Abdul Qadeer, Haji Zaman, and Hazrat Ali were among the key players, financed and armed by the CIA to go after Al-Qaida and Taliban remnants in the Tora Bora caves (Jackson A. , 2014, p. 14). Because he and his brothers had wielded influential power during the resistance against the Soviet invasion in the 1980s and during the civil war in the 1990s in eastern Afghanistan, Abdul Qadeer of 'the Arasala[42]' family was able to maintain the upper hand over Zaman and Ali. Thus, the interim government assigned him to the position of vice-chairman to president Hamid Karzai and also the position of minister of Public Works. Nonetheless, shortly after his

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because they were invited to attend the Herat-Mujahedeen`s victory against the Soviet invasion, a memorial ceremony said to be celebrated every year in Herat. Only a few PC members, who seemed to refuse the invitation, were at the provincial council. The author also attended the ceremony and took notes of Ismail Khan's speech.

[42] The other two brothers of Arsala are Abdul Haq and Haji Din Mohammad. Abdul Haq was captured and killed by the Taliban in early 2001 whereas Haji Din Mohammad is a member at the High Peace Council (HCP). The Arsala name stems from Arsala Khel a sub-tribe of Pashtun Ghelzai tribe (Jackson A. , 2014).

appointment, Qadir was gunned down by unknown persons in his own car in Kabul in summer 2002 (Refworld, 2005).

After Haji Abdul Qadeer is gone, his brother Haji Din Mohammad became the governor of Nangarhar, though the real power there was retained by his son Haji Zahir Qadeer (Human Rights Watch , 2004). Taking advantage of his father's fame, Zahir Qadeer not only extended his power through thousands of armed militias, the drug-trade, and cash from the CIA, but he also won a seat in the 2010 parliamentary elections at the Wolsey Jirga (lower house) of National Assembly. By paying cash to the more obscure legislators, the second Qadeer soon formed the first parliamentary groups of De *Sole Karwan* (the Caravan of peace) at the Wolsey Jirga. Soon after, he managed to earn the first deputy speaker position[43]. The 2004 human rights report accused Zahir Qadir of being engaged "in numerous human rights abuses, including the seizure of land and other property, kidnapping civilians for ransom, and extorting money" (Human Rights Watch , 2004, p. 16).

As mentioned earlier, Hazrat Ali (a Pashaie ethnic) and Haji Zaman Ghamsharik (a Pashtun) were two other prominent warlord commanders in Nangarhar province, yet rivals to each other. After being accused of masterminding Abdul Qadir's assassination, Haji Zaman fled to France and returned in 2010, when he was killed in a suicide attack near Jalalabad city (Nordland, 2010). Hazrat Ali served as police chief of Nangarhar until 2005 and moved to Kabul after winning a seat at the Wolsey Jirga of the Afghan parliament. Like Qadir, Ali is accused of numerous human rights crimes including killings, kidnapping, rapes, and land grabbing (Human Rights Watch , 2004, p. 16). In the 2014 elections, both Ali and Zaman's sons – Ahmad Ali and Javed Zaman – made their way to the Nangarhar provincial council.

[43] At the time (between January 2008 and March 2011) the author worked as a legislative translator and legislative program officer with the USAID Afghan parliamentary assistant project (APAP).

In 2005, Gul Agha Shirzai – the Popalzai Pashtun of Kandahar (for more, please see the Kandahar case) – replaced Haji Din Mohammad as the governor of Nangarhar. Because of his lack of local support, Shirzai opted to consolidate with Hazrat Ali to weaken the Arsala family power base in Nangarhar while he built up his patronage network by paying money and positions to local tribal elites (Jackson A. , 2014, p. 21). To win the U.S. and Afghan government support, Shirzai not only implemented some development projects but also minimized poppy cultivation in the province. According to Dipali Mukhopadhyay (2009), the governor was providing the tribal elders with "discretionary funds, foodstuffs, and construction assistance for schools and mosques. In exchange, elders publicly pledged to assist the governor's administration in ensuring that farmers would not cultivate poppy" (p. 15). Meanwhile, Shirzai added millions of US dollars to his own pocket from the Thorkham[44] custom revenues and as the critical contractor to the US and other international military and development projects in Nangarhar (Jackson A. , 2014, pp. 23-24).

Shirzai's growing power worried the local elite warlords. Thus, the Arsala family, headed by Zahir Qadeer, united with Hazrat Ali to conduct an extensive campaign against the governor, organizing a serious of mass protests in which the protesters accused Shirzai of growing insecurity and fraud (Foschini, 2013). Sherzai left the governor's office in October 2013, nominating himself for the 2014 presidential election (Jackson A. , 2014, p. 26). Following, the resignation of the Sherzai, President Ghani's administration changed several governors in the province, but because of Qadeer and Ali's strong influence and control over local politics, none of these governors have had an open hand to bring fundamental reform in local governance.

[44] Thorkham is one of the key transit routes with neighboring Pakistan in eastern Afghanistan.

4.2.4.5 The Case of Kandahar: Divided between Tribal Warlords and Elites

Located in southwestern Afghanistan, Kandahar served as the de-facto homeland for the Pashtun tribal rulers who have governed the country since its existence in the early 18th century. The power-base and de-facto capital for the Taliban, Kandahar also counts as one of the strategic provinces for US military forces after Kabul.

Since the ouster of the Taliban from power in late 2001, the de-facto power has been divided between three major Pashtun tribes and their influential affiliated warlords: (1) Gul Agha Sherzai of the Barakzai tribe; (2) Ahmad Wali Karzai of the Popalzai tribe and half-brother of ex-president Hamid Karzai and (3) Abdul Raziq of the Achakzai tribe.

After being ousted from power by the Taliban in 1994, Gul Agha Sherzai returned to Kandahar with C.I.A military and financial support in December 2001 (Coll, 2018). Sherzai remained the governor and de-facto power-holder of Kandahar until September 2003 (The Liason Office , 2011). During his governorship, Sherzai cashed millions of funds from the US and Canadian military forces, rented government properties to the US forces and pocketed customs revenues from Spin Buldak– the country's main southern trading route with Pakistan (Jackson A. , Politics and governance in Afghanistan: the case of Kandahar, 2015). According to Steve Cole 2018, "by one estimate" Sherzai's "take was about $1.5 million a month" (Part-Two, Taliban for Karzai, para.6). His growing tensions with Ahmad Wali Karzai and his refusal to hand over the customs revenues to the national treasury made president Karzai appoint Sherzai to the national cabinet as urban minister (Jackson A. , Politics and governance in Afghanistan: the case of Kandahar, 2015, p. 14).

While Asadullah Khalid – the former governor to Ghazni province – replaced Shirzai as the new governor for Kandahar, nevertheless Ahmad Wali Karzai became the subsequent de-facto power

monopole in Kandahar. Wali consolidated different tribal groups for his support through informal councils (*Shuras)* which were later replaced by the PCs. Wali made his way to become PC chairman with the highest vote by manipulating the 2005 election (Wilder, 2005). Although having a seat on the PC was not considered influential at that time, it equipped Ahmad Wali with the legitimacy to extend his power not only in Kandahar’s local administration but also in central government affairs. Deceptively, Ahmad Wali was controlling central line ministries through his oversight power for Kandahar`s development projects. Together with Qayum Karzai (another brother of President Karzai), he owned several private security companies, which he rented to the US military forces to escort hundreds of trucks of goods and military supplies daily from the Chaman-Spin Buldak border to Kandahar and Helmand provinces. It is also believed that he secured his drug-trade between Helmand and the Spin Buldak border with the help of these security companies (Jackson A. , Politics and governance in Afghanistan: the case of Kandahar, 2015).

Since the new governor, Asadullah Khalid had no tribal roots in Kandahar, he ought to build an alliance with Ahmad Wali Karzai. Having the support of Ahmad Wali, give Khalid a free hand in his lawless governorship. According to Qais Azimy, a senior correspondent with Aljazeera in Kabul, Canadian deputy ambassador to Afghanistan Richard Colvin worked closely with Khalid in Kandahar. Colvin confirmed Khalid`s random assassinations, kidnapping gangs, and prisons, as well as his narcotics business in a briefing to Canadian parliament (2012).

Ahmad Wali was gunned down by his own very close bodyguard, Sardar Mohammad. The motive for the assassination is still not clear, however, according to former Sunday Times correspondent Miles Amoore (2011), among several theories, one says that it was the CIA that hired Mohammad to finish him off. Amoore`s (2011) personal communication with Sardar Mohammad`s family members confirmed his employment with the CIA. It is believed that the US

officials were fed up with Ahmad Wali`s corruption and drug-trade (Risen, 2008).

With Ahmad Wali gone, the only remaining option who president Karzai could trust to manage the de-facto power gap was Abdul Raziq (from the Achakzai tribe). As Spin Buldak police chief, Raziq was already known for his brutality and hatred towards the Taliban. The Norzai Taliban brutally killed his father and uncle (both former Mujahideen) in 1994 (Aikins, The Master of Spin Boldak , 2009). Raziq accepted Karzai`s offer as Kandahar police chief with the condition that he remain as the police chief of the Spin Buldak border too, the birth-town which secured his Adozai-Achakzai tribal support and drug-trade business (Aikins, 2011). Human Right Watch reportedly documented Raziq`s criminal behaviors of torture and executions in private prisons (Human Rights Watch, 2015). However, the U.S.'s heavy dependence on Raziq`s paramilitary forces for cracking down on the Taliban made Americans hesitant to remove him from his posts (Partlow, 2010) (Aikins, 2011) & (Bowman, 2015).

Similarly, soon after the inauguration of the Unity Government in 2014, president Ghani planned to sweep Raziq out from Kandahar, but advisors at the presidential palace convinced Ghani that it would cost him Kandahar`s proportional stability if he did so (Walsh, 2014). At the time of conducting this research, many informants in Kandahar province shared a similar view as that of president Ghani`s advisers. In response to a question regarding Kandahar`s security situation, a lawyer who runs a private attorney office in Kandahar commented: "If the Taliban or anyone having links with them is being found, he would be immediately executed and buried in the desert, in the outskirts of Kandahar. That is why people praise Raziq" (Kandahar35Interview, 2016). He added that being police chief, Raziq determined all local politics not only in Kandahar but in the whole south (Kandahar35Interview, 2016). Raziq's outspoken hatred for the Taliban and neighboring Pakistan made him the most wanted target for the Taliban. As a result, on October 2018 – a day

before the Afghan parliamentary elections – Raziq was shot dead after a high-profile meeting in the Kandahar governor compound (Shah & Mashal, 2018). Two days later the Taliban confirmed the responsibility for the attack. Soon after, the Afghan government also confirmed that shooter was a Taliban infiltrator who was hired as a security guard for the governor office a month before the incident (TOLOnews, 2018). (2016) (Khalilzad, 2016) (Rashid A. , 2010, p. 222)

CHAPTER 5:

State Governmental Design and the Afghan Discourse

5.1 The 2004 Afghan Constitution: An Unresolved Controversial Document

The official state institutional building process started with the formation of the Afghan constitution in 2003/2004. Following the appointment of the transitional government, the next step of the Bonn agreement was to write a new constitution for Afghanistan. In late 2002, the interim president Hamid Karzai assigned a committee of nine members to draft a new constitution to define the state institutional design and its government and governance structure for Afghanistan. The draft was then to be sent for approval to the *Constitutional Loja Jirga* (CLJ) (Goodson L. , 2003, p. 89). Another '35-member commission' supplemented the drafting committee that brought amendments to the 1964 Afghan constitution of King Zahir (see please chapter III) 'for reviewing the text' including 'a few international experts' (Rubin B. R., 2004, p. 10). According to Rubin (2004) and Goodson (2003), who both were among the few international observers and reviewers, the draft was not opened to the public before it reached a final version for discussion at the CLJ. As in the previous two meetings (the Bonn and the ELJ) the leading participants at the CLJ were split into two main groups: the Mujahideen groups and the Karzai team of western émigrés, who were mainly western educated elites. However, this time, the wider participants were also distinctly divided along the ethnolinguistic lines (Pashtun, Tajiks, Hazara, Uzbek, and Turkmen) for preserving more rights for their ethnic groups. By keeping the constitutional drafting process secret, the Karzai team managed to reduce the

influence of the Islamist Mujahideen at the CLJ. After nearly a three-week discussion over contested issues in the drafted text, including the role of 'Islam' in a democratic system, the new state institutional design, and national and ethnic identities, the Afghan constitution officially was agreed upon by CLJ (Rubin B. R., 2004, p. 10). The new constitution declared Afghanistan a unitary centralized state system (Chapter One, Article One) along with a 'two-house – House of People' or Wolsey Jirga 'and House of Elders' of Meshrano Jirga – National Assembly (Chapter Two, Article Eighty-Two). This decision was one of the most contentious issues at the time between the Pashtuns and the majority of the non-Pashtun ethnic minorities, and remains so today, with the former in favor of the present centralized unitary state system or an even stricter one, and the latter arguing for an alternative parliamentary or semi-presidential decentralized system, or even, in some cases, for federalism. The 2014 Afghan National Unity Government (NUG) – which goes against the principles of the enacted constitution – is also a vivid sign of pressure by the non-Pashtun ethnic minority elites for semi-Presidentialism.

In comparison to previous Afghan constitutions, the 2004 constitution turned out to be far more democratic and more sensitive to gender, ethnic, religious, and international Human Rights. However, there remained unresolved controversial issues on the ground, including the state institutional design, the role of Islam and women rights, the electoral system, and ethnic identity (Rubin B. R., 2004). The 2004 constitution marked the first time in its history that Afghanistan adopted a fully democratic system in the country, in which the president, members of the Wolesi Jirga, two-thirds of the Meshrano Jirga, provincial, district, village councils, and cities' municipal officials could be elected through popular vote. Since 2004, despite colossal fraud allegations, Afghanistan has managed to conduct three presidential elections (2004, 2009 and 2014), two parliamentary elections (2005 and 2010), and three provincial council elections (2005, 2010 and 2014).

In his closing address to the 2004 CLJ participants – who were indirect representatives of the various Afghan ethnic minorities – Hamid Karzai, by then interim president of Afghanistan, felt the intensity of the issue that imposing a strong presidential centralized system, in theory, only had support from the Pashtun ethnic groups. To calm the concerns of the non-Pashtun ethnic delegation at the 2004 CLJ, Karzai noted the possibility of constitutional amendments and a governmental system change in the near future. Although the prerequisites of 'stability and the emergence of proper political parties' mentioned by Karzai in 2004 are still not in place, the establishment in September 2014 of the National Unity Government (NUG) based on a power-sharing agreement was a clear signal for the arrival of such a change. The NUG agreement, which formed a unique style of semi-Presidentialism – Ashraf Ghani (a Pashtun) as president and Abdullah Abdullah (a Tajik) as chief executive officer – called for the 'convening of a Loya Jirga to amend the (2004) constitution and considering the proposal to create the post of executive prime minister' within two years of the deal (Afghanistan Analysts Network, 2014). Although four years have passed at the time of writing this dissertation, there are no visible signs of the inauguration of Loya Jirga. However, if one is ever convened, the decision on an alternative system that might better suit Afghanistan would not be an easy one.

The discourse around democracy and the democratic government model in particular among the Afghan populations is shaped by significant interlinked factors, including the low rate of literacy, the dominance of traditional and extreme religious sentiments, the ethnolinguistic fragmentation and the tribal patronage system, the history-long attempt at centralized state authority, and the foreign interventions. Much of the above-listed aspects have already been discussed in the context of the nation- and state-building process in the earlier section.

Hence, the present chapter attempts to highlight some of the significant themes regarding Afghanistan's state-institutional design

and its alternatives. However, before addressing these questions, i will briefly illustrate the few major, yet controversial, achievements of the Afghan 2004 constitution.

5.1.1 The Rights of Women:

In 2004, according to Rubin (2004) at the CLJ meeting, the international community, led by U.S. and UN officials, along with some 'westernized Afghans,' made revolutionary deals with participating Islamists (Mujahideen/warlords) and Ulama (traditional religious elites) in terms of the role of the women and the state of Sharia law in the new constitution. The result was a guarantee of equal rights for Afghan women and a loose sharia law that met international human rights principles.

The establishment of equal socio-political rights for the women is one of the significant achievements of the 2004 constitution. For instance, in chapter two, Article Twenty-Two of the 2004 constitution stresses gender equivalence by calling for 'equal rights and duties' for Afghan 'man and women' 'before the law' (The Constitution of Afghanistan (English Translation), 2004). It provides Afghan women with the right to hold or run for a similar political position as that of the men in a still highly traditional conservative society. According to Rubin (2004), the Islamists and Ulama at the CLJ, pushed for disqualifying Afghan women for the presidential post in the constitution, but the international community resisted.

In October 2004, when the Afghans went to polling centers for the first time to elect their president, Massouda Jalal – a pediatrician by profession and a UN employee in the Kabul-based World Food Program (WFP) agency – was the first Afghan female to stand alongside a dozen male candidates in the presidential election (Majidyar, 2009). Though Dr. Jalal won only 1.1% (Joint Electoral Management Body (JEMB), 2004) of the total votes in the run-off, her candidacy demonstrated a significant achievement for other Afghan women, who had suffered more than a decade of Mujahideen

and Taliban oppression. Later Dr. Jalal (2004-2006) served as the minister for women affairs in Karzai's administration.

Likewise, Articles Eighty-Three and Eighty-Four of the 2004 constitution reserve ‘in average at least two' seats for ‘female' ‘from each province' who ‘shall' find their way through free and fair election to ‘the House of People' or Wolsey Jirga. Likewise, 50% of the president's appointees (one-third of the total members) to the ‘House of Elders' or Meshrano Jirga of the Afghan National Assembly must be women (The Constitution of Afghanistan (English Translation), 2004). According to the United States Institute of Peace special report, in the 2005 parliamentary election, the number of females reached nearly 12% of the total candidates. In 2010, this figure significantly increased to 16%, in an election in which a woman from Nimroz province found her way above the constitutionally reserved quota (Worden & Sudhakar, 2012). Subsequent election law also guaranteed at least 25%[45] of the total provincial council seats for women (Electoral Law, 2016).

The findings of the present study reveal that a majority of the Islamic traditionalists and Jihadi groups who make up a significant part of the post-Taliban government are not happy with the social and political rights for the Afghan women placed in the constitution and achieved in the last one and half decade. In interviews across six Afghan provinces, several PCs members shared their concerns that the so-called ‘western democracy' (for more, please read democracy section below) violated Islamic principles and the Afghan cultural values (Interview26Kabul, 2016), (Interview27Kabul, 2016), (Interview29Kabul, 2016) and (Interveiw31Kabul, 2016) (Interview4Nangrahar, 2016) (Interview5Nangrahar, 2016). On several occasions, ex-Mujahedeen leaders including Ustad Sayaf and Ismail Khan publicly criticized the appearance of females on private TV channels' entertainment shows – calling it un-Islamic. It is the

[45] The 25% quota was decreased to 20% in 2013; however, president Ashraf Ghani amended the law to its initial status in 2016.

presence of the international community and the U.S. that has kept the criticism of both the traditionalist and the Jihadist limited to public condemnation.

The Taliban on their part have their reservations on the Afghan constitution in general and the rights of women in particular. If it ever happens that they reach a deal with the Afghan government, it is expected that there would be some critical changes regarding women's social and political rights in Afghanistan.

5.1.2 The Role of Islam:

Likewise, while preserving Islam as the religion of the state (Chapter One, Article One) and the 'ban on laws' that 'contravene the tenets and provisions of the holy religion of Islam' (Chapter One, Article Two), the new constitution holds a nondiscriminattion position toward the religious sects of Sunni or Shia. In the Juduicial section, the constitution simply refers to the distinctive jurisprudence of the 'religion of Islam as the religion of Islamic Republic of Afghanistan' and not to the distinctive jurisprudence of Shia or Sunni (Article Chapter One, Three), and makes no specific preference as did the previous Afghan constitutions (Rubin B. R., 2004, p. 14). Nevertheless, Article 2 (Chapter One) remains nearly indifferent regarding 'the followers of other faiths' (which in the present case refers to the Afghan Hindus and Sikhs) who according to the present constitution have the right to practice their 'religious rituals' freely, but 'within the bounds of the law'.

Hence, the Shia religious minority – who are mainly the Hazara ethnic minority and who were not only socially and politically but also religiously discriminated in the past – received significant recognition in the 2004 Afghan constitution. The Hazara social and political struggle started in the1970s with the formation of the pro-Hazara rights political party (see the case of Bamyan) and gained momentum during the Soviet invasion between 1978-89, when they formed active militant groups backed by Iran. During the civil war –

between 1990s-2001 – the Hazaras were recognized as one of the four ethnic groups critical for maintaining political and military power in Afghanistan.

In 2009, the approval of Shia Personal Status Law (SPSL) – which was followed by strong national and international criticism due to its harsh and abusive approach towards women (Oates, 2009) – was the first definite step toward religious independence of the Hazara minority group.

5.1.3 The Electoral System:

Article Thirty-Three of the 2004 constitutions give 'the right' to the Afghan citizen 'to elect and be elected'(Chapter One, Article Thirty-Three). In Chapter Three, Article Sixty-One called for the election of the president 'by receiving more than fifty percent of votes cast by voters through free, general, secret and direct elections' (The Constitution of Afghanistan (English Translation), 2004). Likewise, Article Eighty-Three (Chapter Four) and One-Hundred-Thirty-Eight (Chapter Eight) outline the parliamentary and provincial councils' elections respectively. The main disputed topic among the academics and Afghan politicians in the elections conducted so far has been and remains the Afghan electoral system that was adopted by the Afghan Electoral Law (Ennis, 2006).

The electoral system adopted in Afghanistan is Single Nontransferable Vote (SNTV). While the opponents of the SNTV criticizes this system for discouraging the formation of political parties and thus not promoting vibrant democracy (Reynolds & John, 2012, p. 2), its advocates support the system due to its simplicity, which fits the Afghan sociopolitical context of being entirely new to democratic experiment back 2004. Furthermore, in Afghanistan SNTV could also be observed as the preventive strategy for the return of Mujahedin parties into the power. Since 2001 all Mujahedeen and a few Communist parties have returned to the Afghan political arena. Both groups bear a violent image from their

past political ruling in the eyes majority Afghans. The dominant Mujahedeen parties, all of which follow the one ideology of political Islam, were and still are divided only along the ethnolinguistic identities. Based on the Afghanistan Research and Evaluation Unit (AREU) research, in the 2005 parliamentary election, out of 249 seats, 156 were captured by the leading Islamic Mujahideen parties, and the remaining by the independent candidates. Whereas in the 2010 parliamentary election, the number of party seats decreased to 93 and the number of independent candidates increased to 155 (Reynolds & John, 2012, p. 10).

Therefore, thanks to the SNTV system, the finding of this study shows that there are hundreds of new political faces including women and educated elites who found their way to the lower-house of the parliament and to the provincial councils. The emergence of these new political individuals positively challenged the warlord's political parties. In the long run, Afghanistan does need an alternative electoral system that encourages a strong legislature and the formation of active political parties with alternative sociopolitical ideologies. But until warlords no longer hold ruling positions in the outdated Islamic parties, and until democracy takes firm roots in the Afghan political context, it is too early to propose replacing SNTV with any alternative electoral system.

5.1.4 Ethnic Identity vs. National Identity:

The issue of national and ethnic identity remains sensitive, even fourteen years after ratification of the 2004 constitution. Chapter one, Article Four of the 2004 constitution applies the word 'Afghan' as the national identity of all citizens of Afghanistan. In chapter one, Article Sixteen declares Pashtu and Dari – the two majority spoken languages among the Afghan populations – as the 'state official languages', and follows this with recognition of all other ethnic identities by affirming their spoken languages as officially the 'third' in their areas of dominance. According to Rubin (2004) at the CLJ,

some of the 'non-Pashtun' 'northern-block leaders' objected to the word 'Afghan' as the national identity, referring to it as only the Pashtun ethnic identity (2004, p. 17). Today this sentiment is shared among the wider non-Pashtun political class, in which some hardcore anti-Pashtun political groups and figures see the word Afghan as synonymous to the term "Awghan" – referring informally to the ethnic Pashtun – and therefore claim that Pashtuns want to impose their identity on other ethnic groups. This conflict re-escalated in early 2013 when the Afghan government decided to distribute standardized identification cards or 'E-Tazkera' – a policy aimed at preventing excessive fraud and improving regulation of the 2014 election (van Bijlert & Bjelica, 2016). Presently, the debate over the topic includes the wider Afghan population. The E-Tazkera had to be regulated through the Law on the Population Registration Record. When the draft on the population registration record arrived at the legislative house of the National Assembly, the parliament members (MPs) agreed to nearly all contents except article 6, which contains the personal details of the individuals. The majority of Pashtun MPs voted for adding the word Afghan and Islam as the national identity whereas the majority of non-Pashtuns demanded inclusion of the ethnic identity as well. Some others proposed omitting all three terms; Afghan, Islam and individual ethnic name in the identification card (van Bijlert & Bjelica, 2016). The dispute leaked from the National Assembly to the wider political class in which the proponents and opponents of the terms Afghan, Islam and ethnic identity poured into streets each chanting for their claims, which resulted in the halting of the printing process. Such conflicting issues are being utilized by hard-core ethnic opposition parties, each underlying the topic as their red-line, a strategy to attract more sympathizers for their political goals. For instance, Mohammad Ismail Yoon, leader of the Tahreek-e-Afghanistan (Afghanistan's movement) – who also owns a private TV channel 'Jwandoon' – advocates for Pashtun majority rights. Whereas, Abdul Latif Pedram, a Tajik, leader of the 'Hezb-e-Kongara Milli Afghanistan'

(Afghanistan's National Congress Party), member of the Wolesi Jirga and a pro-federalism in Afghanistan strongly opposes Pashtun dominance.

The emergence of new political parties among them, some with ultra-ethnic political orientations, and the Afghans' extensive access to both traditional and digital social media have added to a heated public debate over this and other similar topics.

Today there are tens of private Afghan Radio and TV stations, most of them owned by the political elites, and most more concerned with political orientation than with running a media business. In addition there are several telecommunication companies, that also provide internet services on mobile phones through which Afghans can not only access local political discourse, but also learn and compare themselves with broader global socio-political conditions through the use of social media outlets, including Facebook and Twitter.

As discussed above, ethnic identity, the role of Islam, the single non-transformable voting system "SNTV" and a strong unitary centralized state (discussed in detail below) are the major controversial issues in the 2004 constitution that will sooner or later require public discourse and revision.

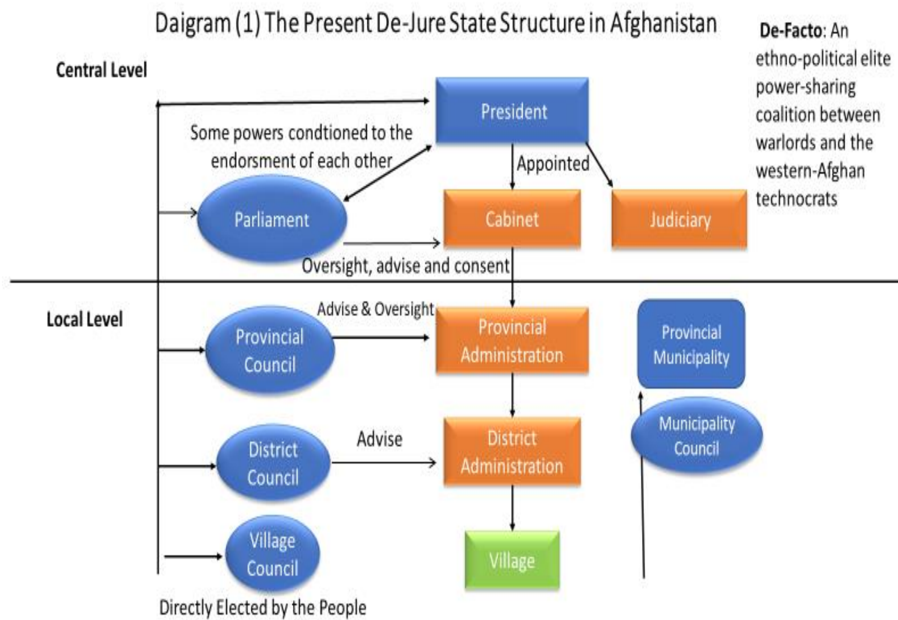
As Rubin and Gagnon (2016) also put rightly, today, access to the above global digital means on the one hand, and the uncertain security and political landscape of the country, on the other hand, has made Afghans, and particularly the younger generation, among the most politicized populations in the world. The Afghans' political awareness can be seen as a significant development towards creating a more democratic, responsive and accountable government and civil society institutions in the future. The transition toward such consistent reforms might not be smooth, and if enough attention is not paid to these unresolved issues, there could be dangerous consequences – possibly even the country slipping back into a civil war. Though ignored by the government, and to some extent also by its international allies, the Afghan nation suffers some serious ethnic

division on various issues including some discussed above. Likewise, after nearly one and half decades of its ratification, the 2004 Afghan constitution needs a proper review and timely reforms through an all-inclusive Afghan social and political consensus. The call to convene a Loya Jirga, as all conflicting parties inside the country also foresee it – might be one way to make this happen.

The following part of this dissertation is dedicated to a discussion over one of the above noted controversial themes, namely the state-institutional design/form of the future Afghan state institutional-building reform project.

5.2 The Afghan Presidential Vs. Parliamentary State Institutional Design Discourse

The 2004 constitution adopted a heavy unitary centralized state system for Afghanistan. According to the new Afghan constitution, the president is the head of the state, who is directly elected by popular vote for a five-year term. The president has the authority to appoint the executive and judiciary branches, in which the nominees for cabinet minister positions, for the supreme court, and for a few other high-ranking officials are subject to the consent of the legislative body or the Wolesi Jirga of the National Assembly. According to the president's office website in 2016, the cabinet comprised of 24-line ministries and six central independent bodies including the independent Directorate of Local Governance (IDLG), the National Environmental Protection Agency (NEPA), the National Directorate of Security (NDS), the Directorate of Da Afghanistan Bank, the attorney general's office, and the supreme court. Most of the ministries and independent directorates have provincial and in some instances district level departments, which are under direct control and supervision of the central line government authorities instead of under sub-national administration. The diagram (1) below illustrates the d-jure state structure in Afghanistan.



Source: The Diagram (1) is created by the author. This diagram shows the de-jure state institutional design of the Afghan government based on the 2004 constitution, whereas the text on the left shows the de-facto power structure at the central level.

The centralization of state power has a long history in the Afghanistan. Since its creation in the mid-eighteenth century, Afghanistan has constantly attempted to remain – at least in theory – a strong unitary centralized state. The founding father Ahmad Shah Durrani appointed provincial Hakims (governors) to extend his power to the sub-national regions – to collect taxes and rents from locals. Following the second Afghan-Anglo war in 1879, it was Amir Abdul Rahman Khan, who reintegrated the power to the central state, yet this time based on the idea of Afghan nationalism, Islam and institutional modernization (Saikal, 2004, pp. 35-39).

The centralization of power and radical state institutional modernization process took its first constitutional shape (for details, please read chapter three) during Amir Amanullah Khan's reign between 1919-1929. The 1923 fundamental code – known as the first Afghan constitution – for the first time in history not only strengthened the state power through building a cabinet of ministers

and an Advisory Council at the center, but also extended the state's control to its peripheries by establishing advisory committees at the province, district and division levels. The members to the councils were appointed half by the King from among the government officials and remaining half indirectly elected by the people. (Saikal, 2004, pp. 73-79)

In 1964, Zahir Shah introduced constitutional democracy into his monarchy for the first time in Afghan history. However, in practice, it proved to be nothing but a power-balance between the King's intelligentsia team in the center and tribal elites at the periphery. Although, this compromise led to peace and relative stability that lasted for nearly four decades, it created grave socio-economic disparities between the major cities and rural areas of Afghanistan, in which the former enjoyed state-provided basic infrastructure, health, and schooling, while the latter remained underdeveloped with hardly any access even to literacy (Roy, 1986). The 1978 PDPA communist revolution and the subsequent Soviet invasion not only fragmented the central state authority, but also derailed the nation to a decades-long state of ethnolinguistic conflict, resulting in the birth of rentier warlordism and Taliban extremism (discussed in detail in chapter three).

The question of which government system would best fit into Afghanistan's context, was raised in the Bonn conference in late 2001. The US and the UN-facilitated Bonn talk laid the foundation for the following Afghan government system. Ostensibly to consolidate the warring factions – who possessed militiamen and held territorial control of their own ethnolinguistic regions – under 'a broad-based political settlement', the US and UN remained focused on nation- rather than on state-building. But nation-building is necessarily a long-term, self-esteemed process and requires a stable, efficient state as a foundation to build on. In 2001, Shahrani rightly warned that the conference should focus on building the government system's efficiency, accountability, and durability for the Afghan nation as the whole and in the long run, instead of on

allocating shares of the power structure among divided fractions (2001). Nevertheless, the UN and the US approach for fixing the problem was based on the present concerns, conditions, and the time limit at the Bonn conference. The UN special representative Lakhdar Brahimi and the US diplomats knew that the settlement they were brokering had serious flaws, including unfair ethnic representation, but they hoped to reconsider and fix them (Rubin B. R., 2004). But the U.S. lost enthusiasm for the project, and the following processes were doubled with other errors.

Hence, the Bonn transitional administration charted the foundation for an ethnopolitics elite collation government in Afghanistan, in which the head of the state was reserved for a Pashtun, and the cabinet was divided among the ethnic groups based on an estimated percentage. Out of twenty-nine ministerial seats, eleven were allocated to Pashtuns – the largest ethnic group – eight to Tajiks, five to Hazaras, three to Uzbek and the remaining two to other minorities (Khalilzad, 2016, p. 127). The majority (sixteen out of twenty-nine) and key (e.g., defense, interior, and foreign ministries) positions were given to the Northern Alliances warlords. Except for swapping few ministerial positions, the 2002 interim government composition (Karzai the President versus Northern Alliances key Ministries) followed the Bonn transitional structure (Khalilzad, 2016, p. 127).

The discussion on a state governmental model took its momentum during the constitutional drafting process and Constitutional Loya Jirga (CLJ), in late 2003. Here too, Afghans were ethno-politically divided between Pashtuns for a Presidential centralization, Tajiks for semi-Presidentialism, and Hazaras and Uzbeks for Parliamentary federalism. To assure having one strong interlocutor in Kabul, the Bush administration also weighed in, advocating for a strong presidential centralized system in which Hamid Karzai was already foreseen as a favorite candidate for president (Rubin B. R., 2004). As the well-known scholar on Afghanistan, Barnet R. Rubin – who was actively involved in the post-Taliban Bonn process – writes from his notes at the CLJ in 2003/2004:

> The issue of governmental systems came into sharp relief at the CLJ as calls rang out for an up-or-down vote on presidentialism versus parliamentarism. Nearly all Pushtun delegates, joined by some members from other ethnic groups, came out for presidentialism. A bloc of non-Pushtun delegates, however, strongly supported a parliamentary system. Both sides made cases that mixed genuine public considerations with ethnopolitical ambitions. For Pushtuns and reformers, presidentialism provided a way for one of their own—everyone knew that the first incumbent would be Karzai—to emerge from the Bonn compromise with non-Pushtun armed factions as the popularly elected head of state. There would be no uncertainty about who held legitimate executive power in Kabul, and Washington would retain the benefit of having an identifiable Afghan partner whom it would know well and indeed preferred. The mostly non-Pushtun delegates who opposed presidentialism saw in it a risk of personal and ethnic dictatorship. A parliamentary system, they argued, would likely result in coalition governments that would be more representative and inclusive, safer from potential abuses of executive power, and hence more stable. (Rubin B. R., Crafting a Constitution for Afghanistan, 2004, p. 12)

In another place, Rubin (2004) writes that the constitutional drafting commission proposed a semi-presidential system with a president elected through popular vote and the prime minister appointed by the parliament – in which the former post was considered for a Pashtun and the later for a Tajik (p. 11). However, the proposal was replaced with Presidentialism by the National Security Council (NSC) whose members comprised the interim government's cabinet ministers and other high officials, including leading Northern Alliances warlords. The reason why some of the non-Pashtun dominant Northern Alliances compromised to accept a presidential system, according to Rubin (2004), was the attractive political rewards promised by interim president Hamid Karzai, whose win at the October 2004

scheduled presidential election was assured by the US administration. Karzai in his part, promised the first vice-president position to Mohammad Fahim Qasim – the leader of the Tajik Shura-e-Nezar (United Front) party after the assassination of Ahmad Shah Massoud – and the second vice-president seat (an unusual extra post added to the 2004 constitution) for Karim Khalili, a leading Hazara warlord and head of the Hezb-e-Wahdat Islami or Islamic Unity Party. This compromise disappointed several other Northern Alliances' leaders, among them the Shura-e-Nezar prominent leader Yunis Qanoni who had hoped to win the prime ministerial seat in a semi-presidential system (Rubin B. R., 2004, p. 12).

The discussion above reveals that the architects of the Bonn Agreement and the CLJ process had provided limited time and options for the Afghan representatives to opt for a proper and well-debated state institutional design. The limited discussion that took place was general, on the surface, and in some instances impartial. Many among both Afghan and international intellectuals, some of whom were also directly involved at the Bonn process, believed that a strong unitary presidential system could help in national integration and reducing warlordism (Rubin B. R., 2004). Others argued that due to the very ethnolinguistic and religious cleavages, and the nature of the post-conflict situation, a parliamentary federalism or a sort of consociational democracy – power-sharing at the center and group autonomy at the periphery – would best serve Afghanistan (Goodson L. , 2003, p. 89). For example, Zalmay Khalilzad, the influential US diplomat at Bonn and its subsequent processes writes: "In most situations, I would have favored a stronger parliament. But after years of war and destruction, I believed that a strong executive structure was necessary (for Afghanistan) to make decisions decisively and rebuild national institutions" (Khalilzad, 2016, p. 195).

Similarly, in a special issue to the *Forum of Federation* in October 2001, Umar Zakhilwal noted:

> (However), in a country like Afghanistan, where illiteracy is abundant, the economy is in shambles, and land and other natural resources are not evenly distributed across the country, federalism would lead to warlordism, personal fiefdoms, no respect for the central government and a continuation of internal war – this time over who gets what. (Federalism in Afghanistan: A recipe for disintegration, ph. 16)

Zakhilwal's concerns later proved to have a solid basis in reality, as the de-facto coalition government in Kabul failed to prevent the powerbrokers in the regions from building their local fiefdoms. Karzai, and later Ashraf Ghani, failed to tame the powerful warlords, including Atta Mohammad Noor in Balkh, Ismail Khan in Herat, and General Raziq in Kandahar.

In the same publication (special issue on Afghanistan *Forum of Federation,* October 2001), Mohammad Nazif Shahrani (2001) proposed a federal system in Afghanistan:

> Any attempt to re-impose a strong centralized regime controlled by a single family, clan, tribe, or ethnic group, whether Pasthoon or non-Pashtoon, must be and will be strongly resisted. Strong centralized regimes in multi-ethnic societies such as Afghanistan tend to breed nepotism, cronyism, and internal colonialism by the ruling clique. (Not "Who" but "How"?: Governing Afghanistan after the conflict, ph. 9)

The reasons for or against brought forward in the above-quoted statements could have legitimate reservations; nevertheless one can observe the ethnopolitical elite divide even at the intellectual level, in which Zakhilwal, a Pashtun, propagated unitary centralization while Shahrani – Uzbek, – stood for a federal system. Later Zakhilwal was to hold prominent positions in Karzai's administration including the ministry of finance between 2009-2014, while, Shahrani's father Nematullah and brother Wahidullah served

in various ministerial positions in post-Bonn government. It is worth mentioning here, that a large number of international experts[46] on the topic had, and still have, proposed a sort of federal system – following the standard academic line of argument.

The ethnopolitical parties' voter-banks and individual strongmen's regional influence were the key indicators for the power-sharing composition of the past three presidential elections of 2004, 2009 and 2014. For instance, during the 2004 presidential elections, in which Hamid Karzai's win was already expected (Smith S. S., 2012), he had to pick an influential Tajik as his first vice-president and the leader of the Hazara ethnic party as the second-voice president. (Khalilzad, 2016, pp. 213-214). To win the consent of his major ally, the Defense Ministry was already promised to Mohammad Qasim Fahim – by then leader of the United Front who was promoted by Karzai to a symbolic Marshal rank. The same ethno-power-sharing method was followed at the 2009 elections as well. This time, however, due to sour relationships with Hamid Karzai, the United States favored Abdullah Abdullah – a prominent Tajik member of the United Front (UF) with Pashtun roots, and foreign minister to Karzai's administration between 2001-2006. To weaken Abdullah's writ among the Tajik voters in the north, Karzai had to sell the first-voice president post to Marshal Fahim before the election. To ensure his win, he also invited Uzbek warlord Abdul Rashid Dostum from exile in Turkey to hold the post of 'Chief of Staff to the Commander in Chief to Afghan National Army'. The Hazara ethinc leader Karim Khalili remained as the second vice-president until the end of his second term in 2014. When Fahim died of a natural illness in March 2014, he was replaced by Yunis Qanuni, also a Tajik and member of the UF. This tradition was a bit changed in the 2014 election when president Ashraf Ghani (a Pashtun president) introduced a Hazara as

[46] For examples, please visit special issue on Afghanistan, the *Forum of Federation,* October 2001

the first vice-president (Mohammad Sarwar Danish) and an Uzbek as the second vice-president (Abdul Rashid Dostum).

Likewise, during the last one and half decades of Afghan government, the key cabinet ministries, and other high-ranking posts were divided based on ethnic preferences between the president and the two vice-presidents at the government central and sub-national levels. To win their support to his central government, Karzai had to make individual deals with warlords and powerful elites in influential regions and provinces. For example, since late 2001, Atta Mohammad Noor – a prominent warlord of the Jamiat-e-Islami party – remained the governor of Balkh and one of the influential de-facto powerholders of the Northern region. Likewise, Ismail Khan, who holds a strong power base in Herat, and General Raziq and Gul Agha Shirzai, who are based in Kandahar (for more on this, please visit chapter six), all have remained in crucial government positions both at central and sub-national levels despite frequent human rights violations.

Following the 2009 presidential election, the non-Pashtun political parties and individuals that were either left out or purged from governmental positions, re-raised their quest for a sort of Parliamentary decentralization, and some even federalism. As mentioned earlier, although the United States backed the Northern Alliances candidate Abdullah Abdulla in 2009 elections, his opponent Hamid Karzai won the election and became president a second time. The results frustrated some of Karzai's non-alliances warlords and they began to advocate for an alternative state governmental system to the present strong unitary Presidentialism.

The political divide and seasonal rivalries within the Tajik and Hazara ethnic-based political parties made it easier for Ex-president Karzai and current President Ghani to pick only the heaviest in the voting bank for the first and second vice president posts. Consequently, those who were left out of the power-sharing alliances have come to believe that under the present centralized system, they are unlikely to achieve a leading role in the central government. In

addition, the US's anti-Karzai sentiments since 2008 encouraged some Northern Alliances members to publicly raise their concern for an alternative political system. The Obama administration clearly accused Karzai's government of widespread corruption including a alleged fraud in the 2009 election, but there were also some U.S. Republican congressmen who have supported some elements in Northern Alliances since the Soviet invasion (Landay & Srobel, 2010). After president Karzai initiated peace talks efforts with the Taliban, a group of U.S. Republican congressmen headed by Dana Rohrabacher – chairman of the House Foreign Affairs Sub-committee – met with some of the leading Northern Alliances' members in Berlin in July 2010, including Ahmad Zia Massoud of Tajik Jamit-e-Islami party; Mohammad Mohaqqiq, leader of the Hazara Hezb-e-Wahadat-Mardom; and General Abdul Rashid Dostum of the Uzbek Junbish-e-Mili. The NA members feared that bringing the Taliban to the political process and Kabul would farther marginalize their share in the government. Hence, the Berlin participants dubbed Karzai's administration a 'dictatorship' and demanded 'more authority to the provinces' (Landay & Srobel, 2010). The quest to change the government system became more evident when these key ethnic leaders (Zai Massoud, Mohaqqiq and Dostum) announced their political alliance, the "Afghanistan National Front" in late 2011 and at the same time publicly insisted on changing the government system to Parliamentarism (BBC Persian, 2011). This was soon followed by another meeting with U.S. Republican congressmen/women, again led by Rohrabacher, which was facilitated by the German Aspen Institute in Berlin in January 2012. This time, Amrullah Saleh – former director of Afghanistan's National Directorate of Security (ANDS) and present chairman of Rawand-e-Sabz or the green movement – joined the Afghan delegation from Kabul (Ruttig, 2012). The participants at the Berlin meeting issued an official statement, calling "for a national dialogue on a revised Constitution to correct the inherent flaws in the present power structure by decentralizing the political system" and

asserting that Afghanistan "need a parliamentary form of democracy instead of a personality-centered presidential system"(Rep. Rohrabacher Leads Bipartisan Delegation's Afghanistan Strategy Session With National Front Leaders in Berlin, 2012, para. 5). The assertion created anger and tension among the Pashtun political circle in general and the Karzai administration in particular, accusing Americans and the Germans of disrespecting the Afghan constitution and damaging 'national unity' (Ruttig, 2012).

The turbulent 2014 presidential election results not only formalized the de-facto ethno-power-sharing government through a political deal signed between the contestants –Ashraf Ghani and Abdullah Abdullah – but it also brought the proponents for Parliamentary decentralization a step closer to their long wished aim.

On September 29th, 2014, John Kerry – the US secretary of state to the Obama administration – brokered the National Unity Government (NUG) deal, in which Ashraf Ghani was declared the president, and Abdullah Abdullah, the Chief Executive Officer (CEO) for the five-year term (The 'government of national unity' deal (full text), 2014). The NUG partnership agreement came about because the fraudulent and contested second-round election outcomes on June 14, 2014, created tensions between the two camps (The Ghani Pashtun vs. the Abdullah Tajik supporters) that brought Afghanistan to the edge of national turmoil. Part one of the NUG agreement called for the inauguration of the Loya Jirga (LG) to amend the 2004 constitution within two years from the time deal was made. The proposed amendments to the constitution, according to the NUG deal, include the promotion of the CEO post to a 'chief executive prime minister'. Since the CEO position along with two deputies had no constitutional support, a special presidential decree was required to initiate these posts (The 'government of national unity' deal (full text), 2014).

Furthermore, the NUG deal was created on the bases of a half-half partnership between the President Ghani and CEO Abdullah. That means, fifty percent of the government posts, including cabinet

ministers and their deputies, independent directorates, provincial and district governors, diplomats to foreign embassies, and other high-ranking officials were to be chosen by the president, and the remaining half by the CEO Abdullah (Rubin & Gagnon, 2016).

Although the two-year deadline for calling the Loya Jurga has long passed, at the time of writing this dissertation, the NUG has still not managed to inaugurate the CLJ for the amendments to the constitution. Nor have the government partners (Ghani and Abdullah) succeeded in assigning a full ministerial cabinet. The constant political deadlock and tensions arising from troublesome postings in the government are considered by critics to be a significant failing of the domestically and internationally improvised unity government project.

It is worth mentioning here, that the power-sharing government strongly contradicts the 2004 constitutional presidential unitary system. It was this violation of the rule of law from the very beginning that made the Afghan road toward democratic state-building bumpier than it already was. It created a mistrust of the idea of the state and the supreme law not only among the Afghan population in general, but also among the powerbrokers and political elites, who then could justify their violation of subsequent laws about the implementation of the constitution. Several provincial council members interviewed in this study shared their concerns that violations of the constitution – for example, the emergence of the NUG government – discouraged their efforts toward democratic state institutionalization. As one PC representative from Kabul in an interview to the author said:

> In my opinion, the Taliban government was much better than the present one. Though economically Afghanistan suffered, however, the laws were implemented. Whenever Mullah Omer issued a decree, it was implemented from the south to the north of Afghanistan. Today, we have two government in Afghanistan. One (referring to president Ghani) issues a

> decree, the other one (refereeing to Chief Executive Abdullah) abolishes it. Each one appoints their affiliates to one official posts. People are fed up with this sort of governance. (Interveiw31Kabul, 2016)

Besides, the creation of the NUG vividly challenged the emergence of an active opposition party to the state and discouraged the formation of political parties. All major parties have their share in the NUG in one way or another. There remain only individuals like Abdul Latif Pedram – a parliament member and head of Kangra-e-Mili or national congress party – who except for his constituency from his home province Badakhshan – has hardly any support or recognition among the wider Afghan population. Just recently, a new council, Shura-e-Herasat Wa Subat Afghanistan, or the Council for Protection and Stability in Afghanistan (CPSA) has emerged whose members are ex-Mujahedeen who served during Karzai's administration and who were purged from power by the NUG government. The Jamiat-e-Islami - in which chief executive Abdullah is a leading member - is a key coalition member of the CPSA.

Finally, the initial goal of adopting a centralized Presidential system was to curb warlordism and to build strong national institutions. But the de-facto power-sharing practice encouraged warlords to strengthen their influence at the sub-national government through their patronage relations, in order to achieve more leverage with the central government. These warlords have become so strong that in several instances they have challenged the central government authority. (Sahak, 2017)

5.3 The Afghan Perception of Democracy

For the first time in its modern history, the October 2004 presidential, and September 2005 parliamentary and provincial councils' elections marked Afghanistan's full shift to a democratic system. Despite its turbulent processes and fraudulent outcomes, it

was followed by another two rounds of presidential and provincial councils in 2009 and 2014 and parliamentary elections in 2010. Despite death threats from the insurgent Taliban, the turnout and popular enthusiasm in all past elections were impressive. Nevertheless, one should make a clear distinction between democracy as a method of electing the head of state and local representatives, and as a value perceived by a traditional, religious, yet in many aspects evolving, Afghan society.

As highlighted earlier, the low literacy rate, the continued dominance of traditional and extreme religious sentiments, the ethnolinguistic fragmentation, the tribal and kinship patronage system, the repeated historic attempts at centralized state authority, and the way the new regime was installed all are interlinked factors that shape the discourse around the term democracy among the Afghan populations. Moreover, when talking about democracy and state, one should distinguish between Afghans who are educated and have access to digital media and information and those who live in scattered rural areas, where they hardly have access to basic human needs, including health and education.

Both the concept of ‘democracy' and the system (democratic governance) are struggling to find their place in Afghan complex socio-political context. Most Afghan political elites interviewed in this study understand democracy as an imposed concept based on western liberal values brought by the United States and its European allies. Secular, educated Afghans elites, who either live in large cities or have returned from abroad (neighboring or western countries) often welcome democracy in Afghanistan. But the religious traditionalists, who make up the majority of the Afghan population, are more likely to see democracy as an 'evil' and against Islamic principles and Afghan cultural values.

The results of this study show that with regard to conceptual understanding and believing in the values of democracy, Afghan political elites are divided between the traditionalist – these comprise

warlords, traditional tribal and religious leaders – and newly emerging modernists – these include young educated elites. The modernists ideologically differentiate themselves from traditionalists, identifying themselves as moderate Muslims, supporting democratic values such as women rights and freedom of speech. Whereas, the traditional elites strongly believe in both Afghan and Islamic traditionalism and the ideology of the political Islam of the Mujahideen (Discussed in chapter three). A PC member in Balk province says:

> The democratic system is one of the best and practical systems known in the world. It is the democracy which grantees the rights of individuals, regardless of their ethnic or other affiliations in a nation. Unfortunately, due to the heavy influence of warlords and strongmen, who uses the political power for personal gains, democracy did not find its place in Afghanistan. (Interview9Balkh, 2016)

A few PC members in Bamyan province noted that democracy as a social value and as a political system is not well-defined in Afghan society. According to these representatives, it is the lack of social and political awareness of the people in Afghanistan which has led to criticisms of democracy as a whole (Interview12Bamyan, 2016) & (Interview13Bamyan, 2016).

The traditionalist believes that if democracy is a method of electing governments then it already exists within their cultural (referring to the Jirga system and the election of head of the state through indirect election since mid-18th century) and religious values (referring to the Baiat, the pledge in Khalifate system in the 7th and 8th centuries). In an interview with the author, a PC representative in Kabul asserted:

> Afghanistan is an Islamic country. If we implement Islam, democracy (elected government) will prevail. The essence of Islam is the democracy. (however) If we limit democracy to gender, freedom of women, it creates (cultural) sensitivities. There is no-law above as the law of God which is the holy Quran; the rest are laws made by the human. If we implement

> Islam (Islamic Sharia) then the best rights for women, human and even for animals are ensured. Since some people in Afghanistan take western values as a norm (for democracy), they think it means to walk half naked and don't respect your parents. (Interview25Kabul, 2016)

Several PC representatives made similar comments regarding democracy and its perception and implication in the context of Afghanistan. The right and freedom to choose, and freedom of expression are the controversial concepts within the understanding of liberal democracy in the Afghan context. The rights and freedoms of individuals are very much bound by and subject to the Afghan socio-cultural and religious norms. For instance, it would be against the Afghan cultural values, if a woman chose to marry whom she wants to. Likewise, Muslim men and women are not allowed to choose another religion once he/she has entered Islam, and expressing any critique towards the religious principles of Islam is considered blasphemy. A large number of PC members perceive 'western democracy' as a lifestyle, some called it 'naked', referring to western clothing as evil and against the Afghan and Islamic culture (Interview26Kabul, 2016), (Interview27Kabul, 2016), (Interview29Kabul, 2016) and (Interveiw31Kabul, 2016) (Interview4Nangrahar, 2016) (Interview5Nangrahar, 2016). Thus, the term democracy has a different perception with different people in Afghanistan. However, when it comes to elections, even the traditional Islamists support democratic principles.

5.4 The Afghan Perception of State Governmental Form

In comparison to the national identity problem (ethnolinguistic supremacy and the controversial 'Afghan' term, discussed in the earlier section), the discourse over state governmental system largely remained within political circles and limited to educated elites in the general population. However, whenever discussion on the state governmental system arises among politicians, it makes considerable news headlines in the local TV channels and the social media. The reasons the topic has not penetrated among the wider Afghan population encountered in this study are two-fold. First, Afghans were always ruled under a unitary centralized system, whether it be monarchy, a republic, or an Islamic regime. Second, the low rate of literacy and education limited the majority of Afghans, particularly in rural areas, from understanding the new and complex concepts including democracy and democratic regimes. Quite often, the author heard members at the village or community development councils (CDC), who perceive and call the state president with its traditional term of Pacha or the King.

Besides, the focus of discourse within political elites (who are mainly warlord mujahedeen but also the ethnopolitical parties) is primarily, who gets what, instead of what system or model might function better, or bring good governance and economic development.

It has been observed during the fieldwork of this study, that even most of the local politicians (members of the provincial councils), to whom the topic is very much relevant and significant, do not comprehend the distinctions between a presidential versus a parliamentary system, or between a centralized versus a decentralized state system. The author quite often encountered the term '*Nezam-e-Parlemani*' (parliamentary system) being perceived as equivalent to '*Nezam-e-Federali*' (federal system) not only by ordinary citizens, but also by politicians, including majority PC

members. Without several follow-up questions and clarification, the term *Ghir-e-Motamarkis* is understood to mean the Federal system. Federalism is a very sensitive term which directly invokes partition and disintegration in the Afghan context, and thus, only the so-called "hard-core" non-Pashtuns would talk about it publicly. The very fact of widespread misunderstanding of the topic in general, and of Federalism as a recipe for Afghanistan in particular, led many respondents in this study to merely answer that a centralized presidential system is appropriate for Afghanistan, even when the follow-up questions clearly revealed that they preferred the opposite. In August 2016, the Afghan Institute for Strategic Studies (AISS) published its field research results in a paper '*Afghanistan`s Constitution and the Society in Transition',* in which, besides addressing other significant constitutional issues, it attempted to reveal Afghans' preferences for state institutional design. The quantitative polls of AISS show that 49% of the respondents agree with the current presidential system, whereas 29% favors parliamentary and 22% semi-presidential system (p. 59). Likewise, the qualitative interview results show that half (17 out of 34)[47] of the experts are for the parliamentary system (Ahmadi, Mohammadi, & Erfani, 2016, p. 75). Similarly, according to this study 39.8% of the respondents opted for the present heavily centralized system, whereas 40.9% preferred decentralization in which "provinces should be given the decision- making power and local officials should be elected by the people", and the remaining 19.4% preferred federalism with a division of power between center and periphery (Ahmadi, Mohammadi, & Erfani, 2016, p. 67). Nevertheless 'one-third' of the respondents perceive the 'non-implementation of the constitution" as the main issue rather the present state-institutional design (Ahmadi, Mohammadi, & Erfani, 2016, p. 44 & 52).

[47] At the part, the researcher misinterpreted 17 out 34 as the majority which is incorrect. 34 minus 17 is equal to 17. That means only half of the respondents were against Presidentialism.

The AISS study is the first field research which assesses the Afghan perception of the implementation of the Afghan constitution post-2004. Nevertheless, it has serious technical, methodical and ethical short-comings and imbalances, which has been discussed in detail in the literature review (Chapter One). Thus, the author made extensive efforts to overcome the above shortcomings in the present study.

One of the significant parts of the field-work of this study focuses on the discourse over the state institutional design or system in Afghanistan. Since the method undertaken in this study was 'expert interviews', the prime aim was not to find what percentage Afghans want what, but instead to explore where the level of discourse stands. Furthermore, what is the rationale behind the discourse; what is the public perception about the topic as a whole, and whether it is divided along the ethnopolitical line as underlined in the hypotheses of this dissertation.

The PC members are the direct representatives of the people at the provincial level, hold de-facto two-thirds [48] of the upper house or Meshrano Jirga of the National Assembly, and are among the critical quorum of the Constitutional Loya Jirga, through which a constitutional amendment could take place. Therefore, the PC members' opinions are very much significant to the future decision making. The PC is one of the critical democratic parts of the Afghan state system at the sub-national level. Any future decentralization attempt would directly affect the role and responsibility of these elected bodies. Likewise, according to the findings of this study, despite having minimal power, it was the PCs that have challenged the central authorities of the Afghan government since its establishment in 2005. Furthermore, based on the findings of this study, the PCs are on their way toward finding legitimacy in the local Afghan communities, and once they get professionally and

[48] In de-jure it is one-third, but since the election of the district councils did not take place yet, a compromise was made to choose two representatives, instead of one, from each provincial council to complete the quorum of the Meshrano Jirga or Upper House.

politically ripe, these bodies will play a central role in sub-national government. Therefore, the following discourse is seen from the perspective of PC members in six large provinces (Kabul, Kandahar, Herat, Nangarhar, Balkh, and Bamyan) in Afghanistan.

The findings of this study reveal that the PC members are primarily divided along three main stances regarding which political system might fit the Afghan socio-political context: (1) A majority of the Pashtun PC members advocate for the present de-jure presidential centralized system and disapprove a parliamentary or federalism in Afghanistan. (2) The majority of non-Pashtun PC members – these include primarily Tajiks, Hazaras, and Uzbeks – promote Parliamentary federalism in the country and criticize current presidential centralization. (3) The third group includes both Pashtun and non-Pashtuns PC members who neither support a "strong" centralization nor federalism. Instead, they propose a sort of decentralization in which the PCs would have more power and authority in some provincial matters.

5.4.1 The Proponents of Presidential Centralization

The pro-centralization PC members follow the mainstream argument, that a federal parliamentary system would lead to national disintegration and eventually end up with succession. In general, an absolute majority of Pashtun PC members from the Nangarhar, Kandahar and Kabul provinces in this study are supporters for a ‘stronger' centralized presidential system. They argue that due to the past decades of civil war and warlordism, which created a grave ethnic cleansing and harmed the national integration, a semi-presidential or parliamentary federal system would lead the county to a farther ethnic fragmentation and destabilization. According to these PC members, a strong centralized presidential system not only fits the socio-geographic, economic, and cultural context of the country, but it is the only means to a breakthrough from the ongoing

de-facto sub-national warlordism. A PC member from Nangarhar province explains:

> Presently Dostum rules in Jawuzjan (province); Atta rules in Balkh; Ismail Khan rules in Herat and Abdul Raziq rules in Kandahar. If (the government) system changes to federal, we would never be freed from their tyranny. Therefore, it (federalism) leads Afghanistan to (farther) destruction. (Interview2Nangrahar, 2016)

Some PC members seemed so desperate about the influence and atrocities of the warlords that they prefer 'dictatorship' over a democratic system. One PC representative believed that strong central government leadership, in the form of what he called a 'healthy dictatorship', could remove warlords from power with support from the international community. According to this representative, the present 'democracy' facilitated warlords and the drug-mafia to buy votes and get access to more government leverage and resources (Interview2Nangrahar, 2016). Similar examples from this study confirmed that the existence of warlords and their patronage system profoundly influenced the democratic election not only at the national (central), but also at the local level. The election campaign in the Afghan context included cash payments to prominent *Maliks* or community leaders and regular huge meals to the villagers by the wealthy local warlords or their affiliates. Such expenditures in the political campaign are derived from the traditional *Khan* or *Malik* positions, which is a sign of social supremacy over other candidates. A *Malik* or *Khan*, besides other traits, should have enough financial means or land to cover costs of local matters including the feeding of villagers at conflict resolution gatherings.

Likewise, a majority of the local power-holders and elites are linked and loyal to wealthy and influential big-bosses – the warlords and drug-mafia at the provincial and national level. The prominent elites at the provincial and central levels also assure their local interests through the elections of the *Khans* or *Maliks*. These local elites and

their sponsors have a direct influence on the local government bureaucracies, including on the judiciary, on the police, on taxes and tolls, and on the electoral process. They often play the middleman and release criminals and accused persons before they go through a legal court process. They also hire their own loyal followers to work at the local poll centers during elections, who then manipulate the process for their sponsor's benefit[49]. Hence, many PC members believe that a decentralized power or a Federal system would give these local corrupt elites full and official access of the local bureaucracies and power so that they could run their local fiefdoms without any accountability to central government. These PC members believe that the cause of the system failure lies not with the 'present system' (unitary centralization) but with the failure to implement constitutional centralization properly, which allowed the warlords and Mafia-networks to build strong footholds in the government at both the national and sub-national levels. A PC member from Nangrahar asserts that until the 'rule of law' replaces the rule of 'patronage relationships', 'none of the systems' would prove effective for Afghanistan (Interview4Nangrahar, 2016).

Furthermore, some believe that the low literacy rate and low level of political awareness in the rural areas of the country has hindered the current democratic system and that a change to an alternative model would just make the situation more confusing. A PC member noted that since the majority of the Afghan population are illiterate, it is difficult for ordinary citizens to know about the state, law and its role at all. Therefore, according to this PC member, the present poor socio-educational conditions make the current centralized state system appropriate for Afghanistan (Interview3Nangrahar, 2016). In a group discussion among PC members in Kandahar province, a female PC stated that "the literacy and education status in this country is not on the level where people understand or accept change

[49]The author himself observed the 2010 parliamentary elections and interviewed those who worked at polling stations in 2014 presidential and provincial councils' elections.

easily. If one pays a visit to the rural areas of Kandahar, people even don't accept the present government system" (Interview32KandaharGroupDiscussion, 2016). The PC member from Kandahar refers to the scattered rural areas of the country, where people have only access to traditional religious teachings, in which they learn the Sharia system in the Taliban style. The misperception of democracy, which is known as the 'western evil' that mislead Afghans from their 'holy religion of Islam' and *Farhang Afghani* or 'Afghan culture' is the main factor that hinders a democratic regime.

Surprisingly enough there are considerable numbers of non-Pashtun PC members, especially among Tajiks and Hazaras from Bamyan, Herat and Kabul provinces, who also support the current presidential centralization and denounce system change in general and federalism in particular. However, unlike the majority Pashtuns mentioned above, this group's rejection of federalism is based on the present security, socio-political, and economic circumstances of the country. A semi-presidential or parliamentary Federalism is far more suitable than the centralized Presidentialism, but not adaptable for present day Afghanistan, according to this group. For example, a PC member in Bamyan province noted:

> Taking Afghanistan's present circumstances into account, we have not reached the time to go for a federal system. A federal system would very easily lead to succession. We will not have one Afghanistan, but there would be several one of them, with different names. However, if the current centralized government also continues as it is now, despite democratically elected, it would gradually lead to autocracy - a modern autocracy. (Interview15Bamyan, 2016)

Another PC member from Bamyan province states:

> In my opinion, a parliamentary system or federalism is not an appropriate system for Afghanistan for now because there are well-off provinces that have either natural resources or are

> bordered with a neighboring country, but there are others that have nothing. They are not self-dependent and requires the center (government) for reconstruction and people needs. (Interview13Bamyan, 2016).

A PC representative in Herat believes that a federal system would deliver the present central government power-sharing conflict to the provincial level, that it might act as 'poison' and fuel more destabilization (Interview16Herat, 2016). Another PC member in Herat shared his concerns that, at present, 'Afghanistan is in a state of war' and that a federal initiative would encourage the already provincial 'fiefdom governments'. Instead, he recommends a 'strong centralized government' that practices the rule of law on its all citizens. According to him, Afghans have experienced the arbitrary rule of individuals, and now it is time for them to get used to the rule in a democratic state before testing an alternative system (Interview17Herat, 2016).

5.4.2 The Advocates for a Sort of Parliamentary Decentralization:

The findings of this study show that it is the majority of the non-Pashtun PC members who promote either semi-presidential with a sort of decentralization or federal parliamentary system in Afghanistan. Although there has not been a common rationale behind advocacy for an alternative state system, a few of the respondents from Herat, Balkh, Bamyan and Kabul provinces stated that *Nezam-e-Sadarati*, or a Prime Ministership, which could be a parliamentary or semi-presidential system, is a more democratic and just system for a heterogeneous society like Afghanistan.

In addition, these representatives believe that a decentralized government system in which the provinces have the authority to elect their own governors, allocate their own budgets, and choose which infrastructure and development project has priority for its people. For example, a PC member from Balkh province asserts:

> In my opinion, the federal system would be better for administrating Afghanistan. For example, if the income and resources of a province are spent within its own jurisdiction, and the governor is elected from among its own people, it is far better than if someone else comes from another place (province). A good example is governor Atta Mohammad Noor of Balkh, who is from among the people and a son of the people (from this province). He served Balkh and its neighboring areas well. We were witnessing when a governor came from other places; they did not provide good services. If the system changed to Federal, everyone would have the right to candidate himself in his own province and serve better. (Interview6Bakh, 2016)

In Balkh province in particular the PC representatives are divided among those who support the de-facto power control of governor Atta Mohammad Noor and those who are against him. The PC member just quoted above was among the supporters of Noor, for example. The supporters of Noor were among the representatives who gained both political and financial backing during both provincial elections. Since governor Atta Mohammad Noor – the executive chairperson of the Jamiat-e-Islami party – is, for his own sake, among the strong Tajik advocates for a parliamentary decentralization or federalism (for more on Mr. Noor, please read chapter four), those who are his men in the PC must follow their boss.

Nevertheless, both Hazara and Uzbek members at the Balkh PC also favored decentralized power, however with a sharp criticism to Noor's monopoly. For instance, a Hazara PC member from Balkh noted that for a ‘multiethnic' country like Afghanistan which has ‘serious issues' (referring to ethnic conflicts), a federal parliamentary system is appropriate. According to this PC member, a federal parliamentary system would not only solve these ‘serious issues' but also end warlord ‘dictatorships' (referring to governor Noor). According to this Uzbek representative, Noor is serving as a

provincial dictator, who controls the ‘administrative, military and financial matters of Balk' (Interview9Balkh, 2016).

Similarly, in Bamyan, which is primarily a Hazara ethnic dominant province, some representatives advocate for a decentralized system and a few propose a federal system. For instance, a Hazara PC member in this province said to the author, "around 25 years before *Shahid* (Martyred) Mazari proposed a federal system for Afghanistan. If one wants a real democracy to take place in Afghanistan, then the federal system is an appropriate one. We need to work for it and program it" (Interview14Bamyan, 2016). As mentioned earlier, in comparison to Balkh province, a majority of the Hazara PC members in Bamyan advocated for a gradual decentralization of power and were reluctant to consider a federal system for the time being. As a PC representative from this province noted:

> ‘Semi-presidential or Federal systems are better than the unitary centralized one; however, its implementation would be challenging, due to current circumstances in Afghanistan. Therefore, for the time being, our proposal for the central government is to transfer certain power and authority to provincial levels". (Interview12Bamyan, 2016)

In the significant Tajik dominant province of Herat, some PC members are proponents of a semi-presidential decentralized system. Here a majority of the PC members agree, that a federal system, for the time being, is a dangerous option that would be challenging to implement. A Herati PC member said that although a non-centralized, non-unitary system is most workable in the world today, it is Afghanistan's geographically mingled ethnic distribution on one hand, and its recent decades of varying sociopolitical orientation on the other hand, that make it very difficult to choose a proper system for the country. According to him, for the time being, the present government (unitary centralized) needs to implement the ‘rule of law', so that the people can get used to the relations between

the state and society before going to any alternative system (Interview19Herat, 2016). Another PC member from Herat pointed to the applicability of a parliamentary system, favored by a majority of the non-Pashtuns in Afghanistan. According to this PC member, there is no doubt that a parliamentary system is more accountable than a unitary one. However, for Afghanistan to adopt a strong parliamentary system, he said, we need to encounter the ground reality, which requires a considerable capacity for adopting such a system (Interview20Herat, 2016). Taking the non-party system in the country and the present parliament into account, a majority of its representations are ill-educated, warlords, and mafia affiliates.

Some PC members demand that more power and authority be given to provincial councils. For instance, they want to have the right to advise and consent on the appointed governors' posts and the oversight authority over the provincial government with checks and balances. Moreover, some PC members, including a few non-Pashtuns, believe that, in a federal system, only those provinces benefit that have a border with neighboring countries or else have rich mineral reserves. For example, a non-Pashtun PC member from Bamyan shares his concerns as follow: "Federalism is not appropriate for Afghanistan. It is centralization through which we (Bamyan province) get funds from Kabul for reconstruction and development. All provinces are not bordered with neighboring countries, neither do they have natural resources" (Interview13Bamyan, 2016).

CHAPTER 6: The Afghan Elected Provincial Councils and Their Role in Sub-National Governance

6.1 Introduction

The 'new' institutionalism put weight on the significance of the institution not only in organizing but also in shaping and changing the behaviors of political actors and elites, and vice versa. As discussed in detail in the theoretical chapter, according to March and Oslo (2008), 'institutions' "have an ordering effect on how authority and power is constituted, exercised, legitimated, controlled and redistributed" (6). Contextualizing March and Oslo's theory, this chapter illustrates the functions and power of Afghanistan's elected provincial councils (PCs) established in 2005. The Afghan PCs are crystallized from such conflicting informal institutions as what Khalilzad (2016) would call 'governance-spoilers' (warlords, drag-mafia and powerful elites) and 'governance-builders' (educated young technocrats and some tribal elites), who both struggle to get power through undermining each other's legitimacy. However, to a more considerable extent, the new democratic institutions, the PCs, are replacing the traditional power of the gun with the power of the vote. Although constitutionally very weak, in practice they have created some vibrant dynamics at the Afghan sub-national governance.

Based on the field research findings, this chapter looks at the role and impact of these quite new institutions (PCs) on the sub-national formal and informal governance and government structures. In other words, what impact have these new institutions (PCs) had on the political behavior of the Afghan tribal and warlord political elites? Moreover, how much have these new institutions (PCs) made and changed the 'political character' and 'vision' of Afghan political elites both nationally and locally. Finally, what impact have the new

constitutionally defined formal institutions (PCs) had over the old traditional informal institutions (namely Shuras/Jirgas)? What new orders have they produced so far?

If the successful execution of decentralization is dependent on the ability and accountability of sub-national democratic institutions, then the answers to the above questions would lead us to an estimation of whether the current Afghan elected PCs are institutions capable of taking on the load and responsibility for a possible decentralization. In other words, the study of new elected provincial councils is significant in understanding whether the Afghan PCs would play a central role in accommodating a bottom-up (decentralization) governance in Afghanistan, which will be discussed in Chapter Seven.

To understand the functions and role of the PCs, it is imperative to have a brief review here of the Afghan formal and informal governance structure.

6.2. Part-I: Sub-national Formal and Informal Government Institutions

In official terms, Afghanistan has no autonomous 'local government' which would be *Mahali-e-Hukomat-,* but instead it has *Mahali-e-Edara* or local administration which is basically the aggregation of some key service delivery (e.g., security, education, health, financial and primary courts) departments of the central line sectoral ministries along with independent organs in provincial and some district levels. Article 136 of the Afghan constitution, designates the 'province' as the 'local administrative unit'. While 'preserving the principle of centralism', Article 137 calls for the 'transfer' of 'necessary powers, in accordance with the law', to local administration (The Constitution of Afghanistan, 2004, Article One Hundred Thirty-Six & Thirty-Seven). However, until now, following the old

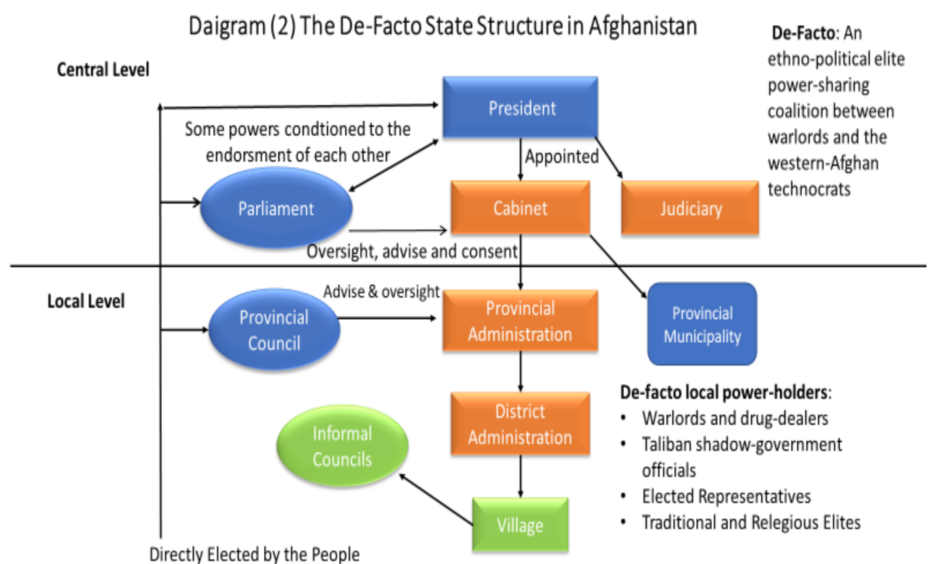
principles of centralism, all powers and authorities have been regulated from the center. The diagram (1) in chapter five, depicts the de-jure central and sub-national state structure in Afghanistan.

The province is farther deconstructed into the district and village levels, of which the latter has no official state bureaucratic structure (Local Governance Policy, 2010). Instead, based on informal governance mechanisms, every village indirectly elects one representative, locally known as *Malik or Arbab or Qariadar,* who then works as a middleman between the village and the district state administration. 'To administer city affairs', in theory, provincial and district levels 'shall' create independent municipalities 'through free, general, secret and direct elections' (The Constitution of Afghanistan, 2004, Article One Hundred Forty-One). However, in practice the mayors or *Sharwals* have been appointed by the central government up until the time of writing of this dissertation. The July 2007 World Bank report outlined altogether 34 provinces, 399 districts, nearly 217 city municipalities, and approximately 40,020 villages in Afghanistan (World Bank, 2007, p. vi). That means 182 districts have no municipalities. In addition, according to the constitution, advisory councils should be elected at the provincial, district, and village levels. Here too, until now, only elected provincial councils (PCs) have been established. These are discussed in detail in the following section.

All of the sub-national institutions mentioned above (formal and informal, appointed and elected) are de-facto primarily occupied and controlled by interlinked powerful non-state actors, including ex-Mujahedeen warlords, drug mafia, tribal leaders, and religious elites. In addition to the government's official institutions, a parallel shadow structure of the Taliban emirate exists in each province. Depending on the area, some of these institutions either cooperate or compete for power in each locality (in a province, a district, or a village). Balkh province could be a good example to explore here briefly. Atta Mohammed Noor – a warlord, alleged drug-mafia, and

executive head of the ex-Mujahedeen party – is the governor and solo power-holder in Balkh province. Through having extensive control of all central line authorities and resources to the province, he has not only managed to curb the Taliban to a considerable extent in the area of his influence, but also gained tremendous political and financial power. only a few members in the PC and local informal Shuras remain who would pose a challenge to Noor's power locally, whereas the rest are his own men (Interview9Balkh, 2016).

As stated earlier, the Taliban has their own shadow government in each province. Since both the Uzbek Junbish party of Dostum and the Tajik Jamiat party of Noor in Balkh province discriminate against Pashtun minorities, the Taliban gained significant sympathizers in these areas. A female PC member, who is representing Pashtun minorities in Balkh province, told the author that the Taliban control most of the district she represents. Since she cannot visit her district due to security risks, she says that her constituencies are either come to Masar-e-Sharif city or reach her via phone to share their problems (Interview8Balkh, 2016). The Diagram (2) below depicts the de-facto state institutional structure and power-sharing both at national and sub-national level.



Source: The above diagram (2) is created by the author.

In short, there is not only a constant contradiction between de-jure and de-facto institutional design at the sub-national level, but also enormous conflicts of interest between local formal and informal actors in Afghanistan. Introducing a democratic institution like Afghanistan's provincial councils into the center of this discussion in the following sections will draw out these contradictory aspects in more detail. However, before going on to the PCs, we must briefly discuss the formal sub-national administration (provincial and district government) and informal governance structures or Shura/Jirga (councils) that have crosscutting relations and influences with the PCs.

6.2.1 Provincial Governor & Administration:

The provincial administration is the largest sub-national government institution in Afghanistan. Headed by the office of the governor, or *Wali*, the provincial administration is the aggregation of key sectoral departments of the central line ministries and of the offices of some independent organs including security, health, education, and the primary courts. In theory, the *Wali*, who is directly appointed and supervised by the president, is the coordinating chairperson of the sub-national administration. In other words, while sectoral departments are under direct control and supervision of the central line ministries, the *Wali* is to make sure the programs and projects are implemented accordingly (Local Governance Policy, 2010, p. 157). For example, the education ministry's directorate *Reyasat-e-Maaref* has an office in every province that is responsible for administering educational matters at the provincial level. While *Reyasat-e-Maaref* is under the direct planning, budgeting, and implementation authority of the education ministry, the *Wali* oversees and coordinates its programs.

Being a direct representative to the president on the one hand, and having the all-inclusive influence on the formal and informal institutions and actors in the province, on the other, *Wali* is the second most attractive political post after ministerial one. Although, in theory, they are assigned only a coordinating role, in practice, their functions and authorities vary according to their political background and who they are. During the past sixteen years, very often *Walis* have been strong warlords or their close affiliates, who run provincial affairs according to how it best serves their personal and group interests. A detailed discussion on de-facto provincial governance of the six visited provinces is provided elsewhere in this chapter.

The sub-national government administrations were under the direct organizational structure of the Ministry of Interior, until they were transferred to a newly established the Independent Directorate of Local Governance (IDLG) in August 2007. The creation of the IDLG by President Hamid Karzai aimed not only at strengthening sub-national government institutions through good governance mechanisms (Independent Directorate of Local Governance , 2018), but also at bringing the *Walis, Wuleswals* (district governors) and *Sharwals* (mayors) under his direct control and supervision. The establishment of the IDLG was part of Afghanistan's National Development Strategy (ANDS), also known as the Poverty Reduction Strategy Paper (PRSP), drafted in 2006 as a pilot project until it was officially applied as a state national strategy in 2008. ANDS is aligned with the United Nation's Millennium Development Goal (MDG), aimed at bringing ‘security, governance, the rule of law, Human Rights, economic and social development' to the sub-national regions of the country (Afghanistan National Development Strategy (ANDS), 2008-2013, p. i & 63). While sub-national service delivery programs are planned, supervised, and paid from the central government sectoral ministries, the IDLG manages the appointments procedure for provincial and district governors and city mayors –

also known as the first-grade officers – for the president (Saltmarshe & Medhi, Local Governance in Afghanistan, A View from the Ground, June 2011, pp. 19-20). The IDLG also pays the remuneration and covers the costs of the office and the stuff of the first-grade officers. In return, the first-grade officers are required to report to the office of the president through the IDLG (Local Governance Policy, 2010). In short, besides being responsible for drafting local governance relevant policies and strategies, the IDLG acts as the liaison office for sub-national governance administration to the president.

Until the time of writing of this dissertation, the sub-national governance administration has been regulated by a local governance law issued by the Taliban emirate in August 2000 (Ministry of Justice (MoJ), Islamic Republic of Afghanistan, 2018). A new draft on local governance is under process, and expected to be sent to the National Assembly for discussion in the near future[50]. In 2010, the Afghan government, through the IDLG, drafted a 'local governance policy' aiming to define the sub-national governance's institutions' authority and job descriptions (Local Governance Policy, 2010), which was copied from the Taliban emirate law on local administration governance. It outlines an extensive list of vague and overlapping duties and responsibilities.

When it comes to public service delivery, the Afghan government is neither technically nor budgetarily capable of affording and implementing programs and projects at the sub-national level. Therefore, international donor organizations have funded the majority of the central line ministries' projects and programs. In other cases, donor organizations directly implemented some programs and projects.

[50] This information is provided based on a telephone conversation with Abdul Hamid Sahak, director at the Independent Commission for Overseeing the Implementation of Constitution (ICOIC), Islamic Republic of Afghanistan, date: February 6, 2018.

In November 2005, the Afghan government issued the establishment of the Provincial Development Councils (PDCs) (The Asia Foundation, April 2007, p. 18) in order to coordinate the International donor organizations' development programs with the government sectoral departments. The PDC's are supposed to hold monthly meetings. Chaired by the *Wali*, the PDCs' members include heads of the sectoral departments, chairmen of the provincial council, mayors, district governors, donor community members, and representatives of civil society (Local Governance Policy, 2010). Since the withdrawal of the international combat troops from Afganistan in 2014, a majority of the international donors' funds have dried up. Hence, the PDCs as ad-hoc committees have lost their significance for the local government structure.

6.2.2 District Government:

Presently, the district administration is the lowest official state institution in Afghanistan. Its administration encompasses a few third-grade sectoral offices of the central line ministries including, a police department, population registration, and prosecutor offices and an elementary court. Like the *Wali* at the province level, the *Woleswal* (the district governor) chairs the district administration. Nevertheless, a *Woleswal* is more a political representative of the *Wali* and the president for directly engaging with local people through informal community councils. Although the *Woleswal's* signature is required in all the local bureaucratic documentation, he/she has limited authority over sectoral departments. Unlike *Wali*, the *Woleswal* is a civil servant post, appointed by the IDLG with the consent of the provincial governor (Local Governance Policy, 2010, pp. 84-85). Nevertheless, in practice, like at the provincial level, the functions and authority of district level governance also depend on who is holding the post. In this case, if a provincial governor is a prominent strongman, then he makes sure to appoint his own men to the provincial seat. In southern and eastern Afghanistan, a majority of the

districts are controlled by the Taliban, who rule the area, either in cooperation or competition with the Afghan government [51].

The district offices are under direct administrative structure and control of the provincial departments of the central line ministries (Saltmarshe & Medhi, Local Governance in Afghanistan, 2011). Like at the province level, the Afghan constitution calls for the establishment of elected councils at the district and village level too. However, due to undetermined boundaries at the district level and technical issues at voting registration centers, elections for the 2010 district councils were postponed to an unspecified date in the future (Katzman, 2013). Instead since 2003, the Ministry of Rural Rehabilitation and Development (MRRD) through its National Solidarity Program (NSP) created informal Community Development Councils (CDCs) (Nixon, 2008, p. 16). Since CDCs are interlinked with informal Shuras, they will be briefly discussed in the following section.

6.2.3 Informal Governance of **Jirgas** *and* **Shuras**

Jirga in Pashtu, *Shura*[52] in Dari, literally means community council, and provides the basis for local informal governance institutions at the village, district and provincial levels in Afghanistan. Historically, the *Jirga* is as old as the Pashtun tribal system. It is a gathering of well-respected males aiming at finding a consensus on significant family, clan, community and sub-tribal, and tribal disputes. Pashtuns *Jirgas* are managed through their own codes of values knowns as *Pashtunwali,* whereas the non-Pashtun *Shuras* run according to their local community norms. However, both comprise the traditional Islamic law '*Sharia*' that is then mixed with local tribal and non-tribal

[51] During his visits and encounter with people and the officials (both Afghan government and the Taliban), the author witnessed districts in Kabul, Nangarhar, Herat and Kandahar provinces that were either under Taliban or government control or contested between the two.

[52] Shura, which is derived from Arabic, means council and has its base in Islamic principles. During the anti-Soviet Jihad, this term entered into Afghan sociopolitical context (Glatzer, Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?, 1998, p. 176). Today, its use is widespread in the Dari language in Afghanistan.

ethnic customary norms (Management Systems International (MSI), 2005, pp. 3-4).

There is no permanent chairmanship nor membership to informal *Jirga/Shura*, and its members are constantly changing. In some part, there exists a sort of permanent institution, while in others, it works as an ad-hoc committee, that comes and goes based on need and the type of issue. Bernt Glatzer (1998) notes that 'every free and experienced male person of the tribe has the right to attend, to speak and to decided' in *Jirga*, and that the 'Jirgas traditionally have neither leaders nor chairmen' (p. 176). Glatzer's observation is correct to a considerable extent, and in a sense that there are no permanent leaders of a *Jirga*. However, in practice, usually one or few well-respected elders chair the sessions, and the rest of participants listen, and occasionally share their concerns and ideas. Furthermore, there have always been influential men, as *Khans, Maliks* or *Bigs* who play a leading role in arranging such *Jirgas*. The Russian invasion and its subsequent civil war produced yet another figure, the *Jihadi* commander, into the lists of local influential men and significantly changed the structure, role and functions of Afghan *Jirgas* and *Shuras*[53]. Unlike its traditional structure – in which mostly religious or well-respected senior men chaired the decision-making at the Jirga/Shuras – today, a young warlord, due to his militia and economic power, decides the outcomes of an issue.

As stated earlier, in its small and local scale, the *Jirga* and *Shuras* are primarily practiced for community disputes purposes. Even though they are not always just, because the local *Jirgas/Shuras* are quick and have stable results, people often prefer to bring their problems to them instead to the state judicial system. It is also the case

[53] The author attended several local Jirgas and witnessed how powerful warlords influenced the sitting and even the decisions of these councils. In some areas, the warlords used Jirgas to legitimize their illicit activities during the civil war. For example, people had to pay Osher (tax) to the so-called Mujahideen during the civil war.

that the state judicial system does not exist in each locality, and when it does, it is often corrupt. Besides, conflict parties abide by the decisions of a *Jirga/Shura* as much as they would by the verdicts of the state courts. Furthermore, culturally, it is humiliatingfor a family or clan if their conflict reaches the governmental court.

In its higher and more representative mode, the *Jirga/Shura* is used as a political link between the state and a tribe or ethnic group. It is, in this political context, that the role of *Khans, Maliks* or *Begs* become significant to the state. At the sub-national level, both the *Walis* and *Wuliswals* are critical state representatives, who are in direct contact with the local *Jirga/Shura*. Both ex-President Hamid Karzai and the current President Ghani regularly accept large groups of representatives of these informal institutions in *Arg* (presidential place) not only listening to their issues, but also hoping to win their support and legitimacy locally[54]. During the field research of this study, the author observed that after *Woleswals* and *Walies,* the elected Provincial Councils (PCs) are becoming a second important institution for interaction for the *Jirgas/Shuras*. That means, when an issue is beyond the scope and capacity of the local *Jirga/Shura*, it is often referred to the PC. Through its tools of influence, the PC first attempts to solve the issue internally. However, if it is beyond their capacity or power, then, on behalf of the informal *Jirga/Shura*, they contact the relevant local and central government institutions (for more on this, please visit the PC service delivery title). The main reasons this works are the easy accessibility of the PC and the cross-cutting membership and interactions with the *Jirgas/Shuras*.

The 2004 constitution also calls on the establishment of elected councils in villages and districts. However, as noted above, these institutions are not yet established. (On page 206, District government)

[54]. The author also attended a local Jirga in Kandahar province, where due to their land disputes with the government, the members decided to bring their issue directly to the president in Kabul (for more on this, please visit the Provincial Councils section).

It is a question for future research to find out how these institutions would interact and evolve.

Nevertheless, since early 2002, the Afghan government together with its international partners constantly put forth efforts to modernize both formal and informal institutions, by introducing international standard *good governance* mechanisms through their reconstruction and development programs and projects. Using these programs and projects as an incentive, efforts have been put in place to reform local informal *Jirgas/Shuras*. In mid-2003, the World Bank, together with the Afghan government, initiated the Community Development Councils (CDCs) in order to mobilize local communities to participate actively in a rural reconstruction and poverty reduction program, thereby establishing state legitimacy (Calder & Hakimi, 2009, p. 13). Under its National Solidarity Program (NSP) the CDCs were embedded at the Ministry of Rural Rehabilitation (MRRD) of Afghanistan (Saltmarshe & Medhi, Local Governance in Afghanistan, 2011). According to a CDC member in Nangarhar province, the CDCs were primarily built upon the already existing Afghan informal traditional village and community councils of Jirgas/Shuras. That means the traditional community councils were reformed through introducing new structures and democratic and somewhat inclusive mechanisms. The CDCs are to create a decision-making board of members directly elected by the local community, and made more revolutionary by including females. The board is then divided into different committees, comprising of the budget, procurement and administrative (Interview33Nangrahar, 2016). Through block grants, the CDCs can conduct small-scale projects including providing drinking water, sanitation, bridges and roads (Interview34Bamyan, Author`s interview with a Community Development Councils member in Bamyan province, Afghanistan, 2016).

Based on Future Generation Graduate School’s research, the CDCs had significant positive outcomes between 2003-2006. According to

this paper, the CDCs have 'undoubtedly contributed to local stability, community reconstruction, inclusive governance, and participatory development' (Calder & Hakimi, 2009, p. 25). However, the increasing insecurity limited the work of CDCs. Among others, the expansion of the Provincial Reconstruction Teams (PRT) accorss the country resulted in delegtimazing the CDCs' performance. The PRTs were civil-miliatry units of the U.S. and Coaliation troops that conducted reconstruction projects in rural Afghan communites – a stratigy to win local support after minilitary operations. Since the CDCs worked closly with the PRTs, they were targeted by the insurgents, who accused them of being propaganda programs of the Afghan state and its coalition partners (Calder & Hakimi, 2009, p. 26). Moreover, based on the present research, the CDCs functions were significantly dependent on donor funds. Following the withdrawal of the international cambats troops in 2014 which also resulted in reduced development aid, caused the unpopularity of the CDCs. Several CDCs members interviewed in this study reported that when there is no project there is no CDC. Local people returned to their traditional structures of local Jirgas and Shuras to solve their issues (Interview33Nangrahar, 2016).

There is no doubt that the Afghan informal governance institutions of Jirgas/Shuras require substantial reforms due to their outdated mechanisms, the female discriminative structures, and in some instances their taking actions that violate human-rights. Nevertheless, any reform or substitution needs local legitimacy in order to be sustainable. Because of their dependence on foreign aid, and a lack of state constitutional support, neither the CDCs nor the PRTs proved able to gain local legitimacy and so were unsustainable. Therefore, taking the successful PCs example into account, instead of investing in temporary councils and ad-hoc committees, the Afghan government, and the international community could facilitate the formation of the district (DC) and village councils (VC). The 2004 constitution already assures the establishment of democratic DCs and VCs across

the country. Like PCs, the women participation could be maintained through reserved quotas set up by subsequent laws. Regulated by consistent rules and mechanisms, the roles and duties of CDCs and Jirga/Shuras could also be transformed to DCs. This way, the Afghan government, and the international community would not only plant sustainable democracy, but it would also improve security, governance, the rule of law, and eventually win local legitimacy and stability.

PART II: Sub-National Democratic Institutions in Afghanistan

6.3 The Afghan Elected Provincial Councils

The Walayti-Shura "provincial council" in Pashtu or Shura-e-Walayti "council of the province" in Dari language is the first sub-national representative body at the province level – embedded in the provincial government structure – which has a long history in the sociopolitical context of Afghanistan. In a modern state-building attempt in 1923, King Amanullah formed provincial (PCs) and district councils (DCs) for the first time as part of local government administrations in Afghanistan (Constitution of Afghansitan, 1923). However, articles 40 and 41 of the first Afghan constitution (1923) designated that half of the members be elected and the other half appointed, and so did not create those PCs as fully democratic institutions. It was the 1964 Monarch constitution which for the first time allowed provincial councils and municipalities to be elected through 'free, universal, direct and secret election'. Nevertheless, they were strongly dependent on local government administrations, and only played an advisory role to the provincial administration (Constitution of Afghanistan, 1964, Articles. 109 &111). Since the

2004 constitution is simply a copy (with slight amendments) of the 1964 constitution, it did not present anything new to these elected bodies, except that they were extended to the district and village levels. However, it does slightly loosen central government control over local administration as Article 137 states:

> The government, in preserving the principles of centralism, shall transfer necessary powers, in accordance to the law, to local administrations in order to accelerate and improve economic, social as well as cultural matters, and foster peoples' participation in developing national life. (The Constitution of Afghanistan, 2004, Article. 137)

That means, if power and authority is transferred through subsequent laws, it should be to the provincial and district administrations rather than to the elected PCs and DCs, which are politically appointed positions (the Wali and the Wuleswals) from the center.

Articles 138 and 140 of the 2004 Afghan constitution call for the formation of councils in the province, district and village levels "through free, general, secret as well as direct elections" (The Constitution of Afghanistan, 2004, Article 138 & 140).

Article 139 of the 2004 constitution describes PCs` functions as following:

> The provincial council shall participate in the attainment of the development objectives of the state and improvements of the affairs of the province in the manner prescribe(d) by the laws, and shall advise the provincial administration on related issues. The provincial assembly council shall perform its duties with the cooperation of the provincial administration. (The Constitution of Afghanistan, 2004, Article. 139)

The first Afghan PCs were formed in September 2005 (Wilder, 2005). Two years later came the law on the provincial council, which

provided nothing but a long list[55] of vague functions which could be summed up as representation, conflict resolution, consultation, and oversight duties (Law on Provincial Councils, 2007). The law on PC tasks its members to form several sectoral working-committees through which they could oversee and advise respective local government institutions on key service delivery and development activities. Ad-hoc committees could be formed based on needs (Law on Provincial Councils, 2007). The number of working committees depends on the density of the local government institutions in a province. For example, the PC in Kabul with 33[56] members, is the largest in the country and has a total of nine working committees. Bamyan among the smallest provinces in this study has nine members and four working committees which are adjusted according to the central government line ministries or public service sectoral departments. Themes allocated in these committees include security, health, education, culture, finance, good governance, reconstruction, women affairs, and dispute settlement. Despite their daily attendance, the PC members meet twice a month for a grand session to report, discuss and decide on the most significant policy issues at the province level.

However, both the constitution and its later assigned law failed to deliver clear decision-making authorities to PCs so that they could effectively assure good governance by the government institutions at the provincial level. The controversial overseeing/monitoring authority (see also oversight authority section) is not accompanied by legal checks and balances, nor does it have a clear implementing mechanism.

According to the 2007 assessment by The Asia Foundation, the central government together with its National Assembly believes that the delivery of more power to the PCs is in contradiction to the very idea of a unitary centralized state system. The study also quoted

[55] For the Law on Provincial Councils please see Box 1

[56] From the author`s notes from field interviews with the PC members

civil society concerns that empowering PCs would lead to supporting elitism and warlordism as many councils are strongly dominated by these groups (The Asia Foundation, 2007). Taking the present de-facto Afghan sub-national governance into consideration this argument has weight to a large extent. However, it could also be seen as a way to justify the central government's avoidance of its responsibility to mobilize sub-national institutions.

In the early days of its establishment, the PCs were very unpopular as most of the members knew little about their new jobs (Hamish, 2008). The existence of parallel development councils by the international aid organizations and the ISAF`s PRTs also overshadowed the PCs role in their communities. Until late 2014, the PCs were under the budgetary structure of their provincial governments. The provincial administrations, which are sub-national institutions appointed by the central government, are often reluctant to cooperate with PCs. Nevertheless, despite their very little de-jure power and financial resources, the PCs have gradually managed to find their place within their constituencies and, in recent years, to challenge the central and provincial governments.

The PC members also gained momentum when they came to realize that they could deliver more than just dispute resolution in their communities. The third round elected PC representatives collectively demanded their oversight authority which had been withdrawn by the legislative house (Wolesi-Jirga) (for more detail please read The Oversight Authority of the Afghan PCs) in late 2013.

In following pages, the author will discuss the provincial councils – the de-facto and de-jure power, and their role and responsibilities. Primarily based on the field research interviews and observations, the author will also summarize the key achievements and challenges of this emerging elected institution in Afghanistan.

Box 1. The Law on Provincial Councils

Article 2: The Provincial Councils shall function as an elective assembly with the objective of creating a structure for partnership and participation of people and Civil Society institutions with State Administration at the provincial level, and counselling and overseeing the provincial offices on related affairs.

Article 4: The Provincial Council shall have the following duties and authorities:

1. Participate in determining the development objectives of government such as economic, social, health, education, environment, reconstruction, and contribute to improve other affairs of the related province.

2. Provide consultation on effective usage of financial resourses of the province and oversee them.

3. Participate in settlement of ethnic and local disputes through holding of amendatory assemblies (Jirgas).

4. Provide consultation to design the development plan of province and anticipated plan and approve them before proposing to government.

5. Participate actively and in possible ways in elimination of the customs and traditions contrary to the law and Islamic Sharia such as forced marriages, exchange of females for settlement of disputes etc., and efforts to ensure Human Rights.

6. Visit the areas lacking freedom after reporting to the related authorities, analyze and evaluate the actions of law enforcement bodies, and provide related report to provincial administration.

7. Participate actively and effectively to ban the poppy cultivation, drug and narcotic production and addiction to them by providing awareness regarding the danger of using these substances, attracting the cooperation of people and institutions involved in campaign against drugs and its addition.

8. Acquire information on the proceedings and work plan of the provincial administration and related branches and provide written report to the National Council.

9. Appraise the development plan and annual expenditure process of provincial administration, and provide information to the respective inhabitants of the province through media.

10. Participate effectively in protection of environmental damages like trees from being cut and protect wildlife and birds from being killed.

11. Promote the participation of Provincial Councils in establishing better coordination with district and local villages' councils.

12. Participate actively in protecting the general public's property from illegal occupation by the support of the related authorities

Source: Hamish, N. (2008). Subnational Statebuilding in Afghanistan. Kabul: Afghanistan Research and Evaluation Unit.

6.3.1 The Oversight Authority of the Afghan PCs

In 2005, when the elected PC members sat for the first time after more than two and half decades of war and displacement, they had very little knowledge of their new role and responsibilities (Hamish, 2008). Since there was no law on established PCs, the president had to issue a decree to regulate these elected bodies (Ruttig, 2014). After two years of its establishment, the first PC law was endorsed in March 2007. Article two of the PC law give elected representatives the right to 'consult and oversee the provincial administrations on related affairs,' and again article four says the PCs 'shall consult and oversee the province on effective use of financial resourses' (The Law on Provincial Council, 2007, pp. 1-3). Although, the wording Mashwara 'consultation' and Nezarat 'Oversight' were mentioned in the PC law, the Afghan legislators and government officials were reluctant to take the PC members seriously in their oversight authority. Likewise, the functions endorsed by the PC law that are key to good governance in subnational government institutions have remained controversial and undefined until today. There is neither a clear mechanism under which the PCs could practice their oversight power, nor does the law say which sectors or services of the local government shall be monitored, or how and when the advice should be given. The PC members also lack the know-how of any over-all oversight mechanism; therefore, they simply apply a self-style procedure.

In early 2014, to highlight their oversight authority in the PC law, the Afghan PC members lobbied for a new bill in the Wolesi Jirga "legislative house of the national assembly" with the support of the Independent Directorate for Local Governance (IDLG). The new bill was composed of two major proposals: (1) PCs shall have the authority to oversee local government`s service delivery, budget spending and the implementation of the development projects and, (2) bringing the PCs under IDLG which is an executive organ itself, directly supervised by the president. Some representatives believed

that since the PCs are financially dependent on provincial governors, moving to IDLG would give them more freedom (Jawed, 2015), and the ability to use their oversight authority strictly. Not surprisingly, the opposite happened. The Wolesi Jirga amended the law and withdrew the oversight authority by omitting the Nezarat 'oversight' wording altogether. Some legislators feared to lose the monopoly of power in their provinces if they would hand over this key accountability tool to the PCs (Ruttig, The Butter on the Bread: The Provincial Councils` fight for extended authority, 2014). In September 2014, when the new PCs took over the office, they raised the oversight issue once again. The PCs chairmen of the 34 provinces met in Kabul and organized large street protests in the capital and other major provinces, demanding that the central government return their oversight authority (Interview4Nangrahar, Author`s Interview with the PC member in Jalalabad, Nangrahar Afghanistan, 2016).

Despite their strikes and lobbying efforts, the demand has been rejected once again by the Wolesi Jirga (Ruttig, The Butter on the Bread: The Provincial Councils` fight for extended authority, 2014). Since two-thirds of the Meshrano Jirga is composed of the PCs members, it gave them the chance to return the amended law to the Wolesi Jirga for reconsideration. According to the 2004 constitution, each PC shall send one of its members to the Meshrano Jirga (upper-house of the national assembly) for four years from all 34 provinces (see also National Assembly section). Since the district councils DCs are not yet established; therefore each PC sends two of its members based on internal consensus to the Meshrano Jirga (The Constitution of Afghanistan, 2004). It gives PCs the chance to communicate their problems quickly with the central government and the Wolesi Jirga through Meshrano Jirga of the Afghan parliament.

Through many joint sessions of both houses` committees, finally, the Wolesi Jirga was convinced to approve the new bill on October 2014 (Qaane, 2015). The legislative procedure required the bill to be sent to the president for signing - to turn it into law. By then Ashraf Ghani

was freshly seated as the president of the unity government. Surprisingly enough, Ghani too, rejected the bill, claiming that delivering more power to the PCs would increase corruption at the local government level. The Wolesi Jirga also took advantage of the dilemma and approved the old version of the bill which did not include the oversight wording at all (Jawid, 2015) (Qaane, 2015). Not only ordinary Afghans, but government officials too, believe that empowering PCs would lead to decentralization of power which goes against the very idea of a centralized state system (The Asia Foundation, 2007).

The president's rejection of the bill united the PCs even more than before. Pouring into the streets in Kabul and other big cities, the PC members across the country called their strike once again. As one PC member in Balkh noted, they closed the PCs` doors as a sign of protest and marched on the streets of Kabul for several days until they made president Ghani reconsider his decision (Interview7Balkh, 2016). In March 2015, president Ghani issued an 'administrative decree' [57], in which he endorsed the 2007 PC law back to power. In his very detailed article on Afghan PC to Afghanistan Annalists Network, Qanne noted that issuing an administrative degree instead of a legislative one is less powerful and didn't solve the issue in the long run. According to Qanne, the Wolesi Jirga must vote to pass the decree in order to turn it into a proper law. Such a vote looks like a no-go situation for the legislators in the near future (2015).

[57] Box 2 is a copy and translation of the president Ashraf Ghani decree.

President Ghani also tasked the IDLG to draft a rule of the procedure through which the oversight authority could be implemented. According to Hasht-e Subh ‘8 AM’ – a Kabul-based daily newspaper, on August 2015 the IDLG came up with a draft in which it illustrated the do and don'ts for the PCs regarding their oversight authority. The draft says that PCs could oversee the provincial government activities and provide necessary recommendations. Likewise, the PCs are required to submit their oversight report to the

Box 2. Presidential Decree on Provincial Councils

No: 867

Date: 13/12/1393 (4 March 2015)

Decree

President of the Islamic Republic of Afghanistan

About the Oversight Authorities of the Provincial Councils

Article 0ne: The Provincial Councils shall implement oversight authority according to the previously published Provincial Law in the official Gessate issue number (920), date 30 Hamal 1386 (19 April 2007).

Article Two: The Independent Directorate of Local Governance shall facilitate the implementation of the authorities mentioned in the first article of this decree in the relevant provinces.

Article Three: This decree shall be implemented from the date of its issue.

Signed by

Mohammad Ashraf Ghani

The President of the Islamic Republic of Afghanistan

Source: Translated by the author, for the original copy, please refer to the Annex 2.

IDLG and share it with the people. It also notes that in case the recommendations submitted by the PCs are not taken seriously by the local government, the IDLG and other relevant organs would act accordingly. This tactic of the president Ghani ostensibly returned their power to the PCs and cut the WJ hands off the issue. Since

provincial governor posts are political ones, and the IDLG is only processing administrative work, the PCs oversight results and recommendations would most probably end up in the IDLGs dustbin. This leaves media outlets as the only effective pressure mechanism left with the PCs. The PC regularly uses the local Radio and TV stations, as well as Social Media, particularly Facebook, for making their concerns and appeals public. In the meantime, the draft also warns the PC members to abstain from interfering and influencing the local government civil servants' appointments, contracting, and judicial affairs (Roye, 2015).

After all these restless efforts, the PCs failed to achieve what they expected at the beginning. Oversight authority through administrative decree with no proper legal checks and balances still lacks teeth. The procedure in the IDLG's draft, authorized by President Ghani, looks more like the president monitoring the PCs than the PCs monitoring local government institutions. The IDLG`s draft clearly exposes President Ghani`s mistrust of the PCs. President Ghani`s reluctance to issue a free hand to the PC is due to the high dominance of local corrupt warlords and militiamen, who by gaining more power would advocate for their personal interests rather than acting as a watchdog on the local government system. At the time of conducting this research, many PC members shared their belief that the president and the Wolesi Jirga had betrayed them and that their oversight role is mor symbolic than a real decision-making authority. The strong centralization of power also demoralized visionary democrats who have local popular support and are committed to fighting corruption in local government institutions. A female PC member from Bamyan shared her concerns as follows:

> I am representative of the provincial council, but not able to meet the needs of my people. In comparison to the needs and pain of my people, the power and authority of the provincial councils are nothing. Based on the present authority, I cannot work for my people at any level, and it is a moral pain for me. Because of this, I am continuously at a moral fight with

myself. Exactly, for this reason, I am not willing to candidate myself for the next term. (Interview15Bamyan, 2016)

Nevertheless, the struggle for more power seems to continue - as the PC members are getting more confident in their duties and aware of their de-facto power through local popular support. Local people have started trusting PC members more than other politicians as they are the only easily accessible authorities who could mediate their problems with local and in some cases even central government bureaucrats and officials (see also PC`s de-facto duties section).

It is worth mentioning that the IDLG is playing a significant role in educating the PC members by providing regular capacity building programs on their duties and responsibilities. Many representatives interviewed during this research responded that the PC is a provincial parliament at the local level and that it should be empowered and respected equally as that of the national assembly. A very influential elected representative from Nangrahar province said that the given oversight authority is useless unless sound check and balances accompany it. He went further and claimed that the central government imposes both the governor and municipal leaders on Nangrahar province which is undemocratic. According to him, the PCs should have the power to approve or disapprove the central government appointees to prevent corruption at the local government level (Interview5Nangrahar, 2016). Similarly, a PC member from Balkh province emphasized that in order to end the "fiefdom" of governor Atha Mohammad Noor they require the central government to deliver them the authority to advise and consent on provincial high-ranking appointments (Interview9Balkh, 2016).

Another PC member from Balkh province argued: "the advisory role, in my opinion, is not an authority because if there is a will, it could be accepted otherwise not… if we prefer democracy, then governor and municipal should be elected" (Interview10Balkh, 2016). The Lower-house of the National Assembly seems to be the inspiring institution for most of the PC members when it comes to how things should function. The phrases like "the PC is a parliament

at the provincial level", and "we want similar power and rights as that of the lower house of the national assembly" repeatedly mentioned by the member of the PCs in all six provinces. The PC members repeatedly demanded the power to approve or disapprove the governor and other high provincial bureaucrats in the same way that the lower house members advise and consent power on state ministers and other high-ranking officials. Moreover, they demand similar rights and incentives as that of the Wolsey Jirga members (Interview10Balkh, 2016), (Interview5Nangrahar, 2016) & (InterviewGroupDiscussion32Kandahar, 2016). It clearly indicates that PCs in Afghanistan are finding their place in the local social and political sphere.

6.3.2 Conflict Resolution Role

Historically subnational government institutions in Afghanistan have relied heavily on local informal councils for resolving local community issues such as disputes on the property, water, family/clan, etc. (see also informal councils section). Today too, due to pervasive corruption and insufficient government institutions, disputes are most often settled through local informal *Jirga/Shura* (councils) before going to the local courts. On the one hand, PCs are gradually taking over this role from the informal councils at the provincial level, as is supported by the law. However limited, the PC`s monitoring authority puts them in a better position than the informal councils, since they are legally empowered bodies who can pressure the local government if it avoids cooperating. On the other hand, since formal district and village councils are not yet formed, the informal *Jirgas/Shuras* still predominantly function as before. Usually, collective issues/conflicts are first discussed in village or district *Jirga/Shura* before being referred to the PCs (See an example in Box 3 below). In southern Kandahar province hundreds of people in the form of groups – which usually represents informal tribal

Jirgas/Shuras from rural districts - pass their issues on to the PC[58]. The PC sessions function somewhat like a typical court hearing but are less organized. The internal rule of procedure is somewhat based on the *Pashtunwali* code of conduct in Pashtun dominant districts and on a mixture of *Sharia* and local traditions in the non-Pashtun areas (see informal governance section). The PC members sit in the corner of a large room, the chairmen in the middle with the vice-chairmen at both sides, at the other corners individuals and groups report their problems, one after another. A large queue of individuals and groups wait outside in the provincial council building or in waiting rooms. The appeals usually include land arrogation by the local strongmen, murder cases between families/clans, petitions against district government officials, and so on. After listening to the involved parties in the conflict (unless only one side is present), the chairman asks the respective committee to take charge of the case. If there is no relevant committee in which the issue could be handled, they form an ad-hoc one on the spot. If the petition is against or with the government, the committee follows up the case with the relevant government institutions through both personal and official interactions. Depending on the level of power, sometimes local government officials are summoned to the grand meetings, a practice copied from the upper and lower houses of the National Assembly. Usually smaller conflicts such as family/clan ones are resolved on the spot by charging a fine if one of the parties should violate the decision made by the PC session.
With a slightly less structured setting than Kandahar, the conflict resolution procedure works somewhat similar in Kabul, Balkh, Nangrahar, Bamyan and Herat provinces. However, as mentioned in the informal governance section, its application and setting vary, based on local tribal and non-tribal ethnic customary codes and rules of procedure.

[58] Author`s notes from attending one of the general sessions of the PC in Kandahar.

Box-3: Kandahar PC settle a conflict:

During a general session, An elderly man, on behalf of a group of tribal elders from Jeray district of Kandahar province said: *"Haji Rais Sahib (Mr. Chairman) we are a group of elders from Jeray district of Kandahar. It is around 20 to 25 years ago that we seized a piece of government land - each 15 to 20 acres per family - on a hillside where we built houses and harvest the rest for our needs every year. Recently the district government is warning us that we should either lease these properties from the government or leave. Mr. Chairman, we: male, female, and children under terrible circumstances spent millions of AFs at our own expense to build these houses, harvest gardens, and dig wells for irrigation. We told the officials that they could charge us taxes, and we will pay, but we will never lease these properties from the government or leave even if they threaten us with death. We do not have a place to go. This is our land, and we lived here all these years.*

After listening to the comments of a few PC members, the Chairman asked: *"But you know that these properties belong to the government. Did you share this matter with the (provincial) governor?"*

The elderly man replied: *"Yes, we did share this matter with the governor, but he said that this is the central government order that all the government properties should be returned back to the government. Our argument is, when the government applies this rule to all 18 districts in Kandahar, then we will also obey the order, but now this is happening only with us. Mr. Chairman, we voted for you, and you are our representative, and we want you to help us in this matter; otherwise, we intend to prepare a group of 200 to 500 elders and go to Kabul to meet the president."*

The Chairman: *"We heard your problem, we will assign a committee to talk to the governor first, and if he makes trouble then we will meet with the president and talk about the issue. For the time being you return to your district and we will make sure that nobody makes trouble for you until there is a lasting solution found to the problem."*

Source: author`s notes during a PC general session: The above note is a summary of a case discussed in a PC general session in Kandahar province.

6.3.3 De-Facto Service Delivery: (The Catalytic Role at Local Bureaucracy)

As stated earlier, by law the PCs have no executive power, and their oversight authority lacks implementing mechanisms, including corresponding checks and balances. However, through their patronage relations/influence, the PC members built a catalytic reputation at local bureaucracies among its local constituencies. Administrative corruption and complicated bureaucracies make it nearly impossible for local citizens to have their work done on time – or done at all. Therefore, hundreds of people are waiting in lines daily to meet their PC representatives for whom they voted in the elections. After hearing the matter, the PC member then contacts relevant local administration.[59] Applications referred to the PC range from obtaining a passport - which is the right of every citizen by law to have – to the negotiation and release of a murder-case suspect from the local jail.[60] One PC member in the Nangrahar provincial council expressed the following:

> We have constituents coming every day. Our office starts in the morning at 9:00 am. There are different issues, someone needs a passport, someone`s relative is in prison, someone needs a visa, someone has a problem in public health, someone needs a job from us. Many people you see in Nangrahar have defiantly visited us at least once. (Interview5Nangrahar, 2016)

In response to the question of how they approach these applications, the PC members said, "we make telephone contact with the relevant bureaucracies, and if not then we send them an official letter" (Interview5Nangrahar, 2016).

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[59] From the author`s notes during the PC sessions.

[60] Please see box 3 for example on how a PC member handles a murder case.

A representative from Bamyan PC said that during his last ten years of membership, he received nearly thousands of applications each year from his constituencies, of which he managed to settle around 95 to 97 percent locally and didn't let the case reach the courts (Interview14Bamyan, 2016). This indicates that the PCs indirectly operate as the de-facto executive branch of the local government. Although very exhausting, these sessions are one of the principal instruments through which the PC members win the hearts and minds of the local constituencies and gain support and popularity for saving their seats in future elections. As one PC member noted:

> We have two types of clients who approach the PC for help. First, those who are educated and their requests are also legal, and we try our best to solve their problem. However, then we have also people who would ask me to help them financially. I may help one or two, but my budget does not afford to help everyone… or they asked me to issue them visas. Issuing a visa is not my job it is the job of an embassy. (Interview19Herat, 2016).

Herat province has a border with neighboring Iran, and it is quite a challenge for the people to get visas. Similar concerns have been shared by many PC members across six interviewed provinces. There are some significant reasons why the constituents rely on their local representative instead of the government bureaucracies. First, government institutions are highly corrupt which makes the people approach the PC members to get their work done. Second, people`s awareness regarding what the PC's job is, is very low in rural areas, Third, to win local support, some rich PC members or those affiliated with the rich, occasionally pay their constituents voluntarily, or use their patronage relations to accelerate paperwork through the local bureaucracies.

It was the constant pressure of the local government officials, particularly the *Walis,* which led President Ghani to issue a warning through the IDLG in late 2015, instructing the PCs to refrain from such interferences. According to the new rule of procedure, the PCs

are strictly forbidden from interfering in local bureaucratic affairs, including influencing the local civil servants' appointments, contracting, and judicial affairs (Roye, 2015).

Box-4: Kabul PC member settles a murder case:

After introducing himself, a plaintiff explains his problem to the PC member as following: *"Wakil Sahib (Mr. Representative-a common way of calling the PC member) my brother X had an accident with his car and killed a young man. He is now in prison in Kabul. We talked to the decedent's family, and they agreed that it was not intended murder and they would like to give my brother impunity. However, the prosecutor claimed that it was intended murder and must go through the court. We were told that the prosecutor asked for a bribe and it is a huge amount. We have already covered the funeral expenses of the decedent (A norm practiced, through which the murderer family pays an amount as compensation)"*

The PC member made a phone call (most probably to the general prosecutor office or a court) and said, *"This is PC member Y talking."* After a personal chat for a while, he comes to the main point *"I am sending someone to you. Only you can solve his problem. He will tell you about the matter himself. I need your close cooperation."* He assured his constituent that he will follow up the case and that he does not need to worry.

Source: From the author`s notes while waiting to interview a PC member in Kabul

6.3.4 The Bridge between the People and Government: Building on State Legitimacy

Local trust and legitimacy building are among the crucial tasks of any government for sustainable stability. For the Afghan government, which has continually suffered from the Taliban

insurgency since shortly after its establishment, this is a survival concern. In addition, the heavy centralized state is also very short of providing basic public services (e.g., security, shelter, drinking water, health, or schools) to its citizen in a majority of its rural areas, which is also a key to building legitimacy. However, it is noticed in this study, that despite its limitations, the PCs, as democratically elected institutions, play a vital role in building legitimacy for the Afghan government. As one of the Balk PC members asserted:

> We are among the people, and we encourage local people to cooperate with the government. There is a distance between the people and the government due to increasing insecurity. We play a significant role in convincing local people and aligning them to back the government. It prevents the Taliban from penetrating among the local people. This job neither the police nor the army could do (Interview7Balkh, 2016).

The PC members acknowledge that government legitimacy and existence is directly linked to and conditional on their own. Besides, a majority of the PC members live in their villages, among their people, which is already an extended hand of the government in the locality. Through the conflict resolution and indirect bureaucratic services that they provide, they firmly build their place and legitimacy among the people.

Almost all the PC members interviewed define provincial council as "a bridge between the people and the government". After officially taking their seats, members of PCs are recquired to attend regular capacity-building training programs which are conducted by the Independent Directorate of Local Governments (IDLG) through international donor support. The seminars and workshops cover themes including the PC's roles and responsibilities in their localities. Although "a bridge between the people and the government" is a phrase memorized from such capacity-building training programs, it does accurately describe a significant role of the PC as it has been in practice in the past few years.

Although the central government fears it will lose more control of the locality by empowering PCs, if the PCs ever gain more power and resources through which they could not only hold the local government accountable, but also provide substantial legal services to their locality. It would significantly encourage not only PC members but also the local people to support the whole state apparatus. A female PC member notes:

> If the central government, following the law, issued more power to us, it is inevitable that we would also deliver more to the people. In a house, if one (a family member) works more and puts forth efforts, then the rest (of the family members) would respect him more and he would be loved by the others. (Interview1Nangrahar, 2016)

The PC representative compares the role of the PC to that of the Afghan collective family system. That means local acceptance and legitimacy of the PCs are dependent on how much they deliver to the people. Thus, empowering the PC is a precondition for the local trust and legitimacy. The subnational government, as the representative of the central government and the PC as the local representative of the people, could complement each other in service delivery, accountability, and trust building.

6.3.5 The Increasing Role of Afghan Female PC Representatives

The Afghan Electoral Law ensures at least 25% of the total provincial council seats for women (Electoral Law, 2016). So far the female representatives have not managed to win more than the reserved quota. However, in the 2005 elections, 105 from a total of 285 female candidates found their way to provincial councils, these numbers respectively increased to 117 out of 328 in 2009. Due to 2013 electoral law amendments, in which the percentage of the quota was decreased from 25 to 20, the total number of female candidates decreased to 308 and the winners of the provincial councils' seats to

97 in the 2014 elections (Sharan, Wimpelmann, & Torunn, 2014). In late 2016 the Afghan government endorsed a new Electoral Law in which the women representation was reversed back to its initial status of 25% (Adili, 2017, p. 8). Presently, based on the field research of this study, in Kabul (the largest PC) from out of total thirty-three PC members, seven are female, and in Bamyan (the smallest PC in this study) from a total of nine representatives, two are female.

This study also reveals that nearly all female representatives are elected in provincial capitals, where life is an urbanized by Afghan standards. It also indicates that women representation in Afghan rural localities remain, to a more considerable extent, taboo.

The PC is not the only institution with female representation in Afghanistan. The 2004 constitution reserves 'in average at least two' seats 'from each province' for 'female' who 'shall' find their way through free and fair election to 'the House of People' or *Wolsey-Jirga* of the *Shura-e-Mili* or National Assembly. It also assures a quota of 50% from among the one-third of president's appointees to the 'House of Elders' or *Meshrano-Jirga* of the Afghan parliament (The Constitution of Afghanistan (English Translation), 2004, Articles Eighty-Three and Eighty-Four). That means a large number of women from all over Afghanistan have representation in the National Assembly. However, upon their elections, a majority of the representatives move with their families to the capital in Kabul and rarely visit the provinces, from where they were elected (InterviewGroupDiscussion32Kandahar, 2016). It could be argued that their daily attendance at parliament in Kabul and a high threat from the insurgents in their home provinces might be the reasons for abstaining these MPs for meeting their constituencies in a regular basis. However, some female PC members in Kandahar province claimed that the MPs go for vacations abroad during Parliament recess instead of visiting their home provinces and constituencies. They noted that for issues at the central level, the MPs are their main contact source, but 'some cooperate while others do not answer our

phones' (InterviewGroupDiscussion32Kandahar, 2016). A representative in Balkh province also noted: "usually it is the constituents who go to Kabul to meet their representatives for their concerns and matters" since the MPs come very rarely to their provinces (Interview10Balkh, 2016). Thus, the PC remains the only state democratic institution where women are encouraged to work for their people in their province. Afghanistan remains a highly male-dominated society where women are not welcomed in public alongside men.

In the past, the Afghan local state bureaucracies in rural provinces were exclusively male-dominated. It was during the time from King Zahir Shah to the late communist regime, when one could see female civil servants in Kabul and a few urban cities like Mazar-e-Sharif or Herat. Therefore, usually, men would represent their female family members outside the home. The Taliban regime completely locked up women at home, including preventing them from going to school. With the arrival of the US-backed Afghan government in late 2001, and ratification of the new constitution in 2004, women not only got freedom in social life but were strongly encouraged to participate in political and economic spheres. In the early years of the new Afghan government, it was mainly repatriated refugees from the neighboring countries of Pakistan and Iran – who had had the chance there to pursue their studies or work in humanitarian assistance NGOs – that got the opportunity to fill the female vacancies.

Nevertheless, in recent years, Afghanistan's public and private universities have graduated significant numbers of female students, who have quickly found their way to governmental and non-governmental institutions in the county. Based on present research results, unlike men PC councilors, of whom a majority are ex-Mujahedeen, the female representatives are repatriated refugees with a professional career or study background from neighboring Pakistan and Iran. The younger female representatives include public and private Afghan university graduates or students.

Despite grave challenges, the present study finds a revolutionary change in women's socio-political life in Afghanistan[61]. Female representative have not only become a vibrant voice for local women, who suffered history-long suppression, but also a challenging political competitor for their male counterparts. Local women now share their problems including family violence and abuses with their female representatives. They also ask for meddling in their court cases which are usually divorce related issues. As a female PC representative from Bamyan province noted:

> Since I am a woman, most of my constituencies are also female. Men come too when they need help. More women come for sharing family disputes. Others come because they had abusive experiences at the (local) police, prosecution and courts. Some others are in severe economic conditions and expect financial assistance. (Interview15Bamyan, 2016)

As stated in the earlier section, due to widespread corruption at local bureaucracies, often people approach their representatives for solving their issues with local administrations. The PC representatives copied the middlemen duty from the Afghan national parliamentarians. However, constitutionally the PC is not as persuasive an authority as that of parliamentarians, whose consent and oversight authorities have significant influence on central line ministries and relevant departments.

As to how the PC representatives respond to the demands and expectation of their constituencies, a female member replied:

> In family issues, we try to use our mediator role. We have been given this authority by law to intervene as mediator. Sometimes we give advice, other times we give warnings (to the conflict parties that they would report to the police if they

[61] Besides interviews with female representatives across six visited provinces, the author also attended and observed PCs' members meetings as well as their interactions with their constituencies.

> do not cooperate). It is very constructive; we have solved many disputes this way. However, when an issue is already registered (with the police) and has reached the prosecutor and the court, it is out of our authority. We cannot do more, other than just advise (share their insight of the conflict) to the prosecutor and court. However, usually, the court does not accept our interference and works independently. (Interview15Bamyan, 2016)

Female PC members understand that their potential support lies with the Afghan women population, which needs to be mobilized. Therefore, although some of the duties (e.g., meddling in local bureaucracies) are neither in their authority not part of their job description by law, they still do so in order to increase their credibility among their constituencies. They are actively engaged in building public awareness about women's roles and rights in local communities. As the representative of the people, they often attend official local government ceremonies, give speeches, and travel for training programs to Kabul and abroad. Some of the representatives have several thousand followers on Facebook and Twitter, and are often invited to public debates on local radio and TV channels (Interview19Herat, 2016). Others go to schools and universities to discuss their issues and concerns with them – a political campaign strategy for attracting more female supporters and voters. It is interesting to observe that women PC members have become inspiring role models for many young Afghan females. Due to their easy accessibility, female representatives are more often approached by school and university students for help with their problems, including lack of shelter, hygiene, water, chairs, and desks. In other instances, they may report discrimination and abuses by teachers and other officials[62]. One female PC member in Bamyan said, "students

[62] The author witnessed students' representatives of both male and female in Bamyan, Kandahar and Herat provinces who were standing in a queue to meet their representative for sharing their problems. During interviewing a female PC member in Herat in her office, outside a large group of female University students were waiting to meet their representative.

share their problems with us, and we accompany them to the local relevant authorities" (Interview15Bamyan, 2016). However, due to lack of political power and financial incentives, like many males, the female representatives, too, use this position as a ladder to a higher political career in the central government[63].

It is worth mentioning here that besides the achievements mentioned above, the female representative holds one of the most dangerous and challenging jobs in the Afghan localities. According to the findings of this study, female PC members are often discriminated against by their male colleagues or threatened by warlords and strongmen if they dare to speak out about their corruption or drug-deals[64]. Speaking with anonymity, a female representative from Herat said to the author:

> Female representatives are often discriminated against at the provincial level. The governor (of Herat) discriminates against women (in the meetings). The head of the provincial councils very openly tells me that I have no rights to talk against narcotics issues. Well, I am a representative, and this is my right and job to speak about corruption with the media. I have been frequently threatened by phone. On one occasion, they attacked my home and dropped a hand-grenade in my house. Lately, I have learned that there was a plan to abduct me. The reason for all this is that I am sharing the corruption

[63] A female representative from Kandahar and another from Bamyan province told the author off the record that they are planning to candidate themselves to the *Wolesi-Jirga* or House of People of the National Assembly in the next term.

[64]. During the Kandahar group discussion, a female PC representative complained about Kandahar MPs due to their non-cooperation. A male representative at the group discussion who seemed to disagree with her disrespectfully intervened and asked the author to stop the recording. After a short verbal exchange, two of the female participants at the group discussion left the room, a sign of objection. In another instance, during an internal meeting of the PC, in which the author was present, a female representative angrily requested the chairmen to assign her to another working committee because in her present committee, one of the male representatives was abusive toward women. This same male representative also rejected an interview with the author due to the author's interview with female members.

> of the representatives and the government with the media. (Interview19Herat, 2016)

As discussed in their earlier section, many representatives who are either warlords and drug-traffickers or their affiliates used their PC authority and influences and cut deals with local bureaucracies, including the police, to protect illegal businesses. Through their networks and power, they often pressure noncorrupt representatives to either cooperate or shut their mouth. As the PC member said:

> Unfortunately, as a woman, it is very challenging (to fight against corruption). If you cooperate and remain silent, they reward you. However, I am not someone who would cooperate. I put my hand on the Quran (the holy book of the Muslims) and made a commitment that I will fight against corruption. (Interview19Herat, 2016)

While female representatives continue the tireless struggle against corruption and the fight for their rights both at the PC and local government institutions, they are also higher on the target list for insurgents. A very talented young female councilor, Angiza Shenwari[65] died due to serious injuries from a targeted explosion in Jalalabad city in eastern Nangrahar province. Another prominent female representative – Sitara Achekzai – was shot-dead in 2009 in Kandahar city (The Long War Journal, 2009). Although it might take decades for Afghan women to have the chance to enjoy equal civil and political rights in rural part of the country, the inclusion of a female quota in the new constitution and in subsequent election laws creates promising hopes for the future. The extensive female participation in the last elections, both as candidate and voters marked a historic step towards gender equality in Afghanistan.

[65] A road near the provincial council complex in Jalalabad city is named after this councilor.

6.3.6 The Changing Face of Local Power: The Power of the Gun Leaves its Place to the Power of the Vote

Despite all their limitations, the elected PCs are the first ever sub-national democratic institutions in Afghanistan. Although powerless by law, they have fundamentally changed the sociopolitical sphere and interaction in Afghan localities. The power of the gun is gradually leaving its place to the power of the vote. The traditional power-brokers and elites who once ruled their areas of influence have come to realize that their old power strategy may not last long. The people's vote matters the most now. To win more votes and stay in political power, they need to be loyal and provide better services than their competitors. A warlord who presently is an elected member of the PC, and is still an influential power-broker in his region, said in an interview to the author:

> We keep good relations with local people. Every day, until very late we have meetings with our people, or we go to the villages (to meet the constituents for listening to their concerns and issues). If I perform well, then they will vote for me again. Otherwise, it is not necessary to candidate myself again, (for the next term elections). If I work for the people, I am sure they will vote for me. (Interview5Nangrahar, 2016)

It indicates that the elected PCs significantly changed the social and political behaviors of the powerful elites. The PC as a new institution redefined the relations between the ruled and the ruling actors in Afghan localities. In the past, people would run after these strongmen not to ask for services, but to ask for mercy, because these warlords would have seized their land, animal, or other properties unlawfully and by force. Today, the same warlords and strongmen approach local people in Mosques or other social gatherings and ask for support at provincial, parliamentary and presidential elections[66].

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[66]. The author experienced several occasions during the 2014 presidential and provincial councils' elections, where a majority of the PC candidates were inviting local people to large meals or using the Friday prayer gatherings for their

It is the democratic election, which created the opportunity for many young and educated Afghan men and women to compete with the local warlords and illiterate strongmen, reducing their power and influence in local social and political affairs. A young PC member from Herat told me why people elected him in the 2015 elections:

> If one studies the history of Afghanistan in the last few decades, different groups, including the Mujahedeen and religious elites were in power. There was hardly a chance for the younger generation. The traditional elites in power dragged Afghanistan into civil war and severe challenges including threatening our national integration. The acceptance of ethnic diversity and the commitment to the national unity is higher among the younger (Afghan) generation than the older generation. That is why people understand that if they want peace and national unity, it can come through the younger generation. The youths play a leading role in building a nation. (Interview18Herat, 2016)

It has been observed that the way warlords approach their constituencies for votes during elections is also significantly different from that of the young and educated elites. Another young and educated representative from Herat PC shared his success in the 2015 election, as below:

> I joined the election campaign as a young man. I neither had power, nor gold. I neither belonged to a party nor did I own a Hilux[67] (vehicle, usually Toyota pick-up). I did not offer people meals or anything. I used the local TV channel and told people the truth. I told my audience that if I promise you that I will build school, Mosque, road, or dig wells, I will lie to you, but I do not lie. I would do what is in the authority and capacity of a provincial council member. It was

political campaign. The author witnessed one of the warlords weeping in a local Mosque and asking people's support for the vote.

[67]It is usually a custom that warlords and strongmen drive expensive SUVs packed with armed men - a sign to demonstrate their wealth and power.

> surprising that I won more than ten-hundred-thousand votes, and among one-hundred-sixty-six candidates, at the provincial level, I received the fifth position (the number of votes) and in city-zone the second. (Interview16Herat, 2016)

To provide large meals, give cash and make all sorts of promises, became the standard tool for the Afghan election campaign. The candidates (it also applies in presidential, parliamentary elections) or their campaigning affiliates would rent houses or go to social gatherings, including Mosques, asking local people for votes. The wealthy warlords and strongmen provide stipends as large meals or cash, whereas the educated elites use media outlets as well as pay visits to academic institutions, including high-schools and universities. To attract their voters, the warlords used the Jihad against the Soviets and the communist's regime as principle statements in their campaigning speeches, whereas the non-Jihadis speak of their academic achievements, the services they have done, and the commitment for democracy and more rights for people.

Nevertheless, since the Afghan warlords still have the upper hand both in numbers and the power, it leads to suppression and often discouragement of the unarmed competitors, mainly female and young male candidates. A female PC representative from Bamyan noted in an interview with the author that local strongmen threatened her with abducting her children if she stood for the PC election. This PC representative, who was previously a member of the civil society explained that it was her public stand against the local strongmen, which led the younger generation of both men and women in her province to encourage her to go for the elections. She added that since her membership in the Bamyan PC, she is in a constant struggle with those of her colleagues who are warlords or affiliates of strongmen, or who have links with corrupt local officials in the local government (Interview15Bamyan, 2016).

6.3.7 Lack of Enough Financial Means to the PC Led to Corruption

The PC, under the IDLG administration and provincial government structure, does not have its own budget. Councilors are paid only monthly like any other bureaucrats in the government. Comparably, the Lower House representatives receive monthly salaries of up to 200.000 AFs (approximately 3000USD) plus security and other allowances – whereas a PC member receives only 25.000 AFs gross, which is equal to less than 400 US dollars a month. In order to survive, in practice, the PC representatives are dependent on other resources than what is considered a monthly wage by the government. Along with their representation duty, many councilors run private businesses or are dependent on wealthy local businesspeople. The nine PC members in Bamyan share one vehicle in order to reach to their constituencies in very remote areas. Whereas, depending on their backgrounds, there are some PC members, who own at least up to four bodyguards, armored or luxury cars, and in many instances are followed by a large caravan of armed vehicles. This group comprises local strongmen and warlords who are involved in illicit businesses including drug-trafficking and kidnapping. They are buying local support through donations and self-financed services. Their financial resources also provide them with more leverage and a greater say in the internal affairs of the PCs. For instance,[68] one PC member who belongs to a prominent warlord family in Nangrahar province refurbished the PC building and the compound at his own financial costs. In return he earned the support to be the PC chairman, despite being the youngest[69] among

[68] A contact person who also facilitated the interview with this PC member shared this story with the author. The PC member initially refused to meet with the author. However, after consistent approaches and several contacts he finally agreed to meet the author in his private office, in a huge building with two check-points at the entrance.

[69] Traditionally, in Afghanistan the older the person, the higher the position and respect he would gain in a social context, and particularly in a council context.

his colleagues. Similarly, two representatives from Balkh province, speaking on condition of anonymity, commented that their chairman is involved in drug-trafficking. The chairman uses his wealth to buy the support of the other members in the PC`s internal election.

Inadequate financial resources to the PCs increased the influence of prominent warlords and drug-traffickers over those financially weak members who are committed to bringing change. For warlords and drug-traders, the PC is not a direct means of income, but a source of indirect power and influence over the local government institutions, through which they could easily run their illicit businesses. In contrast, the scarcity of funds allotted to the PCs not only discourages financially strapped representatives from fighting against the strongmen, but it also tempts them to involve themselves in corruption and embezzlement for the sake of keeping their social and political status. Several interviewed PC members across the six visited provinces shared concerns that if they were somehow paid as well as the national parliament representatives, they would have more influence to fight corruption and bring reforms locally. A PC representative from Balkh province compared the financial and social status of PC and WJ representatives:

> A parliament member (after being elected) moves from the province to the capital. The constituents cannot meet their representative (if they need to) probably once in four or five months. In order to meet (his representative) the constituent needs to travel to the capital and take an extra gift with him as it is a custom in Afghanistan. Now, this is an extra cost for the constituent as that for a parliament member. In contrast, the PC representatives live in their provinces, and their constituents can visit them at their home, office or guesthouse anytime. When a constituent comes from a rural village to the city, he definitely stays one or two nights at his PC representative's home. How can a representative afford these costs with only 23,500AFs a month (nearly 400USD wage). While a parliamentarian earns over 200,000 (nearly 3500

> USD monthly) wage, is given four or five bodyguards, a driver, a secretary, and other benefits. The PC member's relative poverty undoubtedly leads to corruption, and there have been incidents in which the (PC) representative blindly approved a project, despite its poor results. (Interview10Balkh, 2016)

PC representatives' access to sufficient financial resources is also crucial for local trust-building in a very traditional and patronage society like Afghanistan. The constituents expect tangible services from their representatives, which will otherwise be provided by local strongmen and elites who hold a share in the informal *Shura* (council of elders) to win the support of local people. In the informal *Shura* culture, the elite who is representing a village or a clan must have, besides his virtual influence, enough financial capacity to accommodate tens of guests daily when they pay a visit to discuss their issues. This characteristic of hospitality is called, in local terms, the man of Nan-o-Dasterkhowan in Dari or Dudai-Mar in Pashtu – referring to a person who could serve several visitors large meals on quite a regular basis. Apparently, this title has also been inherited by the PC members, who now play the official representative role in their local communities. A PC member from Kabul province shared: "It is very challenging to survive with only 23,000 AFs (monthly wage). How could we accommodate sometimes up to 40 or 50 constituents who come to visit? They require tea and a meal. It is thanks to the merchants in our region who sometimes support us financially." (Interview25Kabul, 2016)

Security is another major challenge faced by poorly financed councilors. Being part of the local government, the PC is also a top target for the Taliban and other insurgent groups. Several PC members have lost their lives in various assaults or suicide bombings across the country in the last couple of years. Among them, a female member from eastern Nangrahar province, Angiza Shenwari, was injured in a targeted explosion and later died in the hospital from

severe injuries[70]. In another incident, a suicide bomber exploded himself in the middle of a *Jirga* (council meeting) at a PC member's home in Jalalabad, the capital of Nangrahar, leaving 13 civilians killed. The councilor Obaidullah Shinwari and his father were among the wounded (Fahim, 2016). According to the Long War Journal, in 2009, the Taliban put a price of 200,000 Pakistani rupees (2,500 USD) on killing a female PC member. In the same year, two men on a motorbike gun-downed Sitara Achekzai, a prominent female councilor in Kandahar province (2009). In relatively secure areas such as in Bamyan, parts of Kabul and Balkh only a few members walk without any security guards. However, in most insecure areas where PC members are at high risk, they have to be escorted by several guards and sometimes armored vehicles. A PC member in Balkh province noted that they shared their concern with the central government and demanded at least two guards for their security.

6.3.8 The Elected Provincial Councils and the Power-Sharing Battle between Traditional and Newly Emerging Elites.

It has been encountered in this study that the PC, as a political institution, is gaining gradual significance in the public and political domain at the national and sub-national government levels in Afghanistan. At the national level, political parties, warlords and powerful elites generously spend their resources to place their patrons in PC representative positions. At the local level, for traditional elites –warlords, traditional tribal and religious leaders – the PC position formalizes and legitimizes their local social and political influence, and for the newly emerging elites –young and educated figures with a family background either from merchants or from second generation traditional elites – it is a jump-board for higher political careers. The young and educated PC representatives

[70] A local citizen and member of the community development council reported to the author during an interview.

also ideologically differentiate themselves from the traditional ones, identifying themselves as moderate Muslims, supporting democratic values including the social and political participation of women and the right to freedom of speech. However, traditional elites strongly believe in both Afghan and Islamic traditionalism and in the political Islam of the Mujahideen. These conflicting interests lead to a power-battle between the two parties – the traditional and newly emerging political elites.

Demographic information based on the interviews conducted in this study shows that more than half of the new PC members have higher education (bachelor or masters) or are currently enrolled in private or public institutions of higher education. The traditional elites in the PC – who had barely finished their secondary schools at the time of the first-round provincial councils' election in 2005 – are now enrolled in semi-higher and higher educational institutions, parallel to their PC office. This indicates that higher education has become one of the important parameters indicating a PC member's ability to attract more voters and beat their opponents. The voter's preference for educated representatives over non-educated tribal elites and warlords is clearly a sign of increased social and political awareness in the still highly traditional patronage Afghan society.

As stated earlier, popular Mujahideen leaders who are either already sidelined from political power in the central and local government, as well as those who are afraid to lose their official stakes in the government, are securing their interests locally through backing their affiliates in the PCs. It provides these warlords with a local legal power-base, and it is an influential political tool through which they can pressure the provincial government and even sometimes the central government for their own interests.

Although the PC oversight authority lacks legal checks and balances, it remains a tool they can use to pressure local government officials. The PC members report corruption and short-comings of the local government officials to the president via the IDLG office, and also share the information with the public through social and national

broadcasted media outlets. As one of the PC members in Jalalabad noted, the PC house and the local government are 'always in conflict' due to the PC's oversight of government activities. According to this PC representative, the short-comings and corruption of the provincial government is either shared with the president through the IDLG or with the people through the media (Interview5Nangrahar, 2016).

However, the nature of the relationship of PCs and the local government depends on whether or not the governor has enough influence on the members of PC, and whether or not he is cooperating through sharing the stake with influential representatives. For example, the relationship between the governor and the PC members in Kabul, Bamiyan, and Kandahar provinces seem to be very smooth and friendly. The PC representatives from Balkh, Nengrahar, and Herat provinces are divided on their opinions of local government officials, and particularly of the governors. In both cases, as mentioned above, the PC is divided between the traditionalist warlord elites, who support their own sympathizers, and the newly emerging elites. Although the educated elites and technocrats are often resisting the warlords, they are also often forced to compromise due to their limited numbers and a lack of political, and in many cases financial support. The following section will present a more detailed overview of the situation in Balkh, Herat, Kandahar, Nangrahar and Bamyan provinces. Since the focus of this section is more on the sub-national governance, the Kabul PC is not included this section.

6.3.8.1 The Case of Balkh

The Balkh PC is divided between the supporters of two major political parties, the Jamiat-e-Islami of ex-governor Atta Mohammad Noor and the Junbish-e-Mili of General Abdul Rashid Dostum. A few Pashtun representatives are backed by Juma Khan Hamdard – an influential warlord of Hezb-e-Islami party of

Gulbuddin Hekmatyar. Noor supporters publicly vowed to back Atta Mohammad Noor for the Balkh governorship. A PC member, who himself is also a former warlord, said:

> It is a mercy of God in Balkh province, during the last three periods (of PC since its establishment), the provincial council has an excellent relationship with the provincial government. The head of the PC and all other representatives have a great deal of respect for the governor's office. The administration of the local government which is led by 'Ustad[71]' Atta Mohammad Noor trusts the provincial council…We do not have any such (political) issue, and it is because of the good relations and respect that we have with the local government officials. (Interview6Bakh, 2016).

To break Noor's power monopoly in Balkh, the Junbish and Hezb-e-Islami PC representatives formed a collation against Atta Mohamad Noor and frequently organized mass protests demanding his removal from the governor's office[72]. Although Dostum is out of Mazar-e-Sharif city, his party and supporters are manipulating every single opportunity to discredit Noor and provide the return of Dostum or his party men to the city. In the spring of 2016 thousands of his supporters protested in Balkh and Jowzjan – the power-base and capital of Dostum - provinces in a reaction to the removal of Dostum`s photos from the city billboards in Mazar-e Sharif. The protesters alleged Noor and his government were showing Dostum disrespect.

The opposing PC members have publicly criticized the governor for social injustices and discrimination. An ethnically Uzbek PC member who was also part of the organizing committee for several protests against the governor said:

[71] Ustad literally means teacher. It is said that Atta Mohammad Noor was a school teacher before joining the Mujahedin ranking. Since then Atta is known among his supporters with a prefix of Ustad.

[72] On tcondition of anonymity, a PC member shared with the author in an off-the-record interview.

> In Balkh province, the chain of power is in the hands of one-person (Atta Mohammad Noor), military, economic, civil and all (other) sectors are in his control. He has been ruling here for fourteen years and has installed all his people everywhere. (Interview9Balkh, 2016)

Although the Balkh PC is and will remain divided in opinions towards Noor, he has considerable influence on the bulk of the representatives. However, the dissent causes a major headache for Noor, making him think twice before taking action in local politics at least. This is crucial because if the PCs are mobilized with proper constitutional power and authorities one day, they could hold the governor, or any other local official accountable, which would make the job of bringing in sub-national reform easier for the Kabul government.

6.3.8.2 The Case of Bamyan

The power-relation between elected provincial representatives and the local warlord in Bamyan is similar to that of the Balkh province. The PC members in central Bamyan and Daikundi provinces have frequently challenged the central government authority through organizing mass demonstrations. Protesters demanded the removal of the appointed governors from their offices (Zareen, 2015). A PC member with the condition of anonymity told the author in an interview that Karim Khalili, though not in an official position anymore, still holds a strong influence over local politics and control over central Hazarajat. Khalili's consent is required when appointing the governors of Bamyan and Daikundi provinces, said a PC member (Interview13Bamyan, 2016).

Nevertheless, regardless of their political affiliations with different parties, the PC representatives in Bamyan remained committed to bringing fundamental development improvements to their constituencies. In two unique incidents, Jawad Zahaak, former head of the Bamyan PC hung a large lantern on the side of an avenue and

paved a large area of the city road with cob as a sign of protest to the central government for depriving Bamyan of development projects. In another large gathering, Zahaak together with his other fellow PC representatives and members of the civil society symbolically handed over letters of appreciations to a few donkeys with which local residents carried drinking water from a distance of several km. A citizen and civil society activist in Bamyan province stated in an interview, "Thanks to Zahaak, today, Bamyan city and its surrounding districts have drinking water, regular electricity, and asphalted roads." (Interview34Bamyan, 2016).

6.3.8.3 The Case of Herat

The PC in Herat is divided between the supporters and opponents of the warlord Ismail Khan. On April 17, 2016, Ismail Khan commemorated the victory of the "Mujahideen" against the Soviet invasion in a large gathering in Herat province. This event was officially supported by the provincial government of Herat, which sent out formal invitations to all governmental and nongovernmental institutions announcing an official government holiday and asking the authorities to attend the ceremony [73]. Several PC members boycotted Ismail Khan's order and kept their office doors open at the PC. As one PC member shared with the author, he rejected the invitation because the "feudal system came to an end long ago in Herat province" (Interview17Herat, 2016).

Besides warlords (part of whose resources are maintained through drug-dealings), the drug-mafia, form another influential group who, directly or indirectly, infiltrate the PC. For the drug-mafia to sustain

[73] From the notes of the author: coincidentally, the author was in Herat province on the same date (April 17, 2016) to conduct Interviews with the PC members. Some of the PC members canceled their interview appointments because they are invited to attend the Herat-Mujahedeen`s victory against the Soviet invasion, a memorial ceremony said to be celebrated every year in Herat. Only a few PC representatives who seemed to refuse the invitation remained at the provincial council.

their illicit-business, it is critical to secure seats in the PCs, the only democratic monitoring organs on local government administrations in Afghanistan. These drug-mafia can buy their constituencies and local election-commission officials through offering financial and other means, whereas other candidates cannot. On condition of anonymity in a not off-the-record-interview, a PC member said that Kamran Alizada, head of the PC in Herat, is directly involved in Herat drug-trafficking (Interview19Herat, 2016). Herat also controls one of the key drug-trafficking routes between southern Helmand province and Mashhad of the Islamic Republic of Iran. According to the UNODC 2013 report, Helmand is responsible for 48% of the total opium production in Afghanistan - the largest in the country (UNODC, 2013).

In an official visit of the Minister of Counter Narcotics to Heart province, the interviewed PC member was warned not to speak about the drug-trafficking issue in the meeting. At the time of writing this dissertaion, Alizada`s representation at the PC was suspended by the national Attorney General, after he entered the Herat provincial attorney's office with twenty armed men and freed a person suspected of corruption (Saber, 2016). The Herat attorney office put the suspect back into the prison, and Alizada continued his post after two weeks of suspension.

6.3.8.4 The case of Nangrahar:

The local politics in Nangrahar province remain controlled by the Pashtun and Pashayie warlords. With a long history of the tribal rivalry, each fraction sent their second and third generations to seize power at the PC of Jalalabad, the province capital. Just as their older-generation had made their way to central government political positions including representation in the Lower and Upper houses of the National Assembly. A PC representative said:

> justice would come, and people`s expectations would meet when they (PC representatives) earned their way to the

> provincial council by merit and competence. However, currently, if a father is in the Wolesy-Jirga (Lower-House), his son is in the provincial council. District councils' elections would take place soon, and their grandsons would represent that councils too" (Interview2Nangarhar, 2016).

The author crossed checked the background profiles of some of the PC representatives in Nangrahar province, provided by the Pajhwok Afghan news – an independent Afghan news agency. According to Pajhwok's online lists of the 2014 provincial council members, Ahmad Ali, chairman of the Nangrahar PC is the son of ex-Jahadi commander Hazrat Ali (Pajhwok Afghan News, 2014). Hazrat Ali is currently a representative at the Lower-House "Wolesi Jirga" at the National Assembly. Shams-ur-Rehman Muslimyar another PC representatives is the younger brother of Fazal Hadi Muslimyar. Fazal Hadi Muslimyar is chairman of the Upper-House "Meshrano Jirga" of the National Assembly. PC member Abdul Qahar Qadir is the son of Haji Qadir Arsala (late Jahadi commander of Hezb-e-Islami of Khales) and the younger brother of Zahir Qadir. Zahir Qadir is also a representative of the Lower-House of National Assembly. Zahir Qadir is also known to be one of the influential warlords in Nangrahar province, who is believed to own thousands of armed militias and has reportedly been accused of human rights abuses and the drug trade. Finally, Javed Zaman, son of Haji Zaman Ghamsharik, is another PC member (Pajhwok Afghan News, 2014). His father Zaman was also one of the influential warlords, who, together with Hazrat Ali, committed brutal human crimes. Zaman lives in exile in France after being accused of being the mastermind behind the assassination of Abdul Haq – another major influential commander before and after the Taliban regime (Jackson A. , 2014). The above-listed PC representatives are strong rivals to each other, each using the power and resources in their disposal to beat their opponents and gain more political power and public support. The stronger influence of the various warlords' groups and their power-grabbing rivalries has resulted in the central government appointed

officials having limited control over Nangrahar's security and economic development affairs.

6.3.8.5 The Case of Kandahar

The Kandahar PC is dominated by three dominant Pashtun tribal elites, the Popalzai, the Barakzai, and the Achakzai. The dominance of a tribal group in PC strongly depends on whose tribal affiliate is controlling the political power in Kandahar. As discussed in chapter four, since late 2001, among various rival tribes, the Popalzai (with the informal representative the Karzai family), Barakzai (the informal representative Gul Agha Sherzai), and Achakzai (the informal representative Abdul Raziq) remained the main tribes controlling the power in Kandahar.

According to the AREU field research report, during Ahmad Wali's – half-brother of ex-president Hamid Karzai – representation, the Kandahar PC was the strongest in the country, its influence reaching to the central government ministries level in Kabul (Jackson A. , 2015, p. 21). Following the Ahmad Wali's assassination in 2011 and the emergence of Abdul Raziq as the dominant powerholder in Kandahar, the local politics also turned in favor of the Achakzai tribe. Currently, although the PC chairmanship has remained with the Popalzai tribe, Raziq's position as the provincial police chief and an influential figure in Kandahar means that the real power lies in the hands of Achakzai representatives.

The PC members interviewed in this study reported that their relations with local government officials were friendly and cooperative. Nevertheless, the AREU research report reveals that as long as their share is secured, the PC members in Kandahar compromise on corruption with local government officials (Jackson A. , 2015, p. 21).

Chapter 7: Conclusions and the Prospects for a Future Research

7.1 Few Possible Alternatives to the Afghan Unitary Centralism

The 2019 presidential elections will mark the fifteenth anniversary of Afghanistan’s unitary centralized state system. Taking this young and shaky experiment with democracy, and the country's constant state of war into consideration, it is too early and probably unfair to conclude whether presidential democracy has failed in Afghanistan. However, it is necessary to study alternative models for constitutional amendments that are to be expected following the NUG government deals in 2014. The Afghan political elites' controversial divide over the state institutional design (discussed in chapter five) leads us to a significant conclusion that, sooner or later. the contemporary constitutional state model (unitary centralism) will require revision.

However, as discussed in the earlier section, the de-facto state model practiced during the last nearly one and half decades is a sort of grand coalition at the capital, while the central government attempts to consolidate its power and resources at the periphery by brokering deals with the powerful regional ethnopolitical elites. In official terms, both the Karzai and Ghani central governments had some successful instances, in which some warlords peacefully handed over the sub-national government positions (usually the governorship or police chief, both influential positions). In return, the warlords received political posts in central government, or appointed their affiliates in crucial government bureaucracies, including diplomatic positions abroad. And because of their strong patronage networks, political power, financial resources, and in some instances armed militiamen, these ethnopolitical elites remained, de-facto, the dominant players in their respective regions

(For more on this, please visit Chapter Six). As long as there is a coalition government of warlords at the center, there will be self-defined, de-facto, local and regional autonomies, as financial and political support flows both ways. The ethnopolitical elite power-sharing government created in 2001 Bonn seems to have become a standardized and accepted norm now, not only among the various involved Afghan political parties but also within the international community. Implementation of a non-ethnic-party and merit-based democratically elected unitary government as envisioned in the 2004 Afghan constitution would require a reversal of this norm. In practice, this would neither be accepted by the various ethnic groups and parties, nor would it be backed by those regional and international partner countries that have their own interests and affiliations with different ethnic groups in the country. Taking these facts into consideration, the implementation of a constitutionally unitary centralized system is far from reality, at least in the next few decades.

7.1.2 Federalism for Afghanistan

As noted in a previous discussion, a complete federal option also fails to have majority Afghan support, nor is it suitable for a geographically and socio-politically complex Afghanistan with a weak economy, if peace, political stability, and national integration is the optimum goal for system change. Although each ethnic group has a dominant region (e.g., majority Pashtuns are populated along south-east, Tajiks in the north-west, Uzbek in the north, and Hazaras in the central region of the country), scarcely any of the regions are inhabited purely by a single ethnic group. In most regions and provinces, particularly in big cities (e.g., Kabul, Herat, Mazar-e-Sharif, and Jalalabad), ethnic groups are mingled through inter-ethnic family and business relationships. A majority of the non-Pashtun PC representatives interviewed in this study – these included Tajiks, Hazaras, Uzbek, and Pashaie – rejected federalism

as an inappropriate system for their country, noting it could undermine the national integration of Afghanistan and start another round of misery and ethnic cleansing in Afghanistan. This finding rejects the argument of some non-Pashtun ethnopolitical elites that all non-Pashtuns demand a federal system across the county.

PC members are directly elected representatives of their local communities in rural Afghanistan. Their interview responses show that federalism has no grass-roots support among the Afghans. Furthermore, as noted also by many PC representatives, because Afghanistan is unevenly divided geo-economically, only the natural resource rich (Northern) or bordered regions and provinces (e.g., the South-east with Pakistan, the West with Iran and the North with former Soviets-block countries, Tajikistan, Turkmenistan, and Uzbekistan) would be well-off in a federal system. The central regions have limited untapped mineral resources and are predominantly dependent on traditional agricultural resources. Furthermore, despite ethnic conflicts, the federal system is neither demanded by grass-root Afghans nor was it a point of conflict among the various ethnic groups during Afghanistan's modern history, as is the case in other ethnically fragmented nations in the world. The proposal for federalism is a post-Taliban regime topic, and this only with few unpopular ethnic political elites (e.g., Abdul Latif Pedram, a Tajik and leader of the *Kangar-e-Mili,* or the national congressional party of Afghanistan. After being purged from power in the government, some non-Pashtun political elites have used the call for a federal system as a tool for politically pressuring the Karzai and Ashraf Ghani governments. As soon as they regain their positions with the government, they relinquish that demand. Hence, the implementation of a federal system seems non-functional and unrealistic, and also has little buy-in within Afghan political discourse.

7.1.2 Semi-Presidentialism

As one can gather both from the literature review and from the empirical findings of this study, there is considerable weight behind the implementation of a semi-presidential decentralization – particularly among majority non-Pashtuns, but also among some Pashtuns. Contextualizing the semi-presidential system theory into the present Afghan scenario, the Shura-e-Mili or National Assembly and the Chief Executive post (which could be changed to Prime Minister) would be added into the executive power paradigm of the elected president at the central level. Moreover, if one takes into consideration the proposed demands of the PC representatives (more on this in Provincial Council section, Chapter Five) – in which they ask for more power and resources, this includes the election of provincial governors or subjecting the governorship and other critical sub-national posts to their advise and consus – then this would involve some devolution of power to the sub-national level. The power balance between the three key executive bodies: the president, the parliament and the prime minister, which is vital for the functionality and stability of such a political system, remains the critical question.

The semi-presidential system expert Vitalino Canas (2004) notes that the balance of power, which he calls it 'the backbone of the semi-presidential system,' can be only achieved through mutual political legitimacy of all three bodies, along with a collaborative interaction among them. According to Canas (2004), a 'mutual legitimacy' could be achieved via 'more or less popular vote' and collaborative interaction through somewhat 'equivalent' power-sharing of the executive body. That means the president and the parliament could be elected via a popular vote, and then the parliamentarians as the direct representatives of the people could vote for the prime minister – a candidate that could be either chosen from among the parliament representatives or an independent figure outside the government state structure. The parliament and Prime

Minister could have a say in executive power, which would limit the president's authority as the sole head of the state. In theory, it might seem a somewhat convincing solution to majority groups, however not to all Pashtuns. Some considerable pro-Pashtun political parties and figures fear the loss of their inherited domination of central power in a semi-presidential system, and would challenge this reform.

Moreover, a parliamentary system requires a strong party system, which is a severely lacking in Afghanistan. Due to their 1990s civil war and ruthless human atrocities, the ordinary Afghans do not trust political parties by and large. Besides, the old Mujahideen parties and the few post-Mujahedeen parties who often enter to seasonal and unstable alliances, lack an all-inclusive political agenda that could promise socioeconomic wellbeing for the Afghans as a nation. In theory, all most all of these parties follow one poorly defined political ideology of Islam, whereas in practice, the majority are ethnocentric and aim to win more leverage in the government with whatsoever means possible. Therefore, a weak, corrupt and non-professional parliament (the present Shura-e-Mili, whose members includes influential warlords and drug-traffickers could be a precise reference to what parliament and its members would look like) would not only lack the capacity to run a state, but also, because of their constant rivalry for a share in the executive power, would plunge the nation into constant political deadlocks.

Furthermore, in the case of Afghanistan, dividing the state excutive powers based on ethnic identies (e.g., the president a Pashtun, the prime minister a Tajik, and the head of the parliament Hazra and another key post to Uzbick) would farther damage the national intergerations by forcing ethnic groups to chose ethnic identities over national identity. The ethnopolitical loyelity would also promote cliantalisim and corruption. Moreover, ethnic groups and parties that gain less influential posts at the central government would demonstrate their power by hijacking the sub-national government levels. This would lead to frequent political deadlocks

and constant conflict between the center and periphery, and eventually, the country might slip into another period of national turmoil. Thus, a semi-presidential system for Afghanistan would not be a better governmental model for the country's political stability and national integration than the present unitary centralized system.

7.1.3 Unitary Decentralization

For Afghanistan to achieve national integration and political stability on the one hand, and bring about constructive state institutional reforms on the other, it needs to take gradual and careful steps. Arend Lijphart’s (Constitional Design for Divided Soceities, 1999/2004) consociational democracy might better accommodate the complex Afghan context, not in semi-presidential system, but in a presidential system at the center with a somewhat loose devolution of power to the local level. In other words, at the national level, within the principal of Presidentialism, Afghanistan could constitutionalize an all-inclusive grand ethnic coalition government – a president and three vice-presidents (or executive officers of the president) who shall have equal share and authority after the president in the executive power. The collaborative spirit among the political party/parties representing different ethnic groups in alliances standing for elections would provide the backbone of such a system. With no pre-specification of ethnicity in the constitution for the president post or any of the three officers, each political party or alliance of parties could have the right to go for election. The constitution could make sure, that each team running for election announces their candidates (e.g., president, and the three vice officers) beforehand, making it easy for ordinary of Afghans to decide on their choice.

An ethnopolitical collation government at the center would encourage broad-based multi-ethnic political parties to form in order to win elections. Such a system would also normalize a political culture of government (parties or a single multi-ethnic party that win

the election) and opposition (parties that lose an election), which is necessary for praviling social justice, democracy, accountability, competitiveness, and efficient governance.

At the sub-national level, the central government should deliver evident power, resources, and responsibilities to elected institutions at the sub-national level, within the principle of the unitary state system and based on the present capacity of the PCs to function effectively (for more on this, please read the Afghan PC, a potential institution for moderate and gradual devolution of power). Taking the diverse, divided, and unstable sociopolitical and economic conditions of Afghanistan into consideration, a unitary decentralized system may prove a less dangerous path forward, if not yet a convincing one to all parties.

7.2 The Afghan Sub-National Governance Institutions: Challenges and Opportunities

The insecurity posed by the militant Taliban has, to a considerable extent, undermined the Afghan state-building achievements to date both at the center and locally. However, since late 2001 considerable efforts have been put to institutionalize governance, socio-economic development, and stability in very remote areas of Afghanistan. The local state-building efforts comprised both reforming and strengthening the existing formal and informal institutions and building new ones. For the first time in its history, the Afghan government created elected PCs across the 34 provinces. The PCs, though weak, became not only a representative hub between the people and the government, but also an instrument through which the Afghans learned about political rights and responsibilities at their localities. Through its reserved quota, it also ensured female political participation – a revolutionary achievement, taking into consideration the impact of the Taliban’s suppressive regime, when women were banned from schools. The constitution-based

democratic elections assured legitimacy and eventually the sustainability of the PCs, and if required power and resources were transformed, they would fundamentally help in improving local governance.

The lack of apparent power and resources considerably undermined from the popularity of the elected Afghan PCs among the local population. However, according to the findings of this study, because of the general lack of education, the dominant influence of local warlords and strongmen (who then built strong patronage relations with corrupt provincial government officials), a powerful PC right from the beginning in 2005 might have also been counterproductive. As discussed in detail in chapter six, local warlords and strongmen use even the present very weak PCs for personal gain, securing their share in administrative corruption and facilitating illicit businesses. With such circumstances in place, empowering PCs means empowering local warlords and strongmen. However, as increasing numbers of young and educated representatives, including women, have turned the PC into an attractive and competitive political institution. By promoting democracy and good governance rules, the young and educated elites use the PC as a ladder to a higher political career. Meanwhile, the warlords and traditional elites have realized that to remain in political power, they must abide by the rules and will of the people. Thus, the creation of the PC as an elected institution has not only increased the political awareness and participation of the local people, but also has significantly changed the discourse and behavior of the local warlords and traditional elites. The democratic elections of the PC significantly replaced the traditional power of gun and violence with the power of the vote in Afghan localities.

Moreover, the educated representatives, but also the IDLG capacity building programs, significantly increased the political awareness of the PC representatives regarding their roles and responsibilities. According to Hamish, in September 2005, when the Afghan PCs were elected for the first time, its representatives did not know their

role and responsibilities (Hamish, 2008). After nearly a decade later, in September 2014, the elected representatives successfully campaigned to regain their oversight authority. In other instances (e.g., Bamyan and Balkh) the PC representatives – by mobilizing their local constituencies to conduct countrywide protests – pushed the central government to replace the governors and implement development projects.

Since early 2002, the Afghan government, together with the international donor community, also attempted to reform the informal governance institutions of community *Jirgas/Shuras*. The creation of Community Development Councils (CDCs) – by the Ministry of Rural Rehabilitation and Development (MRRD) using technical support (capacity building programs) and financial grants from the World Bank and other international aid organization – aimed not only at rural rehabilitation but also at building Afghan state legitimacy in the local communities. (Saltmarshe & Medhi, 2011). The CDCs were built on the already existing traditional institutions by introducing new administering structures and democratic mechanisms, including the participation of women. In an attempt to replace the Afghan traditional *Jirgas/Shuras*, the CDCs were given community dispute resolution tasks. The grant development projects also produced tangible services to local communities. Nevertheless the CDCs proved to be unsustainable because of their strong dependence on foreign aid. According to the finding of this study, as the block grants of the foreign aid dried up, the CDC also lost its popularity, and, in most areas, the people returned to the informal traditional *Jirga/Shura* for conflict resolution. In insecure regions, the informal *Jirga/Shura* remain under the direct influence of the Taliban.

Not surprisingly, this study also finds that many of the disputes that were beyond the capacity of the community *Jirga/Shura* were referred to the PCs, which means that, unlike the CDCs, the PCs are

perceived by local Afghans as legitimate institutions for conflict resolution.

Therefore, taking the PCs legitimacy (democratically elected) and sustainability (institutions that will stay as long as there is the state) into account, it is necessary to establish democratically elected district and village councils – as called for in the 2004 constitution – instead of investing in informal institutions of *Jirgas/Shuras* or CDCs. That said, the informal *Jirgas/Shuras* could only be replaced and reformed via legitimate and sustainable institutions like the constitutionally mandated District Councils (DCs) and Village Councils (VCs).

Although the Afghan sub-national administration is still heavily centralized and top-down there have been some significant improvements in the provincial government. The Afghan sub-national administration was under the direct organizational structure of the Ministry of Interior Ministry until it was shifted to IDLG in mid-August 2007 (Independent Directorate of Local Governance , 2018). The IDLG has played an essential role in facilitating communications and supervising both elected and appointed sub-national political institutions (except for the public services branch, which is under the direct supervision of central line sectorial ministries). Providing capacity building programs and drafting policy papers, the IDLG facilitates the improvement and implementation of good governance in Afghan localities (Local Governance Policy, 2010).

Furthermore, to align central line sectorial departments and donor community programs and projects, since 2005, there exist the coordinating and planning institutions of the Provincial Development Councils (PDCs) (The Asia Foundation, April 2007). The PDCs' (supposedly) monthly meetings include a wide array of representatives of the government, the donor community, the PCs, and civil society (Local Governance Policy, 2010). Nevertheless, in practice, wherever the Afghan government holds power, both provincial and local corrupt warlords and strongmen predominantly

control district administrations. Central government appointed officials must either agree to the local terms of conditions if they wish to stay in their positions, or choose to leave. And during in the past five years both options have led to constant political tensions and instability. Thus, until warlordism and corruption are in place, simply transferring more power and resources to provincial administration would prove counterproductive and further undermine political stability.

7.2.1 The Afghan PC, a Potential Institution for a Moderate and Gradual Devolution?

If the current Afghan government ever managed to make peace with the Taliban, demobilize warlords, and successfully limit corruption, then a loose form of devolution of power to the provinces is one of the best possible strategies for improving governance, democracy, economic development, and political stability, particularly in the rural areas of Afghanistan.

While keeping the principle of a unitary system (in the form of constitutionally unspecified ethnic-grand collation mentioned above), Afghanistan could adopt a moderate and gradual devolution, by transferring political, administrative and in some instances fiscal power to its provincial elected institutions. For implementing political decentralization, the Afghan PC is the most feasible democratic institution to build on. By clearly defining the political structure, the PC could either run the executive government or provide oversight over the appointed/elected bureaucrats. Certainly the latter option would be valid for a beginning. As also called for by the representatives interviewed in this study, the provincial governor could either be elected directly by the people, or indirectly by the PC, or appointed by the central government and subject to the vote of consent and advise of the PC. To save national integration and prevent political crises, the president could have the

constitutional right to veto PC dismissals of the sub-national elected and appointed authorities. Any of these suggestions would lead to better local governance than the existing system (governor as the political representative of the president appointed from the center). The sub-nationally (directly or indirectly) elected governor would be a more legitimate authority for the local people, but also the official responsible to the president and the provincial representatives. She/he could have the power to form her/his local administration, make budgetary allocations, and have access to resources (both central and local) for implementing small-scale projects including building infrastructure, health clinics, schools, roads, bridges, parks, educational, and cultural programs. This way, the government officials at the local level would feel responsible before the local population in general and also to the PC representatives for conducting better public services to the people. Once bureaucracies become accountable to the local population, trust would automatically improve and bring the people closer to the government.

The 2004 Afghan constitution already approved autonomous and democratic provincial and district municipalities, which needs to be clearly defined by subsequent laws and implemented. With clearly defined accountability mechanisms supported by laws, the PCs could provide oversight and control the provincial government sectorial departments, including municipalities. Likewise, the elected district councils DCs could be handed oversight authority over the district relevant departments, programs, and projects. The PCs could also be given the provincial legislative power. Since PCs are nearer to the local people and issues than the parliamentarians, they could regulate local programs and projects by initiating bills and policies that could go through the National Assembly and presidential approval to become law.

The electoral system is critical to the successful execution of transparent and fair democratic elections. While the Single-Member

Constituency (SMC) system is considered more transparent, nevertheless, taking the Afghan women and minority vulnerability into consideration, Proportional Representation (PR) is the most convincing choice for the moment for sub-national elections. Likewise, unless new national political parties – that are based on modern political ideologies and people welfare strategies – come into existence, a non-party elections system would prove more successful than party-based. No doubt a party-based election system creates more political competition and accountability, but, as witnessed above, the non-Party system also has shown it can create significant political contests between the traditional elites/warlords and the young/educated technocrats emerging in Afghanistan during this last decade.

Administratively, to promote national integration, and improve socioeconomic inequalities, the central government could have absolute control over military and foreign diplomacy. Other public services institutions (e.g., ministries) could be deconstructed to national, with the final approval authority, and the provincial, with the planning and implementing authority. In other words, while it is essential for Afghanistan to keep its final decision-making authority on national policies including, policing, judiciary, health, education system, and financial regulations, the provincial governments could actively be involved and autonomously authorized in adapting them locally. The sub-national public services sectorial departments/ministries of central line institutions could be autonomously structured under provincial government offices. The governor, as the administrative, political and executive director of provincial government affairs, could be empowered with precise planning and implementing authorities. Likewise, under the direct supervision of the governor, the district governors (Wolewals) could also have some power and authority in implementing the district relevant programs and projects.

Based on Arend Lijphart's (1999/2004) consociational democracy's local authority, local religious and cultural groups could be given

local autonomy. The Afghan 2004 constitution has already made some considerable steps in this regard. In the 2004 constitution and its subsequent laws (for example, the family laws), the Afghan Sunnis and Shias are already separated from each other religiously. Since local courts decisions are based on the Islamic Fiqh or jurisprudence, separate courts of Sunni and Shia could prove more fair and practical. Similarly, the Afghan Hindu and Sikh minorities should be given equal religious rights. Linguistically, the Pashtun in the south, and east and the Tajiks in the North and central region have education curriculum based on their preferred local languages of Pashtu or Dari. Other minorities should be given the same right to have at least primary education in their mother tongue or other preferred local languages.

Fiscally, it might take decades, until Afghanistan can become self-dependent economically. Therefore, in the beginning, the central government could transfer some fiscal power and resources to provincial levels. For example, the provincial government could have the authority to control small-scale income resources including taxations, rents, and leasing. The provincial government could also allocate its budget and implement small-scale public services and development projects including infrastructure, policing, health, judiciary, educational, and cultural projects and programs.

To avoid conflict and assure equal distribution, the central government should hold absolute control over large-scale income resources including border-transit, mining, foreign aid, and other national or interprovincial projects and programs. By adopting internationally practiced successful financial mechanism and instruments, the central government could distribute the national income and uplift the poor provinces.

However, until sustainable security and political stability between various groups is in place, any quick decentralization process might result in further destabilization and conflict. Therefore, the transfer of political power and fiscal resources to the PCs needs to be gradual and based on current conditions.

7.3 Future Research Prospects:

The Afghan constitution marked the first full Afghan democracy, assuring its citizen equal rights and opportunities, as well as freedom of the press and respect for human rights. Nevertheless, the political ideology of Islam, recognized as a legitimate institution and the religion of the Afghan state and society, conflicts in many aspects with liberal democracy and International human rights, including the freedom of speech and religion, equal rights for the women and non-Muslim, etc. Similarly, the Taliban considers the 2004 constitution un-Islamic and demands its change as one of the conditions for peace and reintegration process with the Afghan government.

A majority of the Afghan PC representatives, although part of the current democratic system, were nevertheless reluctant to take a stand in favor of the success of the present democracy. Many of the interviewed PC representatives from across six provinces, suggested an "Islamic democratic regime" as the suitable state system for Afghanistan. The Islamic democratic regime might be defined differently by different individuals. Nevertheless, what unifies them is that Islam and its fundamental Sharia principles should be implemented in the state constitutional system. Since the PC members are elected directly by Afghans in the rural areas, their beliefs and perceptions would be likely to reflect the local Afghans' understanding of the terms democracy and Islam and their roles in the state and society. Thus, the PC representatives are best suited to the task of finding the right balance when adapting national policies to local conditions.

Today, the Afghan society is politically divided between three main groups: (1) The liberal democrats - mostly the young Afghan technocrats in the cities who are partly educated abroad – support the US intervention and the Afghan government and are against the Taliban ideology and the return of the Islamic Sharia. This group is currently the smallest. (2) The Afghan nationalists and moderate

Muslims, are against the U.S. invasion, but support the Afghan government and are willing to include the Taliban in the current government structure. (3) The traditional Islamists – mostly educated in traditional religious schools of Madrasas in rural areas – are against the US invasion, and directly or indirectly support the Taliban movement.
Moving forward from the findings of this dissertation, we must ask, if the U.S. and Afghan government ever manage to end the war with the Taliban and include them in the current government, what would Afghan democracy look like? Is democracy compatible with Islam? What is an 'Islamic democratic' state system altogether? These remain crucial questions for future research prospects.

Annex 1: Expert Interview's Questionaire

Part One: Demographic Questions:

- o Name:
- o Age:
- o Gender:
- o Occupation:
- o Ethnicity:
- o Province:
- o Place:
- o Date:
- o Time:

Part Two: Background Questions:

2. Where do you come from in Afghanistan?
3. If you are not from Afghanistan how long you have been in Afghanistan?
4. What kind of (political, job, academic, business or other) affiliation do you have or had in the past 15 years concerning the subnational governments or relevant in Afghanistan?

Part Three: Focus group, the provincial government elected and appointed members:

1. How do you define local governments?
2. What do you think, why did people vote you?
3. How do you define your role/job as a member of the local, provincial council (PC)?
4. As a member of the PC what were your achievements for your locality so far?
5. For what purposes your constituencies arrange meetings with you?
6. Did you get or help in any development project (building schools, clinic, etc...) for your locality so far, or did you appeal to the government or NOGs for this purpose?
7. How do you see your role in the provincial council?
8. How do you define your relations with other PC members?
9. What are your main legal and administrative challenges

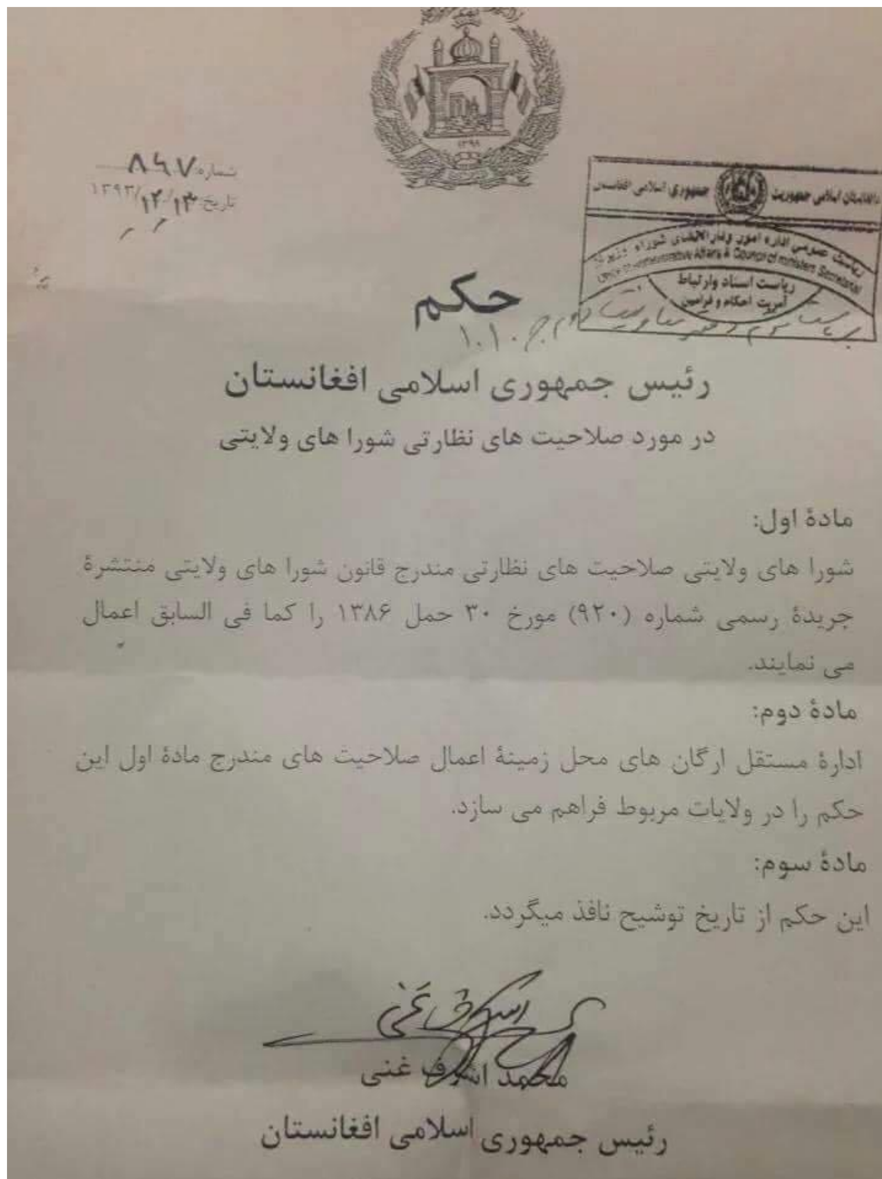
about the service delivery for your constituencies?

10. What are the main political and financial hurdles in respect to the service delivery for your locality?
11. How do you define your relations with the provincial/district governor?
12. In your opinion what shall be done differently to make it possible for you a member of the PC to deliver better services?
13. How do you attract your constituencies to have their votes for the second round?

Part Four: General Questions:

14. In your opinion how do you define the present government system of Afghanistan?
15. How do you define a democratic system, and how important is it for Afghanistan?
16. What is your suggestion for a strong subnational government system for Afghanistan?
17. How do you see decentralization for Afghanistan?
18. How do you see a federal system for Afghanistan?
19. How do you define a parliamentary system for Afghanistan?

Annex 2: The Dari Version of the Presidential Decree on PC Overisgt Power



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ریاست اسناد وارتباط
آمریت احکام و فرامین

حکم

رئیس جمهوری اسلامی افغانستان

در مورد صلاحیت های نظارتی شورا های ولایتی

مادۀ اول:

شورا های ولایتی صلاحیت های نظارتی مندرج قانون شورا های ولایتی منتشرۀ جریدۀ رسمی شماره (۹۲۰) مورخ ۳۰ حمل ۱۳۸۶ را کما فی السابق اعمال می نمایند.

مادۀ دوم:

ادارۀ مستقل ارگان های محل زمینۀ اعمال صلاحیت های مندرج مادۀ اول این حکم را در ولایات مربوط فراهم می سازد.

مادۀ سوم:

این حکم از تاریخ توشیح نافذ میگردد.

محمد اشرف غنی

رئیس جمهوری اسلامی افغانستان

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Annex 3: English Translation of the Two Pashtu and Dari Transcribed Interviews (Page Nr 1-20)

Annex 4: Transcription of Interviews in Pashtu and Dari Languages (Page Nr 21-232)