

Afghanistan in 2008

Latest development towards secure and democratic society

Marián Zachar

Afghan political system and society has been changing radically through the whole 20th century and nowadays it has evolved into another post-war situation. After decades of Soviet occupation and Taliban totalitarian theocracy the country was divided into hands of numerous tribes and ethnic minorities¹. Leaders of many of these groups have been linked with previous conflicts on Afghan soil, as well as they have been frequently financing their separatist tendencies (in fact old tribal political system) by opium poppy cultivation which ends as high-demand heroin in the Western states. Taking into consideration the Afghan economic overlook, with its 40% unemployment rate and poor GDP rate, which had to adapt into a vacuum-filled post-Taliban state, the result of state-building capabilities and perspective of the good governance were questioned since the Bonn conference in 2001 after the Coalition started the war on Taliban.

Today, four years after the first free elections in decades Afghanistan is no more the country of religious fundamentalism or international terrorism, even though these are regularly returning on the non-governmental basis. The NATO reconstruction and American terrorist prevention forces with Afghan president Hamid Karzai have pointed out in long list of strategies main principles of the state-building and state-sustaining effort²: “good governance, justice and the rule of law, reinforced by reconstruction and development, as well as international and particularly regional co-operation,...Afghanistan also considers terrorism, extremism and drug trafficking as major challenges to security, and is committed to taking full advantage of international support and assistance, and to cooperating with the international community to build capacity to eliminate these threats.” Were those almost seven years successful in fulfilling these goals and what could be recommended to do so?

¹ Mainly with Pashtun 42%, Tajik 27%, Hazara 9%, Uzbek 9%, Aimak 4%, Turkmen 3% and Baloch 2%. Source: CIA Factbook 2008

² Declaration cited is one between NATO and Afghanistan signed in February 2006, Article 2. Source: <http://www.nato.int/docu/basicxt/b060906e.htm>

Demographic and economic situation

The most important definition of the Afghan society remains until today the tribal complexity. As I mentioned above, persistent tensions between ethnic, language and tribal minorities create vast obstacles for successful governing³. Due to these demographic “superposing” of Afghan people the possibility of building the coherent and self-conscious Afghan nation remains very improbable. And so Taliban uses this fact in accordance with strictly local insurgency and economic cooperation with tribal leaders as a most powerful arm to disrupt governmental power in most divided and by poverty touched provinces, so called “Tribal belt” provinces bordering with Pakistan⁴. How can Taliban possess such economic potential after being overthrown by Coalition forces?

Most of the Taliban revenues come from the poor Afghan economy. Although the decimal growth of GDP in 2008⁵ proves the most efficient economic prospect, agricultural-based and landlocked economy of Afghanistan isn't capable of real prosperity without poppy cultivation used for opium and heroin production. Officially opium production makes 13% part of GDP but taking in consideration the illegal trafficking, the real GDP percentage will probably increase up to 30-40%. Development of the Afghan opium industry in last decade has been firstly banned by Taliban government when reached the land usage of 8,000 hectares (ha) in 2001. Lately after the end of war on terrorists it has risen by 2400% to the yearly area usage for poppy cultivation to 193,000 ha in 2007⁶. Caused mainly by total economic and political stagnation for last 30 years, afterward the market rules applied on Afghan economy by supporting its opium industry. However, according to the latest and promising “Afghan Opium Survey” published by the UN in August, the mixture of drought that contributed to crop failure, and higher wheat prices that will hopefully stimulate wheat cultivation and strong poppy-growth discouragement by local governors or religious leaders will cause in 2008 the 19% drop of the land dedicated to poppy-growing to 157,000 ha⁷. The partial success in 2008 can be drawn also by increased number of poppy free provinces, 18 from 34. Maybe even more important is the fact that “Nangarhar, Afghanistan's second highest opium producing province (from eastern part of the Tribal belt) in 2007, has become poppy free.”

³ Economist, In the dark, January 31st 2008

⁴ Barnett R. Rubin, *Saving Afghanistan*, Foreign Affairs, January/February 2007, page 1

⁵ UNODC Afghanistan Opium Survey 2008, Executive Summary, page 1 Fact sheet

⁶ UNODC Afghanistan Opium Survey 2008, Executive Summary, page 3

⁷ UNODC Afghanistan Opium Survey 2008, Executive Summary, page vii

As this indicator of stability and international promise, in most disturbed provinces of Tribal belt, is improving only in limited directions related to security situation of each province, many alternative strategies are created to tackle this issue. For example the most spread eradication was marked by UN as inappropriate because it decreases the ISAF operation and governmental support and directly increases the demand for opium in western states. Even classic counter-narcotics strategy seems useless in Afghan tribal system⁸.

Most effective long-term strategy appears to be the one proposed by Kabul located Senlis Council. They project the modification of traditional opium poppy cultivation into medical opiates production designated mainly for developed counties through preferential trading agreements⁹. With the participation of other short-term reconstruction goals, as for example full-scale PRT support including the implementation of new database system which will hopefully improve the management of reconstruction resources¹⁰ and with the augmentation of international reconstruction funding as demanded by president Karzai in June¹¹ the evolution of legal poppy cultivation could rise. Together with the assurance of the strong governor leadership in provinces and the stabilization of the state budget (which depends today by 90% on donors) and in the line with the declarations of Afghan development the Senlis Council strategy could lead to the functional and democratic state.

Through many researches, notably by Gallup World Poll 2005¹², no link between poverty (one of Afghan's main obstacle to the development of fair society) and extremism or terrorist activities has been found but certainly by reduction of poverty it's possible to lower the level of tribal conflicts that Taliban uses to disrupt the governance from Kabul. Moreover the improvement of education possibilities, proved by lower illiteracy and foundation of new universities¹³, can accelerate the governmental support and failure of Taliban.

⁸ Peter Van Ham, Jorrit Kamminga, *Poppies for Piece: Reforming Afghanistan's Opium Industry, Washington Quarterly, Winter 2006-2007, 70-71*

⁹ Peter Van Ham, Jorrit Kamminga, *Poppies for Piece: Reforming Afghanistan's Opium Industry, Washington Quarterly, Winter 2006-2007, 69-81*

¹⁰ <http://www.nato.int/isaf/docu/pressreleases/2008/02-february/pr080210-065.html>

¹¹ Reuters, *Afghan president says foreign forces needed for decade*, June 9th 2008

¹² <http://www.gallup.com/consulting/worldpoll/24046/About.aspx>

¹³ http://www.nato.int/issues/afghanistan/factsheets/reconst_develop.html

Development of the security situation

After the analysis of the economic and demographic progress made in 2008, the attention will be drawn to most important security situation issues. In spite of the efforts to reduce mentioned tribal system, its roots are persisting and profoundly supporting the personal exercise of power. Personalized power itself is based on tribal concept and naturally undermines the credibility and importance of Afghan institutions¹⁴. In combination with the post-war peak of the cross-border Taliban insurgency in southern and eastern provinces, it resulted by highest number of military deaths since the beginning of the war on Taliban¹⁵. Furthermore, the insurgency has moved deeply to the center of Afghanistan including almost half of the provinces, even few kilometers from Kabul, where diplomatic convoys are hidden under heavy defense¹⁶. Knowing that this insurgency has the origins today in western Pakistan, where former president Musharraf openly supported Taliban because of its strategic partnership in balancing the Indian domination in region, the upcoming presidential elections in Pakistan are probably going to cut off this archaic relation and by possible winning of Mr Asif Ali Zardari, nominee of Pakistan People's Party (PPP) and Benazir Bhutto's widower¹⁷.

On the other hand, deep concern of Taliban revival in Tribal belt can be limited in the future by continuous success of the formation of the Afghan National Army (ANA) currently counting 30,000 soldiers. ANA was effectively created in promised assistance of ISAF and American forces, and in past two years lead many counter-terrorist or stabilization operations which ensured the needed respect and legitimacy for Afghan government¹⁸. But once again the position of the government is still weakened by corrupted police, courts or auxiliary police which has been dissolved not long after its foundation¹⁹.

Moreover, in August, the civilian casualties that unfortunately occurred during various Taliban-hunting missions, led by ANA in assistance of American air support, can lead to radical fall of the 70% Afghan support for coalition forces staying in the country²⁰. Karzai even suggested the retreat of Coalition

¹⁴ Nick Grono, *Success in Afghanistan: how to define it, how to make it happen*, International Crisis group, speech made in Brussels, 2 April 2008, International Crisis Group

¹⁵ Economist, *Policing a whirlwind*, December 13th 2007

¹⁶ Economist, *Getting closer, August 21th 2008*

¹⁷ Owen Bennett-Jones, *Taliban winning war, says Zardari*, 24th August 2008, http://news.bbc.co.uk/2/hi/south_asia/7580093.stm

¹⁸ Barnett R. Rubin, *Saving Afghanistan*, Foreign Affairs, January/February 2007, page 4

¹⁹ Barnett R. Rubin, *Saving Afghanistan*, Foreign Affairs, January/February 2007, page 6

²⁰ BBC, *Afghans sacked over deadly strike*, August 24th 2008

forces but his statement can be regarded as a statement of effort for rapid transformation to full self-governance of Afghanistan rather than direct order for retreat of coalition forces. Therefore, the role of the international forces had been influenced not only by those recent events but mainly by ANA foundation that have led lastly in transformation of ISAF operation strategy. Mostly after the invasion of Iraq the NATO operations have been reduced in numbers and after 2006 they are supposed only to participate on non-kinetic operations, such as reconstruction or assistance missions²¹. Today, the swift redirection is considered as premature but even though had lead to ANA and governmental power establishment in provinces.

Being one of the most important development points settled out in state-building strategies, power and army establishment has to continue through multiple reforms of political system, including the imposition of the rule of law and most of all by the delocalization of the police and army which should not end in the hands of tribal warlords. Hopefully, the presidential ban of being a military official and a provincial governor at the same time will guarantee the integrity of the security development that has taken the possible accurate path towards secure Afghanistan.

Impact of the political system

Afghan political system is still following the Bonn process which created a constitutional pattern that opened the doors to the radical reforms of theocratic Taliban political system. Construction of the factual presidential “pseudo tricameralism” with dominated centralizing tendencies is internationally more or less accepted form of Afghan government. According to the historical forms of Asian political systems represented by dictatorships or strong leaders, the choice for strong Afghan president made at Bonn was largely supported²². However, how can we observe the Afghan Constitution, agreed by emergency Loya Jirga on 4th January 2004, under the light of the traditional Constitutional engineering? Is the presidential system of the unified state fully sustainable in Afghanistan and by what means could possibly improve the system?

Firstly, several analyses and most of all articles 83-84 and 136-142 of the Afghan Constitution confirm that provincial and district authorities don't have

²¹ ISAF's Strategic Vision, April 2008

²² *Afghanistan's New Legislature: Making Democracy Work*, Asia Report N°116, 15 May 2006, International Crisis Group

significant impact on the governing process and could not efficiently face the demanding Taliban insurgency combined with extreme poverty. Such centralization could probably continue in the crucial warlords' turmoil that could also lead to factual separation of Taliban belt provinces from Afghanistan. Up to present day, no efforts have been made to progressively adjust laws in order to reduce the effects of inappropriate centralism. For example "Provinces, Districts, and Villages do not have the right to raise and retain their own sources of revenue" or "six years after independence there have been no elections"²³ to the village councils clearly initiating the fight over the power in villages. In the long term perspective, if the law enforcement and administration reform would be applied in the way of the possibility of Constitutional transformation, centralized Afghanistan could be replaced by federation of 34 legal states. Difficult transition might be supported by further legitimization of the "federal" government and could resolve, of course after precedent administrative, political, economic and societal reform, the problems with failed provincial administration. Having in mind the Indian federal system experience of weak upper House of parliament, Raiya Sabha, which is now *de facto* existing also in Afghanistan with powerless and useless House of Elders²⁴, Meshrano Jirga, Afghan people should learn a lesson from similar German post-war Constitutional engineering that concluded in operative bicameral parliamentary system with powerful upper House, Bundesrat, formed by executive authorities of each federal state²⁵.

Secondly, poorly designed factual tricameralism of two parliamentary Houses and Grand Council, Loya Jirga, has proven its defective division of duties. According to articles 83, 89-92, 94, 97 of the Constitution, almost all legislative authorities belongs to House of people, Wolesi Jirga, leaving practically no responsibility to House of Elders. This House possesses only limited postponing, but overturn able veto which is furthermore diluted by responsibility confusion of the right to impeach the president. Normally this right belongs to the upper House but in Afghanistan this duty holds the Loya Jirga, traditional Pashtun democratic council consisting of National Assembly members along with provincial and districts authorities. Even here the transformation of the traditional Loya Jirga into the regular House of the

²³Jennifer Brick, *The Political Foundations of State-Building and Limited Government in Afghanistan*, Department of Political Science University of Wisconsin-Madison, April 3, 2008, page 28

²⁴ Members are elected from amongst provincial and district councils along from presidential appointments.

²⁵ Giovanni Sartori, *Comparative Constitutional Engineering*, Macmillan Press Ltd., London, 1997, page 190

National Assembly in combination with the elimination of the House of Elders will certainly clarify the duties and furthermore also possibly assure legitimate decision-making process.

Thirdly, traditionally approved presidential system in Asia in combination with no importance of the political parties very easily falls into autocracy or dictatorship²⁶. As experienced in Latin America and Russia, huge corruption of bureaucracy undermines the support of the government and the role of the institutions. In Afghanistan this could encourage Taliban to create a parallel state in eastern provinces. The approach for system survival lies in the difficult, complex and long term transformation to wide-spread and functional parliamentary democratic system where vital political parties and opposition are working within legal institutions, not outside as today²⁷. Unsurprisingly, this variant has significant popularity and support in Afghanistan²⁸.

Finally, misrepresentative and independent-candidates-preferring Single Non-Transferable Vote (SNTV) system²⁹ for parliamentary elections combined with ban of political parties in 2005 elections concludes the absence of legal and coherent governing majority as well as intra-institutional opposition to president. If the defective Afghan political system wouldn't adopt at least some of the Constitutional reforms, the turnout of 2009 presidential elections could easily result in another political change entirely depending on the new president willpower or maybe even Taliban-sponsored warlords.

Development of the society

Last point of the state-building analysis should consider the overall impact of political, economic and security development on the Afghan society. Being a young transitional democracy in central Asia Afghan society is immeasurably different from Western essentially democratic states.

²⁶ Zalmay Khalilzad, *How Political Parties Can Help Build the New Afghanistan*, Kabul, Afghanistan

April 2004; *Political Parties in Afghanistan*, Asia Briefing N°39, 2 June 2005, International Crisis Group

²⁷ Afghanistan's New Legislature: Making Democracy Work, Asia Report N°116, 15 May 2006, International Crisis Group

²⁸ Amin Tarzi, *What Unites The New 'United Front'?*

²⁹ In each constituency, the voter casts only one vote for one candidate in a multi-candidate race for multiple offices. Each constituency could consist of unlimited seats so parties prefer strong local individuals even without direct ties with the nominating party. SNTV therefore creates misrepresentative voting (towards political parties when their candidate could vote differently from other nominees because of its different interests from nominating party) and strictly personalize elections.

Afghanistan's own historical evolution comprehends diverse paths towards its political system of today and does not correspond with those of European or American states. By understanding this simple premise of personalized history and need for development the international community can effectively assist Afghanistan in his state-building effort. But in contradiction to this premise, new Constitution of Afghanistan has been designed in most liberal approach of whole region. Western advices on Constitutional form of Afghanistan highlighted such liberal rules of Western societies as 25% reservation of parliamentary seats to women. Such confusing articles couldn't assure the national integrity needed for full democratic transition of traditional Afghan culture filled by tribalism, great religion importance, inequalities based on sex, race, age, religion or other differences and can create large fundamental opposition. Successful modernization should rather emphasize education and local gender projects with international support³⁰. Even though exceptionally promising tradition of Pashun Grand Council Loya Jirga should lead to acceptance and understanding of the democracy in Afghanistan. Moreover, the additional effort has to be made in order to promote the values of modern liberal democracy. Not only "voting democracy" as known by most of developing world, but liberal democracy interconnected with the principles of the rule of law, good governance and assurance of the human rights has to be accepted rather than the multiple and costly vote. For underdeveloped country as Afghanistan the regular and multiple elections could pose a financial problem (one election cost between one and two hundred million dollars) that can lead to further security threats.

Additionally, other legal institution, the Constitutional court, essence and guarantee of functional democracy is largely controversial and threatens the stabilization of Afghan political system and society. In standard democracy, the Constitutional court cannot propose laws by any means, but according to article 95 of the Constitution, the court shall propose laws through the government. Highly undemocratic legitimacy of long-term direct appointing, which the constitutional court possesses can be used only in controlling segment of divided power and not in the legislative process. This controversy could be partially explained on one hand by misunderstanding of democratic institutions and on the other hand by great importance of Islam religion which even precede in order the Constitution in the presidential oath. Suspicion of abuse of Islam could be proven also by pursuance of Hanafi

³⁰ Rebuilding the Afghan State: The European Union's Role, Asia Report N°107, International Crisis Group

jurisprudence by Afghan courts³¹ and also by dissolution of political parties by Ministry of Justice that do not “pursue objectives that are opposed to the principles of the holy religion Islam.”³²

Furthermore, Warlords, commanders, drug traffickers, formal Taliban, fundamentalists or other extremists can until today participate on governance of Afghanistan and create along with other political and security controversies a threat to healthy development of civic society. Central European experiences prove that pacts with controversial individuals with relations to precedent or other undemocratic political systems could pose the same threat to state-building process³³ and therefore Afghanistan should vigorously, without creating vast political tensions on forced removal of those, deal with such individuals by political, civic and social exclusion also supported by fair legislation which will enable in case of criminal behavior the legal conduction or even penal prosecutions.

The brief overview of Afghan society has brought us to probably same premises as the analysis of the economic and security development along with political system evolution. Afghanistan remains the state under the empty-handed government of political extremists which are trying to poison the efforts of poverty-stricken Afghans to help their country to stand up on their own feet. Without the key engagement of Coalition forces and donors generosity, Afghanistan would have fallen long time ago to the same hands of fundamental theocrats. Nevertheless, the decline of international help, notably the reduction of the number of Coalition soldiers concluded last weekend in Kabul handover to Afghan National Army. Thus international community has to consider all stakes that are currently in Afghanistan and has to intensively support Afghan's or every other's, struggle for better future, without violence or inhuman dictatorship. The vision of new pro-terrorist government or local rebels that could possibly co-finance or even co-design another terrorist attack out of their home county should be minimized by every supportive action from the entire international community.

Conclusion

The young transitional Islamic democracy of Afghanistan still encounters the unique economic and security problems with tribal or ethnic identification,

³¹ Article 130 of the Afghan Constitution

³² Article 6 of the Afghan Political Parties Law

³³ Afghanistan's New Legislature: Making Democracy Work, Asia Report N°116, 15 May 2006, International Crisis Group

world largest poppy cultivation, cross-border insurgency, ineffective province administration, questionable Constitution and probably defective political system which could end in another atrocious dictatorship. Hopefully Afghanistan has taken the path towards the desirable reforms by building a strong National Army, by supporting local governance, by possible transformation of poppy cultivation, by political system reforms and by other mentioned means. All in all, local authorities along with international help must finally find a right approach in fulfilling the strategic terms of sustainable development. Various suggestions have been made but most successful will appear the suitable combination of all reform programs in political, economic, constitutional and societal field that will take in serious consideration Afghan history and traditions. Such prospect may serve for Afghan people as needed energy for further societal modernization which will hopefully achieve full democratic comprehensions within another Islam-based country.

Sources

- Constitution of the Islamic Republic of Afghanistan, <http://www.president.gov.af/english/constitution.mspix>
- Political Parties Law of Afghanistan, http://www.unama-afg.org/docs/_nonUN%20Docs/ Electoral%20Docs/Afghan-Docs/Political%20Party%20law%20ADOPTED_corr.pdf
- Declaration by the North Atlantic Treaty Organization and the Islamic Republic of Afghanistan, September 2006, <http://www.nato.int/docu/basicxt/b060906e.htm>
- ISAF's Strategic Vision, April 2008, <http://www.nato.int/docu/pr/2008/p08-052e.html>
- UNODC Afghanistan Opium Survey 2008, Executive Summary, <http://www.unodc.org/documents/data-and-analysis/ExSum25August-standard.pdf>
- CIA Factbook 2008, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>

- Gallup World Poll,

<http://www.gallup.com/consulting/worldpoll/24046/About.aspx>

- Giovanni Sartori, *Comparative Constitutional Engineering*, Macmillan Press Ltd., London, 1997

- Barnett R. Rubin, *Saving Afghanistan*, Foreign Affairs, January/February 2007,

<http://www.foreignaffairs.org/20070101faessay86105/barnett-r-rubin/saving-afghanistan.html>

- Peter Van Ham, Jorrit Kamminga, *Poppies for Piece: Reforming Afghanistan's Opium Industry*, Washington Quarterly, Winter 2006-2007,

- Esposito John, Mogahed Dalila, *BATTLE FOR MUSLIMS' HEARTS AND MINDS: THE ROAD NOT (YET) TAKEN*, Middle East Policy, Washington: Spring 2007, Vol. 14, Iss. 1; pg. 27, 15 pgs

- Jennifer Brick, *The Political Foundations of State-Building and Limited Government in Afghanistan*, Department of Political Science University of Wisconsin-Madison, April 3, 2008,

http://www.allacademic.com//meta/p_mla_apa_research_citation/2/6/6/8/4/pages266841/p266841-1.php

- Nick Grono, *Success in Afghanistan: how to define it, how to make it happen*, International Crisis group, speech made in Brussels, 2 April 2008,

<http://www.crisisgroup.org/home/index.cfm?id=5371&l=1>

- *Afghanistan's New Legislature: Making Democracy Work*, Asia Report N°116, 15 May 2006, International Crisis Group,

<http://www.crisisgroup.org/home/index.cfm?id=4108&l=1>

- *Political Parties in Afghanistan*, Asia Briefing N°39, 2 June 2005, International Crisis Group, <http://www.crisisgroup.org/home/index.cfm?id=3493&l=1>

- *Rebuilding the Afghan State: The European Union's Role*, Asia Report N°107, International Crisis Group,

<http://www.crisisgroup.org/home/index.cfm?id=3803&l=1>

- *Afghanistan: The Need for International Resolve*, Asia Report N°145, 6 February 2008, International Crisis Group,
<http://www.crisisgroup.org/home/index.cfm?id=5285&l=1>
- *New system tracks Afghanistan reconstruction, development projects*,
<http://www.nato.int/isaf/docu/pressreleases/2008/02-february/pr080210-065.html>
- *NATO in Afghanistan, Reconstruction and development*,
http://www.nato.int/issues/afghanistan/factsheets/reconst_develop.html
- Zalmay Khalilzad, *How Political Parties Can Help Build the New Afghanistan*, Kabul, Afghanistan
April 2004, <http://www.state.gov/p/sca/rls/rm/31598.htm>
- Reuters, *Afghan president says foreign forces needed for decade*, June 9th 2008, <http://www.reuters.com/article/worldNews/idUSISL1120120080609>
- Economist, *In the dark*, January 31st 2008,
http://www.economist.com/world/asia/displaystory.cfm?story_id=10608929
- Economist, *Policing a whirlwind*, December 13th 2007,
http://www.economist.com/world/asia/displaystory.cfm?story_id=10286219
- Economist, *Getting closer*, August 21st 2008,
http://www.economist.com/world/asia/displaystory.cfm?story_id=11983659
- Owen Bennett-Jones, *Taliban winning war, says Zardari*, 24th August 2008,
http://news.bbc.co.uk/2/hi/south_asia/7580093.stm
- Amin Tarzi, *What Unites The New 'United Front'?*,
<http://www.afgha.com/?q=node/2910>