

## STATE-BUILDING IN AFGHANISTAN: DECENTRALIZATION VS. CENTRALIZATION

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### ABSTRACT

**I**t appears that the multinational and multiconfessional nature of Afghan society itself is the main reason prompting examination of the problem raised in this article. Recently, there has been increasingly lively discussion about whether Afghanistan will be able to choose a development model that could ensure long-term peace and stability in the “heart of Asia.”

**KEYWORDS:** *Afghanistan, state-building, government decentralization and centralization, constitutionalism, separation of powers, ethnic balance in the state administration system, traditional mechanisms of social organization.*

The question is not “Who should govern in Afghanistan?” but “How should Afghanistan govern itself?”

*Nazif Shahrani*

### *Introduction*

The 9/11 events played a key role in shaping the global viewpoint that says weak and/or failed states are a national and an international issue of the first order<sup>1</sup> and one of the main threats to universal peace and security.

The world community agrees that a centralized form of state governance would best suit Afghanistan; strong presidential power has always been associated with law and order and stability and considered to meet the country’s centuries-old traditions.

However, during the discussions going on in academic/analytical circles around the present-day reality of state-building in Afghanistan, this constitutional phenomenon has been severely criticized.

It should be noted that the formation and development of multinational statehood can be viewed as a struggle between decentralization and centralization.

<sup>1</sup> See: F. Fukuyama, *State-Building: Governance and World Order in the 21st Century*, Cornell University Press, Ithaca, New York, 2004, p. xi.

## From a Failed State to a Centralized One

The ongoing inter-Afghan conflict has primarily resulted in a dramatic change in Afghanistan's geopolitical status with respect to its regional and international dimensions. By the beginning of the 21st century, the country had rid itself of the buffer-state condition it found itself in during the 19th-20th centuries.

However, strangely enough, it was precisely this buffer-state condition that served as one of the important factors of power consolidation and centralization based on the generous financial and economic subsidies from nations interested in turning Afghanistan into a beneficiary state.

The usual chain of events broke down after Soviet troops (1979) moved into Afghanistan, the culmination being Operation Enduring Freedom in 2001.

When one of the great powers disappeared from the world political scene and the participants in the New Great Game increased, the conflict in Afghanistan ultimately acquired a regional nature, which, in turn, strengthened its ethnic, religious, and ideological components (this was fully manifested during the opposition of the Taliban movement and the so-called Northern Alliance—a military-political union of Afghanistan's ethnic and religious minorities).

This resulted in feudal fragmentation characterized by the parallel existence of different governments and quasi states. In this situation, the Kabul authorities manifested complete incompetence and did not take any steps to maintain law and order, social stability, or the population's economic prosperity.

Given all the complexity of the inter-Afghan puzzle, it remains indisputable that Afghanistan's transformation into a failed state is largely the direct result of both active (during the Great Game, Cold War, and after 9/11) and passive interference (in the post-bipolar period) of the world powers in this country's internal affairs. What is more, regional states and non-state actors found themselves drawn into the conflict.

The Bonn Conference of 2001, devoted to political settlement of the Afghan conflict, provided a historical opportunity to make some adjustments to the state of affairs. A provisional administration was formed at this conference held under the aegis of the U.N., while ministerial portfolios were distributed among the four main Afghan groups permitted to participate in this process.<sup>2</sup>

The so-called victors won the main prize in the form of key posts in the provisional government; a member of the Pashtun majority, Hamid Karzai, became head of the administration.<sup>3</sup> In so doing, one of the rules of the political game around Afghanistan was adhered to and the "right answer" was given to the traditional question: Who should govern in Afghanistan? It should be noted that absolutely all the world powers trying to establish their power and influence in Kabul adhered to this rule.

The Bonn Agreements, which set the tone for the further institutionalization of contemporary Afghanistan,<sup>4</sup> essentially launched the formation (actual restoration) in the country of a centralized form of state governance.

The idea of strong presidential rule was supported by the international community, namely by the U.S. and its allies. At the same time, it also responded to the hopes of many Afghans living both

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<sup>2</sup> The following participants were involved in the formation of the provisional administration: members of the Northern Alliance; the Cyprus Group—representatives of Afghanistan's Shi'ite communities; the Rome Group—supporters of restoring monarchical rule; and the Peshawar Group—members of the Afghan Pashtun tribes in Pakistan.

<sup>3</sup> After the murder of his father, Abdul Akhad, in July 1999, Hamid Karzai became the head of the Popalzai tribe that was considered the progenitor of Afghan statehood. Ahmad Shah Durrani, founder of the Afghan state, and Mohammed Zahir Shah, the last king of Afghanistan, come from this tribe.

<sup>4</sup> The matter concerns the convocations of the Emergency Loya Jirga in 2002 (under the chairmanship of Zalmay Khalilzad, U.S. Ambassador to Afghanistan), the Constitutional Loya Jirga in 2003-2004, as well as the organization and holding of the parliamentary and presidential elections in 2004 planned by the Bonn Agreements.

in the country itself, where an atmosphere of uncertainty, lawlessness, and anarchy reigned, and beyond it. In so doing, some were guided by the interests of a specific political or ethnic group and were in favor of restoring the monarchy and/or power of the Pashtun majority, while others believed that a strong government power was needed to resolve the existing problems.

Thus, the correlation of interests of the main actors on the political scene of post-Taliban Afghanistan and the aggregate of specific internal and external factors played in favor of constitutional incorporation of the idea of centralized power and retention of continuity in the state governance of this country.

## Centralized Power and the Limits of Afghan Constitutionalism

On 4 January, 2004, the all-Afghan council of elders, i.e. the Loya Jirga (the Grand Assembly), convened to discuss and approve the draft of the country's Constitution, completed its work. The three-week-long arduous process of coordinating the will of its participants resulted in the adoption of the sixth Constitution in Afghanistan's history.<sup>5</sup>

The Constitutional Loya Jirga turned into an arena of political struggle; while it was in session, numerous discussions were held, the liveliest of which developed around such issues as the role of Islam, the appointment and/or election of provincial governors, the proclamation of cultural/religious pluralism and, of course, the future form of state rule in Afghanistan.

The opposition bloc, consisting of representatives of national and religious minorities, was in favor of government decentralization, which to a certain extent showed the changes in the positions of the political forces belonging to it.

The thing was that in the 1990s, the political parties, which mainly defended the interests of the ethnic Uzbeks (the National Islamic Movement of Afghanistan) and the Hazara (Hezbi-Vakhdat), supported the federal form of rule.

In constitutional law, decentralization is traditionally understood as the transfer of certain powers by the center to the local election structures. From this it follows that questions of decentralization and centralization are examined with respect to the formation of regional and/or local structures. In so doing, it is very important to find answers to the following questions: "Who forms the local structures of state administration? What is the procedure for appointing officials, and where are they issued mandates—in the center or in the provinces?"

The sum answers to these questions make it possible to conclude that two different types of unitarian state exist: decentralized and centralized.

According to the current Constitution, *Afghanistan is a unitary centralized state*; this means that the administrative-territorial units do not possess autonomy and are directly engaged on executing the center's decisions.

It stands to reason that the most important bones of contention between the supporters and opponents of government decentralization in Afghanistan relate to the delimitation of powers between the center and the periphery.

However, in the context of this country, this phenomenon is much broader and, what is more, has its own peculiarities. The main problem requiring immediate resolution concerns decentralization

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<sup>5</sup> Afghanistan's first constitution was adopted by emir Amanullah Khan in 1923, the next by Nadir Shah in 1931, then by Zahir shah in 1964, by Mohammed Daoud in 1977, and by Najibullah in 1987 (in 1980, a temporary constitution was adopted).

of the central government itself. The matter concerns the dilemma facing Afghanistan's top leadership, that is, the choice between a presidential and a parliamentary republic.

Initially, the Constitution draft envisaged the establishment of a semi-presidential system characterized by the separation of executive power into two components: the president (Pashtun) elected by the population at direct elections and the prime minister (non-Pashtun) appointed to the post by the Volesi Jirga—the lower house of the Afghan parliament.<sup>6</sup> The logic of this “separation of powers” consisted of ensuring an ethnic balance in state governance as one of the indispensable conditions of retaining stability in the country's political system.

However, this initiative was not supported by the Loya Jirga and, in the end, the idea of separation of powers based on the principle of checks and balances was unable to manifest itself in full (in particular due to the formal absence of the institution of prime minister).

Establishing peace, achieving ethnic consent, and adhering to the balance of interests of Afghanistan's ethnic groups is also of regional significance. As Uzbek President Islam Karimov notes, “based on this country's many-century history, no one should forget that the failure to observe the interests of all the strata of the population living in this land and belonging to different nationalities, peoples, and religions, was the reason for so much bloodshed and had negative consequences.”<sup>7</sup>

In this context, we must mention legitimacy, which should primarily be understood as the positive attitude of the residents of a country distinguished by its ethnic, religious, tribal, and ethno-linguistic diversity to the existing power institutions and recognition of their legitimacy. The ruling regime is recognized as legitimate if it is founded on the values, norms, and interests, as well as the traditional institutions of the social organization existing in society.

The thing is that powers in Afghanistan are traditionally executed at the local level, and almost all of the country's ethnic communities are familiar with how they are performed. Such institutions as the local councils and jirgas, as well as the Pashtunwali code of honor and Shari'a laws, have served for centuries as ways of ensuring the legitimacy of power in Afghanistan.

Arbabs and maliks acted as intermediaries between the government and the community. In the villages, nomad landings, and urban districts (mahallas and guzars), kinship ties have helped to preserve the strongest relations.<sup>8</sup> Councils, jirgas, and informal institutions settled disputes between members of the communities, and, if absolutely necessary, provided protection for their members. It should be noted that the central government never made any attempts to oust or transform these deep-rooted forms of social organization.<sup>9</sup>

Over the more than 30 years of the inter-Afghan conflict, the autonomy and sociopolitical significance of these institutions have strengthened and, at the current stage, they possess significant resources for creating a viable government.

The situation is paradoxical in that Afghanistan, being de facto one of the most decentralized states in the world, de jure has one of the most centralized constitutional systems.<sup>10</sup>

<sup>6</sup> See: B.R. Rubin, “Crafting a Constitution for Afghanistan,” in: B.R. Rubin, *Afghanistan from the Cold War through the War on Terror*, Oxford University Press, 2013, pp. 155-156. B. Rubin also notes that as early as the Bonn conference in 2001, the groups that belonged to the United Front or the Northern Alliance were in favor of instituting the post of prime minister (see: B.R. Rubin, *Is the Afghan Unity Government a Roadmap for Negotiations with the Taliban?* 20 October, 2014, available at [<http://foreignpolicy.com/2014/10/20/is-the-afghan-unity-government-a-roadmap-for-negotiations-with-the-taliban/>]).

<sup>7</sup> I. Karimov, Speech at a Session of the Oliy Majlis of the Republic of Uzbekistan of the Second Convocation, 6 December, 2001, in: *Za bezopasnost i mir nado borotsia*, Vol. 10, Uzbekiston, Tashkent, 2002, p. 133.

<sup>8</sup> See: M.N. Shahrani, “Afghanistan's Alternatives for Peace, Governance and Development: Transforming Subjects to Citizens and Rulers to Civil Servants,” *The Afghanistan Papers*, No. 2, August 2009, p. 6.

<sup>9</sup> See: T. Barfield, *Afghanistan: A Cultural and Political History*, Princeton University Press, Princeton, NJ, 2010, p. 220.

<sup>10</sup> See: R.D. Lamb, B. Shawn, *Political Governance and Strategy in Afghanistan*, A Report of the CSIS, April 2012, p. 15, available at [<http://csis.org/publication/political-governance-and-strategy-afghanistan>].

However, the principles of local self-government have not been enforced in the country's constitution, which largely promoted the strengthening of centralized presidential power. One of the main reasons for this state of affairs is that one of the standards of statehood is based on the concept of the legitimacy of power.

The Constitution of Afghanistan says that "The government, in preserving the principles of centralism, shall transfer the necessary powers, in accordance with the law, to the local administrations in order to accelerate and improve economic, social, as well as cultural matters, and foster the peoples' participation in developing national life" (Art 137). However, this constitutional provision has never been put into practice.

In keeping with the national legislation, the formation of local administration structures relates exclusively to the powers of the head of state; he is the one who appoints the provincial governors and district heads (uluses), judges, and prosecutors, as well as (along with the country's minister of internal affairs) local administration officials. The representatives of ministries and departments in the provinces act on the direct instructions of the center and corresponding linear ministries and departments, and do not have to report to the heads of the local administration. So we can talk about the creation of a clear vertical of power, which is the most effective way to reinforce the jurisdiction of the center and retain accountability.

As for provincial, district, municipal (urban), and rural councils that do not have financial resources or real powers, they never became competent state institutions. What is more, elections to the district, municipal, and rural councils have still not been held. The proposal of the delegates of several ethnic groups at the Constitutional Loya Jirga about electing governors or appointing them from the list of candidates offered by the provincial councils could be a positive step toward forming a strong government in the provinces.<sup>11</sup>

Today we are seeing a decline in the potential of the local state power and government structures. But this does not mean the central government has a stronger position.

The Afghan authorities have always been in favor of retaining the status quo. During the years of Hamid Karzai's rule, the institution of presidency took hold as a central link in the state system. The head of state accumulated all the power in his hands, while the key political decisions were made by his administration. Central power became so concentrated that even decisions regarding the appointment of school directors and teachers in the provinces were made exclusively by Kabul.

The country's authorities did not manifest political will in forming a party system. The activity of the political parties was extremely lax, and they did not compete with each other. Given the weakness of the political system, the parliament did not become an effective institution befitting a multinational society, rather it became the main victim of strong centralized presidential power.<sup>12</sup>

Nevertheless, the compilers of the Constitution made several attempts to reach a consensus; there was a move away from the narrow understanding of the terms "Afghan" and "the nation of Afghanistan." According to the current Constitution, the word "Afghan" applies to every citizen of Afghanistan, and "the nation of Afghanistan" is composed of all individuals who possess citizenship of the country (Art 4).<sup>13</sup>

Moreover, the Constitution enforced a provision, according to which "in addition to Pashto and Dari, the Turkic (Uzbek and Turkmen), Baluchi, Pashaie, Nuristani, and Pamiri languages shall be the third official languages in those districts where they are used by most of the population" (Art 16).

<sup>11</sup> See: B.R. Rubin, *Crafting a Constitution for Afghanistan*, pp. 159-160.

<sup>12</sup> See: W. Maley, "State-Building in Afghanistan: Challenges and Pathologies," *Central Asian Survey*, Vol. 32, No. 3, 2013, p. 259.

<sup>13</sup> According to Art 4 of the Constitution, the nation of Afghanistan is comprised of Pashtun, Tajik, Hazara, Uzbek, Turkmen, Baluch, Pashaie, Nuristani, Aimaq, Arab, Qirghiz, Qizilbash, Gujur, Brahwui, and other tribes.

All of Afghanistan's former constitutions (including the 1964 Constitution, on which the current one is based) proceeded from the dominating role of the Sunni religious-legal school of Hanafi.

In contrast to them, the current Constitution determines that "the sacred religion of Islam" is the religion of the Islamic Republic of Afghanistan (Art 2). The positive aspect of this provision is that it guaranteed the equality of both Sunnis (the religious majority) and Shi'ites (the religious minority) of Afghanistan at the legal level for the first time. In so doing, Shi'ites (mainly Hazara) acquired the same opportunities as Sunnis for holding their religious rituals and celebrations.

Of course, these improvements in the legal situation of Afghanistan's ethnic and religious minorities confirm their increased participation in state administration and show the positive development of national legislation.

However, the above-mentioned changes did not lead to the desired results. During the formation of a government of national unity of Afghanistan, the representatives of the national minorities were against the country's parliament rejecting their candidates for the new cabinet and in favor of observing "political justice."<sup>14</sup> So we can conclude that solving the historical problems of the contemporary Afghan state will be no easy task.

## Power Centralization: Historical Prerequisites and Current Dilemmas

"Every Afghan dreams of capturing Kabul one day. But as soon as he does, he will lose the rest of the country."

*Afghan saying*

The struggle of opposites, that is, the striving of the political elite for government centralization and of the ethnocultural and ethnolinguistic groups and clans/districts/ for its decentralization, has deep roots in the history of Afghan state-building.

From the time the Afghan state was formed in 1747, all power in the country (military, economic, and ideological) has been concentrated in the hands of one person. The priority lies on family, clan, and/or tribal interests, while patronage, kinship, and nepotism have always been prevalent in organizing social and state life.

An interclan and dynastical power struggle has traditionally been the driving force behind centralization; in so doing, the main task has been to limit the influence of its armed bastion—the Dur-rani tribe.<sup>15</sup> Later, the range of tasks widened and the center's policy was aimed at weakening the influence and military might of the eastern Pashtuns, the rulers of Turkestan (Afghan), the rival cousins, and the non-Sunni ethnic groups (particularly Nuristans and Hazara), who were historically not under the power of the Afghan state.<sup>16</sup>

<sup>14</sup> In Afghanistan, "Hazara are Protesting against Infringement of Their Political Rights," available in Russian at [[http://www.aftag.info/news/detail.php?ID=341470&sphrase\\_id=36569](http://www.aftag.info/news/detail.php?ID=341470&sphrase_id=36569)].

<sup>15</sup> Creation of armed units of representatives of the Gilzai tribes and other ethnic groups; resettlement of the leaders of the Mohammedzai clan in Kabul, separating them from the tribal base; transfer of the capital from Kandahar to Kabul (1776), and other steps were aimed at reaching this goal.

<sup>16</sup> See: T. Barfield, *op. cit.*, p. 147.



During the 19th century, “the practice of ethnic purges, discrimination, and military pressure on the ethnic minorities continued to be an important political tool the Kabul emirs used to preserve and strengthen their own power.”<sup>17</sup>

By destroying the old state structure and might of the eastern Pashtuns (by means of resettlement, establishing direct taxes, physical destruction, recruitment into the army, etc.), the aggressive military campaigns of Abdur Rakhman Khan described by L. Dupree as “internal imperialism”<sup>18</sup> nevertheless ensured the Pashtuns a leading position in Afghanistan’s political life. A kind of hierarchy of ethnic groups was formed, where the leading place belonged to the Pashtun tribes. In so doing, Abdur Rahman Khan turned the Durrani nation (in the eyes of many Afghans) into a Pashtun state.<sup>19</sup>

The efforts to modernize society and the state made in the 20th century did not affect the deep foundations of Afghan society; this made it possible to retain the supremacy of the centralization policy. Armed with the principle “divide and rule,” the center decided to weaken the influence and power of the regions and the strong natural spaces that served as a factor of stability and could be an example for modeling a contemporary Afghan state by consistently fragmenting the provinces and increasing their numbers.<sup>20</sup>

By the beginning of the 20th century, the administrative-territorial division of Afghanistan largely coincided with the regional and corresponded to the actual resettlement of ethnic/ethnolinguistic groups. At present, the Islamic Republic of Afghanistan consists of 34 administrative-territorial units (according to the Constitution of Amanullah Khan of 1923, the country was divided into 10 provinces, while according to the 1964 Constitution, there were 26).

At the same time, it should be noted that the appearance of new provinces is related to the changes in the traditional structure of Afghanistan’s ethnic hierarchy and fortification of the position of the nontitular peoples in it. This is shown in particular by the formation of the provinces of Nuristan (2001), Panjshir (2001), and Daikundi (2003), the overwhelming majority of the population of which consist of Hazara, Nuristani, and ethnic Tajiks, respectively.

The centralized model of state created with the help of a modern army and based on the Western conception of statehood could not destroy the traditional foundations of the social organization of Afghan society. In this respect, it is appropriate to present the statement of Thomas Barfield, who wrote in his fundamental book on the political and cultural history of Afghanistan that the efforts to create a centralized Afghan state destroyed the so-called climax state.<sup>21</sup> He also noted that “the stable climax state in the ‘political ecology’ of Afghanistan was characterized by a center (wherever it was) dominating distinct regions, which had their own political elites.”<sup>22</sup>

The above is confirmed by the fact that today we are seeing constructive separation of powers between formal (state) and informal (including illegal) formations across the board. The informal leaders (influential people, the leaders of tribes and ethnic groups, warlords, and so on), who possess political (ties with influential politicians, external donors, a high social status in certain social group) and material resources (smuggling, drug trade, foreign contracts, and so on), are essentially in charge of the situation in the regions and compete with the official authorities for influence at the local level.<sup>23</sup>

<sup>17</sup> Iu.V. Bosin, “Etnichesky faktor vo vnutriafganskom konflikte (istorichesky analiz),” *Vostok*, No. 5, 1999, p. 72.

<sup>18</sup> L. Dupree, *Afghanistan*, 2nd edition, Princeton University Press, Princeton, NJ, 1980, p. xix.

<sup>19</sup> See: T. Barfield, op. cit.; M.N. Shahrani, op. cit.

<sup>20</sup> The potential of the region was made active use of both by the Soviet Union and the U.S. These nations planned and organized their own military operations within the regional military districts. In 2003, in order to advance into an Afghan village, the American command in Afghanistan initiated the creation of a Joint Regional Team according to the zonal principle. The structure of the Taliban movement inside Afghanistan was also based on regional division.

<sup>21</sup> See: T. Barfield, op. cit., p. 162.

<sup>22</sup> Ibidem.

<sup>23</sup> See: R.D. Lamb, B. Shawn, op. cit., pp. 20-24; A. Giustozzi, *Empires of Mud: Wars and Warlords in Afghanistan*, C. Hurst & Co., London, 2009.

The contemporary Afghan state is based on old ideas and institutions. According to M. Nazif Shahrani, “the primary reason for the failure has been the unwillingness or inability of the leadership to shift from a tribal political culture anchored in person-centered politics to a broader, more inclusive, participatory national politics based on the development of modern national institutions and ideologies.”<sup>24</sup>

I would also like to note that the opinion that the Pashtuns are the only ethnic group interested in government centralization is erroneous. The thing is that the desire of certain political elites (regardless of their ethnic affiliation) to monopolize the central government has become the norm of political life in Afghanistan.

The failure of the current system and monopolization of power by the center appeared during the last presidential election. In so doing, the uncompromising nature of the struggle among the contenders for president was based on the slogan “the winner takes all.” In light of this, the decision regarding future convocation of the Constitutional Loya Jirga looks like a compromise between the supporters and adversaries of government decentralization striving to preempt the current situation and afraid of provoking certain ethnic and religious forces to take more decisive steps capable of undermining the status quo.

### *Conclusion*

The government is the central element of any political system, the stability of the architecture called “the state” essentially depends on it. It is considered extremely legitimate that its structure and content as a political institution functioning within the framework of the constitution should correspond to the fundamental principles of society and combine the values and traditions of the peoples coexisting in it. In so doing, it is extremely important that the mechanisms of local self-government be fully integrated into the state power system and that its local (provincial) structures be given real powers.

Ensuring an ethnic balance in the state power and government system is the cornerstone for achieving peace and stability in Afghanistan. Essentially all of Afghanistan’s neighbors are showing an objective interest in achieving this goal.

The international community has been unable to play an effective role in state-building in Afghanistan. The political elite of this country must make a choice—either a centralized government/strong Kabul, or a decentralized state/recognized Kabul with strong regional partners.

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<sup>24</sup> M.N. Shahrani, *Resisting the Taliban and Talibanism in Afghanistan: Legacies of a Century of Internal Colonialism and Cold War Politics in a Buffer State*, available at [<http://sam.gov.tr/wp-content/uploads/2012/01/M.-NAZIF-SHAHRANI.pdf>].