

## AFGHANISTAN'S POLITICAL SYSTEM: INTERNATIONAL EFFORTS, INTERNAL RESOURCES, AND UNTAPPED RESERVES

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### *Introduction*

A democratic political system is the key to Afghanistan's future prosperity. The world community is convinced of this, while the already achieved legitimization and democratization of power in this country have inspired its neighbors, the Arab Spring countries, and the Muslim East as a whole. However, the Taliban and its abettors in other countries and other more civilized forces (acting on the sly or even openly) are determined to block the road to progress.

The main parameters of the political process in Afghanistan were outlined and accepted as a guide to action ten years ago: a new constitution; a state ruled by law; efficient institutions of state governance; a civil society and political parties as one of its elements; human rights; and a Road Map to free elections. A stronger political system has remained on the agenda of several consecutive international conferences in Bonn (2001); Berlin (2004); London (2006 and 2010), Rome (2007), Paris (2008), Moscow (2009) and The Hague (2009).

It is not easy to study the country's political system during the transition period, identify its context, pinpoint its problems, and outline its prospects. It is much easier to dissect the entire structure of state power (in fact, today the term "political system" looks a bit conservative), which cannot be done in the case of Afghanistan because of the ever widening involvement of non-state civil institutions in politics. In short, we should take into account all the entities of Afghan politics.

The Islamic Republic of Afghanistan has supplied the expert community with a unique target of integrated studies. I have in mind three fairly "widely spaced" components:

- (1) The relations between the International Security Assistance Force — ISAF members, Russia, China, India, Pakistan, the Soviet successor states in Central Asia, etc.
- (2) The country's own past and present.
- (3) Its development prospects.

### **The Previous Decade Assessed**

The country can rely on its previous experience of presidency when Mohammed Daoud Khan (1973-1978) filled the post. This period, however, is best described as tempestuous: coups and regime changes followed one after another: the coup of 16-17 July, 1973; the Saur Revolution of 27 April,

1978, and the events of 27 April, 1992. In Afghanistan, presidency has obviously been associated with dictatorship.

President Karzai is not a dictator; his power is better described as the intention of the international coalition to establish a strong (not yet American) Afghan “intermediate”<sup>1</sup> model of power in the form of “strong government leadership”<sup>2</sup> in which the head of state is responsible for state and civil development: “The new Afghan Constitution deliberately transcends the classical division of powers in order to assign to the President a comprehensive responsibility for the smooth functioning of the state as a whole.”<sup>3</sup>

Hamid Karzai proved to be a fairly efficient leader, at least in the early years of his presidency. Zalmay Khalilzad, special representative of the U.S. President for Afghanistan and the U.S. Ambassador to Afghanistan in 2003-2005, has pointed out that his country first relied on “powerful political figures while helping Afghans to build a political system that would require these forces to play by a new set of rules.”<sup>4</sup>

It should be said in all justice that President Karzai is still coping with his role as head of state. He initiated and realized several important social, economic, public, political, and judicial projects very much approved by the key countries; specific parameters of transfer of power and responsibility to the Afghan authorities being his recent initiative.<sup>5</sup>

The Peace Jirga, an assembly of representatives of wide popular masses convened on his initiative in June 2011, laid the foundation for *the national reconciliation policy*.

Together with former president Burhanuddin Rabbani, President Karzai set up the High Peace Council to represent all parts of the country and to address at least some of the problems.

It should be said that the American president “fully supported an Afghan political process that includes reconciliation with those Taliban who break ties with al-Qa’eda, renounce violence and accept the Afghan constitution.”<sup>6</sup> After the famous speech U.S. Secretary of State Hillary Clinton delivered in New York in February 2011,<sup>7</sup> the United States increased its diplomatic support of the national reconciliation policy initiated by the Afghan president.<sup>8</sup>

In fact, one of the previous regimes, likewise, tried to bring in national reconciliation. I have in mind Mohammad Najibullah who on 30-31 December, 1986 spoke at length in Kabul about peace and security and the measures needed to stop the fratricidal war. For obvious reasons, the ideas and formulas were suggested by Moscow and sanctioned by the Kremlin.

His pro-Soviet regime managed to achieve a ceasefire and involve the tribal chiefs and other respected people from the tribal area in a dialog with the authorities; the top leaders talked to the opposition and neutral forces, helped repatriate refugees, etc.

<sup>1</sup> H. Karzai, *Statement at the 47th Munich Security Conference*, 6 February, 2011, available at [president.gov.af].

<sup>2</sup> “Clinton Says Building New Silk Road is Critical for Afghanistan,” 23 September, 2011, available at [iipdigital.usembassy.gov].

<sup>3</sup> R. Grote, “Separation of Powers in the New Afghan Constitution,” *Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht*, 2004, p. 905, available at [http://www.zaoerv.de/64\_2004/64\_2004\_4\_a\_897\_916.pdf].

<sup>4</sup> Z. Khalilzad, “Lessons From Afghanistan and Iraq,” *Journal of Democracy*, Vol. 21, No. 3, July 2010, p. 46.

<sup>5</sup> See, for example: “O vstrechakh zamestitelya ministra inostrannykh del RF A.N. Borodavkina i spetspredstavite-lyu prezidenta RF po Afghanistanu Z.N. Kabulova so spetspredstavitelem SShA po Afghanistanu i Pakistanu M. Grossmanom,” 28 March, 2011, available at [www.mid.ru].

<sup>6</sup> B. Obama, “Statement by the President on the Afghanistan-Pakistan Annual Review,” 16 December, 2010, available at [www.whitehouse.gov].

<sup>7</sup> See: “Clinton’s Remarks on Afghanistan and Pakistan to Asia Society,” 18 February, 2011, available at [iipdigital.usembassy.gov].

<sup>8</sup> See: *The Situation in Afghanistan and its Implications for International Peace and Security: Report of the Secretary-General*, 23 June, 2011, available at [http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/379/13/PDF/N1137913.pdf?OpenElement].

Najibullah's Soviet advisors could rely on the Bolsheviks' vast and unprecedented experience of national reconciliation in the Bukhara Republic (1920-1924), which, by the way, was one of Afghanistan's closest neighbors. This experience was borrowed and is being borrowed by European and African countries; it was applied in Tajikistan and is being applied in Kyrgyzstan.<sup>9</sup>

A stronger vertical of power can be described as another great achievement along with the much more effective local administration structures and improvement of "national and sub-national governance."<sup>10</sup>

Today, the governors and their administration tend toward much closer cooperation with the local self-administrations, religious figures, civil institutions, and the media. They have established reception hours for local people, computerized administrative functions, been working to involve women more in the government, etc. Recently, the statuses of deputy governors have been changed; personnel policy has become much more transparent; there is a Commission for Civil Service, etc. The changes have been hailed abroad and, with less enthusiasm, inside the country.<sup>11</sup>

The international coalition concentrates on encouraging civil contribution to *efficient and conscientious state governance*. In two-and-a-half years—from January 2009 to July 2011—the number of American civil servants and experts stationed in the country increased three-fold. They are doing a lot to promote the country's development. According to Hillary Clinton, however, "it was not, nor was it ever, designed to solve all of Afghanistan's development challenges."<sup>12</sup> Today over 1,100 civil experts from nine federal structures of the United States are working in the Islamic Republic of Afghanistan; they are dealing with a wide range of problems from agriculture to infrastructure and from fighting drug trafficking to training local civil servants.<sup>13</sup>

Much has been done to improve *legislation and parliamentary activities*; there is a definite strategy to be applied in legislation; the country has joined interparliamentary organizations; people from different, often opposing, camps were drawn into law-making in a more or less consistent manner.<sup>14</sup> The newly elected National Assembly of Afghanistan (or, rather Wolesi Jirga, its lower house) is working toward keeping political confrontation more or less in check<sup>15</sup>; it has already established a certain amount of control over the government and is organizing public hearings. Today, people in Afghanistan can boast access to direct broadcasting of parliamentary discussions, a practice borrowed from developed countries.<sup>16</sup>

In a very short period of time Afghanistan created a more or less consistent regulatory-legal basis of *elections at all levels*. On 16 August, 2010, the Electoral Law was passed<sup>17</sup> which legalized the system of vote counting, funding of elections, registration of candidates, accreditation of journalists and observers, representatives of political parties and independent observers, and the rules for public opinion polls and, most importantly, allocated a certain number of seats in Wolesi Jirga to women. Several codes of conduct were adopted: the Code of Conduct for the Media, the Code of Conduct for Observers and Political Parties, and the Code of Conduct for Candidates.

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<sup>9</sup> See: "Assistant Secretary Blake on U.S. Policy in Central Asia," 10 March, 2011, available at [ipdigital.usembassy.gov].

<sup>10</sup> *NATO Declaration Reaffirming Commitment to Afghanistan's Security*, 20 November, 2010, available at [iipdigital.usembassy.gov].

<sup>11</sup> See: *The Situation in Afghanistan and its Implications for International Peace and Security...*

<sup>12</sup> "Afghans Seeing Progress from U.S. Civilian Surge, Clinton Says," 23 June, 2011, available at [iipdigital.usembassy.gov].

<sup>13</sup> See: "Clinton's Remarks on Afghanistan and Pakistan to Asia Society."

<sup>14</sup> See: G. Gran, "Afghanistan: The Beginning of Democracy—Achievements and Challenges," available at [www.asgp.info].

<sup>15</sup> See: *The Situation in Afghanistan and its Implications for International Peace and Security...*

<sup>16</sup> See: G. Gran, *op. cit.*

<sup>17</sup> See: Electoral Law [As in effect 16 August, 2010], available at [www.iec.org.af].

The largest international structures described the parliamentary elections of 18 September, 2010 as an important step toward democracy.<sup>18</sup> The Independent Election Commission continued functioning; the local election structures demonstrated “real courage under pressure from all sides.”<sup>19</sup> This time, warlords stood no chance; it was businessmen and members of civil society who ran for the parliament; those members of the moderate opposition who were elected acquired a chance to organize themselves into a constructive parliamentary opposition.

There is an Electoral Complaints Commission in Afghanistan, a very specific structure entrusted with counting the votes cast at the parliamentary elections once more (the procedure was concluded on 27 April, 2011). President Karzai set it up using the money of international organizations to fight falsifications; as a result about a quarter of those who passed were disqualified. The Independent Election Commission’s powers were not contested.

The *reform of the legal system* very much affected the political system of Afghanistan by legitimizing governance, protection of human rights, etc. It is believed that the reform began in 1964 when the judicial system was revived<sup>20</sup>; laws registered; all regulatory-legal acts improved; the quality of administration of justice upgraded; new judges trained in a new way; a system of advanced vocational training set up, etc.<sup>21</sup> Today, the Afghanistan Independent Human Rights Commission operating under a special law<sup>22</sup> with a strategy for 2010-2013,<sup>23</sup> and the Judicial Reform Commission (the latter not being very successful) are functioning in the country.<sup>24</sup> International organizations are also involved in upgrading legal awareness and culture in Afghanistan.

When talking about *fighting corruption*, it should be borne in mind that this crime undermines the legitimacy of any political system because “a citizen that cannot trust the government is unlikely to defend and support it.”<sup>25</sup>

The international community says that in Afghanistan “corruption remains a major problem” and that “fighting fraud and waste is one of our highest priorities.”<sup>26</sup> The country’s leaders adopted several fairly efficient anti-corruption documents: Road-map for fighting Corruption in Afghanistan, Anti Corruption Strategy, and several other documents.

Certain departments and ministries moved farther than others in their anti-corruption efforts; this was especially obvious in the customs structures (previously highly corrupt) where the improved situation immediately raised budget revenues.

The High Office of Oversight and Anti-Corruption acting according to the Strategic Plan for 2011-2013 has achieved considerable success; there are attempts to spread anti-corruption efforts (with the active participation of civil society) to all structures of state power.

The Constitution pays particular attention to *the rights of women*, who have already become much more active than before; the recent laws specified the number of seats reserved for women in the low-

<sup>18</sup> See: *NATO Declaration Reaffirming Commitment to Afghanistan’s Security*, 20 November, 2010.

<sup>19</sup> M. Sedwill, *Afghanistan: The 2011-14 Campaign*, Speech by Ambassador NATO’s Senior Civilian Representative for Afghanistan, at the Institute for International Affairs, Helsinki, 25 January, 2011, available at [www.nato.int].

<sup>20</sup> See: J. Thier, “Reestablishing the Judicial System in Afghanistan,” *Working paper of Center on Democracy, Development, and the Rule of Law*, Stanford Institute for International Studies, available at [cddrl.stanford.edu].

<sup>21</sup> See: M. Tondini, “Rebuilding the System of Justice in Afghanistan: A Preliminary Assessment,” *Journal of Intervention and Statebuilding*, Vol. 1, No. 3, 2007, pp. 333-354; N. Nauta, “The Judicial Reform Process in Afghanistan: In Everyone’s Interest,” *NATO Review*, No. 3 (April), 2009, p. 63.

<sup>22</sup> See: *Law on the Structure, Duties and Mandate of the Afghanistan Independent Human Rights Commission (AIHRC)*, available at [www.aihrc.org.af].

<sup>23</sup> See: *Strategic Plan and Action Plan*, available at [www.aihrc.org.af].

<sup>24</sup> See: N. Nauta, op. cit.

<sup>25</sup> S. Kouvo, “Rule of Law Deficits as a Security Challenge: ‘Touching the Surface’,” *NATO Review*, No. 3 (April), 2009, p. 23.

<sup>26</sup> “Clinton’s Remarks on Afghanistan and Pakistan to Asia Society.”

er house of the National Assembly and posts in the government. Much is being done to draw women into other spheres of public activities.

There is the Ministry of Women's Affairs in Afghanistan headed by an ethnic Uzbek woman Husn Banu Ghazanfar; there is the Afghan Women's Business Federation and a fairly large number of women's NGOs. The National Action Plan for the Women of Afghanistan was adopted and is being implemented jointly with several international organizations.

One of the experts has put the very essence of the rule of law in Afghanistan in a nutshell: "The rule of law continues to be a blend of government-centered (formal) and community based (informal) initiatives."<sup>27</sup> Since about 80 percent of the country's population lives in the countryside, the community-based principle plays an important role in the country's political system and its evolution. From the very beginning, the Afghan leaders have been determined to encourage local self-administration ("community development councils"); the National Solidarity Program has already been realized in two-thirds of 393 administrative units; this means that more than 26 thousand communities have the opportunity to join small-scale development projects.<sup>28</sup>

## Do Contradictions Move the Political System Forward or Shake It Loose?

*The parliamentary system of governance and the federative organization of the state have fairly influential supporters in Afghanistan* for several very specific reasons: the president and each of the vice-presidents represent different tribes, while members of national minorities have no chance of filling the top posts. There is a more or less common opinion that this system contradicts the nationalities policy.

The practice of appointment of governors by the president might create numerous problems; the president's constitutional right to "exert considerable influence over the review practice of the Supreme Court" has already invited numerous questions.

Zalmay Khalilzad has offered an apt formula: "The concentration of power in the presidency means that those who lose a presidential election may feel shut out of power."<sup>29</sup>

The presidential circles remain allergic to the pro-Soviet idea of "all-Afghan" or "national" parties (today there are about 8 major parties in Afghanistan, 7 Islamic, and several leftist parties).<sup>30</sup> The presidential order is "guilty" of a special status of *the administration of the head of state*, which opens access to a range of resources and services.

The past experience of national reconciliation (in the Bukhara Republic in particular) confirms what one of the experts described as a key to success: "well-balanced punitive and reconciling components."

Widespread opposition to official powers fed by human vindictiveness can be expected if punitive components predominate.

In the opposite case, crime victims will have no trust in the judicial system and the political process as a whole.<sup>31</sup>

<sup>27</sup> S. Kouvo, op. cit.

<sup>28</sup> See: H. Karzai, *Statement at the 4th U.N. Conference on the Least Developed Countries (LDCs)*, Istanbul, Turkey, 9 May, 2011, available at [president.gov.af].

<sup>29</sup> Z. Khalilzad, op. cit.

<sup>30</sup> See: "Leftist Parties of the World. Afghanistan," Marxists Internet Archive, available at [www.broadleft.org].

<sup>31</sup> See: C. Maass, "National Reconciliation in Afghanistan. Conflict History and the Search for an Afghan Approach," *Internationales Asienforum*, Vol. 37, No. 1-2, 2006, p. 35.

National reconciliation takes time; any attempts to speed it up may intensify antagonism and increase social and political instability; procrastination will destroy what has been done and consolidate the destructive forces; this is fraught with passing the social conflict down to future generations.

There are contradictions *between the central and provincial structures of governance*. Local administrators cannot accept the fact that those who promote the national reconciliation programs in the center prefer to deal with former militants in the provinces rather than the locally dominating communities<sup>32</sup>; as a result the governors and the communities feel betrayed. On the other hand, executive powers have not yet abandoned the old habit of neglecting the people and their needs; they frequently act instead of the police, public prosecutors, courts, etc. In many provinces corruption remains unabated, undermining the very foundations of constitutional order.

The political regime has failed to make civil service accountable to civil society or attractive to graduates of the best universities looking for good career prospects. The low wages, if any, vague responsibilities, social risks, and inefficient power mechanisms explain why there are so many vacancies in the state power structures; at the district level administrations have neither premises nor personnel.<sup>33</sup>

International experts report that Afghanistan has not yet put in place mechanisms for “vetting senior political appointees and political candidates”<sup>34</sup> to identify obvious and latent supporters of the Taliban. “Operational challenges remain, such as the delay in the transfer of funds and subsequent delays in associated development projects.” This means that it is next to impossible to ensure a steady flow of money (endorsed by the central government) to the provincial and district powers.<sup>35</sup>

The president deemed it necessary to point out the following: “At the same time, our bureaucracy, both because of its inherited structures and ill-coordinated technical assistance from our partners (from the donors directly to the consumers bypassing the government.—*B.E.*), has become a patchwork of different approaches to governance.”<sup>36</sup>

The Afghan parliament, one of the world’s youngest, has all the inevitable faults: “poor parliamentary culture; weak comprehension and understanding of parliamentary principles;” not infrequently the deputies prefer personal interests to the national; factions are undeveloped and therefore there is no faction activity in the parliament. The Secretariat, which, on the whole, is involved in parliamentary procedures, cannot retain better trained staff members because of low salaries; “staff retention, therefore, causes serious concerns.” “The unstable and insecure environment has slowed down the working relationships between parliament members and their constituencies ... in recent years some of the parliament members have been targeted by terrorists and lost their lives.”<sup>37</sup>

The international community feels that separation of powers is highly important for Afghanistan to move away from the present conflicts toward smooth cooperation. The country needs a *parliament of national unity* to address, together with the president, the tasks of military-political stabilization, socioeconomic rehabilitation, and dynamic development.<sup>38</sup>

*The shortcomings of the election system* range “from clarifying the relationships between electoral bodies through to a more transparent vetting process and a thorough voter registry.”<sup>39</sup>

<sup>32</sup> See: *The Situation in Afghanistan and its Implications for International Peace and Security...*

<sup>33</sup> See: M. Sedwill, op. cit.

<sup>34</sup> S. Kouvo, op. cit.

<sup>35</sup> See: *The Situation in Afghanistan and its Implications for International Peace and Security...*

<sup>36</sup> H. Karzai, *Statement at the 47th Munich Security Conference*.

<sup>37</sup> G. Gran., op. cit., p. 3.

<sup>38</sup> See: “Ob oqlashenii okonchatelnykh rezultatov vyborov v nizhnyuyu palatu parlamenta Afghanistana,” 26 November, 2010, available at [www.mid.ru].

<sup>39</sup> N. Coburn, A. Larson, *Undermining Representative Governance: Afghanistan’s 2010 Parliamentary Election and Its Alienating Impact*, Afghanistan Research and Evaluation Unit (AREU), Kabul, 2011, available at [www.areu.org.af].

So far, “elections revolve around competing local interests rather than cross-cutting issues or ideologies,” which means that the results are often falsified partly because the deputies are seen as “direct service providers.” In Afghanistan (as well as in many Muslim countries), “collective voting” still persists; the results are very much affected by the “ethnic discourse” and falsifications. Finally, conclusions of the Electoral Complaints Commission cause a lot of disagreement.

The judicial-legal reform is not free from contradictions either, “struggles between religious and secular forces” being one of them; so far, “no war-criminal or human rights violator has yet been brought to justice”<sup>40</sup> while “drug lords and influential insurgents” are still free.<sup>41</sup>

The Bonn Agreement, which admitted that traditional (non-formal) judicial practice still figures prominently in Afghanistan, specifies that it should not be applied if it contradicts the Constitution or international law and that the domestic legal system should be rebuilt “in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.”<sup>42</sup>

The penitentiary system is not up to the mark either: the physical state of prisons leaves much to be desired: “cells are often over-crowded and poorly maintained; some detainees have irregular or no access to the open air, the food is of poor quality; it is impossible for prison authorities to ensure a certain degree of privacy; due to hygiene problems, detainees often become ill; the constructions remain simple, only allowing basic needs such as the flow of clean water and the existence of functional sanitation.”<sup>43</sup>

*The socioeconomic conditions are conducive to corruption, one of the worst impediments of political progress.* Everybody knows that law-enforcers are “ready to harass if they do not receive their bribe”; patrolmen earn about \$100 a month (with the average monthly wage being about \$40), while opium poppy brings in about \$600 a month per family without much trouble.

The Afghans still “prefer the use of the informal system, as the formal governmental system is perceived as highly corrupt.”<sup>44</sup>

“Informal justice mechanisms already exist in almost all communities. They are generally called a Jirga or Shura, essentially meaning ‘council.’ In some communities there are long standing traditions of conflict resolution with their own codes, such as Pashtunwali, which is used in predominantly Pashtun areas... The representatives of the community, generally including local elders, landowners and religious leaders, will give a decision which may involve the payment of a fine, a reallocation of land, or mutually agreeable terms for sharing a public resource such as water.”<sup>45</sup>

*Such decisions are not necessarily hailed by all community members;* they “have not always taken into consideration the views of women and marginalized groups, such as young people.”<sup>46</sup> Collective voting negatively affects the election process.

Much, but not enough, is being done to draw women into political life, especially at the provincial and local levels<sup>47</sup> (to say nothing about the communities and communal councils). Not enough is being done to explain the meaning of elections and the electoral procedure to women (they comprise 38 percent of the constituency)<sup>48</sup> and of political education to young girls. It seems that women’s NGOs

<sup>40</sup> W. Safi, “Security and Elections in Afghanistan: Why the Two Must Go Together,” *NATO Review*, No. 3 (April), 2009, p. 73.

<sup>41</sup> N. Nauta, op. cit.

<sup>42</sup> *The Bonn Agreement. Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institution*, available at [www.aihrc.org.af].

<sup>43</sup> N. Nauta, op. cit., p. 63.

<sup>44</sup> *Ibidem*.

<sup>45</sup> C. Dennys, “Conflict Resolution: Afghans, Doing It for Themselves,” *NATO Review*, No. 3 (April), 2009, p. 63.

<sup>46</sup> *Ibidem*.

<sup>47</sup> See: “Clinton’s Remarks on Afghanistan and Pakistan to Asia Society.”

<sup>48</sup> See: “Women Indispensable to Elections, Democratization in Afghanistan (Participation supports ‘long-term democratic behavior,’ Foundation says),” 28 July, 2009, available at [iipdigital.usembassy.gov].

are following in the footsteps of similar structures in Central Asia (also operating on international funding) which fell into the traps of grant-mania, inadequate knowledge of social and economic problems, etc; they operate on a limited scale, mainly in the cities.

## How the Political System in the Short and Mid Term Can be Improved

*National reconciliation and re-integration* of former militants remain an important and inalienable part of the current political processes.

The expert community has described the following as the most urgent steps: “extending the impact of the Peace and Reintegration program throughout the country;” “resolving the plight of refugees;” “close coordination between local civilian officials and the local security forces,” “secure sustainable and flexible funding for the program,” and involving religious scholars in the common efforts.<sup>49</sup>

The American president has specified the main task of the Afghan leaders in the sphere of state administration as “there must be a continued focus on the delivery of basic services, as well as transparency and accountability”<sup>50</sup> that is, governance for the people.

The president of Afghanistan, in turn, has promised “to simplify the process of interaction between the citizens and the government which means reducing procedures and improving laws and regulations,”<sup>51</sup> in other words, continued rationalization of power to add efficiency to administrative efforts.

The expert community has already predicted that in the near future the country will have to cope with the need *to make state governance more democratic* through open, direct, and transparent elections of governors,<sup>52</sup> a process in which political parties, self-administration structures, etc. should be involved. Civil institutions should be involved in the executive structures to add more prestige to civil services (in the provinces in particular), and the elected structures which should have a say on budget issues; the upper house of the National Assembly should fortify its position, etc. In this way, the governors’ offices will acquire more legitimacy and consistency to operate in a much more constructive way.

The leaders of Afghanistan believe that “a clear and consistent *reform of the civil service and investment in higher education*”<sup>53</sup> (realized with international assistance) will eventually improve state governance. President Karzai and other top officials believe that it is extremely important to restore the well-organized system of civil service (upset by the Soviet presence and the Taliban) to train qualified personnel and pursue consistent personnel policy to create an “efficient, modern and apolitical” civil service.

One of the experts has rightly pointed out that the international community should promote “the setting up of a sound, non-tribal, non-religious and Afghanistan-wide opposition to the present govern-

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<sup>49</sup> See: “Afghanistan and the International Community Discuss Reintegration after Afghan Leader’s Assassination,” 22 September, 2011, available at [www.afghanistan-un.org].

<sup>50</sup> B. Obama, op. cit.

<sup>51</sup> H. Karzai, *Statement at the 47th Munich Security Conference*.

<sup>52</sup> See: S. Kouvo, op. cit.

<sup>53</sup> H. Karzai, *Statement at the 47th Munich Security Conference*.



ment.”<sup>54</sup> The nation should stop associating political parties “with militias and violence” caused by the “bitter memories of the Soviet-era communist parties and warring mujahideen parties.”<sup>55</sup>

The country obviously needs all-nation or even ethnically based political parties, something that India, a multi-national and multi-confessional country, has already achieved.

The country needs political competitiveness which accompanies economic competitiveness and without which normal legislation is impossible.

Its citizens have all the rights and should use them to express their political preferences; some of the laws still in force in the country have not exhausted their potential: this applies to the fairly liberal Political Parties Law and fairly lenient Law on Gatherings, Strikes, and Demonstrations of 9 January, 2003; the latter calls for “respect [of] the holy religion of Islam as well as the religious, national, historical, and cultural customs and traditions of the country.”<sup>56</sup>

Today, an “electoral road map” has become a must; *election reform* should be carried out according to the obligations the country assumed at the Kabul Conference.<sup>57</sup> The participants promised the widest possible international support and called on the country’s leaders to launch “a strategy for long term electoral reform” to achieve “sustainability of the electoral process and transparent, inclusive and credible elections,” as well as the widest possible involvement of women in the process.<sup>58</sup>

Political outreach, a term borrowed from one of the international documents,<sup>59</sup> deserves special attention. People should be introduced to the fundamentals of democracy and civil society and learn how political systems function. The process of national reconciliation and re-integration provides the most adequate context for political outreach. On the eve of the parliamentary elections, local elders, leaders, and the most politically-active women attended seminars. This should be further developed; billboards, posters, leaflets, flipcharts, information bulletins, etc. played a positive role in the election campaign.

The country’s leaders correctly believe that the state should tighten “regulation of the imports of fuels, food, construction materials and pharmaceuticals—commodities on which the poor depend” *to liquidate the corruption ties* between commercial structures and their foreign partners. The government intends to realize the “urban land management programs” and “put in place public-private and community partnerships for housing development,”<sup>60</sup> etc.

*Self-administration* should be further developed as a dual process: on the one hand, the communities should be moved into a civilized legal context and armed with modern democratic mechanisms created with the help of state programs which should be elaborated and implemented. On the other, the communities should have more rights; they should work together with state administrations and be invited to resolve certain specific social and economic problems. In the mid-term perspective, they should acquire the right to register acts of a civil status (registration of births, marriages, divorces, and deaths) and perform certain notarial actions.

The Western experts agree that “international standards need to be integrated into the law and practice of all aspects of the Afghan judicial system.”<sup>61</sup> On the other hand, the country will “need

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<sup>54</sup> M. Mehdi, “Challenges Faced by the Afghan Elections: Could They Follow Current Polarizations and Ethnic Divisions?” *NATO Review*, No. 3 (April), 2009, p. 43.

<sup>55</sup> Z. Khalilzad, *op. cit.*

<sup>56</sup> *The Law on Gatherings, Strikes, and Demonstrations*, available at [www.iec.org.af].

<sup>57</sup> See: *International Conference on Afghanistan*, Kabul, 20 July, 2010, available at [www.mfa.af]; *NATO Declaration Reaffirming Commitment to Afghanistan’s Security*, 20 November, 2010, available at [iipdigital.usembassy.gov].

<sup>58</sup> See: *Communiqué, Kabul International Conference on Afghanistan*, 20 July, 2010, available at [www.mfa.af].

<sup>59</sup> See: *The Situation in Afghanistan and its Implications for International Peace and Security...*

<sup>60</sup> H. Karzai, *Statement at the 47th Munich Security Conference*.

<sup>61</sup> N. Nauta, *op. cit.*

at least two decades” to accomplish this. “In the meantime the informal system is an alternative that should be considered,” writes another author.<sup>62</sup> “Going forward, it would be necessary to develop new strategies to take advantage of the informal structures and at the same time encourage appropriate reforms.”<sup>63</sup>

Those who write the laws *should take into account women and their interests* by relying on the 25 percent quota of seats allocated to them in the legislatures and representative structures of power. On the whole, the institution of quotas (which does not entirely meet the modern election standards) is very much needed in Afghanistan where men have an “advantage in terms of electoral knowledge, access to money for political campaigns, and even mobility.”<sup>64</sup> The problem of training women journalists writing on the subjects of interest to the women of Afghanistan has not yet been resolved.

### *In Lieu of a Conclusion*

One of the experts offered a very apt description of the political processes in Afghanistan as a “hybrid of democratic procedures and existing practices.”<sup>65</sup> “Existing practices” cannot be studied without profound knowledge of the essence and mechanisms of national traditions; their impact on people’s mentality and psychology calls for an analysis and integrated and comprehensive assessments. The Afghans as a nation are very dubious about the democratic values of the West; their appreciation requires great improvements of everyday life of each and every citizen, irrespective of his ethnic origins and religious affiliation.

The above suggests that the future of the political system of Afghanistan will unfold along eight lines:

- (1) promotion of democracy;
- (2) wider involvement of Afghans in state governance and public administration;
- (3) further improvement of the state machine;
- (4) greater involvement of public organizations;
- (5) tighter public control;
- (6) stronger legal foundations of state and public life;
- (7) wider openness, glasnost, and transparency;
- (8) consistent account for public opinion.

It is extremely important to give the leaders and groups which enjoy popular support and agree with the above more room to maneuver. This should be done as promptly as possible after the conflict has ended.

Violence remains one of the elements of the international (used against the irreconcilable opponents of the regime), national (used against the same entities, albeit selectively, not always logically and effectively), and Taliban strategies in Afghanistan, which is a regrettable fact. The country’s political

<sup>62</sup> See: C. Dennys, op. cit.

<sup>63</sup> N. Nauta, op. cit.

<sup>64</sup> *Women Indispensable to Elections, Democratization in Afghanistan...*

<sup>65</sup> O. Lough, “Practicing Democracy in Afghanistan. Key Findings on Perceptions, Parliament and Elections,” Afghanistan Research and Evaluation Unit, Kabul, 2011, p. 8.

system is developing in the context of the war which began in 2001 and the armed conflict between the ISAF and the Taliban and Operation Enduring Freedom. This explains the means and methods used, which inevitably affect the political regime of Hamid Karzai.

The summit of regional leaders (Istanbul, early November) and the Bonn + 10 Conference chaired by the Afghan government (Germany, December) can be described as two signal events of the year 2011 which pointed the way to a better political system in Afghanistan.<sup>66</sup>

In Istanbul, Afghanistan's neighbors demonstrated that they were devoted to the state's sustainable development and outlined the mechanism to be employed to fulfill their obligations. In Bonn, the international community supported this regional conception and confirmed that it was prepared to invest in Afghanistan on a long-term basis. The NATO Forum scheduled for May 2012 in Chicago will outline the parameters of the transition process.

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<sup>66</sup> See: "Clinton Says Building New Silk Road Is Critical for Afghanistan."