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ASIA PROGRAM

Woodrow Wilson
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for Scholars

Political Transition in Afghanistan: The State, Islam and Civil Society

ABSTRACT: With the adoption of a new constitution in January 2004 and elections slated for September 2004, Afghanistan stands at a critical turning point in its political development. This Special Report examines the challenges facing Afghanistan in its quest for democracy and stability. Ambassador Said Tayeb Jawad details the promulgation of the new constitution and other successes in Afghanistan's political transition as well as hurdles such as security and demobilization. William Maley enumerates six major obstacles to peace and governance, emphasizing that time and international commitment are crucial to Afghanistan's path to peace. Thomas Barfield discusses political Islam in Afghanistan and argues that Afghans, while maintaining a strong Muslim identity, are generally resistant to extreme forms of ideology and radicalism. Sima Wali notes that serious gender inequities persist under the new order, and women, as well as Afghans in general, are not being empowered. Neamat Nojumi points out that indigenous sources of law and local institutions could serve as the basis for wider political participation and the strengthening of civil society. This type of grassroots process could help circumscribe the influence of warlords and external groups that may act as spoilers to Afghanistan's reconstruction.

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Introduction

Wilson Lee

For the current Bush administration, Afghanistan is not only a focal point in the war on terrorism, but also a "city on a hill"—a potential beacon of democracy in a region rife with autocrats and authoritarian leadership. Indeed, George W. Bush situates both Afghanistan and Iraq within the context of a larger geopolitical mission, exemplified in this March 2004 speech:

The rise of democratic institutions in Afghanistan and Iraq is a great step toward a goal of lasting importance to the world. We have set out to encourage reform and democracy in the greater Middle East as the alternatives to fanaticism, resentment, and terror. We've set out to break the cycle of bitterness and radicalism that has

brought stagnation to a vital region, and destruction to cities in America and Europe and around the world. This task is historic, and difficult; this task is necessary and worthy of our efforts. . . . With Afghanistan and Iraq showing the way, we are confident that freedom will lift the sights and hopes of millions in the greater Middle East.¹

For a president who initially eschewed the idea of "nation-building," Afghanistan has become, ironically, a laboratory for U.S.-led post-conflict reconstruction and state-building. The administration has sought to portray the Central Asian country's development since the fall of the Taliban regime in late 2001 as both a success and a harbinger of things to come in nearby Iraq. Clearly, Afghanistan's reconstruction and democratization possess deep symbolic and practical importance for both the American government and Afghans alike.

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But beyond the hopeful rhetoric, what are the real prospects for democracy in a country emerging from decades of warfare? Can this experiment in democratic nation-building—born out of terrorism and state failure rather than an indigenous movement—succeed in the long term? In the immediate aftermath of September 11, Afghanistan gained deep symbolic importance and garnered the attention of the world. However, the war in Iraq and the prosaic task of reconstruction have led to waning international interest and donor fatigue. At the Berlin Conference held on March 31 and April 1, 2004, donors pledged only US\$8.2 billion—less than a third of the US\$27.5 billion requested by Kabul to achieve a level of “dignified poverty” of US\$500 per capita. The pledges are even less encouraging once one considers that only a small portion of the US\$4.5 billion raised in the January 2002 Tokyo Conference has actually reached Afghanistan.

Despite the lack of sufficient financial support, Afghanistan has embarked on a critical phase in its political development based on a timetable mapped in the Bonn Agreement of December 2001. The new constitution adopted in January 2004 and the presidential and parliamentary elections slated for September 2004 represent the most significant milestones in Afghanistan’s political reconstruction thus far, but myriad obstacles to bringing full and sustainable peace and prosperity clearly remain. Resurgence in the cultivation and trafficking of

opium threatens to undermine law and order. Remnants of the Taliban and followers of Gulbuddin Hekmatyar and al Qaeda still roam the rugged borderlands near Pakistan, prompting the United States to mount more concerted offensives against the insurgents. The factional fighting in Herat and Faryab that erupted in March and April 2004 has brought into sharp focus the tenuous balance of regional powers maintained by President Karzai in Kabul and the necessity for a larger and more competent Afghan National Army to maintain centralized authority.

This Special Report, the result of a half-day conference held on April 20, 2004, at the Woodrow Wilson Center, co-sponsored by the Asia and Middle East Programs, seeks to examine the nexus between state, society and religion in Afghanistan’s nascent democratic order. Five experts from government, academia and the NGO community explore how Afghanistan can bring the ideals enshrined within the constitution and the hopes of the Afghan people to fruition.

In the first essay, Afghan ambassador to the United States **Said Tayeb Jawad** details the provisions of the new constitution signed by President Karzai on January 4, 2004. The establishment of a system of checks and balances, with a directly elected president, a bicameral legislature, and an independent judiciary form the core of the new governmental structure. Strong safeguards for human

THE ASIA PROGRAM

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THE MIDDLE EAST PROGRAM

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rights and gender equity are also enshrined in the basic law of the land. Jawad stresses the compatibility of democracy with Afghan traditions and Islam. The government has embarked upon numerous policy initiatives to improve the lives of ordinary Afghans, from developing infrastructure to restructuring trade and investment laws to encourage economic growth. Amid these encouraging successes, the ambassador also recognizes the nascent state's limited capacity to penetrate all sectors of Afghan society to deliver public services, root out corruption, and provide security. In particular, the demobilization of regional warlords and curbing the narcotics trade remain significant challenges. The international community's sustained commitment—whether in the form of NATO-led International Security Assistance Forces (ISAF), the registration of voters by the United Nations, or financial support from the donor community—is essential to the long-term success of reconstruction efforts. Like Presidents Bush and Karzai, Jawad views Afghanistan as a model for other societies wracked by “terror and tyranny.”

Less sanguine than the U.S. and Afghan governments on progress in Afghanistan, **William Maley**, professor and foundation director of the Asia-Pacific College of Diplomacy at the Australian National University, casts a critical eye toward the accomplishments of the post-Taliban period. Maley sees the elections as an important litmus test to measure the Afghan state's capacity. Specifically, he enumerates several challenges to the consolidation of democracy and long-term stability in Afghanistan. In the realm of state-building, Maley applauds the new constitution's promulgation but notes that the proliferation of ministries and the lack of meritocratic methods of bureaucratic recruitment will seriously hamper the state's effectiveness. Rebuilding trust after many years of warfare and internecine conflict is also a major impediment to peace. Ethnic and tribal cleavages persist, and no process of national reconciliation exists to overcome mistrust and create a sense of national solidarity.

Security remains the primary concern for ordinary Afghans, and progress in this area has been slow, Maley notes. The Afghan National Army is outnumbered by private militias and suffers from high desertion rates. Holding fair elections will be difficult, and remnants of the Taliban, al Qaeda, and

criminal groups linked to the narcotics trade still seek to destabilize the new order.

Maley points out that Afghanistan faces external challenges also. Pakistan, with its radical Islamist groups and strategic interests in Afghanistan, remains the biggest nuisance in a historically hostile neighborhood. While its immediate neighbors may express too much interest in Afghanistan's internal affairs, the larger problem may be the lack of interest from more developed nations. Maley, echoing Ambassador Jawad, urges the international community to continue its support for Afghanistan even after the elections.

Some observers, reminded of the Taliban and also Islamic regimes in Iran and Sudan, have expressed concern over the new constitution's designation of Afghanistan as an “Islamic Republic” and the provision that no law can contravene “the beliefs and provisions of the sacred religion of Islam.”² **Thomas Barfield**, professor and chairman of the department of anthropology at Boston University, examines Islam's role in Afghan politics and governance. He argues that while Afghans express a particularly robust Muslim identity, they are generally resistant to radical forms of Islamic political ideology. Religion has an important legitimizing function in Afghan society, but identity is so strongly rooted in local communities that externally imposed political ideologies rarely find widespread support. The local Afghan understanding of Islam trumps more radical interpretations of Islam.

Among the most victimized of Afghan society under the Taliban were women. **Sima Wali**, president of Refugee Women in Development, views the empowerment of women and ordinary Afghans as critical to the country's reconstruction. Although the issue of women's rights was used by the United States to topple the Taliban, the conditions for women remain bleak. Afghan women face some of the highest rates of illiteracy and child mortality in the world while ranking among the lowest in overall human development. Afghanistan's reconstruction cannot be accomplished without the assistance of women, who are 60 percent of the population, argues Wali. Furthermore, if state-building does not accompany the revitalization of civil society, many of the advances by women and the population as a whole will remain merely symbolic.

Neamat Nojumi, who recently finished his tenure as research fellow and coordinator for the

Afghanistan Legal Studies Initiative at Harvard Law School's Islamic Legal Studies Program, also views grassroots processes as the key to recovery in Afghanistan. Nojumi examines the failure of past political transitions such as those under the People's Democratic Party of Afghanistan in 1978 and the Taliban, and finds that these regimes, while relying on the state's coercive power to maintain control, never enjoyed widespread support. Like Barfield, Nojumi notes that the ideologies of these regimes were never congruent with local identity and perceptions. Therefore, the current regime should capitalize on indigenous processes of conflict resolution, local institutions such as the *Jirga* and *Shura*, and customary law in order to bring state and society into alignment. However, the obstacles to this type of grassroots mobilization are manifold. Nojumi writes that the fragmentation of the political space due to ethnic or regional tensions and the comparatively well-organized and -funded Islamist groups threaten to derail the transition process envisioned by President Karzai and the transitional government.

The picture that emerges from these essays is a complex one. The mosaic of ethnic, tribal, religious, and regional interests presents a daunting challenge to reconstructing the Afghan state and society. Solving the problems described in this Special Report requires sustained political and financial commitment on the part of the international community. Equally important is the reinvigoration and revitalization of Afghan civil society after years of warfare, so that Afghans themselves can become active agents of their own future.

ENDNOTES

1. Remarks by the President on Operation Iraqi Freedom and Operation Enduring Freedom on March 19, 2004, available online at www.whitehouse.gov/news/releases/2004/03/20040319-3.html. Accessed on May 20, 2004.

2. See the English version of the Constitution of Afghanistan online at www.embassyofafghanistan.org/pdf%27s/Documents/adoptedConstitutionEnglish.pdf. Accessed on May 20, 2004.

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The New Constitution of Afghanistan

SAID TAYEB JAWAD

I would like to focus mainly on our new constitution, but I will also share with you our achievements and the challenges that we are facing in building state and national institutions in Afghanistan, and the prospects of election and democracy under our new constitution.

In the past two years, we have worked hard to implement the Bonn Agreement. We have sustained the politics of consensus building, and continued to craft inclusive political processes. On January 4, 2004, President Karzai signed our new constitution into law, marking another significant milestone, under the Bonn Agreement. Five hundred and two men and women delegates adopted with near unanimous acclamation the most progressive constitution in the region.

The draft was prepared by a 35-member team in consultation with Afghans and experts from the United States, Europe and Africa. At nationwide public meetings, half a million Afghans were asked about their opinion for the new constitution.

The new constitution is a balanced national charter. It provides for equal rights and full participation of women. It seeks and finds an equilibrium between building a strong central executive branch (to further strengthen national unity and rebuild the national institutions), and respecting the rights and volition of the provinces to exercise more authority in managing their local affairs. It institutionalizes district and provincial level councils. Furthermore, it is a careful combination of respect for the moderate and traditional values of Afghan society and adherence to the international norms of human rights and democracy. The new constitution further reveals that our Islamic and traditional values are fully compatible with and mutually reinforce an open democracy.

The new constitution provides for checks and balances between a strong presidency and a two-chamber national assembly with extensive powers of inquiry. It establishes the president as the head of state. He/She is elected by direct majority vote and



he will serve for a period of five years with two vice-presidents and is subject to a two-term limit. The president is the commander-in-chief of the armed forces and appoints ministers and members of the Supreme Court, but only with the approval of the parliament. The president cannot dissolve the parliament. The constitution provides for a clear impeachment process.

The parliament or national assembly consists of two chambers: the *Wolesi Jirga* (or the lower house) and *Meshrano Jirga* (or the upper house or senate). To insure that 25 percent of the members of the lower house are women, the constitution requires that two female delegates be elected from each of the 34 provinces of the country. Such a high quota for women is rare in most countries whether Muslim and non-Muslim. The president appoints one-third of the senators of which 50 percent must be women.

The constitution creates an independent and able judicial branch. The Supreme Court is comprised of nine members serving for a period of ten years. The creation of the new Supreme Court will be underway when the newly elected government is seated.

The new constitution institutionalizes the civil law system in Afghanistan. The Hanafi jurisprudence of

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Islamic law will only be applied if there is no existing law that deals with the matter. The constitution protects the freedom of followers of other religions. It prohibits formation of a political party based on ethnicity, language and/or an Islamic school of thought.

The right to life and liberty, right to privacy, right to assembly, and right of every person to a lawyer is guaranteed. The state is obligated to appoint an attorney for the destitute. The constitution obligates the state to abide by the UN charter and international treaties and conventions. It also specifically protects the rights of millions of disabled, handicapped and war victims. The constitution, for the first time, gives Afghan citizens unlimited rights to access information from the government. The constitution obligates the state to prevent all types of terrorist activities and the production and trafficking of narcotics and intoxicants. It includes specific provisions requiring the state to encourage and protect investments and private enterprises, and intellectual property rights.

The Independent Human Rights Commission set forth by the Bonn Agreement is further empowered and institutionalized by Article 58. The commission has the right to refer cases of human rights and fundamental rights violation to the judiciary and is empowered to defend the victims.

As evident by the new constitution, we have come a long way in two short years. The fact that a few weeks ago the international community in Berlin pledged US4.5 billion dollars for our next fiscal year and US8.2 billion dollars for the next three years indicates the confidence of the donor countries in our plans and vision to build a democratic state in Afghanistan.

Originally, success in Afghanistan was set in the context of preventing negative results from a failed state—such as spread of terrorism, narcotics and violation of human and gender rights. Today, Afghanistan is gradually emerging as a model of success, creating positive and exemplary results for the region. Commerce and trade through Afghanistan are increasing. This increase is enhancing the movement of not only goods but also ideas, such as free market economics and democracy, along the historic Silk Road in Asia. We are hosting this week the first major international business conference in Kabul. The two-day Economic Co-operation Organization Conference brought ten countries together.

In the past two years, most Afghans have experienced a significant improvement in their living conditions. Last year, we reached an economic growth rate of 30 percent, and are continuing at 20 percent this year, according to International Monetary Fund reports.

Our policy is to secure durable donor commitment and to institutionalize the national budget as a central tool of policy making. We are convinced that sustainability can be achieved only by building the capacity of our government to plan and monitor the reconstruction agenda. We are committed to prudent fiscal and monetary policies and reject deficit financing. Despite challenges, we are pursuing an aggressive strategy for generating and collecting more domestic revenues. We have rebuilt seven custom houses throughout the country.

Fiscal stability has been achieved in Afghanistan, after years of political and economic mismanagement. We have successfully launched a new currency, and a very stable exchange rate has been maintained. After years of three-digit inflation, businesses in Afghanistan today are experiencing an almost inflation-free environment. We have insured the autonomy of the banking sector, and enacted a new banking law. Several international banks have already opened offices in Kabul. We expect to see more to come, as the market for loans, equity financing and insurance services is not yet served.

A new liberal investment law is enacted, and a very open trade regime has been introduced. Traders and investors are faced with limited tariffs. Border formalities are being reduced to a minimum. We have set up, with the assistance of the German government, a “one-stop-shop” for investors, known as the Afghan Investment Support Agency. To meet international standards, a National Bureau of Standards is now being established.

After licensing two private Afghan and international mobile phone companies, telecommunication and internet services are now available in Kabul and all major cities. Two major international hotel chains have invested in Afghanistan.

Building roads and infrastructure is our first priority. The country is being reunited in terms of roads. The main Kabul to Kandahar highway is completed with the support of the United States and Japan. Securing funds for the reconstruction of almost 5,000 kilometers of primary road is now



completed. We are building 1,000 kilometers of secondary roads each year. Preliminary works on the Bamyan, Dushi, Jalalabad, Spinboldak and Herat highways have taken place.

New laws on political parties, civic organizations, freedom of expression and the press have been enacted. Fourteen independent and privately owned radio stations are operating in different parts of the country, including radio stations operated by women and for women in provinces such as Kandahar and Kunduz. Two hundred and seventy newspapers and periodicals, the largest number ever, are published. Women are beginning to participate in social and political life.

On poverty reduction, we are implementing the National Solidarity Program. Through this program, over 3,000 villages, covering five million people, have elected through secret ballot their village development councils. These councils are planning, managing and implementing development projects, using a US\$20,000 dollar block grant provided to each village by the government. Every month, five hundred villages receive around US\$10 million in grants. To insure the national ownership of the reconstruction process, we have adopted a National Development Framework and presented the donor community with a detailed seven-year outlook during the Berlin conference.

Despite security challenges, we have started the reform of our national intelligence service, which is a remnant of past oppressive regimes. The newly formed Afghan National Army is about to reach 9,000 troops. About 7,600 National Police Force members are trained. This number will increase to 20,000 by the end of the year. They are gradually assuming their roles in maintaining security. They are deployed in Herat, Faryab, Kandahar, Paktia, Khost and Uruzgan provinces. Nationwide, more than 6,000 heavy weapons have been moved to cantonment sites.

About 5.6 million children are going to school. Thirty-five percent are girls. We have published millions of textbooks. We have rebuilt 20 percent of our schools but there is more to be done. Only 29 percent of schools are in buildings and 70 percent are in need of major repairs. We need 2,500 new schools. Japan has rebuilt 150 schools and the United States is building 1,000 more schools throughout the country. We need to invest much

more in education. Teachers are being trained via radio broadcasts throughout the country.

Now, about our challenges—about which we are realistic. We face the general challenge of building a state and providing for good governance after the complete destruction of all national institutions and a severe shortage of resources and human capital. We must improve local and district level governance, and reform, strengthen and rebuild our government institutions to make them accountable, capable and more representative. We must enhance government capacity to deliver services to all corners of the country, especially areas prone to terrorist infiltration. All Afghans have not yet benefited from the peace dividends and economic recovery. Some still lack personal and social security. We must eliminate corruption, nepotism, rule of guns and abuse of power that undermine our recovery process. We must confront and end the legacy of Soviet-oriented rules, and the mindsets of the hooligans of the past decades.

We are also facing specific challenges of preparing the logistical and legal grounds for the election and building the institutions and the capacity needed to prepare and enact the enabling laws required by the new constitution. Our people have no electoral experience. Our attorneys and judges are paid US\$40 a month.

We also continue to confront security challenges posed by the terrorists and warlords. To overcome security challenges, we must expedite the process of building our national army and professional police force, and further orchestrate external security support. To insure a successful election, our international partners must enhance security in provinces by expediting the deployment of the International Security Assistance Force (ISAF) and/or Provincial Reconstructing Teams (PRTs). We welcomed the NATO and United Nations' decision to expand the ISAF outside of Kabul as well as increasing the number of PRTs from 12 to 16 before the election.

We must accelerate the demobilization, disarmament and reintegration of private militias and prevent extremists and opportunists from highjacking democracy and the state building process for personal gain or factional agenda. The clashes in Herat and Faryab prove, once again, that we will not be able to build a civil society in Afghanistan as long as warlords, guns and private militias are around. The

international community must help us to disarm and demobilize the existing militias. President Karzai recently announced a major program to reduce the number of militia groups by 40 percent by the end of June, and another 20 percent reduction by the end of the year, and to completely eliminate them by the end of June 2005. That means that by the end of June 2004, 11 divisions, 13 brigades, 10 regiments and two battalions will be completely demobilized.

Narcotics pose a serious challenge for all of us. Cultivation and trafficking of narcotics go hand in hand with terrorism and warlordism. It is in our best national interest to fight them all. President Karzai is committed to mobilizing all our resources in the fight against narcotics. We know Afghanistan's heroin, which sells on the retail market for one hundred times the farm gate price, is one of the main sources of the illegal money that funds international terrorism and crimes across the region. It also finances the destabilizing activities of warlords and criminals in Afghanistan. The international community and our government cannot afford to wait as these destructive trends further endanger national and global security. Comprehensive and accelerated efforts are needed to break this vicious cycle. The government of Afghanistan has adopted a National Drug Strategy to reduce drastically poppy cultivation, encourage alternative income streams, destroy poppy fields, and train specialized national police units.

To overcome these challenges and to make the state building process in Afghanistan irreversible, Afghans need and demand the accelerated support and the sustained engagement by the international community. In two short years, the people of Afghanistan, in partnership with the United States,

turned a neglected country over-run by the Taliban and al Qaeda, into what President Hamid Karzai called "a center for the cooperation of civilizations."

The Afghan constitution is a significant achievement in our common fight against terrorism. Our next milestone will be holding the first national elections under the new constitution. The presidential and parliamentary elections are scheduled for September 2004. We insist on holding the elections on time; but we will not compromise the legitimacy, credibility and integrity of the process. We ask our international partners to help the United Nations speed up the voters' registration process. It is crucial that the process gives all adult Afghans the opportunity to exercise their constitutional rights to vote in the first national elections. To date, 1.8 million out of 10.5 million eligible voters are registered. We are working with the UN to drastically increase the number of registration posts from eight to 4,200 throughout the country.

By helping Afghanistan sustain this important milestone, the United States and other nations are helping provide the future blueprint for democracy in similar societies, the very best antidote to extremism and terrorism. Led by the vision of President Karzai, Afghanistan has emerged as a model. Afghanistan's successful advance on the path to democracy and state building will impact the expectations and the aspirations of the people in other arenas of the global war against terror and tyranny.

Our people genuinely believe in engagement with the international community, and have put their trust on the benefits of international partnership. The world has found a genuine strategic partner in our president.

Together we must demonstrate that this trust is not misplaced.



Political Transition in Afghanistan: The State, Religion and Civil Society

WILLIAM MALEY

As storm clouds gather over Iraq, it is easy to overlook the dangers that haunt the continuing transition process in Afghanistan. When the Bonn Conference was held in November and December 2001, the challenges by which Afghanistan was confronted were staggering.¹ Afghanistan was one of the poorest and most traumatized countries in the world. The instrumentalities of the state, sustained by Soviet support until the end of 1991, had collapsed almost completely, leaving different components of the Afghan resistance to battle for control of the symbols of state power, most importantly the capital Kabul. While the Taliban had apparently been removed as a central political force by Operation Enduring Freedom, deep fissures remained between different members of the Afghan political elite. Despite the legal cloak of the Bonn Agreement, power within Afghanistan was far more closely related to the ability to mobilize armed supporters than to the holding of cabinet rank. Finally, the regional context remained daunting, with real doubts surrounding both the willingness and the ability of Pakistan to control the use of its territory by radical spoilers intent on making life as awkward as possible for the new Afghan rulers and their supporters.

In the period since the Bonn Agreement, Afghanistan has met a number of the goals contained in the “map” for transition which the accord set out. An emergency *Loya Jirga* was held in mid-2002 that replaced the interim administration headed by Hamid Karzai with a transitional administration in which a number of new and dynamic ministers held key portfolios. In December 2003 and January 2004, a constitutional *Loya Jirga* endorsed a new constitution, establishing a presidential system with a parallel legislature and putting in place a number of impressive human rights protections. An International Security Assistance Force (ISAF), currently under NATO command, was deployed, and work began on the reconstitution of an Afghan National Army (ANA). Afghanistan resumed its



active participation in global affairs, shedding the pariah status that it had held during the period of Taliban rule.

That said, the next stage in the transition process—the holding of presidential and legislative elections—is likely to test the mettle of both ordinary Afghans and the international community to the full. While free and fair elections serve the vital democratic task of according ordinary citizens the opportunity to change their government by peaceful means, they are high-stakes, divisive exercises from the point of view of political competitors.² As a recent report to the UN Secretary-General presciently observed, “Elections that are not properly prepared and that are held without the best possible conditions first being established often lead to ‘token’ democracies and radicalized politics, and undermine compromise among stakeholders and coalition-building. This is particularly relevant in situations where rule-of-law institutions are weak and incapable of managing political debate and conflict.”³ Elections depend for their efficacy upon an overarching framework of rules, norms and understandings that ensures that election results are respected. In addition, elections are logistically complex exercises, probably the most complex mass exercises in which any state engages in peacetime, since they involve potentially the entire adult popu-

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lation in an activity which must be seen to be secure, as far as both voters and voting materials are concerned. If they are to be judged free and fair, they must meet exacting international standards.⁴ Finally, elections are vulnerable exercises, which by the very virtue of the involvement of the entire adult population, provide easy opportunities for spoilers to strike a blow at the transition process. Just from first principles, it is no wonder that elections in Afghanistan have been dubbed the “Great Gamble.”⁵

But there is more to the challenge of holding elections in Afghanistan than just these abstract considerations. As the following pages argue, not all the positive developments in Afghanistan are quite what they seem, and a great deal remains to be done before Afghanistan can make any claim to be approaching the status of a consolidated democracy. Afghanistan faces six major challenges that will impinge not only on the holding of elections, but also on the prospects for political stability more generally. If the Afghan people and the wider world do not rise to these challenges, the outlook will be bleak.

The first challenge is the that of *state-building*. When the state has collapsed, the task of building a new one is daunting in the extreme. Rebuilding the state involves four distinct but interrelated activities. The first is designing the new state. This involves both constitutional development and the devising of new administrative structures. The second is legitimating the new state. The third is securing funding for the activities of the new state. The fourth, a culmination of the first three, is transferring the new state from paper to practice.

Afghanistan’s record here is mixed. A new constitution is now in place, and this must be counted as a significant achievement, although one can debate the wisdom of establishing a presidential system in a country as marked by socio-cultural diversity as Afghanistan. On the other hand, the new administrative structures leave much to be desired. There are far too many ministries, a situation reflecting the need for offices to be distributed to groupings represented at Bonn rather than any rational assessment of how government should be structured. This has proven to be seriously dysfunctional, prompting turf battles in some situations and buck-passing in others. Furthermore, the Civil Service Commission proposed in the Bonn Agreement has proved quite

ineffectual, and the consequences have been devastating. The need for professional, meritocratic bureaucracy was recognized in the mid-19th century, when the Northcote-Trevelyan Report of 1853 outlined a model of recruitment and promotion for the British civil service which sought a break from the corrosive effects of patronage. If ever there was a bureaucracy that required such reforms, it was the pre-war Afghan system, which Afghanistan’s current Finance Minister Dr. Ashraf Ghani once described as the most corrupt on the face of the earth. Unfortunately, bad old habits have resurfaced, and in Kabul one hears endless credible accounts, across political lines, of nepotism, misuse of resources and sheer incompetence flourishing in state agencies. Given Afghanistan’s desperate poverty this is hardly surprising, but it needs to be addressed forcefully, not least by donors. If the state is ineffectual, its prospects of securing generalized normative support—that is, legitimacy—will be undermined, as will its prospects of securing ongoing international support. And the state will remain a “paper state” rather than a real state.

The second challenge is *reconstituting trust*. Trust, based not on face-to-face acquaintance but simply on common membership of a political community defined in terms of citizenship, is a key feature of stable politics in consolidated democracies, but it is an extremely important requirement for stability more generally. It is also one of the first casualties when states experience lengthy periods of internal disorder. Where levels of such “anonymous” trust between political actors are low, the temptation to engage in extra-constitutional political activities in the expectation that others will do the same is likely to be high. At the elite level, where the problem occurs most seriously, it leads to a mindset in which the state is an asset to be captured and controlled (or attacked in the event that it falls under the control of others).

In Afghanistan, levels of such trust remain low. After decades of war, bonds of solidarity on ethnic and linguistic lines are frequently more potent, something that became distressingly clear at the constitutional *Loya Jirga*. There are also significant tensions between some *mujahideen* who battled against both the Soviets and the Taliban, and some technocrats who sat out the war years in Western countries and only recently returned.⁶ Several of the lat-



ter have written off the former as “warlords,” which on the whole aids neither reconciliation nor analysis. This is a pity, for the technocrats often have a great deal to contribute to the transition process. But that said, it is sadly the case that some Afghans have extremely powerful reasons for distrusting others. For example, members of Afghanistan’s Hazara minority find quite chilling the prominent public role played by Abdul Rab al-Rasul Sayyaf. While Sayyaf is committed to supporting the Karzai administration, his militia is regarded by Hazaras as responsible for the hideous Afshar massacre of February 1993,⁷ and more recently for brutal intimidation of residents of Paghman and west Kabul.⁸ Mechanisms for human rights protection in Afghanistan remain extremely weak, and there are notorious offenders who have not been brought to justice, and probably never will be.⁹ The low level of trust is also reflected in the snail’s pace at which disarmament has proceeded: it is scarcely rational to abandon one’s weapons and expose oneself to the risk of a devastating attack if one is surrounded by groups who cannot be trusted not to mount such an attack. This is one reason why the deployment of a neutral security force is extremely important in such situations.¹⁰

This brings us to the third challenge, which is that of *establishing security*. Without basic security, life takes shape along the lines of Thomas Hobbes’s grim picture: solitary, poor, nasty, brutish and short. The failure to provide basic security for ordinary Afghans has been the greatest failure of the Transitional Administration, but the blame more properly belongs to its ostensible supporters. Unfortunately, at the very time when it was essential to sustain the Bonn Agreement’s momentum through a swift deployment of ISAF to key centers across Afghanistan, the attention of key states, most importantly the United States, shifted to Iraq.¹¹ The lost momentum has not been recovered, and the more recent deployment of “Provincial Reconstruction Teams” has provided at best a certain amount of local security—although even that counted for little during the recent crisis in Herat—but nothing approaching the more general atmosphere of security on which civil association thrives. Without dramatic improvements in security, elections can be “free and fair” in name only.

The long-term strategy of the Afghan Transitional Administration has focused on the

establishment of a new Afghan National Army (ANA). This is a very important enterprise, for ultimately security forces of this kind are essential if the state is to move towards establishing a monopoly over the legitimate means of violence. It is not, however, a solution to Afghanistan’s short-term security challenges. The ANA has been plagued by high desertion rates, reaching 10 percent during 2003, and still numbers only 7500 troops, a force markedly smaller than a number of militias.¹² During the Vietnam War, the British counter-terrorism specialist Sir Robert Thompson addressed the question of capacity-building, warning that if “demands are urgent and impatience wins the day, training is reduced and short crash programs are instituted, there will be a constant supply of inexperienced, incompetent, useless officials who will be incapable of implementing any policy and who will merely add to the prevailing confusion.”¹³ This is equally a danger for security sector reform in Afghanistan. Beyond the problems of numbers and capacity lies the deeper problem of subordination to political authority. Where security forces confront an external enemy, nationalist sentiments may generate cohesion. When the threat is internal, the loyalties of soldiers may be divided, something which the Coalition Provisional Authority in Iraq discovered the hard way during the April 2004 Fallujah campaign, when a battalion of the new Iraqi armed forces declined to play a part in action directed against fellow Iraqis.¹⁴ While elements of the ANA have been deployed in Herat and Maimana, their commanders appear—very wisely—to have been reluctant to order them to fire against other Afghans, using them instead as symbolic circuit-breakers.

The fourth challenge, central to the issue of security, is *dealing with criminals and other spoilers*. A crafty politician once remarked that if you can’t run a meeting, wreck it. In Afghanistan, there are several groups with a serious interest in playing spoiling roles, and it is cheaper and easier to be a spoiler than a builder. In an environment populated by spoilers, the nascent state authorities have a choice between confronting them (in various ways) or seeking to draw them into the new politics of the nation. What approach works best depends to a considerable degree on the exact nature of the actors involved.

One very obvious spoiler in Afghanistan is the residue of the Taliban movement. When the Taliban

were driven from Afghanistan's cities in 2001, they did not dissolve into thin air. Some, who had joined out of expediency, switched sides with no qualms. Others melted back into villages, and the protection of lineage networks to which they belonged. But still others decamped to Pakistan, where, despite Pakistan's support for the "war against terrorism," they were able to re-establish themselves, drawing on substantial pre-existing networks with Pakistani parties and social networks.¹⁵ There is very little scope to accommodate the wishes of hardline Taliban. They have not hesitated to strike at "soft" targets within Afghanistan. On November 16, 2003, a French employee of the United Nations High Commissioner for Refugees, Bettina Goisard, was murdered in broad daylight by Taliban in downtown Ghazni. And on January 6, 2004, gunmen massacred 12 Hazaras travelling near the border between Helmand and Uruzgan.¹⁶ Attacks of this latter kind can serve the attackers' interests by prompting the withdrawal of international agencies, undermining the legitimacy claims of the state by illustrating its inability to offer basic protection to ordinary citizens, and triggering a cycle of slayings at local level. The existence of a criminalized economy based on trade of opium and other illicit goods reinforces the position of spoilers: as a recent report concludes, the "availability of easily taxed income from the criminalized economy not only creates permanent incentives for militias to remain armed, but also supplies resources to the Taliban, al Qaeda, and other enemies of the effort to stabilize Afghanistan."¹⁷ The boom in opium cultivation since the fall of the Taliban points to the scale of this problem, and needs to be addressed with careful diagnosis and sharp rather than blunt instruments.

The fifth challenge is that of a *hostile region*. Some parts of the world are relatively benign, but it happens to be Afghanistan's misfortune to be located in a rough neighbourhood, marked by interstate rivalry, territorial disputes, institutional decay, ethnic and religious tensions, and weapons proliferation.

While cricket has brought something of a thaw in India-Pakistan relations, they remain fraught with difficulty. Pakistan is an existentially insecure state that for the last 25 years has responded to its weakness relative to India by pursuing the chimera of "strategic depth" in Afghanistan—to be secured by the promotion of clients, first the radical Islamist

Hezb-e Islami and more recently the Taliban. Its single-mindedness in this respect succeeded in fuelling the suspicion or hostility not just of India, but at different times of Iran, a number of Central Asian states, and of course large sections of the Afghan population. Pakistan is a deeply troubled state, and assistance to help it address its internal problems would be money well spent: the Talibanization of Pakistan is in almost no one's interest.¹⁸ It is also important that policies towards Afghanistan recognize that it is enmeshed in the wider politics of the region, marked by interlocking security dilemmas.¹⁹ Only a synoptic approach to the region's problems is likely to offer any long-term solution. This requires the attention of the wider world: as one of South Asia's most penetrating political commentators has observed, "outside powers have an interest in South Asian stability as never before."²⁰ Unfortunately, in a turbulent world this does not guarantee that South Asia will receive the attention it deserves.

The sixth challenge for Afghanistan is *retaining the interest of the world*. Even the greatest powers have limited attention spans, and the global political agenda is uncomfortably crowded. Furthermore, when instability in a state such as Afghanistan is seen as a threat to many states, a free-rider problem can surface: rather than acting concertedly to address the problem, individual states can sit back in the hope that others will assume the bulk of the burden, the result being that far less help is provided than is necessary.

The story of Afghanistan's quest for financial assistance fits this pattern. At a January 2002 conference in Tokyo, substantial pledges of assistance were made, but as of November 2003, only US\$112 million of reconstruction projects had actually been completed. In such circumstances, the Afghan Government is in no position to secure legitimacy on account of its success in "delivering the goods." It was in the light of this tortuous process that a further Afghanistan conference was held in Berlin on March 31 and April 1, 2004. In preparation for this meeting, the Afghan government circulated a very detailed program entitled *Securing Afghanistan's Future*, which identified key areas of need and ways in which resources could be used to address them. The key conclusion of the report was that "Afghanistan will require total external assistance in the range of US\$27.6 billion over 7 years on com-



mitment basis. A minimum of US\$6.3 billion of external financing will be required in the form of direct support to the national budget—preferably more, since budget support helps build the State and its legitimacy.”²¹ After the meeting concluded, a “Berlin Declaration” was issued which welcomed the commitments made at the conference. Unfortunately, these amounted to only US\$8.2 billion for the period March 2004–March 2007 and \$4.4 billion for March 2004–March 2005. The Afghan government of course welcomed this result, but given the cogency of the case for greater assistance, the outcome was quite disappointing. To put this in perspective, the *Emergency Supplemental Appropriations Act for the Reconstruction of Iraq and Afghanistan* of November 2003 approved US\$18.6 billion for reconstruction in Iraq. As I wrote in early 2002, the “war on terrorism and the hunt for Bin Laden put Afghanistan on the front pages. It will soon be off them.”²²

Let me conclude on a somber but realistic note. When countries have experienced as much disruption as Afghanistan, it is simply a delusion to believe that there are quick or easy solutions to the problems that beset them. If actors in the wider world are at all interested in aiding the recovery of such states, they must commit themselves to providing support for the long-term. This need not be military support, which on occasion can simply block the efforts of new authorities to win legitimacy, something which the Soviet Union learned to its cost in Afghanistan, and which has now surfaced as a problem in Iraq. But few transitional regimes will survive without substantial, long-term, material and moral support. All such regimes pass through infancy and adolescence before reaching maturity. The demand for a fixed, short-term “exit strategy” as a precondition for commitment is at odds with the reality that transitions are fragile, tenuous and prone to move in unexpected directions as the difficulties of transition reveal themselves. To lock oneself in advance into tight rather than loose timetables is to deny this reality. In particular, exit strategies should be crafted to assist the helped rather than the helper, and the successful holding of an election should not be used as an excuse for a state’s alleged “friends” to pack their bags and leave. Elections do not bring transitions to an end. On the contrary, like interventions more generally, they typically inaugurate new and frac-

tious periods in a state’s political life.²³ During such periods, states often need all the help they can get.

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Radical Political Islam in an Afghan Context

THOMAS J. BARFIELD

There are few countries in the world with a stronger sense of Islamic identity than Afghanistan. One might therefore assume that it would be here that radical forms of Islam would have their greatest opportunities for recruitment and the most popularity. But in fact radical Islam has had much less political traction in Afghanistan than in neighboring Iran or Pakistan. To understand this seeming contradiction we must distinguish between Islam as a political ideology and Islam as a way of life. Afghanistan is an example of the latter.

When religion is a way of life it permeates all aspects of everyday social relations and nothing is separate from it. The influence of religion is ever present in people's everyday conversations, business transactions, resolving disputes or in making moral judgments. There is no relationship, whether political, economic or social, that is not validated by religion. Hard bargaining is often brought to a calm ending when a bystander intervenes and says, "Agree and let's pray over this transaction." Both sides then have to smile and be polite to one another. Similarly, when opposing parties in a dispute refuse to give any ground because to do so might show weakness, a mediator will resolve the impasse by declaring, "I am asking you to do this in the name of God." And who can refuse a request like that?

In such a society it is impossible to separate religion from politics because the two are so closely intertwined. It is therefore very hard for most Afghans to conceive of the separation of "church and state" because how can you cut out a single area of life such as politics and ask people to determine what the role of religion should play in it? It would be like asking a fish to separate itself from the water it swims in. (Such a pervasive role for religion was also characteristic of Christianity in medieval Europe when questions of salvation often took precedence over more material concerns, but the rise of the modern west was characterized by the retreat of religion as the dominant influence in society.) Because Islam is so much a part of everyday



life, Afghans assume that any government must be Islamic to be legitimate. However what they mean by an "Islamic government" is one that is composed of good Muslims, not one that has a particular religious agenda. In particular it is not one that defines and enforces a specific variety of Islamic practice.

Radical Islamic ideologies, by contrast, do define and propose to implement specific practices that they define as Islamic, to the exclusion of all others. Such radical ideologies most often arise in societies that have become fragmented and where cultural identity is under challenge. There is no longer a system of values generally accepted and practiced by everyone; instead key values become hotly debated and enter the political arena. This situation is compounded when people perceive themselves under threats for which there are no simple answers. These may include challenges caused by rapid economic and social changes, a history of political vulnerability arising from colonial domination or dissatisfaction with an existing political order, or wars that produce displaced and dislocated refugee populations.

Proponents of radical Islam join the contending factions in these debates and argue that their brand of religion is what is necessary to cure any problem. They contend that the source of societal difficulty is a consequence of people having lost their religious roots, or at least having strayed from the path of

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righteousness. For example, clerical supporters of the Islamic Revolution in Iran played on the fractures produced in that country's rapid pace of modernization and urbanization under the Shah and proposed their own Islamic order as an alternative. In Pakistan, political Islam plays to the country's insecurities about the role that religion should play in a state that demanded separation from India on the grounds that Muslims needed their own state; but its founders identified the Muslim community primarily in social and political terms rather than religious ones. In ex-Soviet Central Asia, we find radical Islamic groups both filling a vacuum in a region where Islam was long suppressed, and more importantly, becoming the locus for more general political discontent against regimes that have suppressed all other forms of opposition.

Radical Islam, or indeed radical ideologies of any variety, has less resonance in Afghanistan because the country's cultural identity remains strong despite twenty-five years of warfare. Afghans never experienced colonial rule and successfully resisted foreign occupation in both the 19th and 20th centuries, having forced both the Russian and British to withdraw from Afghanistan. The Afghan economy remains largely based on subsistence agriculture and few of the country's natural resources have ever been developed. The country has been largely isolated from the world economy. Most importantly, identity is still strongly rooted in local communities where ties of ethnicity, sect, region and kinship trump political ideology. As a result, Afghans tend to accept no authority but their own, whether in cultural, political or religious matters. Indeed Afghans see themselves as superior to all of their Muslim neighbors, let alone more distant foreign non-Muslim societies. They feel empowered to ignore any criticism of Afghan ways by outsiders. They rejected both the materialist Marxism of the People's Democratic Party of Afghanistan (PDPA) as well as the puritanical strain of Islam imposed by the Taliban and its backers, which were seen as foreign imports that ran against the grain of Afghan culture.

Because of the political weakness of the Afghan state, both the PDPA and the Taliban were able to achieve state power and attempted to impose their ideologies on the population. In both cases, however, they failed to change basic Afghan attitudes. The failure of the PDPA may seem to be easy to explain

in cultural terms, but the failure of the Taliban and their foreign Muslim allies requires more scrutiny. Although the resistance to the Soviet occupation by the *mujahidin* described *jihad* (holy war) in religious terms, this terminology had more to do with the structure of aid to the resistance. Pakistan restricted international assistance to the seven Sunni parties that it recognized, and resistance fighters had to join a party to receive aid. Support from the Gulf Arabs similarly went to leaders among these parties who shared Wahabi values. Iranian aid to the Shia parties took a similar form. The majority of resistance fighters inside Afghanistan who were actually doing the fighting had little interest in the political ideology of the parties. They joined because they needed aid and their choice of affiliation was determined by practical reasons or personal ties of clientship. When the PDPA collapsed in 1992, the practical nature of these alliances became all too clear, as radical Khalqi communists joined radical Islamists of Hekmatyar because they were all Pashtuns. The civil war that followed was clearly one that centered on achieving power, not transforming Afghan society.

In wake of the disruption caused by the civil war, particularly in Kandahar and Kabul, the Taliban arose and became dominant by 1995. At first they were welcomed because they at least brought order, but their religious ideology became more unpopular the longer they stayed in power. Indeed, they drew the bulk of their recruits from refugee Afghan youth trained in Pakistanis madrassas. It was in refugee camps that kin ties and cultural identity were most fractured, so the appeal of a radical ideology had much more resonance there than it had to Afghan villagers. In particular, the Taliban's variety of Islam banned all entertainment (particularly music), condemned such Afghan religious customs as decorating tombs and venerating shrines, and was hostile to long existing Sufi orders. But perhaps the Taliban's greatest offence was to declare there was but one variety of Islam with specific practices that all must follow. A religious police was organized to enforce its edicts.

If Afghans believed one thing above anything else, it was that they were born Muslims whose faith was so strong that they need not prove it to others. A man who missed some or all of his daily prayers never considered himself any less a true Muslim than a man who prayed constantly. Similarly there



was a basic assumption that all customary practices in Afghanistan must be in accord with Islam because Afghans were good Muslims. They usually ignored Afghan clerics who had the temerity to argue otherwise. They particularly ignored Arabs who claimed they had a better knowledge of Islam than Afghans. After all the Afghans had won their jihad against the Soviets, and surely God knew his own best. For this reason Afghans were unwilling to cede to anyone the right to define what Islam was or exactly how it should be practiced. The Taliban alienated not only Shia groups that they considered heretics, but other Sunnis who objected to the Taliban's attempt to control personal behavior. In a society that values personal autonomy above all else, the interference in the practices of everyday life (beard regulations, obligatory prayers, entertainment, work rules) was particularly offensive. The Taliban's draconian restrictions on women was also an insult to local standards of honor because it gave the state the priority of regulating behavior that by rights belonged to the family.

The strongest evidence of this Afghan centered view of Islam comes from what did not happen in Afghanistan. Although Osama bin Laden and al Qaeda set up numerous training camps and recruited followers for training from all over the world, very few Afghans ever joined this movement. In the long list of al Qaeda operatives, one strains to find an Afghan, particularly an Afghan born and raised in Afghanistan as opposed to in a refugee camp. There were a number of reasons for this but the strongest was that ethnocentric Afghans were willing to die in a *jihad* in their own country but were not willing to die in other people's fights. Even the Taliban appeared concerned only with Afghanistan and never bought into the international vision of Islamic jihad of its foreign jihadi allies. At a tactical level too, Afghans have refused to participate in suicide bombings because they had too much respect for the value of their own lives. A true Afghan warrior may die in battle, but martyrdom is a consolation prize and not a goal to be sought for its own sake. They need not prove a faith they feel they already have in full.

The rapid collapse of the Taliban in the face of an American invasion should not have been a surprise. It had become widely unpopular, even if the people did not have the means to remove them from power

themselves. Although the Taliban cloaked themselves in the garb of Islam, they had not won over the Afghan people to their ideology any more than the PDPA had won them over to Marxism. Paradoxically it was the strength of Afghanistan's historic Islamic religiosity that inoculated it against the Taliban's radical interpretation. Already viewing themselves as superior Muslims they saw no need to adopt a new and alien interpretation of their own faith. Afghans also had culturally ambivalent attitudes toward clerics who made up the leadership of the Taliban. Educated clerics, the ulema, had always played a role in government, but as in most Sunni states they were historically subordinate to the ruler who was not a cleric. The local village mullah, minimally educated and hired by the community, ranked much lower: a figure to be respected but also the butt of humor. That the Taliban's leadership consisted primarily of village mullahs raised to power did not sit well with traditional elite groups, even in Pashtun regions.

The failure of the Taliban does not, however, reduce the importance of religion in Afghan politics, which has now returned to more traditional themes. In particular, Islam has returned as a banner of unity for the country. There was no debate over declaring Afghanistan an Islamic Republic in the new constitution, for example. Similarly, the belief that state laws in Afghanistan should be in line with Islamic law also saw little debate. Indeed, for the first time, Shia legal schools were recognized along with Sunni interpretations. In a country divided by tribal, ethnic and regional differences traditional Islam has always played a bridging role that works best when its specifics are left undefined.

Political movements may, in the future, use Islam as a banner of resistance in Afghanistan, but unlike the Taliban their goals will not be religious. The struggle between the state's desire for centralized political control and local communities' desire to maintain their autonomy has historically taken an Islamic form because it is easier to gain the cooperation of rival tribes under the guise of religious leadership. But even in these circumstances, ideology (of any type) has rarely been the key to politics in Afghanistan. Local questions of power, resources, and individual or community advantage are much more important.

Afghan Women: Reconstruction, Civil Society and U.S. Policy

SIMA WALI

My sisters and male supporters in Afghanistan have requested that I share the following points with you in the hope that solutions devised for Afghanistan address the reality as experienced by Afghans on the ground. In so doing, I will highlight both the opportunities and challenges confronting Afghan women in a post-Taliban government.

The U.S. government intricately linked its bombing campaign to saving Afghan women victimized by the cruel and egregious acts of the Taliban to justify the war against the Taliban and al Qaeda bases in Afghanistan in 2001. By promising freedom, democracy and restoration of human rights, the United States renewed the hope of the Afghan people. As an American-Afghan woman I am here to say that Afghanistan and its female population rightfully expect that these promises be kept by the United States.

Immediately after the Taliban were toppled in Afghanistan, peace talks to establish a post-Taliban government were held in Bonn, bringing together various political parties to negotiate the creation of a new government and putting President Karzai in power. The Bonn accords, although historic and encouraging in nature, neglected to address security, narco-terrorism, demobilization and other impediments to peace. As such there were major flaws in the Bonn Agreements, chief among which was the bestowing of legitimate power on a group of warlords who were and still remain the source of illicit trade, drug trafficking and human rights violations. Moreover, powerful warlords gained important positions in the government and today continue to fuel corruption and undercut the security of the common Afghan person. In Bonn, the warlords won by keeping critical issues such as disarmament, demobilization, and illicit drugs that fuel terrorism, off the bargaining table. As President Karzai noted, "Drugs in Afghanistan are threatening the very existence of the Afghan state." According to a UN report, revenues last year from illicit drugs



produced about US\$2.3 billion, equivalent to half of Afghanistan's gross domestic product.

From the outset it was evident that the bargaining power of the warlords was greatly influenced by America's war on terrorism. Afghans contend that the U.S. aided and abetted the warlords, providing them with funds and weapons while looking the other way when the warlords abuse power. In fact, Afghans rightfully lament that the American war was not meant to liberate the Afghan people from tyrannical forces, but rather to save American lives from terrorist forces who had found safe haven in their land. By day the warlords fight alongside U.S. troops, and by night they rape, loot, and terrorize the Afghan people. Although the reviled Taliban are no longer in Afghanistan, improvements in the lives of women remain a hollow promise. The promulgation of the new law of the land enshrined in the January 2004 constitution grants equal rights for women. No constitution in and of itself can guarantee peace and stability, but it is a crucial step to address barriers to the establishment of a civil society. Despite the trumpeting of women's issues, a paltry sum has been committed to fund women's programs in the political and civil society arenas. This is Afghanistan's sixth constitution, with the first promulgated by King Amanullah in 1923. The constitution of 1923 and those following, included gender

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equality and were readily accepted by women. The 2004 draft constitution, however, was indeed a source of consternation for moderate Afghans and women in particular. At the grand council (*Loya Jirga*) which formed the traditional venue for debating the draft constitution, the gender imbalances were hotly challenged by the most outspoken women. Afghan women fought for the inclusion of their voice with their presence and used their vote at the *Loya Jirga* for the preservation of their rights. But these rights still remain at peril of harsh Islamic interpretation of laws by a highly conservative judiciary trained in former Taliban *madrassas*.

Women's hard fought battles won them equal provisions in the 2004 constitution, including 25 percent of the seats in the upper house of parliament and the creation of a Ministry of Women's Affairs. Visible strides in post-Taliban society continue to beg for long-term strategies that will be required for removing restrictions against women which deny them equal access to education, health care, employment and security. By keeping women disenfranchised in the economic and political spheres, they remain at the bottom rung of the human development index. Afghan women have just begun their long battle for equity and will not settle for symbolic advances.

Today, I can attest that roads have been built, schools reconstructed, allowing girls and boys to enroll, but little has altered daily Afghan life from the days of the Taliban. Upon closer investigation we see that the quality of education is dismal, teachers are not trained, children attend school for only 2-3 hours per day, and textbooks and school supplies are totally insufficient. Despite relative advances for a gender-balanced post-Taliban government, gross inequities toward women remain. Capable institutions are absent, narcotic trafficking is rampant, the flow of arms are not curbed, security is grossly inefficient, and warlordism and violence against women continue. Yet, this time around violence is not committed by the Taliban but by renegade militias and warlords supplied with arms and dollars by the United States. In essence, lawlessness and gender apartheid continue to occur with international impunity. Afghans remain baffled by the United States' continued support for warlords who undercut the transfer of power to the Afghan people—a transfer needed to shift from a lawless country sup-

ported by foreign intervention to finally establishing the rule of law and democracy.

So what is America to do? Should the United States continue to legitimize a warlord class that has already lost the support of the Afghan people? Or should we help the Afghans to build a tolerant and open society? Now that the Afghan people finally have an opportunity, after more than two decades of foreign intervention that spawned ethnic divisions and gender apartheid practices, it is time to do the right thing—transfer power back to the Afghan people.

President Bush promised a “Marshall Plan” for building the Afghan nation. While such a plan has been proposed for Iraq, no strategy is in place for Afghanistan. Spending for Afghanistan represents less than 1 percent of the supplemental bill for Iraq and Afghanistan. The US\$20 billion request for Iraq reconstruction funding is 25 times larger than the request for Afghanistan. An average of US\$64 per person for 2002 pales in comparison with donations amounting to approximately US\$258 per person in Bosnia or US\$336 in Iraq. Afghanistan has roughly the same size population as Iraq, yet it has suffered more war devastation, its economy is in shambles, its communication network is sparse. The Bush administration touts its successful reconstruction of Afghanistan, but this disparity of funding continues to hinder the actual reconstruction necessary to rebuild a viable civil society.

In April of this year at the donors conference in Berlin, the Afghan government asked that its future be secured by guaranteeing US\$27.6 billion over seven years. The United States pledged an additional US\$1.2 billion in aid. It also increased and sped up the US\$180 million project to build the Kabul-Kandahar highway necessary for military operations. As generous as the pledges were, the filtering down of international aid to Afghans on the ground is another matter. Afghans contend that much of the assistance funding is siphoned by military operations and a large share is run through American contractors. It is estimated that almost 40 percent of money going to U.S. and international contractors is not reaching the ground after deducting staff salaries and the high administrative costs. Inadequate funds, administered at a slow pace, undermine the Karzai government as well as the reconstruction process. Moreover, Afghans are not the power behind the



reconstruction process. Their expertise has been left totally underutilized while foreign “experts” reap reconstruction benefits.

Afghanistan cannot rebuild a nation by focusing only on militarism. Afghans are heartened that the recent Berlin conference elicited much needed reconstruction aid but are lamenting the costs of \$12 billion yearly for military assistance which does not include expansion of the domestic security forces. Over two years into the new government, we are losing momentum to build on the initial goodwill of the Afghan people toward the United States. In my discussions with scores of Afghan women, it is evident that there is a heightened frustration that too little of the resources necessary to create peace and democracy for the common Afghan is trickling down. What I experience during my work in Afghanistan and what is touted in the United States tell two very different stories. For example, what women in Afghanistan experience is a communication system in disarray, sporadic electricity, scarce clean water, high unemployment, and on-going atrocities against women.

The status of women today still ranks among the worst in the world. Maternal and infant mortality ratios are the highest in the world. Every 30 minutes a woman dies in childbirth or due to pregnancy-related complications. Over 300,000 children die each year from preventable diseases. Eighty-five percent of women are illiterate, further limiting women’s advancement. Female suicide and self-immolation continue to plague the society. Women are rapidly losing hope. They occupy the most economically disenfranchised segment of the Afghan society, yet they constitute an estimated 60 percent of the Afghan population. Unless immediate and comprehensive measures are taken to address the gender inequity today, the Afghan society’s thrust toward reconstruction will be undermined and the U.S. pledge toward nation building will be greatly challenged both domestically and internationally.

The diversion of US\$700 million from Afghanistan to Iraq by the United States flies in the face of every Afghan woman whose suffering was invoked to secure congressional aid. I therefore urge on behalf of every Afghan woman and man that this money be returned to its rightful owners, the people

of Afghanistan, with interest—and that 60 percent of the funds be earmarked and set aside for the benefit of women and girls of Afghanistan, who are 60 percent of the population. After all, it was in the name of their freedom from oppression that the U.S. initiated the bombing campaign in Afghanistan. Critics note that a nation requires both the human resources embodied in its men as well as its women to advance. Simple economics demand and fortify the logic that building Afghanistan with only 40 percent of its citizenry is not sound economic or gender politics.

Rebuilding Afghanistan requires a comprehensive plan that focuses on long-term stability. Nation building cannot be done in a haphazard or piecemeal fashion—one road or a few schools at a time. What is needed is a long-term comprehensive plan to secure the peace, disarm the militias, displace the warlords, and to confront the highly lucrative narco-terrorism that plagues the Afghan nation and its people. Most of all it requires rebuilding of the shattered institutions destroyed by years of warfare. So far, the institution and capacity building needed to establish the rule of law, to hand over Afghanistan to its rightful owners, is completely missing from the larger plan. In the absence of viable institution building resting on a sustainable peace and democracy, the United States will lose Afghanistan again to the growing threat of al Qaeda and the Taliban.

The stark reality of today’s Afghanistan is that were it not devastated by decades of conflict, the country’s annual per capita gross domestic product would be about US\$500. Invoking Afghanistan as a success story will be achieved when there is a balance between military and human development assistance. Only when Afghan men and women are lifted from poverty, when their civil society institutions serve the local people, then and only then will the campaign to win the hearts and minds of Afghans be on the right path to deliver true justice and democracy.

“Human security” lies at the core of rebuilding war-torn nations, constituting a necessary condition to peace. As stated in a United Nations Development Report, “The world can never be at peace unless people have security in their daily lives. The search for security in such a milieu lies in development, not in arms.”



The Prospect of Justice and the Political Transition of Civil Society: The Recovery Process of Afghanistan

NEAMAT NOJUMI

Political transition in Afghanistan—from war and violence to peace and justice—is a daring task, and its success can be measured only by the improvement of justice, the democratic participation of people, and the rise of civil society. Addressing this task after years of war, drought, and massive societal dislocations is impossible without the long-term commitment of the international community. As President Hamid Karzai stated in his opening remarks at the Berlin conference on the role of the international community on March 31, 2004, “The challenges of the last two years have proved that the recovery of Afghanistan is beyond the ability of the Afghans. . . . these challenges can’t be addressed by Afghans alone.”¹ Throughout the past two years, Afghans have been suffering from the continuation of violence and human rights violations (especially toward women) at the hands of warlords and, to a certain extent, government security forces. A lack of funds has limited the government’s ability to pay salary and wages, which has in turn caused an uncontrollable reign of corruption, extortion, and bribery within the government bureaucracy.² The shortfall of reconstruction programs is negatively affecting people’s perceptions about the current transition process, undermining the value of forming a new constitution, the positive outcomes of enrolling millions of boys and girls into schools, and the humanitarian efforts of the UN and NGOs.

THE POLITICS OF TRANSITION

The current political transition of Afghanistan appears more complex than originally perceived by the Afghan leaders and international actors led by the United States immediately following the fall of the Taliban regime two years ago. This complexity becomes even more apparent when one reviews the remarkably distinct interpretation of the transition process, which for many meant controlling the capital and setting up a new government—a model



with failures that have been well documented in recent Afghan history. For instance, the People’s Democratic Party of Afghanistan (PDPA), which took control of the government in 1978, failed when it began to expand its authority across the land.³ The Taliban regime experienced a similar fate once they started to impose their authority on the personal and communal domains of the Afghan population. Regardless of the number of supporters, controlling the capital and the seizing the Kabul government did not offer the political success that the PDPA and the Taliban leadership had envisioned. The PDPA’s legitimacy and claim to authority, rooted in the adherence of its leadership to a socialist ideology, appeared unrealistic within Afghan conditions, while the Taliban’s claim of “righteous theocracy” in the name of “Islam and Afghan tradition” developed into a system of repression, gender discrimination, and intrusion into the social and cultural character of Afghans.⁴ Moreover, the PDPA’s socialism and the Taliban’s brand of Islam conflicted with local perceptions in respect to both political authority and cultural traditions. Finally, both regimes failed to deliver on the promises their leaders made to the Afghan masses. The failure of political transition under both the PDPA and the Taliban

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regimes made evident that, while taking control of the Afghanistan government is not necessarily difficult, controlling government bureaucracy and maintaining authority is a challenging task.

Lessons learned from Afghanistan's history suggest that the availability of guns and fighters combined with the existence of large amounts of external military and financial assistance at the state's disposal would be important only for the preservation of the state—but this has never endeared the state to citizens. These lessons also illustrate that Afghan public expectation is strongly connected to people's local perceptions, which is influenced by their living conditions. In this regard, people's perceptions toward state political authority is based on the expectation and availability of certain services provided by the institutions of the government. In the public arena, people measure transition by comparing and contrasting the past with the present and the desirable future. In this regard, the value of the current political transition in Afghanistan has much to do with a genuine departure from years of political violence and militancy, grave violations of human rights, and incompetent, oppressive regimes. For millions of Afghans, the application of this departure means a restoration of peace, justice, and freedom, and access to basic needs in which to rebuild their shattered communities.

DEMOCRATIZATION AT THE GRASS ROOTS LEVEL

In the past, political authority was based on the symbiotic relationships between societal organizations (i.e., local communities, tribes, and families) and the agency of the state; both were influenced by Afghan cultural traditions. For years, these cultural traditions have formed a dynamic system of reciprocity and sustainability via the process of *Jirga* or *Shura* at the village level, which has provided a fertile ground for grassroots democratization. Reestablishing such a symbiotic relationship via participation and democratic representation of all ethnic, religious, and linguistic groups into the current political process would foster the institutionalization of democracy into the foundation of the current social and political development of Afghanistan. Yet such a development requires policies that fit within both Afghan political and cultural traditions and the accepted

international norms and standards of civic rights and obligations. The first step toward this direction has already been taken in the ratification of the newly formed Afghan constitution, which granted equal rights to all citizens (including women), regardless of their ethnic and religious backgrounds. The second step is scheduled to occur in September 2004, through the achievement of presidential and parliamentary elections.

However, internal obstacles, i.e., failing security, regional warlordism, and militant insurgency, are hindering the prospect of the democratic process at this transitional phase. Additionally, Islamist groups, desiring to establish their brand of an Islamic state and existing both inside the government and in armed opposition to the government, pose serious threats as a result of the absence of a vibrant civil society and extremely weak democratic forces within the current political process. The reformist forces within the Transitional Islamic State of Afghanistan (TISA) are fragmented due to the politicization of ethnic tensions by radical elements, and they lack a convincing national platform to strengthen the prospect of democracy that the masses can rally around. Undoubtedly, President Karzai, the first popular, democratic-minded state leader in decades, is caught in the middle and is therefore forced to open his way ahead by using “old palace politics” to ward off troublemakers and pacify threats to the “crown,” even while the majority of the country is unaffected by any social and political progress and is disconnected from Kabul. This development has caused a gap in the current political transition, even while Afghanistan's political and cultural traditions offer a constructive foundation for democratic progress.

In contrast, the Afghan Islamist groups both within and outside of the TISA are enjoying the support of a well organized and highly funded network of activists while capitalizing on their influence over the regional warlords and their relations with the outside world. In addition, the Islamists exerted significant pressure to obtain control of the judiciary and to block the registration of non-Islamist political parties to prevent them from participating in the presidential election or from winning any seats in the Afghan parliament.⁵ As a result, these groups may succeed in gaining the majority of seats in the parliamentary election and blocking



legal and political reforms even if Karzai is reelected. In fact, some of the Islamists that control the armed forces are already contradicting the electoral constitutional qualification by registering under a “new” identity to maintain their control of their forces by winning seats in parliament.⁶ A strong presence of the Islamist political bloc in parliament would seriously obstruct Afghanistan’s transformation from its war-torn past toward a more vibrant society. The irony in such a scenario is the fact that Afghan Islamists in general, whether they be affiliated with the Egyptian Muslim Brotherhood or Mawdudi, Wahhabism, or militant Talibanism, are perceived by the local Afghan communities as suspicious groups with alien ideologies that conflict with their local understanding of Islam as a faith rather than a political ideology. As such, political Islam, or “Islamism,” is an ideological outfit that is rooted outside of the land and the people of Afghanistan; this ideological alienation was the main contributing factor to their inability to secure popular support in Afghanistan during the 1980s and 1990s. It was also one of the main reasons that Islamists launched a massive campaign of terror that included kidnappings and assassinations against moderate Muslim resistance forces and prominent politicians in Afghanistan as well as in Pakistan in the 1980s.

Since Afghan civil society is weak and the TISA administration is fragmented and underfunded, any political victory of the Islamists would be at the expense of the pro-democracy forces. In order to reduce the threat of the reemergence of political militancy, the current political transition ought to be formulated via a dual track process that simultaneously improves the state’s capacity to implement the provisions of the new constitution and helps local communities reestablish their societal organizations toward achieving greater democratic participation.

Historically, the foundation for grassroots democratization existed via the *Jirga*, which engaged local communities (especially rural populations) in communal affairs and involved proportional representation at city, district and village levels. Due to this foundation, the social consciousness of the democratization process already exists among the local communities via the local *Jirga*, which gives the democracy-building process a grassroots character. As such, the current strategy for humanitarian intervention and political transition in Afghanistan

should incorporate a support system geared toward local communities so that they may strengthen their civic organizations. As U.S. Ambassador and Presidential Special Envoy to Afghanistan Zal Khalilzad stated:

Assistance agencies of donor nations should understand the power of working with village councils [*Jirga*]. If we take advantage of this approach, there will be 20,000 engines for accelerating the reconstruction progress, rather than one centralized and inevitably bureaucratized source of decision making. These councils also provide new opportunities for women, economically and politically.⁷

The traditional local council process helped to bring about the emergence of a generation of traditional experts and community leaders. Unfortunately, most of this generation was lost to war, migration, and drought, and this loss has been challenging for many communities as they attempt to reestablish their local institutions. Of course, many local communities are still under the influence of those who have access to large deposits of cash and guns. Yet this situation gives those providing international assistance a pro-active role by directing their assistance to the village level in the rural areas and to a city district among the urban populations. During the 1990s, the NGOs and the UN did—to a certain extent—support the formation of these local forums in the urban centers and some rural areas. The UN Habitat-sponsored community development resulted in the establishment of a number of local forums in Mazar-e-Sharif during the 1990s. Surviving even under the Taliban regime, this highly representative civic development eventually fell victim to local powerholders and armed groups who began to manipulate the process and impose their handpicked loyalists on the representative body within the urban district of Mazar-e-Sharif after sensing the lack of attention by donors and the UN over the last two years.⁸

Traditionally, Afghan males dominated the local *Jirga*; women were represented either by their male family members or by their male representatives within their community. This characteristic of the local *Jirga* was perceived to be discriminatory toward basic civic rights and jeopardized the welfare of both

Afghan women and children. Indeed, to a certain extent, it has been an accurate reflection of the Afghan social condition wherein males and females maintain separate social spaces. However, this does not mean that women cannot improve their condition at least via their social space, affecting the personal attitudes of men and positively influencing the social behavior of the general population. In fact, democratic participation and representation of women at the grassroots level has already been encouraged in certain parts of Afghanistan, especially in rural communities, with the support of international organizations. In the early 1990s, the United Nations Development Program (UNDP) had begun supporting the formation of a women's council in Badakhshan, and it was welcomed by significant numbers of women and community activists. A local woman activist described this development in an interview with the UNDP's Strategic Monitoring Unit:

Since five years ago there has been a women's organization established. It is not a political organization but a society, but no one has stopped us. Faizabad [capital of Badakhshan] has 60 parts and in each we have one representative, chosen from a meeting of women. Her role is to sort problems, but the most problem is the economy... And we have women's council in 6 city districts. We invited 100 percent of all of the women in the districts to take part in the election [women council election in 1997] and this was how the council was set up. During the meeting we discussed the objectives of the council and candidates, we gave a biography and activities of these candidates. In district 2 there are 13 mosques and 13 neighborhoods, and they each sent their representatives to participate—13 representatives.... We have been going to villages to form village [women] councils. I personally have traveled to 21 villages and we have established councils, and the village welcomes it. Traveling [for women] is no problem in Badakhshan, even they [the local authorities] cooperate with us.⁹

However, the existence of the women's *Shura* in Badakhshan has not yet been duplicated in other parts of Afghanistan; the lack of women's participation in the male-dominated *Shura* and *Jirga* forums is docu-

mented widely. Still, the UN Habitat and UNDP programs in Balkh and Badakhshan throughout the early 1990s have been outstanding examples of achievement. Some of these initiatives have nurtured democratic participation so strongly within the local communities at the grassroots level that they were able to survive during the Taliban's control of the north and the rigid and militaristic domination of the Islamist groups in Badakhshan. This creates an important role for the donors, especially the United States, and the UN, as the leaders of developmental and sustainable initiatives in Afghanistan.

Currently, the Afghan Independent Human Rights Commission (AIHR) is emerging as the leading civil system that monitors rights and investigates abuses and violations in Afghanistan. The commission was the first independent organ in the history of the country to ensure that the Afghan legal codes are in harmony with the international conventions of which Afghanistan is a signatory. In addition, the commission was responsible for playing a consultative role in the preparation of a national platform for both transitional justice and the presentation of past violations.¹⁰ The commission was able to develop close working relations with the United Nations Assistance Mission in Afghanistan (UNAMA) and the Afghan government and established satellite offices in a number of provinces.¹¹ Since its establishment, the commission has received hundreds of complaints about human rights violations and abuses, and has become the only source for average people to file a complaint without intimidation or fear of reprisal.¹² However, the commission needs financial and professional resources to develop practical ways to support the newly established system of rights at the local levels, especially in rural Afghanistan. As a result of resource shortages, the AIHR has only been able to serve one-fifth of the provinces, and only in the urban centers, since its establishment in June 2002. Still, hundreds of Afghans are risking their lives and sacrificing their already drained financial resources to travel to Kabul in order to file complaints at the commission's office in the capital.

What has developed in Balkh and Badakhshan and what has been advanced so far due to the limited work of the Afghan Independent Human Rights Commission and other civil societies would



not have been possible without the integrated programs of the UNAMA and other international agencies' and donors' support. Therefore, assisting the Afghan government to rise above the burden of low funds and to build local capacity is key to enhancing civic rights and democratic representation. Certainly, this should be coherent with the grassroots democratization programs, so that Afghan communities at the village level become self-sustainable.

ENHANCING JUSTICE AND CIVIL SOCIETY

Afghanistan is known to have a dual justice system: a formal judiciary guided by legislated laws and managed by the central government, and a traditional legal system based on the notion of customary law and local understanding of *Shari'a* jurisprudence that is applied through the local council for arbitration and adjudication of local disputes. Prior to the Soviet invasion, the symbiotic relationship between the formal and traditional legal systems, to a certain degree, jointly represented the interests of both the state and society in fostering justice and allowing the locals to enjoy greater individual and community rights. Whether or not such a relationship was ideal for the state and its citizens can be the subject of a different discussion, but what is important is that both systems assisted Afghans in pursuing agreeable social and political interactions. This allowed people the option of either bringing their disputes to the government courts, or of being satisfied with the local remedies offered by the informal system of justice. The duality of the Afghan justice system was based on a modern as well as traditional understanding of the laws and their applications. The formal legal system's reliance on legislated laws enabled the Afghan government to imply secular legal notions based on the international conventions of which Afghanistan was a member.¹³ *Shari'a* was incorporated in the legal system as an available source of law that could be used by the judiciary if it was needed. Afghan customary law, in contrast, was deeply rooted in local customs, often as a set of non-religious principles. In some cases, aspects of these local customs have even appeared contradictory to Islamic teachings as well as human rights principles. Still, Islam has served as a significant source

of personal and communal morality rather than political ideology or legal jurisprudence. This mixture of the sources of laws and the influence of the local customs, including the local interpretation of Islam, has given the Afghan society a great sense of options in reaching consensus over a dispute. This has also helped local communities to form a social safety network, which has given families a support system while providing the community limited but needed harmony.

Yet three decades of war and long years of drought have inflicted serious damage on the symbiotic relationship between the formal and traditional system. Rebuilding this relationship is a serious challenge for donors, implementing agencies, and the Afghan authority, but it is necessary for achieving democratic measures and justice within the current process of transition. As noted above, the main source of challenges stem from both the inability of the central government to provide services and enforce legislated laws, even at the levels of the 1970s, and from the weakness of the local communities to rebuild and sustain their traditional self-defense mechanisms like they did before the Soviet invasion. The existence of such inability on the part of both state and society requires targeted assistance from donors and international organizations, as well as genuine structural reform on the part of Afghan government. The function of the formal system of justice relies on the higher capacity of the central government, while the effectiveness of the local conflict resolution councils depends on the strength and stability of village communities. Rebuilding the formal and traditional systems of justice would allow the population greater access to justice. In the short term, both the informal and traditional systems complement each other and help people to settle disputes. In the long-term, this rebuilding would strengthen that symbiotic relationship between the two systems within which the official system would be able to influence the conduct of the second, via integrated as well as independent programs. Such programs should set up legal criteria for the function of the traditional system of justice in a way that is coherent with the international convention of human rights, and especially women's rights. Indeed, such a development requires consistent coordination to ensure a durable strategy toward legal reform—with respect to the reconstruction

programs—by donors, implementing agencies, and the Afghan authority.

CONCLUSION

Energizing democracy and civil society at the grassroots level is necessary to help Afghans stabilize their war-ravaged communities. Supporting the democratic aspects of the traditional system of *Jirga* or *Shura* would allow Afghans to make the best use of the available local resources while reinforcing democratic traditions at the foundation of their communities. Indeed, the active roles of Afghan women in local affairs via appropriate and effective programs are crucially important. A democratically oriented political transition would improve women's rights and foster women's social and political development. Supporting both democracy and human rights should be strengthened further throughout the war on terrorism. Donors and international agencies are obligated to maintain pro-active policies on this front. Targeted assistance for judicial and administrative reforms, human rights, and local civil societies must be given priority in order to eradicate threats rising from war-affected societies.

The direct influence of dominant armed political groups, especially Islamists and powerful commanders (within or outside of the TISA) has undermined people's political, social, and economic rights and has also taken away the remarkably reliable system of conflict resolution and the viable system of informal justice. Currently, the process of *Jirga* in all districts throughout the rural areas of Afghanistan is under the pressure of special political and military interests. In most cases, the genuine process of the local *Jirga*, which is the indispensable source for democracy and civil society, is being used to legitimize the monopoly of power of the dominant groups that do not represent local interests. This has cost average villagers their individual freedom, communal autonomy, and civic rights, under the auspices of the central government. A workable formal justice system could function only if balanced with the informal justice system via creative methods to foster greater continuity between legislated laws, human rights, *Shari'a*, and customary law. In this regard, freedom to participate in a civil society and access to justice are the dynamic forces that can mobilize the Afghan

social engine toward democratization. Otherwise, the current political transition will become yet another example of failed regime change, but with one exception—this failure would be especially costly and would involve irreparable backsliding.

ENDNOTES

1. President Hamid Karzai's opening remarks at the Berlin Conference, March 31, 2004.

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4. For more detailed information on the Taliban's political transitions see Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War, and the Future of the Region* (New York: Palgrave, 2002).

5. For more information about the Afghan presidential and parliamentary election see "Election and Security in Afghanistan," Kabul/Brussels: International Crisis Group, March 30, 2004.

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11. Afghan Human Rights Commissioners and regional/provincial directors in Kabul, Nangarhar, Herat, and Balkh, interview by author, October-December 2003.

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13. For more information about judicial process see "Afghanistan: Judicial Reform and Transitional Justice," Kabul/Brussels: International Crisis Group, January 23, 2003.



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