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Chapter 1: Introduction

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

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

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

The U.S. intervention in Afghanistan could be justified based on what Eric A. Heinze (2009) would call 'self-defense' or as Andrea Kathryn Talentino (2005) quotes, 'global security'. Nevertheless, it should be equally criticized for its subsequent ill-advised peace and state-building policies in the Afghan complex sociopolitical context. As Berit Beliesemann de Guevara (2012) also notes, that state-builders often attempt to export modern 'liberal peace' and democracy to non-western societies aims at building states and

(good) governance yet ignores local historical and social dynamics and processes. According to Beliesemann de Guevara (2012), since state-building is a complex interaction between local, national, and international actors, the institutionalization of power as a legitimate rule/actor requires the utilization of 'strategies and tactics.' The application of which often produces diverse 'reactions' including 'resistance, cooperation and manipulation' (Bliesemann de Guevara, 2012).

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

Among the fatal peace and state-building flaws, one was the implementtation of a contradictory state institutional design in the 2004 Afghan constitution. According to Rubin and others, the Afghans were divided based on the ethnopolitical identity of Pashtuns versus non-Pashtun (this includes mainly the chief groups Tajiks, Hazara, and Uzbek), in which the former insisted on a unitary centralized state system, whereas the other opted for a parliamentary decentralization, some among them even demanding federalism (Rubin, 2004), (Maley, 2013) & (Malejacaq, 2016). It was the interventionnists – the U.S. and its NATO allies – which pushed the Northern Alliances warlords and the Zahir Shah diaspora group, to align on some state governmental modality. Eventually, a heavy unitary centralized system was agreed upon in the 2004 constitution, whereas in practice, an ethnolinguistic power-sharing government of mainly non-Pashtun warlords and the diaspora Pashtuns headed by Hamid Karzai continued until late 2014.

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

Meanwhile, the heated divide over a state governmental modality never ended even after the approval of the 2004 constitution. As soon as Karzai

purged some of the non-Pashtun ethnopolitical elites from government positions, these elites went on to building political alliances and demanding the change of a unitary centralized system to parliamentary federalism. The establishment of Etelaf-Mili or Afghanistan National Front by some of the former Northern Alliances warlords during 2010 and 2012, for example, was widely supported by the anti-unitary centralization advocates in the country. The U.S. Republican congressmen headed by Dana Rohrabacher were also backing the initiative (Ruttig, 2012).

The formation of the National Unity Government (NUG) in September 2014 officially recognized that a unitary centralized state system was no longer acceptable for the majority of the non-Pashtun political elites. Following a long-disputed presidential election, Abdullah Abdullah, the losing candidate refused to accept the result of the second-round elections. Alleging widespread fraud, Abdullah and his supporters warned of violence and the formation of a parallel government if the election commission were to announce, his opponent, Ashraf Ghani, the winner (Wörmer, 2014). Hence, the U.S. and the U.N. intervened to sort out a political settlement that resulted in the formation of the NUG. In apparent contradiction to the Afghan constitution, the NUG agreement created a Chief Executive position equivalent to a prime minister post for the losing candidate Abdullah along with fifty percent of the cabinet seats. The agreement also stated that within two years of the NUG, the Loya Jirga (Grand Assembly) would be convened to amend the state constitution to change the present presidential to a semi-presidential system.

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

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

Another major theme this dissertation deals with is the elected Afghan provincial councils and their increasing role at the subnational administration. Adopting a heavy centralized administrative structure in an ethno-politically divided society like Afghanistan causes political instability. The increasing role of the elected provincial councils and the influential warlords at the sub-national governance has repeatedly challenged the central government authorities. The heavily centralized administration adopted in the 2004 Afghan constitution gave executive authority only to sectoral ministries and independent directorates in the capital, Kabul. In theory, the Afghan province, designated as the 'local administrative unit' sub-nationally in the constitution (2004, Article 136), holds no real political, administrative, and fiscal autonomy of its own. In practice, however, depending on which warlord has influence in the province, the local councils may have a larger role.

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

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

1.1 Research Hypothesis, Questions and Significance

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

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

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

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

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

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

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

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

Wollf's observation leads us to one of the critical hypotheses of this dissertation. I argue that ignoring peace-making – as one the most significant precondition for state-building, at the 2001 Bonn conference, resulted in the return of the Taliban insurgency and prolongation of the Afghan conflict. Based on the state-building interventionist theory, chapter three of this thesis

briefly analyses the cause and consequences of the U.S. intervention, its peace and the state-building failure in Afghanistan. The first hypothesis is tested in chapter four.

The second hypothesis of this dissertation is that the Afghan ethnopolitical elites are divided over the state-institutional design – in which the Pashtuns resist for a unitary centralization, whereas the non-Pashtuns advocate for a parliamentary decentralization. The second hypothesis is tested in chapter four and five.

Besides testing the above-stated hypothesis, the present research studies state-building in Afghanistan, mainly from the perspective of state-institutional design (unitary centralization vs. parliamentary decentralization) at the national level. Based on the field research, the dissertation also attempts to find the role of the 2005 elected provincial councils at the sub-national administration for a possible decentralization. Following are some of the critical questions this dissertation aims to undertake in the discussion.

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

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

through its threat and incentive policy, made the non-Pashtun Afghan elites compromise over the present unitary centralized system in Afghanistan.

Based on the theoretical foundation for existing classical democracies around the world including Juan J. Linz's (1990) Parliamentarism, Donald L. Horowitz's (1990) Presidentialism, Maurice Duverger's (1980) semi-Presidentialism, and Lijphart`s (1977 & 2002,2003) consociational democracy, the second question seeks to find out which system would fit best the Afghan context. The first two questions are mainly concerned with state-building and its institutional design at the national government level.

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

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

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

1.2 Methodology

The qualitative research methodology makes the foundation of this dissertation. The data used in this study comprises both secondary academic sources and materials, as well as my field research in Afghanistan. The secondary source materials used in this study include a wide range of aca-

demic books, journals, research publications and papers, survey materials, the Afghan government, and international donor organization's policy papers, and finally, investigative reports and articles from credentialed Afghan and international media outlets.

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

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

In addition to the secondary data, the field research makes a significant part of this dissertation. Due to the inferior security conditions across Afghanistan, the field research was considered mainly in one phase that lasted from 10th March until 25th April 2016. However, one spontaneous interview was conducted in September 2017, in Kabul – a trip made primarily for personal purposes.

From the 34 Afghan provinces, 6 large provinces including Kabul, Kandahar, Balkh, Bamyan, Herat, and Nangarhar were chosen for conducting the field research. The key reasons behind the selection of the above provinces for field research comprise the de-facto ethnolinguistic power-politics of the warlords, and their influence on national and sub-national government institutions including the elected provincial councils. While the capital, Kabul, is the largest populated city for all major ethnic groups in Afghanistan and the home for national politics, the remaining five provinces have their significance in respect to being the home and powerbase for major ethno-

linguistic groups and political parties in sub-national politics. For example, Kandahar remained the capital for Pashtun tribal, ethnic groups and the birthplace for influential Pashtun political leaders and movements including the Taliban, ex-President Hamid Karzai and his family, and general Raziq– to point out just a few of the historical figures and movements of the last two-decades. Nangrahar is another Pashtun dominant province in eastern Afghanistan, and also the de-facto powerbase for the Tajik dominant Northern Alliances warlord group including the Pashtun Qadir family (Abdul Qadir and his son Zahir Qadir) and the Pashaie ethnic Ali family (Hazrat Ali and his son Ahmad Ali) – again to mention just a few prominent figures. Herat is a dominant Tajik province and is identified with the prominent Jamiat-e-Islami (Islamic Society) party leader and warlord, Ismail Khan. Balkh, though a multi-ethnic province, remains the battleground for power between the dominant Tajik Jamiat-e-Islami party of Atta Mohammad Noor and the Uzbek Junbish (Movement) party of Abdul Rashid Dostum. Finally, Bamyan is known as the capital of the Hazara ethnic group, de-facto ruled by the Hezb-e-Wahdat Islami (Islamic Unity Movement) party of Karim Khalili.

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

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

Moreover, as it was revealed in our test-interview with the IDLG personnel[1], the majority of the PC members possess double roles; (1) the formal elected representation positions at the PC, and (2) the informal local community elite role, including tribal elder, Jihadi commander, religious scholar (e.g., Mullah), spiritual elite (e.g., Sufi Pir), civil society activist, or member of a political party. In addition to the above-listed elites, interviews are also conducted with other experts including government employees, members of informal community councils, civil society actors, and Taliban shadow-government members.

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

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

To summarize Reiter, exploratory research is concerned with the world 'reality' of concepts and approaches that depend on different contextual conditions. This approach is significant to the present study, as it dwells not only into the post 2001 state-building intervention in Afghanistan from the international standard principles' perspective but also from the Afghan elite and contextual perspective. It is attempting to draw an Afghan solution to the problem and thereby, the Afghan perspective is considered significant for finding answers to the questions. In other words, it is critical to know what and how the Afghan elite perceive the state-building concepts and mechanisms including democracy, state-institutional design at the central (unitary centralization and the debate around possible alternatives) and local (democratic provincial councils and its role in decentralization) levels. As Littig (2009) also notes that in exploratory expert interviews "members of the

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

elite serve as sources of information on specific areas of knowledge that would otherwise be inaccessible" (p. 101). Thus, considering the explorative research approach, field interviews were designed in a semi-structured and open-ended questionnaire format. According to Nigel King and Christine Horrocks (2010), semi-structured interviews provide participants with the opportunity to present their understandings of the concepts and phenomena through sharing individual experiences (p. 16).

In total, I conducted 39 semi-structured interviews in 6 large provinces, respectively 10 in Kabul, 8 in Herat, 3 in Kandahar, 6 in Jalalabad, 6in Balkh and 6 in the Bamyan province. From out of 39 interviews, 29 were conducted with PC members and the remaining 10 with government officials, tribal elders, members of community development councils (CDCs), civil society activists, and Taliban shadow-governments' leading officials.

Based on their prior request[2], I conducted a group discussion interview with the Kandahar PC members, while the remaining 28 interviews were conducted in an individual or one-on-one session manner. The group discussion with the Kandahar PC members comprised of 7 representatives from whom 3 were female, and the remaining 4 were male participants. Moreover, based on interviewees' prior request, 5 interviews, (3 with Taliban officials in Herat and Kabul, and 2 with civil society activists in Kandahar and Balkh) were conducted in an off-the-record manner, the remaining interviews were all recorded. In addition, to the snow-ball technique, I have used my contact networks.[3]

The length of the interviews varies from person-to-person, encompassing around 5 to 40 minutes each. With a total of 15 open-ended questions, I designed the semi-structured questionnaire in 3 main sections: the demographic section, the local governance section, and the Central Governance section[4]. Taking the sensitivity of the issue into consideration, I prepared the questionnaire not only in both Afghan national languages of Pashto and Dari

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

[3] I am of Afghan origin and have lived most of my life in Afghanistan. From January 2008 until March 2011, the I worked as a legislative program officer for the United State Agency for International Development (USAID) for the Afghan parliament in Kabul.

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

but also conducted as wished by the interviewee either in Pashtu or Dari[5]. From out of 39 interviews, 18 interviews were conducted in Dari language and the remaining in Pashtu.

Moreover, due to limited participation of Afghan women in the PC, attempts were made to interview as many females as possible. From out of 29 interviews with PC representatives, I managed to interview 9 female PCs respectively, 3 in Kandahar, 2 in Kabul, and the remaining 4 (1 in each) in Balkh, Bamyan, Herat and Nangarhar provinces.

The recorded interviews are transcribed together with the help of native Afghans who had fluent command on both national languages of Pashto and Dari. I analyzed the transcribed text through the content analyses method. The inaccessibility to computer-based coding software for both Pashtu and Dari languages led me to work with the data manually. The direct quotes woven in the study are translated from Pashtu and Dari into the English language by me. Efforts have been made to deliver the exact message while translating. My previous experiences as an official translator for Pashtun and Dari to English and vice versa with international organizations was an asset in this regard.

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

1.3 An Overview of the Literature

State-building is amongst the most blurred and multifaced term in academic literature, as well as in its policy approach. It encompasses a wide range of interdisciplinary meanings, applications and outcomes, including building peace, security, legitimacy, institutions, democracy, good governance and economic development in the following literature: (Huntington, 1968 &1991), (Martinussen, 1997), (Battera, 2003), (Caplan, 2004), (Fukuyama, 2004), (Fukuyama, 2004 & 2005), (Brinkerhoff, 2005), (Bogdandy et al.,

[5] I am a native Pashtun from Kabul and have fluent command on Dari language as well.