DEMOCRATISATION PROCESS IN AFGHANISTAN, 2001 – 2014

Thesis submitted to Jawaharlal Nehru University
for award of the degree of

DOCTOR OF PHILOSOPHY

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Date: 13-7-2017

DECLARATION

I declare that the thesis entitled "**Democratisation Process in Afghanistan, 2001 - 2014**" submitted by me in partial fulfillment of the requirements for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this or any other university.

Mohammad Mansoor Ehsan

CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

Prof. Sangeeta Thapliyal
Chairperson

Prof. K. Warikoo
Supervisor

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Mohammad Mansoor Ehsan

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INTRODUCTION

I. OVERVIEW

Shifts in global political order in the mid-twentieth century influenced political elites in Afghanistan and resulted in the first wave of democratic movement during the prime-ministership of Shah Mahmoud. However, it has been considered as cosmetic reform to quench the socio-political unrest than the state's genuine intention for democratic change. Shah Mahmoud's cosmetic reforms in the social, political and economic spheres followed with the hope that people would forget past political repressions and would appreciate him for granting civil liberties. The politics he pursued profited only a small number of people in middle-class and upper-class families, but did not end the suffering of the vast majority of the deprived, as they continued to labor from dawn to dusk to feed their families. Shah Mahmoud's intention was to broaden the social base of the monarchy, but the opposition continued to press his government for wider socio-political rights and economic reforms. As Shah Mahmoud believed that liberalization would ultimately lead to demolition of his family dynasty which was based on a hereditary principle, he decided to retreat back from further reforms. Shah Mahmoud banned all political organizations, disbanded the Kabul University's Students' Union and closed down practically all independent newspapers. Dozens of prominent and young politicians were imprisoned, some more were dismissed from government service or demoted, and rescinded political activity forever. As the consequence of Shah Mahmoud's political cleansing, there was not even a single opposition member in the parliament. However, it was clear that urban-educated elements, young officers and successful entrepreneurs were developing a taste for politics.

As the consequence of the political awareness of elites and their continuous pressure on the state, as well as internal competition among the royal family members for power, especially Mohammad Daoud, King Zahir Shah finally declared constitutional monarchy in Afghanistan in 1964. Though, the King remained as powerful as before, and the kingship was limited to Zahir Shah's descendants only. Other immediate members of the royal family were barred from occupying senior government positions including prime ministership, membership of parliament, justice and the Supreme Court. The King stood above any institution of government, acted as supreme commander of the armed forces, and had the right to declare war, conclude peace, and enter treaties at his discretion. He was also entitled to summon the *Loya Jerga*, dissolve Parliament and appoint the prime minister, the chief justice and judge of the Supreme Court. The King appointed half of the members of the upper chamber of Parliament. The King was not accountable to anyone. Regardless of the royal house political maneuver, analysts considered this period as the turning point in the history of democratic institutionalization in Afghanistan.

Mohammad Daoud who was criticizing the monarchy for not being able to tackle the sociopolitical and security challenges, promised the draft of a new constitution based on democratic values. However, this did not happen for four years, as he had an authoritarian character and did not believe in democracy heartily. Daoud portrayed the regime as revolutionary and himself as a dedicated servant of the Afghanistan people. However, his cabinet formation based on nepotism. He appointed individuals who were related to him and supported his political agendas. Individuals from the Mohammadzai clan continued to hold senior positions in the state departments and similar posts in the executive and the judiciary were earmarked for certain members of the Mohammadzai clan.

After the downfall of Mohammad Daoud, Noor Mohammad Taraki proclaimed the April coup 1978, as a bona fide Socialist revolution, he claimed that it created a new model for people in the developing world to follow. Similarly, Amin further glorified the April revolution (*Anqelab Saur*) when he called the October Socialist Revolution of 1917 in Russia a classic example of the revolutionary movement and the April coup as an example of a modern-day revolution. The ruling party portrayed the coup as an irreversible revolution and declared the state a democratic entity that represented the interests of the oppressed strata – workers, peasants, and the national bourgeoisie. While in practice, the coercive policy consolidating the *Khalq* version of the proletarian dictatorship hunted down anyone suspected of expressing anti-regime sentiment.

Seizure of power by *jihadi* groups in 1992, led to serious armed conflict among different *jihadi* groups. Burhanudeen Rabbani as head of the state proclaimed the state responsibility for protection of people's natural rights, and provision of the grounds for individuals to take part in appointment and election of the political and administrative leadership through the principle of *shura* (consultation) as the foundation of the political system of Islam, but in practice the regime could not deliver any of its promises due to continuous armed conflict among these *jihadi* groups. While coming to Mujahideen successors, the Taliban as extremist Islamic group considered democracy as evil. However, they supported an egalitarian system of government that was practiced during the life of Prophet and his companions. In order to replicate the environment, the Prophet lived centuries ago, the Taliban banned political parties and political discourse. They ordered the deletion of all secular terms from Afghanistan's Constitution and applicable laws to bring their administration fully in line with Islamic law. Taliban system of government was actually based on tribalism rather than the earlier Islamic system of governance. Mullah Omer wielded considerable power, to the extent that without his advice and instruction, no body dared to do anything independently.

By analyzing the political history of Afghanistan, there have always been two main factors as deterrent forces intercepting the growth of democracy in the country. First, Afghanistan's

political leaders have always applied democratic reforms as political deception to bring some kind of political satisfaction to those national democratic movements who have been struggling for liberalization and establishment of an efficient, transparent, and responsive democratic government in Afghanistan, as well as, to convince those international human rights organizations which precisely observe the state's performance, and encourage the establishment of democratic regime in which the people can take active part on socio-political affairs. Second, there has been a very weak state's institutional arrangements to accommodate religion and overall political interest of the state (national interest) at the same time. The absence of a state centric interpretation of religion paved the way for the religious clerics of different schools to convey the interpretation of their own – sabotaging political reforms, especially when it is considered as a threat to their socio-political position and economic interests. It also made the state fragile to seek religious legitimacy through some clerics by offering them political and economic privileges, while others who left behind have always tried to challenges legitimacy of state by joining the state's opposition.

With regards to the two mentioned challenges – the absence of genuine ambition of political leadership for a substantial change toward democracy building, and the state centric interpretation of religious text, it led to the constitutional ambiguity which embraced both the Western liberal values displayed by the Declaration of International Human Rights and at the same time accepted *sharia* as main principle of guidance mading reconciliation difficult if not impossible. To reconcile people's satisfaction with God's approval; to strike a balance between the religious and the non-religious, and to do right by both the people and by God, acknowledging at once the integrity of human beings and of religion, it made the task of democratic religious government in Afghanistan much harder than that of democratic or religious regimes.

Post-2001 regime is considered to be the climax of democratic government in Afghanistan, as governmental institutions have emerged in the democratic course with support from the international community. However, there is a common belief that the past thirteen years of experience of democracy in Afghanistan have revealed the fragility of democratic institutions. Opinion makers also stress that the absence of international forces in Afghanistan would mean the death of democratic regime in the country, and ultimately may lead to the re-emergence of traditional forces. It has been argued that building democracy in a tradition oriented society like Afghanistan is not a linear process across all spheres of society. To develop a democratic model of participatory state in Afghanistan would require more than the formal institutions of democracy: universal suffrage, the political parties, and elective legislature. Such democratic symbolism in a more formal sense and less so in its functional sense does not convey much. In

fact the image of the democratic polity that is conveyed by Afghanistan's political elites is obscure and incomplete, and heavily stresses ideology and legal norms. A significant democratic change in Afghanistan would require fundamental changes in different areas, such as, socio-political aspects, evolution of political culture from tribal loyalism to state centrism, literacy upgrade, civil society building, economic development, media and communication, and establishment of an effective mechanism to take control of religious affairs and adapt religion in support of state's modernization policies. The harmonious development of civic institutions in Afghanistan cannot be taken for granted. There have been fundamental flaws in the constitutions of Afghanistan since 1923. The constitutional blemishes made the institutions unworkable in practice from the beginning, to imitate the 1964 constitution as prototype after decades of war and political chaos in 2004, no doubt extends the dysfunctional flaws of the past to the present. The result of a dysfunctional constitution caused termination of a dynamic cooperation among the legislative and executive branches of government. In addition it paved the way for systematic fraud by the government and incompetent cabinet to lead Afghanistan toward prosperity and a bright future.

Taking cues from some of these narratives, this research study hopes to elucidate the historical background of democratisation process in Afghanistan's political system, with consideration of the state's cultural, religious, economic, demographic, and historical characteristics. It seeks to analyze the historical reasons for the dysfunctional political culture in the country. It also seeks to analyze the possibilities of shaping democratic institutions from within the context of traditional political culture in Afghanistan and its scope to sustain itself as a functional and progressive system. Or to put it the other way, this research looks forward to search for a possibility of modernization of traditional political culture in Afghanistan in accordance with international democratic norms.

II. ANALYTICAL FRAMEWORK

Democracy in discussion of modern government does not denote direct rule by the people that ancient Athenians practices. Joseph Schumpeter describes democracy, "a system for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote." Broader definitions of democracy have included Robert Dahl's influential concept of 'polyarchy' which requires political participation and competition as well as civil liberties, such as, freedom of speech, press, and pluralism to allow meaningful expression of political preferences.[1] Some theorists have recognized democracy as a series of

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[1] Dahl, Robert. (1991), *Democracy and Its Critics*, New Delhi: Orient Longman,   p. 225-31

governmental setup, individual rights, election, and institutional effectiveness to secure political freedom citizens. It is also argued that elections are necessary but not sufficient criteria for democracy, however, democracy provides a wide range of indicators in order to capture many possible aspects of social organization that permit an efficient, responsive and transparent governance.[2] Genuine democracy is not simply a machine, once set up, it functions by itself. Nonetheless, democracy depends on the people, and human development is being considered as the fundamental characteristic for developing democratic values, which contains socio-political and socio-economic modernization, cultural shift toward rising emphasis on self-expression values and the process for broadening the human choice.

Economic growth is also considered very important for the establishment of a democratic regime, as it raises the level of education and information, and diversified human interactions increases, people's material, cognitive, and social resources, making them materially, intellectually, and socially more independent. Rising level of existential security and autonomy change people's firsthand life experiences fundamentally. Cultural shifts form collective discipline to individual liberty, from group conformity to human diversity, and from state authority to individual autonomy and self-expression values increases emphasis on the civil and political liberties and democracy, which provides broader latitude to people to pursue freedom of expression and self-realization. Hence, modernization goes through different phases, each of which brings distinctive changes in people's worldview. Such as, the industrialization paved the way for fundamental social change – breaking the traditional linkages based on tribal connection and lead the society toward urbanization and persuade modernization, rationalism, and also individualism, and ultimately end to secularization of authority.[3]

Western powers headed by United States have tried to support and promote democracy in the non-democratic countries of Asia and Africa since late 1980s. Spreading democracy to the non-democratic societies was not a pure ideal for the western countries to achieve. It has been an important part of their foreign policies to maintain their national interests by penetrating to the rest of the world by dividing it into liberal democratic states and those of authoritarians. Even though, during the cold war their priority was to prevent the spread of Communism, they were quite prepared to give support to dictators who were anti-Communist or who aligned themselves with Western strategic and economic interests. There were also some cases where

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[2] Deepening democracy in a Fragmented World, *UN Human Development Report 2002*, New York: Oxford University Press, [Online: Web], Access August 2014, URL, http://hdr.undp.org/sites/default/files/reports/263/hdr_2002_en_complete.pdf

[3] Inglehart, Ronald and Weizel, Christian. (2005), *Modernization, Cultural Change, and Democracy: The Human Development Sequence*, UK: Cambridge University Press, pp. 26-7

the United States in particular worked actively to undermine democratic governments whose programs were considered to be too left wing. For instance, Iran in 1953, Chile in 1973, and in Nicaragua after the Sandinistas had won open elections in 1984.[4]

With the fall of Soviet Communism at the end of 1980s, the priorities changed. Not only western style liberal democracy was assumed to be almost the only serious ideal model for the rest of the world, but following of a radical free-market ideology as a global norm for economic policy also attached as complement of democracy building in Asian and African countries. Democracy and free-market have projected as the two wings letting the undeveloped and developing countries to fly toward political stability, economic development and social prosperity. It is also argued that despite all the cultural differences among people, there are good grounds for believing the assumptions on which democratic principles have universal application. There are certain common characteristics that all human beings share, such as, a common human need for security, freedom, respect, as well as moral and political choice. Hence, the common ideal, aspiration, and need, makes democracy desirable for everyone, though their approach might be different. In addition, democratic ideas have proved attractive to people in every society across the world, and they have shown themselves ready to struggle to achieve them. It is due to the domestic support for democratic ideas that the efforts of Western governments for promotion of democratic values have had impact upon other countries. In a number of countries, the external support for implementation of democracy might act as catalyst to accelerate the transition process from authoritarian rule to democratic one.[5]

There are several reasons why the actual practice of democracy promotion by Western governments over the past decades seemed more like a distinctively Western rather than a truly international agenda. Beetham articulated the following reasons to respond to the above question: first, democracy promotion has rarely been applied consistently, since it has always had to compete with the Western government's other foreign policy and goals including their strategic and economic interests; secondly, the linkage has been drawn by the Western governments between political democratisation and radical liberalization of economy, to the point where they are seen as virtually interchangeable and restrict any possible policy option for the newly elected government by what are seen as Western priorities; and thirdly, the external involvement in the internal politics of another country though it might be justified as

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[4] Beetham, David. (2005), *Democracy: A Beginner's Guide*, England: Onworld Publication, pp. 102-3

[5] Knack, Stephen. (March, 2004), Does Foreign Aid Promote Democracy?, International Studies Quaterly, Vol. 48, No. 1

humanitarian intervention or implementation of democracy, in any case may go beyond purely mentioned purposes.[6]

In view of the complexity of plural societies, it is argued that it would be difficult to maintain stable democratic government in a plural society. Social homogeneity and political consensus are regarded as precondition and characteristic for generation of stable democracy. Aristotle believed that a state aims at being, as far as it can be, a society composed of equals and peers. J. S. Furnivall sees a direct relation between democracy and social homogeneity. He believes, that a plural society is incapable of sustaining a democratic government. This also is in accordance with John Stuart Mill's assessment of the chances of representative democracy in plural society: "Free institutions are next to impossible in a country made up of different nationalities. Among people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government..."[7] However, some other scholars such as Lijphart argued that, though it might be difficult to maintain democratic stability in a society with sharp segmental cleavages, but it is never impossible. According to him, the consociational democratic regime could be the best to manage political stability in a plural society. He points to the elite's cooperation as the primary distinguishing feature of consociational democracy.[8] Lehmbruch defines concordant democracy as a strategy of conflict management by cooperation and agreement among different elites rather than by competition and majority decision. In other words, consociational democracy means segment pluralism, if it is broadened to include all existent segments in a plural society, and combined with concordant democracy.

Lucian W. Pye argues that the political sphere is not clearly differentiated from that of social and personal relations in non-Western societies. According to him, "the fundamental framework of non-Western politics is a communal one, and all political behavior is strongly colored by consideration of communal identification."[9] For instance, in Islam, the religious community of Muslims, comes before the individual. The Muslim community is 'compact wall of whole bricks supporting each other'. The part of the individual in this community is not merely to act so as to ensure its preservation, but also to recognize that it is the community that provides for the integration of human personality realized through self-abnegation and action

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[6] Beetham, David. (2005), *Democracy: A Beginner's Guide*, pp. 104-5

[7] Miller, David. (1995), *On Nationality*, New York: Oxford University Press, p. 98

[8] Lijphart, Arend. (1984), *Democracies: Pattern of Majoritarian and Consensus Government in Twenty-one Countries*, United States: Yale University Press

[9] W. Pye, Lucian. (August 1958), *The non-Western Political Process*, Journal of Politics 20, No. 3

for the good of the collectivity.[10] In Hinduism, social organization is congealed around *varna* (Caste).[11] Caste is formulaic and orderly, dividing society into four groups arrange in a hierarchy – the *brahman*, *kshatriya*, *vaishya*, and *shudra*, the fifth being the untouchable and therefore beyond the pale.[12] *Varna* hierarchical social division is the base stone of Hindu society, the Hindu hierarchical caste system is the dominant fact through which the society has been organized and ethically justified. In case of Africa, society is organized to meet basic human needs, rather than being the means for the promotion of individual acquisitiveness. Thus traditional African cultures are said to have paid attention to justice in the distribution of social goods, collective rights are first in importance, second come economic and social rights, and third civil and political rights. [13] In China, community and obligation have come traditionally before individual and right. In the five basic social relations of Confucian teaching – those between ruler and subjects, parents and children, husband and wife, elder and younger brother, and friend and friend – the connection is one of mutual obligation rather than of reciprocal rights and duties. And in all the pairings, except perhaps the last, the nature of the relationship is hierarchical rather than egalitarian, suggesting unequal duties rather than equal rights.[14]

Cultural relativists believe that universalism leads to war and instability as it suggests the assumption of the moral superiority of self. It questions any view of morality that ascribes an exclusive and exalted position to the morality of one's own society. It is against what is now called 'ethnocentrism', and it sees in moral self-centeredness the formula for a constant battle among cultures, each insisting on its moral superiority, "cultural egalitarianism seems to follow from cultural relativism."[15] According to them, implementation of liberal institutionalism as a project along with radical free-market economic policy, regardless of the indigenous social, cultural, ethical structure, as well as, level of economic development in the other parts of the world won't bring success to these nations, instead, it leads these societies further toward instability and chaos.

In compliance with the above mentioned points, and to understand the nature of Afghanistan's democracy, it seems necessary to put forward some essential points and elucidate the crux of

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[10] Khadduri, Majid. (1955), *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins University Press, p.3; Also see: Said, Abdul Aziz. (1979), *Precept and Practice of Human Rights in Islam*, Universal Human Right, Vol. 1, No. 1, pp. 64-5

[11] Though, Ambedkar argued that cast and *varna* are not the same, as *varna* is not hereditary, either in status or occupation, whereas, caste implies a system in which status and occupation are hereditary and descend from father to son. See: Mungekar, Bhalchandra. (eds. 2017), *Ambedkar: The Essential*, New Delhi: Rupa Publications, pp. 17-18

[12] Thaper, Romila. (2002), *Early India: From the Origins to AD 1300*, pp. 62-4

[13] J. Vincent, R. (1986), *Human Rights and International Relations*, p.40

[14] Ibid, pp.41-2

[15] Ibid, p.38

Political Right, Political Pluralism and Participation, Functioning of Government, Civil Liberties, Rule of Law, Personal Autonomy and Individual Rights in Afghanistan by asking the following questions as: Have the heads of the Afghanistan's governments and legislative representatives been elected through free and fair elections so far? Is there practical electoral law, equal campaigning opportunities, fair polling, and honest tabulation of ballots? Do people of Afghanistan have the right to organize in different political parties or other competitive political groupings of their choice? Is the system open to the rise and fall of these competing parties or groupings? Is there a significant opposition vote and realistic possibility for the opposition to increase its support or gain power through elections? Are the people's political choices free from domination by the government authorities, totalitarian parties, religious hierarchies, foreign powers, economic oligarchies, or any other powerful groups? Do ethnic, religious, cultural, and other minority groups have reasonable participation through estimated consensus in the political decision-making process? Do freely elected representatives determine the policies of government? Is the government free from pervasive corruption? Are there free and independent media and other forms of cultural expressions? Are there free religious institutions, and is there free private and public religious expression? Is there academic freedom, and is the educational system free of extensive political indoctrination? Is there open and free private discussion? Is there an independent judiciary? Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control? Is there protection from police terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is the population treated equally under the law? Is there personal autonomy? Are there personal social freedoms, including gender equality and choice of marriage? Are there equality of opportunity and the absence of economic exploitation? No doubt, an unbiased inquiry and precise analysis to respond to these questions may lead us to a comprehensive understanding of democracy in Afghanistan.

III. OBJECTIVES OF STUDY

There is vast literature, which has extended the belief that it is difficult to maintain stable democratic government in a plural society. Social homogeneity and political consensus is considered as precondition and characteristic for generation of stable democracy. However, some other scholars reject the impossibilities of democratic stability in plural societies though they do not deny the challenge emerging out of diversities in these societies. Consociational democracy through a parliamentary system is considered to be the best model to manage political stability in a plural society. In this model the elite's cooperation observe as the primary distinguishing feature of

consociational democracy. Concordant democracy also considers as a strategy of conflict management by cooperation and agreement among different elites rather than by competition and majority decision. In other words, consociational democracy means segment pluralism, if it is broadened to include all existent segments in a plural society, and combined with concordant democracy.

Considering the above-mentioned challenges, the present research work is designed to evaluate the relevant issues in Afghanistan's society, to analyze historical reasons for the dysfunctional political culture in the country, as well as, look into the possibilities of shaping democratic institutions from within the context of traditional political culture in Afghanistan with regard to Afghanistan's social diversity and cultural characteristics, to sustain itself as a functional and progressive system.

IV.   RESEARCH QUESTIONS

- To assess the unsustainability of democratic institutions and modern political culture in Afghanistan.
- To examine the possibility of shaping democratic institutions and norms from within the context of political culture in Afghanistan to sustain itself as a functional and progressive system.
- To study the role of formal institutions of democracy, particularly that of literacy, schooling, religious interpretation, economic development, civil society, media and communication in Afghanistan.
- To evaluate the role of ethnic diversity and sharp segmental cleavages over democratisation process in Afghanistan.
- To evaluate the impact of Presidentialism along with a majoritarian decision-making mechanism on the democratic stability in a multi-ethnic state link Afghanistan.

V. HYPOTHESES

- Development of democratic institutions from within the context of traditional political culture in Afghanistan ensures the functionality and sustainability of the system in the country.
- Foreign assistance for the establishment of formal institutions of democracy

in Afghanistan fails, if there are no fundamental changes in other sectors.

VI.   RESEARCH METHODOLOGY

The proposed study will follow qualitative methods. It will rely on both primary and secondary source-materials, including interviews with high rank Afghan politicians and ethnic leaders, heads of dominant political parties of Afghanistan, Afghan and international experts, collecting data from the governmental and non-governmental interest groups, besides the published literature, such as books, articles in periodicals and research journals, newspaper clippings and various websites. It will draw substantially from the primary sources, which include the official releases, communiqué, the statements and interviews of political leaders and senior policy makers and academics in Afghanistan.

VII.   CHAPTERIZATION

The present research work is divided into six chapters, each chapter dealing with specific issues and evaluating substantial facts, and responding to the research questions. The first chapter – *Introduction*, provides a review of democratisation process in Afghanistan both from a historical point of view and as well as theoretical debates surrounding the topic. It will also explain briefly the problems, challenges, and paradoxical endeavors for democracy building in Afghanistan. It also includes review of literature, research questions, and methodology on which this study will be based. The second chapter – *Theoretical Framework*, elucidates the theories and concepts of democracy. It engages the predominant controversial and polemical debates surrounding the topic, such: is democracy a form of government? Is it sources of authority for government? Is it only procedures for constituting government? Is there only a single model of democracy? Is Islam compatible with democracy? What is the correlation between economic development and democratisation process? Will democracy sustain in a divided society? And many other controversial questions. The third Chapter – *Ups and Downs of Democratic Progression in Afghanistan's History*, explicates the fate of democratisation process in the course of history in Afghanistan. The chapter is divided into seven subtitles with regard to political regime modification, each title elucidating the destiny of democratisation process during these political regimes. It also explains similarities and differences among Afghanistan's different constitutions, likewise, the self-contradiction either within the constitutions itself, or regarding the constitutional texts and practical behavior of the Afghanistan's political leaders in the past. Chapter four - *Institutionalization and Practices of Democracy in Afghanistan Post-2001,* explains the democratisation process in Afghanistan's

political system, with consideration to its demographic, historical, religious, economic aspects. It analyzes the historical reasons for the unsustainability of democracy in the country. It also explains the possibilities of shaping democratic institutions from within the context of traditional political culture in Afghanistan and its scope to sustain itself as a functional and progressive system. Chapter five - *Challenges of Democratisation in Afghanistan Post-2001,* evaluates the substantial challenges to democratisation in Afghanistan, including the conceptual controversies, pathetic democratic legacy, luck of detailed planning, and institutional turmoil. And finally, chapter six – *Conclusion*, has the concluding observations.

CHAPTER - II

THEORETICAL FRAMEWORK

1. DEMOCRACY : THE CONCEPTUAL FRAMWORK

Athenian democracy developed around the fifth century BC in Greek city-state of Athens, known as the first democracy in the world. Male citizens in Athens could vote on all the decisions that affected the city and serve on juries. However, democracy was not open to everyone. Citizen women, slaves were banned from participating in government.[16] Similarly, was the case in other parts of the world presently known as South, Central and West Asia. *Samiti* and *sabha*[17] have been famous historical social structures through which the kings, tribal chiefs and the executive board were elected. *Rig-Veda* reveals that the Arian managed their social, political, economic and cultural matters through these socio-political gatherings.[18] The first Arian King, Kanishka the Great was selected through *samiti*.[19] Similarly, when the Alexander invaded Ariana, the chief of Arian tribes held a *Jerga* through which they selected 'Busses' the chief of Bactria as the chief of all Arian tribes and prepared for war against Alexander.[20]

Scholars argue that there is a vast difference between the democracy of ancient ages and that of modern one. Modern democracy is not simply democracy of the village, the tribe, or the city-state. Modern democracy has been associated with development of

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[16] Bob Avakian criticized the views that considers Plato, Socrates (at least as he is given voice in Plato's dialogues), and Aristotle as leading thinker of that age who light has shined through the history of "Western civilization" to give guidance to modern society. Because on the one hand, they attempted to formulate principles good for all time on who society should be structured and led, seeking to base these on concept of justice, reason, and wisdom that would also be universal. On the other hand, their outlook, values, and schema, while they contain specific features that by and large are not directly applicable in today's world – such as the role of slavery, which both Plato and Aristotle vigorously upheld and rationalized – nevertheless include many basic elements that are universal to any society based on an oppressive division of labor and division into classes. However, he considered the seventeenth century was a pivotal period in this overall process, and the theories of two leading English political philosophers Thomas Hobbes and John Locke, have not only played an important part in the development of constitutional government in England but to a significant degree established the foundations for what have continued to be declared precepts of Western democracy in general – the roots of the theoretical basis for the liberal democratic state. Huntington, Samuel P. (2010), *The Third Wave: Democratisation in the Late Twentieth Century*, New Delhi: Adarsh Books, p. 13; Avakian, Bob. (2014), *Democracy: Can't We Do Better Than That?,* Delhi: Phoneme Publishers and Distributors (Pvt.) Ltd., P. 12-13,18,19

[17] *Sabah* is the village assembly in India, where the members would meet and discuss social and political issues. It was generally intended by noble people, earlier women also attended *sabha*. However, it stopped in later *vidic* age. For more details see: Sharma, Ram Sharan. (1996), *Aspects of Ideas and Institutions in Ancient India*, Delhi: Motilal Banarsidass Publishers, p. 106

[18] Fayzad, Mohammad Alam. (1989), *Jerga Hai Buzurg Mili Afghanistan (Loya Jerga)*, Pakistan: Lahore Print, (Persian version), pp. 4,5,10; Mahboba.(1994), *Jerga Wa Loya Jerga Ha Dar Afghanistan*, Peshawar: Sayet Husayn Pacha Press, (Persian version), p. 1

[19] Fayzad, Mohammad Alam. (1989), op. cit., pp. 15-18

[20] Mahboba.(1994),op. cit., p.3

nation-state in Europe since the end of the sixteenth century.[21] Nonetheless, it's only in the late 1940s when most Western countries focused on universal adult suffrage. No doubt, there has been some form of exclusion in the modern democracies, such as, Apartheid in South Africa, the disenfranchise policy of Switzerland through which the women were excluded from political rights. Great Britain allowed barely two percent of its population to vote for one house of Parliament in 1830; that figure reached around 40 percent in the 1880s. Despite all the historical tragedy of democratisation, by late 1980s, most of countries in Europe and North America had adopted important aspects of constitutional liberalism - the rule of law, [22] private property rights, and increasingly, separate powers and free speech and assembly. Hence, for much of modern history, what characterized governments in Europe and North America, and differentiated them from those around the world, was not democracy but constitutional liberalism.[23]

Alexis de Tocqueville believed that the idea of human equality that underlies modern democracy had been gaining ground for the preceding eight hundred years, and it had acquired an unstoppable momentum that aroused in him a "kind of religious dread". Both Hegel and Nietzsche understood modern political democracy to be a secularized version of the Christian doctrine of the universal equality of human dignity. Hegel in particular saw developments in the material world such as the French Revolution and the emergence of the principle of equal recognition as the working out of the inner logic of human rationality.[24] Likewise, Frances Fukuyama argued that the idea of the universal equality of human dignity has been around for centuries, but in static agrarian societies it never gained much traction because such societies had an extremely low degree of social mobility. However, the idea of social equality acquired a broad galvanizing power only when in parts of Europe during the seventeenth and eighteenth

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[21] Dahl, Robert. (1991), *Democracy and Its Critics*, New Delhi: Orient Longman,   p. 214

[22] Fukuyama argued that "rule of law" understood as rules that are binding even on the most politically powerful actors in a democratic society, should be distinguished from what is sometimes referred to as "rule by law" represent commands issued by the ruler but is not binding on the ruler himself in authoritarian. Nonetheless, "rule of law" and mechanism of accountability, by contrast, pull in the opposite direction: they constrain the state power and ensure that it is used only in a controlled and consensual manner, in another world, political orders that are simultaneously strong and capable and yet constrained to act only within the parameters established by law and democratic choice. Fukuyama, Francis. (2014), *Political order and political decay: From The Industrial Revolution To The Globalization Of Democracy*, Great Britain: Profile Books, p.25

[23] Zakaria, Fareed. (Nov. – Dec., 1997), "The Rise of Illiberal Democracy", *Council on Foreign Relations*, [Online: Web], Access February 2015, URL: http://www.jstor.org/stable/20048274, p. 27

[24] Fukuyama, Francis. (2014), op. cit., p.400

centuries an expanding capitalist economic system started reordering the social system.

Fareed Zakaria argued that "for almost a century in the west, democracy has meant liberal democracy - a political system marked not only by free and fair elections, but also by the rule of law, as separation of powers, and the protection of basic liberties of speech, assembly, religion, and property. In fact, this latter bundle of freedoms - what might be termed constitutional liberalism, which is theoretically different and historically distinct from democracy." It is not about the procedures for selecting government, but rather government's goals. It refers to the tradition, deep in Western history, that seeks to protect individual's autonomy and dignity against coercion, wherever the source - state, church, or society.[25] Zakaria quoted from Philippe Schmitter, who believes that "liberalism, either as a conception of political liberty, or as a doctrine about economic policy, may have coincided with the rise of democracy. But it has never been immutably or unambiguously linked to its practice."[26]

The rise of illiberal democracies is considered as a serious disturbing phenomenon in the international life by some politicians and scholars. The American diplomat Richard Holbrook believed, that even if the election is declared free and fair in many countries, however those elected are racists, fascists, separatists, who publicly oppose the process of peace and reintegration in their states. In the meantime, democratically elected regimes, often ones that have been reelected to reaffirm through referenda, are routinely ignoring constitutional limits of their power and depriving their citizens of basic rights and freedoms. According to him, today the two strands of liberal democracy, interwoven in the Western political fabric, are coming apart in the rest of the world. Fareed Zakaria believes that democracy is flourishing, however, constitutional liberalism does not. In another words, constitutional liberalism has led to democracy, but democracy does not seem to bring constitutional liberalism.

For a better understanding of democracy, some scholars focused on general questions of the meaning of democracy during the mid-twentieth century. Whether, democracy is as form of government? Sources of authority for government? Or, if democracy comprises procedures for constituting government? According to Huntington, serious

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[25] Zakaria, Fareed. (Nov. – Dec., 1997), op. cit., pp.25-6

[26] Ibid, p.23

problems of ambiguity and imprecision arise if democracy is considered in term of either source of authority or purposes.[27] Joseph Schumpeter in his study, *Capitalism, Socialism, and Democracy*, spelled out the deficiencies of what he termed the "classical theory of democracy," through which he defined democracy in terms of "the will of people" as the "source" and "the common good" as the purpose.[28] Effectively demolishing these approaches to the subject, Schumpeter advanced what he labeled "another theory of democracy." He said:

> Democratic method is that institutional arrangement for arriving at political decision in which individuals acquire the power to decide by means of a competitive struggle for people's vote.[29]

Discussion over democracy in term of normative theory sharply declined lately. It has been replaced by efforts to understand the nature of democratic institutions, how they function, and the reason why they develop and collapse. The prevailing effort was to make democracy less of a "hurrah" word and more of a commonsense word. Following the Schumpeterian tradition, this study defines a twentieth century political system as democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote. So defined, democracy involves the two dimensions - contestation and participation - that Robert Dahl saw as critical to his realistic democracy or polyarchy.[30] It also implies civil and political freedom to speak, publish, assemble, and organize that are necessary to political debate and the conduct of electoral campaigns.[31] This procedural definition of democracy provides a number of bench marks- grouped largely along Dahl's two dimensions that makes it possible to judge to what extent political systems are democratic, to compare systems, and to analyze whether systems are becoming more or less democratic.

A substantial scholarly literature, for instance, suggests that much public policy is

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[27] Huntington, Samuel P. (2010), op. cit., p. 6

[28] "The democratic method is that institutional arrangement for arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will." See: Schumpeter, Joseph A. (2003), Capitalism, Socialism and Democracy, London and New York: Routledge, p. 250

[29] Ibid, p. 269

[30] Dahl, Robert. (1991), *op. cit.*, pp. 225-31

[31] Huntington, Samuel P. (2010), op. cit., p. 7

shaped by a country's level of economic development than by nature of its regime. Corruption, inefficiency, incompetence, domination by few special interests are found in all societies no matter what was their form of government. The most important political distinction among countries concerns not their form of government but their degree of government. In another words, the "strength of state institutions" is more important in a broad sense than the "scope of state functions".[32] Francis Fukuyama argues that liberalization without attention to state potential strength led to disaster.

> The post-Cold war era began under the intellectual dominance of economists, who pushed strongly for liberalization and a smaller state. Ten years later, many economists have concluded that some of the most important variables affecting development weren't economic at all but were concerned with institutions and politics. There was an entire missing dimension of stateness that needed to be explored – that of state-building – and aspect of development that had been ignored in the single minded focus on state scope.[33]

The problem for many countries was that in the process of reducing state scope they either decreased state strength or generated demands for new types of state capabilities that were either weak or nonexistent. While the optional reform path would have been to decrease scope while increasing strength, many countries actually decreased both scope and strength. Such change occurred in Afghanistan after 2001. So it is fair to characterize regimes in Afghanistan after 2001 as what Fukuyama termed it "neopatrimonial"[34] – that is, with political power used to service a clientelistic network of supporters of the country's leaders. In some cases, neopatrimonial regimes result in what characterizes as "predatory" behavior, where a large part of society's resources are stolen by a single or a group of political leaders. In another word, it merely amounts to rent-seeking – that is use of the public sector to reallocate property rights to the benefit of a particular interest – that is directed toward a single family, tribe, region, or ethnic group.

Fukuyama refers to following nested aspect of stateness critical for economic

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[32] The reason for the superior performance of East Asia compared to Latin America over the past forty years is likely due more to the superior quality of state institutions in East Asian countries than to any differences in state scope. Fukuyama, Francis. (2009), *State Building: Governance and World Order in the Twenty-First Century*, Great Britain: Profile Books Ltd., pp. 25-6

[33] The priority of strength over scope is reflected in a comment made by Milton Friedman, dean of orthodox free market economists, in 2001. He noted that a decade earlier he would have had three words for countries making the transition from socialism: "privatization, privatization, privatization." "But I was wrong," he continued. "It turns out that the rule of law is probably more basic than privatization" (interview with Milton Friedman, Gwartney and Lawson 2002). Ibid, pp.23-5, 29

[34] Ibid, pp.20-1

development and political organization of any state, [35] such as: organization design and management; political system design; basis of legitimization; cultural and structural factors. Hence, the form of government is not the only important thing about a country, nor even probably the most important thing. The distinction between order and anarchy is more fundamental than the distinction between democracy and dictatorship. Yet that distinction is crucial for several reasons stated as follows:

First, democracy is both an object of development in itself and a means toward economic growth. Democratic regimes at least have some institutional checks against the worst forms of incompetence or rapacity, bad leaders can be voted out of office. However, authoritarian countries have long term problems with legitimacy. Many have sought to legitimize themselves through their ability to deliver on growth, but when the growth ceases or turns into decline, legitimacy disappears and instability ensues. [36] Nonetheless, democratic countries are often better able to survive economic setbacks because their legitimacy comes from democracy itself. [37] At the same time, there have been significant examples of democratic countries like Poland or New Zealand making hard economic reform choice; [38]

Second, political democracy is closely associated with freedom of the individual. Democracies can and have abused individual rights and liberties, and a well regulated authoritarian state may provide a high degree of security and order for its citizens. Overall, however, the correlation between the existence of democracy and the existence of individual liberty is extremely high. Indeed, some measure of the latter is an essential component of the former. Conversely, the long-term effect of the operation of democratic politics is probably to broaden and deepen individual liberty. Liberty is, in a sense, the peculiar virtue of democracy. If none is concerned with liberty as an ultimate social value, one should also be concerned with the fate of democracy; [39]

Third, political stability and form of government are two different variables. Yet they are also interrelated. Democracies are often unruly, but they are not often politically

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[35] Ibid, p.31

[36] Ibid, p.38

[37] Ibid

[38] Ibid

[39] Huntington, Samuel P. (2010), op. cit. p. 28

violent. In the modern world democratic systems then to be less subject to civil violence that are nondemocratic systems. Democratic governments use far less violent against their citizen that do authoritarian ones. Democracies also provide accepted channels for the expression of dissent and opposition with the system. Both government and opposition thus have fewer incentives to use violence against each other. Democracy also contributes to stability and providing regular opportunities for changing political leaders and changing public policies. In democracies, change rarely occurs dramatically overnight; it is almost always moderate and incremental. Democratic systems are much more immune to major revolutionary upheaval than authoritarian ones;[40]

Finally, the spread of democracy has implications for international relations. Historically, democracies fought wars as often as authoritarian countries. Authoritarian countries have fought democratic countries and have fought each other. Form the early nineteenth century down to 1990, however, democracy did not, with only trivial or formal exceptions, fight other democracies in the world. On the basis of past experience, overwhelmingly democratic world is likely to be a world relatively free of international violence. If, in particular, the Soviet Union and China become democracies like the other major powers, the probability or major interstate violence will be greatly reduced. A permanently divided world, on the other hand, is likely to be a violent world. Developments in communications and economics are intensifying the interaction among countries. In 1958 Abraham Lincoln argued, "A house divided against itself cannot stand. This government cannot endure permanently half-slave and half-free."[41] It has been argued that the world at the end of the twentieth century is not a single house, but it is the trend of the times. How long can an increasingly interdependent world survive part democratic and part authoritarian?

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[40] Ibid, pp. 28-9

[41] Ibid

2. DEMOCRACY: UNIVERSALISM VS CULTURAL RELATIVISM

It is argued, in order to achieve permanent global peace and order, it is needed to spread liberal democracies to the whole world. The supporters of this idea believe that the world has become a single house at the end of the twentieth century, an increasingly interdependent world cannot survive part democratic and part authoritarian.[42] To build a global order through homogenization, is not a new concept. For instance, Islam divided the world order into a world of peace, that of Islam, and a world of war, inhabited by unbelievers. Hereby, Islam could achieve the theoretical fulfillment of world order only by conquest or global proselytization, for which the objective conditions did not exist. [43] Likewise, the ancient Empires like Persian Empire and Roman Empire believed in religious and ideological homogeneity through either peaceful means or use of force to the rest of the world to accept their thoughts, belief, value system, and subordinate to their political and administrative systems.

Frank Wilmer wrote that 'universality' is often claimed in connection with religious beliefs – the universality of divine right bestowed by God at birth, the universal presence of *fitrah* in Islam, universal love in Christianity, the universal justice of Hindu beliefs about *dharma* and *karma*, the universality of human needs addressed by the Dalai Lama, the universality of ethics in Judaism, and even the Enlightenment's implicit belief in the universality of reason.[44] Henry Kissinger in his book *World Order: Reflection on the Character of Nations and the Course of History* stated that in the sixth century B.C., the Persian Empire rose on the Iranian plateau and developed a system of rule that has been described as "the first deliberate attempt in history to unite heterogeneous African, Asian, and European communities into a single, organized international society," with a ruler styling himself the *Shahanshah* (King of Kings).[45]

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[42] Ibid, p. 29

[43] "Fight those who do not believe in Allah or in the Last day and who do not consider unlawful and who do not adopt the religion of truth from those who were given the Scripture – [fight] until they give the jizyah willingly while they are humbled." *Sura al-Tawba*, Ayat – 29; "fight in the cause of Allah and know that Allah is Hearing and Knowing.", Quran, *Surah al-Baqarah*, Ayat – 244.

[44] Wilmer, Franke. (2015), *Human Rights in International Politics: An Introduction*, United States: Lynne Rienner Publishers, p. 65

[45] Kissinger, Henry. (2014), *World Order: Reflection on the Character of Nations and the Course of History*, Great Britain: ALLEN LANE, p. 97

Similarly, by the end of the sixth century A.D., tow great empires dominated much of the Middle East: the Byzantine Empire with its capital in Constantinople and professing the Christian religion (Greek Orthodox), and the Sassanid Persian Empire with its capital in Ctesiphon, near modern-day Baghdad, which practiced Zoroastrianism. The two empire ideology of homogeneity, led to periodical conflict between them for centuries. In 602, not long after a plague had wracked both, a Persian invasion of Byzantine territories led to a twenty-five-year-long war in which the two empire tested what remained of their strength. The permanent contestation between the two empires opened the way for the ultimate victory of Islam. As the Byzantine and Persian empires disabled each other, Prophet Mohammad and his community of believers organized a polity, unified the Arabian Peninsula, and set out to replace the prevailing faiths of the region – primarily Judaism, Christianity, and Zoroastrianism – with the religion of his received vision. It believed that the spread of Islam would unite and bring peace to all humanity. Islam was at once a religion, a multiethnic political institution, and a new world order. [46]

> The domestic principles of an Islamic state were divinely ordained, non-Muslim political entities were illegitimate; they could never be accepted by Muslim states as truly equal counterparts. A peaceful world depended on the ability to forge and expand a unitary Islamic entity, not on an equilibrium of competing parts.[47]

Like the early Islamic Empire, the Ottomans conceived of their political mission as universal, upholding "the order of the world"; sultans proclaimed themselves "the Shadow of God on Earth"[48] and "the universal ruler who protects the world." However, since the Ottoman Empire collapsed, the response in key Muslim countries has been divided between those who have sought to enter the new state-based, ecumenical

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[46] The *dar al-Islam,* "House of Islam," or realm of peace, in theory, was in a state of war with the *dar al-harb*, "realm of war," because the ultimate objective of Islam was the whole world. If the *dar al-harb* were reduced by Islam, the public order of *Pax islamica* would supersede all others, and non-Muslim communities would either become part of the Islamic community or submit to its sovereignty aw tolerated religious communities or as autonomous entities possessing treaty relations with it. Ibid, pp. 97-102

[47] Ibid, p.105

[48] The theory of "King as the Shadow of God" for the first time presented by Paul the Apostle commonly known as Saint Paul, who taught the gospel of the Christ to the first century world. He stated that everyone should obey form the king. Because, the power is coming from the God and only God institutionalized the power. Hence, to stand against the owner of Power means standing against the God, and disobeyed his command, which leads to disaster. Ball, Terence and Dagger, Richard. (2008), *Political Ideologies and Democratic ideal*, Translated by Ahmad Saboori, Tehran: Ministry of Foreign Affairs Publication, p. 37

international order as significant members.[49] The Islamic scholar and Muslim Brotherhood ideologue Sayyid Qutb in his *Mile stones* in 1964, declared war against the existing world order that became a foundational text of modern Islamism. Sayyid Qutb claimed that:

> Islam is a universal system offering the only true form of freedom: freedom from governance by other men, man-made doctrines, or "law associations based on race and color, language and country, regional and national interests." Islam's modern mission is to overthrow them all and replace them with global implementation of the Quran.[50]

However, it is impossible to bring the whole human community under a single banner of homogenization and present a single model or set of values as savior of human race. The critics of "Communist world order" during the twentieth century and most recently the "liberal democratic homogeneity" argue that, why we should think that only homogeneity is the only solution for the world all problems. The critics of liberal democratic homogeneity reasoned that liberal values are not universal as it is dependent variables. There is a world beyond west, the great portion of the globe is neither west Europe, nor North America, nor Australasian. Though it is a portion of the globe that may have been westernized, to various degrees, as a result of the dominance of western culture over the past several centuries, this is not a contingency that has emptied all meaning from the distinction between the western and non-western worlds. The non-western world does not necessarily share western values.

The doctrine of cultural relativism was not invented by nationalists throwing off the yoke of empire, but its popularity has been sustained by these movements. The doctrine of cultural relativism at the first place entails that rules about morality vary from place to place. Secondly, it asserts that the way to understand this variety is to place it in its cultural context. And in the third place, it asserts that moral claims derive from, and are enmeshed in, a cultural context which is itself the source of their validity.[51]

> There is no universal morality, because the history of the world is the story of the plurality of cultures, and the attempt to assert universality, or even Kant's procedural principle of "universalizability", as a criterion of all morality, is a more or less well-disguised version

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[49] Kissinger, Henry. (2014), op. cit., p.103-4, 107-8

[50] Ibid, pp. 120-121

[51] J. Vincent, R. (1986), *Human Rights and International Relations*, New York: Cambridge University Press, p.37

of the imperial routine of trying to make the values of a particular culture general.[52]

Both Western and non-Western societies have rich histories, sacred texts, and traditions that address questions of human dignity and limits on how power is used authoritatively. With some 4,000 distinct ethnic or communal groups living in just under 200 states, maintaining a cross culture dialogue about human rights values is both enormously complex and crucial to the development of widely shared norms and practices.[53] There might be some validity if the proclaiming culture was successfully imperialist, and had imposed its value on others by *force majeure*, but the doctrine of cultural relativism at its strongest regards this always as a superficial phenomenon, incapable of eroding the irreducible core of cultural singularity in the various social component of the world. The protest against imperialism, and the buttress it seems to provide against it, are the attraction of the doctrine of cultural relativism. It suggests, with Rousseau, that missionaries are no better than conquerors.[54] The argument provided by cultural relativism against imperialism appeals not merely because it is an argument against imperialism, but because it seems true. There is a plurality of cultures in the world, and these cultures produce their own values as well as social and subsequently political structures of human societies that there are no universal value, is not a problem to the cultural relativists, it is a solution. How does one cope with the coexistence in the world of value-systems that conflict with each other, or which are not necessarily mutually consistent? One adopts Hume's formula: "In each city, the rites of that city."[55]

It is argued that the reality of cultural pluralism in relation to human rights, portrays Islam, Judaism, Hinduism, Buddhism, Confucianism, and Africa standing for liberal democracy. For instance, In Islam, the religious community of Muslims, comes before the individual. The Muslim community is 'compact wall whole brick supporting each other'. And the wall must stand on its own without any external buttress. The part of the individual in this community is not merely to act so as to ensure its preservation, but also to recognize that it is the community that provides for the integration of human personality realized through self-abnegation and action for the good of the collectivity.

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[52] Ibid, pp. 37-8

[53] Wilmer, Franke. (2015), op. cit., pp. 44-5

[54] Judith N. Shklar. (1969), *Men and Citizens: A Study of Rousseau's Social Theory*, Cambridge: Cambridge University Press, p.118

[55] Gellner, Ernest. (1974), *Legitimation of Belief*, Cambridge: Cambridge University Press, pp. 47-8

Hereby, in Islam rights remain subordinate to and determined by duties.[56]

The *Talmud* which is the normative expression of *Torah* and records the rabbinic discussions, legal opinions, and oral and written debates about Jewish law, ethics, customs, and history. Though focused on the responsible behavior of individuals in relations with one another, rabbinic law also prescribes behavior directed toward the fulfillment of one's relationship with God. Like earlier Asian philosophical systems, Judaism emphasizes individual obligations rather than rights protection, but it also asserts legal prescriptions about ethnical behavior claimed to originate with a universal, if not divine, authority.[57]

Hinduism, social organization congealed around castes (*varna*)[58] – a hierarchy of social status dividing society into four groups – the *brahman*, *kshatriya*, *vaishya*, and *shudra*, the fifth being the untouchable and therefore beyond the pale. In such a system, the insistence on the absolute purity of one group requires the counter-weight of the absolute impurity of another – in this case the untouchable.[59] *Varna* hierarchical social division is the base stone of Hindu society. Despite all the endeavor by a liberal activist since the beginning of the British rule and establishment of British schools and collages through which the liberal values introduced to Indian society,[60] the hierarchical caste system is the dominant fact through which the Hindu society has been organized and ethically justified. Gandhi himself was not advocating 'individual rights' in the Western sense, but rather *dharma* - an ethics of community, responsibility and loyalty.[61] From this fundamental statement, perhaps it is easy enough to define the duties of men and

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[56] Khadduri, Majid. (1955), *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins University Press, p.3; Also see: Said, Abdul Aziz. (1979), *Precept and Practice of Human Rights in Islam*, Universal Human Right, Vol. 1, No. 1, pp. 64-5

[57] Wilmer, Franke. (2015), op. cit., p. 49

[58] Dr. Ambedkar argued that cast and *varna* are not the same, as *varna* is not hereditary, either in status or occupation, whereas, caste implies a system in which status and occupation are hereditary and descend from father to son. See: Mungekar, Bhalchandra. (eds. 2017), *Ambedkar: The Essential*, New Delhi: Rupa Publications, pp. 17-18

[59] Thaper, Romila. (2002), *Early India: From the Origins to AD 1300*, India: Penguin Press, pp. 62-4

[60] There have been many efforts to combine modern notions of rights with Hindu notions of rights and duties. Rammohan Roy, founder of the Brahmo Samaj movement, advocated equality for all persons regardless of caste or sex, on the basis that all humans are God creatures. Vivekananda, leader of the Ramakrishna movement, also supported equality on the basis of Vedanta though and thus did not reject Manu like Roy. Rabindranath Tagore is another influential name in the human-rights movement in India. See: Traer, Robert. (1991), *Faith in Human Rights: Support in Religious Traditions for a Global Struggle*, Washington, DC: Georgetown University Press

[61] "I learnt from my illiterate but wise mother that all rights to be deserve and preserved came from duty well done." Ibid.

women and correlate every right to some corresponding duty to be first performed.

Buddhism does not directly advocate for the rights of individuals but rather against the uncompassionate conduct of governments whose policies cause suffering. If political leaders actively sought enlightenment, they would cultivate compassion within themselves in conformity with the first and second principles of Buddhism – relative suffering and do not cause it. Thai Buddhist scholar Phra Payutto argued that contemporary human rights developed in response to historic conditions within Western societies. Government practices that cause suffering, however, have been reproduced within non-Western societies through the spread of modernity, a cultural framework made up certain values and beliefs about power.[62] Payutto described modern human rights in these terms:

> It is a negative ethic: society is based on selfish interests – the right of each and every person to pursue happiness – and an ethic, such as human rights, is needed to keep everybody from cutting each other's throat in the process.[63]

With regards to Confucianism, community and obligation have come traditionally before individual and right. In the five basic social relations of Confucian teaching – those between ruler and subjects, parents and children, husband and wife, elder and younger brother, and friend and friend – the connection is one of mutual obligation rather than of reciprocal rights and duties. And in all the pairings, except perhaps the last, the nature of the relationship is hierarchical rather than egalitarian, suggesting unequal duties rather than equal rights. The artificial western conception of law did not change the more organic Chinese conception of law as fulfilling the function of the maintenance of social harmony, which contrasts with the western model of law as arbitration between claims. And the conception of it in terms of its function in a wider system continues to inform the theory and practice of law in contemporary China. The theory is now Marxist, not Confucian. And law is thought of as an instrument of the policy of the state rather than, as in the West, an 'objective body of authoritative rules'. The attention paid to the rights of individuals in the Chinese constitution itself is apparently nullified by the article which reads: "The fundamental rights and duties of citizens are to support the leadership of the Communist Party of China, support the

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[62] Wilmer, Franke. (2015), op. cit., p. 48

[63] Ibid.

Socialist system and abide by the Constitution and the laws of the People's Republic of China." [64]

In case of Africa, society was organized to meet basic human needs, rather than being the means for the promotion of individual acquisitiveness. Thus traditional African cultures are said to have paid attention to justice in the distribution of social goods in a way that western liberal capitalism has not. Establishment of hierarchies of human rights, it might be argued that the tendency of African thought is to turn the western list upside down. Collective rights are first in importance, second come economic and social rights, and third civil and political rights. [65]

With regards to the study to contemporary political regimes, liberal democracy did not arise in all parts of the world, nor has it gained equal attraction across the globe. This fact led to the assertion made by parties as diverse as Samuel Huntington, the contemporary Chinese government, and a variety of Islamists, that liberal democracy does not represent a universal trend but is something culturally specific to Western civilization. If this is true, it still begs the question of why this particular idea arose in the West and not elsewhere.[66] Huntington argued, that the first democratic impulse in the Western world came with the Puritan revolution in the seventeenth century. The overwhelming majority of countries that became democratic in the first wave of democratisation in the nineteenth century were Protestant. According to Huntington, there are three plausible reasons to explain the relation between Protestantism and democracy.

- Doctrinally, Protestantism stressed the individual conscience, the access of the individual to the Holy Writ in the Bible, and the direct relation of the individual to the God.
- Protestant churches were themselves more democratically organized, stressing the supremacy of the congregation and with on or only a limited bishopric.
- Protestantism encourages economic enterprise, the development of a bourgeoisie, capitalism, and economic wealth, which facilitate the emergence of democratic institutions.

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[64] Ibid, pp.41-2

[65] J. Vincent, R. (1986), op. cit., p.40

[66] Fukuyama, Francis. (2014), op. cit., p. 401

However, this was not the case with Catholic sect, as Catholicism emphasized the intermediary role of the priesthood; the Catholic Church, in contrast, was an authoritarian organization with its ranks of priests, bishops, archbishops, and cardinals, culminating in the Pope and the doctrine of papal infallibility. Nonetheless, the pervasive cause of the surge to democracy in Catholic countries was change in the Catholic Church. Historically, the Catholic Church had been associated with local establishment, the land owning oligarchy, and authoritarian governments. In the 1960s, the Church changed, and this change within the Church brought a powerful social institution into opposition to dictatorial regimes, deprived those regimes of whatever legitimacy they might claim from religion, and provided protection, support, resources, and leadership to prodemocratic opposition movements.[67]

Hence, if democracy is associated with individualism and liberal values, then its implementation requires the overall change in value system and socio-economic structure of every single society, though it is Islamic, Confucian, Hindu, or African society. Cultural relativists believe that imposition of external values with no consideration to the fundamental of indigenous culture and ethics of different societies will ultimately lead to war and instability, as it suggests the assumption of the moral superiority of one society over another. It questions view of morality that ascribes an exclusive and exalted position to the morality of one's society. It is also against what is now called 'ethnocentrism', and it sees in moral self-centeredness the formula for a constant battle among cultures, each insisting on its moral superiority, "cultural egalitarianism seems to follow from cultural relativism."[68]

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[67] Huntington, Samuel P. (2010), op. cit., pp.75-7
[68] J. Vincent, R. (1986), op. cit., p.38

3. DEMOCRACY IN THE ISLAMIC WORLD

Around the turn of nineteenth century a new and extensive cultural encounter started between the West and the Islamic world. Virtually all native intellectuals strove to conceptualize the nature of this encounter, its contribution to the agonizing backwardness of the Islamic countries, or, alternatively, its role in providing solution to the problem of Muslim decline. The highbrow culture producers, however, went beyond formulating ideas simply to address the decadence of the Islamic societies. They endeavored to devise a model for reorganizing the structure of authority, for providing a foundation to build a new socio-political framework, and for drawing the basic principles of rulemaking. This encounter was multifaceted, and the native ideological resolution was certainly diverse. In the meantime, religion remained one of the encounter forces continuously contested by intellectual's engagements for change.

Islamic modernism was the first Muslim ideological response to the Western cultural change. Started in India[69] and Egypt [70] at the second part of the nineteenth century, this movement was a remarkable intellectual development. It was reflected in the works of like-minded Muslim scholars, featuring a critical reexamination of the classical conceptions and methods of jurisprudence and formulation of a new approach to Islamic theology and Quranic exegesis. The new approach, which was nothing short of an outright rebellion against Islamic orthodoxy, displayed astonishing compatibility with the ideas of the Enlightenment. The central theological problems that engaged these thinkers revolved around the questions of the validity of the knowledge derived from the sources of jurisprudence: the *Quran*, the sayings attributed to the Prophet (*hadith*), the consensus of the theologian (*ijima*), and justice reasoning by analogy

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[69] In India, the modernist interpretation of Islam became popular among a group of Muslim thinkers following the devastation caused by the Sepoy Rebellion of 1857-59. It was epitomized in Sir Sayyid Ahmad Khan's natural theology and in the different modernist trends of his associates: Chiragh Ali's radical modernism and legal reforms, Shibli Nu'mani's and Amir Ali's rationalist approach toward historical Islam and hagiographical studies, and Mumtaz Ali's feminism. Moaddel, Mansoor. (2005*), Islamic Modernism, Nationalism, And Fundamentalism: Episode and Discourse*, United States: Chicago University Press, pp. 52-74

[70] In Egypt, the Islamic Modernist movement started with Rifa'a al-Tahtawi but gained considerable momentum decades later when Sayyid Jamalludin Afghani organized a circle of Muslim scholars to address the sociopolitical and theological issues facing Islam. It was further reflected in Mohammad Abduh's theological works and Quranic exegesis, in Qasim Amin's reexamination of the status of women in Islam, in Mohammad Farid Wajdi's equation of Islam with civilization, and in Ali Abd al-Raziq's reconsideration of Islamic conception of authority. Ibid, pp. 75-100

(*qiyas*). They resolved to reinterpret the first two sources and to transform the last two in order to formulate a reformist project in light of the prevailing standards of scientific rationality and modern social theory. The prominent intellectuals and theologians, such as, Shah Waliallah Dehlawi, Ibn Abd al-Wahhab, Sayyid Jamalludin Afghani, Sir Sayyid Ahmad Khan, Chiragh Ali, Mohammad Abduh, Amir Ali, Shibli Nu'mani, and their associates and followers presented Islamic theology in a manner with modern rationalist ideas. Some of these thinkers portrayed Islam as compatible with deistic and natural religion. They were impressed by the achievement of the West, ranging from scientific and technological progress, the Newtonian conception of the universe, Spencer's sociology, and Darwinism evolutionism to Western lifestyle.[71] They all argued that Islam, as a religion, was methodically capable of adapting itself to the changing conditions of every age, the hallmark of the perfect Muslim community being law and reason as Quran mentioned.[72] Besides, many *hadith* justify the essentiality of thought and reasoning.[73]

Shah Waliallah considered the monarchy as opposed to early republican tradition of Islam, and the closing of the gate of *ijtihad*, were the causes of the prevailing deterioration of Muslim societies. Shah Waliallah declared that Muslim jurisprudence should be totally subordinated to the *Quran* and the traditions of the Prophet. He insisted that the meaning of *Quran* were accessible to the ordinary audience, and its message was as applicable today as it had been in the days of the Prophet. In his endeavor to make the *Quran* understood, he considered it proper to accept or reject the approved *tafsir* (Quranic exegesis) wisdom from the past. His object was primarily to convey the word of God in translation to the average educated Muslim and secondarily to break the monopoly of the theologian, who had become petty minded and far too preoccupied with externalities of ritual, converting himself into the Muslim counterpart of the Hindu Brahmin. In his reformist efforts to bring the religious law of Islam into the open fully dressed in reason and argument, Shah Walliallah initiated a renewed emphasis on independent reasoning (*ijtihad*) as an exhaustive endeavor to understand

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[71] Ibid, pp. 2-3

[72] "Produce your proof, if you should be truthful" (قل هاتوا برهنكم ان كنتم صادقين), Quran, *Surah An-Naml*: Ayat - 64

[73] "Religion is thought and reason." (الدين هوالعقل); "The one who has no religion then he has no mind too." (ولا دين لمن لا عقل له); "Thinking for a moment is better than seventy years of worship." (تفكر ساعةٍ خير من سبعين سنة عباده) See: Sharyati, Ali. (1381), *Islam Shenasi*, Tehran: Chapakhsh Publication, pp. 35-6

the derivative principles of canon law. This emphasis on *ijtihad* remained Shah Walliallah's main contribution to modernist thinking in India. His work inspired the neo-Mu'tazilite modernism Sayyid of Ahmad Khan, Shibli's scholasticism, and religious reconstruction in the thought of Mohammad Iqbal. In short, his principles of exegesis favored a modernist Muslim approach to the Quran because they cleared the way for the reading of the Quran by the "average educated Muslim." In his sense the effect of Shah Walliallah's principle s resembled the effect of the opening up of the Bible to a wider audience through the Protestant Reform in sixteenth-century Europe.[74]

Connected to Islamic modernism in the early stage of its development, liberal nationalism was a movement that filled the void left in the political intellectual space by the retreat of Islamic orthodoxy and the decline of the absolutist state. Its ideologues addressed perplexing questions related to the constituting elements of the nation and the governing principles of its political institutions. Their nationalism was a new ideological response to the invasion of Western powers in the affairs of their countries. The favorable national integration via cultural and educational reforms, the promotion of indigenous national languages, and the separation of religion and politics. Their democratic discourse, on the other hand, was aimed at checking the arbitrary rule of the monarch. As an emulative project, liberal nationalism adopted a Western conception of nation and Western principles of democratic institutions. Nevertheless, the political movements shaped by this ideology bumped with the West's imperialistic advances.[75]

The predominance of authoritarian and semi-authoritarian regimes in the Muslim world, as well as, the nation and state building projects which followed after the domination of Middle East by the western powers, raised a number of questions as if Islam is compatible with democracy. Despite the prevalence of this question in scholarly, journalistic, and policy circles, there have been very few attempts to systematically measure Muslim attitudes toward democracy or to assess whether there is a single Islamic mindset regarding democratisation. Journalistic answers have always been somewhat cursory, subjective, and normative, failing to let Muslims speak for themselves.[76] It is noteworthy to mention, that ordinary literate Muslims are highly

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[74] Moaddel, Mansoor. (2005, op. cit., pp. 43-4

[75] Ibid, pp. 2-3

[76] A. Fattah, Moataz. (2006), *Democratic Values in the Muslim World*, New Delhi: Viva Books Private Limited, p. 2

influenced by opinion leaders who present ready-made intellectual meal for consumption. Without understanding these "meals," one would ignore a core aspect of the sources of Muslim political knowledge and attitudes. These opinion leaders, through public debates on the relationship between Islam and politics, shaped the cultural repertoire that identifies a set of ideological positions between which ordinary literate Muslims place themselves. However, unlike software manuals, politics is always open to debates between these opinion leaders. Other studies show that these opinion intellectual debates portray a set of visions that ordinary Muslims can hold regarding democracy. Thus, Muslim attitude toward democracy arises out of a learning process and deliberate choices that individuals make from among the opinions presented to them by contemporary opinion leaders. If Muslims are not exposed to various accounts of democracy, most likely they will consume opinion leaders' pre-prepared political interpretations and attitude without critically considering their contents.[77]

With regard to the complication and ambiguity of Muslims' hermeneutical understanding of Islamic holy texts and Quranic exegesis, it lead us to categorize three broad patterns of Muslims attitudes toward Islam and democracy: traditionalists, modernist Islamists, and secularists.[78] These three patterns of thought diverge regarding which aspects of democracy are Islamic - ordained and accepted by Islamic teachings; non-Islamic - did not originate in Islam but are still acceptable in Islam; and un- or anti-Islamic - contrary to Islam and thus unacceptable.

First, 'traditionalist' search for what they perceive as an Islamic government, which is contradictory to what most contemporary academicians and democracy students label democracy.[79] Traditionalists do not see any difference between the values and methods, they justify that "behavior based on belief" and "method based on value". Sayyid Qutb as one of the most dominant opinion leader among traditionalists, rejects democracy as a method for

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[77] Ibid, pp. 7-8

[78] Al-Qaradawi, Yusuf. (2015), *Bayad wa Nabayad Hai Din wa Seyasat*, Translated by Abdul Aziz Salemi, Tehran: Ehsan Publications, pp. 173-76

[79] The traditionalists' most influential opinion leaders are Ayatollah Mussaui Khomeini, Ayatullah Morteza Muhahhari, and Tabah Tabahye from Iran; Hasan al-Banna, Sayyid Qutb, and Shaikh Abdul Hamid Kishk from Egypt; Abu Bakar Bashir of Indonesia; Abul Ala Maududi from Pakistan; Mustafa as-Siba'i from Syria; Abbas Madani, Shaikh Nahnah, and Ali Belhaj from Algeria; and Ibn Baaz of Saudi Arabia. Traditionalists named these people as the most influential opinion leaders in shaping their attitudes toward politics. Though, some of these opinion leaders fluctuating between the traditionalists and modernist due their contradictory views. Mansoor, Abdul Hafiz. (2005), *Deen wa Seyasat [Religion and Politics]*, Kabul: Maiwand Printing Press, (Persian Version), pp.8-9; Moaddel, Mansoor. (2005), op. cit., p. 5; A. Fattah, Moataz. (2006), op. cit., p. 10

political regulation of human society regardless of religious faith.[80] Tabah Tabahye the author of the *Tafser Mezan* (Mezan Exegesis) said:

> Majority vote cannot justify evil against good. Prophets who had started their missions as messenger of God, initially, had to deal with a majority who were doing evils, however, they changed those evil dominated societies into good ones gradually.[81]

Traditionalists argue that democracy, liberalism, capitalism, socialism, communism, fascism, nationalism, and so forth cannot be justified in Islam, either as a means or as a system of values, since it is forbidden for Muslims to imitate the disbelievers or non-Muslims.[82] Traditionalists mentioned some *hadiths* that prohibit Muslims from imitating Jews and Christens.[83] According to al-Zawahiri, democracy is sinful because of its association with non-Muslims. He perceives a label such as "Muslim democrat" to be self-contradictory. According to him, whoever labels himself as a Muslim democrat or a Muslim who calls for democracy is like saying he is a Jewish Muslim or a Christen Muslim.[84]

Traditionalists imposing their custody over the minds of most Muslims and calling any criticism of their authority some type of "intellectual invasion" from the West. Islamists promote nostalgia for a golden past and a rejection of the modern inventions and innovations, thus constraining development of Muslim societies.[85] Traditionalists like Sayyid Qutb of Egypt and his student al-Zawahiri of Al-Qaida claimed that the verse(s) of the sword are chronologically later and thus abrogate and amend earlier verses. Traditionalists present several points to justify their arguments, as below:

- Religion roots in divine, while democracy roots in human society, hence, reconciliation between a holy behest and unholy precept is not possible neither permissible.
- Religious principles are solid and unchangeable, while democracy reject solidity and its principle are changeable according to society preferences.

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[80] Mansoor, Abdul Hafiz. (2005), op. cit., p. 6

[81] Ibid, p. 7

[82] A. Fattah, Moataz. (2006), op. cit., p. 13

[83] You will surely follow the ways, steps, or traditions of those who came before you, span by span and yard by yard; even if they entered a lizard's hole you will enter it. The companion asked, 'Oh Prophet, You mean the Jews and Christens?' So he answered, 'Who else! (Reported by Imam Bukhari.); "He is not one of us, he who imitates others. Do not imitate either the Jews or the Christians." Ibid

[84] Ibid, p. 14

[85] Ibid, p. 21

- Democracy insists on equality of rights among individuals. However, traditionalists believe that it would be a mistake to consider women equal to men, or a literate person with an illiterate one.

- Since God created the world, then He is the one who has the right for setting rules and regulation. Whereas, in a democratic regime, the people act in state of God and establish rules. This is a great difference between Islam and Democracy.

- Democracy insists on the rule of majority (50+1) over minority (49), and this could violate and suppress the rights of the 49 percent of the people in a democratic society.

- "Government of the people, by the people, for the people", is only a slogan in democratic regimes, whereas, there are only dominated political elites who acquire the power through citizens' votes. [86]

In contrast to 'traditionalist', 'Modernist' Islamists search for a modern democratic government that is compatible with Islam, they usually call it "Islamic democracy". [87] Such a state would be different from the ancient state established by the Prophet and his companions in its format and procedures, yet identical to it with respect to its goals and framework. Rashid al-Ghannoushi argued that:

> Democracy has root in Islam, *Haqd*, *bayh-at*, *shura*, and *ijmah*, are the basis of democracy. There is flexibility with democracy that could be adjust with any religion. If democracy could emerge in the Christen world, it can be materialized in the Islamic world too.[88]

Mujtahid Shabestari argued that democracy is a method not an ethnical philosophy. Democracy does not impose an anti-religious behest over an Islamic society. Similarly, Hamid Enayat argued that if democracy means equality, non-authoritarianism, and non-patrimonialism, then Islam is totally compatible with democracy.[89] Yusuf al-Qaradawi as one of the most dominant opinion leaders in the Islamic world, differentiated between 'political democracy', 'economic democracy', and 'social democracy', while, he rejects the last two successively as solely

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[86] Mansoor, Abdul Hafiz. (2005), *op. cit.,* pp.4-6

[87] Most of Sunnis identified Yusuf al-Qaradawi of Egypt and Qatar as the most influential modernists Islamist opinion leader. Some of other names that appeared on the list of opinion leader who have been influential in the shaping of attitudes of modernist Islamist are Mohammad al-Ghazali of Egypt, Mohammad Iqbal of India, Abdul karim Soroush of Iran, Rashid al-Ghannoushi of Tunisia, Abdurrahman Wahid of Indonesia, and President Mohammad Khatami of Iran. A. Fattah, Moataz. (2006), op. cit., p. 10

[88] Mansoor, Abdul Hafiz. (2005), op. cit., p. 9

[89] Ibid

capitalist economy with no ethical boundaries, and the last one as unbridled freedom. However, he still approved 'political democracy' as a method which paves the way for citizens to assign their rulers and regulate them according to public well.[90]

Abdolkarim Soroush believes that modern liberal democratic governments stand in sharp contrast to the religious governments of the past. The religious governments of yore (in the age of the Catholic popes and Moslem Caliphs) supposedly attended exclusively to divine, not human, mandates. At most, they saw people's satisfaction as contingent upon and as a natural by-product of God's satisfaction. Conversely, today liberal democratic governments pursue people's happiness to the exclusion of God's approval.[91] Yet perhaps we can enjoy the freedom of modern democratic government without ignoring the existence of God. According to Soroush, the problem of religious democratic governments is threefold: to reconcile people's satisfaction with God's approval; to strike a balance between the religious and the nonreligious, and to do right by both the people and by God, acknowledging at once the integrity of human beings and of religion. The task of democratic religious government is, obviously, much harder than that of democratic or religious regimes.[92] He further argued that:

> Democracy does not require believers to abandon their convictions, secularize their creed, and lose faith in divine protection. Why should a religion that is free and enthusiastically adopted be cast away? Why shouldn't the believers be allowed to strengthen and spread their belief? The practice that truly violates democracy is not embracing a faith but the imposition of a particular belief or punishment of disbelief. Needless to say, these practices are impermissible and undesirable in a democratic religious government.[93]

Soroush argued that, democracy, regardless of the way it is defined by many philosophers as dictatorship of majority or the rule of minority in the name of majority, however, democracy, is a form of lawful government that seeks to curtail the arbitrary excesses of lawbreakers, it induces people to curb some of their appetites in order to attain security and prosperity. He considers the plurality of religions and schools of thought in religious jurisprudence as a proof of religious tolerance and compatibility of religious society with democratic pluralism.

Modernist Islamists have resorted to the religious approval of consultative assemblies (*shura*), the principle of consensus (*ijma*), the primacy of the common good of the faithful and the public

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[90] Al-Qaradawi, Yusuf. (2015), op. cit., pp. 170-71

[91] Though, Soroush believes that democracy is designed to avoid the accumulation of power by a few, while it supports repletion of capital that consequently lead to agglomeration of power by a few. See: Mansoor, Abdul Hafiz. (2005), op. cit., p. 8

[92] Soroush, Abdolkarim.(2000), *Reason, Freedom, and Democracy in Islam*, New York: Oxford University Press, p. 122

[93] Ibid, p. 135

interest (*maslahat*), and the innovative jurisprudence (*ijtihad*) as evidence of the presence of democratic ideals within religion and religious society.[94] Nonetheless, this has been rejected by both traditionalist and secularists. They believe that Islamic *shura* is quite different from the democracy – democracy stipulates that the rule of people should be assumed by people; people should draft their own constitution and law; and people are the judicial authority that judges among people through the application of positive laws. Nevertheless, the system of Islamic *shura* has a different perception – *shura* in Islam based on the fact that rule is Allah's rules revealed to the Messenger of Allah. Adherence to that rule is the basis of faith. Scholars are the people of power and decision. They come at the top of the people of *shura*. Given Allah's rules, scholars have nothing to do in their consultation but to work diligently to prove the text, understand accurately and draw systematic plans for application.[95] Whereas, the democratic system can be easily circumvented through the control by certain powers of parties over the political action in a country. Thus, this or that party would impose its view on the nation. This Islamic *shura*, however, makes domination for Allah only. It prioritize Allah's rules over any other provisions and legislation. This leads to the emergence of men living in the company of Allah.[96]

Modernist Islamists, for their part, reject the idea of abrogation and think of various verses as directions that were given for different occasions. Thus, modernist Islamists like Abo al-Magd, al-Ghannouchi, al-Qaradawi, Mohammed Arkoun, Anwar, and Howaidi would not think that the verses from chapter nine *Sura al-Tawba*[97] had actually abrogated 120 other verses that were revealed earlier to show the way toward peaceful coexistence of Muslims with non-Muslims.[98] They refer to the following verses of Quran:

> Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly. Allah only forbids you from those who fight you because of religion and expel you from your homes and aid in your expulsion – [forbids] that you make allies of them. And whoever makes allies of them,

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[94] Ibid, p. 143

[95] Maududi, Abul Ala. (2011), *Khilafat wa Malukyat*, Kabul: Maiwand Printing Press, p. 76

[96] Al-Sulami, Mishal Fahm. (2005), *The West and Islam: Western Liberal Democracy versus the System of Shura*, Londan and New York: Routledge Curzon, p. 86

[97] Fight those who do not believe in Allah or in the Last day and who do not consider unlawful and who do not adopt the religion of truth from those who were given the Scripture – [fight] until they give the jizyah willingly while they are humbled.) *Sura al-Tawba*, Ayat – 29.

[98] A. Fattah, Moataz. (2006), op. cit., p. 16

then it is those who are the wrongdoers.[99]

Those who believe and those are Jew and Christians, and Sabians, whoever believes in Allah and the Last Day and do righteous good deeds shall have their reward with their Lord, on them shall be no fear; shall they grieve.[100]

There is no compulsion in religion. The truth stands out clear from error.[101]

We have not sent you [O Mohammad] except as a mercy for the worlds.[102]

O you people we have created you from a male and a female and made you into nations and tribes that you may know each other. The best among you is the most pious.[103]

Burhanuddin Rabbani the ex-president of Afghanistan and head of the *Jamiat-e Islami Afghanistan*, argued that, "the freedom mentioned in western democracy is lesser than the freedoms has given by Islam. Democracies articulated only the outward and materialistic dimension of freedom, however, Islam considered the spiritual and moral sides too." Rabbani stated that if Afghanistan want to establish a democratic regime, then it should be trim and adjust in a way to not violate the religious and indigenous values of Afghanistan's society. However, blindly imitation of the western democratic models will bring no prosperity to Afghanistan, in state, it may lead the country to disaster.[104]

Modernists like al-Qaradawi think that Muslim rulers are not infidels even if they do not apply *sharia*.[105] Al-Ghazali praised the 1923 Egyptian constitution that was mainly imported from the West as practically more Islamic than most of the so called Islamic constitutions. According to modernists, a mature Muslim may pick and choose what is compatible with his or her ethics and creed. Prophet and his companion took up many worldly conventions, from Persian, Roman, and Egyptians, as long as they did not contradict the holy texts. "Wisdom is the wondering goal of believer. Wherever he finds it, he will be the first to follow it."[106] Muslims cannot refute the wisdom that may exist in the books of the people of falsehood, tradition and novelty does not reject modernity,

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99 Quran, *Surah Al-Mumtahanah*, Ayat - 8, 9

100 Ibid, *Sura Al-Baqara*, Ayat - 62

101 Ibid, *Sura Al-Baqara*, Ayat - 256

102 Ibid, *Sura Al-Anbiya*, Ayat - 107

103 Ibid, *Sura Al-Hujurat*, Ayat - 13

104 Mansoor, Abdul Hafiz. (2005), op. cit., pp. 7, 8

105 A. Fattah, Moataz. (2006), op. cit., p. 16

106 Ibid, p. 18

they can still combine in fruitful ways to promote each other.

According to modernists, the main problem in the Islamic societies is due to the misunderstanding of the concepts that has created the root of puzzles and hampered the improvement of the modernity in the Islamic societies. According to al-Qaradawi, ingenuity and novelty by no means rejects modernization, newness, creativity, and inspiration. However, it rejects falsification, replication, and forgery. There is a huge difference between modernization, creativity, inspiration and on the other side, falsification and forgery. Imitation could be fine, as long as it is beneficial and meets the genuine needs of any society. Conversely, if imitation turns as means of simulation and duplication, it might be proven unfavorable and destructive. Meanwhile, tradition and modernity are not absolute concepts, what is considered traditional and old today was new yesterday, and what is recognized new and modern presently, might be counted as old the next day. Hence, the criteria to justify good or evil need to be the essence of the phenomenon itself, rather than the context of time as ancientness and modernity.[107] However, this learning must not violate or contradict the fundamental of Islam. That is why they may accept Western technologies and institutions but not some principles as separation of mosque and state, which contradicts the oneness of religion and state in Islam and assume conflict between them. Unlike secularists, modernists wish to advocate "modernization without encouraging servility to the West and discouraging confidence in one's own cultural resources."[108]

However, 'Secularist' responds do not worry about how compatible their ideal system is with Islamic labels, since they consider that Islam, or any religion for that matter, can be used to justify any form of government. [109] In the same vein, secularists can be divided between autocratic statists and liberal pluralist Islamists, based on their position on political plurality. Both traditionalist Islamists and statist secularists reject democracy, the former for religious reasons and the later on secular grounds. Modernist Islamists and pluralistic secularists accept democracy but for different reasons. The former perceive it to be a modern mechanism to apply the Islamic principle of *shura*, the latter perceive it as a political necessity to achieve their liberal goals. It is important to note that traditionalists and modernists are both Islamists and have similar assumptions and doctrines regarding the role of Islam in Politics. For both schools

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[107] Al-Qaradawi, Yusuf. (2007), *Asalat Wa Naw Garaye Dar Fiq Isalami*, Translated by Mohammad Amin Ali Pur, Tehran: Ehsan Publication, pp. 34-44

[108] A. Fattah, Moataz. (2006), op. cit., p. 19

[109] Some other most well-known names are Mahathir Mohammad of Malaysia, Sayed al-Ashmawi of Egypt, Ahmad Baghdadi of Kuwait, Mohammad Arkoun of Algeria, Mohammad Ali Jinnah of Pakistan, and Yadollah Sahabi of Iran. It is noteworthy that the pervious names were not the only names mentioned by the studied respondents and participants, but they were the most commonly mentioned opinion leaders. Ibid, pp. 9-11

of thought, Islam is both religion and state.[110] Modernist Islamist, however, combines deduction from holy texts with inductive *Ijtihad* (independent, reasoning), and perceives democracy as modern extension of the great Islamic principle of *shura*.[111]

Secularists believe that Karl Marx, Immanuel Kant, John Locke, Niccole Machiavelli, J.J. Rousseau are more acceptable source of knowledge and virtue than most of the ancient scholars of Islam because of the capacity of these western thinkers to set the human mind free from the chains of the Christian Church. They think similar reform is needed in the Muslim mind too.[112] Statist secularists oppose and fear Islamists (traditionalists and modernists) more than they respect democratic principle and procedures. They argue that if real democracy were allowed in Muslim countries, the public could be easily mobilized by Islamists who might give lip service to democracy but would not really be committed to it. Even those who are committed to democratisation, have found it difficult to discover leaders who recognize the importance other than as a means to achieve their own dominance. Islamist organizations like *Ennahda* in Tunisia and the *Muslim Brotherhood* in Egypt that have played by democratic rules, are often accused by using democracy instrumentally to gain power; their real agenda remains creation of illiberal theocratic states. The rise of

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[110] It is worth noting that Abul Ala Maududi of Pakistan and Imam Khomeini of Iran, more than any other names, were named by both modernists and traditionalists as their most influential opinion leaders - Mention by both modernists and traditionalists appears to be an inconsistent. This inconsistency should be understood in frame of the writings of these *ulama*. Abul Ala Maududi has inconsistent positions that make him both traditionalist and modernist. For instance, he in his book titled "concepts of Islam Regarding Religion and State", he could be classified as modernist who respects the rights of minorities and democratic procedures, such as, election, voting, and representation. Yet in some of his other books that were written during the same period, such as, "Islam and Modern Civilization" (1977) and "Islam Facing Modern Challenges"(1980), there is clear tendency to attack democratic principles and values and the same mechanisms that he praised elsewhere, such as, elections and majority rule. Khomeini, similarly, can be used to illustrate both a very traditionalist theological pattern of thinking and a very modernist perspective – the latter because he argues for democratic procedures and respect for basic human rights. However, other times he stated the opposite, for instance, in 1977 he was quoted as stating that "the real threat to Islam does not come from the Shah…the real threat comes from the idea of imposing on Muslim lands the Western system of democracy, which is a form of prostitution." Taheri, Amir. (January 2003), Democracy in Arabia, *Wall Street Journal Europe*. However, he was also quoted as urging Iranians to participate in the "heavy responsibility" of electing the presidents and members of the *Shura* Council as part of their Islamic obligations (Esposito 1996, p.24) similarly, Kuwaiti Islamists act as modernists when they participate in elections and form the majority of the Kuwaiti parliament, yet they always object to women's enfranchisement based on verbatim interpretation of Islamic teaching and local tribal rhetoric. Ibid.

[111] Two different versus of Quran mentioned about the principle of *shura*: "…So pardon them and ask forgiveness for them and consult them in the matter…" (وشاورهم فى الامر) , *Surah Ali Imran*, Ayat -159 ; "…and whose affair is [determined by] consultation among themselves…" (امرهم شورى بينهم) , *surah Ash-shura*, Ayat - 38

[112] Ibid, p. 20

these groups has provoked conservative authoritarian governments to crack down on them, leading to politics that is polarized between tow nondemocratic alternatives.[113]

The Arab spring started as a new generation's uprising for liberal democracy. It was soon shouldered aside, disrupted, or crushed. Exhilaration turned into paralysis. The existing political forces, embedded in the military and in religion in the countryside, proved stronger and better organized than the middle-class element demonstrating for democratic principles in Tahrir Square. The original Arab Spring demonstrator's calls for an open political and economic life have been overwhelmed by a violent contest between military backed authoritarianism and Islamist ideology. In power, the Islamist government concentrated on institutionalizing its authority by looking the other way while its supporters mounted a campaign of intimidation and harassment of women, minorities, and dissidents. The military's decision to oust this government and declare a new start to the political process was, in the end, welcome even among the now marginalized, secular democratic elements.[114] Thus, once allowed, free and fair election would mean the end of democracy. The statists' best bet, then, is to guide and minimize liberalization. In Central Asia, elections, even when reasonably free, as in Kyrgyzstan and Kazakhstan, have resulted in strong executives, weak legislatures, and judiciaries, and few civil and economic liberty. In the Islamic world, from the Palestinian Authority to Iran, Pakistan, and Afghanistan, democratisation has led to an increasing role for authoritarian and theocratic politics, eroding long-standing traditions of secularism and tolerance.[115]

The danger of premature democracy: according to statist secularist, Muslims are not ready for democracy; illiteracy, tribalism, apathy, emotionalism, and nostalgia combine to keep conditions unfavorable for it. As in case of Afghanistan and Iraq, the premature democracy led to domestic chaos and inter-ethnic and religious arm conflict and rigid rivalries. The conception of democracy as rule of majority over the minorities led to the exploitation of political authority by the dominant ethnic and religious groups in these countries. The statist rulers argue that instead, they were inherited from the distorting experience of colonialism, which led to urbanization without industrialization,

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[113] Fukuyama, Francis. (2014), op. cit., p. 433
[114] Kissinger, Henry. (2014), op. cit., pp.123-4
[115] Zakaria, Fareed. (Nov. – Dec., 1997), op. cit., p. 27

education without productivity training, secularization without scientific inquiry, and capitalist greed without capitalist discipline. [116] According to statists, democracy requires time, and it is not necessarily the immediate task of the moment. A former Jordanian Prime Minister argued that

> Democracy is an evolving being; it is born and grow ups up. It is never created all at once. Whoever asks for something prematurely will be punished by not getting it. The baby that is born bigger than its natural size will die, or the mother will die, or both will die.[117]

Hosni Mubarak of Egypt has been quoted as saying:

> We are providing doses of democracy in proportion to our ability to absorb them.[118]

Fukuyama argues, whether political Islam will remain a permanent obstacle preventing the emergence of liberal democracy in Muslim majority countries is not so obvious, any more than an assertion that nationalism makes democracy impossible in Europe. Political Islam has waxed and waned over the decades, and in the twentieth century it often took a backseat to other movements based on secular nationalism or liberal authoritarianism.[119] Radical Islam seems likely that its current expansion is due more to the social conditions of contemporary Middle East societies than to the intrinsic nature of the religion. Indeed, the spread of political Islam can be seen as a form of identity politics very comparable to its nationalist variant in Europe. Nationalism was a response to the identity dislocation that occurs as societies modernize and transitional from the small village to the large city. It occurs primarily in modernizing countries, where the narrow old forms of identity based on kinship and locality disappear and are replaced by more Universalist doctrines linking individuals to broader cultural movements. The rise of modern Islamism responded to very similar imperatives in the Middle East, where religion plays the role that nation played in Europe. So, just as the nineteenth century European impulse towards democracy got diverted into nationalism,

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[116] Ibid, pp. 22-3

[117] Rawabda, Abdulraouf al. (2003), *Forum on Democracy in the Arab World*, (Arabic: *Al-Democrateya fi al-Watan al-Arabi*), [Online: Web], Access August 2016, URL, www.aljazeera.net/program/opinions/articles/2001/11/11-29-6.htm.

[118] Kassem, Maye. (1999), *In The Guise of Democracy: Governance in Contemporary Egypt*, London: Ithaca, p. 54

[119] Fukuyama, Francis. (2014), op. cit., p. 434

so the Middle Eastern popular mobilization risks being hijacked by religion.[120]

4. ECONOMIC DEVELOPMENT AND DEMOCRATIC TRANSFORMATION

What is the connection between economic development and democracy? Do people's values somehow magically flip over to favor democracy when they achieve a certain level of well-being? The statistical correlations linking development and democracy provide no insight as to specific causal mechanisms that connect the two. Within all these correlations, there are many exceptions: for example, according to this view, impoverished India should not be a stable democracy, yet wealthy Singapore should.[121] The relation between economic development, on the one hand, and democracy and democratisation, on the other hand, is complex and probably varies in time and pace. Economic factors have significant impact on democratisation but they are not determinative. An overall correlation exists between the level of economic development and democracy, although, no level of economic development is in itself either necessary

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[120] Ibid, pp.434-5
[121] Ibid, p. 402

or sufficient to bring about democratisation.[122] Democratic institutions are driven by multiple causes, but one of the most important centers on economic change. Economic growth is linked to democracy in a multistage process, as it engenders social mobilization by spreading the division of labor, and social mobilization in turn produces demands for both rule of law and greater democracy.[123]

Eighteenth century political theorists argued that wealthy countries were likely to be monarchies, while poor countries would be republic or democracy. This was a plausible hypothesis for agrarian societies. Industrialization, however, reversed the relation between level of wealth and form of government, and a correlation between wealth and democracy emerged in nineteenth century. It has remained strong. Most wealthy countries are democratic and most democratic countries are wealthy - India is the most dramatic exception. Though, the democratic attribution of Indian society is more attached to its historical democratic socio-political structure.[124]

Some political theorists considered "source of income" and "composition of wealth" as an important determination of correlation between economic development and democracy. According to them, in societies, where the elite invested heavily in land, they act rather in opposition to democracy, while in societies, where the elite investments in physical and human capital act in favor of democracy. They argue that there are likely to be three major differences in the attitudes of landowners and capital owners toward democracy and non-democracy. First, land is easier to tax than physical and human capital. Therefore, landowners have more to fear from democratic regime than from non-democratic regime. It makes them more adverse to democracy. Second, social and political turbulence may be more damaging to physical and human capital owners, who have to rely on cooperation in the workplace and in the trading process. This will make landowners more willing to use force to preserve the regime that they prefer. Third, different sets of economic institutions are feasible in a predominantly agrarian economy, and these influence the relative intensity of elites and citizens preferences over different regimes. For instance, labor-repressive institutions such as slavery are more efficient with agricultural technology than these are in industry. This implies that democracy is worse for elites, since the changes in collective choices that it brings will undermine their preferred

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[122] Huntington, Samuel P. (2010), op. cit., P. 59

[123] Fukuyama, Francis. (2014), op. cit., p. 410

[124] Fareed Zakaria argued that India semi-liberal democracy has survived because of, not despite, its strong regions and varied languages, cultures, and even casts, but the pluralism in the past helps ensure political pluralism in the present. See: Zakaria, Fareed. (Nov. – Dec., 1997), op. cit., p. 33

set of economic institutions. All three considerations imply that democratisation will be more likely in a more industrialized society, where the elite own significant physical and human capital, than in a more agricultural society, where the elite have mainly invested in land. Put differently, democracy is more likely when the elite are industrialists than when they are landowners.[125]

Here the main question is, why did economic development and the movement of countries into the upper-middle income levels promote democratisation? The evidence suggests that sheer wealth itself may not have been a crucial factor. Iran and Iraq were in the transition zone but did not democratize. Three small - population oil producers Saudi Arabia, Libya, Kuwait are undemocratic, although they have had per capita GNPs over $4,000,[126] ranking well up among the wealthy countries. The implication is that broad-based economic development involving significant industrialization may contribute to democratisation but wealth resulting from the sale of oil (and, probably, other natural resources) does not. Oil revenues accrue to the state: they therefore increase the power of the state bureaucracy and, because they reduce or eliminate the need for taxation, they also reduce the need for the government to solicit the acquiescence of its subjects to taxation. The lower the level of taxation, the less reason for publics to demand representation. "No taxation without representation" was a political demand; "no presentation without taxation" is a political reality.[127]

In contrast to patterns in the agrarian and oil economic based states, processes of economic development involving significant industrialization lead to a new, much more diverse, complex, and interrelated economy, which becomes increasingly difficult for authoritarian regime to control. Economic development, industrialization, urbanization, the emergence of bourgeoisie and of a middle class, the development of a working class and its early organization, and the gradual decrease in economic inequality, all seem to

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[125] Robinson, James A. (2006), *Economic Development and democracy*, Annu. Rev. Polit. Sci. 9:503 - 27, p. 509-10, [Online: Web], Access March 2016, URL, http://scholar.harvard.edu/jrobinson/files/jr_econdevelopment.pdf

[126] The Gross Domestic producer per capita in Saudi Arabia was last recorded at 21312.82 US dollars in 2015. The GDP per Capita in Saudi Arabia is equivalent to 169 percent of the world's average. GDP per capita in Saudi Arabia averaged 18410.95 USD from 1968 until 2015. And the United Arab Emirates show 39543.71 USD dollars in 2015. And Libya has fluctuated between 11934 USD dollar and 4509 USD dollar since 1968, however, the last figure as of 2015 shows 5449.03 USD dollar as the GDP per capita in Libya. [Online: Web], Access April 2016, URL, http://www.tradingeconomics.com/saudi-arabia/gdp-per-capita

[127] Huntington, Samuel P. (2010), op. cit., pp. 64-5

have played some role in the movement toward democratisation. In the anonymous city, people become more mobile, live in more diverse and pluralistic societies, and have fluid identities that are no longer determined by the customs of the village, tribe, or family. These novel social relationships give rise, as we will see, to new forms of identity like nationalism, or to new form of universalistic religious affiliation. It is social mobilization that lays the ground for changes in political institutions. In addition to economic growth and social mobilization, there is an evolution in ideas concerning legitimacy. Legitimacy represents a broadly shared perception that certain social arrangements are just. Ideas regarding legitimacy evolve over time. This evolution is sometimes a by-product of changes in the economy or society, but there are numerous junctions at which they act as independent drivers of the other dimensions of development.[128]These were also, generally, countries where the intellectual ethos was shaped, in some measure, by Locke, Bentham, Mill, Montesquieu, and the impact of the ideals of the French Revolution. In the British settler countries - the United States, Canada, Australia, New Zealand - many of these same factors were at work, enhanced by much greater economic opportunities, the weakness of existing status systems, and the more equal income distribution that was possible in frontier societies.[129]

Economic development created new sources of wealth and power outside the state and a functional need to devolve decision-making. More directly, economic development appears to have promoted changes in social structure and values that, in turn, encourage democratisation. (1) The level of economic well-being within a society itself, it has been argued, shapes "the values and attitudes of its citizens," fostering the development of feelings of interpersonal trust, life satisfaction, and competence, which in turn, correlate strongly with the existence of democratic institutions.[130] (2) Economic development increases the levels of education in society. Between 1960 and 1981 the proportion of the relevant age group attending secondary school in developing countries increased dramatically.[131] More highly educated people tend to develop the characteristic of trust, satisfaction, and competence that go with democracy. (3) Economic development makes greater resources available for distribution among social

[128] Fukuyama, Francis. (2014), op. cit., p.41

[129] Huntington, Samuel P. (2010), op. cit., p. 39

[130] Inglehart, Ronald. (December 1988), The Renaissance of Political Culture, *American Political Science Review*, No.82, pp. 1215-20

[131] World Development Report 1984, *World Bank*, New York: Oxford University Press, pp. 266-67

groups and hence facilitates accommodation and compromise. (4) Economic development in the 1960s and 1970s both required and promoted the opening of societies to foreign trade, investment, technology, tourism, and communications. Involvement of a country in the world economy created nongovernmental sources of wealth and influence and opened the society to the impact of the democratic ideas prevailing in the industrialized world. (5) Economic development promotes the expansion of the middle class: a larger and larger proportion of society consists of businesspeople, professionals, shopkeepers, teachers, civil servants, managers, technicians, clerical and sales workers. Democracy is premised, in some measure, on majority rule, and democracy is difficult in a situation of concentrated inequalities in which a large, impoverished majority confronts a small, wealthy oligarchy. Democracy may be possible in a relatively poor agricultural society, such as early nineteenth century United States or twentieth century Costa Rica, where land ownership is relatively equal. A substantial middle-class is not necessary a force for democracy. At times in Latin America and elsewhere, middle class groups acquiesced in or actively supported military coups designed to overthrow radical governments and to reduce the political influence of labor and peasant organizations. As the process of modernization continued, however, rural radical movements had decreasing leverage on the political process, and the urban middle class increased in size compared to the industrial working class. The potential threats democracy posed to middle class groups thus declined, and those groups became increasingly confident of their ability to advance their interests through electoral politics.[132]

Studies have shown high correlations between various social and economic factors and the existence of democratic institutions. As Dankwart Rustow has emphasized, a genetic explanation differs from a functional one. Almost all wealthy countries are democratic and almost all democracies are wealthy. That correlation alone says nothing about causation, and if the democracies were wealthy for a considerable length of time before they became democratic, then wealth, by itself, is probably not a sufficient explanation of their transition from nondemocratic to democratic politics. Similarly, historically a high correlation has existed between religious hermeneutic and democracy. To explain change in dependent variable normally requires some form of

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[132] Huntington, Samuel P. (2010), op. cit., pp. 64-6

change in the independent variable. In another words, the cumulative effect of the independent variable over time eventually produces changes in the dependent variable. Change in this sense is obviously much more likely to have political effects when it involves independent variables such as economic and social trends rather than others.[133]

The dependent variable is not only dynamic; it is also complex. People sometimes assume that doing away with a dictatorship leads to the inauguration of a democracy. In fact, however, nondemocratic regimes are more likely to be replaced by other nondemocratic regimes than by democratic ones. In addition, the factors responsible for the end of a nondemocratic regime may differ significantly from those that lead to the creation of a democratic one. The economic failure of an authoritarian regime may undermine that regime, but the economic success of an authoritarian regime may be more likely to create the basis for a democratic regime. Circumstances that contribute to the initial establishment of a democratic regime also may not contribute to its consolidation and long-term stability. At simplest level, democratisation involves: the end of an authoritarian regime; installation of democratic regime; and the consolidation of the democratic regime. Different and contradictory causes may be responsible for each of these three developments.[134]

Analyzing the independent variable, the possible causes of democratisation, also poses problems. Political elites alter or overthrow authoritarian regimes and install and consolidate democratic ones. They are presumably acting in term of their interests, values and goals as they see them. If they want democracy, they will produce and get democracy. Or as Rustow put it, the creation of democracy requires that elites arrive at "procedural consensus on the rules of the game." This focuses on what is probably the most important mediate and significant explanatory variable: the beliefs and actions of political elites. It is a powerful explanatory variable but not a satisfying one. Democracy can be created even if people do not want it. So it is perhaps not tautological to say that democracy will be created if people want democracy, but it is close to that.[135] However, some scholars suggest that democracy is more likely to be created under the following two conditions:

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[133] Ibid, pp. 34-5
[134] Ibid
[135] Ibid

- When there is sufficient social unrest in a nondemocratic regime that cannot be defused by limited concessions and promises of pro-citizens policies. The living conditions of the citizens in nondemocratic regimes, the strength of civil society, the nature of the collective action in nondemocratic regimes, and the details of nondemocratic political institutions could be determinative factor on what types of promises by the elite could be credible;

- When the costs of democracy anticipated by the elite are limited, so that they are not tempted to use repression to deal with the dissatisfaction of the citizens under nondemocratic regime. However, these costs may be high when inequality is high, when the assets of the elite can be taxed or redistributed easily, when the elite have a lot to lose from a change in economic institutions, and when it is not possible to manipulate the form of the nascent democratic institutions to limit the extent to which democracy is inimical to the interests of the elite.[136]

The multiplicity of theories and the diversity of experience suggest the probable validity of the following propositions: no single factor is sufficient to explain the development of democracy in all countries or in a single country; no single factor is necessary to the development of democracy in all countries; democratisation in each country is the result of a combination of causes; the combination of causes producing democracy varies from country to country; the combination of causes generally responsible, for one wave of democratisation differs from that responsible for other waves; the causes responsible for the initial regime changes in a democratisation wave are likely to differ from those responsible for later regime changes in that wave.[137] Reflecting on the diversity of societies that have democratic governments, Myron Weiner concluded that to explain democratisation one should look at the strategies available to those who seek a democratic revolution. This advice appropriately highlights the crucial role of political leadership and political skill in bringing about democracy. It should not, however, lead to a total rejection of broader, contextual, social, economic, and cultural factors in explaining democratic development. A chain or funnel (choose your metaphor) of causation existed; and international, social, economic, cultural, and most immediately, political factors all operate, often in conflicting ways, either to facilitate the creation of

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[136] Robinson, James A. (2006), op, cit.

[137] Huntington, Samuel P. (2010), op. cit., p. 38

democracy or to sustain authoritarianism.[138]

5. PRESIDENTIAL VS PARLIAMENTARY FORMS OF DEMOCRATIC GOVERNMENT

There are two basic forms of democratic government – the parliamentary system and another is the presidential system. In the parliamentary system, the government depends on the confidence of legislature in order to exist. Whereas in the presidential system, the head of government (president) serves for a fixed term; hence, the executive and the legislature are independent from one another. In parliamentarism, a legislative majority may remove the government from office – either by passing a vote of no confidence in the government or by rejecting a vote of confidence initiated by the government. When this happens, one of two things takes place: either a new government is formed on the basis of the existing distribution of legislative seats or, if this proves impossible, new elections are held. However, in presidentialism no such mechanism exists for removing the government. The head of the government may or may not be chosen by the legislative body, but once chosen, that is for a fixed term in office. Hence, the head of the government cannot be removed from office even if he or she favors policies by the legislative majority.

One of the questions that have caused many scholars to do research in recent years is, whether the difference in longevity between parliamentary and presidential democracies is due to the intrinsic features of the respective systems or rather due to the conditions under which these systems emerged and functions? In explanations based on the intrinsic features of parliamentarism and presidentialism, survival is endogenous to the form of government. Such theories spell out causal chains beginning with the separation of powers that define presidentialism, drive the claim that this system is prone to irresolvable conflict, and conclude that such conflict undermines democratic institutions.

The supporters of Presidential system argued that the intrinsic features of presidentialism are not the reason why presidential democracies are more prone to break down. In line with those who have advanced 'exogenous' explanations, Antonio Cheibub explains that the reason for the instability of presidential democracies, lies in the fact that presidential institutions tend to exist in countries that are also more likely to suffer from dictatorships led by the military. Democracies that are preceded by military dictatorships are more unstable than those that are

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[138] Ibid, pp. 38-9

preceded by civilian dictatorships; in turn, presidential democracies are more likely to follow military dictatorships.[139]

> The problem of presidential democracies is not that they are 'institutionally flawed'. Rather, the problem is that they tend to exist in societies where democracy of any type are likely to be unstable. Fears stemming from the fact that many new democracies have 'chosen' presidential institutions are therefore unfounded.[140]

Cheibub argues that, from a strictly institutional point of view, Presidentialism can be as stable as parliamentarism – given that constitutional frameworks, once adopted, are hard to change. It follows that striving to replace them may be wasteful form a political point of view. It would be misguide of resources to attempt to change an institutional structure on the grounds of democratic stability when the source of instability has nothing to do with the structure. [141] Nonetheless, the supporter of parliamentarism argued that the presidential constitutions, contrary to parliamentary ones, are supposed to provide few or no incentive for coalition formation. According to Scott Mainwaring and Scully, the presidential system lacks the institutional mechanisms of coalition building that exist in parliamentary democracy.[142] Parliamentarism develops many incentives over time to produce coalitional majorities. Whereas presidentialism has far fewer coalition-including incentives.[143] It is also argued that the parliamentary regimes are based on a political logic that urges cooperation and consensus within the context of coherent policies." [144] The critics of presidentialism brought three main reasons to justify, why presidential democracies would lack incentives for coalition formation?

- The first reason comes directly from the principle of separation of powers. The president's survival in office does not depend on any kind of legislative support, a president need not seek the cooperation of political parties other than his or her own; moreover, parties are not committed to supporting a government even if they join it. As Mainwaring and Scully argued that in the 'parliamentary system', party coalitions generally take place after the election and are binding; in [presidential

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[139] Cheibub, J. Antonio. (2007), *Presidentialism, Parliamentarism, and Democracy*, UK: Cambridge University Press, p. 2-3

[140] Ibid, p. 3

[141] Ibid

[142] Mainwaring, Scott and Scully, Timothy R. (1995), Introduction: Party Systems in Latin America, in Scott Mainwaring and Timothy R. Scully (eds.) *Building Democratic Institutions: Party Systems in Latin America*, United State: Stanford University Press, p. 33

[143] Linz, Juan. J and Alfred Stepan. (1996), *Problems of Democratic Transformation and Consolidation: South Europe, South America, and Post-Communist Europe*, Baltimore: John Hopkins University Press, p. 181

[144] Cheibub, J. Antonio. (2007), op. cit., p. 8

system] they are often arranged before the election and are less binding after it. Executive power is not formed through post-election agreements among parties and is not divided among several parties that are responsible for governing, even though members of several parties often participate in cabinets. Parties or individual legislators can join the opposition without bring down the government, so a president can finish his/her term with the little congressional support.[145]

- The nature of presidential election also gives presidents incentives to avoid seeking cooperation. Cooperation requires compromises and possible the modification of one's position in order to accommodate eventual partners, a situation that presidents may well resist. Presidents, after all, run in national districts – unlike legislators, who often have a more parochial base of representation. Presidents are thus in a position to claim that they are the rightful interpreters of the national interests, superseding legislators' partial and parochial perspectives. Because presidents believe they have independent authority and a popular mandate, they may view the opposition as exasperating and demoralizing and hence may be less inclined to seek its cooperation when needed.[146]

- Presidential politics is a zero-sum, winner-take-all affair, which is hardly conductive to cooperation or coalition formation. In presidential regimes the presidency is the highest prize in the political process. Because the presidency is occupied by a single person, it is not divisible for the purposes of coalition formation. In another words, the parliamentary systems have collective or collegial executives whereas presidential systems have one-person, non-collegial executives. As a consequence, the winning candidate wins all executive power that is concentrated in presidency and it is 'loser loses all' for the defeated candidate, who usually ends up with no political office at all and often disappears from the political scene altogether.[147] Politics, therefore, revolves around capturing the presidency to the exclusion of other political parties. Whereas, parliamentary politics is cabinet politics and, as a consequence, the government can be partitioned to accommodate

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[145] Mainwaring, Scott and Scully, Timothy R. (1995),op. cit., p. 33

[146] Linz, Juan. J. (1994), Presidential or Parliamentary Democracy: Does it Make a Difference?, in Juan J. Linz and Artuo Valenzuela (eds.), *The Failure of Presidential Democracy: The Case of Latin America*, Baltimore: Johns Hopkins University Press, P. 3-90

[147] Lijphart, Arend. (2004), Constitutional Design for Divided Societies, *Journal of Democracy*, Vol. 15, No. 2, pp. 7-8

a plurality of political parties. Politics under parliamentary system is best characterized as a mixed-motive, positive-sum game among political parties.

Presidentialism operates against the formation of coalitions, for this reason, the very notion of majority government is problematic in presidential system without a majority party. Even if coalition were to form under presidentialism, they would be fragile and composed of undisciplined parties incapable of offering reliable legislative support to the government. Hereby, the absence of disciplined parties is an unavoidable result of the presidential system. According to Juan. J. Linz:

> The idea of a more disciplined and 'responsible' party system is structurally in conflict, if not incompatible, with pure presidentialism…the weakness of parties in many Latin American democracy…is not unrelated to the presidential system but, rather, [is] a consequence of the system.[148]

Linz argued that, while the incentive structure in parliamentary system encourages party discipline and therefore consolidation of party organizations, presidential systems have no such incentives for party loyalty, except where there are well-structured ideological parties."[149] The key to this argument is the notion that the threat of government dissolution and early elections – absent, by design, in presidentialism – is necessary and sufficient to induce party discipline. Nonetheless, under parliamentarism, undisciplined parties may mean a failure to obtain majority support in parliament, the defeat of government bills, and consequently the fall of the government. In order to remain in government can be counted on to support the bills proposed by the government. Individual legislators, in turn, have an incentive to support the government in order to prevent the occurrence of early elections in which they might lose their positions. Under presidentialism, since the government and the legislature are independently constituted, office-seeking political parties have no reason to impose discipline on their members; since, their survival in office does not depend on the result of any particular vote in the legislature. Individual members of legislation also lack any incentive to accept the discipline of political parties, since there is no provision for early elections that could remove the wayward representatives from office.[150]

> The separation of powers that characterizes presidentialism, implies low level of party discipline. Even a president lucky enough to being to a party that controlled a majority

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[148] Linz, Juan. J. (1994), op. cit., p. 35

[149] Ibid, pp. 41-2

[150] Cheibub, J. Antonio. (2007), op. cit., p. 10

of congressional seats could not necessary count on the support of that majority when governing.[151]

Contrary to presidentialism, the fusion of power that characterizes parliamentary regimes generates incentive for individual legislators and political parties to cooperate with the government, resulting in a high level of party discipline. Similarly, under parliamentarism, political parties have an incentive to cooperate with one another. Parties in government will support the executive, and parties out of government will refrain from escalating any conflict because they may, at any time, become part of the government; individual members of parliament, in turn, will align themselves with their parties. The consequence is that parliamentary governments are supported by a majority composed of highly disciplined parties that are prone to cooperate with one another.

The lack of incentive for coalition formation and the resulting high incidence of minority governments under multiparty presidentialism imply conflict between the executive and the legislature as well as governments that are legislatively ineffective. When an executive lacks a majority in the parliamentary systems the norm tends to be what Lijphart terms 'consensual government'. In presidential systems, when the executive lacks a majority (or close to it) in the legislature, the norm is conflictual government. The higher likelihood of executive – legislative conflict and deadlock in presidential democracies is thus the product of the system's defining feature. It stems primarily from separate election of the two branches of government and is exacerbated by the fixed term of office. Presidents who do not have legislative support will try to bypass congress in order to implement their programs. They will, for instance, make increasing use of their decree powers and, in the process, undermine democratic legitimacy. By resorting to decree powers, presidents may become stronger, but the presidential system becomes weaker and more brittle, encouraging confrontation rather than accommodation. [152]

Hence they undermine democratic institutions as they try to shore up their weaknesses as presidents. Under these circumstances, democracy is delegative rather than liberal; that relies on the plebiscitary link between voters and the president at the expense of 'horizontal' links of accountability. Since, both the president and the legislature derive their power from the vote of the people in a free competition among well-defined alternatives, a conflict is always latent and sometimes likely to erupt dramatically; there is no democratic principle to resolve it, and the

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[151] Ibid.

[152] Mainwaring, Scott. (1993), Presidentialism, Multipartism, and Democracy: the Difficult Combination, *Comparative Political Studies*, Vol. 26, No. 2, p. 209

mechanisms that might exist in the constitution are generally complex, highly technical, legalistic, and, therefore, of doubtful democratic legitimacy for the electorate. [153]

This view is echoed by many scholars when they assert that, because of the fixed terms of office, if a president is unable to implement the program, there is no alternative but deadlock. Policy disagreement between president and opposition very easily becomes institutional conflict between the legislature and the president. In an effort to destroy its competitor, one or another power assaults the constitutional system and installs itself as the single lawmaker, with or without the redeeming grace of a supportive plebiscite. Valenzuela argued that Contrasts the 'suppleness' of parliamentarism, where 'automatic safety-valves' usually prevent crises of government from becoming crises of regime, with the 'rigidity' of presidentialism, under which a defect in leadership or failure of policy can quickly tailspin into institutional and even mass confrontations with a frightening potential for violent instability and all the human and political costs in portends.[154]

6. ETHNICITY, NATION-BUILDING AND DEMOCRACY IN AFGHANISTAN POST-2001

Afghanistan's constitutions so far has bounced between a 'homogenization doctrine' – to legitimize itself around a particular ethnic and religious community by assimilation of other ethnic groups to build a uniform nation state, and a 'heterogeneous doctrine' – through which ethnic and religious diversity is recognized as sub-national identities. The complexity and absence of theoretical vision for mapping of a practical and responsive constitution to deal efficiently with social, political and cultural realities on the ground, has always made Afghanistan's central government fail to implement its strategies efficiently at the state level. Therefore, crafting of a practical constitution with consideration to ethnic and religious diversity is vitally important to manage inter-ethnic and inter-religious rivalries and conflict in Afghanistan in the future.

To articulate paradoxical debates at the theoretical level regarding multi-ethnic and religious states, there have been two main discourses. First, the opponents of politically recognizing

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[153] Linz, Juan. J. (1994), op. cit., p. 7

[154] Valenzuela, Arturo. (2004), Latin American Presidencies Interrupted, *Journal of Democracy*, Vol. 15, No. 4, p. 16

ethnicity, such as Brian Barry argue that recognition by the constitution perpetuates and hardens the identities, undermines a sense of national identity, and makes conflict more likely in both the short and long term.[155] Andreas Wimmer and Conrad Schetter believe that, codifying identities that were previously fluid reduces the opportunity for multiple identities or loyalties to develop. According to these theorists, the flexibility may actually hold the key to ensure political stability in multi-ethnic societies. Donald Horowitz also argues in favor of the opponent of politically recognized ethnicity. He says that the constitution designers should promote institutions that lead to cross-community interactions rather than segmenting them.[156]

Barry, Wimmer, Schetter, and Hurwitz's' arguments could be evaluated through some fundamental questions, such as if there is already absence of strong and tangible national political identity to influence and down play the subordinated ethnic and religious identities? What if the credibility of national identity has already been undermined and the ethnic rivalries been hardened due to considerable discrimination by the single political dominated ethnic group with regard to other ethnic and religious groupings? What if the different ethnic and religious groups are already in a state of war against each other for maintaining their political, economic and social rights within the constitution for sustainability and prolongation? And if the political recognition of ethnic identity and rights could really cause interruption of interaction among different ethnic and religious groups. Or is there possibility to regulate nicely the interaction and avoid exploitation of the rights of subordinated ethnic and religious groups by the dominated ethnic group?

With consideration to the above mentioned questions, it seems necessary to review the arguments by the supporters of politically recognizing diversity, such as, Brendan O'Leary, who argues that:

> Consociationlists do not embrace pluralism for its own sake, or because they want a romantic celebration of a thousand different flowers (or weeds). They maintain that a hard confrontation with reality forces certain options on decision makers in deeply divided societies.[157]

Consociationalism is built on the assumption that divided societies can be democratic and stable if formal structures such as, ground coalition; segmental autonomy, representation rights, and

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[155] Brian Barry (October 1975), Political Accommodation and Consociational Democracy, Review Article, *British Journal of Political Science* 5:4 pp. 477–505

[156] Adeney, Katharine. (July/August, 2008), Constructional Design and Political Salience of "Community" Identity in Afghanistan: Prospects for the Emergence of Ethnic Conflict in the Post-Taliban Era, *Asian Survey*, Vol. 48, No. (4), University of California Press, p. 539

[157] Ibid

mutual veto for all significant groups are institutionalized. Arend Lijphart, who developed the theory of 'Consociationalism', defines 'consociational democracy' as below:

> Consociational democracy means government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy.[158]

The Consociationlists argue that communities will be insecure without political recognition of ethnicity; hence, it may lead to a further politicization of identities and potentially escalating tensions. The proponents of non-recognition are ignoring the fact that even a perfect meritocracy may reinforce historical ethnic domination through rewarding past privilege. Recognition can provide the conditions for other identities to become politically salient.[159]

According to Lijphart the successful consociational democracy requires the following characteristics: the elites should have the ability to accommodate the divergent interests and demands of the subcultures; the ability to transcend cleavage and to join in a common effort with the elites of rival subcultures; depends on their commitment to the maintenance of the system and to the improvement of its cohesion and stability; and finally the elites better understand the perils of political fragmentation.[160] Nonetheless, the absence of the above-mentioned characteristics could lead the consociational design to failure; such as it happened in Nigeria, Cyprus, and Uruguay, which abandoned its Swiss-style consociational system.[161] Some scholars like, Kymlicka categorize different types of political recognition as self-governing rights, representation rights, and polyethnic rights.

6. 1. SELF-GOVERNING RIGHTS

Self-governing rights or the territorial autonomy is often, although not always, realized through federal forms of government. Within this context, federalism can be a mechanism of granting autonomy to territorially concentrated ethnic groups, conceding self-governing rights. But on the other hand, federal units can also divide communities and create ethnically heterogeneous states.[162]

Adeney believes that the federal form of government has been manipulated and has received bad press in divided societies. This is due to the belief that federal autonomy is likely to increase pressures for secession. In addition, this perspective argues that federal autonomy removes

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[158] Lijphart, Arend. (2008), *Thinking about Democracy: Power Sharing and Majority Rule in Theory and Practice*, London and New York: Routledge, p. 31-2

[159] Adeney, Katharine. (July/August, 2008), op. cit., p. 536

[160] Lijphart, Arend. (2008), *op. cit.*, pp. 31-2

[161] Ibid, p. 32

[162] Adeney, Katharine. (July/August, 2008), op. cit., p. 542

incentives to identify with the central government, increases feeling of separateness, and gives groups resources with which to mobilize against the center or each other. However, these criticisms ignore two major points. First, if federalism has not always been successful in holding multiethnic states together, then other forms of government have also failed in this respect. Second, there is not only one single and solid model of federalism, the federal forms of government differ according to many criteria units, and whether they are majoritarian or consociational. Thus, to criticize federal forms of government for causing tensions is nonsensical. The form of the federation in relation to the country's ethnic demography is vital in this equation.[163]

6 .2. REPRESENTATION RIGHTS

Representative rights are similar to elements of Arend Lijphart's Consociationalism. Lijphart calls for a grand coalition of the main communities in a state to include political leaders of all the significant segments. He advocates representation in proportion to community strength in 'decision making organs' such as the legislature, and also demanding proportionality in the 'method of allocating civil service appointments.[164]

Guaranteed representation also poses the problem of determining appropriate quotas for different communities. Furthermore, the creation of quotas necessarily implies a rigid division because criteria have to be identified for the allocation of positions – a sensitive point in Afghanistan, where the demographics of the state are contested to identify eligibility. These criteria have the potential of meritocracy, but they also remove an element of future flexibility if the demographics of a country changes and when the legacies of historical discrimination have been overcome. Conversely, if quotas are reserved relative to the size of population, then a larger community has its demographic dominance institutionally enshrined.[165]

Yet, without guaranteed representation at the central government institutions, certain communities may be excluded. The call for meritocracy in appointments to non-elected state institutions such as the bureaucracy is a laudable one, and appointing solely on the basis of merit has the advantage of ensuring that the best candidate will be selected for the job, an important consideration in a state with as many challenges as Afghanistan. Such as Article 50 of the Afghanistan' Constitution says:

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[163] Ibid

[164] Lijphart, Arend. (1977), *Democracy in Plural Societies*, New York: Yale University Press

[165] Adeney, Katharine. (July/August, 2008), op. cit., p. 545

The citizens of Afghanistan shall be recruited by the state on the basis of ability without any discrimination, according to the provisions of the law.[166]

However, the so-called meritocracy can reinforce historical ethnic domination. If certain communities have not benefited from the same opportunities that other communities have enjoyed, including in term of educational access, they are less likely to be able to compete effectively for government positions. Merit based appointments will prevent tension between communities only if it is perceived that the appointments are truly fair and representative of the society, not reinforcing patterns of traditional domination.[167]

6 .3. POLYETHNIC RIGHTS

Polyethnic rights are the weakest form of recognition and are not dependent on a community being territorially concentrated. Polyethnic rights include the right to retain personal laws for ethnic communities such as community's culture, religion, and the recognition of different languages for use in government institutions. These types of rights remain controversial because they challenge the assimilationist or integrationist strategies of dominant political elites. These give legal recognition to communities' rights, provide security for those identities. However, the refusal to recognize part of an individual's identity not only undermines the security of that identity but also potentially places it in opposition to the state-supported identity.[168]

With consideration of the three models of recognition as mentioned above, the demographic characteristics of particular societies are significant in understanding their collective preference formation. The groups, which are territorially concentrated, are more likely to vote for federal solutions as a means to secure control over their affairs than those that are dispersed and are in a minority in several different areas. Conversely, those that are dispersed are more likely to advocate representation on the basis of ethnicity at the center as a means of securing protection for their interests, though federal autonomy can also be compatible with or even require ethnic representation at the center. Small ethnic groups are also more likely to advocate guaranteed representation in the core political and administrative institutions of state that are those that would be likely to gain adequate representation on the basis of their demographic weight alone. Different institutional solutions recommend themselves to various communities partly based on the communities' perceived security, or lack thereof, within the state. This assessment is

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[166] Government of Afghanistan, Afghanistan Constitution 2004.

[167] Adeney, Katharine (July/August, 2008), p. 545

[168] Ibid, p.553

affected by their size, territorial concentration, and perception of past treatment, demonstrating why preferences determined by ethnicity were at the heart of the constitution making process.[169]

Out of the three models of recognition: self-governance, representative, and polyethnic rights, neither of them have been so far applied authentically during the constitution building process in Afghanistan, nor an exclusive model has been built so far to respond efficiently to existed sociopolitical challenges in the country. The absence of an accurate and appropriate model of recognition, which roots in uncertainty of census of different ethnic groups in the Afghanistan, challenged the practice of a fair and nondiscriminatory polyethnic rights, likewise, representative rights for the establishment of a just and unbiased quota system. The ethnic elite based neopatrimonial system established at post-2001 era, has put a few dominated family of different ethnic groups into power, who have literally started to dominate the top and key positions of government offices. The political elites however enforced nepotism and regionalism on the bases of ethnicity and religion, as a solid strategy to guarantee their own paw on the political power, in the same way, make the transformation of political power undisputable to their family successors.[170]

In the same way, the tergiversated and self-contradictory articles of the Afghanistan's constitution also let different interest groups inside the Afghanistan's government and Parliament to have the interpretation of their own interest and apply suppressing rules and policies against the suppressed ethnic and religious groups.[171] As a consequence, this has increased pessimism, mistrust, and intensified ethnic rivalries among different fractions in Afghanistan. Meanwhile, the deficiency of presidential system along with an imperfect and malformed recognition model within the constitution made some of the non-Pashtun political

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[169] Ibid, p.541

[170] For instance, Haji Abdul Qadir's assassination paved the way for his son Zahir Qadir to enjoy the legacy of his father's political share at the government; Qasim Fahim death helped his son Adeb Fahim to enjoy the power legacy of his father; similarly, Abdul Rashid Dostom has already tried to popularize his sons by taking them to the warzones and acquiring medal for them in a news making occasion at the Presidential Palace, just to guarantee the undisputable and smooth transformation of Uzbek leadership to his sons in the future.

[171] TOLO news 26 May 2013, *Ba Rawayate Digar*, The Lower House of the Afghan Parliament Due to Differences between the MPs failed to approve the Higher Education Law. Published on May 27, 2013, [Online: Web], URL: http://www.youtube.com/watch?v=SzRIbs-u2jc ; also see the BBC report about Ministry of Higher Education endeavor for application of Quota system for the higher educational institution according to province population, which has been faced with serious reaction of the Afghanistan's Human Rights Network. Mohammad Nahym Nazari, the executive chief of the Afghanistan's Human rights Network believes that the application of such discriminative plans and policies is against Afghanistan's constitution and human rights codes, which has recognized the right of education for all citizens of Afghanistan without discrimination. BBC Persian News, (09, July 2013), [Online: Web], Access July 09, 2013, URL: http://www.bbc.co.uk/persian/afghanistan/2013/07/130709_k02-uni-entrence-exam-cshrn.shtml; TOLO news 17 July 2013, *Farakhabar*, [Online: web], Access July 19, 2013, URL: http://www.youtube.com/watch?v=-cW5qpLi6kc

elites to recall once again for the adoption of parliamentarism and decentralized system after one and half decade of inoperable government in Afghanistan.[172]

> The centralized power has led to massive corruption, disenfranchisement of a large segment of the Afghan people, obstacles to economic development, massive abuses of power, increasing instability, poor governance, and a vast undermining of law and order.[173]

Hamid Karzai who was one of the hard-liner supporters of centralized and presidentialism used his presidential power, and ethnic based support to suffocate the voices rose for the decentralized and parliamentary system. [174] Ethnic totalitarian propensity of Afghanistan's government enriched during Karzai's regimes led to highly contested and fraudulent presidential election in Afghanistan in 2009 and 2014 – ignited an intense and prolonged political crisis. The election crisis of 2014 seemed to have brought the country to the edge of major political and ethnic violence and nearly provoked a military coup, potentially sparking civil war.[175] The President-CEO structure of National Unity Government highly suffers due to the crisis of legitimacy. The fundamental structural problems of the National Unity Government remain unaddressed. After three years in power the government may face its end as a result of a possible *Loya Jerga* assembly in the unknown future. If the *Loya Jerga* take place at all, the *Jerga* could alter the basic power arrangements in Afghanistan, it might codify or undo the President-CEO structure of the National Unity Government. Even if the *Jerga* does not meet, Afghanistan leadership will face potentially debilitating crises of legitimacy, especially if the parliamentary and district elections scheduled, after two years delay, for autumn 2016, which is postponed again.

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[172] TOLO news 6pm News, 22 April 2012, Published on April 22, 2012, [Online: Web], URL: http://www.youtube.com/watch?v=p3pEPC203NY

[173] Akhmedova, Vulanga (31, May 2012), Afghanistan: Will Kabul Follow in Washington's Federal Footsteps?, Global Voice, [Online: Web], Access Aug, 2012, URL: http://globalvoicesonline.org/2012/05/31/afghanistan-will-kabul-follow-in-washingtons-federal-footsteps/

[174] Hamid Karzai warned the United States in May 2012, that the new strategic partnership agreement will only be signed with United States on the condition that the current centralized system of government stays intact. He stated that: "Some US congressman started intervening in Afghanistan several months ago and asked for the regime in Afghanistan to change to a federal system. I clearly told the US government that we will only sign the agreement with you if you respect the central government of Afghanistan." Akhmedova, Vulanga (31, May 2012), Afghanistan: Will Kabul Follow in Washington's Federal Footsteps?, *Global Voice*, [Online: Web], Access Aug, 2012, URL: http://globalvoicesonline.org/2012/05/31/afghanistan-will-kabul-follow-in-washingtons-federal-footsteps/

[175] Felbab-Brown, Vanda. (2017), When the Fighting Stays Tough, What Will the Tough do?: The Afghan Saga Continues, in Sten Rynning (eds.), *South Asia and the Great Powers: International Relations and Regional Security*, UK and USA: I.B. Tauris, p. 42

CHAPTER - III

EVOLUTION OF DEMOCRATIC PROCESS IN AFGHANISTAN

1. WESTERNIZATION AND THE POLITICAL BACKLASH

Assassination of Habibullah on February 20, 1919 in Laghman led to the acquisition of power by King Amanullah, who explained his ideas as follows: "You will help me with all your strength to avenge the blood of the martyr – my deceased father; Afghanistan must become free and independent, it must enjoy all rights that all other sovereign states possess; no man should be an object of oppression and tyranny."[176] King Amanullah and Mahmoud Tarzai, who gained some inspiration and courage from Kamal Ataturk, convinced King Amanullah to set out a very difficult course of modernization in a traditional, Islamic ethno-tribal society by following the European model.[177] However, he did not realize that Afghanistan was socially and culturally totally different from Europe and the country's political milieu was far behind from those of the economically advanced European countries, where the bourgeoisie defeated the ruling feudal classes and succeeded in establishing a modern civil society. Nonetheless, the European Enlightenment ideals and the 1917 October Socialist revolution in Russia influenced King Amanullah as he embarked on a bourgeois revolution without a bourgeoisie class – a strategic eror that ultimately led to the collapse of his progressive reforms and his leadership. [178]

In order to institutionalize the reforms and provide an overall legal-rational framework for the future development, King Amanullah formulated a national charter. He held a *Loya Jirga* in 1921, to consider the reform proposal. As a result, the Basic Codes of the High State of Afghanistan (*Nizamnamah-ye-asasi-e-daulat-e-aliyah-e-Afghanistan*) were drafted with the help of Turkish experts, and promulgated on 9 April 1923. It consisted of seventy-three-articles that provided a blueprint for building a modern civil

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[176] Kateb, Faiz Mohammad. (1931), *Seraj el-Tawarikh: Tarikh Afghanistan*, Fourth Cover, Kabul: Amiri Publication, pp. 667-670; Ghubar, Mir Ghualam Mohammad. (1995*), Afghanistan Dar Masir-e Tarikh*, Tehran: Jamboori Press, p. 752; Farhang, Mir Mohammad Siddiq. (2012), *Afghanistan dar Panj Qarn-e-Akhir*, First Cover, Tehran: Orfan Publication, p.543

[177] Mustafa Kemal Ataturk was more experienced, he advised Amanullah during his trip to Turkey, to avoid large-scale social and political reforms until he had a strong, well-trained army, and promised to send some of his best officers to train the Afghans. Dupree, Louis. (2002), *Afghanistan*, Pakistan: Oxford, p. 451; Farhang, Mir Mohammad Siddiq. (2012), op. cit.*, First Cover, pp. 576-77; Saikal, Amin. (2004), *Modern Afghanistan: A History of Struggle and Survival*, New York: I.B. Tauris*, pp. 60, 73

[178] Warikoo, K. (2007), *Afghanistan: The Challenge*, New Delhi: Pentagon Press, p. x; Emadi, Hafizullah. (2010), *Dynamics of Political Development in Afghanistan: The British, Russian, And American Invasions*, New York: Palgrave Macmillan, p. 20

society, stressed on economic development and also described duties and responsibilities of the state officials, provincial councils, ministers, and the king.[179] The constitution also mentioned that all persons residing in the kingdom of Afghanistan, regardless of religious or sectarian differences, are considered to be subject of Afghanistan.[180] Islam was mentioned as the sacred religion of the state. However, the constitution recognized the equal status of all nationalities, defined the individual rights and freedom of peoples, and accorded religious freedom to all faiths. Shias could practice their faith openly without fear of intimidation or reprisals by individuals or public institutions. Non-Muslim communities, Jews, Hindus, and Sikhs were also granted the right to practice their faiths and the state allowed Hindu and Sikh children to enroll in military schools; many subsequently became army officers.[181]

> The religion of Afghanistan is the sacred religion of Islam. Followers of other religions such as Jews and Hindus residing in Afghanistan are entitled to the full protection of the State…" [182]

The state judicial system was based on both sharia and civil law.[183] The state also initiated a number of reforms to modernize the judiciary system. The penal code, as well as laws dealing with civil and property rights, were codified, with the primary objective being to emasculate the power of religious institutions in dispensing justice and to strengthen the secular authority of state institutions. All citizens were considered as equal before the law.[184] It Abolished slavery in Kabul who were enslaved during the reign of Amanullah's grandfather Abdul Rahman.[185]

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[179] According to article 7, King enjoyed the following power and duties: "Mention of the King's name in the *Khutba*; Minting of coins in the King's name; determination of the rank of officials…; awarding of medals and decorations; selection and appointment, dismissal and transfer of the Prime Minister and other ministers; ratification of public law; promulgation and protection of public laws and of the sharia; being commander in chief of all the armed forces of Afghanistan; promulgation and protection of military rules and regulations; declaring war, marking peace and other treaties; granting amnesty, pardoning and commuting legal punishments; are among the rights of his majesty the King..." Nizamnamah-ye-asasi-e-daulat-e-aliyah-e-Afghanistan, 1302 (The Constitution of Afghanistan, 1923)

[180] Article 8, Ibid.

[181] Ghubar, Mir Ghualam Mohammad. (1995*),* op. cit., 231–794

[182] Article 2, Nizamnamah-ye-asasi-e-daulat-e-aliyah-e-Afghanistan, 1302 (The Constitution of Afghanistan, 1923).

[183] Article 21: "In the court of justice all disputed and cases will be decided in accordance with the principles of sharia and of general civil and criminal laws." Ibid.

[184] Article 16: "All citizens of Afghanistan have equal rights and duties to the country in accordance with sharia and the laws of the state." Ibid.

[185] Although slavery had never been widespread in Afghanistan, it had nonetheless been practiced by some, particularly those in position of power and influence, for the promotion of luxury and for polygamy

Personal freedom is immune from all forms of violation or encroachment. No person may be arrested or punished other than pursuant to an order issued by a Sharia court or in accordance with eth provisions of appropriate laws. The principle of slavery is completely abolished. No man or woman can employ others as slaves.[186]

The constitution of 1923, recognized the freedom of press and publication for all citizens of Afghanistan. The right of publishing newspapers was preserved for the government and the citizens of Afghanistan. However, the foreign publications were restricted by the government through article 11 of the Constitution. Amanullah's reform in the social arena included emancipation of women, introduction of monogamy, and separation of religion from politics. He established modern schools and secular curricula were introduced and numerous new schools at primary and secondary level and night literacy classes were opened.[187] The modern schools followed the British model of education, with classes taught in English. French, German, and English language courses were added to the school curriculum. Amanullah believed that the influences of modern education would enhance and broaden the tenets and objectives of religious education and the visions of religious teachers and clerics.[188] In 1921 and 1922 a number of students were dispatched to France, Germany, Turkey, Iran, Switzerland, and the United Kingdome for advance education.[189] The state hired female instructors from France, Germany, Turkey, and India to teach science courses and foreign language classes. In 1929 there were a total number of 322 schools with 510,000 students.[190]

During Amanullah's reign women were granted the right to freedom of choice in marriage and equal inheritance rights with their brothers and sons. Although, polygamy was not outlawed, an informal anti-polygamy campaign was launched, which stressed the importance of monogamy as admirable in Islamic terms. To protect women's rights, in August 1924, the state introduced laws concerning engagements and marriages. The

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purposes. One ethnic group historically subjected more than others to this practice was the Hazara ethnic group in Afghanistan. Saikal, Amin. (2004), op. cit., p. 76

[186] Article 10, Nizamnamah-ye-asasi-e-daulat-e-aliyah-e-Afghanistan, 1302 The Constitution of Afghanistan, 1923

[187] Saikal, Amin. (2004), op. cit., p. 75

[188] Thomas, Lowell. (1925), *Beyond Khyber Pass: Into Forbidden Afghanistan*, New York: Grosset and Dunlap, p. 212.

[189] Gregorian, Vartan. (1969), *The Emergence of Modern Afghanistan: Politics of Reform and Modernization, 1880 – 1946*, Stanford: Stanford University Press, p. 242

[190] Rahimi, Fatima. (1986), *Women in Afghanistan*, Liestal: Stiftung Bibliotheca, pp. 44-46

law stressed gender equality and established a minimum age for marriage. The state encouraged girls to choose their marriage partners themselves rather than submit to arrange marriages or other parental interference. The women were also informed of their rights to take legal action against their spouses if they were abused.[191] Amanullah dramatically removed the veil from his wife to symbolize the voluntary abolition of veil and announced himself a 'revolutionary king'.[192] In 1921 Asma Rasmiyah Tarzi was tapped to edit *Irshad-e- Niswan* - a state-funded weekly of writings intended to raise women's awareness of their place and rights in society as well as fuel their social and political consciousness. It also provided lighter fare, such as recipes and news on the latest fashions and homemaking trends.[193]

Import of printing presses and the establishment of private and state-owned papers, was part of the state strategy for shaping national identity, as most of the published article during this era emphasized three interrelated topics essential for nation building: nationalism, independence, and modernization. In 1919 a semiofficial paper, *Aman-e-Afghan* was published in Kabul, and by 1928 it became a daily paper, a second paper, *Haqiqat* started publication in Kabul in 1924, and in 1927 *Anis* a private paper, was published in the capital. In addition, a number of government ministries published their own journals. The state also published papers in major provinces such as Nangarhar, Herat, Qandahar, Baghlan, and Balkh.

As part of the state ethnic homogenization project in 1924, the state decreed the distribution of non-Pashtun ethnic groups' lands in north provinces to government officials, Pashtun tribes including *Kochis* who were persuaded to shift from the southern and eastern provinces to the northern province of the Afghanistan.[194] Amanullah's negligence of the deteriorating social conditions of the non-Pashtun ethnic groups, opposition within the state from feudal land owners, frustration of conservative

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[191] On July 1928, Malika Suraya wrote an article on *Aman-e Afghan*, and she justified necessity of unveil for women in Afghanistan. Later on, the King invited the wife of the high rank govern officials to the palace and talked to them about the freedom of women in western countries. In addition he mention to these women, if their husbands are not ready to give their freedom, they can shoot their husbands, and the king himself would provide them the pistol. Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, p. 578

[192] Dupree, Louis. (2002), op. cit.,, p.463

[193] Gregorian, Vartan. (1969), op. cit., p. 244; Saikal, Amin. (2004), op. cit., p. 76

[194] Government of Afghanistan. (1924), *Nezam Nama Naqeleen Ba Samt Qataghan*, Matbuhayi Dairati Tahrirati Majlesi Hali Wozara: Mezan, 1302. H.A, (Kabul: The High Commission of Ministers Press)

religious leaders and *mullahs*, paved the way for spreading anti-state activities and propaganda.[195]

Government officials within the state apparatus were divided into two groups – those who supported the reforms and those who were against the King Amanullah's westernization reforms. The intensification of this struggle reduced the efficacy of the state to the extent that it could not respond to the complaints of the peasants concerning feudal exploitation and those of the disadvantaged social strata against the tyranny of some state officials who supported feudal landowners. The state's radical policy of socioeconomic reforms, ethnic homogenization, land reform, and westernization of educational institutions damaged the interests of many social strata and deprived them of their privileges. The feudal landowners and the highest religious circles specially the 'Mojaddadi family', known as the *Hazrat-e-Shorbazar*, and 'Shaikh Abdul Qadir Jailani family', known as the *Naqib Sahib* were engaged in turning public opinion against Amanullah claiming that he violated '*Islamic sharia*'.[196]

In August 1928 Amanullah convened a *Loya Jirga* in Kabul and presented his policies on social, cultural, political, and economic reforms, including the rights and equality of women and fighting administrative corruption as bureaucrats used their positions to collect bribes and kickbacks.[197] His wife Soraya accompanied him to the hall of the *Jirga*, where she appeared without her veil. An estimated one hundred women also discarded their veils as they accompanied her to the *Jirga* hall, to the praise and applause of progressive delegates. Predictably, conservatives and traditionalists were scandalized by their actions, calling it a transgression against Islamic values. These

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[195] A rebellion broke out in Khost in March 1924 that lasted until January 1925. The reasons for rebellion were dissatisfaction of the tribal communities with the state policy of taxation, itinerant businessmen demanded free trade, and feudal landowners were not happy with the state policy of serving in the army. However, they made the establishment of the new Panel code as excuses as it is against Islam and sharia, and persuaded people to rival against Amanullah's reforms. Opposition forces also demanded that Amanullah divorce his wife and close down all foreign missions except with the British. The rebellion was headed by Mullah Abdullah famous as Mullah-e-Lang, his brother Abdul Rashid, and Abdul Karim, grandson of former King Shir Ali, who intended to seize power. It was suggested that the British sent Abdul Karim to work with Mangal leaders and tribesmen to form an anti-state front in the south. Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, p.572; Saikal, Amin. (2004), op. cit., p. 81; Emadi, Hafizullah. (2010), op. cit., p. 25

[196] Ghubar, Mir Ghualam Mohammad. (1995), op. cit., pp. 799–808.

[197] King Amanullah made the tribal chiefs to remove their traditional cloths and wear black suits and chapeau at the *Loya Jirga* occasion in Paghaman. This action of King made the tribal chief to feel humiliated and opposed King's agenda for reforms. Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, p. 578

individuals also opposed the state policy of abolishing honorary titles, the special privileges of clerics, and prohibiting *Deoband* School graduates from teaching in Afghanistan. When the issue of establishment of the National Assembly was raised at the *Jirga*, a number of representatives objected to it, stating that if the cabinet is only responsible to the king Amanullah and not to the National Assembly, the existence of such an institution does not make any sense in the political arena. Although representatives reluctantly endorsed Amanullah's proposals, however, after returning home conservatives mobilized public opinion against state policies, calling them anti-Islamic.[198]

A number of Amanullah's Westernization programs had no practical application to the daily lives of people in Afghanistan. Inhabitants of Kabul and people visiting the capital were ordered to wear European dress and hats; a reflection of Amanullah's Western tastes. Unfortunately this mandate was in irreconcilable contradiction with indigenous cultural and religious values, in addition to the economic burden on poor people who could not afford such expenses. To ensure its implementation, harsh measures were adopted by the state – signs were posted in areas of the city that prohibited entry to veiled women, and law enforcement officers fined anyone who did not obey the orders.[199] People perceived his Westernization programs as being counter to Islamic laws and to their traditional cultural values. Anti-Amanullah forces were not well organized prior to and during the *Jirga*, but over time they grew in strength. Amanullah also removed a number of intellectuals from government posts who were critical of state policies and replaced them with individuals who were loyal to him. Amanullah failed to objectively analyze the political situation in the country and create a mechanism for successful implementation of his policies.[200]

As opposition continued to mount, a number of state officials also began to turn against Amanullah. On 2 October, 1928, violent anti-government demonstration took place in Kabul, which, although suppressed, were soon followed by provincial rebellions, starting with Shinwaris in the east, who were joined by number of other southern and south-eastern tribes.[201] In early November, 1928, Amanullah entered negotiations with

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[198] Ibid, p.579; Emadi, Hafizullah. (2010), op. cit., p.27
[199] Ghubar, Mir Ghualam Mohammad. (1995), op. cit., pp. 812–13
[200] Emadi, Hafizullah. (2010), op. cit., p.28
[201] Dupree, Louis. (2002), op. cit., pp. 452-53

the Pashtun chieftains and *ulama*, who gave give him an ultimatum, with the following demands:

> Divorce from Queen Soraya; expulsion of the Tarzi family from Afghanistan, with the exception of Mahmud Tarzai, who was to be tried; closure of all schools for girls; recalling of the girls sent abroad for education; abolition of all foreign legations except the British; abolition of new reformist laws; reduction of taxes; restoration of the veil; restoration of the Sharia law and the *ulama* to their positions of eminence.[202]

The opposition distributed copies of photographs that had been published by newspapers in Europe during Amanullah's official visit of his wife Soraya wearing a low-cut gown at public functions. The distribution of these photographs was intended to raise the ire of more provincial tribal peoples in the frontier areas and turn the public against Amanullah.[203] The opposition stated that Amanullah and his wife were attempting to undermine Islamic values by promoting Western culture and called for a *jihad* in order to restore Islamic order.[204] Girls attending schools in Constantinople were ordered to return home and the state closed local schools for girls. The India-based *Deoband* school graduates regained the right to teach in Afghanistan. Prohibitions against women appearing in public unveiled or cutting their hair were re-imposed. Many traditional tribal systems were reinstated and compulsory military service was discontinued; religious enforcement officials were reinstated and assigned to each province to ensure the strict observance of religious perceptions. Teaching certificates were no longer required for clerics and religious leaders, including the Mojaddadi family members, who were released from jail as a conciliatory gesture to the opposition. Nevertheless, retreating from the implementation of some of state's policies by Amanullah did not appease religious leaders.[205]

Amanullah's defeat led Habibullah Kalakani to the throne of Kabul, who relied on a close circle of friends to help him consolidate his leadership. He appointed his brother Hamidullah as his second in command, his brother Ata al-Haq as foreign minister, and trusted aides to high position in the government, including Sayed Hussein as governor of Kabul. A group of reformist bureaucrats and technocratic elites who were dismayed

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[202] Stewart, R. Talley. (1973), *Fire in Afghanistan, 1914 – 1929: Faith, Hope, and the British Empire*, New York: Doubleday, pp. 433-4; Saikal, Amin. (2004), op. cit.*,* pp. 87-8

[203] Dupree, Louis. (2002), op. cit., p. 450

[204] Stewart, R. Talley. (1973), op. cit., pp. 490-91; Saikal, Amin. (2004), op. cit., pp. 89

[205] Emadi, Hafizullah. (2010), op. cit., p.29

with Amanullah supported Habibullah and legitimized his leadership on the basis of Islam by publishing a newspaper, such as, *Habib-al-Islam*. The newspaper propagated conservative social and political agendas and appealed for public support of Habibullah's rule. Although schools remained closed and laws were reinstated that allowed polygamy, Habibullah's advisors declared that the state planned to reopen some schools in Kabul. Despite attempts by Habibullah's aides to convince the international community to recognize him as the legitimate leader of the country, resident ambassadors declined to recognize his administration, although they did not go so far as to terminate diplomatic ties with Afghanistan.[206] Habibullah Kalakani's failure to tackle the economic, social and political challenge at home, and failure to accumulate political and economic supports of the regional powers accelerated the dissolution of his regime after nine month.

Habibullah Kalakani was succeeded by Nadir Shah who believed that a leader must possess a dual personality – aggressive like a lion and manipulative like a fox. To maintain effective control of the state and society he relied on his brothers, appointing his half-brother Mohammad Hashim as prime minister. He appointed other brothers to high positions – Shah Mahmoud as minister of war, Shah Wali as his deputy, and Mohammad Aziz as ambassador to Moscow and later to Germany. [207] Nadir did not share his predecessor's flamboyant nationalism, and scorned Amanullah' erratic methods of modernization. Given his empathy with Britain, as well as his keener understanding of the prevailing conditions in Afghanistan, he had become a pragmatic moderate, favoring a concept of sober nationalism, that is, a commitment to nation building without unduly alienating Afghanistan's neighbors, and a gradual process of change and development, based on peaceful coexistence with conservative forces, as most appropriate for Afghanistan at the time. This together with his firm convictions

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[206] The fact that Habibullah was a Tajik prevented both the British and Soviet Union from officially endorsing his regime. The British were concerned about the possibility of the Soviet using Habibullah for their own hegemonic and anti-British aspirations. British understood that any support for Habibullah could easily alienate the southern tribes and plunge Afghanistan into civil war, which could enable the Soviets to seek advancement for their own interests, and more importantly, reduce their own chances of helping to replace Habibullah's rule with a pro-British one with the support of the border Pashtun tribes. In the meantime, their general unhappiness with Amanullah, led Britain to give Habibullah's rule a cautious de facto recognition. On the Soviet side, Stalin believed that Habibullah not only would never gain the support of the dominant Pashtun tribes in Afghanistan, but also could become a source of nationalist inspiration and assistance to the Soviet Tajiks. Ibid, p. 33; Saikal, Amin. (2004), op. cit.,p. 89

[207] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, p. 657

and ruthlessness in leadership, augmented by shrewdness and flexibility when necessary, placed him conveniently between the radical reformist and conservative forces.

Nadir recognized the need for religion to legitimize his leadership and portrayed himself publicly as a devout religious man, while in practice he ignored religious ethos. Whenever Nadir met people or addressed the nation, he made statements in which he frequently invoked God to demonstrate his piety and devotion to the cause of Islam and strict adherence to Islamic *sharia* law. Nadir outlined his policies in similar fashion, stating that his administration would be strictly guided by the principles of the *sharia*.[208] He built an authoritarian regime and severely dealt with his opponents, executing those who did not agree with his policies. Nadir began a concerted effort to undermine what remained of Amanullah's reputation and image. State-owned newspaper published articles accusing Amanullah of betraying the country and fleeing to the West and praising Nadir as the savior of the nation. He turned his previous underground paper *Islah* into a semi-official daily. The paper propagated Nadir's cult of personality by highlighting his leadership role in modernizing the country. Nadir made the private daily *Anis* property of the state, supported government papers at the expense of private ones, and published papers in some of the provinces to propagate the official government view. Nadir established *Anjuman-e Adabi-e-Kabul* (Kabul Literary Association), which published a monthly journal.[209] Papers and periodicals had limited circulation, as the rate of illiteracy was high throughout the country.

Nadir convened a *Loya Jirga* in September 1930 that was dominated by his handpicked representatives. The *Jirga* formally recognized Nadir as king and confirmed his policies, one of which included the rival of honorary titles for clerics and government officials, which had been abolished by Amanullah.[210] The *Jirga* charged a number of its members with the responsibility of drafting a constitution, which was promulgated on October 31, 1931. In addition to *Loya Jirga*, *Meshrano Jirga* (Elder's Council) established, the council consisting of 27 members whom were appointed by Nadir

[208] Ibid

[209] Ibid, p. 673

[210] Dupree, Louis. (2002), op. cit., p. 463

Shah.[211] The Main Principles of Afghanistan's Government, 1931, recognized Nadir as the king and stated that succession of leadership would be according to his family line.[212] The King was bestowed with the following rights and authority:

> The name of the King is mentioned in *khutbah*, coins shall be minted in the name of King, His Majesty the King appoints the prime Minister, approves the appointing of Ministers, declares war and armistice, approves the principles drafted by the National Assembly and remits and pardons sentences according to the holy *sharia*.[213]

Aside from defining the obligations of the king, it specifically justified Nadir's rule, claiming that he was responsible for achieving independence and the liberation of the people from the civil war.[214] It further stipulated that all future kings must be of the *Hanafi* School of Islamic doctrine. The constitution allowed *madrasa's* educated *mullahs* to establish *madrasas* (Islamic schools) and teach Islamic education.[215] It consolidated all educational institutions under state control, Nadir delegated the task of de-secularization of education and supervision of teaching materials to clerics in an attempt to confront school curricula to Islamic teachings.[216] However, this policy did not apply to Nadir's children nor those of his close relatives as they were sent abroad to Western schools. Nadir closed the local schools for girls and recalled all female students currently studying abroad. He reinstated the practice of polygamy, and the Hanafi School of Islamic doctrine as the adjudicator of civil and criminal law. Traditional dress according to Islamic values was re-imposed on women, and the production and sales of alcoholic beverages was prohibited, and those who drank alcohol were subject to severe punishment.

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[211] Article 65: "The Elder's Council consists of experienced and qualified individuals who shall be elected and appointed by his majesty the King…" *Ussole Assasi, 1310* (The Main Principles, 1931), Government of Afghanistan. Published: 13-December -1932.

[213] Article 7, Ibid.

[214] Article 5: "To appreciate the patriotism, devotion and performance of his Majesty and patriot Mohammad Nadir Shah has given Afghanistan independence and survival and overthrowing the foundation of brutality in Afghanistan, the nation of Afghanistan considers him a meritorious and deserving King and also because his Excellency is committed to act according to the Islamic *Sharia* and *Hanafi* sect as well as main principle of Afghanistan government and will consider the independence of Afghanistan as one of his top priorities and will be honest to the Afghanistan nation, Afghanistan is committed to transfer the Kingdom of Afghanistan to the family of this patriot King in accordance to the selection of his Excellency and the nation of Afghanistan. The King's family will be considered successor and should be his Excellency's son or brother and must be 18 years or older." Ibid.

[215] Article 21, Ibid.

[216] Article 22: "In order to make sure that all educational institutions conduct their program in accordance with Islamic principles, all educational institutions shall be monitored and inspected by the Afghanistan Islamic government." Ibid.

Civic and political liberties were largely curtailed. However, the freedom of religious groups to practice their faiths were assured by the Constitution.[217] Nadir Shah applied tight restriction on media and freedom of speech and thoughts, and allowed publication only in accordance with the rules and policies developed for media and publication by his government.[218] The leadership intended to use the established requirements to prevent political opponents from becoming viable contenders in the parliamentary election. Women were not allowed to cast their votes in the parliamentary election and poor peasants who migrated to another city of town in search of employment could not participate in the election because of strict residency rules. Although the prime minister and the cabinet were regarded to be accountable to the National Assembly,[219] in reality they were only accountable to the king. Meanwhile, the decisive power was preserved by the King as he was the one who could make the ultimate decision.[220]

Pro-Amanullah supporters, nationalists, and progressive forces opposed Nadir's pro-British policy and continued their struggle for political transformation. Political activists finally achieved their goal on November 8, 1933, when they assassinated Nadir during student award distribution ceremony of Nijat High School. After Nadir's assassination, his brothers Mohammad Hashim, Shah Mahmoud, and Shah Wali supported the ascension of Nadir's only son Zahir to the throne. They believed that recognizing Zahir as king would be in the best interests of the family, as it would effectively eliminate interfamily disputes that in the past had brought down rival Pashtun leaders who fought each other for the throne.[221]

Zahir was young and lacked the necessary skills and experience to run state affairs, and he remained a virtual prisoner under his uncles; Mohammad Hashim and Shah

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[217] Article 1: "Islam is the sacred religion of Afghanistan and the religion of rites performed by the state shall be according to the provisions of the *Hanafi* doctrine. The King of Afghanistan should be from *Hanafi* sect, other religious followers (Hindus, Jewish…) can live in Afghanistan and their rights will be protected as a citizen unless they harm and interrupt society." Ibid.

[218] Article 23, Ibid.

[219] Article 74: "All the Ministers are collectively responsible to the national council for the general policy of the state and individually for their prescribed duties." Also see: Articles 57, 58, 59, Ibid.

[220] Article 68: "The issues which are approved by Elder's Council shall be sent to the National Council session and if it is not acceptable for the National Council a different combined session consisting of the National Council members and Elders Council members will be developed. The members of the combined session (20 people) will be selected equally from both sides (National Council and Elders Council) and if the issue is not resolved it shall be presented to his majesty the King." Ibid.

[221] Emadi, Hafizullah. (2010), op. cit., p. 43

Mahmoud continued their tenures as prime minister and minister of war, respectively. While his other brother Shah Wali served as ambassador to Britain and France, and other immediate family members occupied prominent posts in the state apparatus. To maintain stability and protect the interests of the ruling family, Hashim imprisoned political opponents and punished others by exiling them to the most remote, backward, inaccessible areas of the country. Since existing prisons could not accommodate more inmates, Hashim seized a number of private inns and converted them into prisons, and built a large prison – *Zindan-e-Dehmazang*.

Hashim built up the standing army so that by 1946 there were ninety thousand men in the army consuming half of the country revenue. The military establishment remained under the control of the ruling family, which appointed trusted men to senior positions in the army and the police departments. Having achieved stability, Hashim modernized educational institutions to train and cultivate civil service officers who would remain loyal to the regime. The state followed some elements of Western educational systems and recruited teachers from the United States, Britain, and Australia. One of the major objectives of the state was homogenization and elimination of non-Pashtun ethnic group's culture, language, and myth through formation of an ethno-national ideology; as Hashim stated:

> From next year Pashtu is to become the language of our officials, doing away with Persian. Our legends and our poems will then be understood by everyone. We shall draw from them a pride in our culture of the past which will unite us.[222]

The state established the *Pashtu Tulana* (Pashtu Association) in 1937 in Kabul to conduct research on the Pashtu language, culture, traditions, and way of life. The state intended to use *Pashtu Tulana's* research and publications for Pashtunization of every aspect of life in non-Pashtun ethnic communities, to the extent that non-Pashtun communities were forced to accept the manipulated history of the country, and even their own, ethnic history through the eyes of the Pashtun's leadership. It was during the height of the Pashtunization drive that the names of historical cities, towns, and streets were changed from Farsi and Uzbeki into Pashtu.[223] The state also changed the

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[222] Ibid, p. 45

[223] During Nadir Shah and Zahir Shah era names of many regions were changed from Parsi and Uzbeki into Pashtu, such as: Asafzar into *Shendand*, Qaratepa into *Torghondi,* Charbagh Gulshan into *Shenkai*, Qalacha into *Espinkot*, Bangi Harq into *Nawi Kot*, Dakberjen into *Shalghi*, Azara Chaqesh into *Estiwalgi*,

academic and military titles from Farsi and Uzbeki into Pashtu.[224] The Ministry of Education, under the leadership of Mohammad Naim, made the Pashtu language the medium of instruction in schools and printed textbooks in Pashtu, distributing them to schools in regions inhabited by non-Pashtun ethnic communities such as Hazaras, Uzbeks, and Turkmen. The politics of building Pashtun hegemony deprived non-Pashtun ethnic communities of political equality and equal opportunity. For example, Hazaras and Qizilbash students were not admitted to colleges of law or political science, they could not be employed at the Ministry of Foreign Affairs, and a few who served as army officers were not promoted beyond the rank of colonel.[225]

2. REVOLUTION CONSTRAINT AND COSMETIC REFORMS, 1946 – 1953

Political changes in the international arena after the Second World War impacted political developments in Afghanistan. The intellectuals were agitating for freedom of association, social justice, and the improvement of opportunities for the lower-income social classes. A new chapter had opened after Hashim Khan's resignation who ruled the country for seventeen years as a royal dictator. The ruling family also welcomed Hashim's resignation, as his authoritarian style of leadership created pessimism among masses and created distance between the ruling family and the public. A new leader was needed, in order to reduce the possibility of public revolt against the monarchy. The ruling family considered Shah Mahmoud as an ideal person for the post of prime

Rahmat Habad into *Jergi*, Yolboldi into *Landai*, Deh Daraz into *Ghashi*, Qosh Tepa into *Mangoli*, Samarqandyan into *Zarghonkot*, Esarak into *Oghiz*, Charsang into *Solortegai*, Palasposh into *Zozan*, Ehbad into *Deragai*, Chehelsitoon into *Ghandan*, Kodokhana into *Bandgi*, Bahudeen region into *Ishpula*, Kashek Abdul into *Banda*, Kol Anbu into *Mandatai*, Elmani into *Wacha Wana*, Sultan Khuja Wali into *Mirondi*, Baghe Waraq into *Haji Kot*, Zamokan into *Kaka koot*, Bengala into *Warzi*, Haq tapa into *Spinkai*, Takht Soleman into *Sheenkot*, Hasain Tabin into *Ghazgi*, Haqcha Noma into *Bati Kot*, Gomak Saleh into *Batai*, Boyeni Qara into *Sholgara*, Gul Qeshlaq into *Joghi*, Kata Qeshlaq into *Jaga Banda*, Meng Qeshlaq into *Zandi Kot*, Joi Zendan into *Joi Zhowndoon*, Dara Zendan into *Dara Zhowndoon,* Kota Sangi into *Mirwais Maidan*, Deh Buri into *Jamal Mena*, Shah Shahid and Sya Sang into *Sayyed Noor Mohammad Shah Mena*, Deh Afshar into *Spinkalai*, Qalai Jarnail into *Khushal Mena*, as well as nomination of many regions, such as: *Jada Nadir Pashtun*, *Wazir Akbar Khan Mena*, *Nadir Shah Mena*, *Ahmad Shah Mena*. See: Ehsan, M. Mansoor. (2017), Afghanistan Between Nation-State Building and Regional Collaboration, in Sten Rynning (eds.), *South Asia and the Great Powers: International Relations and Regional Security*, UK and USA: I.B. Tauris, pp. 256-57

[224] Government of Afghanistan (1921), *The Constitution for Application of Military Titles*, Kabul: Kabul Languages Topographic Press

[225] Emadi, Hafizullah. (2010), op. cit., pp. 45-6

minister. Shah Mahmoud who felt the pressure from the growing strata of merchant capitalists, liberal minded intellectuals, western-educated state officials and other professionals, gradually began to open up the political system.[226]

Shah Mahmoud started to follow a number of superficial and cosmetic reforms in the political, social, and economic spheres with the hope that people would forget past political repressions and be grateful to him for granting civil liberties. King Zahir Shah and the Prime Minister Shah Mahmoud started to talk about democracy in their speeches, and promised the people democratic reforms.[227] Shah Mahmoud appointed Mohammad Daoud as minister of war, and he put trusted aides in charge of the security force, and embarked upon his main objective of repairing the damage done to the monarchy by his predecessor Hashim Khan.

Shah Mahmoud adopted liberal policies intended to project a benevolent image of the monarchy and accumulate public support for the regime. Nevertheless, the politics he pursued benefited only a small number of educated people in middle-class and upper-class families, but did not end the suffering of the vast majority of the deprived, as they continued to labor from dawn to dusk to feed their families. Shah Mahmoud freed political prisoners and appointed some of them to prominent posts in the government, but these individuals were not involved in the day-to-day decision making. To demonstrate that he was genuinely committed to democratic reforms, Shah Mahmoud even went so far as to allow students to stage a satirical show critical of his brother's ostrich farm, where he used the ostrich to teach the arts of statecraft to the young king.[228]

The cosmetic reforms from the top led to the formation of a political organization, the *Wishzalmeyan* (Awakened Youth), in 1947, headed by Mohammad Rasoul. Members of the organization came from various social backgrounds, and prominent among them were Abdul Raouf Benawa, Abdul Hay Habibi, Abdul Hay Aziz, Noor Mohammad Taraki, Mir Ghulam Mohammad Ghubar, Faiz Mohammad Angar, Shams u-Din Majrooh, and Gul Pacha Ulfat. The organization held regular meetings and advocated constitutional monarchy, free and democratic elections, and civil liberties, and its

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[226] Saikal, Amin. (2004), op. cit.*,* p. 115

[227] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, pp. 719

[228] Rahmani, Ghulam Sakhi. (2003), *Charchata-e-Sari Chawk-e-Kabul*, Peshawar, Pakistan: Al Azhar Publications, pp. 242–43.

members were active in Kabul, Kandahar, Jalalabad, and Farah province. A year later the organization split because of differences on the issue of Pashtun nationalism, as the hardliners supported the Red Shirt movement, headed by Abdul Ghafar Khan, agitating for autonomy for the Pashtuns in Pakistan's Pashtun tribal region. This caused individuals such as Ghulam Mohammad Ghubar, Dr. Abdul Rahman Mohammadi, and Mohammad Siddiq Farhang to leave the organization, criticizing its pro-government position and narrow Pashtun nationalism.[229]

Shah Mahmoud's liberal policies paved the way for mayoral and parliamentary elections in 1948. Members of the *Wishzalmeyan* contested the elections, and several of them were elected by popular vote. Election of progressive and radical individuals to the National Assembly worried Shah Mahmoud, and he worked to ensure that the assembly remained under his government's influence. Progressive and liberal deputies were a minority in the assembly and could not influence the outcome of the election to the assembly's administrative posts. Progressive and radical representatives used the assembly as a forum to express democratic ideas, defend the rights of their constituencies, and supervise the affairs of the state. Major achievements of the assembly included the transparency of the state budget and expenditures, abolition of forced labor and illegal taxes, monitoring and supervising of government activities, and the endorsement of the Press Law in 1950, which led to publication of a number of independent papers, including *Angar*, *Nida-e-Khalq*, *Watan*, and *Wules*.[230]

In an editorial, the *Nida-e-Khalq* supported adherence to the principles of democracy, the people's rights, and equality. It denounced despotism, tyranny, and exploitation of the poor and set its task as educated the masses to show them the way to achieve a government by the people and for the people. The paper condemned the monopoly of economic power by the bureaucratic bourgeoisie and stated that "one of the causes of the people's impoverishment is the fact that money and land are being concentrated in the hands of a limited number of people that is becoming their private monopoly."[231]

Another major political achievement was the formation of a students' union at Kabul University in 1950 that mobilized to fight for social and political change. Individual's

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[229] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, p.721

[230] Ibid, p. 721

[231] Emadi, Hafizullah. (2010), op. cit., p.51

affiliation with private papers led to the formation of political organizations. The organization advocated democracy, societal justice, fighting exploitation, and democratic rights and civil liberties. It advocated free parliamentary elections, freedom of expression and association, and equilibrium among the three branches of the government – the executive, legislative, and judiciary. It opposed the monopoly of power by a handful of people and articulated the need for broader public participation in the government. The organization was unable to establish links with the people and its activities were confined primarily to political agitation among students and glitterati. Efforts to elevate it to the level of a party failed and eventually dissolved in 1952. *Hizb-e Watan* was formed by Ghulam Mohammad Ghubar and his associates in January 1951. They advocated democracy, socioeconomic reforms, development of education, health care, and expanded participation of the people in the state apparatus.[232]

Although, Shah Mahmoud's policies were intended to broaden the social base of the monarchy, the opposition continued to press his government for wider sociopolitical reforms. Dismayed with radical liberals, and progressive deputies at the assembly for their critical views of his government, Shah Mahmoud decided to prevent reelection of these people and intervened in the eighth parliamentary elections held in 1952. As a result of government interference and ragging, representatives such as Mahmoudi, Ghubar, and others were not elected. They accused the government for falsification and fraud in the election result and staged a demonstration condemning state interference in the elections.[233] The state used force to disperse the demonstrators and the next day the government arrested and imprisoned leading personalities such as, Mir Ghulam Mohammad Ghubar, Abdul Rahman Mahmoudi, Barat Ali Taj.

Shah Mahmoud banned all political organizations, disbanded the Kabul University's Students' Union and closed down practically all independent newspapers. Dozens of prominent and young politicians were imprisoned, including General Fateh Mohammad, Mir Ghulam Mohammd Ghubar, Abdul Rahman Mahmoudi and Babrak Karmal, and scores more were dismissed from government service or demoted, and

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[232] Party member came from various social backgrounds, including people with close ties to the ruling family such as Abdul Hay Aziz, Abdul Qayum Rasoul, and Sultan Ahmad Loynab. Other well-known members were Mohammad Sidiq Farhang, Barat Ali Taj, Sarwar Joya, Noor al-Haw, and General Mohammad Fateh. Ibid, pp. 51-2

[233] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, pp.731-32

banished from political activity forever.[234] As the result of Shah Mahmoud's political cleansing, there was not even a single opposition member in the new parliament. However, it was clear that urban-educated elements, young officers and successful entrepreneurs were developing a taste for politics. Daoud believed that something had to be done to bridge the growing gap between economic, infrastructural development, and political stagnation.[235] Despite projecting himself as a liberal leader, Shah Mahmoud did not support the right of other national ethnic groups for social justice and political equality in the country.[236] However, he ardently supported the rights of the Pashtuns for self-determination in Pakistan. The Kabul leadership's primary concern was to maintain political stability at home and they used the issue of Pashtunistan as usual convenient domestic strategy to divert public opinion growing disenchantment with the monarchy and struggle for political transformation.[237]

Growing opposition within the family forced Shah Mahmoud to resign on 20 September 1953. Zahir Shah, who had gained some political maturity but had grown very unhappy about being persistently run by his uncles, now wanted an opportunity to play a more active role. This motivated him, despite whatever trepidation he may have harbored towards Daoud, to share the latter's sentiment that time had come for the younger generation in the royal family to become more assertive. Daoud reached the summit of authority by persuading King Zahir Shah to allow him to bring about a generational change and wider role for the King in both domestic and foreign affairs. Once in office, nonetheless he found it expedient not to honor his informal commitment to the King. He rapidly concentrated power in his own hands and those of his brother, Mohammad Naim, largely relegating the King to his previous ceremonial position.[238]

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[234] Saikal, Amin. (2004), op. cit., p. 116

[235] Bhabani, S. Gupta.(1986), *Afghanistan: Politics, Economics and Society*, London: Frances Print, p. 13

[236] The *Shia Hazaras* were treated as second-class citizens. The Kochi often intruded into their land with tacit government support; this caused *Hazara* tribal chiefs to rebel against the Afghanistan's government. In Shahristan, a well-known tribal leader Mohammad Ibrahim, known as Gaw Sawar (Cowboy) rebelled against repressive state policies that forced people to pay various type of taxes, killed several government officials, and seized control of Shahristan during the winter in 1946. Emadi, Hafizullah. (2010), op. cit., p.55

[237] Pakistan retaliated Afghanistan's Policy regarding Pashtunistan by establishing a Radio Fred Afghanistan in Quetta in 1949, inciting sub-national ethnic communities to fight for their rights. Ibid, p.57

[238] Saikal, Amin. (2004), op. cit., p. 116-17

The promised democratic reforms of Shah Mahmoud were ignored after assignment of Daoud as prime minster.[239] Daoud was a dictator who did not approve of Western liberal politics or the cosmetic reforms his predecessor had initiated. He formed a cabinet composed of trusted aides – his brother Mohammad Naim as foreign minister, Mohammad Arif as minister of national defense, Abdul Malik Rahimzai as minister of finance and economy, and other individuals who had good working relations with him.[240] In the political arena, Daoud eliminated civil liberties, freedom of association, and freedom of speech. During his tenure, political parties were not allowed to engage in politics and the state controlled the press and all forms of mass communication. Foreign journals were thoroughly censored and some were banned from import into the country. He not only turned against radical intellectuals but also disapproved of the policies of pro-establishment reformists and imprisoned religious and political leaders who he considered a threat to stability. Like his predecessor, Daoud used the Pashtunistan issue as an excuse to suppress civil and political liberties at home; he arrested those who did not agree with his domestic and foreign policies, accusing them of being Pakistani informants, saboteurs, or spies.[241] He ruled the country with an iron fist and became known as *Sardar-e-diwana* (lunatic prince). He was not accountable to anyone. Most of his advisors and staff did not dare to challenge his views and were forced to agree with him and provided him with biased information to make him pleased. Daoud neither believed in socialism nor did he cherish the principles of social democratic ideals. He was a dictator fascinated by the Nazi ideology that stressed the blind obedience of citizens and the superiority of the Aryan race. Daoud also believed in complete obedience of citizens and Pashtun domination of the country's politics.[242]

One of Daoud's major projects involved "freedom of women". In 1959, the compulsory wearing of the veil was abolished, women started to be employed in state-owned enterprises, and by 1962, 500 women were working in executive capacities in various government agencies. Learning institutions in Kabul and later in Herat and Mazar-e Sharif introduced co-education of men and women.[243] He encouraged female ruling

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[239] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, p.737
[240] Emadi, Hafizullah. (2010), op. cit., p.58-9
[241] Ibid, pp. 60-2
[242] Ibid, p. 64
[243] Saikal, Amin. (2004), op. cit., p. 131

family members and wives of senior government officials to spearhead the unveiling of women. They did this publicly in Kabul in 1959 during the anniversary of the Afghanistan's independence.[244] However, the conservatives, traditionalists, and clerics vehemently denounced this movement. During his visit to Qandahar, wives of government officials again publicly removed their veils. Conservative clerics headed by Mawlawai Abdul Samad Akhundzadah and traditionalists were provoked and staged a massive protest demonstration, while Daoud crushed the demonstrators with his army under the command of General Khan Mohammad. Thus, he sent a message to opposition forces elsewhere that they would face a similar fate if they disagree with his policies. More than six hundred conservative religious leaders were arrested and sentenced to several years of imprisonments; and a number of them received death sentences.[245]

As the crisis dragged on, it created a suitable opportunity for elements of the rival branch of the royal family, headed by Zahir Shah, to question the wisdom of Daoud's 'Pashtunistan' policy and close friendship with the Soviet Union.[246] They were unhappy with Daoud's hostilities toward Pakistan, which led to the termination of diplomatic relations between the two countries. As their numbers grew, theses intelligentsia became more vocal in their dissatisfaction and more aggressive in their agitation for political liberalization. Some members of the ruling family feared a revolt if the oppressive conditions were allowed to continue. Removing Daoud and replacing his regime with an elected government seemed a viable solution. By this means the leadership could shield the ruling family and prevent any mishandling or mismanagement of the country.

To placate the king and his political opponents, Daoud adopted some flexibility in his policies and submitted a new policy agenda for the king's approval. The proposal essentially called for the establishment of a constitutional monarchy and a parliamentary form of government. Daoud favored a system whereby two political parties would contest seats in the national legislature, and the King would ask the winner of the majority of seats to form the Cabinet. However, he had advised that the

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[244] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, pp.747-8

[245] Emadi, Hafizullah. (2010), op. cit., p. 64-5

[246] Saikal, Amin. (2004), op. cit., p. 129

creation of such system should be preceded by a transitional period of four years, during which one-party-system should be in operation in order to teach the people the basics of party politics and prepare them for full democracy in Afghanistan. Daoud's ideas were outlined in a series of letters addressed by Daoud to Zahir Shah in late 1962. As one of them stated that:

> The king is a symbol of unity, national dignity and integrity of the state…He is not responsible to anyone…The monarchy is neutral in relation to political parties and does not interfere into administrative bears responsibility for the conduct of domestic and foreign policy and determination of the socio-political course.[247]

Daoud tried to strengthen his power base and initiated a policy of reconciliation with radical intellectuals. He even freed well-known social and political activists such as Mahmoudi, Sarwar Joya, and others from jail. These efforts did not yield tangible results, as the radicals did not trust or support Daoud and the king rejected his proposals. Daoud finally resigned, and he submitted his resignation on March 10, 1963.[248] People welcomed Daoud's resignation, bringing an end to a decade of authoritarianism and despotism.

3. THE CONSTITUTIONAL MONARCHY, 1963 – 1973

The substance and direction of the reforms during Zahir Shah era came to be prominently influenced by three main factors: First, comprised members of the royal family – revolved around the king's full-blooded uncle, Marshal Shah Wali and his son General Abdul Wali, whom Daoud's resignation had finally provided both father and son with the opportunity to elevate their own branch of the family against Daoud. Second, factor consisted of a number of experienced and ambitious political figures, such as Sayed Wassem Reshtia. Third, a number of bright aspiring young Afghans who had received modern education in the West, perceived themselves well qualified to assume an active role in formulating and directing democratic reforms, and managed to link up in one form or another to the pro-Zahir Shah Camp within the royal family. Musa Shafiq, Abdul Samad Hamid, and for a short time, Hamidullah were most prominent figures in that grouping. Despite differences in approaches to democratic

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[247] Ibid, p. 289
[248] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, pp.759-60

reforms, all the three forces were united in one point – to prevent Daoud's return to power.[249]

Mohammad Yousuf, a Tajik from middle-class family in Kabul became prime minister soon after Daoud's resignation on March 10, 1963. Mohammad Yousuf formed his cabinet on March 14, 1963. Meanwhile, the king continued to exercise his authority, appointed loyal Pashtun individuals to various posts in the government, as there was no single non-Pashtun in Mohammad Yousuf's cabinet. Men of integrity, honesty, and commitment to the people and the country had little chance of being appointed to senior or junior posts in the bureaucracy. Yusuf inaugurated what he called the phase of 'new democracy', so as not to appear to denigrate his predecessor's period as 'undemocratic', but rather to stress the need for constitutional reforms and a more representative government. The reformist elements in the power elite insisted on implementation of what Mohammad Yusuf termed 'Afghan democracy', based on retention of the monarchy, incorporation of traditional tribal institutions, strong parliamentary, and 'corporation of all classes of the nation, especially the educated people and the youth'.[250]

On 28 March 1963, Zahir Shah appointed a seven-member committee to draft a new Constitution to replace that of 1931, adopted by his father. The assigned committee was assisted by the French expert, M. Louis Fougere, who had had past experience with constitutional reform in Morocco.[251] The constitutional advisory commission completed its assignment on May 14, 1964, and the ninth *Loya Jirga* was convened on September of that year, to endorse the draft of the constitution.[252] During the *Jirga* sessions the debate generally focused on three main issues - Constitution's compatibility with Islam; equitable representation of diverse ethnic interests; and the role of the Royal House in politics. However, while drafting the constitution, only ten members opposed the prohibition of royal family membership in a political party. Noor Ahmad Etemadi, a distant relative of the ruling family and a member of the commission who had good relations with the king and Daoud, objected to the article that limited the power of the king and the ruling family in politics. He argued that this provision would

[249] Emadi, Hafizullah. (2010), op. cit., pp. 66-7; Saikal, Amin. (2004), op. cit., p. 142

[250] Saikal, Amin. (2004), op. cit., p. 135, 142

[251] Ibid, p. 143

[252] Emadi, Hafizullah. (2010), op. cit., pp. 68

be offensive to Daoud and Naim, and could become a source of conflict between them and the King.[253] Nonetheless, the reformists believed that, the removal of royal family members from the government would benefit the monarchy by placing responsibility for policy and its implementation on the officials of the civil government. This would leave the royal house less exposed to attack and to the vicissitudes of politics. [254]

After intense debate the constitution was endorsed by the representatives during the *Jirga* on 20 September, 1964. Consequently, King Zahir approved it on 1st of October 1964. The constitution contained 11 chapters and 128 articles and represented the aspirations of three generations of progressive and radical individuals who fought for freedom of speech, freedom of association, and the formation of political parties. Although at times, the exchange of opinions was quite heated, since the *Loya Jirga* had historically functioned not as a decision-making but as a legitimizing body.

In the finalized draft, Islam was approved as the sacred religion of Afghanistan.[255] The King's supreme power was preserved by the Constitution of 1964.[256] Whereas the immediate members of the royal family were barred from the highest positions in the legislative, executive and judicial branches of power.

> The Royal House is composed of the sons, daughters, brothers, and sisters of the King and their husbands, wives, sons, and daughters; and the paternal uncles and the sons of the paternal uncles of the King…Members of the Royal House shall not participate in

[253] Dupree, Louis. (1965), *Constitutional Development and Cultural Change*. Part VIII: *The Future of Constitutional Law in Afghanistan and Pakistan*, AUFS Reports Service: South Asia Series, 9(10), p.18

[254] Saikal, Amin. (2004), op. cit.*,* p. 144

[255] Article 2: "Islam is the sacred religion of Afghanistan. Religious rites performed be the State shall be according to the provisions of the Hanafi doctrine." Afghanistan Constitution, 1964.

[256] Article 9: "The King holds Supreme Command of the armed forces of Afghanistan; declares war and armistice; summons and inaugurates the *Loya Jirga* (Great Council); inaugurates the ordinary session of the *Shura* (Parliament); summons and inaugurates the extraordinary sessions of the *Shura*; dissolves the *Shura* and decrees new elections, which shall be held within three months from the date of dissolution of *Shura*; signs laws and proclaims their enforcement; issues ordinances; Grants credentials for conclusion of international treaties, in accordance with the provisions of the law; signs international treaties; appoints the Prime Minister and accepts his resignation, appoint Ministers on the recommendation of the Prime Minister and accepts their resignations; appoint the non-elected members of the *Meshrano Jirga* (House of the Elders) and appoints its President from amongst its members; appoints the Chief Justice and Justice of the Supreme Court; appoints Judges and high-ranking civil and military officials and grants them retirement in accordance with the provision of the law; accredits the Heads of Afghanistan's diplomatic missions to foreign States, appoints permanent Representatives of Afghanistan to international organizations and accepts the credentials of foreign diplomatic representatives; proclaims and ends the state of emergency; remits and pardons sentences." Ibid.

political parties, and shall not hold the following offices: Prime Minister or Minister; Member of *Shura* (Parliament); Justice of the Supreme Court.[257]

In comparison with the 1931 Constitution, which contained numerous substantive reference to Islam,[258] the new constitution was more secular document because of Article 69 that established the supremacy of secular law over religious law.

> … A law is a resolution passed by both Houses, and signed by the King. In the area where no such law exists, the provisions of the *Hanafi* Jurisprudence of the *sharia* of Islam shall be considered as law.[259]

Deviation from the canonical Islamic doctrine that sovereignty belongs to Allah was evident. The new Constitution of 1964, identified the locus of sovereignty in the nation as composed of all those individuals who possess the citizenship of the State of Afghanistan.[260] The King personified sovereignty in Afghanistan. Thus, the new Constitution subscribed to the modern notion of a nation-state, whereas previous constitutions supported the concept of Islamic *umma*.[261]

The new Constitution borrowed many ideas from French, British and American legal documents, particularly in what concerned the individual rights of citizens – freedom of speech, religion, assembly, organization, travel, choice of work, inviolability of home, no discrimination, no forced labor, no arbitrary arrest and punishment, and right

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[257] Article 24, Ibid.

[258] Article 13: "The people of Afghanistan have the equal right against the Islamic Sharia and religious related principles." Article 19: "…No one may be punished except by the order of the *sharia* and Islamic Constitution of Afghanistan." Article 22: "In order to make sure that all education institutions conduct their programs in accordance with Islamic principles, all educational institutions shall be monitored and inspected by the Afghanistan Islamic government."; Article 63: "All rules, regulations and laws approved by the *Shura* should not be in conflict with Islamic religion and state internal policies." See: *Ussole Assasi Daulat Afghanistan, 1310* (The Main Principles Afghanistan's Government. 1931).

[259] Article 102, established the supremacy of secular over religious courts. "The courts in the cases under their consideration shall apply the provisions of this constitution and the laws of the state. Where no provision exists in the Constitution or the laws for the case under consideration, the courts shall, by following the basic principles of the *Hanafi* Jurisprudence of the *sharia* of Islam and within the limitations set forth in this Constitution, render a decision that in their opinion secures justice in the best possible way." *Afghanistan Constitution, 1964*, Kabul, Kabul Education Press

[260] Article 1, "Sovereignty in Afghanistan belongs to the nation. The Afghan nation is composed of all those individuals who possess the citizenship of the state of Afghanistan in accordance with the provisions of the law..." Ibid.

[261] Article 6, Ibid.

to free education and medical protection.[262] It was also touted as 'possibly the finest Constitution in the Muslim world',[263] and led observers in the West to declare that:

> Afghanistan may offer…an example of a peaceful transition. There the western-educated 'new men' were invited into responsible government position and encouraged to use their energies peacefully to create a new political synthesis. Under royal patronage and within the framework of the existing political structure, the modernizers are carrying forward tasks of what has been called 'nation building' with what appears to be a satisfactory level of participation in responsibility.[264]

Although article one proclaimed Afghanistan a constitutional monarchy, independent, unitary and indivisible state, but in reality the King had more powers than any other head of the constitutional monarchy. The King stood above any institution of government, acted as supreme commander of the armed forces, and had the right to declare war, conclude peace, and enter treaties at his discretion. He was also entitled to summon the *Loya Jirga*, dissolve Parliament and appoint the prime minister, the chief justice and judge of the Supreme Court and half the members of the upper chamber of Parliament.[265] Article 15[266] mentioned that 'the King is not accountable to anyone and shall be respected by all.

The constitution proved rather contradictory in defining the Cabinet's jurisdiction and accountability. On the one hand, the King could appoint and dismiss all its members whenever he deemed it necessary.[267] On the other hand, the Cabinet was subjected to approval by the *Wolosi Jirgha*, which could demand its resignation by a two-thirds majority vote.[268] Moreover, according to article 96, the Prime Minister and his ministers were responsible to the lower house for actions undertaken by them while implementing

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[262] Article 25-40, Ibid.

[263] Dupree, Louis. (2002), op. cit., p. 565

[264] William R. Polk. (Oct., 1965), The Nature of Modernization: The Middle East and North Africa, *Foreign Affairs*, 44(1), p.106.

[265] Article 9, Afghanistan Constitution, 1964, Kabul, Kabul Education Press

[266] Article 15: "The king is not accountable and shall be respected by all. He takes the following oath, in the presence of the members of the Royal family, the members of the Government and the Justice of the Supreme Court, in a joint sitting of both Houses of the *Shura*." Ibid.

[267] Article 14: "…dissolves the *Shura* and decrees new elections, ... appoints the Prime Minister and accepts his resignation, appoint Ministers on the recommendation of the Prime Minister and accepts their resignations; appoint the non-elected members of the *Meshrano Jirga…*" Ibid.

[268] Article 92: "The vote of no-confidence against the Government shall be specific and direct. In the two legislative terms following the promulgation of this constitution, a vote of no-confidence against the Government shall be by a two-thirds majority of the *Wolesi Jirga* (House of the people) and for Governments after that period, by a majority vote of the members." Ibid.

the King's decree.[269] Thus, the chair of the government was wedge between the monarch and the legislature, and cabinet functions were largely confined to being the go-between those two actors.

Although the constitution barred immediate members of the ruling family from occupying senior posts in the government and forced Daoud to resign himself to life in the private sector. But, Daoud's influence remained pervasive in the government for years – powerful individuals loyal to him tacitly worked to create obstacles to the implementation of some government policies.[270] The constitution also allowed formation of political organizations.[271] However, the king was not interested in democracy and ignored the laws on political parties. The constitution also recognized the equality of ethnic communities,[272] yet, ethnicity, regionalism, and tribalism played an important role in the selection of personal for government posts. Appointments as cabinet members, judges, governors, chiefs of provincial police, heads of provincial education, and so on remained the domain of the middle and upper classes, mostly Pashtuns.[273] The government prepared to implement xenophobic programs for developing Pashtu language as langua Franca,[274] while incessantly trying to suppress the other national languages, including Persian and Uzbeki.

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[269] Article 96: "The Prime Minister and the Ministers are collectively responsible to the *Wolesi Jirga* (House of the People) for the general policy of the Government, and individually for their prescribed duties. The Prime Minister and the Ministers are also responsible for those actions of the Government concerning which they obtain a Royal decree, in accordance with the provisions of this Constitution." Ibid.

[270] For example, when the government decided to launch an investigation into political prisoners who died in prison in the 1950s, the interior minister Sayed Abdullah opposed such a probe, believing that it would ruin Daoud's reputation. He resigned from his post, followed by the resignation of pro-Daoud individuals such as Abdullah Malikyar, minister of finance, and Ali Ahmad Popal, minister of education. Emadi, Hafizullah. (2010), op. cit., pp. 69-70

[271] Article 31: "Freedom of thought and expression is inviolable. Every Afghan has the right to express his thoughts in speech, in writing, in pictures and by other means…To establish and own public printing houses and to issue publication is granted only to the citizens and the State of Afghanistan…The establishment and operation of public radio transmission and telecasting is the exclusive right of the State." Article 32: "Afghan citizens have the right to establish, association for the realization of material or spiritual purposes…Afghan citizens have the right to form political parties, in accordance with the terms of the law, provided that: the aims and activities of the party and the ideas on which the organization of the party is based are not opposed to the value embodied in this Constitution; the organization and financial resource of the party are open." Afghanistan Constitution, 1964.

[272] Article 25: "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations before the law." Ibid.

[273] By the mid-1970s, Pashtuns occupied up to 70 per cent of top and middle-level positions in Afghanistan's civil and military hierarchies. Saikal, Amin. (2004), op. cit., p. 146

[274] Article 35: "It is the duty of the State to prepare and implement an effective program for the development and strengthening of the national language, Pashtu." See: Afghanistan Constitution, 1964.

The expansion of educational institutions provided opportunities to different ethnic groups to acquire modern education. Their education, instead of cultivating pro-establishment sentiments, made them aware of their ethnic rights and status. In school they studied history and learned about how preceding generations had been manipulated by the Pashtun-dominated governments. They were exposed to various political and philosophical ideas, some of which accentuated their ethno-linguistic and regional differences, and they gradually began to express their demands for sociopolitical equality, and some even articulated regional autonomy. In order to deflect this growing trend among *Hazaras* intellectuals and its impact on their communities, the state appointed two *Hazaras* to the cabinet. Abdul Wahid Sarabi was appointed minister of planning and Yaqub Lali was appointed minister of public works and minister of mines and industries, however, their role as minister were largely ceremonial.[275]

Strategy of nation building articulated and implemented by the ruling class did not extend beyond their narrow class interests and led to their alienation from civil society. The ruling class did not allow members of the middle and lower classes to participate in the country's politics and play a role in the day-to-day decision making process, and also they monopolized key economic and industrial enterprises as well as import-export activities. The ruling class maneuvered to remain in power either through the use of coercive forcer or false promises. Sociopolitical and economic issues hasted the crisis of legitimization of the state and paved the way for change. There were rumors that a military coup was on way – associated with the ruling family – former Prime Minister Daoud and the king's son-in-law Abdul Wali and influential figures outside the ruling family such as former Prime Minister Maiwandwal and Musa Shafiq considered as potential threat for the regime change.[276]

4. THE AUTHORITARIAN REPUBLIC, 1973-1978

During the constitutional monarchy, the ruling elites failed to come up with appropriate responses to improve the situation. However, the deterioration of living conditions, rising unemployment, and administrative corruption intensified the drive for radical transformation in Afghanistan. Meanwhile, the pro-Soviet *Hizb-e Democratic-e Khalq-e Afghanistan* lacked

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[275] Emadi, Hafizullah. (2010), op. cit., pp. 71-2
[276] Ibid, pp. 84-5

the capacity for a grassroots revolution and they viewed a military coup as the quickest route to seize power. Senior leaders of the *Parcham* faction of the PDPA, which cultivated good relations with Daoud, began to collaborate with him and supported his political agenda to establish a republican regime. *Parcham* maintained that supporting and working with Daoud would provide the party with public acceptability and that a figurehead leader with no socialist credentials would be more acceptable in a traditionally conservative society.

Daoud launched a military coup on July 17, 1973, while King Zahir was in Italy, and declared Afghanistan a republic.[277] He stated that the monarchy failed to tackle the sociopolitical and security challenges because the leadership did not appoint qualified patriots to positions of authority. At the beginning of the Republic, Daoud promised the draft of a new constitution based on democratic values. However, this did not happen for four years, as Daoud had an authoritarian character and did not believe in democracy heartily.[278] Finally, reform in the political arena started by appointment of a committee to draft a new constitution.[279] Daoud convened a *Milli Jirga* (Grand Assembly) at the end of January 1977 to endorse the constitution. There were 219 delegates; Daoud appointed 130 of them, including military officers, blue-collar workers, farmers, urban intellectuals, and women in an attempt to display the *Jirga* as a democratic institution. The *Jirga* which was chaired by Daoud's trusted aide Azizullah Wasifi, endorsed the constitution that contained 13 chapters and 136 articles.

Prior to the *Jirga's* election of the head of state, Daoud dissolved the cabinet, ended military rule, and attended the *Milli Jirga*. Daoud ascended to his first presidency by means of a military coup, and with this election he wanted to distance himself from the past and sought to be elected by popular acclaim. To this end he engineered a scheme, with the assistance of Wasifi, chairman of the *Jirga*, and other trusted aides. Daoud declared publicly that he was not a presidential candidate and expected the delegates to unanimously request him to nominate himself for the post. Instead, a female delegate who misunderstood the gesture, stated that Daoud was already a candidate, but Wasifi told delegates that Daoud was not a candidate. Another delegate who did not understand the intent of the statement said that if Daoud was not a candidate then Ghulam Haidar Rasouli, the deputy defense minister should

[277] Warikoo, K. (2007), op. cit., p. xi

[278] Farhang, Mir Mohammad Siddiq. (2012), op. cit., Second Cover, pp. 871, 901

[279] Daoud said: "And now, as we had promised our countrymen, I am very happy to inform you that the said draft after full consideration and scrutiny by the commission, has been delivered to the state. After scrutiny, study and approval by the *Loya Jirga* of Afghanistan, which, I hope, will be convened by the end of this year, it will pass through the final legal stage and will be enforced." Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 1, No. 1, August 02, 1976, p. 9

stand as a candidate. This naïve bumbling prompted Daoud to change tactics, and he immediately declared his candidacy and told the delegates that he was ready to be president of the country on one condition – so long as he had the stamina he would server the nation. Daoud's statement was meant to demonstrate his intention to be president for life time. [280] However, it was severely in contradiction with article 76 of the constitution that mentioned a term of six-year for the elected president.[281] The delegates unanimously elected Daoud as president of the Afghanistan.

The constitution of 1977, declared Afghanistan as a republic, democratic, independent, unitary, and indivisible state,[282] Islam mentioned as sacred religion of the state.[283] The constitution also introduced one party system with the following justification:

> For the reflection of social demands and for the political education of the people of Afghanistan, until such time as this aspiration is realized and attains its natural maturity, the one party system led by *Hzb-e Enqelab-e Meli*, which is the founder and vanguard of the popular and progressive Revolution of *Saratan* 26, of the year 1352, of the people of Afghanistan, will prevail in the country.[284]

According to the constitution, President of the Republic was recognized as the head of the State. The President was assigned as the highest authority of the state with extensive authority and made the executive branch to perform its duties under the leadership of the President of the Republic. It also considered the Government as the supreme executive and administrative organ of the state. [285]

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[280] Farhang, Mir Mohammad Siddiq. (2012), op. cit., Second Cover, p. 904

[281] Article 76: "The president of the Republic, after nomination by Party, shall be elected by the *Loya Jirga* with a two-thirds majority vote of its members for a term of six years." Constitution of the Republic of Afghanistan, 1977.

[282] Article 20, Ibid.

[283] Article 22: "The religion of Afghanistan is the sacred religion of Islam. Those citizens who are not followers of Islam shall be free to perform their religious rites within the limits determined by the laws relating to public decency and public peace." Ibid.

[284] Article 40, Ibid.

[285] Article 78: "Supreme command of the Armed Forces of the country; declaring war and armistice with the advice of the *Loya Jirga*…; declaring the state of emergency and its termination; convening and inaugurating the *Loya Jirga*; inaugurating the ordinary sessions of the *Meli Jirga* and convening and inaugurating its extraordinary sessions; dissolving the *Meli Jirga* and decreeing new elections…; guiding and harmonizing the country's domestic and foreign policy…; appointing the Vice-President or Vice-Presidents of the Republic form amongst the members of the Party and also appointing the Ministers from within and without the Party, and dismissing them and accepting their resignations; appointing the Justice of the Supreme Court and the Chief Justice; appointing, retiring, accepting their resignation, and dismissing judges, officers of the Armed Forces, and high ranking officials…; accrediting heads of Afghanistan's diplomatic missions in foreign states, appointing Afghanistan's permanent representative

Freedom of thought and expression were described as inviolable right of every citizens of Afghanistan.[286] Similarly, the constitution articulated admiration of the principle of the Charter of the United Nations, and the Universal Declaration of Human Rights.[287] The 28th anniversary of the Human Rights Declaration was celebrated in Afghanistan on December 10, 1976, Daoud said:

> Afghanistan has supported and supports the inalienable rights of the peoples, the right of self-determination, elimination of colonialism, ending foreign domination, elimination of apartheid, and various manifestations of racial discrimination. I am pleased to reiterate once more, in the name of the people and Government of Afghanistan, total support for the principles of the Universal Human Rights Declaration, at a time when countries and states around the world observe its 28th anniversary…[288]

However, in practice, during Daoud's rule the freedom of association was curbed. He banned private papers and political parties, and established his own political party, *Hizb-e Enqilab-e Milli* in July 1977, which became the only political party allowed to be engaged in politics. Daoud called upon political groups to join his administration and support his sociopolitical agenda. He sent his supporters, mainly members of the *Parcham*, throughout the country to explain state programs and policies to the people with the intention of soliciting public support for his policies. Despite the constitution respecting human liberty and dignity as well as elimination of all forms of torture and discrimination,[289] pro-Soviet forces supportive of Daoud dealt severely with those who considered to be a threat to the regime.

Daoud depicted the regime as revolutionary and portrayed himself as a dedicated servant of the people. However, Daoud's cabinet was formed based on nepotism. He appointed individuals who were his friends, sons of his friends, and those who supported his political

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to international organizations and accepting the letters of credence of foreign diplomatic representatives; singing laws and ordinance and proclaiming their enforcement, granting credential for the conclusion of international treaties and signing of international treaties." Also see article 88, Ibid.

[286] Article 38: "Freedom of thought and expression are inviolable. Every Afghan has the right to express his thought through speech, writing, pictures, or similar means, in accordance with the provision of the law. Permission and the right to establish printing houses and to issue publications shall be granted only to citizens of Afghanistan in accordance with the provisions of the law. The establishment of large printing houses and the establishment and operation of public radio and television transmitters are exclusive right of the State." Ibid.

[287] Article 12, Ibid.

[288] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 1, No. 41, December 14, 1976, p. 158

[289] Article 5, Afghanistan Constitution 1977.

agendas.[290] Individuals associated with ruling family – the Mohammadzai, continued to hold senior positions in the government and similar posts in the executive and the judiciary were reserved for certain members of the Mohammadzai clan. The Ministry of Foreign Affairs was administered entirely by the Mohammadzai family, and of the twenty-one ambassadors, ministers, and consul generals posted abroad in the early period of Daoud's rule, sixteen of them were Mohammadzai.

Daoud's followed irredentist national policy for the creation of coherent national ideology, with the goal of forming a Pashtun state and eventually uniting the Pashtuns of the FATA shape Daoud's language policy as to develop Pashtu language as lingua franca.[291] Continuous attempts which had started since Nadir Shah's era to foster the growth and spread of Pashtu, continued during the Daoud's presidency. Persian language newspapers were obliged to publish pages in Pashtu.[292]

The analysts articulated Daoud's fall due to several reasons: first, Daoud's autocratic and selfish nature, he did not believe in sharing power with anyone, even he did not allow the legal opposition; secondly, Daoud underestimated the capability of the communists and overestimated the vitality of his personal relationship with the Kremlin. He most probably contrasted the communists' lack of popular support with what he saw as his own position as ruler. He concluded that neither would the communists have the capacity to bid for power, nor would the Soviets support them in such a venture; thirdly, Daoud's strategy to achieve more independence of action was badly conceived and implemented. He seemingly failed to foresee the implication of his decision to turn for aid at first to the Shah and, later, also to

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[290] Wahid Abdullah was appointed deputy minister for foreign affairs and Sayed Abdul Ellah was appointed minister for finance, not for their credentials or experience, but because their fathers were Daoud's close aides when Daoud was prime minister. Emadi, Hafizullah. (2010), op. cit., p. 89

[291] According to the historical records, initial steps for imposing of Pashtu language as national language and lingua franca in Afghanistan were taken by Mahmud Tarzi, through publication of his article on the second release of *Seraj-al-Akhbar*, "We are Afghan and our land name is Afghanistan. We have distinct morals and habits; we also have a distinctive language called Afghani. We should guard our language (Afghani) like our life. We should also try to improve this language. Not only Afghans themselves but also all other ethnic groups who are living in Afghanistan should learn Afghani. School education should be in Afghani. Priority should be given to Afghani than English, Turkish and even Persian. The Higher Education Board should give priority for the improvement of Afghani. Afghani is the mother of all other languages, and the Afghan tribes are the ancestors of all Arian tribes." *Seraj-al-Akhbar*, Kabul: Issue No. 2, 20/06/1294 (Solar Calendar)

[292] "Some non-Pashtu speaking high-ranking officials found it necessary to have clerks translated their Farsi communication into Pashtu for transmission to another office. The recipient, often a non-Pashtu speaker as well, handed the report to an assistant for translation back into Farsi. The scheme collapsed in a welter of translation and retranslation." See: Hyman, Anthony (May, 2002), *Nationalism in Afghanistan*, International Journal of Middle East Studies, Vol. 34, No. 2, Special Issue: Nationalism and Colonial Legacy in the Middle East and Central Asia, Cambridge University Press, p. 300-1

Sadat. The Soviets could interpret this only as a dangerous step to steer Afghanistan away from the USSR and ally it with the opposition camp. And finally, Daoud's dynastical antagonisms, poor judgment and faulty personnel policies led to his own destruction, and also the tragedy which beset Afghanistan following his overthrow.[293]

5. THE SAUR REVOLUTION AND SOCIALISM FANTASY, 1978 – 1992

President Daoud was overthrown by the leftists in a coup also known as the 'Saur Revolution' on April 1978. Daoud and his family members were killed, thus bringing to an end over 230 years of near continuous Durani Pashtun rule in Afghanistan.[294] The People's Democratic Party of Afghanistan's assumption of power, promptly recognized by Moscow, was opportunistic and premature, and it fell desperately short of Moscow's ideal of a victorious revolutionary takeover. The Soviet Communist Party in a message to the People's Democratic Party of Afghanistan (PDPA) on its 14th anniversary, expressed its full satisfaction with the victorious Saur Revolution. The Soviet communists pointed out with full satisfaction that:

> The revolutionary struggle of democratic forces of people of Afghanistan which began 15 years ago, has mainly ended with victorious Saur Revolution, 1357 (April Revolution 1978) as a result of which the people of Afghanistan under the leadership of PDPA have begun to build a society void of oppression and exploitation…we wish greater success to party of toiling people and all people of Afghanistan toward fulfillment of objectives of Saur Revolution.[295]

The PDPA lacked legitimacy, administrative capability and popular support. While a great majority of Afghans knew no more about Marxism-Leninism than the fact that it was a 'Godless' ideology and therefore repugnant to Islam. The PDPA was not well equipped to rule the predominantly Muslim, tribal and determinedly independent and nationalistic Afghans, especially given Afghanistan's permeable borders with the non-communist world.[296]

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[293] Saikal, Amin. (2004), op. cit., pp. 184-86

[294] Warikoo, K. (2007), op. cit., p. xiii

[295] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 4, No. 1, January 1, 1979, p. 7

[296] Saikal, Amin. (2004), op. cit., p. 188

Taraki justified the April coup 1978, as a bona fide Socialist revolution, he claimed that it created a new model for people in the developing world to follow.[297] Similarly, Amin further glorified the coup when he called the October Socialist Revolution of 1917 in Russia a classic example of the revolutionary movement and the April coup as an example of a modern-day revolution.[298]The ruling party said the coup was an irreversible revolution and declared the state a democratic entity that represented the interests of the oppressed strata – workers, peasants, and the national bourgeoisie – and rank-and-file members of the party willingly believed the dogma.

To establish its hold on power, the PDPA dismissed most high-ranking government officials and appointed Khalq and *Parcham* members to key leadership posts – individuals who lacked the knowledge, qualification, and experience for the posts. Consolidation of the party's dictatorship required the elimination of opponents. To this end the regime used mass arrests, torture, and execution of people they believed to be a threat to their rule. The regime arrested individuals associated with Mohammadzai clan, deprived them of their citizenship, and later allowed them to leave the country through the mediation of the International Committee of the Red Cross.

The new regime tried to transform Afghanistan into a Socialist society on the basis of the Soviet model without considering the historical and cultural differences between the two countries and Afghanistan's backward economy and primitive social and tribal formation. The new regime abolished the constitution of 1977. Taraki and Amin both promised to introduce new constitutions during their leaderships,[299] but none of them was achieved, as they were

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[297] "The great Saur Revolution which under the chain-breaking guidance of the party and by the revolutionary uprising of people's armed forces and wide support of toiling people of the country succeeded, has opened a new page in the 5000-year history of our country and has paved the way for the blossoming and development of the country to benefit of the toiling people of this glorious country." Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 4, No. 2, January 6, 1979, p. 10

[298] The leadership had realized that it would take a long time to follow the classical way of wresting the political power by the working class, as this called for toppling the government simultaneously with the crushing of the Afghan, creating a new revolutionary one…[it] was even impossible for many years to come…Finally, under the leadership of the PDPA and with the participation of the officers and soldiers of the armed forces who were party members…the Afghan version of proletarian revolution started at nine in the morning of the 7th of Saur (April) and ended at seven in the evening the same day…prior to our "revolution" the working classes everywhere wanted to follow in the footsteps of the Great October Socialist Revolution. However, after the Great *Saur* Revolution the toilers should know that there does exist a shortcut which can transfer power from the feudal class to the working class and our revolution proved it. See: Emadi, Hafizullah. (2010), op. cit., p. 103

[299] "The first working session of the Constitution Drafting Commission, which was inaugurated by Mr. Hafizullah Amin, President of the Revolutionary Council and Prime Minister, on October 10,

removed from power before any draft had been prepared by special commissions which they had appointed.[300]

The leadership issued a number of decrees to expedite the process of political, social, and economic reforms in order to build a socialist society,[301] but they failed to engage the peasantry, blue-collar workers, and middle-income strata in the process.[302] The coercive policy consolidating the *Khalq* version of the proletarian dictatorship, intended to liberate the peasantry and laborers, instead provoked large number of people, including intellectuals and the middle class, to side with feudal landowners and conservative religious leaders in their fight against the state. As people continued to oppose the repressive regime and fought for their liberty and security, the *Khalqis* blamed religious leaders for instigating disturbances and declared war on them.[303] The regime intelligence agency 'Organization for the Protection of the Security of Afghanistan' was known as AGSA, headed by Asadullah Sarwari, hunted down anyone suspected of expressing anti-regime sentiment. The regime had no regard for the lives of prison inmates and executed most of them. On November 16, 1979, the Ministry of Interior released the names of twelve thousands prisoners executed in the period after April 1978. The victims were educators, students, government's employees, religious leaders, businessmen, and the children of political prisoners.[304] Sayed Abdullah, head of the notorious *Pol-e Charkhi* Prison, stated that, "a million Afghans are all that should remain alive – a million communists. The rest, we don't need. We will get rid of all of them."[305]

On September 1, 1979, the KGB decided to remove Amin and throw their support behind Taraki, because Brezhnev believed he was in a better position to unite the party. Failing plot against Amin which caused murder of his two trusted aides Taroon and Nawab, pushed Amin to drive to the Ministry of Defense and take command of the army. Amin's men seized control

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unanimously elected seven working committees to study different aspects of constitution making. Earlier, the Revolutionary Council issued its Decree No. 9, approving Mr. Amin's Decree No. 5 to appoint the Constitution drafting Commission." Bakhtar News Agency, Kabul: 11, 10, 1979.

[300] Ariaye, [Online: Web], Access Feb., 2017, URL, http://www.ariaye.com/english/constitutions/communc.html

[301] Hafizullah Amin described the building of a socialist state as the main task before the Afghan people. He said, "Armed with the ideology of the working class and proletarian dictatorship… the People's Democratic Party of Afghanistan…is the initiator of all the efforts and endeavors of our people for construction of a socialist society." Kabul Times, Kabul: 15, 11, 1979.

[302] Emadi, Hafizullah. (2010), op. cit., p. 105-6

[303] Ibid, p. 110

[304] Amnesty International Report Report 1980, London: Amnesty International Publications, p. 177; Loyn David. (August 2014), The death list that names 5000 victims, Kabul: *BBC News*, [Online: Web], Access September 2014, URL, http://www.bbc.com/news/magazine-28645671

[305] Emadi, Hafizullah. (2010), op. cit., p. 111

of the palace and arrested Taraki and his aides. Amin ignored Moscow's instruction for not harming Taraki and his men, and murdered Taraki. The government controlled radio and the daily paper *Kabul Times* announced Taraki's resignation from his post due to poor health;[306] and a few days later it was reported that he had died of his illness.

 Amin appointed himself secretary general of the party and head of state. He changed the name of the notorious intelligence agency AGSA to *Da Kargarano Amniyati Muassisa* (KAM). KAM increased its activities, searching houses and illegally seizing people on suspicion and antistate activities. People did not trust Amin and held him and Taraki responsible for the execution of thousands of people. Amin's failure to garner widespread support compelled him to deal harshly with his opponents and critics. Political suppression and intimidation became a part of daily life to the extent that people bid farewell to their families, relatives, and friends each day not knowing whether they would ever see them again. Political repression continued as before, causing more people to leave the country and settle in the relative safety of the neighboring countries of Pakistan and Iran.[307]

Amin asked the Soviets to deploy troops in Afghanistan to support his regime fight insurgency. He believed that while the Soviet army maintained security in Kabul, government forces could be sent to the countryside to fight the insurgency. He further maintained that sending government forces to fight outside Kabul would also eliminate the possibility of a coup against him by officers still loyal to Taraki. The Soviets who were looking for an opportunity to oust him from power, responded positively to his request for the deployment of Soviet troops by sending a small number of Red Army troops to Afghanistan. On the evening of December 27, 1979, operation Agate was launched and Soviet troops camouflaged in local uniforms stormed Amin's palace at *Tapa-e Tajbeg* from three directions.[308] The Soviets killed Amin and his guards, and prisoned the rest of his family including his daughters and daughter in-law.

The Soviet Union installed Babrak Karmal as head of the state, president of the Revolutionary Council, secretary-general of the PDPA, and prime minister. The Soviet occupation of the country further eroded Karmal's reputation as a leader. Karmal despised the *Khalq* members

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[306] "The Plenum of the Central Committee of the People's Democratic Party of Afghanistan (PDPA) and the Revolutionary Council have accepted Mr. Noor Mohammad Taraki's resignation as General Secretary of the Party and President of the Revolutionary Council respectively…Mr. Hafizullah Amin has been unanimously elected to both these offices by the respective bodies." Kabul Times, Kabul: 16, 09, 1979.

[307] Emadi, Hafizullah. (2010), op. cit., pp. 112-14

[308] Ibid, p. 116

of the party, and appointed his supporters to key posts in the government, including prime minister, the Revolutionary Council, Minister of Foreign Affairs, and the state intelligence agency.[309] Karmal called Hafizullah Amin as blood thirsty agent of American imperialism and demagogic tyrannical dictator, and announced his accession to power as the new phase of the *Saur* Revolution.[310] He went on to throw open the gates of the *Pul-e Charkhi* prison, proclaimed general amnesty on PDPA's 15th anniversary.[311] Karmal decided to induct non-Party individuals into his administration in fulfilment of his old strategy of setting up a 'national democratic government' that would mobilize all sectors of society before a socialist transformation could be effected. By May 1980, of the 191 important appointment that were made, 78 were from outside the ranks of the PDPA. [312]

A major initiative by Karmal's regime was the promulgation of an interim constitution (Fundamental Principle of Democratic Republic of Afghanistan) in April 1980 that contained sixty-eight articles. It was superseded by a new Constitution ratified in April 1985.[313] The Constitution acknowledged the supremacy of Islam.[314] To pursue the policy, a separate Department of Islamic Affairs was set up, later turned into a full ministry, for the first time in the history of Afghanistan.[315] Article 4 of the constitution recognized the ruling party as the main force guiding the country's political affairs.

> The People's Democratic Party of Afghanistan, the party of working class and all the toilers of the country will be the guiding and mobilizing force of society and state, reflecting the will and interests of workers, peasants, the intelligentsia, all the toilers and

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[309] Ibid, p. 118

[310] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 5, No. 1, January 5, 1980, p. 2

[311] "Babrak Karmal, President of the Revolutionary Council and Prime Minister, had proclaimed a general amnesty for all those political prisoners who have escaped the bloody cleaver of wrathy Amin irrespective of consideration of class, faith, language, tribe, nationality, ideology and political differences." Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 5, No. 1, January 5, 1980, p. 9

[312]Rasanayagam, Angelo. (2004), *Afghanistan, A Modern History: Monarchy, Despotism or Democracy? The Problems of Governance in the Muslim Tradition*, New York: I.B. Tauris, p. 94

[313] "Afghanistan's Council of Ministers decided on March 1, 1980, to set up a commission within the framework of the Ministry of Justice to draft Provisional Basic Principle…to reject the true, free and independent will of the entire people of Afghanistan. Bakhtar News Agency, Kabul: 03, 03, 1980.

[314] Article 5: "Respect, Observation and preservation of Islam as a sacred religion will be ensured in the Democratic Republic of Afghanistan and freedom of religious rites guaranteed for Moslem. Followers of other faith will also enjoy full freedom of religious practice…" Also see article 29 (2), Fundamental Principle of Democratic Republic of Afghanistan, 1980.

[315] This was a device to bring the clergy under close government supervision. The department was given control over the private finances and endowments of mosques throughout the country. The funds served not only to pay the stipends of the clergy, thus making them state employees, but also to finance the building and renovation of mosques. New mosques, 34 in Kabul alone, were eventually built, and 523 others renovated throughout Afghanistan. Rasanayagam, Angelo. (2004), op. cit., p. 94

national democratic forces and a steadfast advocate of real interests of the entire people living in our single homeland, Afghanistan…[316]

The Fundamental Principle of Democratic Republic of Afghanistan (FPDRA), 1980, recognized the authority of the Revolutionary Council (RC) as the highest organ of state power,[317] it enjoyed the following powers:

> Approve decree and laws; endorse socio-economic development plans; approve the state's budged; appoint Presidium member, Council of Ministers, Government of the Democratic Republic of Afghanistan, Supreme Court of and Attorney General of the Democratic Republic of Afghanistan; establish and dissolve various ministries, appoint, replace and fire members of the Council of Ministers; approve the domestic and foreign policy, adopt government action program; proclaim referendum for general elections; announce election for *Loya Jirga*; declare war and armistice; approve or abolish international agreements according to the law; endorse the issuance of bank-notes; make decisions concerning matters requiring approval of RC.[318]

The RC chose its Presidium members from its members, it was composed of: President of the RC as the Presidium head; Vice-President of Vice-Presidents of the RC; secretary and members.[319] The president of the RC was, in the meantime, the Prime Minister of the Democratic Republic of Afghanistan, and authorized to, guide the activities of the RC, its Presidium and the Council of Ministers; command armed forces; receive credential of foreign envoys; endorse laws, decrees, decisions and other documents of the RC, its Presidium and Council of Ministers.[320]

The regime articulated the equality of rights and obligations for all citizens of Afghanistan, irrespective of their racial, tribal, linguistic, sex, domicile, religion, education, parentage, assets and social status.[321] The interim constitution pronounced all-out development of all nationalities, tribes, and clans, irrespective of their size, clan —[322] eight major ethnic communities: the Pashtuns, Tajiks, Hazaras, Uzbeks, Turkmen, Baluchis, Nooristanis, and Pashayis, and allowed publications in a number languages for these communities. The Ministry of Borders and Tribes worked to win the support of tribal and ethnic communities. In

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[316] Article 4, Fundamental Principle of Democratic Republic of Afghanistan, 1980.

[317] Article 36, Ibid.

[318] Article 37, Ibid.

[319] Article 42, Ibid.

[320] Article 45, Ibid.

[321] Article 28: "…Equality of rights among citizens is ensured in all economic, political, social and cultural fields…" Ibid.

[322] Article 7, Ibid.

1987, to improve efficiency, it was divided into the Ministry of nationalities and the Ministry of Border Affairs. However, this measure, like many others, proved to be counterproductive. Support only went to those who were members of the party, its sympathizers, or those whose vested interests were at stake. According to the Interim Constitution of 1980, judicial power had partly shifted from center to peripheries:

> In provinces, towns, woloswalis, alaqadaris, and villages, local *Jirga's*, local councils, will be established to settle all relevant problems...[323]

In August 1981 the regime issued a decree that allotted religious institutions their lands and property and permitted Mullahs, clerics, and religious leaders to retain the *waqf* (income) or *zakat* (tax) they received from the public. It also established the Department of Islamic Affairs, which was upgraded to *Wizarat-e Shuon-e Islami wa Awqaf* (Ministry of Islamic Affairs and Endowments) in 1985 – all these efforts were intended to demonstrate the Islamic character of the regime and depict the regime as a friend of the Muslims. The state imprisoned Mullahs who opposed the regime and the Soviet occupation and engaged Mullahs who supported the regime in mosques and other religious institutions. However, people despised the pro-government Mullahs and threatened them with death, causing many Mullahs to carry guns as a measure of protection, and government security guards were appointed to maintain security at religious institutions.[324]

The growing of insurgency and Karmal's failure to stabilize the country caused the Soviet leaders to remove him from leadership of the party and replaced him with Najibullah on May 4, 1886. A year later Najibullah declared a policy of national reconciliation, and on July 6, 1987, a law on political parties was passed that led to the reemergence of several semi-independent parties. Most of these parties had split from the PDPA in the past, but some now allied with the PDPA.[325] Former chancellor of Kabul University, Mohammad Asghar, a pro-Western intellectual, seized the opportunity, returned home, and formed *Ittihad-e Milli Baray-e Azadi was Democrasi*.

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[323] Article 51, Ibid

[324] Emadi, Hafizullah. (2010), op. cit., p. 120; Rasanayagam, Angelo. (2004), op. cit., p. 94

[325] Throughout the 1960s and 1980s these groups included Sazman-e-Azadi-Bakhshe Zahmatkashan-e-Afghanistan, Sazman-e-Fidayian-e-Zahmatkashan-e Afghanistan, Jamiate-Enqilabi-e-Zahmatkashan-e Afghanistan, Sazman-e-Pishahang-e-Kargaran-e-Jawan-e-Afghanistan, Ittifaq-eMubarizin-e-Sulh wa Taraqi-e-Afghanistan, Ittihad-e Ahzab-e-Chap-e-Demokrat, Hizb-e-Adalat-e-Dehqanan-e-Afghanistan, Hizb-e-Islami-e-Mardom-e Afghanistan, Nahzat-e-Hambastagi-e-Mardom-e-Afghanistan, Solidarity Movement of the People of Afghanistan, Hizbollah-e-Afghanistan, Groh-e-Kar, and Khalq-e-Kargar.

In November 1987 Najibullah convened a *Loya Jirga* to endorse the draft of the constitution. In it the country's name was changed from the Democratic Republic of Afghanistan to the Republic of Afghanistan, and the new political system was based on a parliament composed of two champers,[326] and multi-party system.

> In the Republic of Afghanistan, Political parties are allowed to be formed, provided their programs, rules and activities are not opposed to the provisions of this Constitution and the laws of the country. A party formed in accordance with the provisions of the law cannot be dissolved without legal cause.[327]

Najibullah in his message, on the third anniversary of enforcement of the constitution said the state would defend democracy and independence at all cost. The constitution laid the basis of a new state order on the principles of parliamentary and political pluralism, leading to participation of vast masses of the Afghan society, parties, political and social organizations in the state administration, implementation of national reconciliation and establishment of national wide peace in Afghanistan.[328]

However, the parliamentary elections were held during April 6-15, 1988, in regions which remained under the control of the state and a majority of seats were allocated to PDPA members in advance in order to consolidate the regime's hold on power. In the post-Soviet occupation, Najibullah initiated Soviet-style perestroika in an attempt to expand his base of support. Changes included an end to Soviet socialism, replacement of the Russian language with English and French languages in schools and colleges, and reintroduction of religious studies in the curriculum. He appealed to a number of people in exile, including, Zahir Shah and Gilani, and offered them power sharing government, but they all declined the offer.[329]

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[326] Article 78: "The National Assembly consist of two houses: the House of Representatives and the Senate." Afghanistan Constitution 1987

[327] Article 5, Ibid.

[328] "The countrymen remember that the draft of the constitution, for the first time in the history of the nation, was put forth for a plebiscite in which over two million people participated and around fifteen thousand views and proposals were received from the public by the Commission for drafting the Constitution. This fact indicates the national and democratic character of our constitution. With distinct inclusion of the three state forces in the Constitution, the parliament of the country came into being on the basis of secret, direct, free and general elections and a government consisting of the representative of political parties and non-party personalities with coalition characteristic was formed. The judiciary force as an independent organ of the state having non-party character was established…" Najibullah said during the third anniversary of enforcement of Constitution. Kabul Times, Kabul: 01, 12, 1991.

[329] Mohammad Hasan Sharq, "Aghaz wa Anjam-e Hukumat-e-Entiqali dar Afghanistan," [Beginning and end of the transitional government in Afghanistan] (2008), http:// www.afghanasamai.com

The constitution of 1987 amended in May 1990, described Afghanistan as Islamic State.[330] Article 2 mentioned Islam as the sacred religion of Afghanistan and affirmed that no law shall run counter to the principle of the sacred religion of Islam and other values enshrined in this Constitution.[331] The constitution also declared Afghanistan as a multi-national country, and encouraged the state to follow the policy of all round growth, understanding, friendship and cooperation between all nationalities, clans and tribes of the country for ensuring political, economic, social and cultural equality and rapid growth and development of regions which are socially, economically and culturally backward.[332] Equality of rights was recognized for all citizens of Afghanistan irrespective of their national, racial, linguistic, tribal, educational and social status, religion creed, political conviction, occupation, kinship, wealth, and residence.[333] Similarly, freedom to perform religious rites to all Muslims and followers of other religions was guaranteed by the constitution.

> In the Republic of Afghanistan, the freedom to perform religious rites is guaranteed to all Muslims. Followers of other religions are free to perform their religious rites. No individual has the right to abuse religion for anti-national and anti-people propaganda purposes, creation of enmity and commission of other deeds contrary to the interests of the Republic of Afghanistan.[334]

The Constitution safeguarded the freedom of thought and expression for the citizens of Afghanistan. It allowed the citizens to express their thought in speech and writing. It banned the pre-censorship of the press.[335] The right to assembly, peaceful demonstration and strike was enshrined by through article 50 of the constitution.[336]

Loya Jirga was recognized as the highest manifestation of the will of the people Afghanistan.[337] It could approve and amend Constitution; elect the President and accept the President's

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[330] Article 1, Afghanistan Constitution 1990, mentioned that: "The Republic of Afghanistan is an independent, unitary indivisible and Islamic state, having sovereignty over the whole of its territory…" However, the Constitution of 1987 did not mentioned Afghanistan as Islamic State: "The Republic of Afghanistan is an independent unitary and indivisible state, having sovereignty over the whole of its territory…" Afghanistan Constitution 1990; Article 1, Afghanistan Constitution 1987.

[331] Article 2, Constitution of Republic of Afghanistan, 1990; Article 2, Afghanistan Constitution 1987.

[332] Article 13, Afghanistan Constitution 1990.

[333] Article 38, Ibid.

[334] Article 40, Ibid.

[335] Article 49, Ibid.

[336] Article 50, Ibid.

[337] Article 65, 66: "The *Loya Jirga* is composed of: the President and Vice-Presidents; members of the National Assembly; Prime Minister, Deputy Prime Ministers and members of the Council of Ministers; Chief Justice and Deputy Chief Justices; Attorney General; Chairman of the Constitution Council; Chairman of the councils of provinces; from each province, equivalent to the number of their deputies to the *Wolesi Jirga* (House of Representative), elected by people through equal, free, secret and direct

resignation; consent to the declaration of war and armistice; adopt decisions on the most important questions regarding the destiny of the country.[338]

The President was the head of state who could exercise his powers in executive, legislative, and judicial spheres,[339] and elected by the member of *Loya Jirga* for a term of seven years.[340] According to the Constitution of 1990, President enjoyed vast power in addition to those entrusted to him by other provisions of this Constitution.[341]

National Assembly (parliament) was recognized as the highest legislative body of the Republic of Afghanistan and its power and by article 81 of Constitution.[342] The power of the House of Representatives was defined by article 82 of the Constitution as follow: to pass a vote of confidence or no-confidence in the Council of Ministers or one of its members; to take the final decision on the draft plans for economic and social development and the state budget in the event of disagreement between the House of Representatives and the Senate. The Council

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ballot; a maximum of fifty persons from among the political, scientific, cultural, social and religious figures to be appointed by the President." Ibid.

[338] Article 67, Ibid.

[339] Article 71, Ibid.

[340] Article 72: "The President shall be elected by a majority vote of the members of the *Loya Jirga* for a term of seven years. No person can be elected as President for more than two terms…" Ibid.

[341] "Supreme Command of the Armed Forces; to assign laws and resolutions of the National Assembly; to nominate the Prime Minister designate to form the government; to approve the appointment of the Prime Minster, Deputy Prime Minister and Ministers after they receive the vote of confidence form the National Assembly, and to accept their resignation; to convene and chair the sessions of the Council of Ministers; to delegate the power of judgment and to endorse the appointment, promotion and retirement of high-ranking judge, official and officers; to take decisions o ascertaining public opinion or holding referendum on major, political, social and economic issues; to pardon and remit sentences; to accredit heads of diplomatic missions to other countries and to international organizations; accept the credentials of the heads of diplomatic missions of other countries; to proclaim state of emergency, general and partial mobilization and their termination; to declare war and armistice in consonance with the *Loya Jirga*; to authorize the issuance of money and monetary reform; to grant asylum, honorary orders, medals, titles..; to approve national anthem of the Republic of Afghanistan..." Article 75, Ibid.

[342] "To approve, amend and repeal laws and legislative decrees and to present them to the President for signature; to interpret laws; to ratify or to approve the annulment of bilateral treaties and to ratify accession to withdrawal treaties and to ratify accession to withdrawal from internal treaties; to approve socio-economic development plans and endorse the government's report on their execution; to approve the state budget and evaluate the report on its execution; to establish administrative unites and to make changes; to establish and abolish ministers, to decide on the appointment and removal of Vice-Presidents on the basis of recommendation and request of the President; to authorize the state to receive loans and grant privilege of substantial importance in national economy, including monopoly; to institute by law, honorary orders, medals and titles, to endorse the establishment of relations with other countries and international organizations; to elicit replies from the Prime Minister and other members of the government concerning performances related to their authority during interpellations session." Article 81, Ibid.

of Ministers was made responsible to report to both the House of Representatives and the President. Judiciary was recognized as an independent component of the State for the first time in the history of Afghanistan. The President had the authority of appointing the Chief of Justice, Deputy Chief of Justice and judges of the Supreme Court. The Chief of Justice was made responsible to the President and assigned to report to him.[343]

The constitution of 1990, was the most democratic one as compared to the early constitutions of Afghanistan since 1923. In addition to the recognition of freedom of thought, expression, right to assembly, peaceful demonstration and strike, and equality of rights of all citizens irrespective of their racial, linguistic, tribal, social status, political conviction, kinship, wealth and residence, the constitution of 1990 described Afghanistan as Islamic State, and recognized Islam as the sacred religion of Afghanistan to persuade the Islamic *Jihadi* groups for reconciliation, and power sharing.[344] However, notwithstanding Najibullah's endeavor on the national, regional and international level, [345] he failed to end Afghanistan's war through peaceful negotiation with the opposition armed Jihadi groups and creation of National Unity Government.[346] Though, later on, *Watan Party* accused Najibullah for showing his preparedness verbally for the peaceful solution of the Afghanistan issues, but in practice when the process of the political solution had reached a sensitive phase, he attempted to flee on the night of 15/16 April with the intention of disturbing the stability and creating vacuum of power but was prevented by the alert armed forces. *Watan Party* proclaimed its readiness to

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[343] Articles 107, 110, Ibid.

[344] "In full compliance with the Islamic principles and the accepted national and Afghani traditions, and complete observance of the Universal Declaration of Human Rights and the UN Charter, the Republic of Afghanistan Constitution is the most important national document which direct the political, economic and social life in our country in accordance with requirements of the national reconciliation policy from the legal point of view… as you are aware, after the enforcement of the Constitution as a result of the initiatives of the RA state and its peaceful measures aiming at implementation of the national reconciliation policy, the State has achieved remarkable successes in both the national and international arena." Najibullah said during the third anniversary of enforcement of Constitution. See: Kabul Times, Kabul: 01, 12, 1991.

[345] "We are keeping on the effective process of negotiations with the opposition war mongering groups and have expanded diplomatic contacts with the world countries and international organizations for ending the war and solve the Afghan issue peacefully." Najibullah said his message to the Scientific Research Seminar making the 100th birth anniversary of *Fakhr-e-Afghan Khan Abdul Ghafar Khan*. Ibid, 31. 12, 1991.

[346] The Backbone of the National Unity Government could be the government of Khaliqyar and Peshawar-backed interim setup, be formed with the participation of the nine-party Iran-based organization, the Council of local commanders, Afghan personalities in the USA and Europe, the supporters of the former King Zahir Shah. Ibid, 26, 09, 1991.

work in a broad national alliance for preservation of united, Islamic and non-aligned Afghanistan, protection of national honors and cultural assets of the country.[347]

6. THE MUJAHEDEEN REGIME AND CIVIL WAR, 1992 - 1996

The party's fragmentation based on linguistic considerations and also the growing differences between the *Parcham* and *Khalq* weakened the regime's ability to fight the Islamic Jihadi groups. Growing disenchantment with the PDPA hastened the collapse of the regime when the *Parchamis* in both the civil service and in the army allied with Ahmad Shah Masood and the *Khaliqis* allied with the Pashtuns in the south and Gulbudeen Hikmatyar, and later with Taliban. Disintegration of the Soviet Union in 1991 was a major factor in the collapse of the client regime. Russia could no longer provide Kabul with financial, political, and military support. President Njibullah stepped down on 16, April, 1992 and on 28, April, 1992, an interim council headed by Sibghatullah Mujaddidi assumed power.[348] On the occasion, the interim president Mujaddidi said:

> After over thirteen years we with the help of the *mujahedeen* have succeeded in abolishing the former government and establishing a truly Islamic government. War is a bitter affair but to realize a holy objective, any great sacrifice that one can offer is worth it. We have achieved our goal today.

The Peshawar Agreement stipulated that Mujaddidi must be head of state for two months, followed by Burhanuddin Rabbani as head of state for four months, until the formation of a new government and holding of general election to elect the next head of state. On 28, April, 1992, Mujaddidi returned to Kabul and was proclaimed the interim head of Afghanistan government. Mujaddidi declared a general amnesty and called upon people to unite and support his leadership. He appointed Ahmad Shah Masood as minister of defense and appointed individuals with Jihadi backgrounds to his cabinet.[349] Members of the Islamic parties who were appointed to senior posts in the government generally lacked adequate qualifications and experience. They tended to be loyal to their respective parties and used

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[347] Bakhtar News Agency, Kabul: 18, 04, 1992.

[348] Bakhtar News Agency, Kabul: 14, 05, 1992.

[349] "Mujaddidi also opposed women's participation in the Afghanistan's political affairs, as he regarded politics as the exclusive domain of men. Mujaddidi told the nation that they must not elect a women as their leader, as he believed that "the weakest nations in the world are those that have a woman as a leader." See: Emadi, Hafizullah. (2010), op. cit., pp. 169-70

their positions in the state to appropriated national and international funds for their own groups. For example, when Pakistan gave a check for fifty million rupees to the government of Afghanistan, it was diverted and credited to the personal bank account of a resistance leader.[350] While Mujaddidi was head of the state, Jihadi leaders worked to undermine his authority as they initiated their own policies of nation building and promoting an Islamic culture and way of life.

At the first session of the leadership Council, chaired by Burhanuddin Rabbani on 6, May, 1992, it was decided to dissolve the cabinet of Najibullah's regime, to abolish the legislation and resolutions which ran counter to the Islamic *shariat* and dissolve both houses of the National Assembly, and to declare illegal the former ruling party, *Watan Party*.[351] A number of books considered alien to the principle of Islam and the *Sharia* were eliminated from the public libraries and the *Baihaqi* publishing outlets, in Kabul. The media now reflected the victory of Islamic Revolution and refrained from demagogic assertions and baseless slogans.[352] *Mujahid Weekly*, which was established by Rabbani in 1978, issued its first publication by June 27, 1992 after *Mujahedeen* victory. The eight-page new issue of the weekly published inside the country, reflected the revolutionary objective of the *Jamiat Islami* party of Afghanistan.[353]

At the end of two months, the interim government proved incompetent in leadership and failed to show any flexibility for the solution through reconciliation. Mujaddidi led administration could not restore stability as warring factions ignored his repeated pleas for peace. [354] His brief rule ended on June 28, 1992, he was reluctant to leave the post but was forced to do so. He was succeeded by Rabbani who ruled first for four months but was later

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[350] Malik, Murtaza. (2002), *The Curtain Rises: Uncovered Conspiracies in Pakistan, Afghanistan*, Karachi: Royal Book Company, p. 167.

[351] Muhseni, Secretary and Spokesman of the Council gave the detailed deliberation of the session, also attened by Mujaddidi, Mawlawi Mohammad Nabi Mohammadi, Asef Muhseni, Eng. Ahmad Shah and Haji Abdul Qayoum on behalf of their *Tanzims* (Party) said: "The State Security Ministry with all its subordinate structures will be abolished; a special tribunal would be formed to bring to justice the traitors; to declare April 28 as the festival of victory of the Muslim nation of Afghanistan; declare May 4, as the day of martyrs and the disabled; confirmed general amnesty issued by the *Jehadi Tanzims* and the Islamic State; aid to Afghanistan should be channeled through Kabul government." See: Kabul Times, Kabul: 14, 05, 1992.

[352] A delegation led by Mohammad Sidiq Chakari, Acting Minister of Information and Culture, assigned to remove the books contradicting Islam form both state and private institutions, published and released during the previous communists regime. Bakhtar News Agency, Kabul: 30, 05, 1992.

[353] At beginning this weekly was published in Dari, Pashtu, Arabic, and Urdu languages. And it has been serving the cause of the struggle of the Islamic revolution. Bakhtar Agency New, Kabul: 27, 06, 1992.

[354] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 16, No. 5, January 19, 1991, p. 58

extended for six more months by the Supreme Court, backed by leading *ulema*.[355] Rabbani's term was again extended for 18 more months, after six days of intensive talk in Islamabad Peace Agreement on March 7, 1993. The Afghan peace accord signed by eight Afghanistan *mujahedeen* parties in Islamabad,[356] dealt with power sharing issues. It was also an attempt to re-establish the writ of the state. An essential prerequisite for ensuring peace in Afghanistan would be 'state- reclamation'. However, that had been virtually no existent or at best was ripped apart by different *mujahedeen* groups. At the end of Islamabad peace accord, the eight Afghanistan *mujahedeen* parties with exception of *Junbish Party* headed by Dostom,[357] agreed on the following terms:

1. Formation of a government for a period of 18 months in which President Burhanuddin Rabbani would remain President and Gulbudin Hekmatyar or his nominee would assume the office of Prime Minister.[358] The powers of the President and the Prime Minister and his cabinet which have been formulated through mutual consultations will form part of this accord.

2. The cabinet shall be formed by the Prime Minister in consultations with the President and leaders of mujahidin parties within two weeks of the signing of this accord;

3. The following electoral process is agreed for implementation in a period of not more than 18 months with effect from December 29, 1992. (a) the immediate formation of an independent Election Commission by all parties with full powers; (b) the Election Commission shall be mandated to hold elections for a Grand Constituent Assembly within eight months from the date of signature of this accord; (c) the duly

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[355] Ibid, Vol. 21, No. 15, July 08, 1994, p. 71

[356] In confirmation of the above accord, the following have affixed their signatures hereunder, on Sunday March 07, 1993: Burhanuddin Rabbani (Jamiat Islami), Gulbudin Hekmatyar (Hezb-e Islami), Mohammad Nabi Mohammadi (Harakat Inqilab-e Islami), Sibghatullah Mujaddidi (Jabhe Nijat Milli), Pir Syed Ahmad Gillani (Mahaz Milli), Ahmad Shah Ahmadzai (Ittehad Islami), Sheikh Asif Mohseni (Harakat Islami), and Ayatulalh Fazil (Hezb-e Wahdat Islami). See: Ibid, Vol. 18, No. 06, March 11, 1993, P.1217

[357] Dostom had been kept out of the Islamabad negotiation on demand from majority of the Afghan groups – although, his representatives did participated. The accord significantly gave no power to the Mazar-e Sharif based military commander. Ibid, Vol. 18, No. 7, March 15, 1993, p. 1320

[358] Hezb-e Islami Chief Gulbudin Hekmatyar formally announced on March 09, 1993, that he would be the new Prime-Minister of Afghanistan under the recent signed peace accord. Nawab Khalil the Party spokesman said, "The executive committee unanimously decided that Mr. Hekmatyar should accept the post of Prime-Minister. We have sent this message of Mr. Hekmatyar formally accepting the office of Prime-Minister to Kabul by wireless." Ibid, Vol. 18, No. 7, March 15, 1993, p. 1287

elected Grand Constituent Assembly shall formulate a constitution under which general elections for the President and Parliament shall be held within the prescribed period of 18 months mentioned above.

According to the accord, the President of the Islamic State of Afghanistan is the head of the state and symbol of unity and solidarity of the country and shall guide the affairs of the state in accordance with Islamic laws and the principles laid down in the Holy Quran and *Sunnah*. The accord determined the President's power and duty as bellow:

> Appoint of a Vice-President of the Islamic State of Afghanistan; appoint and retirement of judges of Supreme Court, the Chief Justice, in consultation with the Prime Minister and in accordance with the provision of the laws; supreme command of the armed forces of the country in the light of the objectives and structure of the armed forces of Afghanistan; declaring war and peace on the advice of the cabinet or parliament; convening and inaugurating parliament according to rules; consolidating national unity and upholding the independence, neutrality and the Islamic character of Afghanistan and the interests of all its citizens; accrediting heads of Afghanistan's diplomatic missions in foreign states, appointing Afghanistan's permanent representatives to international organizations and accepting letters credence of foreign diplomatic representatives; signing laws and ordinances and granting credentials for the conclusions and signing of international treaties; granting formal permission to print money…[359]

The powers and duties of Prime-Minister and his cabinet were articulated as below:

> Formation and implementation of country's domestic and foreign policies in accordance with the provisions and spirit of this accord and provision of law; administering, coordinating and supervising the affairs of the ministers, and other departments and public bodies and institutions; rendering executive and administrative decisions in accordance with law and supervision their implementation; drafting of laws and formulation rules and regulations; preparing and controlling the state budget and adopting measures to mobilize resources to reconstruct the economy and establish a viable and stable monetary, financial and fiscal system; drafting and supervising implementation of the socio-economic and educational plans of the country with view to establish a self-reliant Islamic welfare state; protecting and promoting the objectives and interests of Afghanistan in the world community and discussing and negotiating foreign treaties, protocols, international agreements and financial arrangements; adopting measures to ensure public order, peace, security and Islamic morality and to ensure administration of justice through an independent and impartial judiciary.[360]

Burhanuddin promised to issue a new Constitution in the initial days of his government, as he mentioned that his government would strive to draft the provision of Constitution, and pass

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[359] Ibid, Vol. 18, No. 6, March 11, 1993, pp. 1218-19
[360] Ibid, Vol. 18, No. 6, March 11, 1993, pp. 1219-20

necessary regulations to base the laws of the society on Islamic teachings.[361]However, the Constitution was not ratified due to serious domestic challenges and continuous war among different Jihadi groups in the capital Kabul and all around the state. The constitution was containing eighty-eight articles and declared Afghanistan an Islamic state guided by the provision of the Quran, recognized the *Hanafi* school of Islam as the official religion of the country, and endorsed the *Shure-e Jihad* as the supreme body that approves the laws and other affairs of the state. Outlining the guidelines of the policy of the new government, Rabbani said:

> Defense and protection of the achievements of the glorious Islamic Revolution, spread of the teachings of Islam, deepening of the influence of Islam in all walks of social life, establishment and consolidation of the Islamic State, consolidation of the national sovereignty, protection of independence and territorial integrity in accordance with Islamic teachings, respect of people's natural rights, and provision of the grounds for individuals to take part in appointment and election of the political and administrative leadership through the principle of *shura* (consultation) as the foundation of the political system of Islam are the main principles of our domestic policy.[362]

On October, 17, 1992, the leadership council under the chairmanship of Rabbani, appointed a commission for election. The commission assigned to send its teams to all the provinces for electing representatives for the Council of *Ahle Halo Aqd* (National Assembly). The commission had been instructed to utilize all the possibilities and exert utmost efforts for completion of its task so that the *Ahle Halo Aqd* Council is convened in Kabul on December 10, 1992, at the specified time. [363] The Supreme Court had been also asked to assign one judge with each team to supervise the election process. The commission also asked the UN and OIC to contribute by meeting the expenditures for holding the National Assembly session. The leadership Council also endorsed the procedure for the convocation of the National Assembly. It consisted of 5 chapters, 34 articles, 2 commentaries and one preamble – drafting the tasks and authority of the Central Commission and appointment of the supervisory teams. [364] Rabbani, the Chairman of the Leadership Council, in a press conference on October 25 mentioned:

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[361] Kabul Times, Kabul: 05, 07, 1992.

[362] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 17, No. 31, August 01, 1992, pp. 303-4

[363] Ibid, Vol. 18, No. 5, March 09, 1993, p. 1163

[364] Bakhtar News Agency, Kabul: 25, 10, 1992.

> The formation of the National Assembly would be great turning point in the efforts of the people to establish a broad-based system, national unity and territorial integrity of the country.[365]

The Afghan Election Commission, which was entrusted with task of organizing a National Assembly or *Loya Jirga*, was formally inaugurated in Kabul on August 28, 1994. Although, only procedural matters were decided at the meeting. Maulavi Mohammad Nabi Mohammadi, leader of the *Harakat Inquilab Islami*, was unanimously elected chairman of the *Loya Jirga* convening commission, and the *Ittehad Islami faction* leader Rasool Sayyaf, who was not present at the gathering was elected deputy chairman. The election commission meeting held in a basement conference room of the intercontinental Hotel, was the third time members had met officially. The proposed *Loya Jirga* which would decide on the future leadership of Afghanistan was scheduled to convene before the end of October, despite the fact that there was no ceasefire between the warring factions in Kabul. One of the other duties of the commission was to arrange for a transfer of power from President Rabbani to an interim government in the period leading up to the *Loya Jirga*. President Rabbani had made the offer in a message to a UN sponsored meeting of independent Afghan leaders, who were in session in Quetta, and spelled out some conditions as: first, his resignation should in no way give any political or other advantage to his opponents. Secondly, immunity for Kabul from attacks be guaranteed.[366] However, Hekmatyar had called for the resignation of Rabbani as a precondition to a ceasefire. He continued war against Kabul government and non-stop rocket attack on Kabul city.[367] In response, President Rabbani decided not to step down before the end of his two-year term in December despite his pledge to do so in two separate peace agreements.[368]

7. THE ISLAMIC EMIRATE OF TALIBAN, 1996-2001

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[365] Ibid, 25, 10, 1992.

[366] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 19, No. 24, November 28, 1994, p. 109

[367] Ibid, Vol. 19, No. 22, October 25, 1994, p. 99

[368] The Presidential spokesman Mr. Abdul Aziz Morad, said on April 19, 1994, that because his (Rabbani) rivals had not abided by the conditions of two important peace settlements the President was no bound by them either. President Rabbani had pledged to shorten his term to 18 months, which would have required him to leave in June, in favor of his arch-rival, Prime Minister Gulbudin Hekmatyar. This was in line with a peace pact signed in Islamabad in March 1993, which was later endorsed at Jalalabad in May. Nonetheless, Hekmatyar's personal representative claimed that President Rabbani has to quit right away. Ibid, Vol. 19, No. 13, May 27, 1994, p. 59

The continuation of war among different mujahedeen groups which caused huge destruction to the state, in addition to loses of hundred thousand lives mostly civilians, paved the way for the emergence of Taliban in 2004, who later in 2006 conquered most of Afghanistan's territory from mujahedeen war groups. To the Taliban, Sharia law was the constitution, and so they saw no need to draft a constitution to govern the state. According to Taliban, *Sharia* law provided security and safety to the people and their property. Taliban argued that they supported an egalitarian system of government that was practiced during the life of prophet and his companions. In order to replicate the environment the Prophet who lived centuries ago, the Taliban banned political parties and political discourse. On July 19, 1998, Taliban ordered the deletion of all secular terms from Afghanistan's Constitution and applicable laws to bring their administration fully in line with Islamic law. Meanwhile, Radio Shariat announced that a large team of senior religious scholars was assigned by the Taliban Chief Mullah Omer to revise and edit the Afghanistan's Constitution. After a full assessment, the ruling council endorsed articles which were in conformity with Islamic Sharia, and amended and dropped other articles which were against the Sharia. In the meantime, all laws and regulations applicable in the ministries, independent departments and organs were revised and amended, all non-sharia and secular items were dropped as per an order of *Amir-ul Momenin* Mullah Omar.[369]

Taliban claimed that they had changed Afghanistan's Constitution in accordance with Islamic *sharia*, but did not specify on which of the country's variety of past Constitutions it was based.[370] Mullah Omer assured Afghans that democracy and human rights will have a place in his Islamic state, but on the terms defined by Muslim scholars. Hence, the scholars would discuss the place of democracy and human rights in Afghanistan according to the Islamic law. The message also pointed out that the Taliban movement is an Islamic movement and there are no differences among Pashtun, Tajik, Hazara and other Afghan ethnic groups. All Afghan ethnic groups would be treated equally.[371]

However, Taliban's behavior regarding other ethnic groups for the purpose of ethnic cleansing explained their brutal military policy. On January 17, 1997, Taliban

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[369] The Nation Daily, Pakistan, 20, 07, 1998.

[370] The *Shariat Weekly*, the Taliban official organ, slammed the Muslim countries for having secular constitutions. Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 23, No. 24, August 18, 1998, p. 111

[371] Ibid, Vol. 23, No. 28, September 15, 1998, p. 134

announced that they were forcing the population of Charikar, the provincial capital of Parwan, to evacuate the city. They forced thousands of frightened and freezing Tajik residents to begin a marathon walk out of the city heading for an unknown destination. Similarly, genocide of Hazaras in Yakawlang, Bamyan, Mazar-e Sharif, and land burn policy of Taliban regarding Tajiks and Hazaras farms and agricultural lands, as well as their visceral sectarian prejudices, demonstrated by their impositions on the population and their ill-treatment of non-Pashtun groups, destruction of Buddha's and many other archaeological objects at the museum of Kabul,[372] as well as smuggling large number of antiquities to Pakistan and London markets.[373] Ceasing of Nawruz celebration, Ashura Festival, stopping Afghanistan's Hindus and Sikhs from their religious practices were not merely religious tendencies, but more ethnic aggression regarding other ethnic groups' history, mythology, tradition and beliefs in Afghanistan. All this eroded Taliban's earlier claims to legitimacy as a serious Islamic force that could bring about order, stability and national reconciliation in a unified Afghanistan.[374] Taliban system of government was actually based on tribalism rather than the earlier Islamic system of governance. Mullah Omer wielded considerable power, to the extent that without his advice and instruction, no body dared to do anything independently. A high-ranking Taliban official stated:

> Decisions are based on the advice of the *Amir al-Mominin*. For us, consultation is not necessary. We believe that this I is in line with *Sunnah*. We abide by the Amir's view even if he alone takes this view…there will not be a head of state. Instead, there will be an *Amir al-Mominin*. Mullah Mohammad Omer will be the highest authority, and the government will not be able to implement any decision with that he does not agree… General elections are incompatible with the *Sharia* and therefore we reject them. Instead, we consult with eminent scholars who fulfill certain conditions.[375]

Taliban excluded all other ethnic communities from political power, regarding themselves as the sole legitimate rulers assigned by God. They refused to compromise with former *jihadis* – viewing them as corrupt and useless, as they had failed to unite

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[372] Dupree, Nancy Hatch (Oct., 2002), Cultural Heritage and National Identity in Afghanistan, *Third World Quarterly*, Vol. 23, No. 5 Reconstructing War-Torn Societies: Afghanistan, p. 986

[373] Muzhda Wahid. (2004), *Afghanistan and the Five Years of Taliban Rule*, (Persian Version), Tehran: Nashrani, p.88

[374] Rasanayagam Angelo. (2003), *Afghanistan: A Modern History: Monarchy, Despotism or Democracy? The Problems of Governance in the Muslim Tradition*, London, New York: I.B Tauris, p. 152

[375] Peter Marsden. (1998), *The Taliban: War, Religion, and the New Order in Afghanistan*, New York: Oxford University Press, p. 65

the people and make peace. The Taliban's leader, Mullah Omar, presided over a ten member *shura* centered in Kandahar. Mullah Omar was the sole decision maker however, he himself was administered by Pakistan ISI. He persuaded a number of tribal elders, clerics, and military commanders to attend the *shura's* meeting, primarily to give the impression that the *shura* was an organization for collective leadership. He dictated the affairs of the country from there while clerics loyal to him managed and supervised the day-to-day affairs of territories controlled by the Taliban form Kabul. Member of *shura* were mainly individuals from the Pashtun *Durani* tribes; many were friends of Mullah Omar and belonged to Helmand, Ghor, Orazgan except for Mawlawi Sayed Ghiyasuddin, who came from Badakhshan province and resided among the Pashtuns.

After Taliban expanded their territory, they established regional *shuras* that excluded non-Pashtun ethnic communities from the leadership circle. The Kandahar based *shura* supervised the work of the other *shuras* and the cabinet. The military reported to the *shura* and had to seek its approval for decisions regarding the day-to-day affairs of the government. Senior government officials in security and the army were Pashtun elites loyal to them as governor, judges, and administrative officers. To implement their strict vision of sharia law, the Taliban created the *Amri Bilmarof wa Nahi al-Munkir*. Any decree issued by the agency was broadcast via Taliban-controlled Radio *sharia*, formerly known as Radio Afghanistan.

The Taliban imposed severe rules for women, requiring them to wear *burqa*. They banned the women from going to school or work at office, and women were not allowed to leave their home unless accompanied by a male guardian. Taliban Supreme leader Mullah Omer, in response to US pressure seeking a change in the Taliban's way of governance and their policy towards the womenfolk, mentioned that:

> The Islamic Emirate of Afghanistan is well aware of the rights of Afghan women who have been given all the due rights under Islamic laws. We don't care for Americans and the Europeans who want to promote vulgarity and obscenity in Afghanistan by demanding the king of freedom granted to females in their own countries. Taliban would

fully resist all such efforts aimed at paving the way for promoting western culture in Afghanistan.[376]

Doctors working in Afghanistan were ordered on June 25, 1998, by Taliban government to deny treatment of women not accompanied by a close male relative. All public hospitals had been tightly segregated and were subjected to regular inspection by religious police squads.[377] Taliban policy posed serious problems for the Kabul's estimated 30,000 widows, many of whom had no male relatives to accompany them. Only two hospitals were allocated for women while all others had women departments.[378] Taliban closed down theaters and smashed television sets and videotape recorders. They rushed into Afghanistan National TV station archive and destroyed and burnt most of the videotape and audiotapes. The Taliban leader admitted that the Islamic system in Afghanistan is much more rigid than that in Saudi Arabia or Iran.

> There are no ifs and buts in Islam. We follow what has been given in the Quran. Whoever believes in the Quran and Sharia should be afraid of the Taliban where they are in Afghanistan or in Pakistan.[379]

Taliban announced on May 25, 1998, that their powerful and feared religious police department (*Amri Bilmarof wa Nahi al-Munkir)* had been upgraded to full ministerial status. Radio Shariat announced that by an order of the supreme leader Mullah Omer, the department for the prevention of vice and fostering of virtue had been fighting against un-Islamic conduct and appearance. Mawlawi Qalamuddin explained, "The promotion has been given because our affairs are the most fundamental and powerful." Mawlawi Mohammad Wali, who took over as minister said, "This is a lofty organ and has been promoted according to its status which is to hold the people accountable." The regime forced men to wear turban, keep big and untrimmed beards, short hair, and to

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[376] "The USA and its allies should refrain from propagating against the Islamic government of Afghanistan and portraying Taliban as the major threat to womenfolk." Mullah Omer said. The Muslim News, United Kingdom, 20, 01, 1998.

[377] "The department of regulation and inspection of the Public Health Ministry ordered all doctors and medical personnel not to examine and treat women without their legal *Mahram* present." According the Radio Shariat, the ruling is latest in a long series of tough measures aimed at reforming public health structures in which Muslim militia has attempted to minimize contact between men and women. Reported by DAWN Daily, Pakistan, 26,06, 1998

[378] Afghanistan's Minister of Public Health Mohammad Abbas Akhund has said that women have been allowed to work in the health department in accordance with the teaching of Islam. Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 23, No. 41, December 24, 1998, p. 211

[379] Ibid, Vol. 23, No. 06, March 04, 1998, p. 27

wear traditional clothing such as *Kamis-shalwar*.[380] Mullah Omer issued a decree on February 26, 2001, ordering the destruction of all statues in Afghanistan, including ancient pre-Islamic figures. The decree mentioned that:

> Based on the verdict of the clergymen and the decision of the Supreme Court of the Islamic Emirate, all the statues in Afghanistan must be destroyed.[381]

Taliban zealous militia destroyed several ancient relics in the Kabul museum, including an exquisite and Prince Buddha statue dating back to 2,000 years. Taliban banned women form working, closed girls schools, outlawed music, photography, and most games. They also banned the sale of books and magazines published outside Afghanistan.[382] Anyone who shaved or trimmed his beard was subjected to imprisonment for seven to twelve days. Taliban religious police who was known as *Amri Bilmarof wa Nahi al-Munkir* carried whips, batons, and iron cables, beating citizens who were seen violating the rules and forcing random men to go to the nearest mosque and say their prayers, even if they had just said their prayers in another mosque. Taliban religious police were checking properly with local mosques for the attendance of local residents if they were attending five time prayers. In case the local civilians didn't show up to daily prayers, they were punished harshly and even got imprisoned. The Hindus of Afghanistan were made to wear a unique uniform with specific color to distinguish them from Muslim citizens. They were also made to install a flag on their houses for that matter. In the long run, political, social, cultural, religious, and civil rights of all citizens of Afghanistan were drastically violated during the dark period of Taliban rule. Taliban regime was rigid, tyrannical and oppressive. It was rooted in Pashtun tribalism shield behind a narrow and dogmatic interpretation of Islam.

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[380] Ibid, Vol. 23, No. 21, July 08, 1998, p. 98

[381] DAWN Daily, Pakistan, 27, 02, 2001.

[382] Amir Khan Muttaqi, Minister of Information of Taliban on February 27, 1997, announced that, "The ban is the latest in a series of curbs imposed by the Taliban troops since their takeover of the Afghanistan capital Kabul last September." Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 22, No. 09, March 21, 1997, p. 39

CHAPTER - IV

INSTITUTIONALIZATION AND PRACTICES OF DEMOCRACY IN AFGHANISTAN POST-2001

1. THE BONN AGREEMENT; DEMOCRACY BUILDING, 2001-2014

After September 11 attack, the U.S administration asked Taliban to deliver Osama bin Laden, who had been considered responsible for the attack. However, when the Taliban leader Mullah Omar proclaimed that he would not break with al-Qaeda, the Bush administration started to plan for post-Taliban Afghanistan.[383] The U.S. attack against al-Qaeda and the Taliban regime started on October 07, 2001, and consequently made the Taliban to retreat from Kabul on November 13, 2001. The international community headed by the United States held the Bonn Conference at the luxurious Grand Hotel Petersburg in December 2001. The participants included four main Afghan factions – the North Alliance, Rome Group, Cyprus Group, and Peshawar Group. Of the four, the Northern Alliance and the Rome Group were the most important. The Northern Alliance had a large number of forces on the ground and represented the Tajiks, Uzbeks, and Hazaras. The Rome Group spoke for the Pashtuns.[384] The Bonn Conference was overseen by the American envoy, James Dobbins, and the U.N. representative Lakhdar Brahimi, with observer delegations from several other countries. During the Bonn conference, power sharing was discussed. After eight grueling days of discussion, an agreement was signed on December 5, 2001, by the representatives of various Afghan factions hoping for peace and stability in a country that has known only violence and suffering for over two decades.

The Bonn conference was historic event by any measure as an accord, albeit fragile and heavily relying on the integrity and competence of its operators. The agreement, therefore, merits appreciation even if there were reasons to fear that it could run into rough weather given the animosity that pervaded the country. The basic mechanism that was agreed upon constituted an interim administration or government, which will give way after six months to a Transitional Administration decided upon by an Emergency *Loya Jirga* that will administer the country till a truly representative

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[383] Khalilzad, Zalmay. (2016*), The Envoy: From Kabul to the White House, My Journey through a Turbulent World*, New York: St. Martin's Press, p. 114

[384] The Northern Alliance delegation was led by Qanooni. After Masoud's death, he was one of the trio, along with Fahim and Abdullah, who divided the leadership of the Northern Alliance. While the Rome Group was headed by Abdul Satar Serat, a former minister of justice during the rule of Zahir Shah. Serat was ethnically Uzbek and he had relatively little control over the group. Ibid, pp. 120-21

government was elected.[385] This was somewhat simplified arrangement that was expected to lead Afghanistan to normally and stability through the historic minefields of ethnic, sectarian and tribal rivalries and the social and economic devastation wrought by 23 years of conflict and foreign interference. The rewards that were promised to the factions if they followed the UN script were funds for the reconstruction of the country. [386] On December 6, 2001, the Security Council formalized the Bonn Agreement in Resolution 1383. The final deal had three main components as follow: [387]

1. It outlined a political transition. The Interim Authority was to take office on December 22, 2001;

2. The agreement set rules and guidelines relevant to the composition, procedures, and functions of the Afghan Interim Authority. The interim government consisted of Karzai and his cabinet; twenty-nine ministries of varying importance;[388] a Supreme Court; and a special commission tasked with organizing the emergency *Loya Jirga*. The Bonn Agreement also provided for the broad United Nations involvement in Afghanistan;

3. The Bonn Agreement established a basic scheme to maintain security in Afghanistan, mandating that all armed groups transfer power to Interim Authority, which in turn would command these forces.

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[385] At the final provision for the establishment of an interim government the parties agreed on the following points: "All Afghan armed forces and armed groups in the country shall come under the command and control of the interim government; the Interim Authority and the emergency *Loya Jirga* shall act in accordance with the basic principles and provisions contained in international instruments on human rights and international humanitarian law to which Afghanistan is a party; the Interim Authority and the special independent commission for the convening of the emergency *Loya Jirga* will make a concerted effort to ensure the participation of women as well as ethnic and religious minorities in the interim administration and the emergency *Loya Jirga*; the Interim Authority shall not grant amnesty from prosecution to persons who have committed serious violations of international humanitarian law or crimes against humanity; all actions taken by the Interim Authority shall be consistent with the Security Council resolution 1378 (1 November 2001) and other relevant Security Council resolutions relating to Afghanistan; rules of procedure for the organs established under the interim Authority will be elaborated as appropriate with the assistance of the UN." Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 26, No. 51, December 14, 2001, p. 289

[386] Ibid, Vol. 26, No. 51, December 14, 2001, pp. 295-96

[387] Partlow, Joshua. (2016), *A Kingdom of their Own: The Family Karzai and the Afghan Disaster*, New York: Alfred A. Knopf, p. 127

[388] The four groups, the Northern Alliance, the Rome group of Mr. Zahir Shah, and the so called Peshawar and Cyprus groups, distributed the 30 posts on a weighted quota system. Of these, 18 were from the North alliance, 11 from the Rome group, and one from Peshawar group. Mr. Brahimi's criteria also stipulated that 11 are Pashtuns, eight Tajiks, five Hazaras and three Uzbeks. The remaining three come from smaller ethnic groups. Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 26, No. 51, December 14, 2001, p. 286

After six months, the Interim Authority headed by Hamid Karzai paved the ground for the Emergency *Loya Jirga*. The emergency *Loya Jirga* consisted of 1501 delegates convened between June 10 and 16, 2002 in Kabul city. Mohammad Ismail Qasimyar, head of an independent commission setting up the emergency *Loya Jirga*, stated in a press conference, that 1501 participants in the *Loyal Jirga*, would be chosen through direction elections in almost 400 administrative division or districts. Another 400 seats would be allocated to 53 members of current six-month administration, six religious leaders, 20 credible individuals, 51 civil society members, 25 nomads, 106 refugees, and 39 member of professional and scientific organizations. Out of 400 some 160 seats would be guaranteed for women. Afghan refugees in Pakistan and Iran would be given 70 seats, while 30 seats were for to the refugees in other countries. Internally displaced Afghans were allocated 6 seats, one seat was allocated for every 25,000 people in each of Afghanistan's 400 districts, while a further 51 seats were for districts where the population was higher than 25,000.[389] Surprisingly, 3 seats had been given to the representatives from the Federally Administered Tribal Area (FATA). Though, the Chairman of the commission, Ismail Qasimyar declined to comment on the tribal people's representation in *Loya Jirga*, a commission member said that he was surprised by the decision, as it was decided to not give any representation to the tribal chieftains.[390]

The *Loya Jirga* was also tasked with selecting the key personnel in the new cabinet under the terms of the Bonn accord. According to the Bonn accord the ministries of Defense, Interior and Foreign Affairs went to Northern Alliance and this was not acceptable to the Pashtuns. The *Loya Jirga* was widely expected to correct the imbalance in government. The number of cabinet posts was also expected to decrease from 29 to 20. The Northern Alliance, which held the defense, foreign, interior and intelligence portfolios in Karzai's administration, also supported Karzai. Similarly, Zahir Shah who was expected to inaugurate the *Loya Jirga*, had also voiced support for Hamid Karzai, who liked the next-President to be an ethnic Pashtun. Meanwhile, Karzai camp tried to get the support of leading regional warlords such as eastern Nangarhar governor Haji Qadeer and northern strongman and Deputy Defense Minister Abdul Rashid Dostum by offering them key ministries. As a consequence, Hamid Karzai won 1,295 votes out

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[389] Ibid, Vol. 27, No. 42, July 26, 2002, p. 347

[390] "The unspoken decision which was received with some surprise in both countries, seemed to contradict the commission's earlier unanimous state to not give representation to tribal on either side of the Durand Line. Malik Darya Khan Zakhakhel, representative from the Khyber Agency, told the daily that in addition to himself, Haji Ahmad Jan Mohmand would represent the Mohmand Agency and Mian Shah Jahan would represent the Bajaur Agency, and Khan Gul from the Kurram Agency would attend the grand assembly of Afghan elders as an observer." Ibid, Vol. 27, No. 50, September 03, 2002, p. 426

of 1,575 ballots cast and he was elected as Afghan head of state in landslide vote on June 13, 2013.[391]

2. CRAFTING CONSTITUTION FOR AFGHANISTAN

On July 17, 2003, president Karzai announced that his transitional government was preparing for the creation of a 500 –member *Loya Jirga*, to approve a new constitution for Afghanistan. In his decree President Karzai mentioned that 450 members would be elected and 50 would be appointed – 344 members of the *Loya Jirga* would be elected by secret ballot by 15,000 district representatives, chosen in 2002, ahead of the last *Loya Jirga*, which put Karzai in power. Another 42 members would be elected by representatives of refugees in Pakistan and Iran, and 64 women would be elected by women's representatives from Afghanistan's 32 provinces. The council would include women.[392]

The transitional government finally held the Constitutional *Loya Jirga* on December 14, 2003. Five hundred and two delegates from across the country participated to ratify the draft of the new Constitution for Afghanistan. Former Afghan King Mohammad Zahir Shah who enjoys the title "Father of Nation" inaugurated the session. Sibghatullah Mojaddedi, one of the 50 delegates who had been appointed by President Karzai, won an outright victory with 252 votes and took the responsibly as chairman of the Constitutional *Loya Jirga*. The politicians from different political segments and ethnic groups advocated different views of how to constitute Afghanistan's political system. [393] There were mainly three schools of thought – one school of thought was optimistic about Afghanistan democracy. Adherents of this view raised issues of civil society organizations and developing modern news and entertainment media. The second school of thought based in the more traditional sectors of society, believed that the *Jirga* was the best way to form a participatory political system. For them elders and other social leaders would best represent and refine the popular will. They were worried that election would be divisive and could be manipulated. The third school of thought argued that Afghanistan were not ready for democracy and needed a strong but benevolent leader to rule for a number of years. In essence, adherent of this school wanted to find an Afghan version of Singapore's Lee

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[391] Ibid, Vol. 27, No. 50, September 03, 2002, p. 425; also: Vol. 27, No. 52, September 09, 2002, p. 439
[392] Ibid, Vol. 28, No. 41, August 14, 2003, p. 263
[393] Adeney, Katharine (July/August, 2008), Constructional Design and Political Salience of "Community" Identity in Afghanistan: Prospects for the Emergence of Ethnic Conflict in the Post-Taliban Era, p. 540.

Kuan Yew, and give him the authority to build Afghanistan institutions and decide when to open up the political system.[394]

Debate raged over the draft, with critics warning about the extensive concentration of power in the hands of the president, which may widen further the country's deep ethnic and factional cleavages.[395] While, on the other hand, President Karzai persuaded delegates that the President should retain far-reaching powers set out in the draft Constitution, as parliamentary system would be dominated by warlords and criminals.

> The Constitution would offer Afghans a stable future under presidential guidance. We are a post-conflict country, we need stability and a durable and sustainable peace. Afghanistan needed a presidential rather than parliamentary system. [396]

President Karzai also said, that he would contest the June 2004 presidential elections only if the Constitutional *Loya Jirga* endorsed the presidential system. The Constitutional *Loya Jirga*, which assembled for nine days finally opted for the strong presidential system advocated by President Karzai. It was a major success for Karzai and his United Nations and American supporters. [397]

The ratification of the new constitution committed Afghanistan for the observation the United Nations Charter as well as the Universal Declaration of Human Rights; establish an order based on the peoples' will and democracy; and eventually, form a civil society void of oppression, atrocity, discrimination as well as violence, based on rule of law, social justice, protecting integrity and human rights, and attaining peoples' freedom and fundamental rights according to international norms introduced by the Universal Declaration of Human Rights, and United Nation Charter.[398] However, in the meantime, the constitution recognized Islam as sacred religion of the country, and articulated that no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.[399] Embracing both secular international treaties – Universal Declaration of Human Rights, United Nation Charter, and also recognizing Islam as sacred religion of the state, it declared that no law shall contravene the provision of Islamic *sharia*. This complicated the overall picture as whether Islamic *sharia* is the fundamental base

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[394] Khalilzad, Zalmay. (2016), op. cit., p. 150

[395] Opinion Trends, Analyses and News Service, Afghanistan Series, Vol.29, No.1, January 07, 2004, p. 2

[396] Ibid

[397] Ibid, Vol. 29, No. 2, January 19, 2004, p. 20

[398] Article 7, Afghanistan Constitution 2004

[399] Article 1: "Afghanistan shall be an Islamic Republic…"; Article 2: "The sacred religion of Islam is the religion of the Islamic Republic of Afghanistan…"; Article 3: "No law shall contravene the tenets and provision of the holy religion of Islam in Afghanistan." Ibid.

of the state law or the universal liberal codes. The problem of Afghanistan as a religious democratic government is threefold: to reconcile people's satisfaction with God's approval; to strike a balance between the religious and the nonreligious decrees, and to do right by both the people and by God, acknowledging at once the integrity of human beings and of religion. [400] As a consequence, Afghanistan government has failed so far to meet any end, since the task of a democratic religious government is obviously much harder than that of democratic or religious regimes.

With regard to the polyethnic and linguistic rights of different ethnic groups, the first draft of the constitution recognized only Pashtu and Dari as official languages, a status that both languages have had since the constitution of 1923. However, in the revised constitution of January 2004, significant changes took place, such as, article 16 stated:

> From amongst Pashtu, Dari, Uzbeki, Turkmeni, Baluchi, Pashaie, Nuristani, Pamiri, and other current languages in the country, Pashtu and Dari shall be the official languages of the state. In areas where the majority of the people speak in any one of Uzbek, Turkmeni, Baluchi, Pashaie, Nuristani or Pamiri, any of the aforementioned language, in addition to Pashtu and Dari, shall be the third official language…usage of all current languages in the country shall be free in press publications and mass media. [401]

Whereas, the non-Pashtun representatives and also the political analysts claimed that the first draft of the constitution was manipulated by Karzai team by adding: "Academic and national administrative terminology and usage in the country shall be preserved." at the end of the article sixteenth. The main purpose of this manipulation and forgery was to preserve and assure the application of the Pashtu terms and titles, which had already replaced Persian and Uzbeki as part of the Pashtun nationalization agenda during the past decades.[402] The manipulation of article 16 for attaining ethnic agenda, placed it into a self-contradictory stage. It paved the way for inter-ethnic pessimism, scandalous debates, sometimes physical clashes between Pashtuns and non-Pashtuns politicians, scholars, and MPs at the Afghanistan's parliament house.[403]

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[400] Soroush, Abdolkarim.(2000), *Reason, Freedom, and Democracy in Islam*, New York: Oxford University Press, p. 122

[401] Article 16, Afghanistan Constitution 2004

[402]Government of Afghanistan (1926), *Nezam Nama Layeha Tatbeq Rotba Hai Jadid Wa Atiqa-e Askari,* Dawlat Halia Mostaqela-e Afghanistan, Kabul: Rafiq Printing Press Ltd.; Government of Afghanistan (1920), *Nezam Nama Rotab Hai Askari Dawlat Aalya Mustaqela Afghanistan,* Matbuhayi Tepography Darul Al Saltanayi Kabul, 1299. H.A, (The Royal Topographic Printing Press of Kabul); also see: Ehsan, M. Mansoor. (2017), Afghanistan Between Nation-State Building and Regional Collaboration, in Sten Rynning (eds.), *South Asia and the Great Powers: International Relations and Regional Security*, UK and USA: I.B. Tauris, pp. 256-57

[403] TOLO news 26 May 2013, Ba Rawayate Degar, The Lower House of the Afghan Parliament Due to Differences between the MPs failed to approve the Higher Education Law. Published on May 27, 2013, [Online: Web], URL: http://www.youtube.com/watch?v=SzRIbs-u2jc

Similarly, there is a self-contradiction within articles 4 of the constitution 2004. On the one hand, article 4 referred to Afghanistan's nation as:

> The nation of Afghanistan shall be comprised of Pashtun, Tajik, Hazara, Uzbek, Turkmen, Baluchi, Pashaie, Nuristani, Aimaq, Arab, Kirgiz, Qizilbash, Gujur, Brahwui and other tribes. [404]

While, on the other hand, the same article mentioned that: "The word Afghan shall apply to every citizen of Afghanistan."[405] The imposition of the title 'Afghan' that is equal to 'Pashtun'[406] over non-Afghan/non-Pashtun ethnic groups is in contradiction to the initial part of article 4, which recognizes the polyethnic rights of the non-Afghan/Pashtun ethnic groups. The contradiction within these articles created a misperception about authentic recognition of polyethnic rights of different ethnic groups by the constitution of Afghanistan. The recognition of polyethnic rights requires the application of different ethnic groups' symbols and linguistic signs on national currency, national identity cards, and national anthem. The absence of these signs and symbols on the national paraphernalia like currency, anthem, and national identity, reflects the biased intentions of the state legislation towards the polyethnic rights of different ethno-linguistic groups in Afghanistan.

The constitution of 2004, recognized some fundamental freedoms for the citizens, including, freedom of thoughts through speech, writing, illustrations, and other means. But the right to print and publish was … to prior submission to the state authorities recognized by the constitution.[407] All the above mentioned rights and freedoms were supposed to not be in contradiction to Islamic *sharia*. Since, there is no general consensus over the interpretation of Quran and *hadith* regarding the freedom of thought, hence, it made it challenging to differentiate what thoughts are in according to Islamic *sharia*, and what thoughts are against.

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[404] Article 4: "National sovereignty in Afghanistan shall belong to the nation, manifested directly and through its elected representatives. The nation of Afghanistan is composed of all individuals who possess the citizenship of Afghanistan. The nation of Afghanistan shall be comprised of Pashtun, Tajik, Hazara, Uzbek, Turkmen, Baluch, Pashai, Nuristani, Aimaq, Arab, Qirghiz, Qizilbash, Gujur, Brahwui and other tribes. The word Afghan shall apply to every citizen of Afghanistan. No individual of the nation of Afghanistan shall be deprived of citizenship. The citizenship and asylum related matters shall be regulated by law." Government of Afghanistan*, Afghanistan Constitution 2004*

[405] Ibid

[406] Mahmoud Tarzi who were heading *Saraj-al-Akhbar* newspaper during reign of Amanullah's rule and the set the base stone of Pashtun nationalism, considered Afghan as equal term as Pashtun, he wrote: "We are Afghan and our land name is Afghanistan. We have distinct morals and habits; we also have a distinctive language called Afghani. We should guard our language (Afghani) like our life. We should also try to improve this language. Not only Afghans themselves but also all other ethnic groups who are living in Afghanistan should learn Afghani. School education should be in Afghani. Priority should be given to Afghani than English, Turkish and even Persian. The Higher Education Board should give priority for the improvement of Afghani. Afghani is the mother of all other languages, and the Afghan tribes are the ancestors of all Arian tribes." *Seraj-al-Akhbar*, Kabul: Issue No. 2, September 12, 1915.

[407] Article 34, Afghanistan Constitution 2004

The ambiguity paved the way for religious extremist to attack their political rivals and any liberating movement through religious means, and terminate any modernist movement at its inception.

Similarly, article 35 articulated citizens' right for the formation of associations and political parties, with the following conditions:

> …their manifesto and charter shall not contravene to Islam and principles enshrined in the constitution; their financial resources should be transparent; should not have military and quasi-military aims and organizations; and must not be affiliated with foreign political parties or other resources. In addition, formation of party on the basis of tribalism, parochialism, language, as well as religious sectarianism prohibited…[408]

Meanwhile, the Law of Political Parties, articulated the political system of the state of Afghanistan based on the principle of democracy and pluralism of political parties.[409] However, in practice, due to ethnic and religious sectarianism political parties remained impervious ethnically. Tribalism, ethnic and religious chauvinism and bigotry remained unchallenged. Every ethnic group formed their own political party based on ethnic and religious criteria for political participation and accumulation of power. It is fair to say that the new political parties portrayed somehow the manipulated form of tribal councils in a modern democratic format, while, essentially, it remained the same as it was before.

The challenge of political dispersion in Afghanistan enlarged further when article 9 of the 'Law of Political Parties' declared the minimum of 700 member as precondition for the establishment and registration of political party at the Ministry of Justice of Afghanistan's government.[410] Nonetheless, some analyst considered the low criteria for the establishment of political parties as government strategy to prevent the formation of a broad based political party at national level, otherwise it could easily challenge Karzai's regime, [411] which was based rather on tribal affiliation, heritance and nepotism than political participation on the bases of merit, specialization and competence. The low criteria for the establishment and registration of political parties, initiated the emergence of over 100 political parties, mostly very week, highly suffering from lack of practical and national-wide agenda, expertise, internal solidarity, financial funding, and poor membership. To date, the parties are unsure about how best to

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[408] Article 35, Ibid.

[409] Article 3, *Afghanistan Political Parties Law 2004*

[410] Article 9, Ibid.

[411] Interview with Mohammad Nazari, Director of Civil Society and Human Rights Organization (CSHRO), Kabul: June 09, 2011.

develop a stronger political role for themselves as institutions. Most of the political parties have functioned as the support networks of the individual ethnic leaders.[412]

The Constitution made the state responsible for the implementation of effective programs and prepare the ground for teaching mother tongues in areas where they are spoken.[413] It also mentioned that "The state shall devise and implement a unified educational curricula based on the tenets of the sacred religion of Islam, national culture as well as academic principles, and develop religious subjects in curricula for schools on the basis of existing Islamic sects in Afghanistan."[414] Whereas, in practice, the absence of a common and soft interpretation of Quran at national level paved the way for religious teachers to teach the interpretation of their own at religious madrassas, schools and universities. According to Hafiz Mansoor, the narrow exegesis of religion paved the way for religious extremists to manipulate the minds of Afghanistan's young generation at madrassas, schools and universities and lead them toward religious extremism, intolerance and terrorist activities. He considered the roots of religious extremism partially inside the government institutions itself, such as: Ministry of Culture and Religious Affairs, Ministry of Information and Culture, Ministry of Education, Ministry of Higher Education, and the National Council of *ulema* of Afghanistan for being unable to introduce a soft interpretation of Islam and take the lead for the religious leadership according to Afghanistan's national interest.[415]

The constitution also made the state responsible for the establishment of an Independent Human Rights Commission, to monitor respect for human rights in Afghanistan. The Commission was responsible for observing the violation of human rights and assist the individuals in defense of their rights. The commission started mapping report that was finished in early 2005.[416] But the issuance of the report was prohibited by Afghanistan's government as well as by a wavering international community that has vowed to support human rights but wants to avoid – as the expression goes – to further rock the already unstable Afghan boat.[417] The three Commissioners

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[412] National Democratic Institute. (June 2011), Political Parties in Afghanistan: A Review of the State of Political Parties After the 2009 and 2010 Elections, [Online: Web], Access August 2015, URL, https://www.ndi.org/sites/default/files/Afghanistan-political-parties-july-2011.pdf

[413] Article 43, Afghanistan Constitution 2004

[414] Article 45, Ibid.

[415] BBC. (Nov. 24, 2016), Afghan Journalists and Internet Users Reacted to the Words of MP extremism and the Role of Educational Institutions, [Online: Web], Access November 25, 2016, URL, http://www.bbc.com/persian/afghanistan-38089315

[416] UN Mapping Report 2005, [Online: Web], Access August 2015, URL,

http://www.flagrancy.net/salvage/UNMappingReportAfghanistan.pdf

[417] Ruttig, Thomas. (Dec., 2001), Another Blow to Justice: Three Commissioners Fired from the AIHRC, *Afghanistan Analyst Network*, [Online: Web], Access August 2015, URL, https://www.afghanistan-analysts.org/another-blow-to-justice-three-commissioners-fired-from-the-aihrc/

of the AIHRC, Nadir Nadiry, Fahim Hakim, and Mawlawi Ghulam Mohammad were fired in December 16, 2001, after the President Karzai consulted his deputies, Marshal Mohammad Qasem Fahim, Mohammad Karim Khalili, the head of the President's Office Abdul Karim Khorram, and the National Security Advisor Rangin Dadfar Spanta. The decision was rooted in the publication of the AIHRC's documentation of war crimes in Afghanistan. Nadir Nadiry[418] and Fahim Hakim[419] had been part of the AIHRC since its establishment, and driving force for human rights and democratic development in Afghanistan. Similarly, Mawlawi Ghulam Mohammad Gharib is known as one of the few human rights-sensitive clergymen in the Afghanistan, though, he is less prominent internationally.

Aziz Rafiee, the Director of Afghanistan Civil Society Forum, an umbrella organization, argued that the removal of the three critical voices was part of a long-term government strategy to replace the more active part of civil society – with more conservative and docile Karzai loyalists, who was finally introduced after 19 months in June 2013. The analyst considered Karzai's decision for the new appointments as a tactic to silence the rival voices and ban critics of his government due to systematic sabotage and marginalization of human rights activists, particularly, at the Senior Official Meeting that was part of the 'Tokyo Mutual Accountability Framework' on July, 2013.[420] Karzai's government agenda regarding human rights was just instrumental to justify the legitimacy of his government, accumulation of political support and financial aids from international community. During Karzai's regime, most of the high political positions were occupied by those individuals who were accused of broad violation of human rights in Afghanistan. During an interview with Mohammad Naim Nazari, the Directory of Civil Society and Human Rights Organization (CSHRO), he stated that:

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[418] Nadiry has had a particular focus on transitional justice, as well as on war crimes (civilian causalities) committed as part of the current conflict. He managed the national consultations that resulted in the 'A Call for Justice' report documenting opinions about how to deal with the legacies of conflict and was the commissioner most keenly involved in developing the government Action Plan for Peace, Justice and Reconciliation. Nadiry managed the commission's documentation of war crimes covering the period of 1978 to 2001, the commission's contribution to the implementation of the government action plan. As chairman of the Free and Fair Election Foundation of Afghanistan (FEFA), an alliance of civil society organizations and the AIHRC which, due to presidential authority to name its members is a governmental institution, Nadiry in particular also has played an important role in the struggle for clean and transparent elections. This had perceived by Karzai as hampering his political interests and a hostile act already when the elections where still running. Ibid.

[419] Fahim Hakim had come under pressure after he managed the election process for the Afghan civil society representatives at the latest international conference on Afghanistan in Bonn 2. During these elections, some pro-government non-governmental candidates fell through and started a public smear campaign against the organizers. Hakim came under pressure, even received threats and finally chose not to attend Bonn 2 to which he had been invited in his personal capacity. Ibid.

[420] Bijlert, Martine Van and Kouvo, Sari. (June 2013), AIHRC Commissioners Finally Announced, *Afghanistan Analysts Network*, [Online: Web], Access August 2015, URL, https://www.afghanistan-analysts.org/aihrc-commissioners-finally-announced

> The criminals who are responsible for broad violation of human rights in Afghanistan, occupied the high positions in the government, they are neither well educated, nor committed to the national interests, however, they acquired high political positions through ethnic trading and political deals.[421]

Some analysts often pointed out Hamid Karzai's greatest failures, as he coddled those who were convicted for decades of war crimes. Tayeb Jawad, one of Karzai's early chief of staff said:

> That was always a big debate: Should we include them? Karzai insisted that we had to include them and they had to be part of the system. That was the source of frustration among the more idealistic people who were around him. In his calculation, there was really no force to confront these people.[422]

Accommodation of warlords sent the message that nearly any crime was acceptable as long as the criminals were not openly fighting the government. According to Tayeb Jawad, people were thinking that a lot of people who were not significant players in Afghanistan politics and parliament, would end up in Guantanamo Bay. But instead what took place was to allow them to loot half of the national sources, the lands, the government resources, and that was an irrecoverable mistake.[423]

3. ELECTION LAW AND POLITICAL PARTICIPATION IN AFGHANISTAN

Electoral systems have a crucial link in the chain connecting the preferences of citizens to the policy choices made by governments. They are chosen by political actors and, once it is established, it regulates the electoral competition and articulates the political fate of different political interested groups.[424] Therefore, it is impossible to ignore the crucial importance of electoral system as well as organization of legitimate elections in the development of the mass democracies in the twenty first century. The election rules have significant impacts on political system – not only the party system, but also offer a practical instrument for making changes in the political system. Today the electoral systems – the Single Seat Constituency, various forms of proportional representation, and also the Mix-member electoral systems have been

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[421]Interview with Mohammad Nazari, Director of Civil Society and Human Rights Organization (CSHRO), Kabul: June 09, 2011.

[422] Partlow, Joshua. (2016), op. cit., p. 125

[423] Ibid, p. 126

[424] Gallagher, Michael and Mitchell, Paul. (ed. 2005), *The Politics of Electoral Systems*, New York: Oxford University Press. P. 3

characterized as the most specific manipulative instruments of political societies.

As the twenty-first century begins, a compromise system is spreading throughout the world, which offers the promise of providing the best of both the dominant nineteenth- and twentieth-century worlds of electoral systems – the Majoritarian and the Proportional Representation. These systems can best be labeled as mixed-member electoral systems. They offer voters a direct role in choosing an elected representative for their localities, but also provide for some element of proportional representation. Although the relative emphasis of each element in the mixture can vary a great deal, but the key point is that such systems allow nations to tailor their electoral systems in accordance with socio-political structure of their societies. Whether such systems ultimately fulfill this promise will no doubt determine whether mixed- member systems prove to be the electoral reform of the twenty-first century, as Proportional Representation was in the twentieth century.[425]

Grmini Lakshman Peiris suggests a mixed system of election for the multi-ethnic states, where some of the members would be chosen on a 'first-past-the-post' basis and the rest on a 'proportional representation' basis.[426] Griffith considers the following question important to institutionalize a functional mix system of election in a multi-ethnic state, such as: what form of proportional representation should be used? Should it be national or based on districts? Should half the members be elected on a proportional basis and half on first-past-the post, or should the proportion be higher or lower? What should be done about the representation of minorities? Should there be a form of quota? Should a certain number of seats be reserved for special categories, such as for women in societies with patriarchic historical background, and for some ethnic and religious minorities in societies, where the internal-colonialism applied by the politically dominated ethnic or religious group? If we choose a proportional representation system, must it apply across the board? It could be argued that the national parliament should be a hybrid, that is a mix of some candidates elected directly and some through proportional representation, but at the local level first-past-the-post is more important in order to enable the close link between the constituent and the elected member. [427]

The question, whether mixed-member electoral systems might prove to be the electoral reform of the twenty first century has been raised by many scholars. Whether or not they will depends to a large degree on how their performance is viewed in the numerous countries that have adopted

[425] S. Shugard, Matthew and P. Wattenberg, Martin. (ed. 2001), *Mixed – Member Electoral Systems: The Best of Both Worlds*?, New York: Oxford University Press, p. 1

[426] M.A. Griffith - Traversy. (ed. 2002), *Democracy, Parliament and Electoral Systems*, London: Commonwealth Parliamentary Association, Pluto Press, p. 124

[427] Ibid, p. 125

them in recent years. In particular, it will be crucial to see if their promise of delivering the best of both the majoritarian and proportional worlds of electoral systems is realized. The prospects for the spread of Mixed Member Systems also depends on the presence elsewhere of the basic conditions that brought about the recent proliferation of mixed-member systems. [428] There are also debates that Mixed Member Systems typically emerge as a product of political compromise. The bargaining that produces a Mixed Member System as the specific political reform is an outcome contingent factor because, once the political interested groups have recognized that their political survival requires electoral reform, every single group may have a different conception of the system that best suits them.

In the 1990s, Russia and a number of other former communist countries—including Albania, Armenia, Croatia, Georgia, Hungary, and Lithuania adopted mixed-member systems. In Latin America, Bolivia formerly a List Proportional Representation nation with a sporadic history of democracy followed the electoral reform example of Venezuela. Mexico previously at best a semi-democratic country with a strongly majoritarian electoral system adopted a mixed-member system as part of its sweeping liberalization of the electoral process. The new parliaments of Scotland and Wales also adopted mixed-member systems, and in 1998 a Royal Commission officially recommended such a system for Britain as a whole.[429] Afghanistan adopted however a defective form of a mix member system on 2014 – considered quota seats only for *Kuchi* and women at *Wolesi Jirga*. While the quota seats for rest of small ethnic and religious groups were entirely ignored in the Afghanistan's constitution as well as Afghanistan's electoral law. There are many contradictions within the Election Law, all rooted in ethnic and religious prejudice as well as unsuccessful attempts to make reconciliation between the international human rights values and the Islamic principles of rights and regulation. For instance article 5 (4) of the Election Law of Afghanistan, declared the negation of any kind of restriction on voters and candidates on the basis of language, religion, and sex. As it mentioned:

> Eligible voters shall have equal right of vote which they use directly in elections. Imposing any kind of direct or indirect restrictions on voters and candidates on the basis of language, religion, ethnicity, sex, clan, region, residency and social or occupational status and or disability shall be prohibited.[430]

However, article 13 (1) of the same law, states that nominates for the post of presidency and vice-Presidency shall be Muslim only – the principle is rooted in Islamic jurisprudence.

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[428] S. Shugard, Matthew and P. Wattenberg, Martin. (2001), Are Mixed-Member Systems the Best of Both Worlds?, in S. Shugard, Matthew and P. Wattenberg, Martin. (ed.), *Mixed – Member Electoral Systems: The Best of Both Worlds*?, New York: Oxford University Press, p. 571

[429] Ibid, p. 2

[430] Article 5 (4), Afghanistan's Election Law 2014.

According to the fundamental principle of Islam, a common society is consists of individuals of the same faith and belief, which is called as *umma*. Whereas, the believers of other religions are considered as strangers to the Islamic society (*umma*). Hence, the definition of '*umma*' is much different from that of the modern 'nation', which is a secular entity and based merely on shared political and economic interests. Nevertheless, in a Muslim majority community (*umma*), the non-believers or followers of other religions are not allowed to hold ruling positions.[431]

> A person who nominates himself/herself for the presidency, he/she shall meet the following requirements: shall be an Afghan citizen, a Muslim and born to Afghan parents and shall not have the citizenship of another country…the Vice-Presidents shall also meet the requirements mentioned in this article.[432]

Afghanistan's Election Law draws the election map for *Wolesi Jirga* with regard to provincial division and population. Hence, the total population of provinces is divided by 239 seats to determine the population quota for one seat.[433] However, as exceptional quota, the election law assigned 10 set of *Wolesi Jirga* for the *Kuchis*,[434] who are defined as a citizen of the country lacking fixed place of residence; their main occupation is described as raising livestock; and move from one place to another due to climatic conditions.[435] Whereas, this legal definition is not matching the reality on the ground. The *Kuchis* who are defined as population lacking fixed place of residence, in fact, have confiscated many private, public, and even government lands and reside in every provinces of Afghanistan.[436] The majority of Kuchis no more raise livestock, they own big houses, agricultural lands, run huge businesses at national, regional and global level. In terms of political gain, the *Kuchis* still define themselves as non-resident population of the country.

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[431] Many Islamic scholars rejects the ruling of non-Muslim over Muslim in a Muslim majority society base on the following verses of Quran: "…*and never will Allah give the disbeliever over the believers a way [to overcome them].*" Quran, Surah An-Nisa, Ayat – 141; also: "*…And to Allah belong [all] honor, and to His messenger, and to the believers, but the hypocrites do not know.*" (Quran. Al-Munafiqun, Ayat – 8. However, Maududi, aware of the requirements of modern society, seems to be more tolerant toward *Zimmis*, as he mentioned: "In regard to a parliament or a legislature of the modern type which is considerably different from the advisory council in its traditional sense, this rule could be relaxed to allow non-Muslim to be members provided that it has been fully ensured in the constitution that no law which is repugnant to the Quran and the Sunna should be enacted, that the Quran and the Sunna should be the chief source of public law, and that the head of the state should necessarily be a Muslim." For more detail see: Mawdudi, S. Abul Alah. (1982), *The Rights of Non-Muslim in Islamic State*, Lahore: Islamic Publication Ltd.

[432] Article 62, Afghanistan Constitution 2004

[433] Article 22, Afghanistan Election Law 2014.

[434] "*Wolesi Jirga* has 249 seats out of which 239 seats are allocated to the provinces in proportion to their population and the remaining 10 seats are allocated to *Kuchis*." Article 21, Ibid.

[435] Article 4 (22), Ibid.

[436] Confiscation of lands by Kuchis in Ghazni province. [Online: Web], Access April 09, 2017, URL, https://www.youtube.com/watch?v=_Le39A1NM2E

The election law, article 5 (5), mentioned special right for the *Kuchis*, as they are able to participate at the election even if they are out of the country. This is similar to rights considered for the refugees and diplomatic personal who are stationed abroad.[437] Likewise, the election law articulated special rights for *Kuchis* who can participate as voter and candidate at any Provincial Councils, District Councils, and Village Councils.[438] It is in contradiction with article 10 (3) determined province as the electoral constituencies for the member of the Provincial Council. That is also in contradiction to article 23 (1) that mentions only seven electoral zones for the *Kuchis*.[439] Likewise, article 4 (22) mentioned *Kuchis* as non-resident citizens of Afghanistan.[440]

Moreover, low educational criteria for the candidates is another serious challenge, which has had negative impact on the performance of national, provincial, and district councils. According to article 15 of the election law:

> A person may nominate himself/herself for the membership of the Provincial Council or District Council who in addition to the voter's qualifications also meets the following: …Shall hold at least the graduation certificate of 12th grade…[441]

Similarly, article 16 of the Afghanistan's Election Law states that the candidates for the membership of the village council shall at least be able to read and write.[442] Poor attention to educational criteria and professionalism is also extended to Mayor and Municipal Council.[443]Though, the manner for election of mayors is explained through article 38 of the Election Law, but no election for mayors took place so far. Rather the mayors had been appointed on the bases of nepotism and ethnic favoritism. The constitution of Afghanistan insure the minimum participation of two females from each provinces to the *Wolesi Jirga*.[444] However, the constitution didn't anticipate the exceptional cases as raised by the article 25 (5) of the Afghanistan's election law, which is mentioned:

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[437] Article 5 (5), Afghanistan Election Law 2014.

[438] Article 30 (3): "A *Kuchi* may participate in any province in the provincial council elections as a voter or a candidate." Article 33 (2): "A *Kuchi* may participate in District Council election of any district as a voter or a candidate." Article 36 (2): "A Kuchi may participate in a Village Council election of any village as a voter or a candidate." Ibid.

[439] "For Kuchis, the whole country is divided into seven zones in a way to consider the presence and movement of Kuchis in them." Article 23 (1), Ibid.

[440] "Kuchi: A citizen of the country lacking fixed place of residence…" Article 4 (22), Ibid.

[441] Article 15, Ibid.

[442] Article 16 (2), Ibid.

[443] Article 17 (2): "A person may nominate as a mayor for the capital of a province in addition to the voter's qualifications shall hold at least a bachelor's degree and candidate for other cities shall hold at least a 12th grade graduation certificate…"also article 18 (4): "A person can nominate himself for membership of the municipal council who in addition to a voter's qualifications shall hold at least the 12th grade educational certificate." Ibid.

[444] Article 83, Afghanistan Constitution 2004

1 (1) The total population of all provinces is divided by the seats allocated to female candidate; as a result the population quota for a seat is determined… 1 (5) If as a result of this calculation, one or more provinces receive less than one seat, that province is allocated one seat.[445]

Scholars suggested the Mix Member System for the multi-ethnic and religious states, to crystalize the electoral system of their own on the basis of social, political, and historical facts of their societies. Hence the main purpose of the Mix Member System of election is to tackle the crucial challenges, which might be ethnic and religious rivalries, undemocratic competition over political power, mistrust, chauvinism, and also political exploitation on the bases of ethnicity and religious criteria. The system must design the way to facilitate and guarantee fair participation of different ethnic and religious groups to the political power. Hereby, to answer the below questions would be different in case of each state with regard to their demographic characteristic, historical background and geographical landscape, such as: what form of proportional representation should be used? Should it be national or based on districts, or ethnic and religious characteristic? Should half the members be elected on a proportional basis and half on first-past-the post, or should the proportion be higher or lower? What should be done about the representation of minorities? Should there be a form of quota? Should a certain number of seats be reserved for special categories, such as for women in a societies with patriarchic historical background?

As in case of Afghanistan, and with regard to the country demographic characteristic as well as rival history of different ethnic groups, especially in the last few last decade of inter-ethnic conflict, the proportional representation is needed to be set up with regard to ethnic criteria instead of geographical (provincial) index. The sociopolitical facts in Afghanistan reveals that the political and social cleavages are drawn along ethnic and religious lines, not provincial distinctiveness. Most of the Afghanistan's provinces display a mosaic of different ethnic and religious groups, hence, proportional representation and quota system with regard to provincial index is free of benefit, as it does not guarantee the fair and unprejudiced representation of small and geographically scattered ethnic and religious groups in the Afghanistan's political platform.

4. POLITICAL PARTIES AND THEIR ROLE IN POLITICAL SOLIDARITY IN AFGHANISTAN

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[445] Article 25, Afghanistan Election Law 2014.

Political parties in Afghanistan date back to the modernization policies of Zahir Shah and his Prime Minister Shah Mahmoud in the 1940s.[446] Though, they subsequently retreated and applied repressive policies again, yet the democratic reformers were instrumental in supporting the democratic agenda for political reforms and pave the ground for political rights of citizens. By the late 1940s, educated elite had formed an organization and proactive political group under the title of *Wesh Zalmian* (Awakened Youth), which had regular publications and a policy platform/manifesto. However, it split into several smaller groups as a result of ethnic differences and concern over the nature and tone of the manifesto, and Pashtunistan issue.

Despite all the internal challenges within the party, five members of the *Wesh Zalmian* were elected in the parliamentary election of 1949. Subsequently, they pushed a reform agenda for the creation of the *Jabha-e Milli* (National Front), supported by up to 40 members of parliament.[447] However, during the 1950s, a considerable reaction from the government towards the work of parties was visible, with the activities of certain parties made illegal and a general reluctance on the part of the monarch to allow the development of opposition groups.[448] This did not succeed in preventing their activity, however, and a number of groups continued to function in secret.

The political pressure both from within the royal family such as Daoud's agitation and thirst for power and also the political activists outside the royal structure who were struggling for political reforms and democratic rights, left Zahir Shah with no option just to approve unwillingly the establishment of the Constitution in 1964. The formation of new constitution paved the way for more competitive parliamentary elections in 1965 and 1969, as well as the development of the first political parties law, though the law remained unsigned by the King. The parliaments that were formed through these elections comprised of regional representatives of *alaqa dari* – constituencies similar to, if smaller than, today's administrative districts. Most notably, members of the 1965 and 1969 assemblies did not form organize or cohesive blocs, in spite of the fact that political party interests were represented informally. In 1965, a number of representatives of the Islamist parties competed for elections and were successful. As one analyst wrote at the time, "although elections are competitive and the parliament vocal, organized political groups, notably political parties, are unsanctioned."[449] This refers

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[446] Farhang, Mir Mohammad Siddiq. (2012), *Afghanistan dar Panj Qarn-e-Akhir*, First Cover, pp. 719

[447] Rutting, Thomas. (2006), *Islamist, Leftists and a Void in the Centre: Afghanistan's Political Parties and Where they Came from*. Kabul: Korad Adenauer Stifting, pp. 4-5

[448] Barfield, Thomas. (2010), *Afghanistan: A Cultural and Political History*, Princeton and Oxford: Princeton University Press, p.11

[449]Weinbaum, Marvin. (Oct., 1972), Afghanistan's Non-Party Parliament Democracy, *Journal of Developing Areas*, Vol. 7, p. 54

specifically to the way in which the new introduced party law remained unsigned by the King, in spite of being passed by parliament in 1968. Zahir Shah's disinclination to sign the Political Parties Law was rooted in his authoritarian character as he ruled the country for decades through an authoritarian style. The King considered any democratic reform as an obstacle to his unrestricted political authority.

Despite Zahir Shah's unwillingness to sign the Political Parties Law, Parties' strength as organized institutions increased gradually. Several parties registered to apply for official status while the law was being considered. Nonetheless, their increasing influence – particularly that of the Islamists – led to the repression of these parties' activities and a manipulation of elections in 1969. This advanced a theme of executive interference in elections which had been seen before and would continue through later regimes. *Khalq*, *Parcham*, *Shola-e Javid*, *Anjuman-e Jawanan* were the key leftist factions that emerged in this area. *Khalq* and *Parcham* had become the most politically prominent, competing for power and patronage throughout the 1970s with the increasingly influential Soviet regime. In 1973, Prince Daoud – a cousin of Zahir Shah whose role as prime minister had been cut short by the Constitution of 1964 – orchestrated a non-violent coup to topple the monarchy, while the King was abroad. Forming the Republic of Afghanistan, Daoud established himself as President and annulled the King's Constitution of 1964. Elections occurred during his regime, but they were largely considered rigged, and the political opposition was prosecuted.

The Saur Coup in 1978 saw the assassination of Daoud, and the rise to prominence of the People's Democratic Party of Afghanistan (PDPA) with Soviet backing. This was to last a decade, although the influence of both the *Khalq* and *Parcham* factions of the PDPA was to shift continually depending on the leadership's relationship at any one time to the party's Soviet patrons. The PDPA, which was formed by Noor Mohammad Taraki on the eve of elections scheduled for September 1965, was founded on Marxist-Leninist principle in a country without a proletarian working class. It believed in one party system, heavily secularized state, and was particularly intolerant of political opposition from its Islamist rivals. The party was quickly beset by internal factionalism, with Taraki, a member of the parliament, favoring working within the legislative system, while his principle rival, Babrak Karmal insisted on strict adherence to class struggle. In 1967, the party split into two factions, *Khalq* led by Taraki and Hafizullah Amin, whose members were primarily Pashtuns and rural. The *Parcham* headed by Karmal, was composed mainly of urban, middle class Tajiks.

> The *Khalq* faction of the PDPA formed a government that was violently intolerant of
> political oppositions. Notably, in this period was the emphasis on secular government
> and the continued persecution of Islamist groups, who, having established themselves in

Pakistan, where receiving considerable support through the ISI and from anti-Soviet international powers such as the United State and Saudi Arabia.[450]

A number of Maoist-oriented parties also emerged in the late 1960s and early 1970s, most prominent among which were the *Shula-e Jawid*, a Hazara dominated, anti-Soviet party, and the *Sazman-e Azadibakh-e Mardum-e Afghanistan*. A number of these groups joined the Islamic resistance – the *mujahideen*, in the fight against the Soviet after 1979, while others were assimilated into the PDPA government.[451] Armed resistance against the Soviets had been carried out by Islamists *mujahedeen* groups throughout the decade, it was only towards the end of 1980s, when the Soviet had withdrawn that the resistance gained more strength. The Islamic parties were divided into Sunni poli-military parties and *Sheia* poli-military parties. Many leaders of the major Sunni Islamist parties, were influenced by Muslim Brotherhood, and its Islamic revolutionary goals. While, many leaders of Afghanistan *Shia*-parties, such as, Abdul Ali Mazari, and Mohammad Mohaqqeq were educated at *Shia* centers of learning, including Qom and Najaf.[452] Though the Islamic parties developed a power-sharing agreement during Peshawar Accord, the ethnic based poli-military parties had failed to establish a broad-based government after the fall of Najibullah's regime in …1992. During the lengthy civil war, even after the Soviet withdrawal, Afghanistan's political entities, in power or in the opposition, functioned for all practical purposes as armed factions rather than parties. Loyalties were based not on well-developed party manifestos and programs or ideological concerns but on personal, ethnic and regional interests. It is not surprising that Afghanistan's people even today view these parties and their leaders with suspicion.[453]

The war among different *mujahedeen* groups consequently led to ethnic and religious conflicts among different *mujahedeen* groups and subsequently paved the way for the emergence of Taliban on 1994 who captured Kabul on 1996, and established the Islamic Emirate of Afghanistan. From the last days of the PDPA government to the fall of the Taliban, Afghanistan's quarreling leaders had little interest in establishing or institutionalizing a functional multi-party system. In final attempts at regime survival, for instance, the last PDPA leader, Najibullah, changed his party's name to *Hizb-e Watan* and promulgated a new constitution that provided for a multi-party system. Yet, opposition parties were not tolerated,

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[450] Rutting, Thomas. (2006), op. cit., p. 10

[451] Guistozzi, Antonio. (2000), *War, Politics and Society in Afghanistan*, London: Georgetown University Press, pp. 203, 235

[452] In 1989, after the fall of the PDPA government, Abdul Ali Mazari formed *Hizb-e Wahdat-e Islami Afghanistan*. In 1992, Mohammad Akbari, and ethnic Qizilbash, and a group of other non-Hazaras formed a faction of the *Hizb-e Wahdat*. Karim Khalili, the party's spokesperson assumed its leadership after the Taliban assassinated Marzari in 1995. International Crisis Group. (June 2, 2005), Political Parties in Afghanistan, Asia Briefing N 39, Kabul/Brussels, pp. 2-3

[453] Ibid, p. 3

and many of the legalized parties were only independent in name and formality. As the regime crumbled, many erstwhile leftist formed alliances of convenience with the Islamist opposition. Some did so along ethnic lines, while others, such as General Abdul Rashid Dostum, who controlled much of the north province through his powerful Jowsjan militia, later renamed *Junbish-e Milli-yi Islami* joined hands with the *Jamiat-e Islami* and *Hizb-e Wahdat*, to oust Najibullah.[454] After the control of Kabul by Islamic parties, they fought among themselves to gain or regain power, mostly along ethnic, sectarian and regional lines. From 1992 to 1996, the mainly Tajik *Jamiat-e Islami* party, headed by President Burhanuddin Rabbani, controlled the central government, only to be overthrown by the even more religiously orthodox and political intolerant Taliban.

After the fall of the Taliban in late 2001, the Bonn Process initiated the post-war reconstruction of Afghanistan institutions. The groups that had operated earlier as military factions had established extensive management, organizational and communication structures – and these allowed the groups to command resources and public recognition in the post-Taliban era. Following the establishment of the first political parties law in 2003, the parties were allowed to form and register as official institutions at Ministry of Justice. It also stipulated a number of conditions for parties wishing to register,[455] among which were the requirements so that parties ensure their activities comply with the principles of Islam and not provoke violence between the different social groups.[456] Following the establishment of Political Parties Law, a plethora of parties filed for registration – not only the older, ex-military groups but also a considerable number of new parties, some of which had been formed in secret under the Taliban regime or which had previously existed as movements or civil society established support networks across the country with very little access to funding. As of early May 2005, over 60 political parties

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[454] Ibid.

[455] Article 6: "Political parties shall not: pursue objectives that are opposed to the principle of the holy religion Islam; use force, or threaten with, or propagate, the use of force; incite to ethnic, racial, religious or regional discrimination; create a real danger to the rights and freedom of individuals or intentionally disrupt public order and security; have military organizations or affiliations with armed forces; receive funds from foreign sources. In addition Article 9, considers minimum of 700 members a must at the time of registration. Afghanistan Political Parties Law, 2003.

[456] Article 6: "Political parties shall not: pursue objectives that are opposed to the principles of the holy religion Islam; use force, or threaten with, or propagate, the use of force; incite to ethnic, racial, religious or regional discrimination; create a real danger to the rights and freedom of individuals or intentionally disrupt public order and security; have military organizations or affiliations with armed forces; receive funds from foreign sources." Ibid.

were registered.[457] By 2009, a total of 110 parties were officially listed on the Ministry of Justice website.[458] The most famous among them are as follow:

- *Afghan Millat* (**Afghan Nation**): it is headed by Anwar-al Haq Ahady. The party has a substantial following among urban, educated Pashtuns in the east, which dates back to its first, more stridently ethno-nationalist incarnation during the 1960s.it is also canvassing support among Pashtun communities in the north, who form majorities in a number of districts.

- *Congra-e Milli* (**National Congress**): The party is headed by Latif Pedram. It has a clearly articulated and liberal platform. Its support base consists primarily of non-Pashtun, leftist intellectuals, including former SAZA and *Parcham* members in Kabul and the north, as well as younger constituents.

- *Da Afghanistan Da Solay Ghorzang Gond* (**Afghanistan Peace Movement**): The party is led by Shahnawaz Tanai. The party draws support from intellectual Pashtuns and former *Khalqis*.

- *Hizb-e Afghanistan-e Nawin* (**New Afghanistan Party**): The party leader, former *Shura-e Nezar* member Younus Qanooni, was runner up in the 2004 presidential elections. That result made him, in effect, leader of the opposition and prompted his formation of an anti-Karzai alliance. The party presents a Tajik Panjshiri alternative to Ahmad Wali Massoud's party - *Najat-e Milli*.

- *Hizb-e Hambastagi-e Milli-e Jawanan-e Afghanistan* (**National Youth Union of Afghanistan**): led by President Karzai's nephew, Jamil Karzai. The party was founded in Pakistan in the late 1990s, but now it based in Kandahar.

- *Hizb-e Islami Hikmatyar* (**Islamic Party of Hikmatyar**): In May 2004, a delegation from the party's executive committee, based in Peshawar, Pakistan, travelled to Kabul to pledge support for the Karzai government, the group claimed to have broken with Hikmatyar and declared its intention to participate in the political process.

- *Hezb-e Jamhuri Khoahan-e Afghanistan* (**Republican Party of Afghanistan**): The party based in Kabul and led by Sebghatullah Sanjar. It was the first to be registered by the Ministry of Justice.

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[457] International Crisis Group. (June 2, 2005), op. cit., p. 5

[458] Larson, Anna. (March 2009), Afghanistan's New Democratic Parties: A Means to Organize Democratisation?, Kabul: Afghanistan Research and Evaluation Unit (AREU), p. 8

- *Hezb-e Kar wa Tawse'ah* (**Labour and Democracy Party**): The party was established in 1999 in Pakistan and was a member of the National Democratic Front coalition in the Constitutional *Loya Jirga*. It is one of the many newer parties based on Western democratic principles.

- *Hizb-e Milli* (**National Party**): The part, which has its roots in the *Khalq* faction of the PDPA, is headed by Abdul Rashid Aryan, who was minister of justice under Taraki and then Revolutionary Council member under Amin. It is likely to seek support from former Pashtun Khalqis.

- *Hizb-e Mutahid-e milli* (**United National Party**): The party is headed by two former *Parcham* leaders, Nur ul-Haq Ulumi and Suraya Parlika. Its support base cuts across ethnic, regional and gender lines.

- *Hizb-e Wahdat-e Islami* (**Islmic Unity Party**): The party is headed by Karim Khalili, it is a Shia-Hazara dominated party.

- *Hizb-e Wahdat-e Islami Mardum Afghanistan* (**Islamic Unity Party of the People of Afghanistan**): Led by Mohammad Mohaqqeq. It is Shia-Hazara dominated party, gain support from many Hazara intellectuals.

- *Hizb-e Wahdat Milli* (**National Unity Party**): The party is headed by Abdul Rashid Jalili. It depends on support from intellectual Pashtuns and former *Khalqis* Pashtuns.

- *Jabha-e Nejat-e Milli-e Afghanistan* (**Afghanistan National Liberation Front**): A new version of Sebghatullah Mujaddedi's Party. The party's secretary general is his son, Zabihullah Mujaddedi, but the father remains in control through his influence as a *Peer* (living saint) of the *Naqshbandi* order. With a predominantly Pashtun base, the ANLF has somewhat revised its traditional Islamist ideology to attract moderate Islamists disaffected with parties such as *Dawat-e Islami* and *Hizb-e Islami*.

- *Jamiat-e Islami* (**Islamic Society**): Led by former President Burhanuddin Rabbani, and after his assassination on September 2011, his son Salahuddin Rabbani assigned as the head of party. Jamiat is one of the country's oldest Islamic political organizations but its support has been undermined by internal fissures and sub-regional rivalries in the north. The party members are mostly Tajik.

- *Junbish-e Milli-e Islami* (**National Islamic Movement**): The party is headed by Abdul Rashid Dostum. *Junbish* has transformed itself from an armed militia to a

political party, whose strengths include a distinct ideology, an established political network, and organizational experience. *Junbish* is an Uzbek dominated party.

- *Nohzat-e Hambastagi-e Milli* (**National Solidarity Movement**): The Party led by Sayyid Is-haq Gailani. As the grandson of a *Sufi peer*, Gialani has spiritual influence among southeastern Pashtuns due to his family's hereditary leadership of the *Qadiri tariqat*.

- *Sazman-e Inqilab-e Zahmatkashan-e Afghanistan* (**Revolutionary Organization of the Toilers of Afghanistan, SAZA**): Headed by Mahboobullah Kushani and supported by northern Tajik leftists. In 2002, SAZA and five other former leftist and Maoist groups forged an alliance called *Payman-e Kabul* (Kabul Accord), whose members envision the creation of a modern political party with a social democrat ideology.

- *Tanzim-e Dawat-e Islami* (**Organization for Invitation to Islam**): The party is headed by Abdul Rab Rasul Sayyaf, who reconstituted version of the *Ittihad-e Islami* (Islamic Union), this *Salafist* party benefits from the financial support he derives from fellow *Salafists* in the Middle East and extensive property holdings in Kabul.

For some, formation of political parties were little more than the registration as an official party. While, for some others, recognition had been considered as a need to re-construct a *post-Jihadi* Identity. Yet, for other parties – those had been formed surreptitiously under the Taliban regime, the transition opened new opportunity and the environment to follow their political agenda without hesitation in the newly democratic set up. In general parties talked about national unity, promotion of national interest, security, education, raising awareness, employment, contributing to the country's development directly through service provision. However, lack of strongly distinguishable platforms, most parties adopted a similar rhetoric when describing their party's priority issues and the means through which they would pursue them. Meanwhile, there have been a few parties, which are specific in defining their role and duty vis-à-vis the state.

The Political Parties Law prohibits the legalization of political parties with links to military or quasi-military formation. It has forced some of the militarized groups to cooperate with the disarmament, demobilization and reintegration (DDR) process. However, because illegal armed groups, which are outside the mandate of the formal DDR process, have yet to be identified, some parties that have continued to maintain armed wings could gain accreditation, thus

undermining the disarmament process.[459] Political Parties Law stipulates that parties must not receive foreign funding, but the government lacks the capacity to ensure a party is truly free from outside pressure. The government's incapacity to enforce this legal restriction, combined with its inability to monitor the funding of many candidates intending to contest the parliamentary elections, could result in external manipulation of the outcomes. In the meantime, the restriction could also be misused to undermine the newly formed democratic parties that are not yet able to finance themselves through membership fees and contributions. However, a more effective way of supporting healthy political development would be through the provision of government funds to parties. Public funding would reduce the scope for private interests to buy influence and could also be sued to reinforce limits on spending. Oversight of public funding for political parties by a non-partisan, independent authority would ensure official even-handedness in the disbursement of such assistance.

Article 35 of Afghanistan's Constitution 2004, as well as article 6 of the Afghanistan's Political Parties Law stated that parties could not form on the bases of ethnicity, region, language or religious sect – members must come from at least 22 of Afghanistan's 34 provinces. [460] Though, all parties (with the notable exception of Hazara and Uzbek dominant parties) tend to claim that they represent all ethnic different groups and promote national unity – a stance encouraged but not enforced by the Political Parties Law 2009 – the principle has been rarely taken serious by Afghanistan's political parties. However, some parties crossed ethnic lines to establish broad-based coalitions, such as *Jabh-e Milli* (National Front) which was formed in 2006 by parties and senior political leaders who opposed the Karzai government.[461] Similarly, another multi-ethnic party was the *Jabh-e Democratic Milli* (National Democratic Front) which comprised of 13 parties that ranged from groups formed in the post-Taliban era, with ties to the communist parties from the 1960s – those had since pledged their commitment to pluralism and democratic principles.[462] However, most of the political parties focused on homogenous composition of

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[459] For more detailed discussion of Afghanistan's DDR process, refer to Crises Group Asia Briefing N°35. Afghanistan: Getting Disarmament Back on Track, 23 February 2005, and Crisis Group Asia Report N°65, Disarmament and Reintegration in Afghanistan, 30 September 2003.

[460] Article 35, Afghanistan Constitution 2004; Article 6, Afghanistan Political Parties Law.

[461] The *Jabh-e Milli* (National Front) has its origins in the United Islamic Front, or the Northern Alliance, a multi-ethnic poli-military group that fought the Taliban in the 1990s.

[462] The National Front was led by Burhanuddin Rabbani, a former President and party leader of *Jamiat*. Other members that were parties included *Naween*, *Mutahed Milli*, *Paiwand Milli*, *Junbish* and *Wahdat Islami*. The coalition worked in concert to defeat Karzai in the 2009 presidential election. Dr. Abdullah Abdullah, a former foreign minister, was the coalition's candidate for the 2009 elections.

membership,[463] and are interested primarily in promoting the interests of their own ethnic and tribal groups rather than portraying themselves on a national scale. [464]

The Political Parties' Law prohibits legalization of political parties whose charters are opposed to the principles of the holy religion Islam. Since Islamic principles are open to interpretation, influential Islamist groups have been given a tool to block parties they deem politically unacceptable, including those that question their own practices and religious preferences. They also have been given a window of opportunity to limit women' political participation as contradictory to *sharia*, and blocking the registration of sympathetic parties which affirms women's equality. This is a matter of concern since many powerful Islamists are in or have influence over governmental institutions, including the judiciary.[465]

The 2004 presidential election involved 18 candidates, of whom only four identified themselves with a political party.[466] For the 2005 elections, only 14 percent of the 2,835 parliamentary candidates declared their party affiliation. Those who won these elections were individuals with strong community recognition and support. Successful party-affiliated candidates were from parties with capacities at the local level to mobilize supports and organize campaigns effectively.[467] The parties with the most representation in 2005 *Wolesi Jirga* were those that emerged from the seven *mujahedeen* organizations along with various offshoots and splinter factions within each organization, and several *Shia* parties representing regional factions and the Hazara community.[468]

Between 2003 and 2009, many complaints were made by the parties themselves about the number of parties registered, and calls were made for a restriction in registration requirements as an attempt to force the de-registration and dissolution of smaller parties. A new party law was drafted in 2008, passed in 2009, it came into effect in September of that year. It required signatures of 10,000 members to be provided with registration documents – as compared to 700

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[463] National Democratic Institute. (June 2011), Political Parties in Afghanistan: A Review of the State of Political Parties after the 2009 and 2010 Elections, p. 16. [Online: Web], Access August 2015, URL, https://www.ndi.org/sites/default/files/Afghanistan-political-parties-july-2011.pdf

[464] Larson, Anna. (March 2009), op. cit.

[465] International Crisis Group. (June 2, 2005), op. cit., p. 4

[466] Yunus Qanooni, Latif Pedram, Ishaq Gailani and Farooq Nijrabi ran on party tickets.

[467] Under the SNTV system, each constituency is assigned a number of members based on population. Each voter chooses only one candidate, irrespective of the number of members a constituency may have. In constituencies where there are a number of seats available, the leading candidates may get a large percentage of the available votes, leaving few votes to be divided among the rest of the candidates. As a result, a candidate that attracts strong support from a small group may be successful with a small percentage of the total vote.

[468] Approximately 26 parties were represented in the 2005 parliament with *Jamiat, Tanzim-e-Dawat, Naween, Mutahed Milli* and *Junbish* had the most members.

signatures required in the previous law. According to the new Political Parties Law, only five parties were able to complete this process for the September 2010 parliamentary elections.[469] Several parties mobilized candidates for the 2010 parliamentary polls, while only 21 parties have representatives in the *Wolesi Jirga.* The immediate effect of the change in registration requirements was that few parties were able to register before the 2010 election. [470] This prevented unregistered parties from fielding candidates officially as party members in the elections – only 226 (from 36 different parties) out of 2,577 total candidates attempted to do this anyway,[471] partly due to the general tendency for candidates to register as independents. Eventually, a total of 34 candidates were officially registered with a party name on the ballot in the final candidate list.

Mapping of political parties' law and the electoral law resulted in dysfunctional and marginalization of political parties. It was not unintentional. Karzai himself was rumored at the time to attribute the nation's instability to parties. He was concerned that facilitating party development might allow a Pashtun opposition party to form among those already dissatisfied with his performance.[472] Karzai was skeptical of political parties, because he depended far more on patronage networks than on organized political constituency. He used his position to discourage parties from assuming a strong role in parliament. Lowering down the criteria for the establishment of political parties as 700 member, caused the flood of applications for the establishment of political parties to the Ministry of Justice. As a result, over 110 parties were registered under the 2003 law. Several party members across the political spectrum argued that the rules during this period were excessively lax, allowing disreputable people to set up parties and creating too disparate and fractured political landscape.[473]

Moreover, Single Non-Transferable Vote (SNTV) is ill-suited for a country like Afghanistan that lacks well-organized political parties. Under it, party leaders must be able to educated their supporters in each contested region on how to allocate votes among candidates in the most effective manner or the party risks obtaining more votes than needed for some candidates and too few for others. The SNTA system was chosen for Afghanistan in 2004, given its simple and

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[469] Political parties continued to re-register after the September 2010 elections. As of the end of April 2011, 38 parties were registered in accordance with the 2009 Political Party Law requirements.

[470] Even *Izb-e Jamiat*, as one of the largest of the older parties, did not complete its registration in time for the September 2010 election.

[471] Rutting, Thomas. (Sep., 2010), Afghanistan's Elections: Political Parties at the Fringe Again, [Online: Web], Access Feb., 2014   , URL, http://foreignpolicy.com/2010/09/13/afghanistans-elections-political-parties-at-the-fringes-again/

[472] International Crisis Group. (June 2, 2005), op. cit., p. P. 6.

[473] International Crisis Group. (26 June 2013), Afghanistan's Parties in Transition, Policy Briefing, Asia Briefing N. 141, Kabul and Brussels: ICG.

straightforward requirement of one person, one vote and its relative ease of implementation across the country. The simplicity of the system was given particular emphasis due to the novelty of universal suffrage in Afghanistan and the high degree of illiteracy in rural areas. The Karzai administration justified its support for SNTV on a number of grounds. It argued that it would prevent large regional or ethnic parties or parties associated with violence, illegal militias or the drug trade from entering and controlling the parliament through bribery and coercion, that votes can be counted more easily, and that it would also be easier to convey election results to a largely rural and uneducated population.

Many commentators at that time however were critical of the choice, as it did not require candidates to be members of the political parties and it put no limit on the number of candidates that could stand for a given constituency. Votes in a given province in the 2005 parliamentary elections were often split between hundreds of candidates, with many receiving only a tiny proportion of the total vote and the majority were unable to secure a seat in parliament. The votes wasted arguably led to a highly unrepresentative system in which the electoral choices of the majority of citizens were not cast for winning candidates. [474] President Karzai's support for a system that disadvantaged parties probably cannot be separated from his attitude toward parties. Regardless of reasons, SNTV will hamper the role of parties in Afghanistan's political transition. Ironically, it could benefit President Karzai's rivals. For example, large ethnic and regional parties like *Hizb-e Wahdat* and *Junbish* with the ability to discipline their voters are likely to do well. This could result in disproportionate representation of a few large regional or ethnic parties. Conversely, the system could even result in a fragmented parliament where individual leaders are dominant but parties are unrepresented or under-represented and hence outside formal decision-making processes.

5. CIVIL SOCIETY AND THE INDIGENOUS SOCIO-POLITICAL STRUCTURE IN AFGHANISTAN

One must distinguish categorically between the term 'civil society' in pre-modern or pre-Hegelian Europe and the conceptual and social phenomena associated with the term 'civil society' today. The term *societas civils* was derived by pre-modern Europeans from Cicero's definition of the state (*civitas*) as a partnership in law (*societas*) with equality of legal status,

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[474] Reynolds, Andrew and Wilder, Andrew. (Sep., 2004), *Free, Fair or Flawed: Challenges to Legitimate Elections in Afghanistan*, Kabul: AREU, [Online: Web], Access August 2015, URL, http://www.refworld.org/docid/47c3f3c71a.html

but not of money or talent, among its members. It became a generic term for a secular legal and political order, as distinct from a primitive society, or again from ecclesiastical society.[475] Joseph Femia argued that, civil society (from Latin *societas civilis*) entered European discourse in the fifteenth century. Contrary to modern use, it did not denote a natural, or pre-state, type of society. Indeed, it was counterposed to such natural groupings as the conjugal and paternal. Rather, it referred to the condition of living in a civilized political community sufficiently advanced to include urban life, formal legal codes, and other cultural refinements, in its original arrangement and practices apart from the state. On the contrary, it was synonymous with political society – understood as an artificial contrivance of free individuals.[476]

There is no a general agreement over the definition of the term. Hegel introduced the idea of civil society as a new space which had opened up between the family and the formal constitution of the state. This was the sphere in which subjective freedom could flourish.

> Here man must show what he is, he is upon a stage where he must produce everything, in part through imitation, in part forced by need to exert all the strengths that are in him. Man as man, therefore as particular individual must come into existence and must become actual; this belongs by right to subjective freedom, a freedom which we value very highly especially in modern times, where each can still make himself into that which he feels to be his vocation.[477]

According to Hegel, in civil society, each individual is his own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to others; these others are therefore means to the end of particular (person). But through its reference to others, the particular end takes on the form of universality, and gains satisfaction by simultaneously satisfying the welfare of others.[478]

According to him, in ancient world, private property and marriage had refined and enlarged the notion of 'need'. Welfare, therefore, like all forms of labor and domestic activity had become the preserve of family. In modern world, however, the family was ceasing to perform these functions. It was no longer in a position to provide the capital and skill which could secure the livelihood of individual or supply the requisite resources in the case of capacity; it was now

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[475] Black, Antony. (2014), Concept of civil Society in Pre-Modern Europe, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press, p.33

[476] Femia, Joseph. (2014), Civil Society and the Marxist Tradition, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press, p. 131

[477] Jones, G. Stedman. (2014), Hegel and the Economics of Civil Society, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press, p.121

[478] Ibid, p.122

'subordinate'. Conversely, civil society had become 'the immense power which draw people to itself and requires them, to owe everything to it and to do everything by its means'. Not only did it tear 'the individual away from family ties', but 'it substitutes its own soil for the external inorganic nature and paternal soil from which the individual gained his livelihood and subjects the existence of the whole family itself to dependence on civil society and to contingency'. Such was the extent to which functions had been transferred that the individual had now become 'a son of civil society. In this idea of civil society as a new 'universal family' in place of the former household organization of welfare, was not merely a metaphor. It meant 'that if a human being is to be a member of civil society, he has rights and claims in relation to it, just as he had in relation to his family' and conversely that 'the individual owes a duty to the rights of civil society'. [479]

Marx saw civil society as a primarily economic structure in which it was not possible for the proletariat to benefit from democratic governance and civil and political liberties since they were formulated to serve the interests of a bourgeois dominated polity. Although he agreed with Hegel that modern society was defined by a split between 'man as citizen' and 'man as private individual', Marx did not believe that the cleavage between universal and particular could be resolved within the existing regime of private property. His analysis of civil society either dismissed or ignored the incipient signs of communal mutuality to which Hegel attached to much importance; to Marx civil society was a Hobbesian nightmare of isolated and aggressive individuals, bound together precariously by the cash nexus. The process of atomization began with the demise of feudalism, a type of social order where, the element of civil life such as property, the family, the more and manner of work, for example, were raised into elements of political life in the form of landlordism, estates, and corporations. In this form they determined the relation of the particular individual to the state as a whole.[480]

Since the participative actors in the public sphere were the direct expression of economic role, hence, the vital functions and conditions of civil society always remain political. But bourgeois 'emancipation, which reached its apotheosis in the French revolution, destroyed the estates, corporations, and guides, along with their privileges and obligations, and thereby abolished the political character of civil society.[481] For Marx, the subordination of politics to economics is not a hidden reality to be exposed, Marx expressed that the contradiction between the vocation and the good intention of the administration on the one hand and the means and powers at its disposal on the other cannot be eliminated by the state, except by abolishing itself; for the state

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[479] Ibid, p.123
[480] Femia, Joseph. (2014), op. cit., p. 135
[481] Ibid.

is based on this contradiction. It is based on the contradiction between public and private life, between universal and particular interests.[482] For this reason, the state mush confine itself to formal, negative activities, since the scope of its own power comes to an end at the very point where civil life and work begin.

> When we consider the consequences arising from the asocial nature of civil life, of private property, of private property, of trade, of industry, of mutual plundering that goes on between the various groups in civil life, it becomes clear that the law of nature governing the administration is impotence – the fragmentation, the depravity, and the slavery of civil society is the natural foundation of the modern state, just as the civil society of slavery was the natural foundation of the state in antiquity.[483]

Gramsci saw civil society as a product of asymmetric power relations. He posed the question of why capitalism survived when, as he and other Marxists believed, the objective conditions existed for a transition to Communism. The answer, for Gramsci lay in the super structure, which he divided into two levels – One, the 'civil society', that is the ensemble of organisms commonly called 'private', and the second, 'political society' or the 'state'. These two levels correspond on the one hand to the function of 'hegemony' which the dominant group exercises throughout society and on the other hand to that of 'direct domination' or command exercised through the State and 'juridical' government.[484]

> In Russia, prior to the revolutionary events of 1917, social order was maintained primarily by force, since 'the state was everything, civil society was primordial and gelatinous'. In the West, however, 'there was a proper relation between state and civil society'. The state was only an outer ditch, behind which there stood a powerful system of fortresses and earthworks: more or less numerous form one State to the next. The 'fortresses and earthworks' of civil society from capitalism's second line of defense against revolution.[485]

For classical Marxist tradition, civil society refers to the infrastructure, the totality of material conditions and relationships. But civil society in Gramsci's writings belongs to the superstructure, since it comprises ideological/cultural relations. According to Gramsci, the first set of institutions like: church, parties, trade union, universities, the press, publication houses, voluntary associations of all kind, disseminate the ideology of the dominant class, thus ensuring its cultural and spiritual supremacy over the subordinate classes, who consent to their own

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[482] Critical Notes on the Article: "The King of Prussia and Social Reform. By a Prussian", Karl Marx, Vorwarts!, No. 63, August 7, 1844, [Online: Web], Access February 2014, URL, https://www.marxists.org/archive/marx/works/1844/08/07.htm

[483] Ibid.

[484] Femia, Joseph. (2014), op. cit., p. 139

[485] Ibid, p. 140

subordination. Conversely, the apparatus of state coercive power enforce discipline in those cases where 'spontaneous consent' has failed.

A western view of civil society as secular and formally organized can prevent the recognition of local forms of civil society, and lead to the collapse of the idea that ordinary people are capable of appropriating the political initiative. There is an ethnocentrism and a disregard of local tradition associated with the way in which western models of civil society are thrust on emerging democracies. All human communications are concerned with the establishment of their own version of civil society and civilization and that civil society loosely equals the moral community with all the problems of accountability, trust and cooperation that all groups face. Partha Chatterjee raised some questions as if modernity requires the universal adoption of Western forms of civil society? If those specific forms have in fact been built around a secularized version of Western Christianity, then must they be imitated in a modernized non-Christian world? Are the normative principles on which civil social institutions in the modern West are based so culturally particular that they can be abandoned in a non-Western version of modernity?[486]

Olivier Roy, wrote about certain aspects of the promotion of civil society such as relations with traditional societies and power networks. According to him, it is necessary to address the real political issue, and engage the real political actors, even if their democratic credentials have been only recently acquired since democracy cannot be rooted without taking into account political legitimacy. [487]This advocated democratisation through the promotion and development of civil society. He argues that while support to civil society organizations, including NGOs, could be positive, this initiative would seem to be co-opting them into promoting a particular political system rather than the universal values which arguably should be the basis of their work.[488]

Roy asks whether the concept of civil society helps in reaching out to the real society and finds problems with the existing definitions, particularly when presented as a ready-made, compulsory blue-print for reforms to be implemented in oriental societies. In his view the main issue is how to root democracy into society and there are only two ways to engage in democratisation: (1) regime change; (2) building civil society from crutch. The latter implies that no civil society exists unless in relation to democracy. Roy does believe that democracy

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[486] Chatterjee, Partha. (2014), Post-Colonial Civil and Political Society, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press, p. 170

[487] Roy, Oliver. (Oct., 2005), The Predicament of Civil Society in Central Asia and the Greater Middle East, *International Affairs,* Vol. 81, No. 5, p. 1002-3

[488] Ibid, p. 1004

and human rights are universal. He would like to see a system which is neither a western plot nor a benevolent scheme, nor even a mix of both, but a relationship that reflects both ways, and this seems to be a more appropriate aim and to open the door to the values of other systems such as Islam.

Scholars, Muslim and non-Muslim alike, debate whether civil society and Islamic society are compatible or not? Some scholars such as Ernest Gellner argued that the idea of a civil society is intrinsically linked to a civility norm and democratisation rooted in individualization, in contrast to Islamic collectivism. According to him, the insistence on a role for religious actors in civil society is controversial fact.[489] Serif Mardin considered civil society to be a western dream which does not translate into Islamic terms. According to him civility, a latent aspect of civic culture, is a shared civilizational idea, but not civil society with its prizing of the rule of law, human agency, and autonomy of society and individuals from the state. However, in stark contrast, the Muslim dream is said to be a yearning for social equilibrium created under the aegis of a just prince, in which the significance of the rule of law pales against the charismatic authority of the ruler.[490]

Yusuf al-Qaradawi, argued that there is a huge difference between the 'religious patrimonial regime' and 'Islamic government'. However, in a religious patrimonial regime, the legitimacy comes from divine, hence, the political elites consider themselves not responsible for the society. While in contrast, the 'Islamic government' rejects the whole concept of patrimonialism and religious aristocracy, Islam considers legitimacy as a social phenomenon and enforce civil society, where the political leaders are responsible for the people. That is people who decide to assign their political leaders and in case of their weak performances the people can vote them out. According to Qaradawi, in an Islamic government, the political leaders acquire their legitimacy from the society. Allegiance (*baihat*), election (*intikhab*), council (*shura*) are the main principles for the appointment of political leaders who are required to have two main attributes: proficiency (*takhasus*) and virtue (*taqwa*).[491] According to Qaradawi, there is no religious aristocracy or nobility in Islam, however, every individual Muslim has the right of interpretation of Quran and maintaining direct relation with Allah. Islamic scholars are only the experts as many others scholars of other fields, such as, chemistry, medical, engineering and social science scholars. Hence they have no superiority in term of

[489] Gellner, Ernest. (1994), *Civil Society and its Rival*, London: Penguin Books, Chapter 3.

[490] B. Sajoo, Amyn. (2002), Introduction: Civic Quests and Bequests, in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris, pp. 1-2

[491] Al-Qaradawi, Yusuf. (2012), *Fiqh Seyasi*, Translated by Abdul Aziz Salemi, Tehran: Ehsan Publication, pp. 51-4

nobility neither an exclusive divine right in compare to other Muslim. Rather they are responsible to give good advice to the government and society in term of their expertise.[492]

Mohammed Arkoun argued that, it is not the question anymore, whether Islam is compatible with secularism, democracy or individual rights. Islam is effectively controlled by states. And robust opposition parties and movements defy this control not in order to establish secular liberal regimes, but to substitute still more 'authentic' Islamic ones. At least that has been the case in Afghanistan, Pakistan, Egypt, Iran, Uzbekistan, Kyrgyzstan, Tajikistan, Algeria, Nigeria, Lebanon, Palestine, and Sudan. Political regimes that monopolize the control of Islam tend to sacrifice their legitimacy in the eyes of the managers of the sacred. Hence, such regimes will usually pay a cadre of clerics, official *ulama*, to help sustain a semblance of religious legitimacy. In this regard, *Islam is theologically protestant and politically catholic*.[493]

Furthermore, the critics, rejects the idea of incompatibility of Islam and civil society indifferent ground as follow. First, these arguments are grounded in dubious assumption, while in fact, Islam does not have a unitary faith, history or socio-economic conditions any more than other religion. Second, there are 1.2 billion Muslims, the majority in Bangladesh, India, Indonesia, and Pakistan that are in South Asia rather than the Middle East and that English and French are more widely understood than Persian or Arabic across the Muslim world.[494] Third, to sustain the claim that civil society is exclusive to Western traditions, it would have to be shown that such traditions are fortresses, in impermeable to any external influence in the course of history. However, no civilization, while it is alive, has such a record.[495] Meanwhile, they reject that civil society is only applicable to western societies, they display substantial evidence of civic institutions and cultural elements in Islamic countries. According to them, it would be wrong on apply the characteristic of western civic structures as a standard against which to judge Muslim societies.[496]

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[492] Ibid, p. 52

[493] Muslim intellectuals who dare to express critical attitude on political or religious issues are often put on trial and eventually imprisoned in several countries. Others are obliged to practice self-censorship to avoid attacks from conservative public opinion as well as official pursuits on issues involving problems of human rights, sharia and modern law or any other proposition casting doubts on the legitimacy of states for exercising arbitrary legal violence. The principle that the rule of law and ethics is negated, no matter that it is formally enshrined in the constitution. Arkoun, Mohammed. (2002), Locating Civil Society In Islamic Contexts, , in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris, pp. 46, 58

[494] B. Sajoo, Amyn. (2002), op. cit., pp. 8-9

[495] Ibid, p. 14

[496] Ibid, pp. 13-4

Secularism developed in European societies form the seventeenth century onwards. The middle classes have played critical role since the eighteenth century in the emergence of Euro-American civil society. However, in societies of what is called the Third World, there are growing gaps between economic process of social and cultural exclusion, which in turn, forestalls them from joining the ranks of creative elites or developing solidarities with the lower classes. These sociological realities interface with authoritarian and unaccountable state institutions that negate the very idea of civil society – render elusive even the strategies for developing the rule of law and civic culture in contemporary Islamic context.[497]

> In Muslim contexts the stakes as delineated in the paradigmatic, prophetic discourse ended with the political and cultural defeat of the philosophical, scientific regime of the Truth. However, in Europe – mainly Catholic and Protestant – the contrary happened. With Descartes, Spinoza, Locke, Hobbes, Rousseau, Diderot, Voltaire and others, critical reasoning pursued the building task of modernity as an alternative frame of thought and historical action.[498]

In Muslim contexts, religious reason not only survived but accepted regression from the intellectual and scientific levels attained in its classical period. Muslim supporters of the reformation movement from the nineteenth century to the 1940s had an apologetic, naïve answer to the question that, Muslim had deviated from the 'authentic' Islam, the 'Right Rule' taught by the God and his Messenger and betrayed by the secular civilization of subsequent dynasties. After 1945, this process of mythologisation came to be replaced by the nationalist, secularized ideology of liberation, through to the late 1970s when the political failure of the post-colonial 'socialist revolution' opened the way to a fundamentalist Islamic solution. The new waves of 'believers' embrace the revival of religion as a platform of resistance to materialist, secularized, corrupt regimes. But they fail to rethink the status and functions of this religion that is manipulated by activist, and politically oriented leaders.[499]

> The model claimed by Islamist movements since the 1970s goes further back, to the inauguration Time of the Revelation and the mediation of the Prophet. Concrete history is still more devalued than in the discourse on the classical legacy, often with the support of 'modern' scholarship. On the other hand, defenders of the secularized model are unmindful of the concrete sociological, historical, doctrinal realities of Islam, of its laws, institutions and beliefs – so different from the secular European regimes of thought, knowledge and action.[500]

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[497] Arkoun, Mohammed. (2002), op. cit., p. 36

[498] Ibid, p. 41

[499] Ibid, pp. 41-2

[500] Ibid, p. 37

As for as Muslim societies go, we witness physical violence in the name of a so-called Islamic Revolution, in place of reformist discourse (*islah*) to reactivate the 'authentic Islam' bestowed by the Pious sanctified Ancestors. The search for a more concrete, effective, liberating interaction between thought, knowledge and action is gain delayed and distorted, if not deleted.[501] The majority of social actors are prevented by political, social, economic and cultural impediments from even thinking about the possibility of taking the initiative required to get out of their impasse. Demographic pressure, unemployment, social marginalization, psychological frustrations, authoritarian governance, bureaucratic incompetence, irrelevant systems of education, the disintegration of cultural codes, populist religious expressions – these factors collectively block the emergence of conditions for a modern civic culture. [502]

We cannot proclaim an Islamic rule of law with its attendant civic culture if we do not even recognize that we have inherited from classical thought complex knots of problems left aside in the stock of unthinkable issues. How can a civil society ever be developed with a constitutional norm that invokes medieval mental space, where the theological regime of religious Truth presided over legal systems in Islam, Christian, and Jewish realms alike? The secular rule of law not only allows religious and ethical issues to be freely adjudicated, and studied on a scientific basis in the public space of citizenship; it also allows those issues to be kept in their orthodox expressions in private institutions of learning and practice where so desired.[503]

The wrong approach to the challenge of locating civil society for our purposes is to outline the attributes and practices of coherent civic cultures as envisaged and realized in Western democracies, and seek to apply them in transitional Muslim context. This would simply fail to account for indigenous (not Islamic) complexities born of profound historical and sociological differences. Another approach, favored mainly by apologist or militant Muslims, singles out

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[501] The Islamic movements, despite of their supranational claims, have expressed their domestic regionalist alignments and sectarian interests irrespective of the ideological veneer of Islamism. This was the case with Islamic parties of Afghanistan, the Taliban, Tajik IRP in Tajikistan and many more in the Islamic world. Most of these Islamic parties claimed so by challenging authoritarian secular states, introducing ideological references, and offering models of modernist parties; but in fact their ultimate objectives have been to achieve the political power, not civil society. As Oliver Roy defined, "as regionalist parties or as conventional (conservative) parties, they are driven not by any blueprint for civil society but the simple will to power at the highest levels." See: Roy, Oliver. (2002), Soviet Legacies and Western Aid Imperatives in the New Central Asia , in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris, pp. 42, 46

[502] The divide between the public and private space in its various incarnations is open to debate in West, however, seldom in Islamic contexts where private space is the abode to which a large majority of women are still relegated. Public space is effectively monopolized by men and male activities at all levels. Yes, changes are taking place; but this old segregation continues to have deeply negative consequences for attempts to generate a civil society. Arkoun, Mohammed. (2002), op. cit., pp. 42, 46

[503] Ibid, p. 45-6

ideal attributes of particular democratic culture and project them back on an imagined Islamic model, usually that of Medina under the guidance of Prophet Mohammad. Hence, the contemporary Islamist or fundamentalist discourse restores for the social imaginary the authentic Ideal Type of mythical time and space. We need to subject to critical analysis the ongoing social dialectic between the element of the common Islamic imaginary – the stubborn patrimonial political order secularized, legitimized by the divine Islamic Law – and the modern democratic culture of the external world, brought in by international organizations and by dint of expanding scientific, economic and technological forces. How this dialectic unfolds in particular societies is of crucial importance in considering the prospective locus of civic culture in Muslim contexts.[504]

A modern civil society must be pluralist. It provides individual citizens belonging to different ethnic, cultural and religious groups with all the requisite democratic freedoms; debates are multifaceted, cross-cultural, cross-disciplinary, beyond all frontiers imposed by monolithic religious, ideological communities or nation-states. As long as the required attention is not given by policy makers and intellectuals to types and levels of culture in shaping the mentalities, structuring social imaginaries, and commanding ways of reasoning and interpreting, there can be no real success for the new proposals and initiatives to build a sustainable rule of law and civil society – not only in the developing/transitional world but also the hegemonic one where democracy has achieved significant progress.[505]

The role and development of civil society in Afghanistan began to be seriously debated after the fall of Taliban regime in 2001. There have been a serious struggle over the concept of civil society and with how to bring appropriate programs to fruition. Three sets of conceptualization of civil society have been variously raised. Frist, as a notion of networks of free citizens – professional associations, unions, political parties, public interest groups – that created a political space as a prerequisite for building democracy and the rule of law. In essence, democracy and the rule of law are cast as universal concepts in which a society is constituted of free citizens who are not bound by any corporate or collective links, and enter freely into associations to work for the common good. A free market is seen as a necessary conditions for such an evolution. However, the problem with this conceptual approach is that it is often perceived by local people as an abstract and idealized paradigm that stems from modern Western experiences, which have resulted from historical processes over centuries. It is felt that

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[504] Ibid, pp. 55-6
[505] Ibid, pp. 46, 57

this Western-based model is now being offered as a mandatory, ready-made blueprint for reforms to be implemented in 'oriental' societies with the span of few years.

The second conceptualization involves traditional networks of solidarity, based on traditional communities of kinship and patronage that allow the population to resist the encroachment of a strong authoritarian state, or to compensate for the weakness of corruption of the state. It should be observed that states may simultaneously be weak and authoritarian. The majority of the so called Third World societies tend to experience either a weak or authoritarian type of state, or both at the same time.[506] Without questioning the theoretical validity of this conceptual approach, the primary challenge is to determine the extent to which there is a 'traditional society' in Afghanistan. Another issue is that such a view is intrinsically pessimistic about state-building, for the organs of state are seen as part of the problem rather than the solution.[507]

The third approach assumes a 'religious civil society' in which a community of believers undertake to live according to the values and ethics of their faith. They envisage building a polity that will ensure the preservation of their authentic identity and legitimacy, while resisting Western encroachments – even in the very definition of what ought to be a 'civil society'. The values and ethics in question are seen as the basis for developing political institutions that will bypass both dictatorship and democracy based on Western values. This is the view espoused by Islamist thinkers, who often refer to the Puritans' paradigm.[508]

With regard to the conceptual controversies over the definition and term of civil society which is rooted in socio-political distinctiveness, civil society is often seen as a western imposed concept. Since there was not a working definition of the term neither a comprehensive list of programs/people involved in civil society, nor a shared understanding of who was involved in civil society issues. Further, there was no information about how they were engaged with development of civil society, comprehensive mapping of activists or cross-referencing of data. This meant that those who might consider supporting such organizations and activists would each have to start from scratch in understanding what existed already and identifying which organization and activists could perform a useful function and might benefit from funding or other support. In addition to the above mentioned challenges, it was always a matter of question, if there are common features of civil society in all countries in the world, or whether

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[506] In Afghanistan, the *Loya Jirga* or traditional assembly of elders and local notables is often presented by anthropologists as a way to build a legitimate state, as opposed to free elections that are argued to unfeasible and inappropriate in a political culture that is based on collective identities. See: Roy, Olivier. (2002), Soviet Legacies and Western Aid Imperative in the New Central Asia, in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, p. 146

[507] Ibid, p.124

[508] Ibid, p.124-5

the components are different in each state. Those who support the distinctively of civil society's component with regard to social, cultural, political, and geographical context, argue that civil society is not a universal uniformed module or arrangement.

The question is raised, whether/how the concept of civil society could develop in Afghanistan? As the whole concept of civil society had been unclear in Afghanistan, there was no agreed vision. The ambiguity led to the question, whether to include Afghan *shuras* and councils and religious groups? Some activists believe that religious groups are part of civil society because they have a stake in it, and therefore a role, even if their views might be considered as backward thinking; socially, politically and in relation to everyday life. The activists felt that those who hold such views would not change them overnight, but, given the right support, over time they would be able to consider the options. The debate surrounding the term 'civil society' also extends as to whether the private sector, professional bodies and trade unions should be included. Some private sector actors in Afghanistan have played the role of humanitarians, though their profit making activities cannot be said that contribute to civil society, yet, their activities to assist the poor could be. Defining civil society could help to articulate which type of organizations should be included.

The direct translation of the phrase 'civil society' into *Dari* is '*Jama-e Madani*'. This has been adopted by people who have set up civil society organizations and by those who describe themselves as civil society activists. However, a variety of definitions of the term 'civil society' itself have been used in Afghanistan by the organizations that have a mandate to work with and develop civil society. As elsewhere, this has resulted in ambiguity about the term and in the way it has been used.[509] Many organizations in Afghanistan had no written definition, but instead made the assumption that all staff had the same understanding of the term. Others had definitions that were based on terms used elsewhere in the world, but had been modified, according to personal and organizational preference, over time. For example Afghan Civil Society Forum uses a definition used by London School of Economics, but with addition of the concept of democratic values.

Staff at the Foundation for Culture and Civil Society, thought that a lot of definitions existed in Afghanistan, some of which included *shuras* and some of which do not. These staff felt that in the end it is the elders who make decisions, regardless of peoples' wishes and the system is not

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[509] Winter, Elizabeth. (June 2010), Civil Society Development in Afghanistan, London: London School of Economic and Political Science, Centre for Civil Society and ESRC Non-Governmental Public Action Program, p. 18, [Online: Web], Access August 2012, URL, http://www.lse.ac.uk/internationalDevelopment/research/NGPA/publications/winter_afghanistan_report_final.pdf

democratic and does not include women either. The Foundation of Culture and Civil Society analysts strived to clarify the meaning and the concept for the research they conducted for a baseline survey of Afghan civil society in 2007. The authors described the groups that they thought to constitute civil society, but they did not attempt a definition for the term itself. In the directory which emerged from the baseline survey, Foundation of Culture and Civil Society instead states that:

> While the term is used regularly by various political participants and scholars – there was not an agreed understanding between them of what Civil Society entails.[510]

A practical and workable definition would assist in clarifying the role of civil society and so allow people and organizations to identify with civil society. A practical definition would help those in civil society to clarify their messages, provide a voice for communities and act for the public good. Building on the operational definition devised by the Center of Civil Society at London School of Economics and the definition used by Afghan civil society activists and organizations the following is suggested as a basis for further discussion.

> Civil society is formed by individual and collective voluntary action around shared values, interests, purposes and standards which is intended to improve the lives of Afghan men, women and children without compromising their dignity. Action can take a variety of non-profit forms; from charitable work, through cultural activities, to advocacy and campaigning. Civil society organizations can include registered non-governmental organizations, community and self-help groups, art and cultural associations, women's organizations, professional associations, trade union, business associations, faith based organizations, umbrella groups and coalitions.[511]

With regard to the above definition, civil society means ordinary people and the many ways in which they endeavor to organize and protect themselves in time of peace, war, periods of political repression, or during post-conflict reconstruction. Individuals, family, and communities can all participate in civil society. Its diversity reflects human needs and the cultural, religious, economic, and political practices formulated to address those needs.

In Afghanistan, civil society structures and organizations include religious institutions such as mosques, *madrassas*, committees, *shuras*, cultural circles, artistic and professional associations, and nonprofit or nongovernment assistance organizations. Many of these are ancient structures that continue to form the building blocks of Afghanistan's civil society. NGOs represent the most developed 'modern' form of civil society in Afghanistan. NGOs in Afghanistan are seen as independent, not for profit, civilian organizations engaged in serving

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[510] Ibid.

[511] Ibid, pp. 22-3

the public good in sectors such as humanitarian assistance and emergency relief; health and nutrition; water and sanitation; education and vocational training; income generation, including job creation and microfinance; community development and civil society support; governance support including peace building, reconciliation, and civic education; rural development, including infrastructure, agriculture, and livestock support; urban reconstruction; reintegration for returnees, internally displaced, and demobilization soldiers; and natural resource management.[512] Some of these NGOs are as below:

- **Afghanistan Civil Society and Human Rights Network**: The CSHRN has become the largest civil society network operating in Afghanistan with 164 member organizations. The CSHRN purpose mentioned as follow: organizing capacity building programs for human rights organization; raise awareness of Afghan citizens on human rights; provided feedback and response to the national and international agendas; release statements on behalf of the civil society about human rights situation; and mention human rights violation in Afghanistan.

- **ActionAid**: It has worked in Afghanistan since 2002. ActionAid current work focuses on education, governance, food rights, HIV and AIDs, peace building, and women's rights.

- **Afghanaid**: Established in 1983 in the United Kingdom, its work focuses on sustainable rural development strategies, including community development, vocation training, modern and children health projects, microfinance, and infrastructure rehabilitation in Afghanistan.

- **Afghan Development Association**: Established in 1990, the Afghan Development Association is an Afghan-managed NGO implementing reconstruction and development programs focusing on agriculture, construction, education, and training programs.

- **Aga Khan Development Network**: Providing emergency relief in Afghanistan since 1995, the Aga Khan Development Network program now encompass large scale rural development, health, education, and civil society programs, provide a range of microfinance service; safeguard historic landscapes etc.

- **Agency Coordinating Body for Afghan Relief**: ACBAR facilitates coordination among NGOs; acts as a conduit for information between UN, National and

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[512] Civil Society Briefs (June 2009), Afghanistan: Overview of Civil Society Organizations, *Asian Development Bank*, pp.2,4, [Online: Web], Access May 2016, URL, https://www.adb.org/sites/default/files/publication/28962/csb-afg.pdf

International NGOs, development partners, the government, and other stakeholders, and offers a platform for advocacy.

- **Afghan Women's Network**: The idea for AWN came about when participants at the 1995 UN Fourth World Conference on Women in Beijing, China, identified the need for more unity and cooperation among women in Afghanistan and the Afghan diaspora. The network became a formal structure in 1996 composed of NGOs that focus primarily on humanitarian assistance, literacy, and education. AWN is active in three main areas, including capacity building, networking, and advocacy.

- **Afghan Civil Society Forum**: ACSF was established at the Afghan Civil Society Conference, held in parallel to the Bonn Conference in late 2001. It is an informal network of civil society groups that provide a platform for dialogue and aims to develop a role for civil society in political decision making. This broad network, which is made up of approximately 80 organizations, includes traditional structures such as shuras, members of the private sectors, youth groups, and individuals.

- **CARE Afghanistan**: CARE has worked in Afghanistan since 1961. Its programs concentrated in the central, southern, and southeastern regions with focus on education, water and sanitation, food for war widows, and income generation and skills training for vulnerable groups and demobilized soldiers.

- **Danish Committee for Aid to Afghan Refugees**: The Danish Committee for Aid to Afghan Refugees has worked toward sustainable livelihoods for rural Afghans, including support to refugees and returnees, with a focus on rural development initiatives and water and sanitation projects.

- **Foundation for Culture and Civil Society**: It is an independent social organization. FCCS was established in March 2003 by a group of Afghans concerned with the fate of Afghan culture and the strengthening of Afghan civil society. The foundation's main objective is to become a focal point for all activities promoting modern Afghan culture and the strengthening of civil society.

- **International Rescue Committee**: It has aided Afghans since 1980s, and currently support major programs in protection, reintegration of returnees, emergency infrastructure support (shelter, water, and sanitation), vocational training, education, child protection, health, security capacity building, and community development.

- **Islamic Relief Worldwide**: IRW has worked in Afghanistan since 1992, responding to natural disasters and emergencies and running development projects such as, water, sanitation, and microcredit schemes. Current activities of IRW include: food security, including partnership projects with UN World Food Program (WFP); drought alleviation; health; education; water and sanitation, sustainable livelihoods; building basic community infrastructure; and income generation projects for women bakery and programs for street children.

Critics of civil society performance argued that, despite the fact that donors talked of and wrote about the need for a strong civil society, however, in practice they follow neither their own ideals nor they were sure how to build civil society with regard to Afghanistan's social, cultural and ethnical characteristics. Having apparently received long-term commitments, many NGOs found their funding streams cut prematurely. These problems were exacerbated by changes in donor staff, sometimes after as little as six months, resulting in altered priorities and policies, set for global rather than Afghan specific development goals. Civil society organizations strongly recommend that they should be consulted about the programs, and especially the outcomes that would be beneficial, rather than be channeled towards calls for proposals which relate to donors' aspirations.[513]

> Activists contend that in order to receive foreign funds, they must design programs and market local organizations in ways that appeal to Western agency agendas for Afghanistan.

Donors are generally perceived to lack an understanding of what Afghanistan's people are thinking, or need, but to be spending all this money on projects which may well be dormant or ineffective or premature. Donors, including the European Commission, the UK's Department for International Development, have started their intention to support civil society and their wish for the Government of Afghanistan to do so too. There is little evidence however that links with donors are being built with civil society despite the fact that a relatively small amount of money and support could act as a catalyst for locally driven development.[514] Meanwhile, religious actors are not perceived as likely contributors to civil society in Afghanistan, where religion permeates society and politics, and where religious leaders and networks bear considerable influence, this is particularly problematic. There is a need for a through rethinking of what civil society is and the role of religion within it. Ultimately, it is needed to be realized

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[513] Winter, Elizabeth. (June 2010), op. cit., p. 29

[514] Ibid.

that Islam and its leaders constitute a force – indeed a resource – that must be an integral part of the any sustainable road towards social and political changes in Afghanistan.[515]

[515] Harpviken, K. Berg and Borchgrevink, Kaja. (2009), A Muted Voice? Religious Actors And Civil Society In Post-2001 Afghanistan, in Micheline Centivres-Demont (eds. 2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, pp. 245, 247

CHAPTER - V

CHALLENGES OF DEMOCRATISATION IN AFGHANISTAN POST-2001

1. PATHETIC DEMOCRATIC LEGACY OF THE PAST

One of the main challenging factor of fragility of today's democracy lay in the past authoritarian legacy of Afghanistan. The country has never experienced a true democratic regime in which the people could get the chance to practice their political rights and select their leaders, or have control over the government decision making and performance. Constitutions of 1923 and 1964 provided for a constitutional monarchy, constitution of 1987 and 1990 opted for a republic. The national *Loya Jirga* further affirmed them. None of these constitutions were the result of any indigenous movement. Instead, they were the result of power politics and bold initiatives by the rulers for consolidation of their dwindling power base. With the loss of political power by different regimes, their constitutions also got buried.[516]

Shah Mahmoud's cosmetic reforms in the political, social, and economic spheres with the hope that people would forget past political repressions and tackle political upheaval before it gets late. King Zahir Shah and Prime Minister Shah Mahmoud's speeches and promises for democratic reforms were more a political maneuver to prevent public upheaval than genuine belief in political liberty and democratic values.[517] Similarly, the constitutional reform of 1964 was political maneuver by King Zahir Shah to limit the accumulation of power to his family decedent and defuse his political rival including his power thirsty cousin Mohammad Daoud. King's supreme power was preserved by the Constitution of 1964.[518] Whereas the immediate members of the royal family were barred from the highest positions in the legislative, executive and judicial branches of power.[519] Article one proclaimed Afghanistan a constitutional monarchy, independent, unitary and indivisible state, but in reality the King had more powers than any other head of the constitutional monarchy. The King stood above all institution of government, acted as supreme commander of the armed forces, and had the right to declare war, conclude peace, and enter treaties at his discretion. He was also entitled to summon the *Loya Jirga*, dissolve Parliament and appoint the prime minister, the chief

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[516] Shankar, Uma. (2007), Problems and Prospects of Constitutional Government in Afghanistan, in K. Warikoo (eds.), *Afghanistan: The Challenge*, New Delhi: Pentagon Press, p.53

[517] Farhang, Mir Mohammad Siddiq. (2012), *Afghanistan dar Panj Qarn-e-Akhir*, First Cover, Tehran: Orfan Publication, pp. 719

[518] Article 9, Afghanistan Constitution 1964.

[519] Article 24, Ibid.

justice and judge of the Supreme Court and half the members of the upper chamber of Parliament.[520]

The constitution of 1964 recognized the equality of ethnic communities,[521] yet, ethnicity, regionalism, and tribalism played an important role in the selection of personal for government posts, as appointments as cabinet members, judges, governors, chiefs of provincial police, heads of provincial education, and so on remained the domain of the middle and upper classes, mostly Pashtuns.[522] The ruling class did not allow members of the middle and lower classes to participate in the country's politics and play a role in the day-to-day decision making process, and also they monopolized key economic and industrial enterprises as well as import-export activities. The ruling class maneuvered to remain in power either through the use of coercive forcer or false promises and illusion of democratic reforms in the country.

Daoud who acquired the through a military coup on July 17, 1973, also promised the draft of a new constitution base on democratic values. But it did not happen for four years.[523] He organized a Grand Assembly at the end of January 1977 to endorse the constitution. Daoud appointed 130 of out of 219 delegates at the Grand Assembly. According to the constitution, President of the Republic recognized as the head of the State, the President assigned as the highest authority of the state with extensive authority and made the executive branch to perform its duties under the leadership of the President of the Republic. Freedom of thought and expression reflected as inviolable right of every citizens of Afghanistan.[524] However, in practice, the freedom of association curbed, as Daoud banned private papers and political parties, and established his own political party, *Hizb-e Enqilab-e Milli* in July 1977, which became the only political party allowed to engage in politics. Daoud's cabinet was formed base on nepotism. [525] Individuals associated with ruling family – the Mohammadzai, continued to hold senior positions in the government and similar posts in the executive and the judiciary were reserved for certain members of the Mohammadzai clan.

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[520] Article 9, Ibid.

[521] Article 25: "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations before the law." Ibid.

[522] By the mid-1970s, Pashtuns occupied up to 70 per cent of top and middle-level positions in Afghanistan's civil and military hierarchies. Saikal, Amin. (2004), *Modern Afghanistan: A History of Struggle and Survival,* New York: I.B. Tauris, p. 146

[523] Farhang, Mir Mohammad Siddiq. (2012), op. cit., pp. 871, 901

[524] Article 38, Ibid.

[525] Emadi, Hafizullah. (2010), *Dynamics of Political Development in Afghanistan, Invasions*, New York: Palgrave Macmillan, p. 89

Downfall of Daoud's regime led to seizure of power by Taraki, who justified the April coup 1978, as a bona fide Socialist revolution, he claimed that it created a new model for people in the developing world to follow.[526] Similarly, Amin further glorified the coup when he called the October Socialist Revolution of 1917 in Russia a classic example of the revolutionary movement and the April coup as an example of a modern-day revolution.[527] The ruling party said the coup was an irreversible revolution and declared the state a democratic entity that represented the interests of the oppressed strata – workers, peasants, and the national bourgeoisie. The regime articulated the equality of rights and obligations for all citizens of Afghanistan, irrespective of their racial, tribal, linguistic, sex, domicile, religion, education, parentage, assets and social status.[528] Whereas, to establish its hold on power the PDPA dismissed most high-ranking government officials and appointed *Khalq* and *Parcham* members to key leadership posts – individuals who lacked the knowledge, qualification, and experience for the posts. Consolidation of the party's dictatorship required the elimination of opponents. To this end the regime used mass arrests, torture, and execution of people they believed to be a threat to their rule. The regime intelligence agency 'Organization for the Protection of the Security of Afghanistan' was known as AGSA, hunted down anyone suspected of expressing anti-regime sentiment.

Najibullah in his message, on the third anniversary of enforcement of the constitution said the state would defend democracy and independence at all cost. that the constitution laid the basis of a new state order on the principles of parliamentary and political pluralism, leading to participation of vast masses of the Afghan society, parties, political and social organizations in the state administration, implementation of national reconciliation and establishment of national wide peace in Afghanistan.[529] However, the parliamentary elections were held during April 6-15, 1988, in regions where remained under the control of the state and a majority of seats were allocated to PDPA members in advance in order to consolidate the regime's hold on power.

After the conquest of Kabul by mujahedeen which ends into inter group violent conflicts among different jihadi groups, prevented the emergence of a national and broad base government in Afghanistan, as the whole territory divided among different jihadi groups who are mostly created on ethnic and religious sectarian bases. The chaos

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[526] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 4, No. 2, January 6, 1979, p. 10

[527] Emadi, Hafizullah. (2010), op. cit., p. 103

[528] Article 28, Fundamental Principle of Democratic Republic of Afghanistan, 1980

[529] Kabul Times, Kabul: 01, 12, 1991.

paved the way for the emergence of Taliban who initially welcomed by people who were fed-up of jihadi inter group conflict and were looking for a new force to eliminate the evil power of jihadi groups and instead set the base for a broad base national government, be able to deal efficiently with the legacy of mujahedeen's arm conflicts including insecurity, lawlessness and barbarism, poverty, unemployment, health issues, illiteracy, and so on.

Mullah Omer has assured Afghans that democracy and human rights will have a place in his Islamic state, but mentioned that the scholars will discuss the place of democracy and human rights in Afghanistan according to the Islamic law. The message also pointed out that the Taliban movement is an Islamic movement and there are no different among *Pashtun*, *Tajik*, *Hazara* and other Afghan ethnic groups, all Afghan ethnic groups will be treated equally.[530] However, Taliban's behavior regarding other ethnic groups for the purpose of ethnic cleansing explained their brutal military policy. Ceasing of *Nawruz* celebration, *Ashura* Festival, banned women's education, forced men to keep long beard and wear only traditional cloths, stopping Afghanistan's Hindus and Sikhs from their religious practices eroded Taliban's earlier claims. Mullah Omer wield considerable power, to the extent that without his advice and instruction, no body dared to do anything independently.[531]

Though, political leaders constantly used the concepts of democracy, equality, freedom and meritocracy as political means to safeguard their stick on power and preclude public upheaval against the government. While at some other times, these concepts has been used instrumentally by the opposition of the government to accumulate the support of masses or to justify military cope to acquire legitimization. The introduction of democratic principles does not reduce the problem but makes it even more intense. There is just too great danger that election candidates try to pick up votes by pitching their argument along ethnic and religious lines as it happened during the presidential election of 2014, the authority of the state becomes concentrated in the hands of one ethnic, tribal or regional grouping, and large parts of the population feel unrepresented. Exclusion of one of the major ethnic or religious groups from the center of power would

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[530] Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 23, No. 28, September 15, 1998, p. 134

[531] Peter Marsden. (1998), *The Taliban: War, Religion, and the New Order in Afghanistan*, New York: Oxford University Press, p. 65

be fatal for the future of Afghanistan.

2. DEMOCRACY AND THE CHALLENGE OF TRADITIONAL FORCES

Islam provides the system of values and the code of behavior in Afghanistan. Sometimes it may involve a clash with other codes of conduct such as the state's official codes – the constitution, civil and criminal codes, likewise the tribal code of tribal communities (*pashtunwali*) in Afghanistan. Though the interpretation of Islam vary with regard to the contextual realities – being tribal or non-tribal, rural or urban really matter. Similarly, the link between ideology and religion varies with regard to meditative essence of each group, whether it is secular, fundamentalist, traditionalist or reformist. Hence, one can find different forms of religious expression each with its own dynamic and symbols.[532] Despite all diversity and variety of interpretation from *Quran* and *hadith*, Islam as a whole is considered as the most significant coordinator agent which has always played a major role both for resistance against foreign invasions and at times it plays a significant role in the ability of certain Afghan political actors to legitimize their actions, undermine their rival and political oppositions, and mobilize support and attract financial aid from the Islamic world.[533] It is important to mention that not all Afghan politicians have the privilege of using Islam as a tool for achieving their goals, but only those who transcend divisions with local, tribal, sectarian, ethnic or national space and do not have a history of behavior consideration as un-Islamic.

Considering the characteristics of Afghanistan society as a traditional, conservative and pro-religious- the actors who were outmatched in their Islamic credentials have been in a strong disadvantage during the past course of history. As regards the tribal structure of Afghanistan society, which gives more opportunity to the chiefs of the tribes to enjoy more power due to the nature of their relations with their followers has affected the position of the clergymen to a large extent. In terms of the link between the chief or chiefly lineage and the followers, which was strong and more dynamic there, however, has not been much opportunity for the interference of clerics. But even under such circumstances, the followers and the chief themselves owned spiritual obedience as some holy men. Nonetheless, some of the most respected clergymen, through their power of declaring *Jihad* (Holy War) at times when alien powers were engaged

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[532] Roy, Olivier. (1990), *Islam and Resistance in Afghanistan*, Cambridge: University of Cambridge, p. 30

[533] Hyman, Anthony (May, 2002), Nationalism in Afghanistan, *International Journal of Middle East Studies*, Vol. 34, No.2, Special Issue: Nationalism and the Colonial legacy in the Middle East and Central Asian, Published by Cambridge University Press, p. 311; and also see: Sajjadi. Abdul Qayoum (2012), *Political Sociology of Afghanistan*, Kabul: Farhang Printing Press, p. 110

in a fierce struggle over the domination of Afghanistan could exert influence even on very powerful chiefs.[534]

Our focus here in particular is on the impact of traditional forces both religious and tribal on the process of modernization in Afghanistan. Reforms being credibly labeled as "non-Islamic" or the leaders as "non-Muslim" can be very damaging. King Amanullah was vulnerable to accusations that he was not a good Muslim since he discouraged the veiling of women, introduced secular education, imposing European style uniform and promoted other measures inspired by the reforms of Turkey's Ataturk.[535] Meanwhile, different types of Islamic rhetoric and symbols have been used by political actors in Afghanistan to provide different advantages and liabilities. The strategic use of traditional Muslim language facilitates mobilization better than nationalist and other symbols.

After 2001, the traditionalist forces who considered democratic reforms as challenge that could erode their charismatic and traditional political, social and economic stands in their communities, has played a deterrent role on the process of democratization in Afghanistan. The public especially on the rural areas of Afghanistan are influenced vastly by the traditionalist forces who mostly madrassas' educated. In addition to the common religious clerics, there are some famous *Jihadi* leaders, who constantly rejects democracy as a method for political regulation of human society. Such as, Mowlawi Mohammad Yunus Khalis argued that "Democracy insists on the equality of human being, whilst, human are different on the bases of their talents, sex and other characteristics, to recognize all individuals as equal is a mistake."[536] Hayatollah Mohammad Asif Mohseni and Abdulrab Rasul Sayaf believe that, "Since the God created the world, then He is the one who has the right for setting rule and regulation. Whereas, in a democratic regime, the people implement rules in state of God. This is a great difference between Islam and Democracy."[537]

Afghan traditionalists put their critics of democracy as follow: religion roots in divine, while democracy roots in human society, hence, reconciliation between a holy behest and unholy precept is not possible neither permissible; religious principles are solid and unchangeable, while democracy reject solidity and its principle are changeable according to society

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[534] Ghani, Ashraf (1978), Islam and State Building in a Tribal Society Afghanistan: 1880 – 1901), *Modern Asian Studies*, Vol. 12, No. 2, p. 270

[535] Farhang, Mir Mohammad Siddiq. (2012), op. cit., First Cover, pp. 578-9; also see: Ghubar, Mir Ghulam Mohammad. (1984), *Afghanistan Dar Maseer Tarikh*, pp. 1240-1; and also see: Dupree, Louis. (1997), *Afghanistan*, Pakistan: Oxford University Press, p. 452; Roy, Olivier. (1990), op. cit.*,* p. 64

[536] Mansoor, Abdul Hafiz. (2005), *Deen wa Seyasat [Religion and Politics]*, Kabul: Maiwand Printing Press, (Persian Version), p. 5

[537] Ibid, pp. 6-7

preferences; democracy insists on equality of rights among individuals. However, traditionalists believe that it would be a mistake to consider women equal to men, or a literate person with an illiterate one. Democracy insists on the rule of majority over minority, and this could violate and suppress the rights of minority in a democratic society; "Government of the people, by the people, for the people", is only a slogan in democratic regimes, however, there are only dominated political elites who acquire the power through citizens' votes.[538]

Some events like defilement of the *Quran*, the Muslim holy book, by American officers in Afghanistan and Guantanamo, the invasion of the privacy of Afghans during search and seizure operations, use of massive firepower that killed civilians and destroyed home.[539] mismanagement and so many mistakes by the United states and its allies in the war, as well as, huge corruption within the Afghanistan government system, unemployment, and inability of president Karzai's government in presenting the basic and necessary services for the population despite huge amount of aid by the international community, made easier for the traditionalist forces and in particular for Taliban to convince the people of the rural areas that the United States and the NATO are not there in Afghanistan to establish a broad base and efficient government. They advertised to the people that U.S. and NATO forces are not much different from the hated Soviet Union and the British Army in the past.

President Karzai is in an inappropriate position of having to respond to the Taliban challenges and the requests of conservative elements such as *Shura-e Ulema Afghanistan* (The Clergy Council of Afghanistan) who are supporting restrictive *Sharia* legislation and practices,[540] while the Western backers who show concern about the human rights, women rights, religious freedom, free of speech, rule of law. These tensions force Karzai to reverse or find backdoor solution to crises that emerge when *Sharia* based laws are passed or implemented. He also gets little credit from the conservative Afghanistan citizens and much criticism from liberal Western governments that need to answer to domestic Islamic conservative pressures groups. Presently, from the parliament to judiciary and all other governmental institutions, involve in an internal conflict between Afghan modernists consists of Diasporas who returned home after the American invasion of Afghanistan and traditionalists who are largely part of *Mujahideen* groups. Taliban are the other potential power representing traditionalism and a serious challenge to democratization process in Afghanistan.

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[538] Ibid, pp.4-6

[539] Sinno, Abdul Kader. H (2008), *Organizations at War in Afghanistan and Beyond*, New Delhi: Cambridge University Press, p. 272

[540] Violation of Constitution during Thirteen Years: Observation of Errors, Gaps, and Complication of Afghanistan's Constitution*, Afghanistan Freedom House*, Kabul: May 2015, Issue No. 2, p.42

3. LACK OF DETAILED PLANNING AND ETHNICIZATION OF DEMOCRACY

The collapse of the state in Afghanistan had many disastrous consequences, but in the light of Taliban removal, there was a real opportunity for Afghanistan to try to develop new political institutions to guarantee citizen fair and free participation of citizens and respond to the existed political, social, economic and security challenges. Nonetheless, the Bonn Agreement of December 2001 on political future of Afghanistan has understandably left many questions unanswered, and some of the most important related to whether, and if so to what extend and in what ways, power could be shared between the different levels of government. In the past, such questions have produced sharply polarized responses among different ethnic groups' commentators, with some excoriating the performance of a centralized state while others fear the consequences of a deconcentration of power.[541]

The Bush administration officials believed that liberal democracy is the best form of government for Afghanistan and election were the best legitimate way to work out the differences among different ethnic groups in Afghanistan. The American government seemed to believe that these goals were achievable, at least in broad outlined, without a significant U.S. investment in state and nation building projects.[542] Whereas, the reality on the ground was totally different from what has been analyzed by the United States strategist whom had been brain washed by Khalilzad's explanation of Afghanistan as a homogenous nation with successful nation-state building history since 1929.[543] Domestic colonization, exploitation and deprivation of masses with consideration to ethnic and religious aspects during the Afghanistan's past history, which ended to sever and bloody arm conflicts among ethnic based *jihadi* parties on 1990s, somehow, had made the situation more complex and perilous for the both national and international socio-political architects to map a practical model being able to deal efficiently with the fundamental political challenges in the post-conflict Afghanistan.[544]

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[541] Maley, William. (2002), Reconstituting State Power in Afghanistan, in in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, p. 156

[542] Khalilzad, Zalmay. (2016), *The Envoy: From Kabul to the White House, My Journey through a Turbulent World*, New York: St. Martin's Press, p. 149

[543] Ibid, p. 111

[544] Afghanistan's diversity had historically not been reflected in its governing institutions. Pashtuns had dominated Afghanistan before 1979, and this domination was reflected in government appointments and official histories, which tended to erase the contributions of non-Pashtun groups to the country. See: Hyman, Anthony (May, 2002), op. cit., p. 308.

The United State Special Envoy for Afghanistan, Zalmay Khalilzad, who is a Pashtun by birth, played an ethnic chauvinistic role than a neutral role as US Special Envoy,[545] he diverted the US mission of nation-state building toward ethnicization of Afghanistan in favor of his fellow Pashtun Hamid Karzai. Khalilzad explained:

> I approached Pashtun leaders with a different message. I told them that the United States wanted the Pashtuns to have a fair role in the post-Taliban transition. I suggested, however, that this could only happen if Pashtuns leaders earned the support of both the Afghan people and the international community. I reminded them that the Northern Alliance's stronger organization ad consistent opposition to the Taliban had endeared them to the international community.[546]

During the election 2004, the U.S. embassy, which was headed by Zalmay Khalilzad, parade Karzai around the country to events to where he could cut a ribbon on an American-funded school or clinic in order to demonstrate to villagers how much better off they were with Karzai in the palace. The embassy had little time for rival candidates. One American diplomat recalled struggling to arrange a meeting for another Afghan politician who wanted to explore running against Karzai. The diplomat said:

> I got stone-walled. The order to the political section was that the presidential candidate was Karzai and no one else. They were not to meet with others.[547]

Though the United States bias role in support of *Pashtunism* with the cost of marginalization of other ethnic groups ended specially after the assignment of Eikenberry as U.S. ambassador to Afghanistan, such as he warned the assembly of Pashtun leaders who went to him for seeking his illegal support to announce Karzai as the winner of the first round on fraudful election of 2009.

> Do you think we have American soldiers here risking their lives to secure this election so that you can make a mockery of it? There were no rules. It was the jungle. Now you

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[545] Karzai was frustrated about Zahir Shah that he might be interested to head the transnational government…I mentioned Karzai to not say anything negative about Zahir Shah to others… After I confirmed with King Zahir Shah that he is not interested to head the transitional government, I returned to Karzai and remind him, don't you want to persuade the Northern Alliance to give up one of the ministries? The problem before was that Karzai did not have much leverage. The Northern Alliance was likely to make concessions if, in exchange, we resolved the issue regarding the king's role. Karzai brightened." For more details see: Khalilzad, Zalmay. (2016), op. cit., p. 144-50

[546] Ibid, p. 118

[547] "Did we help him win the election?" Colonel David Lamm, who was the chief of staff for the U.S. military commander in Kabul at the time, asked me. "Yeah. You are damn right. He was our guy. And we wanted him to win. Hw was very honorable guy. All of us thought highly of him." For more detail see: Partlow, Joshua. (2016), *A Kingdom of their Own: The Family Karzai and the Afghan Disaster*, New York: Alfred A. Knopf, p. 23

are returning to the jungle. What we are talking about this rules. The rules aren't perfect. But if you don't follow them, you are going back to the jungle. This is your chance.[548]

By the time Eikenberry was assigned as U.S. ambassador to Afghanistan, it was too late for the U.S. to control and counter Karzai's authoritarian behaviors, as Karzai had already gotten deep root through formation of a 'network politics' among corrupted and power thirsty elites. He started the 'blame game' as new effective strategy against Washington to counter U.S. criticism of his failed government including: election fraud, nepotism, corruption, involvement of his family members in drug business etc. with the same cart Karzai was trying to portray himself as national leader, and erase his stamp as American favored president whose presidency bestowed by American than through a fair and democratic vote of the nation.

The weakness, divisions, and sectarian policies of the Afghanistan's political leaders by no means excuse the attribute of Western countries, where funding delays, lack of solid organization and administrative routine get the upper hand over the decisive action and any sense of urgency. One might imagine a Marshal Plan in reverse, such that a single country would be the beneficiary of a number of bilateral and multilateral donors, overseen by kind of proconsul who would have wide powers over the funders and negotiate with the Afghans. However, Lakhdar Brahimi, despite of all his talents, does not enjoy such room for maneuver.[549]

The program for modernization was limited to Kabul and few big cities. The striking contradiction between town center and country became the dominant line of conflict in Afghanistan. The cities above all Kabul, are the development engines of the state and of modernization, while more traditional social structures persist in the rural areas. Not only economic imbalance but also different social conception divided Afghanistan society – the enforcement of human rights, democracy and female equality cannot happen fast enough for those living in the cities, whereas large parts of the rural population consider modernity as anti-Islamic and a threat to the survival of the traditional social order. In the rural areas of specially southern Afghanistan, the government deficiency to maintain security, employment, social and economic server vice, paved the way for the Taliban movement to count on the support of a population that feels neglected economically, politically, and socially and not taken seriously in its

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[548] Ibid, p. 38-9

[549] Etienne, Gilbert. (2002), A Bad Start to Reconstruction, in in Micheline Centivres-Demont (eds. 2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, p. 163

values and norms.[550]

4. PRESIDENTIALISM AND CHALLENGE OF ETHNIC FAVORITISM

The critics of presidentialism argued that, Presidential politics is a zero-sum, which is not suitable for a multi-ethnic country like Afghanistan. Presidentialism pave the way for marginalization of smaller ethnic groups, as in such a system the winner-take-all affair, which is hardly conductive to cooperation or coalition formation. In presidential regimes, presidency is occupied by a single person, it is not divisible for the purposes of coalition formation. the winning candidate wins all of the executive power that is concentrate in presidency and it is 'loser loses all' for the defeated candidate, who usually ends up with no political office at all and often disappears from the political scene altogether. Politics, therefore, revolves around capturing the presidency to the exclusion of parliament, political parties, civil society, will pave the way for political discrimination of those ethnic groups which left out the political system, in addition, it would facilitate the ground for nepotism, corruption and political bullying by the president. Whereas, parliamentary politics is cabinet politics and, as a consequence, the government can be partitioned to accommodate a plurality of political parties and different ethnic and religious groups in Afghanistan. According to the supporter of parliamentarism, politics under parliamentary is best characterized as a mixed-motive, positive-sum game among all different ethnic groups in country.

The critics of Presidential system for Afghanistan, also argued that the presidentialism operates against the formation of strong and principle political parties, Even if political parties form under presidentialism, they would be fragile and composed of undisciplined, incapable of political affiliation and active role in the elections. The absence of disciplined parties is an unavoidable result of the presidential system. The presidential systems give no incentives for party loyalty, except where there are well-structured ideological parties. Since, the government and the legislature are independently constituted, office-seeking political parties have no reason to impose discipline on their members; since, and their survival in office does not depend on the result of any particular vote in the legislature. Individual members of legislation also lack

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[550] Schetter, Conrad. (2004), Five Theses on the Structural Instability of Afghanistan, in in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, p. 182

any incentive to accept the discipline of political parties, since there is no provision for early elections that could remove the wayward representatives from office.[551]

While, in the opposite, the incentive structure in parliamentary system encourages party discipline and therefore consolidation of party organizations. Under parliamentarism, undisciplined political parties may mean a failure to obtain majority support in parliament, the defeat of government bills, and consequently the fall of the government. In order to remain in government can be counted on to support the bills proposed by the government. Individual legislators, in turn, have an incentive to support the government in order to prevent the occurrence of early elections in which they might lose their positions. The fusion of power that characterizes parliamentary regimes generates incentive for individual legislators and political parties to cooperate with the government, resulting in a high level of party discipline. Similarly, under parliamentarism, political parties have an incentive to cooperate with one another. Parties in government will support the executive, and parties out of government will refrain from escalating any conflict because they may, at any time, become part of the government; individual members of parliament, in turn, will align themselves with their parties. The consequence is that parliamentary governments are supported by a majority composed of highly disciplined parties that are prone to cooperate with one another.

The leader of party, which gets majority seats in legislature, is offered the portfolio of Prime Ministership. Since the Prime Minister and the whole cabinet are accountable to the legislature, it is called responsible form of government. In this system of government, head of the state has nominal ceremonial powers. The real executive power vest in the cabinet which is headed by the Prime Minister. It is mostly believed that in parliamentary system there is harmony and cooperation between legislature and executive because the Prime Minister and his ministers head the departments of administration and they are member of legislature as well. However, in presidential system the real executive power vests in an elected president whose tenure of office is fixed by the constitution and it's not at the sweet will of the legislature; the president is not only the head of the state but also the leader of the executive. He is not accountable to anyone. Meanwhile, since the president and his minister are not members of the parliament, therefore, it is called irresponsible form of government. It is mostly believed that this form of government has durability, as the tenure of the office of the president is fixed, government can

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[551] "The separation of powers that characterizes presidentialism, implies low level of party discipline. Even a president lucky enough to being to a party that controlled a majority of congressional seats could not necessary count on the support of that majority when governing." See: Cheibub, J. Antonio. (2007), *Presidentialism, Parliamentarism, and Democracy*, UK: Cambridge University Press, p. 10

pursue its policy by taking no notice of the criticism of opposition and can launch long term plans.[552]

This view is echoed by many scholars when they assert that, because of the fixed terms of office, if a president is unable to implement the program, there is no alternative but deadlock. Policy disagreement between president and opposition very easily become institutional conflicts between the legislature and the president. In an effort to destroy its competitor, one or another power assaults the constitutional system and installs itself as the single lawmaker, with or without the redeeming grace of a supportive plebiscite. Nonetheless, the 'suppleness' of parliamentarism, where 'automatic safety-valves' usually prevent crises of government from becoming crises of regime, with the 'rigidity' of presidentialism, under which a defect in leadership or failure of policy can quickly tailspin into institutional and even mass confrontations with a frightening potential for violent instability and all the human and political costs in portends.[553]

William Malay argued that, if the political system offers multiple points of access for citizens, either as petitioners or aspirant to political office, particular groups are less likely to feel marginalized.[554] A presidential system holds out the promise of a strong leader with a popular mandate, but involves risks where the occupant of the presidency is weak, or where a society is deeply fragmented. The United State of America is almost the sole example of a successfully functioning pure presidential system, and the record of pure presidential systems in developing countries is not encouraging at all.[555] Despite of strong academic and practical debates among different layers of Afghanistan's society and warning about the deficiency and hazard of the presidentialism and centralized government for the post-Taliban Afghanistan, however, the 'centralizer' and the supporter of 'presidentialism' finally achieved to impose their idea over others during the Constitutional *Loya Jirga* on December 2003. This happened because some of the Tajiks representatives were also supporting the centralized system. Tajiks are territorial scattered, and this characteristic made them to not vote in favor of a federal state. The Tajik believed that power sharing at the central through a centralized but parliamentary system is more beneficial than a federal system due to their demographic characteristics.

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[552] Outlook Daily, (April 2012) Afghanistan, Presidential or Parliamentary form of Government?, [Online: Web], Access September 2013, URL, http://outlookafghanistan.net/topics.php?post_id=4079

[553] Valenzuela, Arturo. (2004), Latin American Presidencies Interrupted, Journal of Democracy, Vol. 15, No. 4, p. 16

[554] Maley, William. (2002), op. cit., *1980*, p. 158

[555] Maley, William. (2004), Making a Presidential System Work, in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, p. 189

Applying the presidential system by imitating the United State model was the beginning of democratic turmoil for the newly born democracy in Afghanistan, where there was absence of strong and effective political parties, civil society, rule of law, as well as the challenge of tribal vigilantism, warlordism, ethnic and religious resentment, and an overall vulnerable feel of national unity. The nature of presidentialism provided President Karzai an unchallenged position as the head of government which acquired his power through direct vote of the nation, also gave President Karzai the incentives to marginalize the parliament and ignore its decision on many grounds. The President has a significant range of explicit powers under article 64[556] and a claim to popular political legitimacy as a result of the process of direct election. The president is charged with determining the fundamental policies of the state with the approval of the National Assembly and with appointing key ministers and officials with the approval of *Wolesi Jirga*. Crucially, the National Assembly does not have the power to prevent the adoption of the state budget, and this means that the president's role in determining fundamental policy is substantial, not just nominal. This, in turn, creates real demands on the president if policy paralysis is not to result, but also coordination challenges as different office-holders within the government seek to maximize their own influence, not to mention the broader problem of making the de jure and de facto states match.[557] The experts believes that the vast authority of the president, persuaded President Karzai to violate the constitution on several grounds. Though article 64 (1) of the Afghanistan's constitution is making the president responsible for protection and supervision of the constitution,[558] nonetheless, President Karzai vastly violated the constitution himself. Eikenberry said:

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[556] Article 64: "The President shall have the following authorities and duties: supervise the implementation of the Constitution; determine the fundamental lines of the policy of the country with the approval of the National Assembly; being the Commander in Chief of the armed forces of Afghanistan; declare war and peace with the endorsement of the National Assembly; take necessary decisions to defend territorial integrity and preserve independence; dispatch armed forces units outside of Afghanistan with the endorsement of the National Assembly; convene the *Loya Jirga* except in the situation prescribe in Article 69 of this Constitution; proclaim as well as terminate the state of emergency with the endorsement of the National Assembly;...appoint the Ministers, the Attorney General, Head of the Central Bank, the National Security Director as well as the Head of the Red Cross with endorsement of the House of People, and their dismissal and acceptance of resignation; Appoint the Justice of the Supreme Court as well as justices of the Supreme Court with the endorsement of the House of People; appointing, retiring and accepting the resignation and dismissal of judges, officers of the armed forces, police, national security as well as high ranking officials according to the provisions of law; …Reduce and pardon penalties in according with the provision of the law; …" Afghanistan Constitution 2004.

[557] Maley, William. (2004), op. cit., *1980*, p. 189

[558] Article 64: "The President shall have the following authorities and duties: supervise the implementation of the Constitution; determine the fundamental lines of the policy of the country with the approval of the National Assembly; being the Commander in Chief of the armed forces of Afghanistan; declare war and peace with the endorsement of the National Assembly; take necessary decisions to defend territorial integrity and preserve independence; dispatch armed forces units outside of Afghanistan with the endorsement of the National Assembly; convene the *Loya Jirga* except in the situation prescribe in Article 69 of this Constitution; proclaim as well as terminate the state of emergency with the endorsement of the National Assembly;...appoint the Ministers, the Attorney General, Head of

Karzai used to talk about his support for democracy or the need to decentralize authority in soaring terms, without yet have experienced the sacrifices this entailed. Karzai had no interest in working to strengthen parliament, the courts, the army and police – nothing except the office of the president.[559]

According to research by the Afghanistan' Freedom House, the most prominent violation of the Afghanistan's Constitution by the executive branch are as follows:

- Failure to observe the presidential and parliamentary election schedule: The constitution of Afghanistan assigned the specific time schedule for both presidential and parliamentary election, however, in three round of the presidential and parliamentary election, this case has been violated by the executive.

- Bypassing the National Assembly by not signing the ratified laws: According the Afghanistan Constitution, if the parliament ratify any law by two-third of the parliament member, it considers applicable and the president should sign.[560] However, in practice there are many cases that the president illegally avoided to sign the law which is already ratified by the two-third of the parliament, which is direct violation of the constitution. In many cases, president illegally referred to high court for providing and laws in many grounds, such as: The Organizational Law of the Independent Commission for Overseeing the Implementation of Constitution, Mass Media Law, and The Employment Law for Diplomats, The Media Law, The Population Registration act, and many others that the laws that the President bypassed the National Assembly by referring to High Court and illegally rejected to sign the laws that had already approved by the two-third of the National Assembly.[561]

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the Central Bank, the National Security Director as well as the Head of the Red Cross with endorsement of the House of People, and their dismissal and acceptance of resignation; Appoint the Justice of the Supreme Court as well as justices of the Supreme Court with the endorsement of the House of People; appointing, retiring and accepting the resignation and dismissal of judges, officers of the armed forces, police, national security as well as high ranking officials according to the provisions of law; …Reduce and pardon penalties in according with the provision of the law; …" Afghanistan Constitution 2004.

[559] Partlow, Joshua. (2016), op. cit., p. 28

[560] Article 94, "…in case the President reject what the National Assembly has approved, the President shall send it back, within fifteen days from the date it was presented, to the House of People mentioning the reasons for rejection, and, with expiration of the period or if the House of People re-approves it with two thirds of all the votes, the draft shall be considered endorsed and enforceable." Afghanistan Constitution 2004.

[561] Violation of Constitution during Thirteen Years: Observation of Errors, Gaps, and Complication of Afghanistan's Constitution, *Afghanistan Freedom House*, Kabul: May 2015, Issue No. 2, P. 33

- Discrimination on Implementation of Constitutional Law: some experts argued that the government of Afghanistan violate the Constitution rather implement it. The constitution of Afghanistan clearly mentioned that all citizens of Afghanistan have equal rights and dues in front of the law, but in practice the high rank government officials violated the law by their discriminatory acts and nepotism.[562]

- Preserving the acting ministers for more than the period mentioned by the law: Some of cabinet ministers whom had been interpellated by the National Assembly and could not acquire vote of trust from the National Assembly, had been preserved on their posts as acting ministers for years by President Karzai.[563] This was a clear violation of article ninety-two of the Afghanistan Constitutional law.[564]

- Release of Taliban prisoners by President Karzai: according to article 122 of the Afghanistan's Constitution, no law shall, under any circumstances, exclude any case or area from the jurisdiction of the judicial organs. However, in practice, President Karzai himself violated article 122 by releasing of hundreds of Taliban prisoners illegally by a presidential decree after the Afghanistan government took over the running of the Bagram Prison in March 2013,[565] as well as, Pulcharkhi Prison on May 2014.[566] These freed prisoners were included those who are convicted for the killing of hundreds of civilians through bombing and masterminding suicide attacks in different parts of the country.

- *Kochie's* privileges and the Constitutional violation: Afghanistan's Constitution express that members of the House of people shall be elected by the people through free, general, secret and direct balloting.[567] Meanwhile the Constitution prohibited

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[562] Ibid, P. 34

[563] Sajadi, Abdul Qayoum. (Sept. 23, 2014), Thirteen years of interaction and confrontation between President Karzai and the three branches of government. *BBC Persian*, [Online: Access], Access September 2014, URL, http://www.bbc.com/persian/afghanistan/2014/09/140912_k05_karzai_legacy_three_branch_forces_sajadi

[564] Article 92: "…the non-confidence vote on a Minister shall be explicit, direct, as well as based on convincing reasons. The vote shall be approved by the majority of all members of the House of People." Afghanistan Constitution 2004.

[565] Afghanistan to release scores of Taliban prisoners, BBC News, January 09, 2014, [Online: Web], Access 10 January, 2014, URL, http://www.bbc.com/news/world-asia-25673011; see also: TOLO News, July 28, 2014, [Online: Web], Access July 28, 2014, URL, http://www.tolonews.com/afghanistan/karzai-defends-release-taliban-prisoners

[566] Deutsche Welle Persian May 13, 2014, ‫به فرمان حامد کرزی ۳۰۰ زندانی از پلچرخی آزاد گردیدند‬ (300 Prisoners release from Pulcharkhi Prison by Hamid Karzai's decree), [Online: Web], Access May 14, 2014; also see: Ariana News Persian,

[567] Article 83, Afghanistan Constitution 2004.

any privileges base on ethnicity, religion and regional attribution,[568] however, in practice, President Hamid Karzai violated this article by special decree for the allocation of ten seats as unconditional privileges for *Kochies* at the Afghanistan's parliament.

- Illegal extension of Chief Justice to hold the position: according to article 117 (2) of the Afghanistan's Constitution, the extension of the Chief Justice's however, Hamid Karzai extended the Chief Justice period office once again from 2010 to 2014, which is direct violation of article 117 of the Afghanistan's Constitution.[569]

- Delay on the Ratification of Fundamental Organizational Law: according to article 159 (2) of the Afghanistan's Constitution, the government had been made responsible for issuing decrees regarding the organization and authority of courts as well as the commencement of work on fundamental organizations law in less than one year. Nonetheless, the first draft of this law presented to the parliament on third of judicial year. The National Assembly resent the draft for some correction to the executive branch, but surprisingly, the executive deliberately didn't sent the draft back to National Assembly for ten years, just to provide President Karzai a free hand to apply his own wants ..., during this period many governmental institutions has been established without approval of the National Assembly.[570]

- Continuation of work after the official presidential term: according to the article 61 of the Afghanistan's Constitution, the presidential term expires on 1st of *Jawza* of the fifth year after elections.[571] However, President Karzai explicitly violated the constitution twice, as he continued to remain on his position for several months after the mentioned dateline by the constitution – both in 2009 and 2014.

- Reject to endorse the 'Access to Information Law': President Hamid Karzai illegally delayed to sing the 'Access to Information Law' for ten years during his

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[568] Article 22, "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law." Ibid.

[569] Article 117: "…Appointment of members for a second term shall not be permitted." Ibid.

[570] Violation of Constitution during Thirteen Years: Observation of Errors, Gaps, and Complication of Afghanistan's Constitution, *Afghanistan Freedom House*, P. 36

[571] Article 61: "The presidential term shall expire on 1st of *Jawza* of the fifth year after election. Elections for the new President shall be held within thirty to sixty days prior to the end of the presidential term…" Afghanistan Constitution 2004.

presidency. It was and explicit violation of article 50 of the Afghanistan's Constitution.[572] However, it has been latterly signed by President Ashraf Ghani.

In addition to the above mentioned points, there are many other areas where the President and the executive explicitly violated during President Karzai's presidency, including: Illegally intervene and influence the performance of the Independent Election Commission, as well as implementation of regulation by the executive which is clearly in contradiction to the constitution, for instance the ethnic quotas policy of the Ministry of Defense for hiring new soldiers to Afghanistan National Army.

The polarization of power between the President and the legislative as the result of presidentialism also persuaded the legislative to exceed its authority by violating of the Afghanistan's Constitution. Continuation of work even after the termination of the official term, intervention to the electoral affairs, and ratification of some laws which is considered explicitly against the provision of the Afghanistan's Constitution,[573] as well as the permanent absence of a large number of its member due to personal businesses. In addition to the executive and legislature, the judiciary branch is also convicted for the extreme violation of the Afghanistan constitutions during Hamid Karzai's presidency, it includes violation of judicial justice, consideration of women departure from their husband's house due to violence and threat as crime, as well as politicization of judiciary and contribution with President for the establishment of special court to observe the complains of the failed candidates during the parliamentary election of 2009.[574]

5. ETHNIC SECTARIANISM AND THE CENSUS DEADLOCK

Ethnicity has played a major role in Afghanistan politics since its emergence as ethnic based-state during the 1890s. No ideology has achieved to break away the ethnic tie and reshape a new social and political order – Islam has not achieved to eliminate the ethnic chauvinism in

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[572] Article 50: "The citizens of Afghanistan shall have the right of access to information from state departments in accordance with the provisions of the law. This right shall have no limit except when harming rights of others as well as public security." Ibid.

[573] Several articles of the Election Law with regard to special rights for the *Kuchis* are against the provision of the constitution – article 21 of the Election Law exceptionally allocated 10 seats for *Kuchis* at Afghanistan *Wolesi Jirga*, which is explicitly in contradiction to article 22 of the Afghanistan Constitution, which considers prohibited any kind of discrimination and distinction between citizens of Afghanistan. It mentioned that all citizens of Afghanistan have equal rights and duties before the law. See: Afghanistan's Election Law 2014.

[574] Violation of Constitution during Thirteen Years: Observation of Errors, Gaps, and Complication of Afghanistan Constitution, *Afghanistan Freedom House*, Kabul: May 2015, Issue No. 2, P. 41

Afghanistan, neither the Marxist-Communist could bring an end to this socio-political fact, nor the Western liberal ideology which has displayed through democracy building in post-2001. The humanistic claims of the three main stream ideology (Islam, Marxism, and Liberalism) remained rather as slogan and has been used by political elites for making political advantage and discarding their oppositions, than genuine application of ideological values for socio-political reforms. In another world, the imported ideologies has been painted with the color of ethnicity by the political elites then circulated to the mass. Yet there is no competent factors to push Afghanistan peoples to cross the ethnic divisions, as ethnicity is the main platform for collective identity, source of political power and economic wealth. The process of ethnic polarization is likely to continue, with consequences that are difficult to predict.[575]

As the intelligentsia starts playing a role in Afghanistan's society, after its complete marginalization under the Taliban regime, ethnic discourse is becoming increasingly prevalent, helped by the absence or weakness of competing ideologies. The unfolding of the election process in Afghanistan has among other things demonstrated that the ethnicization of Afghanistan's politics is an undeniable fact. In the presidential election of 2004 it can be estimated that 95 percent of Pashtuns voted for Karzai, the Pashtun incumbent, 90 percent of *Uzbeks* for fellow *Uzbek* Dostum, the and 80 percent of *Hazaras* for Mohaqiq, the *Hazara* candidate. The Tajik electorate turned out to be more fragmented, but sill about 60 percent of them appear to have voted for Qanuni. Similarly, the parliamentary elections of 2005 confirmed this trend. Of the elected members of parliament, about 72 percent of *Tajiks* were with the various *Jamiat* faction, 83 percent of *Uzbeks* and 67 percent of the *Turkmens* with *Junbesh*, and 58 percent of the *Hazaras* with the various factions of *Wahdat*.[576] Whereas, the ethno-nationalists talk is rarely used in public campaigning, off the record comments tend to be of a very different tone. Groups which explicitly express an ethno-nationalist agenda are few and mostly weak. The policy of playing tribes and ethnic groups against each other is nothing new, but is can work only as long as a strong and authoritarian state is in place. As soon as the hold of a state over territory starts lapsing, or some form of democratic regime is introduced, the structure built through this divide-and-rule tactic starts unravelling in Afghanistan.[577]

Disproportionate presence of the Northern Alliance after the Bonn conference and domination of political power, including the three key ministries (defense, interior, foreign affairs), and intelligence department, created pessimist among different ethnic groups, especially Pashtuns,

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[575] Ibid.

[576] Giustozzi, Antonio. (2006), Processes of Political Ethnicization in Today's Afghanistan, in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, p. 211

[577] Ibid, pp. 211-2

regarding *Panjshiri* who are ethnically *Tajik*; Khalilzad Pashtun favoritism and unfairness role on the presidential election of 2004; as well as, Hamid Karzai anti-North Alliance underground conspiracy,[578] calling Taliban as brother and justify their right of conquering Afghanistan territory, approving Taliban's war against the Afghanistan government and military force,[579] releasing a large number of Taliban commanders and suicide bombers base on ethnic tie and without any judicial trail, are the main factors which has poisoned the overall socio-political environment and has further hardened the ethnic polarization of Afghanistan on the post-2001.[580] Ethnicization of politics by Karzai paved the ground for the ethnic base campaign during the presidential election 2014, Ashraf Ghani who had lost the contestation during presidential election 2009 by acquiring only 2.9 percent of total vote, changed his campaign strategy during the presidential election 2014, To accumulate Pashtuns' votes, he relied on ethnic politics, notified his key role for the release of Taliban from Bagram Prison, criticizing the imbalance of ethnic diversity at Afghanistan's prisons[581] – as most of the Taliban prisoners were Pashtun, also he criticized why all the U.S. night attacks concentrated at Pashtuns territory but not non-Pashtun provinces.

Though Ashraf Ghani claims and statements were considered totally funny and illogical by elites, but in practice Ashraf Ghani achieve to draw the attention of the most fascist characters among Pashtun in different layers of society including in the Independent Election Commissions to help him to reach his goal. The ethnic base electoral campaign also followed by Ashraf Ghani's counterpart Abdul Rashid Dostom who nominated himself as the first vice-president of Ashraf Ghani during the 2014 election. Dostom warned all *Uzbeks* during his campaign that:

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[578] Hamid Karzai mentioned to Robert M. Gates during a private meeting that the Northern Alliance were all working against him. Karzai mentioned that how "inclusive" (meaning working with the Northern Alliance) had put the country at risk and that these guys – "Putin's allies" – were now killing parliamentarians and even children. Karzai mentioned to Robert M. Gates that, "this is not done by Taliban or al Qaeda but by our own bad people," and his government needed to "consult with the United States on how to handle this." See: M. Gates, Robert. (2014), *Duty: Memoirs Of A Secretary At War*, United Kingdom: WH Allen, p. 212

[579] Hamid Karzai Interview with BBC, Published on September 27, 2016, [Online: Web], Access September 28, 2016, URL, https://www.youtube.com/watch?v=DlBzteonYfo

[580] Yonus Qanoni and Abdullah Abdullah harshly condemned Karzai's conspiracy against the Northern Alliance, which is released in Robert Gates book: 'Duty: Memoirs of a Secretary at War'. [Online: Web], Access January 11, 2016, URL, . https://www.youtube.com/watch?v=FWUVDzzedUE

[581] Ashraf Ghani Interview with 'TV 1', April 03, 2014, Kabul, Afghanistan, [Online: Web], Access April 04, 2014, URL, https://www.youtube.com/watch?v=Ocx8p7XIxDw

> Ohh *Uzbeks*! All of you should vote for Ashraf Ghani, who, I am in his team and nominated as his first vice-president. Those Uzbeks who do not vote in favor of me is a traitor.[582]

The fraudful election of 2014 which led to political deadlock and finally end to National Unity Government through active mediation of John Kerry, and later on, President Ghani's ethnic chauvinistic policy in favor of Pashtun and gradual marginalization of other ethnic groups from government intensified further ethnic pessimism among the Pashtun and non-Pashtun ethnic groups. As his *Uzbek* ally Abdul Rashid Dostom and the *Tajik* counterpart Ahmad Zia Masood, who stand beside Ashraf Ghani during the Presidential election 2014, also blamed Ashraf Ghani for nepotism and Pashtun favoritism.[583] The recent decision of Ashraf Ghani for the exile of Abdul Rashid Dostom to Turkey, and also Ahmad Zia Masood's dismissal from his team, and the extreme monopolization of power has broadened the ethnic cleavages and alarmed the non-Pashtuns political elites to cease domination and conspiracy of Pashtun against non-Pashtun ethnic groups. Formation of the *Coalition for the Salvation of Afghanistan* by the major leaders of the *Tajik*, *Hazara*, and *Uzbeks* in Ankara Turkey on July 2017 was a reaction Ashraf Ghani's ethnic chauvinism.[584] The Kabul protest on June 02, 2017, also displayed somehow the dissatisfaction of non-Pashtuns ethnic groups who blamed President Ghani for his deficiency to maintain peace and security, in addition, the protesters blamed him for his ethnic favoritism and extreme monopolization of power. Political analysts believe that President Ghani's ethnic favoritism will further weaken the fragile national identity and soon or late may lead the Afghanistan to civil war among different ethnic groups.

Despite of the fact that ethnicity played a major role in Afghanistan politics, and different ethnic groups have always tried to enhance their political role at national level by active representation at the government, however, there is still no clear census to determine the exact population of ethnic groups in Afghanistan. The process of distribution of electronic national identity cards for the Afghanistan's citizen continuously delayed for many years by the Afghanistan's government. Some analyst argued that the distribution of electronic national identity cards can

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[582] Afghanistan Information Network (Shabaka-e Etelah Rasani-e Afghanistan), June 08, 2014, Kabul – Afghanistan, [Online: Web], Access June 09, 2014, URL, http://www.afghanpaper.com/nbody.php?id=73387

[583] General Dostom and Ahmad Zia Masood blamed Ashraf Ghani for Pashtun favoritism, TOLO TV, Oct. 24, 2016, Kabul - Afghanistan, [Online: Web], Access Oct 25, 2016, URL, https://www.youtube.com/watch?v=at33nUWAARs

[584] "Leaders of Afghanistan's three major ethnic group, all of whom hold senior positions in the government, announced from Turkey that they have formed a coalition to save Afghanistan from chaos, issued a list of demands for reforms by President Ashraf Ghani, and vowed to hold mass protests unless they are met." Constable, Pamela. (July 2, 2017), Afghanistan's President Under Renewed Pressure To Enact Reforms After Ethnic Leaders Form New Coalition, *Independent*, [Online: Web], Access July 2017, URL, http://www.independent.co.uk/news/world/politics/afghanistan-president-ghani-pressure-political-reforms-a7819536.html

reveal the exact population of each ethnic groups. Hereby, the Pashtun political elites hardly try to barricade process to safeguard their impractical historical claim as the largest ethnic group in Afghanistan. Nonetheless, for a fundamental solution to the issue of ethnic rivalries, it is necessary to evaluate and understand the inter-ethnic and religious challenges and diversities more consciously and purposefully. This requires a clear census of the Afghanistan's population with regard to the population of each ethnic grouping.[585] The clear census of the ethnic community can help to undermine the unreal claims, and exaggeration by Pashtun elite for the purpose of political exploitation of non-Pashtun ethnic groups,[586] which has been the main cause of civil war and chaos in the country to far. It could also pave the way to map the Afghanistan ethnic and religious heterogeneous society efficiently and regulate the inter-ethnic and religious rivalries over political power and economic wealth by establishing practical political system, which could bring satisfaction to all ethnic groupings regarding their rights in the state constitution.

6. TRANSITIONAL JUSTICE AND THE PRACTICAL CHALLENGES

From 1978 through 2001 Afghanistan experienced communist coup, Soviet invasion, *mujahedeen* insurgency and a severe repressive Taliban rule. Systematically and widespread violation of human rights and humanitarian law committed during this period including murder, torture, rape, arbitrary detention, forced disappearance, and gender and ethnic discrimination. One of the main question since the overthrow of the Taliban in 2001 has been how to meet the demand for public justice. It is a matter of intense practical concern for a population emerging from decades of severe social and political disruption. Amongst those who have suffered, the demand for justice may be intense, as a means of holding individuals accountable for their actions, and the credibility of a justice system in the future may be heavily dependent on its capacity to handle crimes from the past. This is complicated, however, by the reality that those have sinned in the post may often be actors in the present – new political arrangements are rarely written on an entirely blank sheet. And more seriously still, sinners from the past

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[585] Adeney, Katharine (July/August, 2008), *Constructional Design and Political Salience of "Community" Identity in Afghanistan: Prospects for the Emergence of Ethnic Conflict in the Post-Taliban Era*, *Asian Survey*, Vol. 48, No. (4), University of California Press, p. 358

[586] Mahdi, Muhaiyuddin (2008), Nazaria ha "Tamin Subat" wa Al Munasibat Tabai, in Fazil Aq Fayez (ed. 2008), *Al Monasibat Tabari dar Afghanistan*, Kabul: Izb-e Mardom Afghanistan Publication, p. 113

are actors in the present because they retain the capacity to derail new arrangements.[587]

The Bonn Agreement on 2001, marked as the beginning of what might hope to be a transition toward peace, rule of law, and justice. In reality, the Bonn was not a peace agreement between warring groups, but an agreement between selected Afghan leaders of four anti-Taliban groups, who had been fundamental to the coalition of that overthrew the Taliban regime.[588] Afghan signatories of the Bonn Agreement included a number of alleged human rights abusers with no attempt to extract any significant commitment to justice from them. Unlike other peace agreements carried out by the United Nations, the Bonn Agreement did not address the issue of transnational justice and no mechanism was established to deal with the abuses of the past. The voices of victims demanding justice were echoed neither by the new Afghan authorities nor by the international community, both of whom promoted 'peace first, justice later'. The only openings for transnational justice were that the Bonn Agreement avoided an amnesty provision and crated a national human rights commission. It also bound the country to international legal obligations on human rights.[589]

The supporters of 'peace first, justice later' argued that pursuit of human rights violators can delay and impede the effort to establish condition of security. By another word, the implementation of justice can appear to be a threat to the achievement of wider order from which even the victims of past injustice might wish to benefit. It is important to recognize that there is no solution that will leave all parties satisfied. The issues surrounding past human rights violation in Afghanistan – are fraught with the burdens of sorrow that victims are witness must bear on a daily basis. Indeed the tension over how to proceed is not just a simple battle between principle and pragmatism, but a much more complex and long recognized tension between a deontological approaches to ethics, stressing the need to evaluate actions in terms of the consequences which flow

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[587] Maley, William. (2007), Order and Justice in Afghanistan: Some Reflections on the Problems of Amnesty, in in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, pp. 215

[588] R. Rubin, Barnett. (Feb. 2003), *Transitional Justice in Afghanistan*, School of Oriental and African Studies, University of London, p. 4, [Online: Web], Access August 2014, URL, https://www.soas.ac.uk/cccac/events/anthonyhyman/file25446.pdf

[589] Winterbotham, Emily. (April 2010), The State of Transitional Justice in Afghanistan: Actors, Approaches and Challenges, *Afghanistan Research and Evaluation Unit*, p. 6, [Online: Web], Access June 2014, URL, http://www.refworld.org/pdfid/4bc6ccb42.pdf

from them.[590]

However, the critics of 'peace first, justice later' considered justice and peace as the two wings that make a post-conflict society to fly toward sustainable peace and harmony.

> Justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. Advancing all three in fragile post-conflict settings requires strategic planning, careful integration and sensible sequencing of activities. Approaches focusing only on one or another institution, or ignoring civil society or victims, will not be effective.[591]

It is argued that United Nations Special Representative Lakhdar Brahimi, who proposed a long-term strategy for securing justice in Afghanistan through political stabilization of the country and judicial reform, however, his stand on 'peace first, justice later' discouraged the development of any foundation for justice efforts in Afghanistan. Transitional justice and the political process have therefore proceeded on separate tracks. Peace at the cost of justice remains the core policy of the Afghanistan government and United Nations mission in Afghanistan. It has been argued that if Afghanistan moves forward on accountability and justice for past crime and human rights abuses, the country's fragile peace will be challenged and the peace process will be disrupted.

Some analysts often pointed out Hamid Karzai's greatest failures, as he coddled those who were convicted for decades of war crimes. Tayeb Jawad, one of Karzai's early chief of staff said, "That was always a big debate: Should we include them or not? Karzai insisted that we had to include them and they had to be part of the system. That was the source of frustration among the more idealistic people who were around him. In Karzai's calculation, there was really no force to confront these people."[592] Accommodation of warlords sent the message that nearly any crime was acceptable as long as the criminals were not openly fighting his government. Tayeb Jawad mentioned:

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[590] Maley, William. (2007), op. cit., p. 216

[591] United Nation Security Council. (August 23, 2004), The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, *Report of the Secretary General*. [Online: Web], Access June 2014, URL, http://www.refworld.org/docid/45069c434.html

[592] Partlow, Joshua. (2016), op. cit., p. 125

> We were thinking that many of those who are now significant players in Afghanistan politics and the parliament, would end up in Guantanamo Bay, but instead they acquired high political position that allowed them to loot half of the national sources, the lands, and the government resources.[593]

Upon the request of the government, the AIHRC took the findings of the report and charted a national *Action Plan for Peace, Reconciliation and Justice in Afghanistan*. The *Action Plan* laid out five comprehensive activities including: symbolic measures, institutional reform, truth-seeking, reconciliation, and accountability measure. It also categorically rejected amnesty, stating that neither Islam nor international law provides amnesty for crimes, including crimes against humanity. The subsequent publication of *A Call for Justice*[594] initiated a national debate and discourse around transitional justice issues in Afghanistan. It provided an opportunity for victims to speak out; however, it also provoked some well-known political leaders, who were involved in the civil war and who were known as the faces behind human rights atrocities, to speak strongly against the transnational justice process. They called for an immediate reaction against the AIHRC and have labeled members of the commission as non-Muslim.

On December 2006, human Rights Watch published a list of accused perpetrators of human rights violation initially named in their 2005 report as *Blood Stained Hands*.[595] In reaction to these events, in January 2007, the *Wolesi Jirga* (lower house of parliament) followed by the *Meshrano Jirga* (Council of Elders) passed a National Stability and Reconciliation Resolution. The law granted blanket amnesty to all political wings and hostel parties who had been in conflict before the formation of the interim administration.[596] It seems the *Action Plan* was intended to serve as nothing more than a symbolic gesture, as the passing of the *Amnesty Law* in 2007 had sealed the fate of the *Action Plan* before it even reached its expiration. Addressing past crimes and also to instil a culture of accountability and respect for human rights considers as

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[593] Ibid, p. 126

[594] Afghanistan Independent Human Rights Commission. (January 25, 2005), A Call for Justice: A National Consultation on Past Human Rights Violations in Afghanistan, [Online: Web], Access July 2014, URL, http://www.refworld.org/docid/47fdfad50.html

[595] Human Rights Watch. (2005), Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity, [Online: Web], Access June 2104, URL, https://www.hrw.org/reports/2005/afghanistan0605/afghanistan0605.pdf

[596] Kouvo, Sari. (February 22, 2010), After Two Years in Legal Limbo: A First Glance at the Approved 'Amnesty Law', *Afghanistan Analysts Network*, [Online: Web], Access August 2014, URL, http://www.afghanistan-analysts.org/after-two-years-in-legal-limbo-a-first-glance-at-the-approved-amnesty-law/

the most essential fact for the establishment of an accountable democratic regime. However, presence of human rights abuser at high government positions and also at Afghanistan's parliament houses, likewise, politicization of judiciary stand as a sever deterrence factor for the implementation of 'rule of law' and 'social justice' in Afghanistan.

7. ELECTION CHAOS AND POLITICAL LEGITIMACY

The Afghan presidential election in 2004 generated considerable popular enthusiasm despite the fact that its result were largely considered to be pre-determined in favor of interim President Karzai. The primary importance of this election was not the selection of the president. Rather it served as a de facto popular referendum on the Bonn Agreement and as a sign that this political process would continue with the endorsement of the population. The elections also should have begun to yield a solid foundation upon which to build the institutions required for democracy, which was the end point of the Bonn Agreement. The poll succeeded as far as the primary purpose was concerned – the millions of voters who risked violence to vote, thus expressing support for a new beginning across a broad range of communities. It was, however, far less successful in establishing a strong base for Afghanistan's ongoing democratisation.[597]

As an event the election was a success, despite widespread hesitations. To the extent that it was a proxy for a referendum on the Bonn Agreement. However, as vehicle for advancing toward democratic transition, the elections were less successful. Since the election was treated more as an event, a punctuation point in a peacekeeping mission,[598] insufficient attention was paid by Afghans and the international community to build and sustaining key electoral institutions. Despite their high cost, the political value of elections happened, but democratisation did not follow. The instrumentally use of democracy and election with no bond to democratic principles and values, had led to democratic tragedy during presidential election of 2009. Three days before the presidential election on August 20, 2009, Carney wrote to Eikenberry that, "We have information about wholesale fraud planned in Kandahar," where Ahmad Wali Karzai ran the province. Carney wrote to Eikenberry that:

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[597] Smith, Scott Seward. (July 2012), The 2004 Presidential Elections in Afghanistan, Afghanistan Analysts Network, [Online: Web], Access September 2016, URL, https://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/09/3_Smith_The_2004_Presidential_Elections.pdf

[598] Reilly, Ben. (2004), Elections in Post-Conflict Societies, Edward Newman and Roland Rich (eds.), *The UN Role in Promoting Democracy: Between Ideals and Reality*, Tokyo: United Nations University Press, P. 118

> I believe you should tell Karzai we have good information on attempts by his supporters to engage in fraud with ballot boxes. If this happen, it will be detected and the consequences are incalculable.[599]

U.S. involvement was also ridiculous – a 180 degree rotation on the United States' policy during presidential election 2009, in compare to that of 2004, when Karzai had exclusively received support from United States' embassy in Kabul headed by Zalmai Khalilzad.[600] Conversely, during the presidential election 2009, the U.S. embassy was buying commercial airline tickets to fly Karzai's opponent to campaign events and also allowing candidates to use its airplanes.

Carney described the fraud as "Massive, unbridled, unsophisticated, blatant and untrammeled" in a Democracy International report eight months after the vote. "Ten vote in the box became on hundred on the results sheet, the extra zero added later, in different handwriting." Losing candidates showed up in election offices carrying cardboard boxes full of shredded votes they would purportedly denied. At least fifteen candidates reported that election staff members at tally centers were requesting seven dollars per vote. "To off voting" where election staffers marked the leftover ballots for their preferred candidates, was common. At markets in Kandahar, voter registration cards were being sold in bundles of three hundred, similar, in Khost Province, one registration card cast was $10 in the market.[601] In station after station, hundreds of pages of identical ballots showed Karzai winning 100 percent of the vote. The counting of ballots was unobserved. U.S. military intelligence officers in Kandahar reported to their Kabul headquarters that there were more vote for President Karzai across the south than there were voters and that Ahmad Wali Karzai had had a major hand in that. Abdul Raziq, the young border police commander and Karzai ally, stored ballot boxes overnight inside his own home.[602] A Canadian adviser in Kandahar described:

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[599] Partlow, Joshua. (2016), op. cit., p. 13

[600] "Before the first election, the U.S. embassy, then led by Zalmay Khalilzad, would parade Karzai around the country to events where he could cut a ribbon on an American-funded school or clinic in order to demonstrate to villagers how much better off they were with Karzai in the palace. The embassy had little time for rival candidates. One American diplomat recalled struggling to arrange a meeting for another Afghan politician who wanted to explore running against Karzai…Khalilzad order to the political section was that the presidential candidate was Karzai and no one else. They were no to meet with others." Ibid, pp. 19, 23

[601] Al Jazeera English, Fraud Casts Shadow Over Afghan Vote – 17 August 2009, [Online: Web], Access August 18, 2009, URL, https://www.youtube.com/watch?v=DZUsDGDNd0E

[602] Partlow, Joshua. (2016), op. cit., pp. 33-4

They ripped ballots out and stuff them in. you could see they just marked them all in the same hand. It was such an amateurish, idiotic attempt, so incredibly, childishly transparent.[603]

More than three thousands complaints about fraud poured in from across the country. The Electoral Complaints Commission (ECC) went into triage mode, and decided that only the most blatant cases would be scrutinized. The Independent Election Commission, found that Karzai had won 54.6 percent of the vote, the ECC found that of 3 million votes for Hamid Karzai, at least 800,000 were fraudulent and would be wiped away, costing him his majority.[604] After a serious effort by assembly of Pashtuns to convince Eikenberry to announce Karzai as the winner of the first round, but it had met no positive result.[605] The international pressures, left Karzai no option just to accept the second round of election after two months. [606] A decisive second-round win over Abdullah would vindicate Karzai and legitimize the election. Abdullah Abdullah convinced that the system was so rotten it could not be trusted, decided to drop out of the race.[607] That left Karzai damaged, discredited, feeling betrayed – a winner by default. Karzai willfully disregarded the obvious and voluminous evidence that his supporters had tried to cheat him to victory. But the United States acted with ugly hypocrisy, touting the rhetoric of democracy while scheming against the favored candidate. It managed to humiliate Karzai but not defeat him.[608]

First round of the presidential election on April 5, 2014, was considered a good election. It was told as an upbeat narrative, with high turnout and smiles, as a stand for democracy. Even though a news black-out on Taliban violence and lack of a proper audit for fraud meant we never knew exactly how the first round had gone, still, it

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[603] Ibid.

[604] Ibid, pp. 35-6

[605] The assembly of *Pashtun* leaders facing Eikenberry, argued that forcing a second round on the nation would mean more chaos and uncertainty; avoiding it would spare a lot of bloodshed. One Pashtun minister told Eikenberry, "Ambassador, you don't have to do this, you have options. This election can be decided in President Karzai's favor." While Eikenberry slammed his fist on the table and said, "Do you think we have American soldiers here risking their lives to secure this election so that you can make a mockery of it?" He continued, "There were no rules. It was the jungle, now you are returning to the jungle. What we are talking about is rules. The rules aren't perfect. But if you don't follow them, you are going back to the jungle. This is your chance." When the Pashtuns met later at the palace with Karzai, their message was simple: you can either have the majority of the vote from the first round, or you can have the United States of America. Ibid, pp. 38-9

[606] Ibid, p. 40

[607] Abdullah Abdullah criticized the Widespread vote fraud in Afghanistan election 2009, YouTube, https://www.youtube.com/watch?v=esFbjicKcm0

[608] Partlow, Joshua. (2016), op. cit., p. 41

created genuine hope for the future. Most votes had gone to Abdullah Abdullah with 45 percent, Ashraf Ghani acquired 31.56 percent, and Zalmai Rassul on the third place maintained only 11.37. Ghani seen as Pashtun candidates, while Abdullah seen as Tajik candidates. The vote looked to be, not just an endorsement of the state and the current political system, but there were hope that the leader who emerged from the election would have a strong enough mandate to actually be able to tackle the grave security and economic problems facing Afghanistan.

Failure of the candidates to acquire the majority of the vote (50+1) at the first round led the election to the second round. The narrative of the second round, however, was contested from the start. From Election Day on June 14 onwards, Abdullah Abdullah has repeated his belief that he suffered massive fraud at the hands of Ashraf Ghani, the Independent Election Commission and the state what his camp called the 'triangle of fraud', specially, when Zia Ul-Haq Amarkhai, the Chief Electoral Officer for the Independent Election Commission, caught red hand by the Kabul police, when he was illegally transporting ballot boxes to Surobi District of Kabul by a truck to cheat in favor of Ashraf Ghani.[609] Later on, Amarkhail's mobile voice calls released by the media, showed that Amarkhail was managing a big electoral fraud in cooperation with Ashraf Ghani's regional electoral team members to avoid Abdullah's win.[610] Documents also showed that Abdullah Abdullah's votes had been burned by Ashraf Ghani' team in Southern Provinces, meanwhile, a large number of feck ballot cards used during the second round of the election in the South, South-East, and Eastern Provinces of Afghanistan in favor Ashraf Ghani.[611]

The second round of election marked ethnic polarization, particularly of the two largest communities who both tended to vote for the man they previewed as their own – Pashtuns for Ghani and Tajiks for Abdullah. Despite all the pressures for making a political settlement of the election-related deadlock in Afghanistan both necessary and urgent, but many attempts failed to resolve the dispute between the two candidates.

[609] Zia Ul-Haq Amarkhail Caught by Kabul Police when He was Transferring Ballot Boxes by a Truck to Surobi District, *Ariana News*, June 14, 2014, [Online: Web], Access June 14, 2014, URL, https://www.youtube.com/watch?v=iMEMnKZKtUE

[610] Amarkhail and the Election Fraud, *YouTube*, June 30, 2014, [Online: Web], Access June 31, 2014, URL, https://www.youtube.com/watch?v=KjIkQjv7Sek

[611] Electoral Fraud of Presidential Election 2014, by Ashraf Ghani's Team, *YouTube*, April 10, 2014, [Online: Web], Access April 11, 2014, URL, https://www.youtube.com/watch?v=wmssrjGVYFM

John Kerry on his first visit during July 11-12, 2017, proposed a solution for the deadlock, as both candidates better to come to an agreement for holding a full audit and be bound by its result and form a national unity government.[612] The direct involvement of the so called Independent Election Commission's members including the highest rank such as the Electoral Commission Head – Ahmad Yusuf Nuristani, and the Chief Electoral Officer – Zia Ul-Haq Amarkhail, caused that Abdullah Abdullah never trust the auditing process, as he believed that the 'Independent Election Commission' is not "independent" anymore, its dependent, corrupted, and entirely lost its credibility for the people of Afghanistan. Base on the evidence that Abdullah's team provided and release through media that was showing a systemic vast fraud by the triangle of the State, Election Commission and the Ashraf Ghani team, Abdullah Abdullah warned the state for releasing the fabricated result of the bias audit by the 'Fraudful Election Commission'.

Finally, on September 21, 2014, after months of gridlock following a nastily contested election, Afghanistan presidential candidates Abdullah Abdullah and Ashraf Ghani signed a power-sharing deal to form a National Unity Government. As part of the arrangement, Ghani became Afghanistan's president while Abdullah assumed the newly created position of Chief Executive Officer (CEO), who heads the cabinet. The agreement was intended to bring both side on board. Depending on one's point of view, this was either crucial, given how ethnicity had driven much of the voting, or an abandonment of any hope of an election-based, democratic transition.

The future of the National Unity Government is shaky, as is broader political stability. The vagueness of the National Unity Government power sharing agreement that frame the government and the widely diverging interpretations of their powers and authority. Abdullah believes that agreement gave him an equal share in government; Ghani insist that ultimate power, as defined in the constitution, resides in the presidency.[613] Even where the agreement is being implemented, notably on appointments to senior civil and

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[612] Clark, Kate. (July 14, 2014), Elections 2014 (39): Has Kerry Saved the Day?, *Afghanistan Analysts Network*, [Online: Web], Access July 15, 2014, URL, https://www.afghanistan-analysts.org/elections-2014-39-has-kerry-saved-the-day/

[613] Afghanistan: The Future of the National Unity Government, International Crisis Group, Report N 285/Asia 10 April 2017, [Online: Web], Access April 13, 2017, URL, https://www.crisisgroup.org/asia/south-asia/afghanistan/285-afghanistan-future-national-unity-government

military posts, both sides are stacking the government and security agencies with allies, manly on ethnic grounds, with Ghani favoring fellow Pashtuns and Abdullah fellow Tajiks. The resulting perception of discrimination within excluded communities, exacerbated by the lack of consultation, including on development program, is contributing to a widening ethnic and regional divide.[614] Despite the urgency of the reform on the security sectors, the National Unity Government's leadership has yet to tackle the corruption, nepotism and factionalism with it. Other vital reforms, particularly of the elector system and institutions, without which future polls will likely be as controversial as the 2014 presidential contest, have been stymied by the troubled relationship between the executive and legislature, which contributed to governmental dysfunction.

As parliamentary and district council polls have repeatedly been postponed due to security and political instability concerns, a constitutional *Loya Jirga* cannot be held to formalize the CEO's position, as pledged in the National Unity Government agreement. Suggestions to end the political impasse by the National Unity Government's opposition, spearheaded by former President Hamid Karzai and his allies, including early elections or a traditional Loya Jirga to determine a future governing arrangement, are unlikely to find favor with either the president or CEO. Ghani mistrusts Karzai, while Abdullah is unwilling to risk losing his CEO position; neither wants to cut the National Unity Government's five-year tenure short.[615]

The National Unity Government is beset with internal disagreements and discord and facing a resurgent insurgency. Several options are being discussed in afghan and international circles for how best to tackle the political and constitutional tensions that, if left unresolved, would increase the risk of inter-ethnic conflict and insecurity in an already fragile state. The only promoting way forward is for the two protagonists, President Ashraf Ghani and his Chief Executive Officer, Abdullah, to acknowledge that the stability of their government and country requires them to work together. The country stability ultimately depends on Ghani and Abdullah resolving their difference and working together to meet the many security, economic and humanitarian challenges

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[614] Ibid.

[615] Ibid.

that confront the country and threaten their government role and political survival.

8. RULE OF LAW, CORRUPTION, AND THE LOCAL POWER BROKERS

The system of local administration in Afghanistan has differed from time to time. During the Zahir Shah there was a strong patrimonial system – the functional ability of provincial administration depended largely on the personality of the governor. Indeed, personal networks clustered around the royal family played a key role in making the system work. Whereas, the social environment would also help determine the functionality of a governor performance; where local notables were powerful and resourceful, they could influence governors or counter-balance their power. For instance, the local notables constituted a very powerful force particularly in Kandahar, where they were big landlords and had privileged relations with the royal clan. In some areas, mainly in Paktiya, the views of the tribal councils had to be taken into account by governors. However, among the other non-Pashtun ethnic groups even the powerful khans of the Uzbeks, of the *Hazaras* and of the Tajiks of Badakhshan could not match the influence of their southern equivalents, although at least some Uzbek Khans did have direct relations with the royal family.[616]

State's control was somewhat strengthened at the expenses of local players during Daoud's republic; in part this was due to Daoud's greater assertiveness but also to the gradual weakening of the khans and other local notables as a result of economic development, at least in some parts of the country. The turning point, however, was in 1978-1979, as the People Democratic Party of Afghanistan ceased the power and set out to radically re-shape the administration structure of the country. The PDPA completely abolished the informal personal networks that ultimately allowed the central government to control and manage the provinces. They entirely replaced the upper ranks of the administration, appointing young party cadres and severing the links with the local notables. The consequent loss of effectiveness of the administration played a significant role in the crisis of the Afghanistan.[617] Though, in the second half of 1980s, under the leadership of President Najibullah, a serious effort took place to re-establish the system of center-local notables' connection, with some success, but it was late, as the *jihadi* arm groups had already achieved to penetrate and influence the localities.

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[616] Giustozzi, Antonio. (2008), State Administration and Local Power Brokers in Afghanistan Provinces, in Micheline Centivres-Demont (eds.2015)*, Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, pp. 234-5

[617] Ibid, p. 235

However, the structure of Afghan society had undergone further deep changes during the years of war. The most important change had been the emergence of a rural military groups that partially replaced the old local power players focused on leader of arm groups, who effectively took over big chunks of the local state administration towards the end of the 1980s, some of them even became governor. During Mujahedeen rule in Afghanistan, the whole state divided among the different *jihadi* arm groups, and every *jihadi* commander had held region and the whole country existed in state of chaos and of every group were trying to survive. The Taliban model of administration resembled the Abdul Rahman khan's template, except for their reliance on the clergy as opposed to lay notables. Both the notables and military class were marginalized.[618]

The post-2001 era represented a new situation, though, the chaos of 1992 onwards was prevented, at least in the short and medium term, and a new system based on old notables and even more so on the military class emerged. But many challenges remained untacked – Afghanistan's government failed to maintain security and provide social and economic services for the people, especially in the rural area. The modernization, rehabilitation, institution and capacity building programs have been concentrated on a few main cities, it never spread to rural area. The people of many provinces, specifically the rural areas in Afghanistan highly suffer due to the absence of social, economic, and security services. Despite of billion dollars assistance to Afghanistan's government by the international community, however, the government could not succeeded to provide basic services such as: road, electricity, health clinic, education service, employment, judicial service, and the most important security to the life and possessions of people in Afghanistan.

The absence of a transparent, accountable and responsive system pave the way for vast corruption in the state organs. Some governors were involve with narcotic trafficking themselves.[619] The challenge start from President Karzai's family itself. President's brother Ahmad Wali Karzai who was chairman of the Kandahar Provincial Council, involved in narcotic trafficking.[620] Noor ul-Haq Olomi who served as MP and later as Minister of Home Affairs at National Unity Government, mentioned that:

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[618] Ibid, pp. 235-6

[619] U.S. officials also disagreed on whom Karzai should appoint as governors – the American government believed that some of the governors who had been assigned by Hamid Karzai including his brother Wali Karzai were drug traffickers. According to the Americans, Ahmad Wali and his brother-in-law Mohammad Arif Noorzai, "Both have well-known reputations as Norco-traffickers willing to engage in anything necessary to advance Hamid Karzai's fortunes." Partlow, Joshua. (2016), op. cit., p. 143

[620] Ibid, p. 126

We live there. We have a good relationship with the people. People over there know very well that Ahmad Wali was involved with that. With narcotics trafficking and smuggling. Everybody knows who was working with him.[621]

Mahmoud Karzai, the President Karzai's elder brother also had a plot of land in mind for his new city which was owned by Afghanistan's Ministry of Defense. He finally achieved to conquer the land with the help of Gul Agha Sherzai – the Governor of Kandahar.[622] Baghlan cement factory,[623] New Ansari,[624] Kabul Bank,[625] Shirpoor,[626] and also vast corruption at the government ministries, in particular at the ministry of education, defense, internal affairs, and ministry of Haj and Religious Affairs are other big tragedy that largely undermined the fragile economy of Afghanistan during Karzai's presidency. Karzai didn't believe to eliminate corruption, as he publicly mention during his interview in *Back and White Program*, *TOLO* News:

The Americans want me to fight against corruption and make everyone enemy to myself. They wanted to separate my team and use each of us against another. I know their trick,

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[621] Ibid, p. 147

[622] As On September 10, 2002, Governor Gul Agha Sherzai ordered the Kandahar municipality to transfer 20,000 *jeribs* of government land to Mahmoud Karzai. The terms of the transfer stipulated a price of $600 per acre that Mahmoud would pay in the future as he sold the houses and shops he planned to build. The governor took the project to Kabul and presented it to the cabinet, which gave its approval, and Hamid Karzai, as chairman of the interim authority, issued a decree authorizing the governor to transfer the land from the Ministry of Defense ownership to the city. Ibid, pp.76, 77, 78-9

[623] In March 2006, President Karzai fired Mir Mohammad Sediq, and the deputy, Mohammad Ibrahim Adel, was appointed to take his place. The new minister, Adel moved forward on the sale of the Ghori Cement Plant. Where there was a bidding process, the other companies believed that the minister put up unrealistic obstacles to bid out the others and paved the way for Mahmoud Karzai to own the cement factory. Ibid, p. 177

[624] Some of New Ansari employees lived in Dubai. They would take a morning flight to Kabul, collect their cash, and fly back in the afternoon, repeating the commute several times a week. Meyers's team found one Afghan traveler carrying three suitcases stuffed with $3 million in American currency and $2 million in Saudi Arabian riyals. In April 2010, one New Ansari courier declared $700,000 on a flight to Dubai. Upon inspection, the customs agent found $600,000 more. In the last half of 2009, New Ansari's couriers had declared $948 million at the Kabul airport, almost all of it headed for Dubai. Ibid, p. 94

[625] Kaul Bank crises made Fitrat to share the issue with President Karzai that Sherkhan, Ferozi, and Haseen Fahim were responsible for taking more than $500 million from the bank that led the bank to crises. Fitrat had still been too afraid to include Mahmoud Karzai's name among the others. But President Karzai ordered Fitrat to hold a press conference and insist that the situation was under control. Karzai told him to announce that the government had not fired Farnood and Ferozi but that they had resigned voluntarily …the bank was healthy and had no problems – in other words, Fitrat said, "all the lies we told in those days." President Karzai also offered Fitrat another piece of advice: "Blame the Western media." For more details refer to: Ibid, pp. 235-9

[626] Similarly, Vice president Qasim Fahim who initiated the accumulation and distribution of Sherpur land to cabinet members followed by destruction of peoples' house, has caused lots of criticism, including Karzai's harsh talk to the cabinet members, but none of the officials were ready to step back and return the land. For more details refer to: Ibid, p. 240-3

so I didn't do what the American wanted.[627]

Hamid Karzai continuously blamed the American for dishonesty and corruption in Afghanistan, which was true to a large extend. But this fact by no mean could justify the vast corruption at the Afghanistan's government. The Transparency International nominated Afghanistan as the most corrupted country after Somalia on its 2009 report.[628] The inefficiency of Karzai's administration to provide services for the citizens, as well as state unwillingness to fight against corruption, especially against those who held high official position gradually broadened the gap between state and the people. People whom had left out by the state, gradually absorbed by different vigilant groups – the Taliban, local arm groups and drug mafias, while some others saw the state's rearmament project (*Arbaki Sazi*) as an opportunity somehow to respond to their needs.

Corruption on the judicial sector made the state incapability of enforcing the state's law. Lawlessness prevail over the vast countryside, private armed groups continuing to rule over helpless citizens. The central government is unable to provide sustained security and protection to people's lives and properties; illicit drug trade run through almost every segment of Afghanistan's society and compromise the newly emerging establishments; provincial authorities, exploiting the inability of the central government to reach out them, hand over only fractions of their revenue collections.[629] Judicial system consider as the most corrupted organ of the state, and made people to not trust the state's judicial system, instate, it persuaded them to refer to religious and tribal councils, as well as the referring to regional warlords and Taliban for sorting out their judicial matters. Judicial decisions based on tribal codes, as well as rigid interpretation of Quran and Hadith, most of the time comes in a severe contradictions with state's law, especially with regards to women's rights – Stoning women (*Sangsar*), "badging" (*bad dadan*),[630] freedom of choice for marriage, polygamy, legal age for marriage, physical

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[627] Ex-President Karzai On His Presidential Journey, Black and White Program – TOLO News, September 03, 2015, [Online: Web], Access September 2015, URL, https://www.youtube.com/watch?v=92pYA-EkUhE

[628] Transparency International: The Global Coalition Against Corruption, Corruption Perceptions Index 2009: Result, [Online: Web]. Access May 2015, URL, https://www.transparency.org/research/cpi/cpi_2009/0/

[629] Mukarji, Apratim. (2007), Challenges to Democratisation, Peace and Stability in Afghanistan, in K. Warikoo (eds.), *Afghanistan: The Challenge*, New Delhi: Pentagon Press, p. 46

[630] One of the traditional customs of the Pashtun tribes in Afghanistan is the "badging" of girls. It applies in order to resolve the conflict between tow tribes and even two relatives of a girl from the future aggression and hostility. For example, whenever a brother or father commits crime or specifically murder, a tribal jirga gives a girl to the victim family member for peace settlement between the two conflicted parties, often the murderer girl or sister. Badging is not only limited to rural areas, but also somehow it is practicing in some urban areas among Pashtuns tribes. Badging is a customary and compulsory imposition on girls in such circumstances, regardless of age and consent, which is seriously in contradiction to Islamic law and also international humanitarian law and Afghanistan's civil and criminal codes which is combination of both Islamic Sharia and the International Humanitarian laws.

violence against women, right to education, right to social and political participation, are the examples of the sad tragedy of women's life in Afghanistan, and a serious challenge to democratic transition and safeguarding human rights values in the country.

9. COALITION FORCES WITHDRAWAL AND THE SUBSEQUENT CHALLENGES

Afghanistan has always been a focal point on the history of world politics. In the nineteenth century, the Great Game between Britain and Russia marked highpoint of the age of imperialism. The Soviet invasion of Afghanistan in 1979 brought the Cold War hostility to an end, as the occupation Afghanistan eventually led to the collapse of the USSR. After the terrorist attack of September 11, 2001, a multinational coalition under the lead of the United States intervened in Afghanistan as part of the 'war on terror'. As a result of the military campaign against the al-Qaeda network, the Taliban regime collapsed. Massive international efforts have been undertaken to stabilize country and to pave the way for democracy building. The United States justified its military operation as necessary in the 'war on terror', so that repressive regime of Taliban which support terrorist networks can be overthrown and replaced with a democratic regime.

In 2002 President Bush articulated a broader goal for Afghanistan to preventing its territory form becoming a safe haven for terrorists once again. Majority of Afghans welcome American's initiatives aimed at proving security, facilitating democracy, jump-starting the economy, and preventing meddling from regional neighbors. The long-term solution was to enable Afghans to defend and police their own territory. U.S officials claimed that U.S. and its NATO allies would not abandon the country again and that we would make the necessary investments to create a functioning Afghanistan.[631] In addition to United States and its NATO allies, all Afghanistan's neighboring states have tried to maintain their influence, since the future insecurity and conflicts in Afghanistan will have a direct impact on the regional countries. It is there that the international community must show it serious about the war on terror – which means that the coalition against terrorism is itself part of the Afghan conflict. Hereby, the future of Afghanistan will be decided not in the country itself but in nerve centers of power such as, Washington, London, Moscow, Shanghai, Tehran, Saudi Arabia, and Islamabad.[632]

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[631] Khalilzad, Zalmay. (2016), op. cit., p. 139
[632] Schetter, Conrad. (2004), op. cit., p. 183

Analyst believe that the early withdraw of coalition forces from Afghanistan could face many challenges to the region, specifically to Afghanistan as a newly born democracy with fragile infrastructures. It has been argued that the following challenges are undeniable in the absence of international security forces.

1. Political uncertainty: Afghanistan's people hoped that the presidential election bring a substantial change in the state administration to maintain peace and security and fight against corruption, unemployment, nepotism. However, the fraudful presidential election of 2014, and formation of a weak National Unity Government doomed all expectations for the emergence of a responsible and transparent administration to be able to deal efficiently with mentioned challenges left behind as legacy by the Karzai's government.

2. Demoralization of Afghanistan's National security Forces: NATO's withdrawal from Afghanistan can provide more opportunity for the Taliban to challenge the Afghanistan's National Security Forces potential to keep the country intact. The international community is prepared to help Afghanistan's Security Forces by providing money, equipment and training. Absence of advance military equipment, luck of leadership skill, and weak air force multiplied the challenge for the Afghanistan's National Army to maintain peace and security all over the country.[633] There are many provinces where the Taliban partially established their rules and the Afghanistan's National Army seems unable to push them back.[634]

3. Economic Challenges: Afghanistan's economy is totally dependent on foreign aids. Afghanistan spent very little amount of the foreign funds on its industrial sector since 2001. The country need a minimum of 3-4 billion dollar apart from security fund to maintain the functioning government. Rampant smuggling and corruption have almost ditched Afghanistan's economy, and this could bring a big challenge to Afghanistan once the international aids is banned.

4. Pakistan Interference: In the absence of the NATO's allied, Pakistan will get wider opportunity to interfere in Afghanistan. Islamabad has been assisting the Taliban actively through funding, provision of weapons, strategic planning, and military

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[633] Giustozzi, Antonio. (2010), The Future Of The Afghan National Army: Problems And Reforms, in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris, p. 256

[634] Ussaini, Ali. (June 10, 2017), Taliban Territory: Life Under Taliban Rule in Afghanistan, *BBC Persian*, [Online: Web], Access June 11, 2017, URL, http://www.bbc.com/persian/afghanistan-40225960?SThisFB

training. In the absence of the international forces, Afghanistan's military forces and intelligence network is unable to tackle Pakistan's conspiracy in the country.

5. Regional Security: it is assumed that after the reduction if not totally withdrawal of the coalition forces from Afghanistan, it could easily turn the country into safe haven for many extremist groups, and that could be a serious threat to the peace and security of the whole region. Hence, reduction of forces and weak participation of the coalition forces against Taliban and other extremist groups can easily endanger the stability of the Afghanistan and its neighbors.

CHAPTER - VI

CONCLUSION

The idea of promoting democracy as a fantasy has been strongly criticized by political scientists. It is argued that, if by democracy one has in mind simply a quick-fix election, then

there are good grounds for wariness about such a rudimentary approach, which does little to secure a consensually unified nation, develop moderate political culture in which a stable democracy can breathe and grow. However, in case of Afghanistan the fragility of today's democracy lay in the authoritarian legacy of the past and also its socio-political cleavages. Afghanistan's political leaders used democracy rather as political means to safeguard their stick on power and preclude public upheaval against the government, or at some points democracy has been used instrumentally by the opposition of the government to accumulate the support of masses, or to justify military cope and acquire legitimize. Hence, looking back at the history of Afghanistan, the country never experienced a democratic regime in which the people participated actively and determined their political fortune through democratic means. Afghanistan's society is characterized rather by extreme particularism – villages, valleys, clans, tribal groups and religious communities, which are the main reference points of people's identity and behavior.

With regard to the socio-political structure of Afghanistan's society and indicators of democratic regimes during the course of history, one can identify the following characteristics as indispensable facts: First, democratization process in Afghanistan has always been painted with religious color, in another words Islamization of democracy. Second, it is an ethnic based democracy, since first waves of democratization process in Afghanistan, Pashtuns dominantly conquered the political power and regarded other ethnic groups as second grade citizens. The ethno-centric state policies led to marginalization and deprivation of non-Pashtun ethnic groups from political power since the establishment of Afghanistan as nation state in 1990s. Third, division of power among the three branches of government was rather artificial than a real independence of these three branches – executive, legislature, and judiciary. However, the executive has always had the major and unchallenged power. The parliament has always been marginalized and judiciary has always been under the influence of the executive specially the president. Fourth, political parties as a secular and democratic institution have never opened a space in Afghanistan. Political solidarity and gathering congealed around ethnic and religious identity. In another words, political parties in Afghanistan are actually those ethnic and religious entities with the hood of modern concept as 'party' (*hizb*). Finally, due to the presence of authoritarian regimes, civil society has always been vulnerable used instrumentally by the state or the opposition of the state for political purposes and delegitimization of one another. Civil society activities have been acceptable for the government to the extent that supported the state policies. However, at times, when civil society activists demanded fundamental political reforms, the state ultimately shut those voices. Even after 2001, the civil society has been used as an instrumental object to justify the regime as democratic, while in practice it has had no if not very less impact over state behaviors.

All Afghanistan's constitutions, starting from 1923 to 2004, borrowed some articles from Western secular constitutions spelled out by International Declaration of Human Rights, and Chartered of the United Nations. In the meantime, Islam was considered as the sacred religion of the state and articulated that no law of the state could be in contradiction to *sharia*. Afghanistan's political system, has neither matched the Schumpeterian definition of democracy, who explained it as "a system in which its most powerful collective decision makers are selected through fair, honest, and periodic elections; candidates freely compete for votes; and all the adult citizens are eligible to vote", nor Afghanistan's religious clerics could develop a political participatory system based on a democratic exegesis from holy texts of Islam – the *Quran* and *hadiths*. The Afghan religious clerics are much dependent on the judgments (*fatwa*) of Islamic opinion leaders in the Islamic world. So there exists conceptual controversy and disagreement among different sects of both technocrats and religious clerics, as well as the constitutional ambiguity which embraced both the Western liberal values and at the same time accepted *sharia* as main principle of guidance made reconciliation difficult if not impossible. To reconcile people's satisfaction with God's approval; to strike a balance between the religious and the nonreligious, and to do right by both the people and by God made the task of democratic religious government in Afghanistan much harder than that of merely democratic or religious regimes.

After the fall of Taliban in 2001 and the involvement of international community in Afghanistan, the country got a real opportunity to develop efficient democratic regime to guarantee citizens fair and free participation on power and respond to the existing political, social, economic and security challenges. Though, the Bonn Agreement of December 2001 on political future of Afghanistan has understandably left many questions unanswered, and some of the most important ones related to whether, and if so, to what extent and in what ways, power could be shared among different ethnic groups in Afghanistan. The Bush administration officials believed that liberal democracy is the best form of government for Afghanistan and elections were the best legitimate way to settle the differences among different ethnic groups in Afghanistan. The American government seemed to believe that these goals were achievable, at least in broad outline, without a significant investment in state and nation building projects. Whereas, the reality on the ground was totally different from what has been analyzed by the United States strategists who had been kindly brain washed by Khalilzad's

explanation of Afghanistan as a homogenous nation with successful nation-state building history since 1929. However, domestic colonization, exploitation and deprivation of masses with consideration to ethnic and religious aspects during Afghanistan's past history, which ended to sever and bloody armed conflicts among ethnic based *jihadi* parties in 1990s, somehow, had made the situation more complex and perilous for both the national and international socio-political architects to map an efficient political model being able to deal efficiently with the fundamental political challenges in the post-conflict Afghanistan.

In addition to the internal challenging factors, there have been some external factors which misrepresented democracy in the eyes of Afghanistan's people after the intervention of the international community in Afghanistan. For instance, during the 2004 election, the U.S. embassy, which was headed by Zalmay Khalilzad adopted a biased attitude supporting Hamid Karzai. Though the United States biased role in support of Hamid Karzai ended specially after the assignment of Eikenberry as the U.S. ambassador to Afghanistan in April 2009. But, it was too late for the U.S. to control and counter Karzai's authoritarian behavior, as he had already gotten deep rooted through formation of a neopatrimonial system in which most corrupt and power thirsty elites had acquired dominant role.

Limitation of the program to Kabul and few big cities was also another genuine factor that helped the later failure of Afghanistan state to implement nation-wide modernization project and to establish effectual democratic institutions. The striking contradiction between center and countryside became the dominant line of conflict in Afghanistan. The cities above all Kabul, have been the development engine of the state and of modernization, while more traditional social structures persist in the rural areas. Not only economic imbalance but also different social conception divided Afghanistan society – the enforcement of human rights, democracy and female equality cannot happen fast enough for those living in the cities, whereas large parts of the rural population consider modernity as anti-Islamic and a threat to the survival of the traditional social order. The government failure to maintain security, employment, social and economic services, no doubt, paved the way for the Taliban movement and other extremist groups draw support of the population felt neglected economically, politically, and socially.

Applying the presidential system in the absence of strong and effective political parties, civil society, rule of law, as well as the challenge of tribal vigilantism, warlordism, ethnic and religious resentment, and an overall vulnerable feel of national unity also multiplied the existed challenges. The nature of presidentialism provided President Karzai an unchallenged position as the head of government which acquired his power through direct vote of the nation. He marginalized the parliament by ignoring its decision on many grounds. The polarization of power between the President and the legislature as the result of presidential system also persuaded the legislature to exceed its authority, continuation of work even after the termination of the official term, intervention in the electoral affairs, and ratification of some laws which are considered explicitly against the provision of Afghanistan's Constitution. As the result of strong presidentialism, the judiciary branch also lost its independence. However, it turned into an instrument in the hands of President. Politicization of judiciary branch led to judicial disaster and caused the citizens to lose their trust on the judicial departments for maintaining justice in the country.

Despite the fact that ethnicity played a major role in Afghanistan politics, and different ethnic groups have always tried to enhance their political role at national level by active representation at the government, however, there is still no clear census to determine the exact population of ethnic groups in Afghanistan. The process of distribution of electronic national identity cards for Afghanistan's citizens has been continuously delayed for many years by the Afghanistan's government. However, for a fundamental solution to the issue of ethnic rivalries, it is necessary to evaluate and understand the inter-ethnic and religious challenges and diversities more objectively. This requires a clear census of the Afghanistan's population with regard to the population of each ethnic group. The clear census of the ethnic community can help to undermine the unreal claims, and exaggeration by ethnic leaders for the purpose of political exploitation of other ethnic groups, which has been the main cause of civil war and chaos in the country to far. It could also pave the way to map Afghanistan's ethnic and religious heterogeneous society efficiently and regulate the inter-ethnic and religious rivalries over political power and economic wealth by establishing an efficient and responsive political system, which could bring satisfaction to all ethnic groupings regarding their rights in the state constitution.

Donors states have described the essential need for a strong civil society. However, in practice they follow neither their own ideals nor they are sure how to build civil society in Afghanistan with regard to the country's social, cultural and ethical characteristics. Donors generally lack understanding of what Afghanistan's people are thinking, or need, but are spending all this money on projects which may well be dormant or ineffective or premature. Meanwhile, the

indigenous civil society institution such as *shura*, masque, *madrassa*, cultural circles, artistic and professional associations remain largely ignored. Religious actors are not perceived as likely contributors to civil society in Afghanistan, where religion permeates society and politics, and where religious leaders and networks bear considerable influence. This is particularly problematic and needs rethinking of what civil society is and how important could be the role of indigenous institutions within the context of Afghanistan.

The Afghan presidential election in 2004 generated considerable popular enthusiasm despite the fact that its result was largely considered to be pre-determined in favor of the head of the interim government – President Karzai. Though, the primary importance of this election was selection of the president. Rather it served as a de facto popular referendum on the Bonn Agreement and as a sign that this political process would continue with the endorsement of the population. The elections also should have begun to yield a solid foundation upon which to build the institutions required for democracy, which was the end point of the Bonn Agreement. The poll succeeded as far as the primary purpose was concerned – the millions of voters who risked violence to vote, thus expressing support for a new beginning across a broad range of communities. As an event the election was a success, it was a substitution for a referendum on the Bonn Agreement. Nonetheless, as vehicle for advancing toward democratic transition, the elections were less successful. Since the election was treated more as an event, a punctuation point in a peacekeeping mission, insufficient attention was paid by Afghans and the international community to build sustaining key electoral institutions. Despite their high cost, the political value of elections happened, but democratisation did not follow. The instrumental use of democracy and election with no bond to democratic principles and values, had led to democratic tragedy during presidential election of 2009. It created mistrust and more suspicion, practicality about a fair election in which people are able to cast their votes and select their candidate through a transparent election process. The election fraud in 2009, resulted in the creation of a weak, ill represented and fraudful government headed by Hamid Karzai. Karzai's corrupt administration during 2009 -2014, was not only unable to tackle the existing political, economic, and social challenges, but the government had been considered as main source of the challenges itself. The corrupt and ill represented administration based on the a network of the most corrupt individuals finally paved the ground for the malicious election on September 21, 2014 with no clear result due to huge election fraud.

Abdullah Abdullah and Ashraf Ghani the two presidential candidates finally signed a power-sharing deal to form a National Unity Government. National Unity Government power sharing agreement that framed the government is vague and there are widely diverging interpretations of their powers and authority. Abdullah believes that the agreement gave him an equal share in

government, while, Ghani insists that ultimate power, as defined in the constitution, resides in the presidency. Even where the agreement is being implemented, notably on appointments to senior civil and military posts, both sides are stacking the government and security agencies with allies, mainly on ethnic grounds – Ghani favoring fellow Pashtuns and Abdullah fellow Tajiks. The resulting perception of discrimination within excluded communities, exacerbated by the lack of consultation, including on development program, is contributing to a widening ethnic and regional divide. Despite the urgency of the reform of the security sectors, the National Unity Government's leadership has yet to tackle the corruption, nepotism and factionalism without other vital reforms, particularly of the electoral system and institutions, future polls will likely be as controversial as the 2014 presidential election.

The fraudful presidential election of 2014, and formation of a weak National Unity Government doomed all expectations for the emergence of a responsible and transparent administration to be able to deal efficiently with challenges left behind as legacy by the Karzai's government. Many failures attributed to democracy in Afghanistan is in fact failures of the governments which have been unable to deliver on the promises made by the politicians at the time of electoral campaigns. The voters want not just their political rights as a ceremonial right to be exercised every five years during election, but an efficient, competent and responsive government to tackle the existing political, social, and economic challenges in the country. The National Unity Government is beset with internal disagreements and discord and is facing a resurgent insurgency. Several options are being discussed in Afghan and international circles for how best to tackle the political and constitutional tensions that, if left unresolved, would increase the risk of inter-ethnic conflict and insecurity in Afghanistan. The only way forward for President Ghani and his Chief Executive Officer, Abdullah is to come out of their ethnic cysts and acknowledge that the stability of their government and country requires them to work together. The country's stability ultimately depends on the two protagonists to resolve their differences and work together to meet many security, economic and humanitarian challenges that confront the country and threaten their government and political survival.

REFERENCE

(* Indicates Primary Source)

A. Fattah, Moataz. (2006), *Democratic Values in the Muslim World*, New Delhi: Viva Books Private Limited.

Adeney, Katharine. (July/August, 2008), Constructional Design and Political Salience of "Community" Identity in Afghanistan: Prospects for the Emergence of Ethnic Conflict in the Post-Taliban Era, *Asian Survey*, Vol. 48, No. (4), University of California Press.

* Afghanistan Constitution 1964.

* Afghanistan Constitution 1977.

* Afghanistan Constitution 1987

* Afghanistan Constitution 1990

* Afghanistan Constitution 2004

* Afghanistan Constitution, ۱۳۰۲ نظامنامه اساسی دولت اولیای افغانستان (Nizamnamah-ye-asasi-e-daulat-e-aliyah-e-Afghanistan 1302)

* Afghanistan Election Law 2014.

* Afghanistan Freedom House (May 2015), خلاها, برسی نقض ها, نقض قانون اساسی در ۱۳ سال: (Violation of Constitution during Thirteen Years: و ابهامات قانون استاسی افغانستان Observation of Errors, Gaps, and Complication of Afghanistan's Constitution), Kabul: Issue No. 2.

* Afghanistan Independent Human Rights Commission. (January 25, 2005), A Call for Justice: A National Consultation on Past Human Rights Violations in Afghanistan, [Online: Web],   Access   July   2014,   URL, http://www.refworld.org/docid/47fdfad50.html

Afghanistan Information Network, شبکه اطلاع رسانی افغانستان, (Shabaka-e Etelah Rasani-e Afghanistan), June 08, 2014, Kabul – Afghanistan, [Online: Web], Access June 2014, URL, http://www.afghanpaper.com/nbody.php?id=73387

* Afghanistan Political Parties Law, 2003

Akhmedova, Vulanga (31, May 2012), *Afghanistan: Will Kabul Follow in Washington's Federal Footsteps?, Global Voice*, [Online: Web], Access Aug, 2012, URL: http://globalvoicesonline.org/2012/05/31/afghanistan-will-kabul-follow-in-washingtons-federal-footsteps/

Al Jazeera English, Fraud Casts Shadow over Afghan Vote – 17 August 2009, [Online: Web],   Access   August   2009,   URL, https://www.youtube.com/watch?v=DZUsDGDNd0E

* Al-Qaradawi, Yusuf. (2007), اصالت و نوگرایی در فقه اسلامی (*Asalat Wa Naw Garaye Dar Fiq Isalami)*, Translated by Mohammad Amin Ali Pur, Tehran: Ehsan Publication.

* Al-Qaradawi, Yusuf. (2012), فقه سیاسی (*Fiqh Seyasi)*, Translated by Abdul Aziz Salemi, Tehran: Ehsan Publication.

* Al-Qaradawi, Yusuf. (2015), باید و نباید های دین و سیاست (*Bayad wa Nabayad Hai Din wa Seyasat)*, Translated by Abdul Aziz Salemi, Tehran: Ehsan Publications.

Al-Sulami, Mishal Fahm. (2005), *The West and Islam: Western Liberal Democracy versus the System of Shura*, Londan and New York: Routledge Curzon.

Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris.

* Arkoun, Mohammed. (2002), Locating Civil Society In Islamic Contexts, , in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris,

Avakian, Bob. (2014), *Democracy: Can't We Do Better Than That?,* Delhi: Phoneme Publishers and Distributors (Pvt.) Ltd.

B. Sajoo, Amyn. (2002), Introduction: Civic Quests and Bequests, in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris.

* Bakhtar Agency New, Kabul: 27, 06, 1992.

* Bakhtar News Agency, Kabul: 14, 05, 1992.

* Bakhtar News Agency, Kabul: 18, 04, 1992.

* Bakhtar News Agency, Kabul: 25, 10, 1992.

* Bakhtar News Agency, Kabul: 30, 05, 1992.

Ball, Terence and Dagger, Richard. (2008), *Political Ideologies and Democratic ideal*, Translated by Ahmad Saboori, Tehran: Ministry of Foreign Affairs Publication.

Barfield, Thomas. (2010), *Afghanistan: A Cultural and Political History*, Princeton and Oxford: Princeton University Press.

BBC News. (January 09, 2014), Afghanistan to release scores of Taliban prisoners, [Online: Web], Access January, 2014, URL, http://www.bbc.com/news/world-asia-25673011;

BBC Persian News, (09, July 2013), [Online: Web], Access July 09, 2013, URL: http://www.bbc.co.uk/persian/afghanistan/2013/07/130709_k02-uni-entrence-exam-cshrn.shtml; TOLO news 17 July 2013, *Farakhabar*, [Online: web], Access July 2013, URL: http://www.youtube.com/watch?v=-cW5qpLi6kc

BBC, Hamid Karzai's Interview, Published on September 27, 2016, [Online: Web], Access September 2016, URL, https://www.youtube.com/watch?v=DlBzteonYfo

BBC. (Nov. 24, 2016), Afghan Journalists and Internet Users Reacted to the Words of MP extremism and the Role of Educational Institutions, [Online: Web], Access November 2016, URL, http://www.bbc.com/persian/afghanistan-38089315

Beetham, David. (2005), *Democracy: A Beginner's Guide*, England: Onworld Publication.

Bhabani, S. Gupta.(1986), *Afghanistan: Politics, Economics and Society*, London: Frances Print.

Bijlert, Martine Van and Kouvo, Sari. (June 2013), AIHRC Commissioners Finally Announced, *Afghanistan Analysts Network*, [Online: Web], Access August 2015, URL, https://www.afghanistan-analysts.org/aihrc-commissioners-finally-announced

Black, Antony. (2014), Concept of civil Society in Pre-Modern Europe, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press.

Brian Barry (October 1975), Political Accommodation and Consociational Democracy, Review Article, *British Journal of Political Science* 5:4.

Chatterjee, Partha. (2014), Post-Colonial Civil and Political Society, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press.

Cheibub, J. Antonio. (2007), *Presidentialism, Parliamentarism, and Democracy*, UK: Cambridge University Press.

Civil Society Briefs (June 2009), Afghanistan: Overview of Civil Society Organizations, *Asian Development Bank*, [Online: Web], Access May 2016, URL, https://www.adb.org/sites/default/files/publication/28962/csb-afg.pdf

Clark, Kate. (July 14, 2014), Elections 2014 (39): Has Kerry Saved the Day?, Afghanistan *Analysts Network*, [Online: Web], Access July 2014, URL, https://www.afghanistan-analysts.org/elections-2014-39-has-kerry-saved-the-day/

* Crises Group Asia Briefing N°35. Afghanistan: Getting Disarmament Back on Track, 23 February 2005, and Crisis Group Asia Report N°65, Disarmament and Reintegration in Afghanistan, 30 September 2003.

Critical Notes on the Article: "The King of Prussia and Social Reform. By a Prussian", Karl Marx, Vorwarts!, No. 63, August 7, 1844, [Online: Web], Access February 2014, URL, https://www.marxists.org/archive/marx/works/1844/08/07.htm

* Dahl, Robert. (1991), *Democracy and Its Critics*, New Delhi: Orient Longman

* DAWN Daily, Pakistan, 26, 06, 1998.

* DAWN Daily, Pakistan, 27, 02, 2001.

Deepening democracy in a Fragmented World, *UN Human Development Report 2002*, New York: Oxford University Press, [Online: Web], Access August 2014, URL, http://hdr.undp.org/sites/default/files/reports/263/hdr_2002_en_complete.pdf

Deutsche Welle Persian (May 13, 2014), به فرمان حامد کرزی ۳۰۰ زندانی از پلچرخی آزاد گردیدند(300 Prisoners release from Pulcharkhi Prison by Hamid Karzai's decree), [Online: Web], Access May 2014.

* Dupree, Louis. (1965), *Constitutional Development and Cultural Change*. Part VIII: *The Future of Constitutional Law in Afghanistan and Pakistan*, AUFS Reports Service: South Asia Series, 9(10).

* Dupree, Louis. (2002), *Afghanistan*, Pakistan: Oxford.

Dupree, Nancy Hatch (Oct., 2002), Cultural Heritage and National Identity in Afghanistan, *Third World Quarterly*, Vol. 23, No. 5 Reconstructing War-Torn Societies: Afghanistan.

Ehsan, M. Mansoor. (2017), Afghanistan Between Nation-State Building and Regional Collaboration, in Sten Rynning (eds.), *South Asia and the Great Powers: International Relations and Regional Security*, UK and USA: I.B. Tauris.

Emadi, Hafizullah. (2010), *Dynamics of Political Development in Afghanistan: The British, Russian, And American Invasions*, New York: Palgrave Macmillan.

Etienne, Gilbert. (2002), A Bad Start to Reconstruction, in in Micheline Centivres-Demont (eds.2015)*, Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

* Farhang, Mir Mohammad Siddiq. (2012), افغانستان در پنج قرن اخیر (*Afghanistan dar Panj Qarn-e-Akhir)*, First Cover, Tehran: Orfan Publication.

Fayzad, Mohammad Alam. (1989), جرگه های بزرگ ملی افغانستان (لویه جرگه) (*Jerga Hai Buzurg Mili Afghanistan [Loya Jerga])*, Pakistan: Lahore Print,

Felbab-Brown, Vanda. (2017), When the Fighting Stays Tough, What Will the Tough do?: The Afghan Saga Continues, in Sten Rynning (eds.), *South Asia and the Great Powers: International Relations and Regional Security*, UK and USA: I.B. Tauris.

Femia, Joseph. (2014), Civil Society and the Marxist Tradition, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press.

Fukuyama, Francis. (2009), *State Building: Governance and World Order in the Twenty-First Century*, Great Britain: Profile Books Ltd.

Fukuyama, Francis. (2014), *Political order and political decay: From The Industrial Revolution To The Globalization Of Democracy*, Great Britain: Profile Books.

* Fundamental Principle of Democratic Republic of Afghanistan, 1980. اصول اساسی جمهوری دموکراتیک افغانستان ۱۹۸۰ (Usul-e Asasi Jamhuri Democratik Afghanistan)

Gallagher, Michael and Mitchell, Paul. (ed. 2005), *The Politics of Electoral Systems*, New York: Oxford University Press.

Gellner, Ernest. (1974), *Legitimation of Belief*, Cambridge: Cambridge University Press.

* Ghubar, Mir Ghualam Mohammad. (1995 ,افغانستان در مسیر تاریخ) *(Afghanistan Dar Masir-e Tarikh)*, Tehran: Jamboori Press

Giustozzi, Antonio. (2006), Processes of Political Ethnicization in Today's Afghanistan, in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

Giustozzi, Antonio. (2008), State Administration and Local Power Brokers in Afghanistan Provinces, in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

Giustozzi, Antonio. (2010), The Future Of The Afghan National Army: Problems And Reforms, in Micheline Centivres-Demont (eds.2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

Ghani, Ashraf (1978), Islam and State Building in a Tribal Society Afghanistan: 1880 – 1901), *Modern Asian Studies*, Vol. 12, No. 2.

* Government of Afghanistan (1920), نظامنامه رتب عسکری دولت علیه مستقله افغانستان *(Nezam Nama Rotab Askari Dawlat Aalya Mustaqela Afghanistan),* Matbuhayi Tepography Darul Al Saltanayi Kabul, 1299. H.A, (The Royal Topographic Printing Press of Kabul)

* Government of Afghanistan (1921), نظامنامه تطبیق رتب عسکری *(The Constitution for Application of Military Titles)*, Kabul: Kabul Languages Topographic Press

* Government of Afghanistan (1926), نظامنامه لاهیه تطبیق رتب جدید و عتیقه عسکری *(Nezam Nama Layeha Tatbeq Rotab Jadid Wa Atiqa-e Askari),* Dawlat Halia Mostaqela-e Afghanistan, Kabul: Rafiq Printing Press Ltd.;

* Government of Afghanistan. (1924), نظامنامه ناقلین به سمت قطغن *(Nezam Nama Naqeleen Ba Samt Qataghan)*, Matbuhayi Dairati Tahrirati Majlesi Hali Wozara: Mezan, 1302. H.A, (Kabul: The High Commission of Ministers Press)

Gregorian, Vartan. (1969), *The Emergence of Modern Afghanistan: Politics of Reform and Modernization, 1880 – 1946*, Stanford: Stanford University Press.

Guistozzi, Antonio. (2000), *War, Politics and Society in Afghanistan*, London: Georgetown University Press.

Harpviken, K. Berg and Borchgrevink, Kaja. (2009), A Muted Voice? Religious Actors And Civil Society In Post-2001 Afghanistan, in Micheline Centivres-Demont (eds. 2015), *Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

Human Rights Watch. (2005), Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity, [Online: Web], Access June 2104, URL, https://www.hrw.org/reports/2005/afghanistan0605/afghanistan0605.pdf

Huntington, Samuel P. (2010), *The Third Wave: Democratisation in The Late Twentieth Century*, New Delhi: Adarsh Books.

Hyman, Anthony (May, 2002), Nationalism in Afghanistan, *International Journal of Middle East Studies*, Vol. 34, No.2, Special Issue: Nationalism and the Colonial legacy in the Middle East and Central Asian, Cambridge University Press

Inglehart, Ronald and Weizel, Christian. (2005), *Modernization, Cultural Change, and Democracy: The Human Development Sequence*, UK: Cambridge University Press.

Inglehart, Ronald. (December 1988), The Renaissance of Political Culture, *American Political Science Review*, No.82.

International Crisis Group, Afghanistan: The Future of the National Unity Government, Report N 285/Asia 10 April 2017, [Online: Web], Access April 2017, URL, https://www.crisisgroup.org/asia/south-asia/afghanistan/285-afghanistan-future-national-unity-government

International Crisis Group. (26 June 2013), Afghanistan's Parties in Transition, Policy Briefing, Asia Briefing N. 141, Kabul and Brussels: ICG.

International Crisis Group. (June 2, 2005), Political Parties in Afghanistan, Asia Briefing N 39, Kabul/Brussels.

* Interview with Mohammad Nazari, Director of Civil Society and Human Rights Organization (CSHRO), Kabul: June 09, 2011.

J. Vincent, R. (1986), *Human Rights and International Relations*, New York: Cambridge University Press.

Jones, G. Stedman. (2014), Hegel and the Economics of Civil Society, in Sudipta Kaviraj and Sunil Khilnani (eds.), *Civil Society: History and Possibilities*, New Delhi: Cambridge University Press.

Judith N. Shklar. (1969), *Men and Citizens: A Study of Rousseau's Social Theory*, Cambridge: Cambridge University Press.

* Kabul Times, Kabul: 01, 12, 1991.

* Kabul Times, Kabul: 05, 07, 1992.

* Kabul Times, Kabul: 14, 05, 1992.

* Kabul Times, Kabul: 15, 11, 1979.

* Kabul Times, Kabul: 16, 09, 1979.

Kassem, Maye. (1999), *In The Guise of Democracy: Governance in Contemporary Egypt*, London: Ithaca

Kateb, Faiz Mohammad. (1931), *Seraj el-Tawarikh: Tarikh Afghanistan*, Fourth Cover, Kabul: Amiri Publication, Ghubar, Mir Ghualam Mohammad. (1995*), Afghanistan Dar Masir-e Tarikh*, Tehran: Jamboori Press.

Khadduri, Majid. (1955), *War and Peace in the Law of Islam*, Baltimore: Johns Hopkins University Press, p.3; Also see: Said, Abdul Aziz. (1979), *Precept and Practice of Human Rights in Islam*, Universal Human Right, Vol. 1, No. 1.

* Khalilzad, Zalmay. (2016*), The Envoy: From Kabul to the White House, My Journey through a Turbulent World*, New York: St. Martin's Press.

Kissinger, Henry. (2014), *World Order: Reflection on the Character of Nations and the Course of History*, Great Britain: ALLEN LANE

Knack, Stephen. (March, 2004), Does Foreign Aid Promote Democracy?, *International Studies Quaterly*, Vol. 48, No. 1.

Kouvo, Sari. (February 22, 2010), After Two Years in Legal Limbo: A First Glance at the Approved 'Amnesty Law', *Afghanistan Analysts Network*, [Online: Web], Access August 2014, URL, http://www.afghanistan-analysts.org/after-two-years-in-legal-limbo-a-first-glance-at-the-approved-amnesty-law/

Larson, Anna. (March 2009), *Afghanistan's New Democratic Parties: A Means to Organize Democratisation?,* Kabul: Afghanistan Research and Evaluation Unit (AREU).

Lijphart, Arend. (1977), *Democracy in Plural Societies*, New York: Yale University Press.

Lijphart, Arend. (1984), *Democracies: Pattern of Majoritarian and Consensus Government in Twenty-one Countries*, United States: Yale University Press

Lijphart, Arend. (2004), Constitutional Design for Divided Societies, *Journal of Democracy*, Vol. 15, No. 2.

Lijphart, Arend. (2008), *Thinking about Democracy: Power Sharing and Majority Rule in Theory and Practice*, London and New York: Routledge.

Linz, Juan. J. (1994), Presidential or Parliamentary Democracy: Does it Make a Difference?, in Juan J. Linz and Artuo Valenzuela (eds.), *The Failure of Presidential Democracy: The Case of Latin America*, Baltimore: Johns Hopkins University Press.

Linz, Juan. J and Alfred Stepan. (1996), *Problems of Democratic Transformation and Consolidation: South Europe, South America, and Post-Communist Europe*, Baltimore: John Hopkins University Press.

 Loyn David. (August 2014), The death list that names 5000 victims, Kabul: *BBC News,* [Online: Web], Access September 2014, URL, http://www.bbc.com/news/magazine-28645671

* M. Gates, Robert. (2014), *Duty: Memoirs of A Secretary at War*, United Kingdom: WH Allen.

M.A. Griffith - Traversy. (ed. 2002), *Democracy, Parliament and Electoral Systems*, London: Commonwealth Parliamentary Association, Pluto Press.

Mahboba.(1994), جرگه ها و لویه جرگه ها در افغانستان (*Jerga Wa Loya Jerga Ha Dar Afghanistan)*, Peshawar: Sayet Husayn Pacha Press

Mahdi, Muhaiyuddin (2008), نظریه های تامین ثبات و حل مناسبات تباری (*Nazaria ha "Tamin Subat" wa Al Munasibat Tabai)*, in Fazil Aq Fayez (ed. 2008), حل مناسبات تباری در افغانستان (*Al Monasibat Tabari dar Afghanistan)*, Kabul: Izb-e Mardom Afghanistan Publication.

Mainwaring, Scott and Scully, Timothy R. (1995), Introduction: Party Systems in Latin America, in Scott Mainwaring and Timothy R. Scully (eds.) *Building Democratic Institutions: Party Systems in Latin America*, United State: Stanford University Press.

Mainwaring, Scott. (1993), Presidentialism, Multipartism, and Democracy: the Difficult Combination, *Comparative Political Studies*, Vol. 26, No. 2.

Maley, William. (2002), Reconstituting State Power in Afghanistan, in Micheline Centivres-Demont (eds.2015)*, Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

Maley, William. (2004), Making a Presidential System Work, in Micheline Centivres-Demont (eds.2015)*, Afghanistan: Identity, Society and Politics Since 1980*. London: I.B. Tauris.

Maley, William. (2007), Order and Justice in Afghanistan: Some Reflections on the Problems of Amnesty, in in Micheline Centivres-Demont (eds.2015)*, Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

Malik, Murtaza. (2002), *The Curtain Rises: Uncovered Conspiracies in Pakistan, Afghanistan*, Karachi: Royal Book Company.

* Mansoor, Abdul Hafiz. (2005), دین و سیاست (*Deen wa Seyasat) [Religion and Politics]*, Kabul: Maiwand Printing Press.

* Maududi, S. Abul Ala. (2011), خلافت و مملوکیت (*Khilafat wa Malukyat)*, Kabul: Maiwand Printing Press.

Mawdudi, S. Abul Alah. (1982), *The Rights of Non-Muslim in Islamic State*, Lahore: Islamic Publication Ltd.

Miller, David. (1995), *On Nationality*, New York: Oxford University Press.

Moaddel, Mansoor. (2005*), Islamic Modernism, Nationalism, And Fundamentalism: Episode and Discourse*, United State of America: The University of Chicago Press.

Mohammad Hasan Sharq, "Aghaz wa Anjam-e Hukumat-e-Entiqali dar Afghanistan," [Beginning and end of the transitional government in Afghanistan] (2008), http://www.afghanasamai.com

Mukarji, Apratim. (2007), Challenges to Democratisation, Peace and Stability in Afghanistan, in K. Warikoo (eds.), *Afghanistan: The Challenge*, New Delhi: Pentagon Press.

Mungekar, Bhalchandra. (eds. 2017), *Ambedkar: The Essential*, New Delhi: Rupa Publications.

* Muslim News, United Kingdom, 20, 01, 1998.

* Muzhda Wahid. (2004), افغانستان و پنج سال سلطه طالبان *(Afghanistan wa Panj Sal Sulta Taliban) [Afghanistan and the Five Years of Taliban Rule],* (Persian Version), Tehran: Nashrani.

* Nation Daily, Pakistan, 20, 07, 1998.

National Democratic Institute. (June 2011), Political Parties in Afghanistan: A Review of the State of Political Parties After the 2009 and 2010 Elections, [Online: Web], Access August 2015, URL, https://www.ndi.org/sites/default/files/Afghanistan-political-parties-july-2011.pdf

News Agency, Kabul: 11, 10, 1979.

Outlook Daily, (April 2012) Afghanistan, Presidential or Parliamentary form of Government?, [Online: Web], Access September 2013, URL, http://outlookafghanistan.net/topics.php?post_id=4079

* Partlow, Joshua. (2016), *A Kingdom of their Own: The Family Karzai and the Afghan Disaster*, New York: Alfred A. Knopf.

Peter Marsden. (1998), *The Taliban: War, Religion, and the New Order in Afghanistan*, New York: Oxford University Press.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 26, No. 51, December 14, 2001.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 29, No. 1, January 07, 2004.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 4, No. 1, January 1, 1979.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 17, No. 31, August 01, 1992.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 1, No. 1, August 02, 1976.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 4, No. 2, January 6, 1979.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 5, No. 1, January 5, 1980.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 16, No. 5, January 19, 1991.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 21, No. 15, July 08, 1994.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 18, No. 06, March 11, 1993.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 19, No. 24, November 28, 1994.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 23, No. 24, August 18, 1998.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 22, No. 09, March 21, 1997.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 26, No. 51, December 14, 2001.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 27, No. 42, July 26, 2002.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 27, No. 52, September 09, 2002.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 28, No. 41, August 14, 2003.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 29, No. 2, January 19, 2004.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 4, No. 2, January 6, 1979.

* Public Opinion Trends, Analyses and News Service, Afghanistan Series, Vol. 23, No. 28, September 15, 1998.

* Quran, *Sura Al-Anbiya*, Ayat – 107.

* Quran, *Sura Al-Baqara*, Ayat – 256.

* Quran, *Sura Al-Baqara*, Ayat – 62.

* Quran, *Sura Al-Hujurat*, Ayat – 13.

* Quran, *Sura al-Tawba*, Ayat – 29.

* Quran, *Surah al-Baqarah*, Ayat – 244.

* Quran, *Surah Ali Imran*, Ayat -159.

* Quran, *Surah Al-Mumtahanah*, Ayat - 8, 9.

* Quran, Surah An-Naml: Ayat -64.

* Quran, *surah Ash-shura*, Ayat – 38.

Rahimi, Fatima. (1986), *Women in Afghanistan*, Liestal: Stiftung Bibliotheca.

Rahmani, Ghulam Sakhi. (2003), *Charchata-e-Sari Chawk-e-Kabul*, Peshawar, Pakistan: Al Azhar Publications.

Rasanayagam Angelo. (2003), *Afghanistan: A Modern History: Monarchy, Despotism or Democracy? The Problems of Governance in the Muslim Tradition*, London, New York: I.B Tauris

Rawabda, Abdulraouf al. (2003), *Forum on Democracy in the Arab World*, (Arabic: *Al-Democrateya fi al-Watan al-*Arabi), [Online: Web], Access August 2016, URL, www.aljazeera.net/program/opinions/articles/2001/11/11-29-6.htm.

Reilly, Ben. (2004), Elections in Post-Conflict Societies, Edward Newman and Roland Rich (eds.), *The UN Role in Promoting Democracy: Between Ideals and Reality*, Tokyo: United Nations University Press.

Reynolds, Andrew and Wilder, Andrew. (Sep., 2004), *Free, Fair or Flawed: Challenges to Legitimate Elections in Afghanistan*, Kabul: AREU, [Online: Web], Access August 2015, URL, http://www.refworld.org/docid/47c3f3c71a.html

Robinson, James A. (2006), *Economic Development and democracy*, Annu. Rev. Polit. Sci. 9:503 -27, p. 509-10, [Online: Web], Access March 2016, URL, http://scholar.harvard.edu/jrobinson/files/jr_econdevelopment.pdf

Roy, Oliver. (2002), Soviet Legacies and Western Aid Imperatives in the New Central Asia, in Amyn B. Sajoo (eds.), *Civil Society in the Muslim World: Contemporary Perspectives*, London & New York: I.B. Tauris.

Roy, Oliver. (Oct., 2005), The Predicament of Civil Society in Central Asia and the Greater Middle East, *International Affairs,* Vol. 81, No. 5.

Roy, Olivier. (1990), *Islam and Resistance in Afghanistan*, Cambridge*:* University of Cambridge

R. Rubin, Barnett. (Feb. 2003), *Transitional Justice in Afghanistan*, School of Oriental and African Studies, University of London, [Online: Web], Access August 2014, URL, https://www.soas.ac.uk/cccac/events/anthonyhyman/file25446.pdf

Ruttig, Thomas. (Dec., 2001), Another Blow to Justice: Three Commissioners Fired from the AIHRC, *Afghanistan Analyst Network*, [Online: Web], Access August 2015,

URL, https://www.afghanistan-analysts.org/another-blow-to-justice-three-commissioners-fired-from-the-aihrc/

Rutting, Thomas. (2006), *Islamist, Leftists and a Void in the Centre: Afghanistan's Political Parties and Where they Came from*. Kabul: Korad Adenauer Stifting.

Rutting, Thomas. (Sep., 2010), Afghanistan's Elections: Political Parties at the Fringe Again, [Online: Web], Access Feb., 2014 , URL, http://foreignpolicy.com/2010/09/13/afghanistans-elections-political-parties-at-the-fringes-again/

S. Shugard, Matthew and P. Wattenberg, Martin. (2001), Are Mixed-Member Systems the Best of Both Worlds?, in S. Shugard, Matthew and P. Wattenberg, Martin. (ed.), *Mixed – Member Electoral Systems: The Best of Both Worlds*?, New York: Oxford University Press.

Saikal, Amin. (2004), *Modern Afghanistan: A History of Struggle and Survival*, New York: I.B. Tauris.

Sajadi, Abdul Qayoum. (Sept. 23, 2014), Thirteen years of interaction and confrontation between President Karzai and the three branches of government. *BBC Persian*, [Online: Access], Access September 2014, URL, http://www.bbc.com/persian/afghanistan/2014/09/140912_k05_karzai_legacy_three_branch_forces_sajadi

Schetter, Conrad. (2004), Five Theses on the Structural Instability of Afghanistan, in in Micheline Centivres-Demont (eds.2015)*, Afghanistan: Identity, Society and Politics Since 1980*, London: I.B. Tauris.

* Schumpeter, Joseph A. (2003), Capitalism, Socialism and Democracy, London and New York: Routledge.

* Seraj-al-Akhbar (سراج الاخبار) , Kabul: Issue No. 2, September 12, 1915.

Sharma, Ram Sharan. (1996), *Aspects of Ideas and Institutions in Ancient India*, Delhi: Motilal Banarsidass Publishers.

Sharyati, Ali. (1381), اسلام سیاسی (*Islam Shenasi)*, Tehran: Chapakhsh Publication.

Sinno, Abdul Kader. H (2008), *Organizations at War in Afghanistan and Beyond*, New Delhi: Cambridge University Press

Smith, Scott Seward. (July 2012), The 2004 Presidential Elections in Afghanistan, Afghanistan Analysts Network, [Online: Web], Access September 2016, URL, https://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/09/3_Smith_The_2004_Presidential_Elections.pdf

Soroush, Abdolkarim.(2000), *Reason, Freedom, and Democracy in Islam*, New York: Oxford University Press.

Stewart, R. Talley. (1973), *Fire in Afghanistan, 1914 – 1929: Faith, Hope, and the British Empire*, New York: Doubleday.

Thakur, Ramesh. (2004), Dealing with Guilt Beyond Crime: The Strained Quality of Universal Justice, in Ramesh Thakur and Peter Malcontent (eds.), *From Sovereign Impunity to International Accountability*, Unite State: United Nations University Press.

Thaper, Romila. (2002), *Early India: From the Origins to AD 1300*, India: Penguin Press

* The Main Principles Afghanistan's Government. 1931, اصول اساسی دولت افغانستان (*Ussole Assasi Daulat Afghanistan, 1310*).

Thomas, Lowell. (1925), *Beyond Khyber Pass: Into Forbidden Afghanistan*, New York: Grosset and Dunlap.

TOLO news 26 May 2013, Ba Rawayate Degar, The Lower House of the Afghan Parliament Due to Differences between the MPs failed to approve the Higher Education Law. Published on May 27, 2013, [Online: Web], URL: http://www.youtube.com/watch?v=SzRIbs-u2jc

TOLO news 6pm News, 22 April 2012, Published on April 22, 2012, [Online: Web], URL: http://www.youtube.com/watch?v=p3pEPC203NY

TOLO News. (July 28, 2014), [Online: Web], Access July 2014, URL, http://www.tolonews.com/afghanistan/karzai-defends-release-taliban-prisoners

* TOLO News. (September 03, 2015), Ex-President Karzai On His Presidential Journey, Black and White Program, [Online: Web], Access September 2015, URL, https://www.youtube.com/watch?v=92pYA-EkUhE

* TOLO TV. (Oct. 24, 2016), General Dostom and Ahmad Zia Masood blamed Ashraf Ghani for Pashtun favoritism, Kabul - Afghanistan, [Online: Web], Access October 2016, URL, https://www.youtube.com/watch?v=at33nUWAARs

Trading Economics, [Online: Web], Access April 2016, URL, http://www.tradingeconomics.com/saudi-arabia/gdp-per-capita

Traer, Robert. (1991), *Faith in Human Rights: Support in Religious Traditions for a Global Struggle*, Washington, DC: Georgetown University Press

* Transparency International: The Global Coalition Against Corruption, Corruption Perceptions Index 2009: Result, [Online: Web]. Access May 2015, URL, https://www.transparency.org/research/cpi/cpi_2009/0/

* TV 1, Ashraf Ghani Interview, April 03, 2014, Kabul, Afghanistan, [Online: Web], Access April 2014, URL, https://www.youtube.com/watch?v=Ocx8p7XIxDw

* UN Mapping Report 2005, [Online: Web], Access August 2015, URL, http://www.flagrancy.net/salvage/UNMappingReportAfghanistan.pdf

* United Nation Security Council. (August 23, 2004), The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, *Report of the Secretary General*. [Online: Web], Access June 2014, URL, http://www.refworld.org/docid/45069c434.html

Ussaini, Ali. (June 10, 2017), Taliban Territory: Life Under Taliban Rule in Afghanistan, *BBC Persian*, [Online: Web], Access June 2017, URL, http://www.bbc.com/persian/afghanistan-40225960?SThisFB

Valenzuela, Arturo. (2004), Latin American Presidencies Interrupted, *Journal of Democracy*, Vol. 15, No. 4.

W. Pye, Lucian. (August 1958), *The non-Western Political Process*, Journal of Politics 20, No. 3

Warikoo, K. (2007), *Afghanistan: The Challenge*, New Delhi: Pentagon Press.

Weinbaum, Marvin. (Oct., 1972), Afghanistan's Non-Party Parliament Democracy, *Journal of Developing Areas*, Vol. 7.

William R. Polk. (Oct., 1965), The Nature of Modernization: The Middle East and North Africa, *Foreign Affairs*, 44(1).

Wilmer, Franke. (2015), *Human Rights in International Politics: An Introduction*, United States: Lynne Rienner Publishers

Winter, Elizabeth. (June 2010), Civil Society Development in Afghanistan, London: London School of Economic and Political Science, Centre for Civil Society and ESRC Non-Governmental Public Action Program, [Online: Web], Access August 2012, URL, http://www.lse.ac.uk/internationalDevelopment/research/NGPA/publications/winter_afghanistan_report_final.pdf

Winterbotham, Emily. (April 2010), The State of Transitional Justice in Afghanistan: Actors, Approaches and Challenges, *Afghanistan Research and Evaluation Unit*, p. 6, [Online: Web], Access June 2014, URL, http://www.refworld.org/pdfid/4bc6ccb42.pdf

World Development Report 1984, *World Bank*, New York: Oxford University Press.

* Yonus Qanoni and Abdullah Abdullah harshly condemned Karzai's conspiracy against the Northern Alliance, which is released in Robert Gates book: 'Duty: Memoirs of a Secretary at War'. [Online: Web], Access January 2016, URL, https://www.youtube.com/watch?v=FWUVDzzedUE

* YouTube, Abdullah Abdullah criticized the widespread vote fraud in Afghanistan election 2009, https://www.youtube.com/watch?v=esFbjicKcm0

* YouTube, Amarkhail and the Election Fraud, June 30, 2014, [Online: Web], Access June 2014, URL, https://www.youtube.com/watch?v=KjIkQjv7Sek

* YouTube, Electoral Fraud of Presidential Election 2014, by Ashraf Ghani's Team, , April 10, 2014, [Online: Web], Access April 2014, URL, https://www.youtube.com/watch?v=wmssrjGVYFM

Zakaria, Fareed. (Nov. – Dec., 1997), "The Rise of Illiberal Democracy", *Council on Foreign Relations*, [Online: Web], Access February 2015, URL: http://www.jstor.org/stable/20048274

Zia Ul-Haq Amarkhail Caught by Kabul Police when He was Transferring Ballot Boxes by a Truck to Surobi District, *Ariana News*, June 14, 2014, [Online: Web], Access June 14, 2014, URL, https://www.youtube.com/watch?v=iMEMnKZKtUE