BUILDING DEMOCRACY IN AFGHANISTAN
2001-2005

BY

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ABSTRACT

This study examines the establishment and development of democratic institutions and the process of institutionalization of democracy in the light of the provisions of the Bonn Agreement. The Bonn Agreement provided the framework of this study, which followed a “top down” approach to democratization and institution-building in Afghanistan. This study is document-based, but is supplemented by interviews and personal observations. Surveys conducted by the Asia Foundation in 2004, 2006 and 2007, were used to analyze public perceptions of democracy building in Afghanistan. This study found that Afghanistan has balanced its customs and international norms and has enacted a Constitution that has placed Islam at the centre of all socio-political and institutional developments. Social justice and republicanism has been confirmed as the bases of the political system and the issue of women’s active role in political decision making has been taken seriously. Political pluralism and the enactment of the Political Parties’ Law have led to the emergence of over 80 political parties. Despite their non-active role, the Parliamentary election indicated that the parties with links to the war of resistance to the Soviet invasion of 1978, are still influential and they dominate the post-Bonn Parliament. Some 78 percent of the public participated in and elected a President. Survey results show the public's positive attitude towards the created institutions and democracy. Yet, the government under President Karzai has suffered credibility because of worsening security and economic conditions in the country. Afghanistan needs to overcome a series of challenges that are typical of new democracies, including access to information through free media, limiting the power of the executive and developing a vibrant civil society.
ملخص البحث

تقوم هذه الدراسة ببحث عملية إقامة وتأسيس الأجهزة الديمقراطية في أفغانستان في ضوء بنود اتفاقية بون وفرت اتفاقية بون إطاراً نظرياً لهذه الدراسة حيث اتبعت الدراسة في تأسس النظام الديمقراطي وبناء مؤسسات الحكم في أفغانستان. يقوم المصدر الرئيسي لهذه الدراسة على فحص كم كبير من الوثائق الأولية والثانية، وجانب ذلك تمت الاستفادة من بعض المقابلات إضافة إلى الملاحظات الشخصية. استفادت الدراسة أيضاً من المسوحات التي أجرها مؤسسة آسيا خلال الأعوام 2002-2004. حيث تم تحليل هذه المعلومات لقياس مرتين للمواطنين لعملية البناء الديمقراطي في أفغانستان. ووصفت الدراسة إلى أن أفغانستان قد وازنت بين إرثها الثقافي المحلي والتقليد الدولي. وتبدي ذلك بوضوح في الدستور الجديد حيث احتل الإسلام مركز الصدارة في كل عمليات التأسيس الاجتماعي والسياسي لمؤسسات الدولة الجديدة. تم التأكيد على مبدأ العدالة الاجتماعية ومحوريّة النظام الجمهوري كدعمين هامين للنظام السياسي الجديد، كما تم التأكيد على ضرورة الدور الرئيسي للمرأة في مجال صنع القرار. أدى التأكيد على مبدأ التعددية السياسية وإجازة قانون الأحزاب السياسية إلى تأسيس أكثر من ثمانى حزب سياسيًا في البلاد. ولكن بالرغم من ضعف دور هذه الأحزاب تشير نتائج الانتخابات البرلمانية إلى أن تلك الأحزاب التي ارتبطت بمناهضة ومحاربة الغزو السوفيتي لأفغانستان عام 1979م، كانت هي الأكثر شعبية وتفوقاً في مرحلة ما بعد اتفاقية بون. وشارك حوالي 78% من الناخبين في عملية انتخاب الرئيس. أظهرت عملية المسوحات الدراسية قبول المواطنين الأفغان لعملية بناء المؤسسات الديمقراطية في البلاد. ورغم ذلك عانت حكومة الرئيس كرزي من ضعف مشروعيتها بسبب تردي الأحوال الأمنية والاقتصادية في البلاد. أبرزت الدراسة أيضاً أن أفغانستان مواجهة مجموعة من التحديات الرئيسية شاخصها في ذلك شأن معظم الديمقراطيات الوليدة، ويأتي في مقدمة هذه التحديات حرية الصحافة وتحريض دور الجهاز التنفيذي للدولة وتطوير مؤسسات المجتمع المدني.
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DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

Amanullah Jayhoon

Signature........................................ Date........................................
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LIST OF ABBREVIATIONS

I.A  Interim Authority
SICFCELJ  Special Independent Commission for Convening Emergency Loya Jirga
ELJ  Emergency Loya Jirga
ELJC  Emergency Loya Jirga Commission
IC  International Community
PPL  Political Parties Law
JIP  Jamaat-i-Islami Pakistan
JIA  Jamiat-i-Islami Afghanisitan
HIA (H)  Hezb-i-Islami Afghanistan (Hekmatyar)
HIA (K)  Hezb-i-Islami Afghanistan (Khalis)
IG  Interim Government
UNAMA  United Nation’s Assistance Mission in Afghanistan
ISAF  International Security Assistance for Afghanistan
JEMB  Joint Election Management Body
IEC  Independent Election Commission
AIHRC  Afghanistan’s Independent Human Right’s Commission
AICSC  Afghanistan’s Independent Civil Servant Commission
IRI  Islamic Republic of Iran
IRA  Islamic Republic of Afghanistan
ANA  Afghan National Army
ANP  Afghan National Police
CLJ  Constitutional Loya Jirga
HII  Harakat-i-Inquilab-i-Islami (Islamic Revolution Movement)
PDPA  Peoples' Democratic Party of Afghanistan
DRA  Democratic Republic of Afghanistan
BPRDGA  Basic Principles of Revolutionary Duties of Government of Afghanistan
FPDRA  Fundamental Principles of Democratic Republic of Afghanistan
LC  Leadership Council
IEA  Islamic Emirates of Afghanistan
RA  Republic of Afghanistan
SDP  Social Democrat Party
CDC  Constitutional Drafting Commission
CLJ  Constitutional Loya Jirga
ITSA  Islamic Transitional State of Afghanistan
CRC  Constitution Review Commission
OPPRD  Office of Political Parties Registration Department
IRM  Islamic Revivalist Movement
HAN  Hezb-i- Afghanistan Naween
HIIMA  Hezbi Ittihadi Islami Mujahideen Afghanistan.
### CHRONOLOGY OF EVENTS

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December 2002  appointed to draft a constitution.  
First Provincial Reconstruction Team (PRT) established.

22 December 2002  Transition of power to Karzai

20 January 2003  Tokyo conference on Afghanistan

August 2003  NATO takes control of security in Kabul, its first ever operational commitment outside Europe

December 2003  Constitutional Loya Jirga delegates -- 500 Afghan civic leaders -- meet in Kabul to debate draft constitution.

4 January 2004  Afghan Constitution adopted by members of Loya Jirga

31 March 2004  International Conference on Afghan Reconstruction in Berlin

April March 2004  Afghanistan Secure $8.2 billion in aid over three years

9 October 2004  Afghan Presidential election. More than 8.1 million Afghans participate.

September 2004  Rocket fired at helicopter carrying President Karzai misses its target. It is the most serious attempt on his life since September 2002

October 2004  Presidential Election- Hamid Karzai is declared the winner, with 55% of the vote

7 December 2004  Inauguration of Hamid Karzai as democratically-elected President of Afghanistan.

February 2005  Several hundred people are killed in the harshest winter weather in a decade


19 December 2005  National Assembly inaugurated in Kabul

February 2006  International donors meeting in London pledge more than $10 billion in reconstruction aid over five years

July onwards  NATO troops take over the leadership of military operations in the south. Fierce fighting ensues as the forces try to extend government control in areas where Taliban influence is strong.

October 2006  NATO assumes responsibility for security across the whole of Afghanistan, taking command in the east from a US-led coalition force.

March 2007  Pakistan says it has arrested Mullah Obaidullah Akhund, the third most senior member of the Taliban Leadership Council.

July 2007  Former King Zahir Shah dies

November 2007  A suicide attack on a parliamentary delegation, in the Northern of town of Baghlan kills at least 41 people.
CHAPTER ONE

A FRAMEWORK FOR ANALYSIS

The United Nations’ sponsored Bonn Agreement signed on 5 December 2001 is regarded as heralding a new era in Afghanistan. The main objective of the Agreement was to allow public participation in the political decision-making processes in Afghanistan. The signing of the Agreement was also part of an undertaking by the United Nations and the United States of America to bring about the democratization of the post-Taliban Afghan society.

After 11 September 2001, the United States focused its attention on Afghanistan and carried out a military campaign to overthrow the Taliban regime. While the American military campaign against the Taliban was going on, the United States under the auspices of the United Nations facilitated the convening of a conference in Bonn (Germany) to discuss formation of a government in Afghanistan.

The post-September 11 international political environment, the US resolve to fight terrorism and root out extremism in Afghanistan, and the desire of Afghans for peace and security created a favorable milieu for signing and implementing the provisions stipulated in the Bonn Agreement which has become a milestone in the democratization process in Afghanistan (see the document in annexure -1). In Bonn, Afghans, representing four political groups, agreed on an interim political framework called the “Interim Authority”, consisting of (1) an Interim Administration, (2) Special

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1 “Agreement on Provisional Arrangements in Afghanistan pending the Re- Establishment of Permanent Government Institutions, (Bonn Germany. 5 December 2001).
Independent Commission for the Convening of the Emergency Loya Jirga, and (3) a Supreme Court.³

Since the signing of the Agreement in December 2001, important events which have transformed political system, have taken place in the country. These events include: (1) the transfer of political power from the Mujahideen Government to an Interim Administration on 22 December 2001, (2) the convening of the Emergency Loya Jirga or Grand Assembly (a traditional law-making institution) on 13 June 2002 to appoint the new head of the Interim Administration, (3) the adoption of a new constitution for Afghanistan on 4 January 2004, (4) the holding of Afghanistan's first ever direct Presidential election on 9 October 2004 and parliamentary election in September 2005.

The democratization process in Afghanistan cannot be achieved without institutions; such as a constitution, political parties, civil societies, elections, Parliament, and an independent judicial system. These institutions and their operation are the focus of this study.

STATEMENT OF THE PROBLEM

As stated above, the external and internal actors during the signing of the Bonn Agreement envisaged the establishment of democratic institutions to transform the political system in Afghanistan. How have these institutions been implemented since then? In this respect, this study attempts to answer the following questions:

³ The Bonn Agreement, 5 December 2001.
i. What are the political institutions that have been established under the Bonn Agreement and what are their essential features?

ii. How does the post-Bonn constitution differ from previous constitutions?

iii. How do the political parties influence post-Bonn political developments in the country?

iv. Were elections conducted in 2004 and 2005, carried out according to the guidelines stipulated in the Bonn Agreement and the Post-Bonn Constitution?

v. What are the attitudes of the general public in Afghanistan towards the democratization program and the transformation of the political system of Afghanistan?

SIGNIFICANCE OF THE STUDY

The study of post-Bonn democratic development in Afghanistan is significant for the following reasons: Firstly, since the signing of the Bonn Agreement, there has not been a comprehensive study of the democratization process in Afghanistan. Therefore this study will be useful for those who would like to learn about the democratization process. Secondly, this study elaborates on, and analyses the post-Bonn political institutions and the role and the involvement of the international community in framing a functioning political system and building democratic institutions for the first time in the history of Afghanistan, this process needs to be captured and fully documented which is one of the major objectives of this study. Thirdly, it is important to evaluate how “democratic” institutions operate in Afghan society, which is Islamically conservative. Finally, this study evaluates the “top-down” approach to building democracy in Afghanistan, as against the “bottom-up” approach, advocated by some scholars.
OBJECTIVES OF THE STUDY

The objectives of this study are: firstly, to explain whether the transformation of the political system in Afghanistan has led to change in attitudes of the Afghan people, in particular, how this conservative Islamic society has reacted to the political transformations which had occurred since the signing of the Bonn Agreement. Secondly, to determine whether the political transformation has led to an institutionalization and consolidation of democracy in Afghanistan? Thirdly, to explain how to build democracy and democratic institutions in Afghanistan, given that democracy is a new experience for Afghan citizens. Finally, to determine the relevance and applicability of the democratic experience of Afghanistan to similar situations. Can Afghanistan be used as a model for democratization in other countries?

LITRATURE REVIEW

The Bonn Agreement is considered a milestone in democratizing Afghanistan. However, democratic development has a long history in this country, stretching back to the 1960s with the ratification of the 1964 Constitution. The democratic development ended abruptly with a palace coup in 1973. The process was revived in 2001, after the collapse of the Taliban. This has given rise to the mushrooming of scholarly literature dealing with the political development in Afghanistan. This literature is reviewed under the following sub-headings: democracy in Afghanistan, Constitutions of Afghanistan, political parties, and electoral experience of the people of Afghanistan.
Democracy in Afghanistan

The history of democracy in Afghanistan reveals that democracy is not new to the people of Afghanistan although the previous attempts to establish democracy failed. However, there are differing opinions among the scholars on the nature of democratization in Afghanistan. Some writers believe that the true institutionalized democratic system ensures political stability while others believe that democracy does not work in Afghanistan.

Since its emergence as an independent political entity in 1747, Afghanistan was ruled by monarchs and Emirs until the mid-20th century. Vartan Gregorian believes that Afghanistan’s history of political reform and modernization in the 19th and 20th century is a history of persistent attempts by the Afghan ruling dynasty to assert and strengthen its rule.4 Gregorian holds that in 1946 the Palace under Shah Mahmod, (the then Prime Minister) and King Zahir Shah’s uncle attempted a gradualist policy of reform and modernization.5 Building upon Gregorian’s view, Warsaji is of the view that Afghanistan, in the light of changes in the regional and international political environment, has tried twice to democratize the political system. However, due to the policies of the political and military ruling elite of the country, the democratization process failed.6

Despite Afghanistan’s limited democratic experience, Goser believes that “democracy is not a new phenomenon for Afghanistan.”7 Goser maintains that “Kabul (the capital city) has experienced democracy several times.”8 Recounting some of the

5 Ibid., 8.
8 Ibid.
democratic events in Afghan history, he argues that constitution, parliament, elections, free press, opposing students, ruling ministers and demand for political parties, are nothing new for Afghanistan. However, Goser warns that democracy in Afghanistan can succeed only if it is in line with Afghanistan’s traditional pattern of democracy.

Warsaji, however, says that the democratic experience of the people of Afghanistan is a “bitter one.” He believes that the Royal Family, “were not sincere” in establishing democratic institutions. From the very beginning, he maintains, “the Royal Family wanted to have a democracy, parliament, constitution and constitutional monarchy, and at the same time they wanted to interfere in the Prime Ministers’ work and ban the political parties, an important channel of public participation in the government decision-making process.” He states that “the failure of the democratic experience in Afghanistan cost the Afghans very dearly.”

Anwar ul Haque Ahady argues that democracy ensures political stability and is relevant to Afghanistan as it “offers greater freedom and fairness than its alternatives.” He says a “truly institutionalized democratic system ensures political stability and peaceful changes.” Arguing against the widely-held opinion that democracy is a “luxury that has little relevance to the politics of less developed countries such as Afghanistan,” Ahady argues that it is not the economic underdevelopment, the political culture of the masses, or the high rate of illiteracy in Afghanistan that prevents democratization. It is “the strategic elite,” Ahady believes,

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9 Ibid.
10 Ibid.
11 Warsaji, 511.
12 Ibid., 513.
13 Ibid., 543.
who are responsible for the absence of democracy in the country.\textsuperscript{15} He, therefore, concludes that the commitment of the international community and the emergence of strong political parties are “essentials for democracy in Afghanistan.”\textsuperscript{16}

Ottawa and Lieven,\textsuperscript{17} Aziz Poor, \textsuperscript{18} and Ansari\textsuperscript{19} state that land-locked Afghanistan is far from institutionalizing a free democratic political system, the reason being the absence of tangible political stability, an insincere elite and the non-commitment of powers with vested interests. Aziz Poor is critical of the present situation in Afghanistan. He thinks the people of Afghanistan have not seen any real reconstruction or any real democracy. The Americans, he says “are not sincere” in building democracy in Afghanistan.\textsuperscript{20} Aziz Poor claims that the authorities in power and their foreign supporters, in the name of democracy, are imposing despotism on the country.

Supporting Aziz Poor’s argument, Ansari says that the United States’ post-Cold War foreign policy has incorporated “promoting democracy” into their agenda as the shortest and safest means to achieve their goal of retaining their favorite regimes. Ansari claims that the United States by providing a “distorted version of democracy” closes the door to the mass movements’ demand for a real democracy. The word “democracy” has become “captive” in the hands of dominant powers, and they use it whenever they require it.\textsuperscript{21} Mark Peceny adds that the US’s objective of promoting democracy in Afghanistan is to legitimize its military intervention in the eyes of a

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\footnote{15} According to Ahady, the strategic elites against democracy in the past three decades were (1) the communists and (2) the Islamists. Refer to Ahady, “Is Democracy Relevant to Afghanistan?”
\footnote{16} Ahady.
\footnote{20} Aziz Poor.
\footnote{21} Ansary.
\end{footnotes}
domestic and international audience composed of America’s liberal allies.\(^{22}\) Democracy-building in Afghanistan, he says, “is a US promotion for the purpose of creating a strong, stable, and friendly Afghan government.”\(^{23}\) Mark Peceny argues that democracy is irrelevant in a country that till January 2002, lacked the “most basic” institutions essential for democracy.\(^{24}\)

**Political Parties**

Regardless of the views expressed about the operationalization of democracy and democratic institutions in Afghanistan, political parties and civil societies are essential for the consolidation of a democratic system and the institutionalization of democratic political processes. Al’ Umary, elaborating on political parties in Afghanistan, provides a comprehensive historical background of the parties that engaged in a serious armed clash during the 1980s.\(^{25}\) He divides the political parties of Afghanistan into two groups: the leftists and the Islamists. Although the authorities in Afghanistan did not enact the Political Parties Law, the activities of political parties date back to the 1960s. Al’ Umary, however, says that the roots of the communist parties in Afghanistan date back to 1917. Officially, however, the communist parties, as a foreign instrument for achieving the strategic and economic objectives of the Soviet Union, were established in 1965. Al’ Umary believes that “the Islamic movement of Afghanistan has its roots in Afghanistan’s history. It is a natural extension, and is connected to the Islamic movements with mass religious feelings.”\(^{26}\) However,


\(^{23}\) Ibid.

\(^{24}\) Ibid., 3.

\(^{25}\) Ibrahim Al’ Umary, *Al Sira’ al Hadari Fi Afghanistan* (Conflict of Civilization in Afghanistan) (Tunisia: Al-Zaituna Lil’ilm wa Nashr, 1990), 121.

\(^{26}\) Ibid.
according to Al’ Umary the modern Islamic movement of Afghanistan, which was established in the 1960s, is influenced by the Brotherhood Movement of Egypt and the Jama’at-i-Islami of Pakistan. Asta Olsen argues that the assumption of power by Sardar Mohammad Daud in 1973 pacified the leftist parties for a while. Yet, Daud used brutal force to suppress the religious parties, resulting in further radicalization of their political ideology and strategy. Olsen elaborates on the revival of the Islamic movements and writes that in Afghanistan, where social and economic development was considerably slower than in the neighboring countries and cultural polarization thus less pronounced, the Islamic revival movement was felt among the small group of educated young, rather than in the population at large.

Elections in Afghanistan

Even though Afghanistan did not have registered parties and a vibrant civil society, Dupree says that Afghanistan held its first “fair and free” election in accordance with the provision provided in the 1964 Constitution. However, he has contradictory ideas regarding participation in the election. He said, “few Afghans participated in the first elections that were held under the new (i.e. 1964) Constitution.” However, he contradicts himself saying that “ordinary Afghans did not fully participated in the elections, but interest was very high among the intelligentsia in the major urban centers.

Maley and Saikal, suggest that Afghanistan’s past experience of “relatively fair and free elections” is a promising factor for holding democratic and free elections. They believe that fair and free elections would, firstly, prevent external interference in

27 Al’ Umary, 128.