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Muna Ndulo

Cornell Law School, mbn5@cornell.edu

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AFGHANISTAN: Prospects for Peace and Democratic Governance and the War on Terrorism



Muna B. Ndulo

Until the removal of the Taliban regime by coalition forces in 2001, Afghanistan had experienced 23 years of almost continuous conflict. Under the arrangements agreed upon at a conference held in Bonn in 2001,¹ Afghanistan is now engaged in a peace process designed to establish a democratic government. The Bonn Agreement on Provisional Arrangements (Bonn Agreement) seeks to “establish a broad-based, gender-sensitive, multi-ethnic and fully representative government.”² One major advantage for the peace process is that the people of Afghanistan are tired of the rule of the gun. They have welcomed international assistance, and would like to establish a political system that embraces the principles of democratic governance enshrined in the Bonn Agreement. However, as the United Nations has observed, the consequences of civil war are still apparent in Afghanistan. Strong factional interests have attempted to entrench themselves in the wake of the collapse of the Taliban, and the creation of an environment where the standards of freedom and fairness enunciated in the Bonn Agreement prevail is a major challenge.³

In this article, I examine the prospects and challenges of establishing democracy in Afghanistan. I do this with the firm belief that a successful peace process in Afghanistan can make a significant contribution to the fight against terrorism, as well as the eradication of poverty and inequality in an important region of the world. This process needs to be encouraged.

Background to the Afghanistan Situation

Despite several attempts by Britain to bring the country under its influence in the nineteenth century, Afghanistan has, for the most part, been an independent state.⁴ For the last 23 years, however, Afghanistan has experienced almost uninterrupted war. The Soviet Union intervened in 1980 and installed Babrak Kamal as the ruler. This was followed by anti-regime resistance by various mujahedin groups.⁵ In 1985, the mujahedin formed an alliance against the Soviet Union in Pakistan. The alliance, comprised of the United States, Pakistan, China, Iran, and Saudi Arabia, supplied arms and financial assistance to the mujahedin. The conflict resulted in the displacement of approximately half the Afghan population, with many fleeing to neighboring Iran or Pakistan. In 1988, Afghanistan, the Soviet Union, the United States, and Pakistan signed a peace accord, and the Soviet Union pulled out its troops. In 1992, the mujahedin triumphed, and the Soviet-backed Najibullah government fell from power.

This, however, did not result in peace, as various rival militias fought each other for control of Kabul. The mujahedin factions agreed to form a government with the ethnic Tajik. Burhanuddin Rabbani was proclaimed president in 1993. Factional contests continued, and the Pashtun-dominated Taliban emerged as a major challenge to the Rabbani government. In 1996, the Taliban seized control of Kabul. The group introduced a hard-line version of Islam which banned women

Above: The author (center) talks with a guard (right) at an Afghanistan army guard post as part of a U.N. assistance mission in Kabul this past year. Prof. Ndulo's translator stands at left.

from work, and introduced Islamic punishments that included stoning to death and amputations.

Only Pakistan, Saudi Arabia, and the United Arab Emirates recognized the Taliban as the legitimate government of Afghanistan. At the height of their power, the Taliban controlled as much as two-thirds of the country. In 1999, the United States imposed an air embargo and financial sanctions on the country in order to force Afghanistan to hand over Osama bin Laden, who was wanted for trial in connection with the east African bombings of U.S. embassies. The United Nations imposed further sanctions⁶ in 2001 to force the Taliban to hand over bin Laden after the terrorist attacks of September 11. In October 2001, the United States and Britain launched air strikes against Afghanistan in retaliation for the Taliban's refusal to hand over bin Laden, whom they held responsible for the attacks. In November 2001, the Northern Alliance, a group of anti-Taliban militias backed by the United States, seized Kabul and drove the Taliban out of power. On December 5, 2001, talks brokered by the United Nations led to the Bonn Agreement, intended to provide benchmarks for the peace process pending the re-establishment of permanent government institutions. Pashtun royalist Hamid Karzai was sworn in as head of an interim government and charged with the responsibility of implementing the Bonn Agreement. In December 2001, the United Nations Security Council authorized deployment of the International Security Assistance Force (ISAF) in Kabul and the surrounding areas.⁷

Until recently, the mandate covered only Kabul. After much pressure from the interim government and from NGOs operating in Afghanistan, the United Nations agreed in October 2003 to extend deployment of the ISAF to areas outside of Kabul.⁸ This was welcome news, as it was seen as the best way to fill the security gap in the provinces. In August 2003, NATO took control of security in Kabul. This was NATO's first operational commit-

ment outside of Europe. Allied forces led by the United States continue their military campaign to find remnants of al-Qaeda and Taliban forces in the southeast. In March 2002, the Security Council established the United Nations Assistance Mission to Afghanistan (UNAMA).⁹ UNAMA's mandate is to assist the Interim Government of Afghanistan in implementing the Bonn Agreement.

Ethnic Groups and Regional Factors Affecting the Afghanistan Situation

Afghanistan is composed of several ethnic groups. The main ones are the Pashtuns, in the south of the country (38%); the Tajiks, in the north (25%); the Uzbeks, in the west (10%); and the Hazara, in the center (20%). Additional groups include the Turkmen, the Kuchis, the Baluchis and the Aimaks. Each of these ethnic communities is mobilized under the control of warlords. Each warlord has his contingent of fighters and sources of arms and funds, including revenues from smuggling, import duties, and drug trafficking. Warlords have replaced traditional authorities, and are now well

Each warlord has his contingent of fighters and sources of arms and funds, including revenues from smuggling, import duties, and drug trafficking.

entrenched in local communities. Alliances and hostilities between the varying factions are based on personal loyalties, ethnic identities, or political beliefs. Political groups often regard as enemies all members of a particular clan, or all residents of a locality affiliated with a rival political group. Their attacks target all members of such groups, whether or not they are combatants. There are linguistic and religious differences as well. While 75 percent of the people are Sunni Muslims, 20 percent are Shia Muslims. Others follow the Agha Khan.¹⁰ Linguistic or religious differences in themselves are not problematic; they are problematic only when they are politicized, as they are in Afghanistan.

The warlords maintain control of their communities by a combination of intimidation and protection. Warlords have guarded their autonomy while demanding a fair share of central authority's jobs and financial resources. The elimination of the Taliban and the weakness of central government have created a power vacuum that the warlords have filled. In failed states, where governments cannot exercise authority, warlords emerge to fill the power vacuum, and individuals tend to fall back on their own ethnic or religious communities for security. Another complication in Afghanistan is the influence of outsiders who have attempted to promote their own interests by manipulating vulnerable fellow ethnicities within the country. Pakistan, for example, tries to counter Pashtun nationalism by cultivating Islamic militancy among its Pashtun neighbors through ideological and military support for the Taliban movement. Pakistan assisted the Saudi regime in spreading the Wahhabi version of fundamentalist Islam. It financed and provided instructors for schools that trained the Taliban cadres. Iran is likewise committed to protecting Afghanistan's Shia minorities, which is the reason for Iran's hostilities toward the Taliban during their reign.

The Afghan economy has been shattered by war, further limiting the government's ability to govern effectively. The Central Bank of Afghanistan forecasts the 2003 GDP at about \$5 billion; with a population of 22 million, income per capita is a mere \$225. The whole country in August 2003 had no commercial banks. War has devastated the infrastructure. An estimated 5 million people are displaced. Afghanistan also faces severe health issues. A UNICEF report found that one in four Afghan children dies before the age of five, most from hygiene-preventable waterborne illnesses like diarrhea, acute respiratory problems, malnutrition, and vaccine-preventable illnesses.¹¹ Since the Afghan government lacks money, the international community will have to finance its reconstruction. Thus far, most of the financial pledges made to Afghanistan have not materialized. Compared to



An Afghan family's makeshift living quarters in the foreground

other post-conflict situations in Bosnia, Kosovo, East Timor, and Rwanda, Afghanistan receives much less in aid per capita.¹² The warlords were involved in the Bonn negotiations and are signatories to the Bonn Agreement. Their involvement has had its own costs in the peace process, as it has tended to provide them with some legitimacy. Their hold on power, however, can be changed once communities have an alternative source of security.

The Bonn Agreement as the Foundation of the Peace Process

The Bonn Agreement established the Interim Government on December 22, 2001 through an Emergency *Loya Jirga* (a traditional Afghan traditional consultative assembly). The Government was to be a broad-based administration formed to lead Afghanistan until a fully representative government is elected through free and fair elections to be held in June 2004. The Interim Government is charged with drafting a new constitution and rebuilding the judicial system. The Interim Administration is to establish a judicial commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghanistan legal traditions; a Central Bank; an independent civil service commission; and an independent human rights commission. All of the talks are to be carried out with the assistance of the United Nations.

The Bonn Agreement provides that the judicial power of Afghanistan shall be independent and

shall be vested in a Supreme Court of Afghanistan, and other such courts as the Interim Government establishes. One of the weaknesses of the Bonn Agreement is that it focuses on

building state institutions which are typically elite-based, and does not provide a parallel mechanism for settling local conflicts and political disputes in the peace process. Other peace processes have made the same mistake. The exception was South Africa, where, parallel to the development of national institutions, a process known as the peace accord was established.¹³ This involved setting up peace committees in every community in the country. In these committees, various communities met to resolve conflict at the community level, and to work together on development and reconstruction in their communities. This process sought to combine two of the most important aspects of conflict resolution. It secured parties' endorsement of, and commitment to, important and relevant common values. These values provided a transcendent reference point for the settlement of future disputes, and comprised at least part of the foundation of a future national political culture in a democratic state. The culture and habit of democratic self-governance, regard for human rights and obligations, cooperative governance, and multicultural tolerance and harmony, all need to be developed in order to ensure enduring peace in a post-conflict state.

The Special Representative of the U.N. Secretary General noted, "The furthering of the political process, together with reconstruction programs, the improvement in the human rights situation, counter-narcotics programs, and other aspects of the Bonn process, all depend to a great extent on the security situation."¹⁴ A key element of the Bonn Agreement is disarmament. The relevant provision states: "Upon the official transfer of power, all mujahedin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority,

Afghans constantly identify disarmament, demobilization and reintegration of armed groups as the single greatest precondition for the establishment of durable peace.

and be reorganized according to the requirements of the new Afghan security and armed forces."¹⁵ Afghans constantly identify disarmament, demobilization and reintegration of armed groups as the single greatest precondition for the establishment of durable peace. But little has been achieved in the disarmament process. In the provinces, commanders with little or no popular legitimacy remain the principle military partners of the coalition forces, and have used their power to consolidate control over regional administrations and economies. Collaboration with local commanders has drawn the coalition forces into their local factional and personal rivalries, compromising what is supposed to be the forces' non-partisanship in disputes unrelated to the war on terrorism.¹⁶

The United Nations has repeatedly postponed the start of the demobilization program. In late October 2003, the United Nations initiated the Afghanistan New Beginnings Program, intended to remove the support structure beneath senior commanders by disengaging lower-level commanders and troops through individualized counseling, vocational training, jobs creation and placement. The New Beginnings Program requires combatants from different political factions to give up their weapons to the central government under the authority of the Ministry of Defense. The program, however, was negotiated in the absence of either an international or a non-factional Afghan force that can project its authority throughout the country.¹⁷ As a result, the Tajik commanders dominating the Ministry of Defense have emerged as key players in the demobilization process. Therefore there is a serious risk that powerful figures will misuse the program to strengthen patronage networks or to demobilize their opponents. It is unlikely that an armed group would trust its safety to a government institution it views as representing factional rather

than national interests. This leads to the conclusion that there is urgent need to reform the Ministry of Defense. Reform has an important economic prerequisite. The international community needs to support demobilization by creating sustainable employment opportunities for the demobilized troops.

The Bonn Agreement requests the United Nations to organize elections for June 2004, and to ensure that they are free and fair. The elections are seen not only as part of the democratic process, but also as a conflict resolution mechanism to resolve the question of who among various political parties will govern Afghanistan. Conducting national elections is a huge political undertaking. The June 2004 date allows for very little time to consider the specific cultural issues that affect Afghan society, and the political and security environment complicates the process. At present, too many areas are inaccessible for lack of security. Voter registration must include the nomads and returning refugees. In addition, a decision must be made about the large numbers of refugees still in Pakistan and Iran.

There is also the problem of well-funded religious parties competing with the new, poorly-funded democratic parties. The international community must find a way to fund the secular parties if they are to match the strength of the religious parties that foreign governments with religious agendas often fund. An important measure of the validity of an electoral process is the extent to which the community where the election is held accepts its legitimacy. Acceptance flows to a large extent from the transparency with which the process is pursued. Mechanisms for enhancing transparency include providing an appropriate role for the media, political parties, candidates, and other elements of civil society, and implementing an effective voter education program. The latter is especially important in a country where the literacy rate is low, respect for human rights is dismal, and the electorate has not been exposed to regular elections.



In a post-conflict election, such as the proposed June 2004 Afghanistan election, the electoral process must address both security and violence concerns, and the participation of marginalized groups. The election process should be administered in an environment free from violence, intimidation and retribution. The state must take all necessary steps to ensure that all adult citizens qualify to vote, register, and exercise the right to vote. Measures in Afghanistan need to be taken to improve the security situation, and to ensure that women are able to exercise their right to register and to vote.

The human rights situation in Afghanistan remains a matter of serious concern. Throughout the country, the absence of the rule of law facilitates the abuse of power, most often by local commanders and factional forces, and creates an environment where illegal taxation, extortion, forced displacement, kidnappings, rape, arbitrary detention, and other human rights violations are routine.¹⁸ The Afghan courts lack legitimacy, as people perceive the judicial system as unable to properly serve the interests of the people.¹⁹ In a country where the rule of the gun has been the dominant feature for well over two decades, the justice sector has probably suffered more damage than any other part of the state structure. Many of the judges lack the necessary qualifications. The courts—where they exist—are fragile and lack basic facilities. In several provinces, warlords have assumed judicial functions. In some other provinces, Islamic clergy or local Shuras (councils of elders) assume judicial functions. In many of these provinces, trials which fall far short of internationally accepted standards of fairness have reportedly resulted in sentences such as stoning to death and public lashings.²⁰

Without adequately resourced and professionally trained judicial and law enforcement

The author (center) with Abdul Karimi, Afghanistan's minister of justice (left), and Jean Jacques Blais, former minister of defense from Canada

institutions, victims have no legal recourse, and perpetrators act with impunity. The establishment of the rule of law in Afghanistan is essential to the peace process. Without the reform of institutions of justice, the legal framework that underpins the peaceful resolution of disputes will not take root. Impunity for armed law-breakers will persist, and citizens will be deprived of justice. Legitimate economic activity is unprotected, and local and international investors worry about entering the market. In the context of Afghanistan's fragile transition to peace, judicial reform is inseparable from security, and thus from commensurable reform of the military, police, and institutions of correction.

Challenges to Implementing the Bonn Agreement

Reestablishing the rule of law and an effective government are essential prerequisites for democracy and stability in Afghanistan. At the moment, the Karzai government remains weak and completely dependent on donor support for its financial resources. For example, in an effort to exert greater authority over the provinces, President Hamid Karzai summoned ten of the country's provincial governors and two regional commanders to Kabul during May 2003, and demanded their compliance with a 13-point decision of the National Security Council. The decision banned recruitment of private military personnel, forbade unauthorized military action, reaffirmed the regulation that no individual can hold both a military and a civilian post, and dissolved extra-governmental bodies and titles along with all of their administrative and executive powers.

To date, the extent of compliance and the government's capacity to enforce the decision remains to be seen.²¹ One area of weakness undermining the central government is its inability to collect provincial revenues. Collection of provincial rev-

enues would enable the government to address financial shortfalls, provide critically needed finances for central institutions, and gradually increase the self-sufficiency and capacity of the central government.

The other challenge facing Afghanistan is the development of constitutional arrangements to set up viable institutions within which to conduct governance. These institutions must foster an environment where peace and development can flourish, and ensure the promotion and protection of human rights for all Afghans, irrespective of gender, race or tribe. The constitution-making process is being carried out under the auspices of a Constitutional Commission with technical support from UNAMA and the United Nations Development Program (UNDP). Adopting a new Afghan constitution raises debates on many issues: What will be the place of Islam in the country? What type of political system will be adopted? Will Afghanistan be a federal or national State? The place of Islam needs to be addressed and should not be left vague. The role of Islam in Afghan society and its relationship to the constitution will be the critical factor that determines the observance of human rights in Afghanistan. Attempts to fudge the issue are likely to be at the expense of the promotion and protection of human rights—especially women's rights.

The legitimacy of the constitution which the Constitutional Commission is developing is a criti-

The establishment of the rule of law in Afghanistan is essential to the peace process.

cal matter. Questions raised about the process relate to the openness of the process, a perception that the religious leaders are dominating the process, and a lack of civic education as to what the process is about.²² Civic education can empower citizens to curtail the role of the warlords. Constitutional drafting experience suggests that not only is the content of a constitution important, but also

how, by whom, and in what historical context the constitution is drafted and implemented. The new constitution should steer Afghanistan into a functioning and inclusive nationhood in which most people feel they are citizens regardless of their ethnicity or religion. It should be a liberating document that empowers all Afghans and enables them to participate in the economic development of the country. Only then will the people of Afghanistan collectively have a vested interest in normality and in improving the conditions of society.

One factor that may prove to be an obstacle to enduring peace in Afghanistan is the growing perception of many ethnic Pashtuns that they lack meaningful representation in the central government, particularly in its security institutions.²³ Although a Pashtun, Hamid Karzai, heads the Interim Administration, a Tajik armed faction dominates the administration. For example, the Tajiks control the Foreign Affairs Department, the Defense Department, and the Department of the Interior.

President Karzai is widely seen as unable to limit either the power of the Tajiks within Kabul, or of the commanders—irrespective of their ethnicity—who wield power in other parts of the country. Pashtun alienation is compounded by the displacement of large numbers of Pashtuns in the North. These Pashtuns, following the collapse of the Taliban regime, became the targets of violent attacks by factions of the United Front, a group that helped the United States led coalition forces defeat the Taliban. Risks posed by the growing disaffection among Pashtuns in Afghanistan should be self-evident.

The Taliban came to power not only because of the military assistance provided by Pakistan, but also because local commanders had become notorious for the abuse of civilians and the extortion of money from traders. For the state to be effective, it is necessary for those over whom it claims authority to see it as legitimate and as deserving of their respect and obedience. In the Afghan context, the critical test for legitimacy is going to be whether or

not the country's component ethnic communities are equally represented in the main organs of state: the courts, the legislature, the military, and the executive.

The Peace Process and Women's Rights

Woman's rights are a major concern in Afghanistan. The lives of hundreds of thousands of women and children have been shattered in the human rights catastrophe that has devastated Afghanistan for the past 23 years.²⁴ Armed groups have massacred defenseless women in their homes, or have brutally beaten and raped them. Alongside these appalling abuses, women have been prevented from exercising several of their fundamental rights, including the rights of association, freedom of expression and employment. The mujahedin groups perceive such activities to be un-Islamic for women. Many parts of the country have a strong emphasis on prosecuting women and girls for adultery, for running away from home, and for engaging in consensual sex before marriage. In some parts of the country, women are subjected to virginity tests, the failure of which leads to a presumption of violating the prohibition of sex outside of marriage. Women still wear the heavily veiled burqa, which the mullahs prescribe to follow the Qur'an's injunction to dress moderately. Gross human rights violations against women have been committed with total impunity.

It is important to realize that while the violation of women's rights in Afghanistan was worse under the Taliban, it did not begin with them. It is rooted in the deeply conservative traditions prevalent in Afghan society. For example, the Supreme Court of the Islamic State of Afghanistan was reported in 1994 to have issued an Ordinance on Women's Veils, which ordained that women must wear a veil that covers the whole body. The Ordi-



A woman, enveloped in a burqa, with her child

nance forbade women from leaving their homes or from being looked at.

One of the most important challenges facing the Afghanistan peace process is how to ensure the participation of women in the political and economic system, given the historical treatment of women in the country. This will involve providing women with alternative means of survival to obviate the need to rely on men to function in Afghan society. This will also involve encouraging a more liberal interpretation of Islam. In Afghanistan, as in most Islamic countries, mullahs are highly respected community leaders with great power over social and political affairs. In Afghanistan, where the majority of the population is illiterate, and villages are isolated from the outside world, mullahs are often the only source of information.

The real challenge in the coming months is going to be registering women voters, especially in the south and west, where conservative views about taking pictures of women are still strong, and women face danger if they decide to participate in the political process.²⁵ In order to make any meaningful progress in the protection of women's rights, any future Afghan government needs to publicly commit itself to women's rights; to abolish all legislation that treats women and men unequally, or condones human rights violations; to recognize that discrimination in law and practice against women and girl children is a key contributory factor to human rights abuses such as torture, including rape and other forms of sexual violence; and to initiate a plan of action against such discrimination.

The Role of the International Community in the Peace Process

The international effort should focus on building effective governance institutions and providing the necessary financial resources for this effort. Without a viable state apparatus, there can be no development or observance of human rights. At this stage of reconstruction in Afghanistan, it is

critical that development activities measurably improve people's lives and reinforce the central government's legitimacy.

Funds for commissions and the national election mandated by the Bonn Agreement, as well as for mine clearance, security reform, disarmament, demobilization, and reintegration, are budgetary items that must be fully supported if the political process is to move ahead. In particular, financial assistance for training the police and a national army are critical to establish security and to create a solid foundation for a democratic state.

The domination of the Afghanistan political landscape by armed groups and individual commanders is still the principal obstacle to the implementation of the Bonn Agreement.²⁶ Without a credible process for disarming, demobilizing and reintegrating former commanders and fighters into society, it is inconceivable that Afghanistan can meaningfully implement any of the key elements of the peace process, including the adoption of a new constitution, judicial reform, or elections.

In any democracy, a key indicator of effective authority is the monopoly over security held by the armed forces, and the elimination of armed militias and private armies. This is sometimes achieved by incorporating personnel from private armies into the national militia. Warlords will change once the rules of the game change. Alfonso Dhlakam, the leader of the Mozambican rebel group RENAMO, was known as one of the most brutal warlords in the world. Once the civil war ended in 1993 and successful disarmament was carried out, he became a member of Parliament in Mozambique and has since 1994 been playing parliamentary politics and engaging in business. When resistance is no longer feasible, most warlords will not fade away; they will apply their skills and contacts to meet the requirements of the new political system. The phenomenon of warlords should be seen as a political question intimately tied to security. Though warlords have a military character, they are essentially "politicians" attempting to perpetuate their own political power in the existing political system. Their resistance to disarmament is a political deci-

sion. They intend to prevent the establishment of an alternative political system, which they view as displacing their own power.

The peace process in Afghanistan will be long, and the international community must be prepared for a long-term commitment. There can be no quick fixes. The transition from authoritarianism or conflict to democratic rule requires determined long-term efforts. The enormity of the challenge should not be underestimated. But concerted efforts to overcome the obstacles could firmly place Afghanistan on the road to democracy and development. The war on terrorism is not going to be won through armed conflict alone. It will be more effectively won through economic development. People need a stake in the world to defend its values. Also, the huge military expenditures necessary for military operations can only be reduced by the development of civil institutions that when effective, make military operations unnecessary and redundant.

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Muna B. Ndulo is a professor of law at Cornell Law School and director of Cornell University's Institute for African Development.