# Afghanistan's Derailing Democracy?

## Introduction

In the post-Cold War world order, the widely held assumption has been that the best way to create stability and build public support for a new government in the wake of international interventions in post-conflict contexts, is to combine economic aid with the sponsorship of a series of elections and other State-building projects.[1] In part as the result of an emphasis by policy makers in the 1990s on the liberal peace thesis, constructed on the claim that democracies do not go to war with one another, this approach has witnessed the international promotion of democratic elections in countries such as Yugoslavia, East Timor and Iraq. But cases like Afghanistan, however, have proven that this formula is far from perfect.

In 2020, the words *'Democracy'* and *'Afghanistan'* still do not sit well together. Almost two decades after Central Intelligence Agency (CIA) and United States (US) special operations elements touched down in the South Asian country to pursue Al-Qaeda and topple the Taliban - combined with efforts of restoring democracy - it is clear that international intervention in Afghanistan has not unfolded according to anyone's expectations. For many Afghans, the country's 19-year process of democratization has proven bitterly disappointing in its failure to deliver justice, equity and services. Whereas 2019 was set to be a decisive year for the war-torn country, in which certain political developments had the potential to alter the course of the nation towards stability, it was ultimately imbued with flavors of disappointment. The latest Presidential election in September 2019 witnessed a 26 percent turnout – lower than in the three previous Presidential elections - but also triggered a political crisis as a result of the contested results, with both Afghan leaders administering dual inauguration ceremonies. The recent decision on behalf of the US to cut $1 billion in aid to Afghanistan – because Afghan leaders were unable to resolve the political impasse – may bear severe ramifications on the already strained democratization process in the country.

With the burgeoning instability in Afghanistan, the question may be posed, whether democracy has begun to derail emerges. In order to provide an answer to this question, this paper starts with briefly examining how the US invasion of Afghanistan in 2001 failed to incorporate appropriate State-building measures. The invasion has been inherently undermined by the recent publication of the Afghanistan Papers, which have revealed the dysfunction and lack of coherence in Washington's approach. Thereafter, this paper offers an overview of the current political landscape in Afghanistan, starting with a brief analysis of the depleted trust in electoral processes since the invasion in 2001. The paper also provides an analysis of the instability of democratic

---

[1] Coburn,Noah, and Larson, Anna. "Democracy Derailed?" In D*erailing Democracy in Afghanistan: Elections in an Unstable Political Landscape*, xiii-ic. New York: Columbia University Press, 2014.

institutions under the National Unity Government, assessing its general shortcomings in terms of sharing political power, eliminating corruption, and failure in upholding rule of law. This is followed by an overview of how internal and external factors - such as the rise of Islamic State in Afghanistan and the sponsoring of terrorism by Pakistan – act as obstacles for democratization processes in the country.

The argument put forth by this paper is that the imposition of an inappropriate model of democracy, the prioritization of American interests, and a pattern of opportune political decisions have, in fact, contributed to the destabilization and demise of democracy in Afghanistan. In the contemporary socio-political environment, characterized by a deeply divided society, a highly militarized and invasive international presence, and a history of flawed elections, the institutionalization of democracy will be a highly challenging task. It is further argued that the pursuit of elections and democratization efforts more broadly, in a context of growing insecurity and political fragmentation, should be done in accordance with the wishes of the country's populace, as representative democracy may remain alien for those who are accustomed to traditional tribal mechanisms, it is imperative that democratic practices take a bottom-up approach whereby ordinary Afghans are implicated.

## The shortcomings of the US in post-Taliban era

The invasion of Afghanistan in 2001 has generally been under widespread scrutiny from the international community, but was especially undermined by the recent publication of the *'Afghanistan Papers'*, consisting of hundreds of interviews collected by the Special Inspector General for Afghanistan Reconstruction (SIGAR).[2] They disclosed the dysfunction and lack of coherence in Washington's approach, chiefly shedding light on how the US has been fighting a long, costly war that remains far from success and offers no clear plan for getting there. Indeed, the US efforts in Afghanistan were highly ambitious – albeit naïve: to oust the Taliban regime that had given safe haven to international terrorists; to crush those terrorists and their allies and supporters in a counterinsurgency campaign; to up and maintain a democratic government in society plagued by years of warfare; and to promote human development, human security, and basic human rights in a country where religious extremists, tribal chiefs and warlords ruled over a besieged populace. Perhaps the most accurate revelation regarding Afghanistan was made by Richard Boucher, Assistant Secretary of State for South and Central Asian affairs between 2006 and 2009: "*We did not know what we were doing".* [3]

---

[2] Wittes, Tamara, and Huggard, Kevin. "The Lessons of the Afghanistan Papers." *The Atlantic,* 17 December 2019. https://www.theatlantic.com/ideas/archive/2019/12/what-the-afghanistan-papers-revealed/603721/ (assessed 1 April 2020)

[3] Beaumont, Peter. "Afghanistan papers detail US dysfunction: 'We did not know what we were doing'". *The Guardian,* 14 December 2019. https://www.theguardian.com/us-news/2019/dec/14/afghanistan-papers-detail-us-dysfunction-we-did-not-know-what-we-were-doing (assessed 10 April 2020)

A new rhetoric of democratization was promoted to underpin the State-building initiatives; including the Bonn Agreement of 2001, and the establishment of a transitional and interim government headed by Hamid Karzai, followed by the country's first Presidential elections in 2004.[4] But the US and its allies failed to support the development of an inclusive, legitimate and accountable political system. Successive mistakes began with the implementation of a flawed electoral system, no insistence on a transparent register of voters, absence of proper scrutiny of polling, and inadequate support for the development of reformist political parties and other functioning civil society institutions.[5] Presidential elections in the country (2009, 2014 and 2019) have failed to inject much-needed accountability and political stability into a nation that has been plagued by conflict prior to the dawn of the millennium. As a result, it appears that the US war in Afghanistan has brought little stability or peace into the country.

Yet, perhaps the most violent blow to any democratization process in contemporary Afghanistan was the decision on behalf of the US to sign a so-called 'peace deal' with the Taliban. The deal, signed between the two parties in February 2020, promised the withdrawal of US and foreign troops from Afghanistan by July 2021, provided the Taliban begins talks with Kabul and adheres to the other guarantees. Moreover, the deal required the Afghan government – which was not signatory to the accord – to free approximately 5,000 Talban prisoners and for the Taliban to release 1,000 pro-government captives in return.[6] This act of delegitimization of democracy is inherently paradoxical in nature, and further undermines any previous American attempts at toppling the Taliban. Indeed, the US narrative vis-à-vis politics in Afghanistan has traditionally praised leaders like Karzai and Ghani and underlined the importance of respecting Western values such as women's rights and democratic practices. The Taliban, however, respects neither of these elements. The US has - in its oblivion and eternal hunger for recognition - overlooked the Taliban's history of untrustworthiness and its doctrine which is irreconcilable with modernity and the rights of women.[7] The so-called *'Agreement for Bringing Peace to Afghanistan'* will not only, not be honored by the Taliban – it will also not bring peace or democracy.

## Democracy in contemporary Afghanistan

Elections are widely viewed as a crucial rite of passage in post-war societies, as they symbolize and help facilitate the transition from violence to stable governance.[8] Stable long-term peace is thought to depend upon the democratization of politics, and elections are perceived as a crucial

---

[4] Larson , Anna. "Deconstructing "Democracy" in Afghanistan." Afghanistan Research and Evaluation Unit Synthesis Paper Series, May 2011, 9.

[5] Loyn, David. "Politics without Parties: Afghanistan's Long Road to Democracy." *Asian Affairs, 2019*

[6] "Afghanistan gov't, Taliban begin talks on prisoner swap." *Al Jazeera,* 1 April 2020 https://www.aljazeera.com/news/2020/04/afghanistan-gov-taliban-talks-prisoner-swap-200401161559059.html (assessed 2 April 2020)

[7] Allen, John. R. "The US-Taliban peace deal: A road to nowhere." Brookings, 5 March 2020. https://www.brookings.edu/blog/order-from-chaos/2020/03/05/the-us-taliban-peace-deal-a-road-to-nowhere/

[8] Goodhand, Jonathan. "Flooding the lake? International democracy promotion and the political economy of the 2014 Presidential elections in Afghanistan". *Conflict, Security & Development 16*, no. 6 (2016): 481-500.

part of this process as it enables citizens to choose their leaders and have a stake in the new political dispensation. While these were among the guiding assumptions that supposedly underpinned international intervention and State-building in post-2001 Afghanistan, elections in the country since the ousting of the Taliban regime have failed to inject much-needed accountability and political stability into a nation that has struggled with warfare for many decades. In fact, it is evident that a lasting, inclusive, and legitimate political settlement - started in Bonn in 2001 and continued through the US-brokered National Unity Government (NUG) agreement in 2014 - remains elusive.

Elections have culminated in deeply divisive results, and many Afghans and international actors have dismissed them as failed experiments. For instance, whilst high hopes of the restoration of peace and security prevailed prior to the 2009 Presidential elections, they were shattered by the subsequent acknowledgement of electoral fraud, lack of security and low voter turnout.[9] Similarly, the 2014 election was tainted by allegations of widespread fraud, pushing the country to the brink of a civil war. The contest boiled down to a run-off between Ashraf Ghani, a former World Bank official and Afghan Minister of Finance, and Abdullah Abdullah, a former Foreign Minister and, prior to the elections, a senior figure in the Jamiat-e-Islami party with roots in the jihadi era. Although Ghani supposedly emerged as the winner, the result was contested by Abdullah and his supporters who threatened to violently oppose the result. A political crisis was eventually averted by the formation of the National Unity Government, in which Ashraf Ghani became President and a new position of Chief Executive Officer (CEO) was created for Abdullah. As elaborated in the following section, the ad hoc arrangement to create a split Head of State and Head of government has failed to resolve competition for power among major factions, remains extra-constitutional, and has clouded the legitimacy and effectiveness of the NUG and further provided powerful ammunition to those who oppose it.[10]

The latest Presidential elections held in September 2019 similarly shed light on the political uncertainty that continues to torment Afghanistan. The final results, announced on 18 February 2020, indicated that Ghani secured 50.64% of the votes against 39.52% gained by his rival, Abdullah. The highly contested results drove both Afghan leaders to administer unprecedented dual inauguration ceremonies – separated by just a thin wall – thereby adding further strain on the tenuous bonds holding together a country riven by ethnic fault-lines.[11] An accompanying hurdle in Afghanistan's road to democratization manifested in the form of the low turnout for the elections, where slightly more than one and a half million out of over nine and a half million

---

[9]  Tavernise, Sabrina & Wafa, Abdul W. "U.N. Official Acknowledges 'Widespread Fraud' in Afghan Election". *The New York Times,* 11 October 2009.
https://www.nytimes.com/2009/10/12/world/asia/12afghan.html  (assessed 5 April 2020)
[10] Thier, Alex and Worden, Scott. "Political Stability in Afghanistan: A 2020 Vision and Roadmap." Special Report 408 Published by United States Institute of Peace, July 2017: 2-17.
[11] "Editorial: Death of Democracy," *Afghanistan Times,* 9 March 2020.
http://www.afghanistantimes.af/editorial-death-of-democracy/ (assessed 9 April 2020)

registered voters in a country with approximately 37 million people.[12] Analysts have attempted to provide an explanation for this record-low voter turnout; the most common assumption being that voters were predominantly discouraged due to safety concerns. Prior to the elections, the Taliban had threatened to attack polling stations and target election rallies, thereby prompting the deployment of more than 70,000 members of security forces across the country to protect voters.[13] Still, at least five people were killed and 80 wounded in bomb- and mortar attacks on voting centers.

While the low-voter turnout can be partly explained by the prevalent security threats, some authors have argued that the problem finds it roots in deeper sentiments of distrust vis-à-vis elections. As Jumakhan Rahyab, a Fulbright Graduate Fellow at University of Massachusetts Boston, contends: *"The low turnout was not a fluke. It needs to be acknowledged that the reasons underpinning such a low turnout can be found in grievances that have built up over a long period of time, at least since the contentious 2014 Presidential election. By and large, the performance of National Unity Government (NUG) in the past five years has yielded endemic corruption, adverse poverty, pervasive insecurity, undermined rule of law and, most importantly, undemocratic practices, all of which in turn have caused distrust in the government and democratic institutions".[14]*

In the measure, the record low turnout suggests that there is a deep mistrust between State and nation - in the words of Hujjatullah Zia, *"According to public belief, they [the public] have paid heavy sacrifices for democracy, but Afghan officials were not able to ensure their rights and freedoms within the past 18 years".[15]* Amid concerns that their vote does not matter, or that electoral rigging is somewhat inevitable, many Afghans have displayed a lack of enthusiasm vis-à-vis elections. Jumakhan Rahyab further argues that the rights accorded the citizens in a democratic set-up have evolved into secondary priorities for Afghans due to the shortcomings of the NUG; *"There have been rises in the poverty rate, the unemployment rate, insecurity, and migration during the rule of the NUG. In light of those struggles democracy and freedoms have become only a second priority for the populace".[16]* In a state of mind where freedom and democracy are incapable of guaranteeing basic necessities, such as food and employment, their value and promotion cease to appeal to the ordinary citizen.

---

[12] Rahyab, Jumakhan. "Year in Review: Afghanistan's Tumultuous 2019 Paves Way for An Uncertain 2020." *South Asian Voices*, 21 January 2020. https://southasianvoices.org/year-in-review-afghanistans-tumultuous-2019-paves-way-for-an-uncertain-2020/ (assessed 25 March 2020)

[13] "Afghanistan Presidential election: Rivals declare victory after record low turnout," BBC, 30 September 2019. https://www.bbc.com/news/world-asia-49874970 (assessed 22 March 2020)

[14] Rahyab, Jumakhan. "Is Democracy Dying in Afghanistan?" *The Diplomat,* 11 October 2019. https://thediplomat.com/2019/10/is-democracy-dying-in-afghanistan/ (assessed 23 March 2020)

[15] Zia, Hujjatullah. "Afghans lost their trust in democracy." Daily Outlook Afghanistan, 30 October 2019. http://www.outlookafghanistan.net/topics.php?post_id=24681 (assessed 13 April 2020)

[16] Rahyab, Jumakhan. "Is Democracy Dying in Afghanistan?" *The Diplomat,* 11 October 2019. https://thediplomat.com/2019/10/is-democracy-dying-in-afghanistan/

## The instability of democratic institutions

As previously established, in Afghanistan, as elsewhere, the international community has prioritized elections in the hope of quickly establishing a legitimate, democratic regime.[17] But elections have largely failed to achieve this goal - indeed, when the elections held in Afghanistan since 2001 have diminished hopes for Afghan democracy, it is partly due to the fact that an electoral formalism was introduced in the country before other elements crucial to a functioning democracy - the rule of law, political parties, and institutionalized governance - really existed. As Scott Smith asserts, *"Afghanistan's democratization so far has been superficial",* insofar that while certain progress has been made in advancing a sort of *"electoralism"* - where the habits and procedures of voting have become a part of the political landscape - the foundational pillars enabling democracy to flourish have been built of weak cement. Since the contentious 2014 Presidential election, the National Unity Government has yielded endemic corruption, adverse poverty, pervasive insecurity, undermined the rule of law and, most importantly, given space to undemocratic practices, all of which in turn have caused distrust in the government and democratic institutions.[18] This section examines some key elements that together are fundamental for the functioning of democracy - visibly lacking under the rule of the National Unity Government.

### *Power-Sharing and Corruption under the National Unity Government*

Prior to the establishment of the National Unity Government in 2014, President Karzai's tenure (from 2001 to 2014) was marked by constant efforts to balance the distribution of power through informal deals with elites and local power holders, maintaining a wide tent while endeavoring to keep any faction from getting too powerful. As a consequence, Karzai neither truly groomed nor genuinely backed a successor. Alex Thier, Executive Director of the Overseas Development Institute, and Scott Worden, Director Afghanistan and Central Asia programs at the US Institute for Peace, argue that this strategy was duplicated in his approach to the US, regional actors, and even his sporadic embrace of the Taliban, in a perpetual balancing act.[19] They further assert that *"Karzai's strategy, backed by a massive US-led NATO security blanket, delivered some short-term gains but failed to establish a long-term institutional framework for power sharing, subnational governance, and a nonpersonalistic political order".*[20]

Almost six years after it was created to prevent the sharply contested 2014 Presidential election from plunging Afghanistan into political turmoil, NUG has faced a series of internal disagreements,

---

[17] Coburn,Noah, and Larson, Anna. "Elections and Democratization?" In D*erailing Democracy in Afghanistan: Elections in an Unstable Political Landscape*,16. New York: Columbia University Press, 2014.

[18] Rahyab, Jumakhan. "Is Democracy Dying in Afghanistan?" *The Diplomat,* 11 October 2019. https://thediplomat.com/2019/10/is-democracy-dying-in-afghanistan/ (assessed 30 January 2020)

[19] Thier, Alex and Worden, Scott. "Political Stability in Afghanistan: A 2020 Vision and Roadmap." Special Report 408 Published by United States Institute of Peace, July 2017: 2-17.

[20] Ibid. 3

discords and insurgencies. The crises leading to the establishment of the NUG in 2014 was precipitated by two fundamental factors; the failure of electoral processes and associated institutions to produce a verifiably legitimate outcome as a result of high levels of distrust among Afghans and key political actors; and the political dissatisfaction with Afghanistan's highly centralized Presidential system, which increases the sense of winner-take-all politics in a diverse and atomized polity.[21] In fact, the Constitution of Afghanistan provides for a strong executive for the purpose of maintaining the functioning of the government; the executive (since 2014 the so-called National Unity Government) is not only the Head of the government but also Head of State.[22] In simpler terms, the discord between Ghani and Abdullah stems from the vagueness of the US-devised power-sharing agreement that frames the government and the widely diverging interpretations of their powers and authority. Whereas Abdullah believes that the agreement bestowed upon him an equal share in government; Ghani and his advisors insist that ultimate power, as defined in the Constitution, resides in the presidency.[23] Nazif Shahrani, Professor of Anthropology, Middle Eastern and Central Asian Studies at Indiana University, contends that the 2004 Afghan Constitution gives unprecedented powers to the President - even more powers than former Afghan kings before the republican period.[24] As outlined at the end of this paper, the current game of power balancing might serve as an opportunity for the government to amend the Constitution in order to decentralize the government.

### *The Independent Election Commission (IEC)*

> "*For elections to be free and fair, they have to administered by a neutral, fair, and professional body that treats all political parties and candidates equally. Independent observers must be able to observe the voting and the counting to ensure that the process is free of corruption, intimidation, and fraud*".[25]

In an emerging, post-conflict democracy, a trusted, independent election commission is a vital institution that underpins the legitimacy of elections. Nevertheless, public confidence in the Independent Election Commission (IEC), the national electoral commission which is responsible for administering and supervising elections and referenda under the Constitution of Afghanistan, has witnessed a worrying decline in the course of the past few years.[26] The IEC has failed to hold scheduled parliamentary elections on numerous occasions; for instance, it twice postponed the Presidential elections of 2019; moreover, allegations of government officials repeatedly

---

[21] Thier, Alex. "What are the Prospects for Power Sharing in the Afghan Peace Process?" Published by the United States Institute of Peace, 16 September 2019. https://www.usip.org/publications/2019/09/what-are-prospects-power-sharing-afghan-peace-process

[22] "BTI 2018 Afghanistan Country Report". *BTI Project* https://www.bti-project.org/en/reports/country-reports/detail/itc/AFG/

[23] International Crises Group. *Afghanistan: The Future of the National Unity Government*, Report no. 285, 10 April 2017.

[24] https://www.aljazeera.com/indepth/opinion/afghan-President-powers-king-180103050939230.html

[25] Diamond, Larry. "What is Democracy?" Lecture at Hilla University of Humanistic Studies, January 21, 2004. https://diamond-democracy.stanford.edu/speaking/lectures/what-democracy

[26] Haidary, Mohammad. "By the Numbers: Is Afghanistan's Democracy at Risk?" *The Asia Foundation*, 15 August 2018. https://asiafoundation.org/2018/08/15/by-the-numbers-is-afghanistans-democracy-at-risk/

interfering with the work of the Commission have surfaced.[27] Furthermore, based on the IEC's fluctuating official turnout figures from the 2019 elections, it is evident that vote counting remains a problematic process in the country. The commission declined the vote count from 2.7 million to 2.1 million, and to 1.8 million votes, an indication it is still struggling to separate valid votes from invalid ones.[28] Since 2001, some 20 million elections cards have been distributed among Afghans while the country has only 12 million eligible voters. This irregularity is a major driver for electoral fraud as the extra election cards have negatively impacted the accuracy of vote counts and led to fraud.[29]

### *Corruption, and Widening Ethnic and Regional Divide*

Whereas democratic institutions in Afghanistan are formally established - inter alia parliament, legal codes, judiciary, and elections - they lack stability and a *de facto* legitimacy as a result of their perceived ineffectiveness vis-à-vis stability, development, and problems held by ordinary Afghans.[30] Despite reform efforts in the public administration realm, the performance of the administration has received widespread criticism due to prevailing corruption. The government has not implemented criminal penalties for official corruption effectively, and officials are reported to frequently engage in corrupt practice with impunity. Furthermore, the stability of democratic institutions has been heavily undermined by recent corruption allegations made against Ghani by his opponents. In May 2019, General Habibullah Ahmadzai, a former Presidential advisor, accused Ghani's administration of engaging in widespread corruption, including the exchange of sexual favors for government posts.

Even where agreements between Ghani and Abdullah are being implemented - chiefly on appointments to senior civil and military posts - both sides are stacking government and security agencies with allies, mainly based on ethnic grounds. Whereas Ghani allegedly favors fellow Pashtuns, Abdullah favors fellow Tajiks. The resulting perception of discrimination within excluded communities, particularly Hazaras and Uzbeks, exacerbated by the lack of consultation including on development programs, is contributing to a widening ethnic and regional divide.

### *Rule of Law*

The rule of law in Afghanistan has been, generally speaking, fragile. A recent report published by the World Justice Project, titled *'The Rule of Law in Afghanistan: Key Findings from the 2018 Extended General Population Poll'*, attempts to measure the rule of law from the perspective of

---

[27] Ibid.

[28] Motwani, Nishank & Bose, Srinjoy. "Afghan elections brings no peace." *The Interpreter,* 22 November 2019. https://www.lowyinstitute.org/the-interpreter/afghan-elections-bring-no-peace

[29] Ziabari, Kourosh and Dellawar, Shukria. "Afghans Want a Functioning Democracy." *Fair Observer,* 2 January 2020. https://www.fairobserver.com/region/central_south_asia/afghan-elections-afghanistan-taliban-peace-talks-afghan-war-world-news-today-21391/ (assessed 16 March 2020)

[30] "BTI 2018 Afghanistan Country Report". *BTI Project* https://www.bti-project.org/en/reports/country-reports/detail/itc/AFG/

ordinary Afghans, including their experiences and perceptions vis-à-vis government accountability, bribery and corruption, crime, and access to justice.[31] An important finding regarding perceptions of government accountability revealed that there was a high perception of impunity in the country, where corruption across institutions was widespread. Access to justice remains limited in Afghanistan and people's trust in the justice system is among the lowest out of all parts of the public sector.[32] In fact, the country's justice system is in a catastrophic disrepair; challenges of legal pluralism and weakness of State authority remain prevalent in many areas. The State judicial system is highly politicized and expensive, plagued with corruption and inefficiency. Coupled with little or no access to judicial institutions for ordinary Afghans, the non-State institutions remain more popular and reliable for the majority of the citizens as they mainly aim at reconciliation and restoration of harmony and stability within the community.[33] The vibrant informal justice sector relies on local elders and religious figures, and mechanisms such as *Shuras*, or Councils, and *Jirgas*, which are generally *ad hoc* bodies of close male kin brought together to resolve a specific dispute or discuss some other political issue.[34] Nevertheless, the applied rules are usually based on customs and traditions, sometimes violating statutory law, the Sharia or international human rights standards, therefore undermining the influence and legitimacy of the State judicial system.

Afghan rule of law still lacks efficiency, capacity and nationwide coverage. Outside of urban cities, informal justice sectors, such as village councils or tribal elders, have for generations played the predominant role in resolving disputes and meting out justice. Cognizant of the widespread corruption within the formal justice system, it is therefore somewhat unsurprising that State rule of law institutions are often perceived to have limited legitimacy.[35] While genuine rule of law reform within Afghanistan necessitates years of investment, the existing tensions between expectations of rapid advancement and the delay on the ground has contributed to a sense of frustration among domestic stakeholders. The failure to adequately improve the rule of law has therefore contributed to a withering democracy in the State.

---

[31] *The Rule of Law in Afghanistan: Key Findings from the 2018 Extended General Population Poll. https://worldjusticeproject.org/our-work/research-and-data/special-reports/rule-law-afghanistan*

[32] UNDP, Rule of Law in Afghanistan https://www.af.undp.org/content/afghanistan/en/home/Rule-of-Law.html

[33] Pfeiffer, Julia. "Traditional Dispute Resolution Mechanisms in Afghanistan and their Relationship to the National Justice Sector*." Law and Politics in Africa, Asia and Latin America 44*, no. 1 (2011): 81-98.

[34] Coburn,Noah, and Larson, Anna. "Sovereignty and Power in Afghanistan" In D*erailing Democracy in Afghanistan: Elections in an Unstable Political Landscape*,18. New York: Columbia University Press, 2014.

[35] Elliesie, Hatem. "Rule of Law in Afghanistan," in *Understandings of the Rule of Law in various Legal orders of the World,* Rule of Law Working Paper Series no. 4 (Berlin) (eds. Matthias Koetter and Gunnar Folke Schuppert)

## Internal and external factors obstructing stability

Naturally, it would be naïve to simply address the shortcomings of the Afghan government without acknowledging the internal and external factors impeding stability in Afghanistan. As previously touched upon in the paper, the Afghan State's primary duty – that of providing security to its citizens – is being increasingly undermined by American actions -including the US-Taliban peace deal which foresees the withdrawal of US troops from Afghan territory – which will exacerbate levels of violence. Violent attacks perpetrated by the Taliban jumped to record levels in the last quarter of 2019 compared with previous years, underscoring the 18-year-long conflict's continued toll on the country. According to a report by the Special Inspector General for Afghanistan Reconstruction (SIGAR), there were 8,204 attacks between October and December - up from 6,974 in the same period in 2018.[36]

Moreover, the establishment of the so-called Islamic State Khorasan Province (ISKP) in 2015 has further strained the Afghan government's energy and resources to secure a stable and peaceful environment in the country. For instance, the notorious terrorist organization claimed responsibility for the recent attack where a lone gunman rampaged through a Sikh house of worship in the heart of Kabul, eventually resulting in the death of approximately 25 worshippers. This obvious attempt at exploiting the on-going political disarray in the Afghan capital underlines the terrorism-related challenges with which the Afghan government must deal, in addition to the highly worrying phenomenon of the Taliban becoming a legitimate political entity. Cognizant of this, the shortcomings of the Afghan authorities must be understood in a specific context in which numerous internal factors render the plight of peace and harmony a considerable challenge.

From the standpoint of the geo-political context, external obstacles to achieving democracy and stability in Afghanistan are primarily installed and maintained by neighboring Pakistan. Pakistan's inability - and indeed, unwillingness - to stop the Afghan Taliban from enjoying safe haven in Pakistani territory or from supporting their colleagues across the boarding in subverting Western nation-building efforts, is a large obstacle in need of tackling.[37] The ambiguous policy pursued by Pakistan has been extensively conspicuous in its support to the US/NATO military mission in Afghanistan and the Taliban, only to be contrasted with Pakistan's initial backing of the Taliban during its rise to power in the 1990's and during 1996-2001, when the terrorist organization imposed its brutal regime over the country. Powerful elements within the Pakistani military- and intelligence establishments reportedly perceive this as advantageous to Pakistan in its ongoing competition with India**.**

---

[36] "Afghanistan violence soars amid US-Taliban talks: Watchdog". *Al Jazeera*, 31 January 2020. https://www.aljazeera.com/news/2020/01/afghanistan-violence-soars-taliban-talks-watchdog-200131071307125.html (assessed 11 April 2020)
[37] Katz, Mark. "The U.S. and Democratization in Afghanistan." Middle East Policy Council (online). https://mepc.org/commentary/us-and-democratization-afghanistan

## Conclusion

Afghanistan finds itself in an increasingly difficult situation; on the one hand, the Taliban continues to threaten the country's fragile democracy and the government; on the other, a corrupt and dysfunctional government weakens the democratic institutions and further undermines the rule of law. But amidst discussions on the failures of the US and the National Unity Government in implementing and upholding democracy, a crucial question emerges; Can the Western notion of democracy ever truly flourish in Afghanistan?

Lara Jakes, a diplomatic correspondent based in the Washington bureau of The New York Times, rightfully argues: *"The American vision for Afghanistan's future was largely rooted in fostering democracy, modeled after the United States. Not only was that unrealistic in a culture based on tribalism and Islamic law - not to mention a history of a monarchy followed by communist rule - it was all but impossible to do within the time American officials had hoped".* [38]

Whilst this paper has explored the contemporary circumstances against which the democratization processes of Afghanistan should be taking place, it is nevertheless imperative to acknowledge the ethnocentric lens through which democracy is viewed in mainstream discussion. Although *'Democracy'* is commonly regarded as a term with positive connotations - especially vital to societies in the midst of post-war transition - little attention has been paid to the Afghan perceptions of democracy. Traditional institutions of *'assembly democracy'*, such as *Jirgas, Shuras* an*d Loya Jirgas* have existed in Afghanistan for a long time, but attitudes toward modern representative democracy remain uncertain. In fact, for many Afghans the term of *'modern democracy'* is alien and contentious, as it carries associations of both Western liberal values and the secularism of the Soviet Regime under the People's Democratic Party of Afghanistan (PDPA) in the 1980s.[39] Moreover, as highlighted throughout this paper, feelings of disappointment have understandably prevailed among Afghans as a result of the outcome of democracy - the erstwhile high expectations of the social and economic development it would bring, coupled with heightened security - which have not been met. By the same token, the under-performance of elected representatives in democratic institutions has served to consolidate the gap between the people and government and has not proved to be a means through which the interests of the majority of the population can be addressed.

Consciously, the meaning of the term *'Democracy'* in Afghanistan is a central point for consideration. Without a direct translation into Dari or Pashto, Afghans normally employ the English word which, as previously mentioned, often carries negative connotations of Western liberal values and militant secularism historically witnessed in the country. According to research conducted by the Afghanistan Research and Evaluation Unit (AREU), Afghan citizens typically associated *'Democracy'* with *"'unlimited freedom' whereby social restrictions over people's*

[38] Jakes, Lara. "Key Takeaways in newly Released Documents Detailing Failures of War in Afghanistan." *The New York Times,* 9 December 2019. https://www.nytimes.com/2019/12/09/world/asia/afghanistan-war-documents-takeaways.html (assessed 2 February 2020)
[39] Shah, Ahmad. "The Post 9/11 Democratization in Afghanistan: Challenges and Expectations". *International Journal of Social Sciences and Humanity Studies 4*, no. 1 (2012): 27.

*behavior were not enforced wither by the state or any other ruling (or religious) body"*.[40] Concerns over potential immortality in a democratic society were therefore somewhat prevalent, with a significant number of respondents clearly distinguishing between Western and Islamic democracy, with the latter encapsulating desirable democratic freedoms acceptable within the *"framework of Islam"*. Another key element discovered in the research was that *"key aspects of democratic society, such as the encouragement of multi-party competition, political opposition, and freedom of expression, were seen as potential contributors to insecurity rather than means to promote security and stability"*.[41]

Therefore, perhaps most importantly, the challenges in democratization efforts in Afghanistan can be contributed to the fact that processes of political transformation have inherently been part of the Western plan - it has not been developed from within the Afghan society. For many Afghans, these Presidential elections may not have represented a new *'test'* of democracy or democratic principle, contrary to what the widely held Western perception might have been. In addition to being a considerably lengthy process, democratic development of government should be refined and redefined from Afghan perspectives, instead of relying solely on Western Eurocentric values. As Andrew Reynold, Associate Professor of Political Science at the University of North Carolina, contends: *"A democracy is an interconnected web of political institutions chosen by and beholden to the voters who fall under its laws and regulations. But that web must be tethered to the distinct cultural, historical, and social threads that bind a state together. A post-conflict constitution needs to reflect traditional ways of making decisions, dominant power centers in villages and cities, and the scope of ethnic divisions - in both their intensity and root causes"*.[42] In this regard, it is crucial that democratization processes in Afghanistan take a bottom-up approach whereby ordinary Afghans are implicated and heard. Empowering local bodies to govern on a local level may encourage more individuals to participate in the process as they may develop an understanding of the advantages of a representative democracy. The following section outlines some policy recommendations which could help strengthen these processes.

---

[40] Ibid.
[41] Larson, Anna. "Perspectives on Democracy and Democratization in Afghanistan". Published by the Middle East Institute, 20 April 2009.
[42] Reynolds, Andrew. "Constitutional Design: Promoting Multi-Ethnic Democracy." *Harvard International Review 28,* no. 4 (2007): 50-55. 50

## Policy Recommendations:

- **A More Effective Government:** The political crises that have been brewing since the NUG agreement in 2014 is at risk of being duplicated in the wake of the final 2019 Presidential elections results. Plagued with disagreements over power-sharing, the stalemate has certainly exacerbated negative trends by undermining the domestic legitimacy of the Unity government. The inability to implement a reform agenda is the direct product of failures of collaboration, power-sharing, and systemic reform called for in the NUG agreement. Its roots, nevertheless, lie in the unfinished business of distributing political power to ethnic, political and regional groups within Afghanistan through the Bonn Agreement and subsequent 2004 Constitution. Depending on whether another era of the Unity government is to take place, it is vital to create a more manageable modus operandi between Ghani, Abdullah and their teams, with a shared commitment to meaningful electoral- and power-sharing reforms.

- **Electoral Reform:** The NUG agreement committed the government to establishing the Special Election Reform Commission (SERC) and to implement important reforms before holding parliamentary and district council elections as soon as possible. Yet, as established in this paper, disagreements over elections and allegations of fraud have rendered the making of meaningful reforms impossible. Rather than rushing urgently needed electoral reforms, it would be wiser to redirect efforts on broader issues of how elections can contribute to increasing government legitimacy and better balancing of political interests and power. Changing the electoral system to promote more coalition building and power balancing appears imperative in order to address concerns of the Afghan society as a whole, comprised of multiple ethnic communities.

- **Updating Voter Registration:** The most visible flaw in the past Afghan elections has been inaccurate voter registration, underpinned by the approximately twenty million valid voter registration cards issued by the Independent Election Commission since 2004 for an estimated population of approximately twelve million eligible voters. The surplus in cards is mainly the product of several of *'top up'* registration exercises that added new names to the voter rolls that could not be verified – due to design flaws in the voter registration held in 2004 – against those already on the list. The absence of an accurate voter registry means that determining the number of voters in a given location is a highly challenging task, therefore complicating the task of knowing how many polling stations should be open. Moreover, this undermines election credibility; while some polling stations may run out of ballots, other witness ballot stuffing and therefore large-scale voter fraud. Overall, a greater census of the Afghan population is required. The unwillingness on behalf of political leaders to create greater clarity vis-à-vis the population – at the risk of exposing that their constituencies are in fact smaller than assumed – should not hinder the transparency and accountability of which elections in Afghanistan are in dire need.

- **Revising the Constitution:** Revising the Constitution would serve as an opportunity to reshape the Afghan system of government in order to adequately address perceived imbalances of political power. But it could also erase features that have thus far promoted inclusivity – including protection of women's rights – wherefore the reluctance for revision on behalf of Afghans and the international community is understandable. Nevertheless, one of the most commonly discussed changes would be, addressing the balance of power between political factions and the creation of a Prime Minister position that would share power with the President. A prominent change that would affect the balance of power between the central government and provinces would be, to have elected Governors instead of the current system of Presidential appointments.

EFSAS | EUROPEAN FOUNDATION FOR
SOUTH ASIAN STUDIES
EXCELLENCE, GENUINENESS & AUTHENTICITY