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Democracy in Afghanistan: Amid and Beyond Conflict

By Anna Larson



Workers stack ballot boxes at the Independent Election Commission's warehouse in Kabul on September 29, 2019. (Photo by Rahmat Gul/AP)

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Summary

- In 2021, a stable and democratic Afghanistan remains an elusive prospect due to the continued use and threat of violence by the Taliban and competing political actors, the executive stranglehold on government appointments, and international engagement focused solely on election days.
- Even so, more flexible, lower-cost US engagement may yet produce results that can bolster democracy and encourage stability if incorporated into any forthcoming political settlement.
- Any system of governance in which the Taliban have a stake will need to include elections of some kind. The Afghan people have become accustomed to participating in the democratic process. Despite widespread electoral fraud, elections remain popular.
- Establishing local structures that facilitate stronger connections between citizens and their representatives will give legitimacy and stability to the political process going forward.
- Allowing communities to decide how to select local leaders and conduct local elections could allow more cooperation between formal and informal systems of governance. This flexible approach could make elections more attractive to Taliban leaders.



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**DEMOCRACY &
GOVERNANCE**

ABOUT THE REPORT

In early 2020, the US Congress asked the United States Institute of Peace to organize a study group to “consider the implications of a peace settlement, or the failure to reach a settlement, on U.S. policy, resources, and commitments in Afghanistan.” The full report of the Afghanistan Study Group was released in February 2021. This report is an updated version of a background paper prepared for the study group that analyzes Afghanistan’s experiences with democracy and elections since 2001.

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Workers stack ballot boxes at the Independent Election Commission's warehouse in Kabul on September 29, 2019. (Photo by Rahmat Gul/AP)

Introduction

Democracy has a future in Afghanistan. Current events—not least a potential power-sharing deal with the Taliban and the planned withdrawal of the remaining US troops by September 2021—might suggest otherwise. And yet, partly because democracy has a *past* in the country, there is good reason for the United States and other international actors to continue to support it.

In established Western democracies, democratic politics is often associated with stability and economic growth. Yet this rosy connection obscures the turmoil and bloodshed that those countries have experienced in their own democratization processes over the last two hundred years. When considering democracy in Afghanistan, it is imperative to understand that, to a greater or lesser degree, conflict is part and parcel of the democratization process—and not simply an aberrance. At some point in the coming months or years, a new political system will be formulated through intra-Afghan talks. Stable democracy may be an elusive prospect, but that in itself is no reason to stop talking about democratization.

While critiques of elections in Afghanistan are robust and plentiful, there is a paucity of literature that summarizes Afghanistan's holistic experiences of democratization over the past twenty years and before.¹ This report helps to remedy this gap. It does this by considering democratization broadly: as an increase in the extent to which Afghans have been able and willing to interact with the state, and the nature of the Afghan state's response. In doing so, the report explores the substance of political continuity and change in Afghanistan. The report does not *measure*



An election official checks voter identification for the parliamentary elections in Mazar-e-Sharif, Afghanistan, on September 18, 2010. (Photo by Mustafa Quraishi/AP)

democratization formally according to these criteria, but it suggests that looking beyond elections is critically important to understanding changes toward democratization, based in Afghanistan's political culture and history, that have taken place in recent years. These changes are rooted in a popular demand for stability, accountability, and participation that the Afghan gov-

ernment could (and should) incorporate into a negotiated settlement with the Taliban.

Drawing on secondary research and interviews conducted in May, June, and July 2020 with Afghan and international experts with long-standing academic and policy interests in Afghan politics, the report puts Afghanistan's democratic history into broad political context in order to prevent short-term obstacles—however severe—from clouding an assessment of Afghanistan's democratic future. The report is divided into two sections. The first looks at Afghanistan's practical experience since 2001 of reestablishing democratic institutions and conducting elections. It does this in order to highlight the enormity of technical, political, and practical challenges that the Afghan government and its international supporters have faced in setting up democratic institutions amid escalating conflict. It emphasizes the contradictions of simultaneous statebuilding and military agendas and identifies lessons learned from these practical experiences of the last twenty years. The second section provides a broader political context onto which these practical dilemmas can be mapped. It discusses the nature and state of critical democracy components in Afghanistan by reexamining the connections between democracy and elections, questioning the meanings of legitimacy and representation, analyzing the importance of local-level decision-making, deconstructing ideas on decentralization, and exploring the roles of political parties. In doing so, it demonstrates a democratic topography in the Afghan political landscape that might not mirror that of Western, industrialized states but that is characterized by the spaces in which Afghans push back against state imposition. The Taliban can ignore this only at their peril: rule by force has a limited shelf life in Afghanistan

What emerge as cross-cutting themes from this two-part analysis are three core obstacles to both stability and substantive democratization. One is the use and threat of violence—by the Taliban and other actors—against the Afghan people. A stable political system in Afghanistan will never be achieved while the population is seen as expendable collateral damage for the ideological pursuits of would-be leaders. A second obstacle is the executive's tight grip on government appointments.

The current way in which the office of the president controls all appointments renders it the sole distributor of rent-seeking opportunities and contributes to the zero-sum, high-stakes nature of presidential elections, leading to lengthy postelection stalemates and unstable power-sharing agreements. And the third obstacle is the narrowness of Western thinking and policy on democracy, elections, legitimacy, and representation. Election days do not and can never constitute substantive democratization in Afghanistan. There is an urgent need to reassess what democracy and representation mean in Afghanistan and to consider holistic, hybrid political options.

The report concludes with a series of recommendations designed to strengthen the connections between elections, democracy, and stability in Afghanistan. These include the need for Afghan and international actors to prioritize local democratic processes above national arrangements for power-sharing; to adopt flexible structures for selecting and electing community leaders; and to devise a funding plan to deliver long-term but lower-cost international support with fewer opportunities for high-level corruption. Establishing local structures that facilitate stronger connections between citizens and their representatives will lend legitimacy and stability to the political process going forward.

Afghanistan's Practical Experience with Democracy since 2001

The US military intervention in Afghanistan in 2001 took place at the end of a decade of US democratization efforts worldwide. These were characterized by short-term investments and greatly exaggerated expectations as to their outcomes. Afghanistan provides a clear example of this approach to democratization. This section of the report examines different facets of Afghanistan's practical experience with democracy and democratic institutions since 2001. It also identifies some of the lessons to be learned from the difficulties and disappointments encountered in those two decades.

POWER-SHARING ANTECEDENTS

The Soviet Union's efforts to prop up Afghanistan's communist government, which had seized power in 1978, precipitated a civil war that the government and Soviet forces proved unable to win. In the lead-up to the Soviet withdrawal in 1989, faced with having to unite warring mujahideen, President Mohammad Najibullah and the People's Democratic Party of Afghanistan government developed the National Reconciliation Plan (NRP).² This plan comprised a comprehensive peace settlement complete with mechanisms included for both international engagement and local-level deliberation and reconciliation between warring parties. It utilized the framework of the Geneva Accords, signed in 1988 to provide international oversight of the process of Soviet troop withdrawal. The timing of the NRP, however, coincided with the dwindling of international support to Afghanistan, particularly after the collapse of the USSR. Without this support, the government was unable to implement the settlement, and civil war followed, leading to the eventual rise of the Taliban.³

In late 2001, following a US military campaign to expel Taliban forces from Afghanistan, the Bonn Conference created a road map for the establishment of a temporary political structure as the basis for permanent, democratic state institutions. This structure initially took the form of a power-sharing agreement between different factions that had fought the Taliban; the Taliban themselves were

excluded. Many commentators have since reflected on the short-sighted exclusivity of this agreement and hold it largely responsible for the following twenty years of violent conflict.⁴

The Bonn Agreement was thus based on the assumption that, like the United States, everyone in Afghanistan considered the Taliban to be fundamentalist, violent thugs whose means of enacting justice had no place in the modern world or a modern political system. This may have been largely true in 2001. But the corollary was not so straightforward: Afghans may have grown tired of the Taliban and their brutal means of enforcing their laws, but this did not mean that the Afghan people wholeheartedly supported the leaders gathered at Bonn or trusted their commitment to the institutions that were to form the new Afghan state. Yet international attention and condemnation of human rights abuses were focused on the Taliban, and the United States needed a government in place that would continue to fight both the Taliban and al-Qaeda. The United Nations did not want to cause rifts between the only actors it saw as being able to do this: bringing these military leaders into the bargain was seen as the best way to ensure stability in the short term.⁵ But as one Afghanistan expert interviewed in July 2020 stated, “In the quest for a ‘light footprint’ with no intent to ‘nation build,’ the West really ignored the myriad challenges associated with bringing commanders and warlords at all levels into the governance system . . . and both Afghans and the international community have been paying a heavy price for that oversight ever since.” In its support of these actors, the international community conveyed to them not only impunity but also power.

REESTABLISHING THE ELECTORAL PROCESS

Until 1973, Afghanistan was ruled by the Musahiban royal family, whose royal line and legitimacy had been established some 130 years prior with the second rule of Amir Dost Mohammad (1843–63).⁶ Modernizing forces in the early twentieth century brought about the incorporation of a constitution in 1923 that included provisions for an elected parliament.⁷ A revised constitution in 1964 led to parliamentary elections with limited suffrage in 1965 and 1969. The decade 1963–73 is often referred to as Afghanistan’s “decade of democracy.”

These elections, along with those held for municipal councils during the same decade, were not destabilizing. They took place in a political context in which control of central state resources was not contested (there were no elections for the head of state) and where access to these resources was not—as it is now—the guaranteed perk of winning a parliamentary seat.⁸ At the time, Afghanistan had twenty-eight provinces (compared with thirty-four today), but smaller electoral constituencies (as compared to the provincial constituencies today), and these permitted the maintenance of close and clear relationships between people and their representatives.⁹ And while a monopoly of force was largely held by the king, local powerholders maintained the ability to wield influence in their own areas—they needed the central state to exist, but they did not expect it to interfere too much in local affairs.¹⁰ A seat in parliament was valuable in that it represented a connection to the center, but the center was not the only source of patronage or local power, although by the 1969 elections it was moving in this direction.

Following the initial ousting of the Taliban, a new constitution was drafted by a commission set up following the Emergency Loya Jirga in 2002–03. The new document was based on Afghanistan’s 1964 constitution but featured some additions—including, for example, a provision for reserved seats for women in parliament and clauses pertaining to the powers of the president, who replaced

Even by 2004 . . . elections appeared to be serving quite different purposes than they do in established Western democracies. They were a formal springboard for the informal negotiations that would take place afterward.

the monarch as head of state. In the first draft, a prime ministerial position was included, consistent with historical precedent in Afghanistan. This was removed in the final draft, however, with more powers consolidated in the presidency. According to one report, Hamid Karzai, interim president, new leader of the Popalzai Pashtuns, and the US favorite for the role of president, had stated that he would not stand in

the presidential elections of 2004 if a prime ministerial position was included in the constitution.¹¹

The 2004 presidential election was widely viewed as an historic political and technical success. This was Afghanistan's first experience electing a head of state and, on the surface at least, surprisingly successful; indications of a smooth and well-orchestrated poll were even more remarkable given the country's recent emergence from violent conflict. The outcome was revealing. While Karzai was effectively standing as an incumbent after having led the interim government since 2001, a number of key leaders of the Northern Alliance (which had fought the Taliban since 1996), apparently representing different ethnic groups in Afghanistan, stood to compete against him, knowing that their odds of winning were poor. Candidates' motivations for standing were varied. As no census had been attempted since 1979 and there was thus no way of gauging the relative sizes of different ethnic groups, the votes won by each candidate provided proof of the size of his support base and indicated the slice of the political pie to which he felt entitled.¹² Karzai won with 55.4 percent of the vote, followed by Panjshiri Tajik leader Yonus Qanooni with 16.3 percent, Hazara leader Mohammad Mohaqiq with 11.7 percent, and Abdul Rashid Dostum with 10 percent.¹³ These votes translated into bargaining chips for cabinet and other government positions, establishing a trend for subsequent presidential elections.

Even by 2004, then, elections appeared to be serving quite different purposes than they do in established Western democracies. They were a formal springboard for the informal negotiations that would take place afterward, stoking crises and instability after every successive election.¹⁴

ELECTORAL INSTITUTIONS

The Joint Electoral Management Body (JEMB), a joint Afghan-UN body created by presidential decree to manage the first post-Bonn elections, was designed to promote collaboration and knowledge transfer between international experts and Afghan elections officials.¹⁵ Nevertheless, this cooperation was still to take place with a relatively small cadre of international staff (541) so as to ensure a "light footprint," and as one JEMB official observed in retrospect, in practice scant attention was paid to capacity building.¹⁶

This sidelining of skills-transfer initiatives in early polls was compounded by a "flood-and-drought" approach to international electoral funding going forward, whereby funds for elections would be committed and delivered only in the twelve or so months leading up to a scheduled poll and would dry up immediately afterward, leaving no longer-term support for fledgling electoral institutions.¹⁷ Accordingly, staff had to be rehired and retrained, and new funds sought, for each election.¹⁸ In addition, it added to the creation of a "contract culture." As one international analyst described in July 2006, "People are used to doing things here now as part of contractual obligations, and no more, and democracy here is proving to be just another large-scale contractual operation."

The formation of the Afghan Independent Electoral Commission (IEC) and Electoral Complaints Commission took place after the dissolution of the JEMB following the 2005 parliamentary elections in accordance with the 2004 Electoral Law. Financial and technical support were provided through a specially created UN body—UNDP ELECT (Enhancing Legal and Electoral Capacity for Tomorrow)—that channeled international donor funds to the IEC. IEC leadership comprised seven individuals, all of whom were appointed by the president. This connection to the executive, while in accordance with the constitution, compromised the autonomy of the commission from the start, even before senior electoral officials began to make comments in support of Karzai’s campaign in 2009.¹⁹

THE ELECTORAL SYSTEM

Since 2004, the president has been elected in a direct, majoritarian, two-round system in which all voters cast one vote for one candidate, who does not have to be affiliated to a party; the winner is whoever gets “50 percent + 1” of the vote. If no candidate achieves this outright, a runoff is called between the two front-runners. The electoral system chosen for the first parliamentary and provincial council elections—single non-transferable vote (SNTV)—is more problematic. As with the presidential elections, all voters cast one vote for one candidate in multimember constituencies (provinces), with each province having a set number of seats depending on its population. There is no limit to the number of candidates who can put themselves forward: the highest vote getters win the available seats, and again, no candidate is obliged to stand on a party ticket. This lack of requirement for formal political group affiliation means that it is difficult to build voting blocs in parliament and also difficult for parliamentarians to hold the executive to account.

The rationale behind this choice of system was ostensibly technical—keeping the system as simple as possible for a country with limited experience of voting. The decision was made quickly and at the last minute.²⁰ Yet it was also deeply political, in that it was designed to limit the development, capacity, and power of political parties. Karzai, who was head of the Transitional Authority in 2002–04, was notably averse to the idea of parties and never formed one of his own, preferring to present himself as an independent patriarch capable of steering the country alone.²¹ Karzai’s aversion to parties was also reflected in some public sentiment at the time—party politics were blamed for having divided the country and driven it into a brutal civil war.

SNTV has caused a number of problems since its adoption in the first round of post-2001 elections. First, in parliamentary and provincial council elections, it has meant that any number of candidates can register as individuals unaffiliated to parties in any one constituency, leading to ballot papers that look more like magazines than candidate lists. In Kabul’s parliamentary election, for example, even in 2005 the ballot was seven pages long and listed 390 candidates; and by 2018 the number of candidates had more than doubled (to 804) even though the number of seats available (thirty-three) was unchanged.²² Second, it has meant that the difference between the vote counts for candidates has often been very narrow indeed, in some cases being no more than a handful of votes; as a consequence, claims of even minor fraud could throw doubt on a result. Third, it has made parties’ campaigns difficult. Those parties that have narrowed their candidate pool so as not to split the vote between them have generally fared better and won more seats, but in many cases candidates who have been asked not to run by a party have



Afghan Sikhs show their inked fingers after casting their votes at a polling station in Jalalabad, Afghanistan, on September 28, 2019. (Photo by Mohammad Anwar Danishyar/AP)

simply campaigned as independents instead. Finally, SNTV has caused a great deal of “vote wastage” in parliamentary and provincial council elections, whereby the majority of votes cast have gone to losing candidates. This has left voters disappointed with the electoral process, even in places and at times where minimal fraud was thought to have taken place.

Calls to change the system and the electoral law more broadly have been frequently heard from civil society activists, political parties, parliamentarians, and international observers since parliament was elected in 2004.²³ As with debates about the system of government more broadly, however, calls to strengthen parties and bring in an electoral system that supports them have become associated with the non-Pashtun opposition groups, with Pashtun pro-government groups seeing much more to gain in keeping to SNTV and the status quo.²⁴

REGISTERING VOTERS

Voter registration has been highly problematic, not least because even now Afghanistan has no complete census data available. Partial estimates from the Central Statistics Office based on a 1970s incomplete census informed voter registration planning ahead of the 2004 polls. Between December 2003 and June 2004, 10.5 million voter registration cards were issued

Electoral malpractice . . . is different from systemic manipulation, which represents an intentional distorting of the public vote. The impacts of both in Afghanistan's conflict context render the relationship between fraud, insecurity, and disenfranchisement complex.

inside Afghanistan, reflecting a real enthusiasm among the voting public, but the paper-based registration system did not require reliable identification documents for citizens and allowed for multiple registrations. The United Nations' official estimate of people of eligible voting age in Afghanistan was considerably lower, at 9.8 million.²⁵

In 2003, the political imperative was to meet Bonn timelines and ensure that citizens who wanted to vote had documentation to allow them to do so. There was no effort

to link voters to polling stations: people could vote anywhere in the country for presidential elections and anywhere in the province for parliamentary and provincial council elections. All that was really known was the number of cards issued. By 2014, it was estimated that there were around 12 million voters but 23 million voter cards in circulation.²⁶

One of the key reforms promised as part of the National Unity Government agreement in 2014 was a complete overhaul of the registration system. In January 2018, however, after years of deliberations as to how this might be done, the 2018 voter registration process (and 2019 voter registration update) relied once again on the issuance of paper-based identity documents but added biometric voter verification (BVV) devices at polling stations.²⁷ Another change in 2018 was that voter lists were tied to polling centers for the first time. With many polling centers closed both ahead of time and at the last minute due to security concerns, this measure may have effectively disenfranchised voters who could travel to a different polling center if their own was closed.

COUNTING VOTES

Afghanistan's ballot-counting process often occupies many months and involves results being released partially. This sluggish and piecemeal process reflects the technical difficulties in collating ballots from across the country, the difficulties of verifying complaints, the increasing problems involved in separating fraudulent ballots from bona fide ones, bargaining between candidates and the IEC, and the continual stream of negotiations needed among different actors to determine the rules of the game at different points in the process.

In 2014, following a disputed runoff between presidential candidates Ashraf Ghani and Abdullah Abdullah, the entire eight million ballots cast were recounted by a UN delegation.²⁸ Even in this case, however, contrary to the agreement signed by both candidates ahead of the recount, results were never finally released. The National Unity Government that was formed as a means of resolving the dispute was based simply on a political agreement and not on votes at all.

In 2019, delays to the issuing of results were caused primarily by the need to reconcile various sets of official results that came into the central tally center. These included paper copies of the official results form; the photos of the same results form that were captured by the BVV device and transmitted to the IEC tally center in Kabul; the manually inputted data (the official results that were entered into a preloaded program in the BVV devices); and biometric data of the individual voters that was captured by the BVV devices throughout election day. This left minimal opportunities for bargaining as had existed in past elections at this stage in the process. Where

the bargaining took place, however, was in the political maneuvering around the acceptance or rejection of the electoral outcome. Even with a much cleaner tallying procedure, in 2019 the space for systemic manipulation was simply pushed to a later stage of the process.

FRAUD AND THE POLITICAL ECONOMY OF ELECTIONS

Fraud has been a consistent feature of all four rounds of elections since 2001. Yet, as a 2015 report of the UN secretary-general to the General Assembly clarifies, “an election in which fraud has taken place is not the same as a fraudulent election”—there may be numerous actors and more than one candidate committing different kinds of fraud, not just the winner or his or her team.²⁹ Electoral malpractice, for example, is different from systemic manipulation, which represents an intentional distorting of the public vote.³⁰ The impacts of both in Afghanistan’s conflict context render the relationship between fraud, insecurity, and disenfranchisement complex.

In its final report after the 2005 parliamentary elections, the JEMB wrote that some fraud had occurred, but this was to be expected in “a developing democracy.”³¹ Given the relatively successful presidential election the year before, and the continued time pressure to meet the deadlines laid out in the Bonn Agreement, electoral officials (including international experts) downplayed the levels of fraud. However, as a critical analysis had warned the previous year:

Being complacent about an “acceptable” level of flaws or fraud is a dangerous philosophy. . . . [I]n a political environment of extreme suspicion, distrust and rumour mongering, every logistical problem could easily give birth to a conspiracy theory which, in turn, could damage the perceived legitimacy of the election.³²

This prediction would prove remarkably accurate in the rounds of elections that followed. One or another conspiracy theory would emerge in both 2009 and 2014, as narratives of fraud from Abdullah’s camp led to external intervention in determining the outcome of each presidential poll. The fact that large-scale malfeasance did take place lent credibility to these narratives even if the actual amount of systemic fraud may not have changed the final vote count. Spurious allegations thus became a key part of candidates’ political strategies.

One of the reasons why candidates have not accepted electoral outcomes is the centralized nature of the political system, which allows one winner to control all state resources and appointments. Losing an election is tantamount to losing everything, not least the opportunity to reward supporters with positions in government, which in turn function as a means to generate illegal rents. Any future elections will further destabilize Afghanistan unless electoral stakes are reduced to encourage candidates’ acceptance of outcomes.

WOMEN AND ELECTIONS

In 2004 and 2005, much international attention was paid to the fact that around 40 percent of registered voters in Afghanistan were women—an astonishing figure given the limited political roles for women under previous regimes.³³ In addition, 27 percent of parliamentary seats (sixty-eight seats) were successfully won by women in 2005 as a result of a provision in the constitution reserving seats for women.³⁴ Women’s seats in parliament have very quickly become part of the accepted political landscape.



Afghan lawmakers attend the inauguration ceremony of the new parliament in Kabul on January 26, 2011. (Photo by Musadeq Sadeq/AP)

Women’s involvement in elections, both as voters and as candidates, has also brought about new opportunities for fraud. As pictures of women to prove their identities were not required on voter registration cards in conservative areas, men were able to “ghost vote” on behalf of fictional women in their household.³⁵

Parties have also been able to use women’s reserved seats to secure proxy representation in the legislature. Even so, the relationship between women who stood as party candidates in elections and the parties themselves has not been simply one of direct deference. Indeed, a number of women candidates who won with the support of parties in 2005 later denied these connections and refused to toe the party line once elected.³⁶ And while women legislators have not acted as a united parliamentary bloc to alter laws in support of women in general, some groups of women have been influential in this regard.³⁷ Other elected women have used their personal reputations in their home provinces to press for better services, to resolve disputes, and to advocate on behalf of constituents; by doing so, they have improved local impressions of the government.³⁸ Others have remained distant from their constituents or have reportedly become involved in the many opportunities for rent seeking that a parliamentary seat provides.³⁹ Just as with their male counterparts—and, indeed, as with legislators globally—the commitment of elected women to represent the interests of citizens varies considerably.

ELECTIONS AND VIOLENCE

Insecurity has plagued election planning from the start—even in 2004, the JEMB had to contend with the issue of how to conduct an election when threats of violence from the Taliban and former warlords with militias posed a problem in many areas across the country.⁴⁰ The process of demobilizing, disarming, and reintegrating fighters was behind schedule, and it became increasingly clear that the international community was encouraging an election in an insecure environment but was not willing to shoulder the cost of deploying more troops to enhance security.⁴¹

Elections themselves have fueled fear and violence—not only through Taliban threats but also through candidates or their influential supporters using the insurgency as a means to cover their own use of violence to undermine their opponents' campaigns.⁴² In many such cases, the threat of violence itself was enough to coerce people into ending their campaigns; in others, property was damaged; and in yet others, candidates were murdered either during campaigns or ahead of results being announced.

Violence and insecurity have also had indirect impacts on the political process, not least by disenfranchising those who live in insecure areas. For many parliamentarians, the journey home to their constituencies from Kabul is dangerous and has prohibited regular contact with constituents. Peaceful demonstrations have been interrupted by militants, who have launched devastating attacks.⁴³ As Scott Smith has argued, “While on the whole the electoral accomplishments in Afghanistan in the face of such chronic insecurity have been immense, it is increasingly apparent that chronic insecurity poses an insurmountable problem for the consolidation of democracy.”⁴⁴ Violence profoundly limits citizens' ability to interact with the state.

The Taliban have regularly denounced elections in Afghanistan because they believe that each successive Kabul government has been a proxy for US influence in the country. At times, and in some locations, they have attempted to violently disrupt election days; at other times, however, they have allowed people to vote and even purchased vote cards for themselves.⁴⁵ Their formal position on elections has also shown some variance: although in some fora they have linked the entire concept of elections to a Western system of governance imposed on Afghanistan, they have also highlighted the ways in which elections have been corrupted by elites, as if to suggest that the *manner* in which they are held is the problem, rather than elections themselves.⁴⁶

Aside from the question of whether or not the Taliban could accept some form of elections is the question of how they wish to engage with the issue of participation: For many years, positioning themselves against US-backed power-hungry elites in Kabul has been an effective PR tool and standing against fraudulent elections has served to bolster this stance. But given the extent of public support for elections in spite of their many flaws, the Taliban would have a difficult time imposing an authoritarian regime without the use of further, sustained violence. They have not taken issue in the past with some communities selecting their own leaders, and they may be convinced that supporting local-level deliberation in pursuit of community consensus could help secure their own local legitimacy and support. At the very least, the Taliban will need to come to terms with the inclusion of some form of local and national public participation in any political settlement that emerges from the ongoing Doha talks.

Democracy in Afghanistan's Political Landscape

As the preceding section highlights, behind every technical problem with the implementation of elections and the establishment of democratic institutions is a more complex set of political concerns. This section examines a series of key features of Afghanistan's political landscape—from legitimacy and representation to local-level decision-making, inclusivity, and decentralization—and discusses how underlying political dynamics have shaped Afghanistan's recent democratic experiences.

THE DEMOCRATIZATION-ELECTIONS NEXUS

In the early days of the US intervention in Afghanistan, the light footprint approach promoted by the Bush administration necessitated the prioritization of elections over the consolidation of democratic culture. The goal was to hold elections and establish a new government, not to build democracy.

While many analysts and practitioners of democratization in conflict-affected states acknowledge the difficulties and contradictions involved in establishing democratic processes, the link between elections, democratization, and accountability is even less straightforward than is often recognized and, in the case of Afghanistan, relies on a trio of shaky assumptions. First, it presumes that the leaders in question are wasting public money—taxes—to line their own coffers and that public outrage will be great enough to deny them reelection. Afghanistan's rentier state wastes aid money instead of taxes, and thus largely avoids this outrage. Second, it presumes that the end result of elections will not be superseded by elite negotiations. Third, it presumes that it would be in all actors' interests to see improvements in the electoral process.

From 2004 onward, it has been clear that the relationship between elections and democracy is tenuous at best. This is not least because the supposedly simple, negotiated political compact between the Afghan people and their government has been complicated by the influence of the United States, which has had a strong impact on the outcome of elections. This influence has not only been felt in the general terms of the ongoing military occupation, but has also taken more specific forms, such as pressuring Karzai to run for president in 2004, having US ambassadors visit opposition candidates ahead of the presidential election in 2009 in an effort to dissuade Karzai from running, brokering the negotiations that led to the National Unity Government in 2014, and downplaying the significance of the 2019 elections because of simultaneous peace talks with the Taliban that excluded the Afghan administration. In every presidential election, there has been some form of US involvement that has altered the process. As one expert interviewed for this study observed, "Elections were never resolved by the counting of votes, they were always resolved by the US." This has brought about what Scott Smith describes as the "desovereignization" of Afghan elections.⁴⁷ If elections are not sovereign, they are not democratic.

Yet three factors combine to suggest that democracy is understood, accepted, and appropriate in Afghanistan. First, relatively high turnouts of above 50 percent of the registered electorate in most elections (with the exception of 2018/2019) demonstrate the willingness of Afghan citizens to get involved and to shoulder what they see as their duty to select their leaders. This is bolstered by the history of communities interacting and negotiating with the state through chosen intermediaries

The principle of public participation in choosing leaders was never rejected or disdained. Indeed, community selection of leaders was wholeheartedly understood and welcomed as long as it was implemented within a *charchaokat-e Islam*—an Islamic framework.

and the established cultures of consensus that exist across Afghanistan, which lend themselves to community involvement in politics at both the local and the national level.

Second, democratic politics was the method of modernization chosen by the Afghan monarchy and the elites around it at different points during the twentieth century.⁴⁸ Democracy has never been seen in itself as an alien imposition in Afghanistan. Although the English-language term

“democracy” came to be associated, after 2001, by some Afghans with a sort of secular anarchy in which any kind of immoral behavior was permitted in the imposition (by the invading US forces) of un-Islamic cultural values, the principle of public participation in choosing leaders was never rejected or disdained. Indeed, community selection of leaders was wholeheartedly understood and welcomed as long as it was implemented within a *charchaokat-e Islam*—an Islamic framework.⁴⁹

Third, the vibrancy of Afghanistan’s media and the relative freedom of its press speak volumes about the suitability of democracy as a political system (and the unlikelihood of any other system taking hold). Candid reviews of government policy and programs and reports of government and Taliban misconduct regularly appear in print and online media despite the many threats to the safety of journalists. In addition, the way in which the 2009 Mass Media Law remains intact in spite of many attempts by the government to amend it, combined with the history of political organizations with their own well-known publications, reflects a continued desire among urban, literate Afghans to interact more with the state and hold it to account.⁵⁰

These three factors highlight a key dilemma: democracy is the right system for Afghanistan, but Afghan democracy needs to develop on its own terms without heavy-handed international intervention. Yet the interests of Afghan elites lie in keeping a corrupt system intact, and the interests of the US foreign policymaking establishment lie in demonstrating the positive legacy of its own political investment in Afghanistan.

POPULAR LEGITIMACY AND POLITICAL REPRESENTATION

The international intervention has rested on the assumption that legitimacy can be established through government service provision and elections in a virtuous cycle: government provides basic services to citizens, citizens are content, and then citizens vote in elections to support the government. This has been the driving force behind both initial statebuilding efforts in Afghanistan and the counterinsurgency strategy characterizing many years of US military engagement. Yet this assumption should be examined and problematized.

Historically, popular legitimacy has been tied to a leader’s ability to provide stability. According to one Afghan expert interviewed for this study, “People in Afghanistan tend to accept the ruler under whom they think they can have a stable life and the means to support a decent lifestyle.” Given the way in which domestic revenue generation has often been limited, this ability to provide stability has often been tied to perceptions of a leader’s ability to secure international patronage. This requirement has also necessitated that leaders strike a delicate balance between, on the one hand, attracting foreign funds and, on the other hand, retaining sovereignty and defending autonomy from foreign interference.



From left, Secretary of State John Kerry, Afghanistan's presidential candidate Ashraf Ghani Ahmadzai, and Afghan presidential candidate Abdullah Abdullah during a joint news conference in Kabul on July 12, 2014. (Photo by Rahmat Gul/AP)

As has been seen in many examples of local leaders and strongmen across the country who have lost parliamentary elections, legitimacy can remain intact without election to formal office. The corollary is also true—those elected to parliament who have lost their connections to home constituencies also lose legitimacy in the eyes of voters for having “disappeared” to Kabul and enriched themselves. Although the ballot box can contribute to legitimacy, legitimacy in leadership can be secured by many other cultural and historical factors—for example, those that relate to reputation, protection, service provision, religious piety, and the ability to unite warring factions.

REPRESENTATION

The question of what is seen as constituting political representation in Afghanistan is complex but some general observations can be made. First, those who are old enough to remember the elections in the 1960s talk about smaller constituencies and fewer representatives providing a much more direct connection to the central state.⁵¹ This desire for such a connection to the state is heard in both urban and rural areas. Representatives (known in Dari as *wakil*) are expected to petition the state on behalf of their constituents—indeed, the word *wakil* translates more accurately as “advocate” than “legislator” or “member of parliament.”

One resident of an urban district in Western Kabul emphasized that he knew where his provincial council representative lived and could hold him to account (*ekhanesh gereften*, which means literally, “grab him by the collar”) if necessary.⁵² This idea of familiarity (*ashnai*) with representatives is frequently voiced by Afghans and forms the basis of what it means to be represented properly—for many Afghans, you cannot be represented by someone you do not know.⁵³

Of course, this poses a problem when talking about democracy on a national scale. Making constituencies smaller to allow, for example, for single-member districts is fraught with problems. The political negotiations required to decide on new constituency boundaries, and the likelihood that these would threaten, rather than enable, cross-ethnic and cross-sectarian political linkages, underscore the complexity of this task. In addition, there is very limited political will among the leadership to change the status quo.

Any attempt to secure more robust representation at the local level would also likely increase the intensity of opposition to the central government and increase pressure to devolve some of the powers of the presidency. Thus, current and past presidents have, unsurprisingly, shown little interest in pursuing a path to strengthening local representation. For this reason, this report strongly recommends an upside-down approach to democracy’s reinvention in Afghanistan, one that builds from the bottom up. This approach could also go some way toward convincing the Taliban—and, indeed, other groups that are opposed to the current government—to take part in elections.

DECISION-MAKING AT THE LOCAL LEVEL

Decision-making by consensus among local elders—through *jirgas* (tribal councils) or *shuras* (a similar but broader form of community consultation)—has featured across the country in varied forms for many centuries and is a critical foundation for public participation in governance, if only indirectly for many people (especially women). Having one’s community, subtribe, or wider family represented by locally accountable, recognizable leaders is a familiar means through which both to resolve disputes when the presence of the state is minimal (or its intervention is undesired) and to communicate needs and concerns to the government. A close look at these structures reveals key attributes of what are broadly considered legitimate means of decision-making and resource sharing.⁵⁴

Prizing community harmony over individual rights and conferring collective responsibility for restorative justice are characteristics ostensibly at odds with the majoritarian elections established after 2001, which not only demarcated winners from losers as elections must do, but, on account of the SNTV system, did so with extremely narrow margins. Relatedly, bloc voting within communities has been common across Afghanistan in all rounds of elections—a practice seemingly at odds with Western conceptions of secret, individualized voting.⁵⁵ The relatively narrow definitions of “democracy” held to by most international democracy promoters can render jirga-based models of democratic deliberation, bloc voting, and indirect representation “undemocratic”—especially if they are not connected to national election days—but this view is short-sighted and obstructs a fuller understanding of representation. What is more, because bloc voting often leads to high percentages of ballots within any one box being cast for the same candidate, communities have often seen their ballot boxes considered fraudulent, or “stuffed,” according to official audit regulations, and thus have had their votes discounted.



A voter gets his biometric data verified at a polling station in Dara, in the Panjshir valley of Afghanistan, on August 28, 2019. (Photo by Jim Huylebroek/New York Times)

Still, informal governance mechanisms at the local level should not be romanticized. In the years since the international intervention began, the influx of aid money, weak mechanisms for keeping track of funds spent, and self-serving local powerholders have combined to render many community councils corrupt and predatory.⁵⁶ Without formal checks and balances, these informal arenas of decision-making

gone rogue can do more harm than good. Combinations of informal and formal mechanisms, such as in the National Solidarity Program model, where local communities elect their own development councils, have demonstrated the potential to work well, although experiences in different communities across Afghanistan have varied. As Staffan Darnolf and Scott Smith note, “Between June 2017 and March 2018, nearly five thousand locally organized and administered Community Development Council (CDC) elections were held, featuring high voter turnout and few complaints or disputes.”⁵⁷ Their report rightly concludes that this indicates “a strong democratic impulse” in Afghanistan. Indeed, given this finding, serious further consideration should be given to formalizing hybrid models of democratic selection at the local level.

INCLUSIVITY

Afghan Pashtuns have a term for inclusive government: *perakh bansat*. This refers to a kind of equilibrium where all ethnic groups are represented in ways proportional to the size of their group vis-à-vis the population as a whole. In the words of one government worker from Nangarhar in eastern Afghanistan: “*Perakh bansat* is like the wide wall with wide foundations. A *perakh bansat* government is where all the people have limited rights or power, so that they are represented but they are not able to inflict harm on another group.”⁵⁸ Others feel the term *perakh bansat* reflects notions of social justice, with every group having its fair share of access to state resources.

The balance described here reflects the consensus culture of Afghanistan that stands in direct contrast to the current formally majoritarian system. This consensus culture is far closer to Arend Lijphart’s notion of consociational democracy, whereby stability is guaranteed through the cooperation of elites at the central level, all of whom represent certain minorities and all of whom have an interest in keeping the system running.⁵⁹ The problem with consociational systems, however, is that they tend to enshrine in law divisions between ethnic or religious groups that might otherwise be replaced by

policy- or platforms-based politics at some future point. Within the context of Afghanistan’s current and future political arrangements, the question that must be answered is whether it is better to have a formal power-sharing agreement along consociational lines that demarcates every group’s share of the political pie or a system that de facto accomplishes that result but is formally characterized by an all-powerful president, as was the case under Karzai. In terms of stability, the former would be clearly preferable, especially if there were some way to allow for change in the composition of groups and their leadership—for example, by codifying a review of the process after a given period of time. To cite the United Kingdom’s Stabilisation Unit (a cross-government office tasked with reducing conflict and increasing stability internationally) on elite bargains, “For stability to hold in the long term, *inclusivity must be increased over time, so that those constituencies that provide elites with their authority are brought into a political process*” (emphasis added).⁶⁰ Yet assumptions that change in Afghanistan’s system will organically occur in time have been proved wrong thus far, and elites have entrenched their authority even as they have grown less representative of their communities.

POLITICAL PARTIES

Political parties have been active in Afghanistan since the early twentieth century. Their history began in the constitutional movements of the 1900s, and since then they have performed a number of functions, including mobilizing opposition to central government (both within the legislature and outside); fostering civic education; resisting (sometimes peacefully, sometimes violently) occupying forces; promoting new ideologies; and channeling foreign funding and influence into Afghanistan.⁶¹ As institutions, they have been largely confined to the fringes of Afghan politics by successive national leaders, who have been afraid to encourage their development. This fringe activity led to their exile during the 1970s and their return to Afghanistan as militant groups fighting the Soviet invasion in the 1980s. By 2001, their public reputations were tied to their role in the resistance but more importantly to their actions in the civil war of the 1990s. As noted, Karzai ensured their political marginalization in the early years after Bonn, which had long-term consequences. Even in 2018, only 8 percent of candidates in the Wolesi Jirga elections registered as political party candidates.⁶²

Making the electoral and broader political system more conducive to party development would go a long way toward nurturing political stability in Afghanistan’s longer-term future. The provision of political space for parties to mobilize within the system would be a good way of organizing political debate, allowing the entry of new political actors, and improving election management. But structural reform of this kind would need to be accompanied by attention to detail not only in legislation to encourage parties to play a larger role but also in accompanying regulations. As one expert interviewed explained, the devil is in the detail: “Laws without regulations will not lead to stable governance.”⁶³ At present, parties are registered by the Ministry of Justice, but this arrangement compromises the neutrality of the relationship between parties and government. An independent registration body could regulate party affairs and provide oversight to their activities. Party finance, for example, needs to be more accurately documented and regulations put in place to encourage the internal democratization of parties. These kinds of measures could encourage party institutionalization to a point where elites and citizens—perhaps even the Taliban—begin to have greater faith in parties as mechanisms for strengthening interactions between government and citizens.



An Afghan elder, center, speaks to Afghanistan's then chief executive officer, Abdullah Abdullah, during the leader's visit to Faizabad, Afghanistan, on July 13, 2015. (Photo by Massoud Hossaini/AP)

DECENTRALIZATION

Decentralization has long been a divisive issue and is now highly politicized. In the Bonn deliberations, it was assumed that the country would adopt a parliamentary system at some point.⁶⁴ However, since then the term “decentralization” has come to be associated with Abdullah Abdullah’s camp, with the Tajik-dominated Jamiat-e Islami party, and with Tajik interests more generally, not least because this would allow greater devolution of powers toward the non-Pashtun ethnic minorities. This group has continually called for a parliamentary system with a prime ministerial position added—indeed, the National Unity Government agreement stipulated that a constitutional Loya Jirga would be called before 2016 primarily to enact these changes. This has yet to occur, and tensions remain high over the state’s structure.

However, with ethnic and political interests tied so strongly either to the existing, centralized system or to an alternative, decentralized one, it is unlikely that the Jamiyat Party’s grand vision of a purely parliamentary structure will materialize. If a negotiated, practical, and implementable compromise is to be found between the two extremes, both sides must relinquish their zero-sum ideals and settle for a practical accommodation that appeases their respective demands.

Within the Taliban there are different views on this subject. In the 1990s, they pursued a dual

strategy of claiming the central state while paying attention to the relative autonomy of local communities. This approach built on previous patterns of what Olivier Roy calls “externality and compromise”—semi-formalizing a negotiated relationship between the state and local communities. If talks between the Afghan government and the Taliban progress, this kind of model might prove some form of compromise without radical structural change, if the Afghan government honors its stated intentions “to decentralize administrative power and authority within the current constitutional system.”⁶⁵ Again, starting at the local level could be a first step in a practical, phased process of reshaping the state from the bottom up.

Democracy, Elections, and Stability Going Forward

This report has highlighted how violence, an executive with a tight grip on power, and a narrow view of what constitutes democracy hinder the development of a stable, democratic Afghanistan. Yet stable governance is urgently needed, especially in light of the Biden administration’s decision to abide by commitments made in the February 2020 agreement with the Taliban to withdraw all US troops in 2021.

Stable governance in Afghanistan has been achieved at various points in the country’s modern history through continual, negotiated, and often informal compromises between local communities, their leaders, and the central state. In many cases, this involved local strongmen retaining some power and authority in their own geographical areas but also delivering some services and infrastructure to their local populations. Even considering current levels of violence and uncertainty, there may be opportunities—if and when a political settlement develops—to improve on this model by creating a more participatory hybrid system at the local level in which these leaders might be better held to account.

Stability was also achieved at various points in the past by making decisions by consensus and compromise at all levels. Stability involved limited taxation; the limited imposition of top-down, center-periphery, or outside-in social change; and a shared belief among Afghanistan’s various groups that they were receiving a fair share of state resources. It required leaders to maintain a careful balance of external interests in the country and to respect religious leaders without endowing them with impunity on the basis of their status as religious leaders. Within the political landscape, some limited opposition to central government was tolerated.

This stability, however, did not last because it ultimately relied on the sufficiency of the status quo. In the name of stability, the country’s rulers imposed strategies that precluded opportunities for forward-thinking politicians and, more importantly, for parties to contribute their ideas—but this proved perilous, because any organized opposition to ruling powers was disallowed and pushed to the fringes of politics, where groups with grievances were not able to voice them in public and instead developed radical, militarized agendas.

The significant changes brought about in the last two decades—not least changes in public expectations of what the government should provide its citizens—have altered notions of

Many Afghans see no alternative to elections even if they are fraudulent and destabilizing. While they might well prioritize security from violence over elections in the short term, voting rights are still widely valued across Afghanistan.

legitimacy. Although service provision still does not equate to legitimacy, legitimacy without any service provision is difficult to imagine. In addition, Afghanistan is now emerging from a twenty-year period of intense international attention and resource provision that created opportunities for extortion and corruption beyond anything experienced before. These resources have been inherently destabilizing because the elites acquiring them *depend* on limited

government oversight to maintain their rent-seeking uninterrupted.

Meanwhile, with US forces scheduled to exit the country by September 2021, Afghanistan is experiencing a rise in violence. The Taliban's Political Commission in Qatar has shown no formal indication of being willing to commit even to reductions in violence against the Afghan people, let alone to participating in a political process. For this reason, and to help curb the hubris of the Taliban's position, it is paramount that troop withdrawal be accompanied by the imposition of stringent conditions on the provision of future aid to any power-sharing government that might ensue from intra-Afghan talks: no aid, except for humanitarian assistance, should be provided without a significant reduction in violence against the Afghan people. Regional diplomacy will also be required to ensure that Pakistan, Iran, Saudi Arabia, and Russia do not simply expand their bilateral support to fill the gap.

These aid conditions—not unlike those imposed by the Biden administration on military coup leaders in Myanmar—must be combined with a limited US role in Afghan politics. *If* a power-sharing government develops as a result of the Doha talks, the United States should condition aid on international monitoring of the power-sharing agreement—with provisions for inclusion and elections—but it should not interfere in the outcome of these elections, as it has done in the past. The United States should accept that it will not be able to dictate the details and character of any political system that follows. Indeed, the only kind of political system conducive to long-term stability in Afghanistan will be one that is created by Afghans in intra-Afghan talks.

Both during the ongoing peace negotiations and, if they lead to a power-sharing agreement that envisages a democratic future for Afghanistan, during the implementation of that agreement, Afghan and international actors should bear in mind the following lessons from the country's experience with democracy and elections over the last two decades.

First, a power-sharing agreement that distributes executive power more evenly is critical to stability in general and to the credibility of any future elections. However, it will need to be tied to formal international standards and time frames that are monitored by an international body. These standards should include mechanisms through which to expand inclusivity beyond elite control.

Second, new expectations for public participation in leadership selection have been set. Many Afghans see no alternative to elections even if they are fraudulent and destabilizing. While they might well prioritize security from violence over elections in the short term, voting rights are still widely valued across Afghanistan. If the Taliban do gain a share of political power in Afghanistan after the departure of US troops, and want to keep it, they will need to come to terms with the popular expectation of democratic participation.

Third, implementing reforms to promote substantive democratic governance at the local level as soon as possible is key to establishing stability in the longer term. Representation and accountability at the local level demand much more attention than the afterthought they have become since 2001.

Fourth, radical improvements in governance and accountability can be made without or before structural change to the political system. For example, governance at the local level could be strengthened by communities being able to choose village and district council representatives according to new regulations that do not insist on adhering to the principle of one person, one vote but give these communities options on how to choose advocates at the district and provincial levels. This would help avoid expensive and likely fraudulent direct local elections organized at the national level.

For better or worse, for twenty years Afghans have often looked to the United States and its priorities to gauge the strength and influence of their own leaders. Following the departure of all US troops, if and when talks lead to the establishment of a new government, a US commitment to a long-term but low-cost set of investments *closely tied* to international standards for regular national elections *and* consistent investment in electoral institutions would provide much needed reassurance to many Afghans that Kabul still has the international backing it needs to provide stability to its citizens. Investing in flexible, familiar local-level representation could facilitate more substantive democratic participation, potentially translating the elections that do take place into accountability mechanisms that work.

Notes

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