

Afghanistan's Alternatives for Peace, Governance and Development: Transforming Subjects to Citizens & Rulers to Civil Servants

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ABSTRACT

The policies of the United States and its international partners in Afghanistan during the past eight years have proven wrong-headed and ineffective in delivering the promised peace, stability and democratic governance. This paper critically examines the underlying assumptions behind these failing policies and explores alternative approaches to rescue Afghanistan's war-to-peace transition. Faulty assumptions on the part of key US government advisors, decision makers and many of their Afghan and Pakistani clients have contributed to the resurgence of the Taliban and a crisis of trust for the Karzai government and the internationally supported state-building process. The Obama administration must discard the misguided policies of the past and adopt a historically informed and culturally sensitive strategy aimed at fundamentally changing the governance system in Afghanistan, rather than simply reinforcing the current dysfunctional regime through increases in levels of military and economic assistance.

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Thank you for your interest,

John English

The Failure of the US and International Community's Policies in Afghanistan

There is an emergent consensus that the policies of the US and international community in Afghanistan are wrong-headed and ineffective in delivering the promised peace, stability and democratic governance for the peoples of Afghanistan and the wider region (GAO, 2008; Jones, 2009). Questions about the causes of current policy failures are arising with greater frequency in the international media, the Afghan national media, and even more vociferously on the “Afghan street” and in villages.¹ Increasing doubts about the efficacy of these policies have also given rise to debates about how best to reverse the situation.² The concerns raised by some donors to Afghanistan, not surprisingly, are not the same as those expressed by Afghans, whose hopes have been shattered by these failed policies. The questions asked (or not asked by specific constituencies) and how they are answered offer windows into the nature of the challenges facing policy makers, both Afghans and their international patrons. The most frequently asked key questions about the war in Afghanistan by the international community are:

- Did the United States fail to devote the necessary military resources (especially the numbers of boots on the ground) to the “real war on terror” against al-Qaeda and the Taliban in Afghanistan because of the war in Iraq, as US President Barack Obama and others, including Afghan government leaders, have alleged?
- Has the war against the Taliban and al-Qaeda been poorly planned and executed from the beginning, perhaps because of the initial ease of victory against the Taliban regime and subsequent preoccupation with fighting al-Qaeda instead of the Taliban?
- Why were the Bush administration and its coalition allies so soft on the Pakistani military and their intelligence services (ISI), which have obviously been aiding and abetting the Taliban, especially within the Federally Administered Tribal Areas (FATA) near the Afghan border?
- Have the US and its allies been too slow in building Afghanistan's key institutions, especially in creating and equipping a large Afghan National Army (ANA) and Afghan National Police (ANP) force to secure the country?
- Why have all the attention and resources funneled to the poppy eradication campaign and narcotics control made such little impact?
- Could the resources of the US and her coalition partners have been more effective if directed to economic development projects aimed at improving

¹ The unprecedented demonstrations all over Afghanistan, including in some small district centres, against the recent military action by Israel in the Gaza Strip in Palestine (December 27, 2008 to January 17, 2009) have largely been ignored by Western media. These spontaneous reactions, where protesters burned US and Israeli flags and effigies of their leaders, are a powerful illustration of the Afghans' disappointment and disillusionment with the United States.

² For a recent similar effort by the US Institute of Peace, see Their, 2009. Another important conference, “Beyond the State – Local Politics in Afghanistan,” was organized by the German research organization ZEF, held at the University of Bonn (February 26-28, 2009), where twenty-two presenters examined the causes of policy failures in post-Taliban Afghanistan from the bottom up.

Author Biography

M. Nazif Shahrani, born, raised and partly educated in Afghanistan, is currently the chairman of the Department of Near Eastern Languages and Cultures and professor of anthropology, Central Asian and Middle Eastern studies at Indiana University, Bloomington. Before joining Indiana University, he taught at the University of California, Los Angeles (UCLA); the Claremont Colleges; and the University of Nevada, Reno. Prof. Shahrani has held post-doctoral fellowships at Harvard and Stanford Universities and at the Woodrow Wilson Center for International Scholars at the Smithsonian Institution. He has conducted extensive ethnographic field research in Afghanistan, and studied Afghan refugee communities in Pakistan and Turkey. Since the ouster of Taliban from power, he has regularly visited Afghanistan, publishing widely. He is currently working on a book entitled *Post-Taliban Afghanistan: The Challenges of State-Building, Governance and Security*.

the living conditions of the impoverished peoples of Afghanistan, both rural and urban?

- Was the exclusion of the Taliban from the Bonn Agreement and the interim government that followed it a mistake, as Lakhdar Brahimi recently suggested (2008a and 2008b)?

The security situation worsens almost daily in large parts of the country, and is aggravated by the rising casualties of innocent Afghans in aerial bombardments of villages in conflict zones – principally due to a lack of coordination between Afghan government and coalition forces, and even within the coalition forces themselves. As such, ordinary Afghans, members of the Afghan parliament and the national media are also asking the following:

- Are the powerful US and NATO forces truly in Afghanistan to bring peace and security, or rather to victimize and humiliate Afghans in their own homes and villages?
- Since the international forces have failed to secure the country to date, what are their hidden motives for being in Afghanistan and the region?
- Why are the US and NATO, with encouragement from their Afghan clients, disarming and disempowering important local and regional leaders – especially in the non-Pashtun regions of western, central, northern and northeastern Afghanistan – by labeling them “warlords,” while re-arming and empowering Pashtun tribal figures under the pretext of support for counter-insurgency operations in the southern and southwestern regions along the Pakistan border?
- Why have President Karzai’s repeated appeals (including offers of amnesty) to the so-called “moderate” Taliban and, more recently, President Obama’s invitation to the negotiating table, fallen on deaf ears?

This paper is devoted to the following crucial questions: What are some of the fundamental assumptions behind the failing policies of the United States and her NATO allies in Afghanistan, and why are they failing? More significantly, what might be the alternative sustainable outcomes/approaches to these policies in order to rescue Afghanistan from yet another disaster before it is too late?

Faulty Assumptions Based on a Dysfunctional Political Culture

To answer these questions, it is best to begin by examining the soundness of some of the key assumptions held by the architects of the Bush administration’s Afghanistan policies. These assumptions, advocated by key Afghan-American figures representing the governments of both Presidents Bush and Karzai, were fundamentally flawed (Ahady, 1995; Starr, 2001a, 2001b, 2001c, 2002). Faulty assumptions resulted in flawed policies which, in turn, led to a crisis of trust in the Kabul government and its international allies that helped produce the current security crisis. It is incumbent on the new US administration to seek alternative ways to address and correct these problems, instead of just increasing the levels of military and economic support for the government in Kabul. As Senator Joseph Lieberman said on January 29, 2009, at the Brookings Institution:

We must...take tough action to combat the pervasive corruption that is destroying the legitimacy of the Afghan government and fueling the insurgency. This requires more than threatening specific leaders on an ad hoc basis [or increasing the levels of support to the same corrupt regime]. Because the problem is systemic, it requires a systemic response (Lieberman, 2009).

No correction of the current policies, however, will be possible without critical attention to Afghanistan’s century-long, violent history of state and nation building and its accompanying dysfunctional political culture and state-society relations.³ The faulty assumptions propagated by the new Afghan ruling elite over the past eight years are a product of a flawed understanding of the considerable changes experienced by Afghan society during the past three decades of war. Particularly misread are the people’s changed expectations of government. Without an honest assessment of these legacies and a willingness to adopt more appropriate policies aimed at systemic change in the way Afghanistan is governed, it will be virtually impossible for the US and her NATO allies to deliver their promises to the Afghan people.

Before discussing the current policies and their underlying assumptions, it is prudent to briefly outline some of the key elements of Afghanistan’s political culture. Afghan

³ For details see: Shahrani, 1986, 1990, 2008a, 2008b and 2008c; Barfield, 2004; Allan, 2003; Muhiyuddin Mehdi, 2008; Rahimi, 1387; Rasuly-Paleczek, 2001; Saikal, 2004; Santos, 2003.

political culture has been molded by over a century of violent, oppressive, tribal dynastic rule imposed on an ethnically diverse, subject population in a post-colonial buffer state. The goal of the ruling elites from the very start of the state formation project has been to build a strong centralized state by means of modern arms and financial subsidies/aid from foreign colonial and post-colonial powers. This task was accomplished by terrorizing, subjugating and efforts to homogenize the diverse populations of Afghanistan.⁴ Proper attention must be paid to the myriad disturbing legacies of past policies. Such understanding is critical for current US and international efforts to end the cycle of violence in Afghanistan. As Edward Said suggested, "... the writing of history is the royal road to the definition of a country" (Said, 2003: 77). The problematic assumptions so valued by both the Taliban and key elements of the post-Taliban ruling elite are sustained, at least in part, by these legacies.

Political dynamics in Afghanistan generally, and especially those of the ruling circles since the last decades of the nineteenth century, have been shaped by the closely connected ideals and practices of the following institutions: kingship (monarchy); kinship (clan/tribe) and, among the Pashtun, the accompanying values of *pashtunwali* (the Pashtun code of male honor); Islam; and the political economy of dependency on foreign subsidies or assistance. The impact of each of these institutions and their accompanying principles on the behavior of individuals, groups (both large and small), rulers and subjects are undeniable.

Kingship: Afghan (Pashtun) monarchs, beginning with Amir Abdur Rahman (ruled from 1880-1901) and his son and successor Amir Habibullah (ruled from 1901-1919), claimed to rule by divine right. Amanullah Khan (ruled from 1919-1929) attributed his claims to the Afghan throne to the will of the "honorable nation of Afghanistan" to put "the crown of the Kingdom" on his head. Nader Shah (1929-1933) credited "the exclusive help of the Almighty God" and "the sacrifices of the peoples of Afghanistan." King Amanullah, the failed reformist ruler, introduced constitutionalism as another important source of his sovereignty/legitimacy, which became the standard for all of his successors and persisted after the monarchy

⁴ The major patrons since 1880 include: British India, which laid the foundations for "modern" Afghanistan as a buffer-state and remained the main patron of the Afghan rulers except during the Amanullah era (1919-1929); Amir Habibullah II until after WWII; the US and USSR during the cold war era, culminating in the occupation of Afghanistan by the Soviet Union during the 1980s; Pakistan, Saudi Arabia and Iran, fighting their own proxy wars during the 1990s (see Tanin, 1996); and now the United States and her coalition partners.

fell (Shahrani, 1986). In practice, however, sovereignty was exercised whenever possible by means of a relatively large army, *gendarmerie* in rural areas, and police in the cities and towns. These forces consumed the meager resources of the state, which were generally supplemented by foreign subsidies. Another significant vehicle for exercising sovereignty was the creation of an extensive system of corrupt Shari'a courts (Ghani, 1983 and 1978; Kakar, 1979). On the whole, Afghan rulers did not trust their subjects (although some did so far more than others) and the two groups lived in mutual fear of each other.

The most significant legacy of the monarchy is a claim to exclusive rights of personal sovereignty over their subjects by rulers, whether monarchs, presidents (interim, transitional or elected as in the case of Karzai), or even Burhanuddin Rabbani (head of Mujahedeen government, 1992-1996/2001) and Amir Mullah Muhammad Omar (the Taliban spiritual leader). This problematic claim by members of one ethno-tribal community over the rest has turned into a virtual demand by Pashtun elites. The justifications offered for this demand have been twofold: that Pashtun rulers were the founders of the modern state of Afghanistan (in 1747, 1880 and 1929) and they claim the Pashtun constitute a demographic majority, though a census has never been taken (Ahady, 1995; Starr, 2004 and 2001d). The most important right of sovereignty, other than how violently rulers have dealt with their political opponents (real or imagined), is the right to appoint, promote, demote and dismiss all government officials, from cabinet ministers to the lowest local administrators, within a centralized system of rule. In practice, the exercise of this right has been strongly affected by the next important component of Afghanistan's political culture: kinship.

Kinship: Kinship is the most significant social organizational principle at the local level throughout the country. Higher levels of *qawm* (clan, tribe, ethnic group, etc.) in national politics are based on patrilineal descent and patriarchal authority. Kinship has also been an important, but problematic, factor in the history of dynasties and post-dynastic regimes. Within Pashtun ruling families, kinship relations based on the common practice of polygyny have been constant sources of tension, leading to serious and sometimes bloody crises of succession. Such conflicts have been aggravated by the ideals and practices of *torborwali*, an aspect of the Pashtun code of male honor/chivalry (the *Pashtunwali*) which promotes intense competition among paternal first cousins, often

resulting in violence and vendettas. At a higher level (beyond extended family), the same principles are the cause of considerable hidden and not-so-hidden rivalries for access to outside money and weapons within and between members of extended families, lineages, clans and tribal formations (e.g., Durrani vs. Ghilzai).

At the national level, kin-based identities (which in practice also include ethno-linguistic and sectarian loyalties) have resulted in the creation and application of social hierarchies in which the royal household is at the apex, closely followed by the Durrani and then Ghilzai Pashtun. The Hazaras are at the bottom, with all other groups holding places in between. As a result of past practices, tribal, ethnic and regional identities have played an increasing role in national politics. Indeed, identity politics have led to rampant nepotism in the appointment of government officials (of all ethnic groups, not just the Pashtun) and the allocation of state and/or outside resources to individuals, communities and regions. Paradoxically, kin-based groupings at the local level have helped maintain the most durable and resilient communities of trust in rural villages, nomadic camps and urban neighbourhoods (*mahulla* and *guzars*). These communities of trust operate in the form of informal local *shuras* (council of elders), resolving disputes (over property and other claims) and mobilizing to defend and protect themselves in times of crisis. They are the most precious resource Afghanistan possesses for building a stable and sustainable state.

Islam: The centrality of Islam in Afghanistan's national politics, especially its applications in rulers' claims to state power and authority, and as the principal vehicle for mobilizing the Afghan people for political and military action, is extensively documented. In addition to politicizing communal identities (especially between Sunni and Shi'a, rural and urban, Islamic and secular nationalist, and Communist and Muslim traditionalist groups), the role of Islam in Afghan politics has intensified tremendously in the recent decades of war and turmoil. This societal change, however, has not often been properly understood or acknowledged by secularized Afghan expatriates returning from the West (as well their foreign patrons) to rule the country. These expatriate elites, who constitute the new technocratic rulers of post-Taliban Afghanistan, did not directly experience the *jihād* resistance during the 1980s and its aftermath in the 1990s, either inside the country or in the refugee environments of Pakistan and Iran. They are ill informed about the profound intensification of Islamic awareness among the

masses, brought about through prolonged exposure to the more conservative teachings of the *Deobandi* and *Saudi-Wahhabi* schools of Islam. This trend is particularly apparent among Pashtun communities in the eastern and southeastern parts of the country, close to the Pakistan border; their overwhelming support for the Taliban in the 1990s and the current Taliban resurgence is a powerful testament to the changed Islamic expectations of ordinary Pashtun tribe members.

The post-Taliban leaders of Afghanistan (Pashtun and non-Pashtun alike), especially those who have returned from years of exile in the West, have tried systematically to marginalize or discredit the Mujahedeen leaders (good and bad alike) by labeling them "warlords," a moniker used extensively in the international media and even by some scholars.⁵ Their presumed success in co-opting, restraining and sidelining the Mujahedeen and other local and regional leaders, if not reconsidered and corrected, could have negative long-term consequences for the Karzai government. The ordinary people of Afghanistan, especially at the local community level, have a fairly sophisticated assessment of their own local and regional leaders (Mujahedeen and otherwise) and, contrary to media claims, they do not live in constant fear of the great majority of them.

The relationship of ordinary Afghans with Islam has been entirely devotional and a source of guidance for managing their personal and collective lives. The relationship of their rulers, regardless of ethnic and tribal affiliation, with Islam has, with rare exceptions, been purely instrumental and generally ambivalent or negative throughout Afghan history, including the post-*jihād* and Taliban eras. Indeed, the consistent use and abuse of Islam by ruling elites has been one of the main reasons for the lack of trust and the often silent, but sometimes militant, opposition to the state. This crisis of trust has characterized state-society relations for much of Afghanistan's modern history, especially the last three decades. The increasing lack of trust in the regime headed by President Hamid Karzai (who is, incidentally, regarded highly for his personal piety) over the last several years has gradually widened, lending some reluctant support to Taliban extremists, especially among the Pashtun. Unless appropriate means to bridge this trust gap between the ruling elite and society are found, Afghanistan will face an impending disaster.

⁵ Ahmad Rashid (2008, 2001); Barnett Rubin, 2009; Jalali, 2009; and Starr, 2001a, 2001b, 2001c and 2001d, among others.

Political Economy of State Dependency on Foreign Patrons

The Durrani Empire (1747-1793), the predecessor to the modern state of Afghanistan, was built on the war economy created from its conquests in the Indian subcontinent; booty was taken to sustain the tribal *lashkars* (levies) and taxes and tributes were collected for the state treasury. This means of funding the empire came to a quick end at the turn of the nineteenth century, when Britain took control of Hindustan (India) in the southeast and the Russians began to press down into Turkistan in the north. Thereafter, the European colonial superpower (British India) offered aspiring rulers in Afghanistan an alternative source of state funding, especially after the British invasion in 1879. Modern weapons and substantial cash subsidies were exchanged for a hefty price, which has haunted successive rulers of Afghanistan since Amir Abdur Rahman (1880-1901) accepted the offer. The price was Afghanistan's acceptance of the Durand Line as the official frontier with British India and the relinquishment of control over its foreign policy to its benefactor, the viceroy of British India. This historic capitulation amounted not only to the relinquishment of the richest and most fertile territories occupied by the eastern Afghan (Pakhtun/Pashtun) tribes, but also a division of the Pashtun homeland. Half of this land became the Northwest Frontier Province (NWFP) of British India, and was later integrated into Pakistan after it achieved independence in 1947. Afghan rulers have not recognized the Durand Line since the creation of Pakistan, one of the major sources of tension between the two countries and arguably one of the main causes of instability, especially during the last three decades (Qassem, 2007).

The installation and/or maintenance of all heads of state in Afghanistan since the "Iron" Amir Abdur Rahman in 1880 have either directly or indirectly been managed by outside powers. The only exceptions to this rule are King Amanullah and the Tajik ruler Amir Habibullah II who ousted him. Amanullah refused the support of the USSR in 1929 to reclaim his throne, according to the late poet laureate of Afghanistan, Ustad Khalillah Khalili (Tanin, 1996: 61).

The acceptance of substantial arms and cash from potential (and real) foreign enemies by Afghanistan's rulers to keep their subjects under control was not an easy undertaking. The domestic political environment often forced Afghan

rulers to engage in xenophobic discourse against their foreign patrons.⁶ This may have been less problematic when they had a single foreign master (British India), as was the case from 1880 to the post-World War II era. With the end of the "Great Game" and the onset of the Cold War, securing patrons in a bipolar world required a great deal of skilled diplomacy and negotiation to balance superpower interests. President Muhammad Daoud's (1973-1978) failure to maintain such balance cost him his life and the lives of 17 members of his immediate family, and also facilitated the Soviet invasion and occupation of Afghanistan (Tanin, 1996: 185-196).

Since the onset of the *jihad* resistance against the Khalq-Parchan regimes (1978-1992), however, the role of foreign subsidies and international military and humanitarian assistance for Afghanistan has become even more complex. In the pre-war era, the central government received the largess (in arms and/or cash) and disbursed it with minimal international oversight. The government in Kabul had some control over larger domestic projects that required the presence of foreign personnel. When multiple Mujahedeen resistance power structures took form outside the country (in Pakistan and Iran) and numerous international entities (Muslim and non-Muslim, governmental, NGOs, UN and others) flooded in, Afghanistan lacked any kind of central coordination of their activities. Gradually, numerous chains of multiple dependencies stretched from the villages of rural Afghanistan across the globe via Peshawar for weapons, cash, medicine, teachers, doctors and more. Resources were sought not only to fight the Soviet occupation, but also to survive conditions of war and deep insecurity. Yet, the collapse of central authority had very positive consequences for local communities across the country. It gave them the opportunity to create effective organizational structures; to develop worthy leaders to fight the war of liberation; and, with the help of international NGOs, to meet their basic medical, agricultural, educational, judicial and security needs. These community-based organizations were, and still are, the most valuable assets produced during war years. If the post-Taliban government had tried to institutionalize, reform and strengthen these institutions – instead of attempting to weaken and supplant them to expand the reach of the central government – the country would not have been faced with the current security

⁶ This is an increasing problem for President Karzai, especially after the tragic non-combatant deaths following attacks by the US and coalition forces against Taliban suspects in villages close to the Pakistan border. Karzai attempts to echo the increasing popular protests to such senseless killings by his major patron.

morass or the public crisis of confidence in the government and its international patrons.

Due to this lack of vision and appropriate planning, at least four parallel governments have emerged nationally: the US embassy and military; the UN and its ISAF-NATO forces; international NGO, and the international financial institutions (World Bank, International Monetary Fund, and Asian Development Bank), with their own private security agencies; and the weakest of them all, the Karzai government. Each operates independently on the basis of rules and regulations established for themselves; as such, they are not subject to the laws of Afghanistan and pay little heed to the occasional demands of the largely dependent Karzai government.

There are also countless other entities in the capital, provinces and districts doing what the central government should be doing. For example, there are many active private security firms owned by people of influence in Kabul and the provinces. Indeed, some former *jihad* commanders with close ties to the post-Taliban government (deserving of the title “warlord”) as well as close relatives and clients of the new rulers (perhaps new warlords in the making) have formed these firms, which serve foreign entities. Many national NGOs owned by high government officials or their relatives and cronies have been created and are engaged in graft through what can only be called pyramid schemes, pretending to work on reconstruction and other projects. These are the realities of Afghanistan’s political culture, produced and reproduced during more than a century of efforts to build a strong, centralized and often tribalized nation-state in a multi-ethnic country. The legacies of this dysfunctional political culture are undermining international efforts to bring peace and stability to Afghanistan. Policy makers should now question the fundamental assumptions underlying the state-building policies in post-Taliban Afghanistan that have brought the country once again to the brink of disaster, and how this eventuality might be avoided.

Faulty Assumptions Leading to Failed Policies

One of the main faulty assumptions underlying current US policy in Afghanistan is that the principal reason for the political crisis after the fall of the Communist regime of Najibullah and the internecine proxy war that led to the rise of the Taliban movement was the fall of the

Pashtun from their historically dominant position in Afghanistan. The Pakistanis in particular, in their self-proclaimed role as the patrons of all Pashtuns, argued that the rise of the Taliban was the expression of Pashtun resentment of Tajik political domination of Afghanistan under President Burhanuddin Rabbani’s leadership after the fall of the Communist regime in 1992 (Ahady, 1995). The Americans therefore deemed it necessary to reinstate/empower the Pashtuns in the Afghan government and to assure their dominance by marginalizing the Northern Alliance, labeling it a “dangerous friend” of the US and coalition forces. (Rashid, 2001 and 2008; Starr, 2004 and 2001c).

In order to achieve this objective, several political and military strategies, albeit ultimately counter-productive, were adopted. First, local and regional leaders of the *jihad* era (1980s) and the post-*jihad* period (1990s), especially those who opposed the Taliban and al-Qaeda, were labeled “warlords” – and as such deemed destabilizing to the project of building a strong, centralized state after the fall of Taliban. The prominence of Northern Alliance leaders at the Bonn Talks was considered a “failure” of US policy (Starr, 2004, 2001a, 2001b, 2001c and 2001d), and their inclusion as US allies in the initial battles to oust the Taliban was called the “original sin” of the United States (Their, 2009: 3).

Second, the Independent Administrative Reform and Civil Service Commission (IARCSC) was used to advance political reconstruction, which in effect entailed the return of the government to the status quo ante bellum, the construction of the post-Taliban government in the mold of the pre-1978 monarchic system. This effort continues despite the fact that “The old state bureaucracy before 1978 was one of the most corrupt in human history [i.e., before the current Karzai regime outpaced it], and in no sense represented a model for emulation,” according to William Maley (2006: 52).

Political reconstruction in the old defunct mold, however, began long before the historic Bonn Agreement of December 2001, midwifed by then UN Special Envoy Lakhdar Brahimi.⁷ The reconstruction of the old monarchic

⁷ He has only recently regretted his failure to include willing Taliban in the political processes after the Bonn Accords (Brahimi, 2008; Malikyar, 2008). The representatives of Afghanistan at the Bonn Conference included the “Rome Group” of old-time monarchists; the “Cyprus Group,” consisting of ethno-nationalists and exiled secularists of various stripes; and some leaders of the Mujahedeen, and their recent allies who defected from the Communist regime (i.e., the anti-Taliban Northern Alliance).

governmental system started in Bonn with a demand for the return of monarchy under the former King Muhammad Zaher Shah (ruled from 1933-1973). The Mujahedeen leadership in Kabul rejected this demand, but accepted the monarchy-era Constitution of 1964 (less the chapter on the king) as the law of the land during the interim and transitional governments of President Karzai.

Mr. Karzai and his close advisors later presented only a slightly modified version of the same constitution – with a greater concentration of powers in the presidency than the King formerly enjoyed – to the Constitutional *Loya Jirga* (Grand Assembly) of 2004-05 for ratification. The non-Pashtun deputies, in particular, were opposed to the strong presidency; powerful, centralized government; and special linguistic, cultural and other privileges enshrined in the document. The constitution was, however, ratified by the Grand Assembly – under duress, according to some observers – and became the law of the land (Rahimi, 2008 especially chapter 3). Under the new constitution, the national anthem was changed from Dari (a form of Persian commonly spoken by nearly everyone in the country) to Pashtu (Article 20), and the former monarch, King Muhammad Zahir Shah (died in 2007), was bestowed the title of *Baabaayi Millat*, “Father of the Nation” (Article 158). In addition, special privileges were granted to the Pashtun nomads, the Kuchi (Article 44), and the use of Pashtu was mandated in state institutions, official names and academia (Article 16). The president, just as the former king, is granted the authority by the constitution to appoint one third of the members of the upper house of the parliament (Mishrano Jergah/Senate) (Article 84) and approves appointments of key government officials, including governors, police commanders, judges, diplomats and more.

Third, the international community has dedicated large sums of money to rebuild the government ministries and institutions, including larger and more modern volunteer security forces: the Afghan National Army (ANA), the Afghan National Police (ANP) and the Amaniyat (intelligence service). As of the summer of 2008, some US\$16.5 billion had been spent on these efforts, with mixed results. There are now calls to double the size of the ANA and ANP (to well over 120,000 men for each) at the additional cost of US\$20 billion dollars. Illustrating the poor results of reform efforts to date, one journalist who spent time with an ANP unit found: “Among Afghans, the ANP has become known for incompetence and corruption” (Wood, 2008. See also Baker, 2009). However,

Ali Ahmad Jalali, a former minister of interior in the Karzai government, is optimistic that with sufficient financial support, planning and determination, a large, professional and effective police force can be created to help secure Afghanistan (Jalali, 2009. See also Inderfurth, Starr and Weinbaum, 2006). Unfortunately, President Obama’s recently announced strategy for Afghanistan and Pakistan – to send more US troops and build an even larger Afghan security force, reaching perhaps 400,000 men – may be based on similar optimism, which is not only economically unsustainable over the long run, but unrealistic.

Fourth and finally, it was assumed that after demonstrating to the Taliban that the Pashtun technocratic elites had regained the power of the state, they would be more willing to reconcile with the government and negotiate a settlement. Government appeals to the “moderate” Taliban and members of Gulbuddin Hekmatyar’s *Hezb-i Islami* have been somewhat successful; many middle-ranking members have in fact joined the Karzai government and were granted important posts, including positions in the cabinet, as ministers without portfolio, and as senior advisors to the president and various cabinet ministers. There may be no moderates left to join the government. This success with moderate Taliban and *Hezb-i Islami*, however, has not resulted in a cessation of hostilities by the rank-and-file or their more extremist leaders. Although repeatedly inviting the Taliban for negotiations, President Karzai has failed to announce the terms upon which he would negotiate. The only precedent is the Bonn conference, where cabinet posts were divided among various factions. This formula for negotiation is unlikely to end the hostilities, as it has not led to stable or clean government over the last eight years. President Karzai appears unable or unwilling to explore more creative suggestions for inclusive, local self-governance schemes that could entice the Taliban to join the new political dispensation.

An Assessment of Key Policy Assumptions

The rise of the Taliban and Talibanism, as well as their resurgence following their overthrow by coalition forces and Northern Alliance fighters after 9/11, may be explained by three interrelated factors: the Pashtun elites’ (not necessarily the ordinary tribesmen) claim to the exclusive right to rule over all other ethnic groups in Afghanistan, especially since the 1880s; the revival of the dysfunctional political culture of the monarchic state in rebuilding the

post-Taliban government; and the long-simmering ethnic tensions among non-Pashtun groups in response to the Pashtun ruling elites' policies of internal colonialism over the past century.

The contradictory policies and practices of state building, including those of the post-Taliban era under US tutelage, have re-affirmed a dysfunctional, sovereignty-based, person-centred, Kabul-centred and kin-based political culture to the exclusion of more inclusive governance. Military intervention and the “war on terror” have once again empowered the Pashtun elites and a small number of their *laganbardaar*⁸ clients from “minority” ethnic groups to transform Afghanistan from a failed state into, at best, a fragile regional militia state.⁹ Despite claims that post-Taliban Afghanistan is democratic, developments thus far seem to reaffirm and exemplify old legacies of a dysfunctional political culture and corrupt tribal state. These legacies include:

- Unprecedented and growing mistrust between subjects (not citizens) and state authorities (increasingly made up of “westoxicated” secular elites returning from Europe and America) within considerably weakened traditional communities of trust (*jama'at*).
- The re-institution of person-centred, sovereignty-based, paternalistic politics that encourage nepotism and the commoditization of loyalties (cronyism); the creation of a political economy of corruption, dependency and patronage at all levels of society; and the increasing dependence of government leaders, parties, movements and the media on the many and varied sources of foreign subsidies. These conditions have also contributed to the “tribalization” of the international community, serving their own specific interests and linked to specific clients and regions of Afghanistan.
- The treatment of non-Pashtun populations as

⁸ A Persian term, meaning one who carries a tray of offerings, such as butler. Such loyal clients from the other ethnic groups, which serve the rulers of Afghanistan (as cabinet members or in other high offices) as if they were representing their own people, also have a long, infamous history.

⁹ By “militia state” I mean a state funded and maintained by foreign governments with a large security force that works in the interests of the patron(s). The increased emphasis on building a large security force of some 400,000 men in the near future by the US and her allies, a force which Afghanistan's resources cannot sustain, indicates Afghanistan is in fact a militia state in-the-making.

internal “colonial” subjects conquered first by the Taliban and now by the post-Taliban regime, in the name of re-establishing national “unity” through a centralized state in the hands of traditional Pashtun elites. This was exemplified by the denial of proposals for community self-governance within a federal structure by non-Pashtun groups (Starr, 2001d; Santos, 2003; Allan, 2003).

These are the political legacies that should have been abandoned and undermined to bring about systemic change and develop new and more appropriate rules of governance in Afghanistan. The tendency of the United States and the international community to partner with a particular set of elites primarily from one ethnic/tribal group, with only token representation from other constituencies, has only re-affirmed the old political structure.¹⁰ The alternatives were there, but not the will, vision or commitment to explore them.

Alternatives for Sustainable Peace, Governance and Development in Afghanistan

To address this monumental challenge, it will be necessary to adopt a three-pronged approach:

1. The United States and its coalition partners must become honest arbiters and power brokers, and encourage the development of a new, culturally appropriate governance system for Afghanistan. They should stop looking only for English-speaking clients and instead find willing partners from all segments of Afghanistan's population, Pashtun and non-Pashtun alike, who are committed to working for fundamental political change and a transparent, accountable government.
2. The international community must adopt a regional approach to Afghanistan's problems, involving its neighbours (plus India, Saudi Arabia and Russia), with a clear focus on the role of Pakistan.

¹⁰ The deed is even more curious given the fact that both the collaborating elite and the United States' presumed terrorist enemies, the Taliban, are Pashtun vying for the loyalties of the same people. Gradually, ordinary Pashtun are siding with the enemy against the collaborators, despite promises to the contrary.

3. Afghanistan's government must be systemically changed to provide alternatives to the current dysfunctional system reminiscent of the old monarchy. This new system should help transform problematic state-society relations, and improve socioeconomic conditions for the poor. It should be built from the bottom up and run by empowered Afghan citizens.

Lasting peace in Afghanistan is, in large measure, contingent on resolving the long-standing border dispute with Pakistan and the non-recognition of the Durand Line. There seems to be no legal reasons for not recognizing this border. Rather, the reticence of successive Afghan governments to resolve the issue since 1947 can be attributed to emotion and politics (Qassem, 2008). Pakistani leaders have unsuccessfully tried to resolve this dispute over the past three decades, initially by manipulating and serving as patrons for Afghan Mujahedeen resistance organizations, such as the *Hezb-i Islami* of Gulbuddin Hekmatyar; then through the creation of the Taliban movement; and more recently, with the return to power of the Pashtun secular elite, by exploiting Pashtun ethno-nationalism. Pakistan's chances of success in establishing a puppet regime with the Mujahedeen faded when Hekmatyar was unable to capture Kabul following the collapse of the Communist regime in April 1992. Their second attempt with the Taliban also collapsed after 9/11. Shifting their patronage to the secular ethno-nationalist Pashtun who were returned to power by the United States backfired because of Pakistan's continuing support of the Taliban and al-Qaeda.

Addressing the complex Afghan-Pakistan relationship remains one of the most critical challenges faced by policy makers seeking to establish peace in Afghanistan and the region. The only reasonable solution is for the government of Afghanistan to accept and acknowledge the legality of the Durand line, thus removing one of the main causes of bilateral tension. However, resolving the dispute over the Durand Line alone may not suffice. Pakistan has been reaping considerable economic benefits from the Afghan conflict over the past three decades, realizing its goals of gaining strategic depth vis-à-vis India by encouraging a

weak Afghan state and establishing a bridge with the resource rich Central Asian republics.¹¹ Clearly, other measures must be taken to allay security, political and economic fears and therefore incentivize and promote a lasting normalization of relation between the two countries. The security and ideological concerns and interests of Afghanistan's other neighbours – especially Iran, China and the Central Asian republics – as well as Saudi Arabia, India and Russia also demand a careful regional approach which President Obama is fortunately considering.

Fixing failed and fragile states is becoming a thriving industry (Kaplan, 2008a). Instead of debating which ready-made Western or Eastern model of state should be adopted for Afghanistan, policy makers should seriously evaluate the strengths and weaknesses of the emergent and existing self-governance structures in the country. They should also pay particular attention to the troubled legacy of some national governance structures. As Seth Kaplan suggests, a “solution that makes local sense” must be found (2008a). According to Kaplan, “far too many programs designed to help fragile states assume that local histories and socio-cultural conditions simply do not matter” (Kaplan 2008a: 2, 9). The current paradigm is to help build a “generic state,” by holding national elections at huge costs, and writing constitutions without attempting to understand or address the core issues at stake in the country. Instead, he advocates:

... institutional changes that foster more decentralization, greater integration of traditional norms into state institutions, a stronger focus on unity and security, and focus on various ways of promoting accountability instead of the current myopic focus on elections, aid levels, [security forces], and donor interventions. In all cases, the empowerment of local groups would be made paramount, to ensure that the state is given a firm foundation (Kaplan, 2008a: 7-9).

If the international community heeds the legacies of the past century and pays attention to Afghanistan's national political culture, the choice of national governance structures should be clear. The international community must encourage the formation of a central government based on democratic principles. These principles include not only free elections, but also genuine power sharing through the adoption of a system of community self-governance across the country in the form of traditional structures like the *shura* and *jirga*.

¹¹ For a detailed proposal to a regional solution of the security crisis in Afghanistan and Pakistan, see Rubin and Rashid, 2008; Rais, 2008; and Sinno, 2008.

Transforming Subjects to Citizens, and Rulers to Civil Servants

An approach to transform Afghans into empowered citizens and to change their rulers into civil servants must be based, at a minimum, on the following five premises. First, a new constitution must be drafted or the current one amended in such a way as to truly reflect the post-Communist/*jihad*/Taliban national realities, communal aspirations, and new political-ecological and economic realities in Afghanistan and the region. The Constitution of 2005 mostly disregarded both the historic legacies of Afghanistan's problematic political culture and the considerably changed realities of post-Taliban Afghanistan. The expectations and aspirations of the refugees returning from Iran and Pakistan; the many internally displaced and highly politicized members of ethnic/tribal/regional communities in towns and cities; and the rural peoples, particularly the militarized and uneducated youth have changed. A new or amended Constitution must reflect and respond to these new societal realities.

Second, the constitutional rights of community self-governance must be respected at the local, district, provincial and regional levels throughout the country. Local communities must be allowed to elect their own political leaders and to recruit on the basis of merit their own civil, judicial, security and education administrators in accordance with national laws. They should furthermore be allowed to register and keep their small arms, and to maintain law and order with the help of local police¹² and civil defence units. In other words, the people's rights both to elect representatives to the legislature and appoint officials to implement and administer laws must be constitutionally enshrined. Currently, all laws are made, implemented and monitored by the central government and its branches in the provinces and districts. With the exception of informal, local, parallel power structures, there is no functioning local government (Shahrani, 2009). When there are serious breaches of the law by government

officials, the government appoints a commission to investigate their own appointed officials. The most flagrant cases of official abuses of power are never resolved; at best, they are transferred from one post to another. To remedy this situation, the central government must relinquish its responsibility to implement the law to properly constituted local bodies.

Third, a national administrative structure should be created to ensure the uniform implementation of the amended (or newly drafted and ratified) constitution by local, self-governing authorities throughout the country. The new representative and accountable national government, unlike those of the past and present, should not be directly involved in the implementation of national laws and local ordinances. Instead, it should serve to monitor/oversee and ensure the universal application and enforcement of all national laws in a judicious manner by locally elected or recruited government officials. Adoption of such a governance system will be the only effective mechanism for de-politicizing ethnicity; discouraging nepotism, cronyism and corruption; creating a viable civil service; and transforming subjects into empowered citizens, and therefore building trust between the government and its citizens.

Under the current system, government officials appointed from the centre assume the role of rulers in the countryside, not of civil servants. Their loyalty is to those who appointed them, and they are often not only disrespectful of locals but extortionate. A system which allows local communities to elect key political officers and to hire their own professional staff will result in the creation of a civil service. Such a system will be based on merit instead of a candidate's ethno-linguistic, regional or tribal identity. It is also through such a local, self-governing system that appropriate income-generating economic development projects, especially in agriculture, can be devised to effectively address poppy eradication, narcotics production and trafficking.

Fourth, instead of continuing to disarm non-Pashtun citizens while re-arming Pashtun villagers in conflict zones, the state should collaborate with properly elected *shuras* (councils) to recruit some of their most trusted members to form and maintain small and affordable, but well trained and equipped, national army, border guard and highway police forces. In a similar fashion, trusted individuals should be organized into local national guard detachments to defend the country against external or

¹² This concept of a community police force is not the same as *arbaki*, a system described by Shahm Mahmood Miakhel (2008) in a "White Paper," or the local militia force created by the government, as described by Jalali (2009). Members of both community police and defence forces should be selected by their elders on the basis of consensus. They should be trained and equipped by the government, registered, and subjected to rules and regulations drawn up collaboratively by the government and local communities. This force will be responsible for protecting its own community and maintaining law and order locally. These community based security forces should be co-owned by the government and members of the local community to which they belong.

internal threats. No standing army in the history of Afghanistan has ever defended the country against its foreign enemies; rather, the armies and police have been used by rulers to oppress the people or engage in coups d'état and other domestic intrigues. Creating such a force is the only reliable, effective and sustainable means of securing the country for the long term.

Finally, an estimated one million students will graduate from Afghan high schools in the next four to five years, without developing marketable skills or prospects for employment. The few ill equipped colleges and universities cannot accommodate all of these youths. The Afghan government should consider introducing some form of selective service with the specific aim of teaching these youth useful technical skills during their two years of service. These recruits could form a green force, working on agricultural projects and greening the country; public works brigades, engaging in construction work; or machinery services corps, operating and repairing a variety of equipment. Some youths could even be recruited into community police and defence forces, in administrative capacities, in their own locales.

Only through liberating the peoples of Afghanistan from the legacies of old, centralized and often “tribalized” state structures will they be able to rise to the challenges of this historic national crossroads. A re-emergent civil society should be incorporated into a state structure that accommodates local self-governance. The price for not acting responsibly for eight years and supporting the Karzai regime in its efforts to re-establish the supremacy of a small group of corrupt, technocratic elites has been high. The security and stability of the entire region; the viability and national integrity of a democratic Afghanistan; and the preservation of newly gained freedoms by all the citizens of Afghanistan are at risk. It is imperative for all Afghans and the international community, which has sacrificed much blood and money, to heed the poem of the well-known Afghan diplomat and statesman, Abdur Rahman Pazhwak: Afghanistan must not again become a land “where the people are imprisoned and the country is free.”

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