

Reforming a Culture of Political Ambiguity: Promoting Political Parties and an Independent Legislature in Afghanistan¹

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¹ The phrase “culture of political ambiguity” was used in a March 2009 report by the Afghanistan Research and Evaluation Unit (AREU) to describe the environment in which political parties operate in Afghanistan today. Larson, Anna. “Afghanistan’s New Democratic Parties: A Means to Organize Democratisation?” AREU. March 2009.

ABSTRACT

Effective and democratic political parties have failed to develop in Afghanistan as a result of legal and constitutional constraints instituted in the post-Bonn era, and a historical burden of illegitimacy. The Single Non-Transferrable Voting (SNTV) System under which the Wolesi Jirga and Provincial Councils operate continues to be a source of particular concern in this regard. Under this system, candidates stand for election as individuals and not as part of a party list, ensuring the persistence of a system of political patronage. Political parties lack legitimacy in the eyes of the Afghan populace as they are seen as largely responsible for the destruction unleashed during the communist and mujahideen eras. Despite the relatively successful parliamentary elections of 2005, the Wolesi Jirga has retained an ultimately conservative, undemocratic outlook due to the predominance of personality-driven 'proto parties' associated with previous eras' power-brokers. However, the relationship of these parties to the legislature is tenuous – Members of Parliament continue to vote and act as individuals, resulting in the atomization of the parliament. The need for a cohesive and representative legislative agenda is particularly critical in a transitioning democracy; the impression that little is being achieved by Parliament simply diminishes the legitimacy of the government. Failure to provide the appropriate legal channels for political parties to air their views or be represented carries the risk that sub-state actors and more extreme groupings could begin to dominate the system. Afghanistan is in the nascent years of its democratic endeavor, yet as it struggles to maintain security and deals with a growing insurgency, priority must be given to this issue to halt a trend towards personalistic politics and begins one towards internally democratic, issue-based politics.

INTRODUCTION

In establishing a democratic framework for Afghanistan, the 2004 Constitution provided answers to years of debate surrounding how best to initiate a new era of governance in this conflict-ridden country. In doing so, however, it was recognized that the system being selected was – at least in part – a product of its time. When Karzai stated, “If five or ten years down the line we find that stability improves, proper political parties emerge, and we judge that a parliamentary system can function better, then a Loya Jirga can at a time of our choosing be convened to adopt a different system of government,”² he was implicitly suggesting that the decisions being made were dictated by circumstance; the Constitution, therefore, did not necessarily represent the best *long-term* political system for Afghanistan. Inherently, as in other post-conflict situations, there was a choice to be made between security and governance, representation and stability.

This dichotomy has proven particularly relevant to the debate surrounding the role of political parties in Afghanistan’s future, and how best to encourage the development of these

² Quoted in Rubin, Barnett. “Crafting a Constitution for Afghanistan.” *Journal of Democracy*. Vol. 15 No. 3. July 2004.

parties. With one set of elections firmly under its belt, Afghanistan is looking ahead to presidential elections scheduled for August 2009, and parliamentary elections likely to take place in 2010. While the 2005 parliamentary elections were widely hailed as a success, they also served to isolate the teething problems that Afghanistan faced in the nascent years of its new government. Not least of these was the realization that the Single Non-Transferrable Voting (SNTV) System that had been chosen was not suited to the development of political parties, and was leading Afghanistan down a path of individualistic, personality-driven politics rather than issue-based, party politics. Few would disagree today that political parties form an integral part of the democratic endeavor; yet, in transitional democracies, the question of sequencing plays a key role. In an ethnically divided nation such as Afghanistan, many policy-makers fear that political parties will form along ethnic and religious lines, their presence, thereby, working merely to exacerbate existing societal tension and sectarian strife. Case studies of post-conflict situations have suggested that, particularly in situations where ethnic divides overlap with unequal distribution of economic resources, the presence of political parties can, in fact, harden existing cleavages.³ Nonetheless, as political parties have been formally excluded from the political system, elites and power-brokers from previous eras have continued to dominate the political scene in Afghanistan. In this way, the existing system has not so much dissuaded the creation of political parties as it has worked to strengthen existing factions and benefited armed factions-turned-parties, mostly led by warlords.

The fractious nature of politics in Afghanistan has ensured the historic absence of a space in which political parties can effectively develop. Nonetheless, it is possible to trace the development of political parties through Afghanistan's various periods of turmoil and leading up to the post-Bonn era. The parties currently operating in Afghanistan are not conventional parties

³ "Afghanistan's New Democratic Parties." Ibid. Page 2.

in the sense that Western countries are accustomed to – Thomas Ruttig refers to them instead as “proto parties,” a term which captures their lack of institutionalized mandate, hierarchy and consistent system of membership.⁴ While their existence provides a template from which further mobilizing along democratic lines may be possible, these parties face a severe crisis of legitimacy and are distrusted by most segments of society. Many Afghan citizens view them as having wrought destruction during the communist era, or as having been mere fronts for warlords during the contentious years under the mujahideen. This distrust is compounded by the parties’ linkages to external players; in the 1980s, regional intervention by countries with vested strategic interests in Afghanistan helped prop up political parties – Pakistan’s involvement resulted in the creation of the “Peshawar Seven” and Iran’s in the “Tehran Eight.” That these parties lack legitimacy is clear from local discussions taking place within the country, which indicate resentment at the “mushrooming” of political parties; detractors argue that their steep increase in society is an indication that they are “nothing more than NGOs in political disguise.”⁵ A study conducted in 2005 quoted a Provincial Council candidate as stating, “The word ‘parties’ is hated by Afghans. People keep themselves away from parties.”⁶

Political parties thus face both institutional and pragmatic constraints in Afghanistan, made even more difficult by a system which has inadvertently favored undemocratic parties that have caused contention in the legislature and halted the democratic endeavor. As the country moves forward, it must, with international support, seek to provide the legal and institutional basis necessary for the development of centrist, inclusive parties. In the absence of such parties, politics in Afghanistan will remain personality-driven and merely serve to harden, rather than

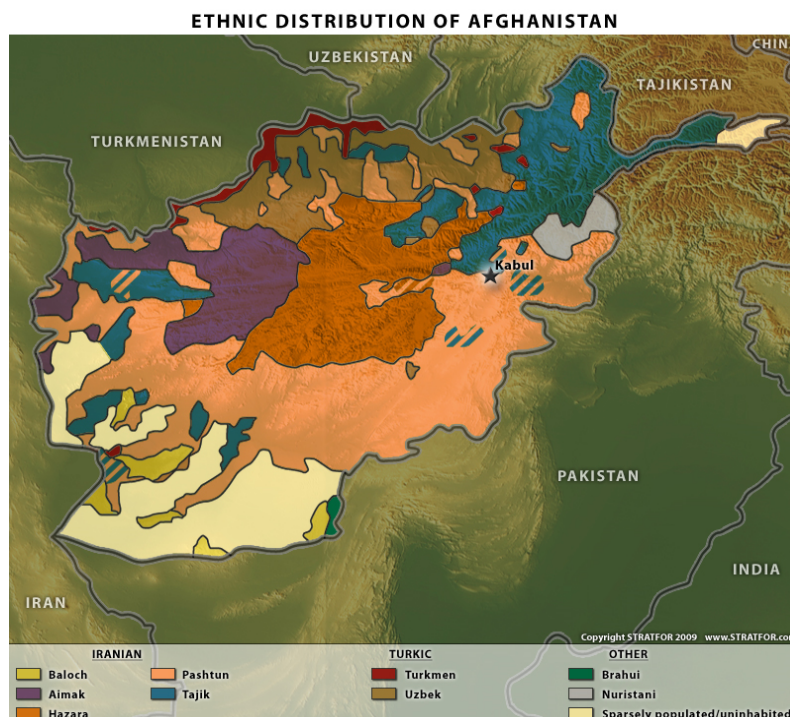
⁴ Ruttig, Thomas. “Islamists, Leftists – and a Void in the Center. Afghanistan’s Political Parties and where they came from (1902-2006).” Konrad Adenauer Stiftung. 2006.

⁵ Ruttig. Ibid.

⁶ Quoted in Wilder, Andrew. “A House Divided: Analyzing the 2005 Elections.” AREU. December 2005. Page 9.

ease, societal cleavages. The undemocratic and largely conservative parties and blocs which have started to stamp their authority in the legislature must face effective competition from forward-looking, moderate parties, before the former become increasingly entrenched. Existing political parties must be provided incentives in order to moderate their discourse and work effectively towards a democratic Afghanistan, particularly as – in the short run at least – they are likely to continue to determine the course of events.

DEMOCRACY AND POLITICAL PARTIES: IS THE MULTI-ETHNIC AFGHANISTAN READY?



Map taken from Strategic Forecasting, Inc. (Stratfor). Accessed March 23, 2009. <http://web.stratfor.com/images/middleeast/map/Afghan_ethnic_800.jpg>

E.E. Schattschneider has argued that “political parties created democracy and modern democracy is unthinkable save in terms of parties,”⁷ a claim that has been supported in one form or another by theorists ranging from Alexis de Tocqueville to Seymour Lipset to Larry Diamond. Samuel Huntington has similarly argued that “violence, rioting and other forms of political

⁷ Quoted in Lipset, Seymour. “Indispensability of Political Parties.” *Journal of Democracy*. Vol. 11, No. 1, 2000. Page 48.

instability are more likely to occur in political systems without strong parties than in systems with them.”⁸ The existence of an organized opposition, functioning *within* the governmental apparatus, provides an avenue through which to institutionalize dissent, restrain incumbents⁹ and establish democratic norms through conflict between parties. When examining future prospects for political party development in multiethnic countries searching for a unifying national identity, the question of how to prevent fractionalization along ethnic or sectarian lines becomes increasingly important. Lipset has argued that parties must have an “almost permanent base of support among a significant segment of the population if they are to survive electorally. Parties in new electoral democracies will be inherently unstable unless they become linked to deep-rooted sources of cleavage . . .”¹⁰ In Afghanistan, these sources of cleavage are largely ethnic and sectarian. Although recent statistics are difficult to obtain, data from the CIA World Factbook indicates an ethnic composition in which Pashtuns form the majority with 42% of the population, Tajiks 27%, Hazaras 9% and Uzbeks 9%.¹¹ Sunni Muslims make up 80% of the population, while Shia Muslims make up about 19%.

The question in a political context such as Afghanistan’s remains one of whether stable and internally-democratic political parties will emerge when an electoral system which caters to them is in place, or whether the choice for an electoral system should be dictated by the type of parties that are currently in existence. A conference examining the development of political parties in post-conflict scenarios found the following:

Traditionally, constitutionalists have attempted to avoid political parties, the assumption being that parties should be left to develop freely. . . however . . . unbridled party formation in conflict-prone

⁸ Quoted in Wilkinson, Stephen. *Votes and Violence*. Cambridge University Press, USA. 2004. Page 69.

⁹ “Indispensability of Political Parties.” Ibid.

¹⁰ Ibid. Page 49.

¹¹ CIA World Factbook: Afghanistan. Updated March April 9, 2009. Accessed April 17, 2009.
<http://www.cia.gov/library/publications/the_world_factbook/Geos?af.html>

societies may contribute to the emergence of ethnic parties and . . . the formation of aggregated interests, bridging societal groups, is a long process.¹²

Thus, political parties “have the capacity to bridge or worsen cleavages in societies” and can act as either instigators or managers of conflict.¹³ Given their role, it becomes apparent that managing the activities of political parties is essential, and harnessing their advantages for the benefit of the country should remain a priority of the government.

Marvin Weinbaum agrees that the strongest affinity in Afghanistan would inevitably be along ethnic lines; however, while the strengthening of parties along these schisms might be potentially dangerous to the creation of a stable national state, it is essential to recognize that ethnic parties will not necessarily be monolithic.¹⁴ Manipulating the electoral system in a way which prevents a ‘natural’ movement towards the formation of parties or blocs simply makes these blocs “unaccountable, less democratic and less able to respond to voters’ interests.”¹⁵ As the results of the 2005 parliamentary elections have demonstrated and as discussed in the following section, the official absence of political parties has not prevented association along ethnic lines in Afghanistan – if anything, the fractionalization or atomization of the parliament has been broken largely by ethnic alliances. The current Parliament’s ethnic composition is largely equivalent to the ethnic distribution of Afghan society, a situation which may work to replicate society’s divisions but ultimately ensures the Parliament’s legitimacy. With Pashtuns, at 47.4%, forming the largest individual ethnic grouping, the Parliament has also not been dominated by any one ethnic group.¹⁶ Andrew Wilder argues, “The main way political parties in

¹² King, Orla and Jeroen de Zeeuw. “Political Party Development in Conflict-Prone Societies.” Seminar Report, Netherlands Institute of International Relations. December 2006. Page 5. Accessed April 12, 2009.

<http://www.clingendael.nl/publications/2006/20061200_cru_conf_ppd.pdf>

¹³ Ibid. Page 4.

¹⁴ Author interview with Marvin Weinbaum, Middle East Institute. March 23rd, 2009.

¹⁵ Reynolds, Andrew. “The Curious Case of Afghanistan.” *Journal of Democracy*. Vol. 17, No. 2. April 2006. Page 104-117.

¹⁶ Wilder. Ibid. Page 8.

Afghanistan today have to mobilize support, other than through intimidation or financial incentives, is through appeals along religious or ethnic lines.”¹⁷

Nonetheless, where party fractionalization exists on the grounds of ethnic fractionalization, the preponderance of political parties in Afghanistan may not be helpful for future development. Benjamin Reilly argues that democracies can prove problematic for ethnically divided societies as candidates attempt to “outbid” one another in displaying loyalty to their own groups, thereby further exacerbating ethnic tension. However, he explains that electoral engineering has become a popular way by which to decrease ethnic tensions in emerging democracies; this includes the provision of electoral incentives for politicians to reach out to other parties, the presence of an area for bargaining, and the development of centrist and inclusive parties.¹⁸ This can prevent the outbreak of violence among different segments and groups in society – a destructive manifestation of ethnic divisiveness. Thus, it is ultimately *electoral incentives* at both the local constituency level and national level, and the way these interact, which determine both where and when ethnic violence against minorities will occur and the way in which the state chooses to respond to it.

The presence of ethnic violence in only certain areas of India is particularly illustrative for the purposes of this paper. In arguing that the key factor in preventing ethnic violence is the central government’s capacity and willingness to do so, Wilkinson states, “democratic states protect minorities when it is in their governments’ electoral interest to do so.”¹⁹ This is particularly the case if the government has to negotiate or form a coalition with parties supported by minorities, or when minorities are an important source of support for the government itself.

¹⁷ Wilder. Ibid. Page 10.

¹⁸ Reilly, Benjamin. “Dealing with Divided Societies.” In *Electoral Systems and Democracy*. Eds. Larry Diamond and Marc Plattner. The Johns Hopkins University Press and the National Endowment for Democracy. 2006.

¹⁹ *Votes and Violence*. Ibid. Page 6.

What Horowitz refers to as “vote-pooling” ensures that parties are provided an incentive to moderate their policies and make appeals along cross-ethnic lines.²⁰ Additionally, Wilkinson argues that the greater the level of party competition in a region, the greater the incentives to appeal to minority votes, especially when victory depends on votes from the margins. This is particularly the case when the minority group is large enough to count politically – as is the case with Muslims in India, and with many of the ethnic and sectarian groups in Afghanistan. This argument requires a moderate leadership and electorate-at-large and works most effectively when operating in a Single Transferrable Vote or Alternative Vote system. Still, it demonstrates that ethnically heterogeneous societies and ethnic parties do not necessarily imply greater levels of ethnic discontent or division, and could be consistent with the greater goal of democracy. As Wilkinson argues, “politicized ethnicity depends on a whole range of factors, such as federal boundaries and government policies, and not just on underlying census categories.”²¹

An equally grave problem faced by Afghanistan is its lack of party system institutionalization at all levels, which is necessary for parties to be perceived as legitimate by the general populace. As Mainwaring explains, “more institutionalized party systems are ones in which parties have strong roots in society, . . . enjoy considerable stability” and in which “patterns of party competition manifest regularly.”²² Afghanistan lacks many of these preconditions – its electoral market is unstable since parties are not supported by the electoral system, few people know which candidates belong to which parties, and there is little faith in the long-term continuity of elected candidates. In order for political parties to become widely established and widely known, so there “is stability in who the main parties are and how they behave,”

²⁰ Ibid.

²¹ Wilkinson. Ibid. Page 177.

²² Mainwaring, Scott. “Party Systems in the Third Wave.” *Journal of Democracy*. Vol. 9, No. 3. July 1998. Page 69.

Afghanistan needs more than just a change in law.²³ A civil servant interviewed by AREU explained, “Setting up parties has become a business here. Some people just set up parties to make money.”²⁴ This trend towards political parties being viewed as NGOs or as indistinct from civil society must be arrested. Like other facets of state-building, building the legitimacy of political parties will take time; as political parties begin to operate more effectively in parliament, they will be able to develop greater support and linkages.²⁵ The role of political parties is greatly different from that of civil society, precisely because the latter works outside of the political establishment and legislatures. Ivan Doherty argues that civil society cannot be perceived as a substitute for political parties, and that in fact, “strengthening civic organizations, which represent the demand side of the political equation, without providing commensurate assistance to the political organizations that must aggregate the interests of those very groups, ultimately damages the democratic equilibrium.”²⁶

LEGAL AND CONSTITUTIONAL CONSTRAINTS: THE BEST ELECTORAL SYSTEM FOR AFGHANISTAN?

While analysts disagree about whether the greater problem facing the development of political parties in Afghanistan is the electoral law or more pervasive sociopolitical factors, such as the lack of party legitimacy, most agree that the first step is doing away with the SNTV system. Andrew Reynolds argues that an appropriate electoral system is the single most important institutional factor in the success of transitioning democracies.²⁷ Carol Riphenburg, on the other hand, while acknowledging the powerful role of parties in democracies, concludes that electoral systems should not be viewed as a “panacea” for deep-rooted cleavages in society.²⁸

²³ “Afghanistan’s New Democratic Parties.” Ibid. Page 17.

²⁴ Ibid.

²⁵ Author interview with Andrew Wilder. April 5th, 2009.

²⁶ Doherty, Ivan. “Democracy Out of Balance: Civil Society Can’t Replace Political Parties.” *Policy Review*. April and May, 2001. Page 2.

²⁷ Reynolds. Ibid. Page 105.

²⁸ Riphenburg, Carol J. “Electoral Systems in a Divided Society: The Case of Afghanistan.” *British Journal of Middle Eastern Studies*. Vol. 34, No. 1. April 2007. Pages 1-21.

The SNTV system, which was the electoral system chosen for the 2005 Wolesi Jirga²⁹ and Provincial Council elections and is likely to still be in effect for the next set of elections, permits individuals to stand for elections only as independent candidates and not as members of a party list. While candidates can stand for election in multi-member constituencies (provinces), voters can only vote for one candidate – even if the constituency has more than one seat allocated to it. This creates a situation whereby parliamentary elections are effectively “popularity contests,”³⁰ with the more well-known personalities proving victorious, but not being held accountable to anyone or any party. Candidates are elected merely by winning the most votes; thus, if a district has 33 seats allocated to it – as was the case in Kabul – the top 33 vote-getters will gain a seat, even if they have only received a miniscule proportion of the vote. Because candidates only require a small number of votes in certain provinces, there is no incentive for them to join parties or appeal to a broad base of voters. In this way, the SNTV system does not produce a clear relationship between a political party’s vote share and their seat shares in parliament, causing a “lottery effect” and a high percentage of “wasted vote.”³¹ Prior to the elections, Barnett Rubin argued, “This system, in fact, virtually guarantees the formation of an unrepresentative parliament of local leaders with no incentive to cooperate with one another or the government.”³² He was proven right as the 2005 Afghan legislature brought in individuals who did not campaign on an ideological basis, but rather were well-known personalities or allied with regional strongmen. In addition, a remarkable 68% of the votes were cast for candidates who ultimately lost. Thus, the notion that the SNTV system would create a more representative

²⁹ The Wolesi Jirga (WJ), or the lower house, consists today of 249 members, all of whom are elected through the SNTV system, with 215 chosen at the provincial level in proportion to the various provincial populations and 34 elected to fill nationwide “compensatory” seats. 68 seats are reserved for women (2 from each province). Two-thirds of the members of the Meshrano Jirga, or upper house, are appointed by elected provincial and district councils, and the remainder are appointed by the President. Goodson, Larry P. “Lessons of Nation-Building in Afghanistan.” *Nation-Building Beyond Afghanistan and Iraq*. Ed. Francis Fukuyama. Johns Hopkins University Press, 2006. Page 163.

³⁰ Interview with M. Weinbaum. Ibid.

³¹ Reynolds. Ibid. Page 112.

³² Rubin, Barnett. “Afghanistan: The wrong voting system.” *International Herald Tribune*. March 16, 2005.

system, where voters would feel directly linked to their representatives, failed in its implementation.

That this rarely-used system with such obvious failings was chosen warrants some analysis in itself, pointing as it does to deep-seated prejudices within the Afghan political scene. Reynolds argues that the decision-making process was rooted “in the transitional government’s own interests and presented to the public largely as a *fait accompli*.”³³ The ostensible reasons for the choice were simplicity, transparency and direct representation. A report by constitutional experts published at the time stated, “Given the factionalized nature of Afghan politics, the primary goal should be to produce reasonable proportionality . . . voting procedure will also need to be simple and transparent; illiteracy and innumeracy limit the complexity of possible voting systems.”³⁴ Yet, political commentators have pointed towards a fear of political parties shared by both Karzai and the Afghan populace, stemming from their experiences with communist parties during the Soviet era and foreign-supported parties following the Soviet defeat, which influenced the electoral choice. Cythia Maass outlines three possible explanations for Karzai’s vehement opposition to political parties: “election tactics; the desire to keep several options open and a fundamental power preservation strategy.”³⁵ Marvin Weinbaum agrees with the latter argument, stating that the choice of electoral system was largely a result of President Karzai’s thirst for power, as well as his fear that the opposition would be able to organize more effectively if given the opportunity.³⁶

³³ Reynolds. Ibid. Page 106.

³⁴ Ibid.

³⁵ Maass, Cithia. “Afghanistan Without Political Parties: Can the New Parliament Function?” German Institute for International and Security Affairs. March 2006. Page 2. In examining the causal relationship between electoral systems and the formation of party systems, Rippenburg similarly argues that “politicians and parties will make choices about institutions such as electoral systems that they think will benefit themselves.” Rippenburg. Ibid.

³⁶ Interview with M. Weinbaum. Not everyone agrees with this interpretation. Reynolds explains that the SNTV system was ultimately chosen because it was the “least bad” of all other systems and that “it is important to note that Karzai did not choose SNTV with any understanding of its consequences of history.” Reynolds. Ibid. Page 106.

It is essential to recognize at the outset that the SNTV system in Afghanistan does not achieve what it sets out to in preventing the establishment of political parties or in dissuading ethnic factionalism. Islamist parties, including the Jamiat-e-Islami and the Hezb-i-Islami, as well as other similarly conservative former mujahideen groupings, were able to “out-maneuver the constraints of the system” through coercion or vote-buying in the 2005 elections, and created blocs in the legislature.³⁷ Additionally, voting blocs during the 2005 elections did form along ethnic lines, despite the purported absence of parties; even those parties which were not explicitly ethnic in nature received the majority of their support along ethnic and regional lines. The NDI argues that most parties had “limited reach beyond narrow ethnic, linguistic, or geographical boundaries.”³⁸ While this was less pronounced for leftist and communist parties – which received a surprising number of seats in parliament – even these parties were aided by tribal and ethnic linkages.³⁹ Support within the Parliament also remains ethnically-determined: Karzai’s support today stems primarily from Pashtuns and Tajiks. According to Wilder’s categorization of the parliament, none of the 20 Uzbek MPs, and less than 20% of Hazaras, are categorized as pro-government.⁴⁰ Even if one were to make the case that the SNTV system has not exacerbated divisions along ethnic lines, it fails to encourage cooperation across these lines, thereby working *within* a status quo rather than making any progress towards changing it. While a system of party competition could provide the grounds from which to build cross-cutting coalitions or provide the need to appeal to multi-ethnic constituencies, the SNTV system requires no such thing.

³⁷ Wilder. Ibid. Page 11.

³⁸ “Political Party Assessment: Afghanistan.” National Democratic Institute for International Affairs. Spring 2006. Page 12.

³⁹ Wilder. Ibid. Page 13.

⁴⁰ Wilder. Ibid. Page 8.

Wilder argues that ethnic minority groups in particular found that political parties helped them in organizing for the elections. In non-Pashtun areas, a high percentage of winning candidates were affiliated with political parties.⁴¹ For example, the endorsement of candidates by the leader of the Hazara party, Hezb-i Wahadat, reportedly played a large part in these candidates' victories. Where official political parties did not exist, the Shi'a community banded together and functioned as a type of party in itself; community members met and agreed together on the candidates which would stand for election in the WJ and Provincial Council elections.⁴² However, that these groups were ultimately unable to strategically take advantage of the SNTV system is indicative of the extent to which newer parties were at a disadvantage relative to groups with pre-existing networks. Thus, older parties affiliated with the conflicts over the preceding years were able to take advantage of their organizational apparatus, resources and internal communication to succeed in a manner in which post-Bonn groupings were unable to.

The SNTV system also appears to violate the 2003 Political Parties Law, as Article 12 of the law gives parties the right to introduce candidates at all elections. While many political party leaders argue that problems exist not with the law but with the implementation, there are nonetheless certain lacunae which allow for the law to be interpreted in a manner which works against the development of parties. For example, the law's prohibition of political parties which are "opposed to the principles of the holy religion Islam" creates a situation whereby influential Islamists are able to block the formation of parties to which they are opposed.⁴³ The vague nature of the article leaves too much space for interpretation, and therefore limits the independent nature of political parties, particularly new groupings.

⁴¹ Wilder. Ibid.

⁴² Wilder. Ibid. Page 19.

⁴³International Crisis Group. "Political Parties in Afghanistan." Asia Briefing No. 39. Kabul/Brussels. 2 June 2005.

Similar problems exist with paragraph 3 of Article 6 which states, “Political parties shall not incite violence on ethnic, racial, religious or sectarian grounds.”⁴⁴ While this article goes some way to tackling the fear of factionalism along ethnic and religious line – a fear that has to a large degree dictated the legal architecture of the country – it nonetheless leaves room for influential politicians to limit the creation of new parties. Additionally, as Riphenburg argues, despite this law, “internal fragmentation remains in evidence as the country’s ethnic groups, tribes, and local warlords exercise power in their respective localities.”⁴⁵ By attempting to prevent a situation which is already in existence, the law is therefore not merely ineffective but works to discourage political parties from organizing on the grounds of ‘national unity.’

Over 80 parties had nonetheless registered under this law between 2004 and 2005. Parties are obliged to register with the Ministry of Justice, under the Office of Political Party Registration (OPPR). They are required to have a constitution and a minimum of 700 members.⁴⁶ The ICG has expressed concern with the Ministry of Justice’s role in registering parties and requesting their dissolution, as this system doesn’t guarantee due process and leaves the parties at the whim of the ministry.⁴⁷ Controversy surrounded the decision to register parties led by former warlords which maintained links to armed elements, but they were nonetheless included. Parties that were formed in opposition to Karzai, such as the *Hezbe-Afghanistan Naween*, led by interim Education Minister Mohammad Yonus Qanooni, also encountered difficulties while registering, but were eventually permitted to do so. Thus, while a comprehensive law is in place, it is clear that the influence of political strongholds, including the former warlords and President

⁴⁴ Political Parties law, Article 6, paragraph 3.

⁴⁵ Riphenburg. Ibid. Page 6.

⁴⁶ “Afghanistan’s New Democratic Parties.” Ibid. Page 8.

⁴⁷ “Political Parties in Afghanistan.” Ibid. Page 5.

Karzai, remains strong. The Political Parties Law should thus be clarified in order to prevent it from being manipulated by power elites and to eliminate unnecessary curbs on party formation.⁴⁸

Arendt Lijphart has argued that the most attractive electoral combination for emerging democracies, particularly those with religious and ethnic minorities, is a combination of parliamentarianism and proportional representation (PR). Such a system, Lijphart argues, facilitates better minority representation and less economic inequality.⁴⁹ While there is little chance of a switch away from the current presidential system, and the advantages and disadvantages of this are beyond the scope of this paper, a system of proportional representation with open lists, which has been proposed by electoral experts, would work to prevent some of the problems created by the SNTV system. In a PR system, voters cast ballots for party lists which then gain seats in proportion to their vote. The seats are allocated to candidates with the most votes on the list.⁵⁰ As opposed to closed lists, where the parties assign the seats to the candidates, this system enables voters to reject corrupt individuals. According to Rubin, this system “creates incentives for cooperation among candidates and ethnic groups across a province.”⁵¹ It also limits the use of bribery and intimidation. Changing from the SNTV to proportional representation system should be a goal set by the Afghanistan government, with assistance from the international community.

POLITICAL PARTIES: HISTORICALLY AND TODAY

The historical development of political parties in Afghanistan points towards a situation of sustained and deliberate stifling; this inheritance is significant to the political landscape in existence today. While it would be unfair to suggest that no significant political parties have

⁴⁸ “Political Parties in Afghanistan.” Ibid. Page 1.

⁴⁹ Lijphart, Arendt. “Constitutional Choices for New Democracies.” In The Global Resurgence of Democracy. Eds. Larry Diamond and Marc Plattner. The Johns Hopkins University Press. 1996. Page 162-174.

⁵⁰ Rubin, Barnett. “The Wrong Voting System.” *International Herald Tribune*. March 15, 2005.

⁵¹ Ibid.

existed over the course of Afghanistan's fractious history, these parties have faced legal constraints under successive regimes in the 20th century, which have prevented the creation of national constituencies and an organizational apparatus. This absence is being felt today, as "no leader [can] validate a claim to represent a national constituency through past electoral results or through any other form of activity."⁵² King Zahir Shah's failure to legalize political parties under his tenure – despite having introduced a more representative form of government in 1963 – simply served to make more difficult the task of party building. The nascent years following the adoption of the 2004 constitution are eerily reminiscent of those following the 1964 constitution, and should be referred to in garnering lessons for the future. Writing in 1972, Weinbaum explained that "a persistent fear in government circles is that the freedom to organize political parties will most benefit the country's extremist political groups, offering them respectability and an unrestricted opportunity to proselytize."⁵³ Thus, while Article 36 of the 1964 Constitution emphasized the importance of political parties, a law to institutionalize them was never passed; rather, it was deferred to give time to "incipient parties . . . to formulate policies and groom responsible leaders," an argument that has been echoed by Karzai in recent years.

Zahir Shah's actions ultimately proved disastrous, as leftists and Islamic radicals continued to be active, upsetting the political order and bringing about its downfall. By keeping these parties out of the political system, the King gave them no incentive to work within established boundaries or moderate their views. In fact, potentially moderate parties, including a social-democratic party, ceased to be active when the Political Parties Law remained unsigned, indicating that these parties paved the way for extremist ones with which the government was no

⁵² Rubin, Barnett. The Fragmentation of Afghanistan: State Formation and Collapse in the International System. Yale University, USA. 1995. Page 192.

⁵³ Weinbaum, Marvin G. "Afghanistan: Nonparty Parliamentary Democracy." *Journal of Developing Areas*. Vol. 7, No. 1. Page 70.

longer able to effectively interact.⁵⁴ A variety of communist parties were formed in the 1960s, most significant of which proved to be the People's Democratic Party of Afghanistan (PDPA), or *Hezb-e Demokratik-e Khalq-e Afghanistan*. The party could not refer to itself as a party publicly and many of its actions had to be clandestine in nature; in its secret party constitution, the PDPA described itself as the Marxist-Leninist party of the working class of Afghanistan.⁵⁵ The legal restrictions on the party's functioning did not prevent a PDPA-assisted coup overthrowing Zahir Shah in 1973, and then ultimately, the Saur Revolution of 1978. PDPA leaders had feared that Mohammed Daoud Khan was planning to exterminate them all, which led them to organize an uprising and overthrow him.

The system of nonparty parliamentary democracy evident in the 1960s and 1970s is similar to what we are seeing today. Weinbaum wrote in 1972 that "the Wolesi Jirga, in effect, houses 216 distinct parties – one for each member,"⁵⁶ resulting in disorganization and chaos and a failure to conform to legislative programs. In 2007, he similarly argued (in referring to the legislature's 249-seat lower house) that: "what you have in effect are 249 different parties so it [parliament] has not functioned as a legislature, but as a forum to register complaints."⁵⁷

During the course of the 1970s and 1980s, external interference by neighboring countries worked to prevent the creation of legitimate parties and hardened distrust; parties were now seen by the public as mere proxies for foreign powers or fronts for warlords. Mujahideen parties formed with the goal of resisting Soviet rule were assisted by anti-Soviet international powers. The Iranian revolutionary regime that came to power at the end of the 1970s trained and armed Hazara Islamists; it merged the various Shi'a parties into Hizb-i-Wahdat (Unity Party) after the

⁵⁴ Ruttig. *Ibid.* Page 6.

⁵⁵ Rubin. *The Fragmentation of Afghanistan*. Page 85.

⁵⁶ Weinbaum. *Ibid.* Page 61.

⁵⁷ Kucera, Joshua. "New Movement in Afghanistan Strives to Offer Ideological Alternative to the Taliban." *Eurasia Insight*. March 8th, 2007. Accessed March 22, 2009.

<<http://www.eurasianet.org/departments/insight/articles/eav020807.shtml>>

Soviets withdrew in 1988. Similarly, in 1980, the Pakistani military regime under General Zia ul-Huq propped up seven mutually hostile Islamic parties (the “Peshawar Seven”) as the representatives of Afghani refugees in Pakistan and the mujahideen.⁵⁸ It was made explicit that membership in these parties was a precondition for assistance from the ISI. A system of interparty rivalry served Pakistan’s goals; “a unified Loya Jirga would threaten Pakistan’s control over Afghan refugees and over the military and political conduct of the war.”⁵⁹ In an attempt to prevent growing Pashtun nationalism, Pakistan did not recognize the Afghan Millat, a Pashtun nationalist party still operating today, and together with Saudi Arabia and other Arab states, provided aid and weapons only to the recognized Islamist parties, none of which had large followings among the local populace. Rubin describes the patronage:

Commanders could belong to several networks at once, and no party corresponded completely to a particular social network. Opportunism and pragmatism played a role in party membership, and each network was also segmented by language and qawm. If a prominent leader of one organization belonged to a particular qawm, members of that qawm tended to join that group.⁶⁰

When the Soviets were ousted in 1989, most of these factions became hardened rivals in the resulting civil war. Alliances which did evolve between these groups were seen as avenues to military success; they had little to do with clear-cut ideological goals.⁶¹ Sometimes alliances were formed along ethnic lines, even when the parties were politically at odds with another; for instance, alliances between former communist groups and Islamist parties helped create power centers along geographic or ethnic lines.⁶² Although the parties began initially as military factions, they soon established organizational structure and communication apparatus.⁶³ This

⁵⁸ These parties were the National Islamic Front of Afghanistan (NIFA), the Afghanistan National Liberation Front (ANLF), the Movement of the Islamic Revolution (HAR) the Islamic Party of Afghanistan, Hikmatyar (HIH), the Islamic Party of Afghanistan (HIK), the Islamic Society of Afghanistan (JIA) and the Islamic Union of Afghanistan (ITT). Rubin. The Fragmentation of Afghanistan. Ibid.

⁵⁹ Rubin. The Fragmentation of Afghanistan. Ibid. Page 198.

⁶⁰ Rubin. The Fragmentation of Afghanistan. Ibid. Page 202.

⁶¹ “Political Party Assessment: Afghanistan.” Ibid. Page 3

⁶² Ibid.

⁶³ Ibid.

structure and experience proved significant after the Taliban fell, when these parties were able to take advantage of the new political space through their pre-existing access to resources.

Many analysts contend that there have been three large categories within which political parties in Afghanistan can be grouped historically and to this day: politico-religious or Islamist parties; the communist left; and ethno-nationalists or ethnic and sectarian groups.⁶⁴ Within each broad category exist numerous cleavages, and often there is little that ideologically distinguishes one party from another, other than the leadership. Each category of groups has dominated, and

CONSERVATIVE/FUNDAMENTALIST	66 SEATS
- Dawat-e Islami-ye Afghanistan (Sayaf)	7
- Hezb-e Islami factions (Farooqi, Sabawun)	12
- Jamiat-e Islami/Nozhat factions (Rabbani, etc.)	22
- Hezb-e Afghanistan-e Naween (Qanooni)	25
MODERATE/TRADITIONALIST	47 SEATS
- Tanzeem-e Jabha-ye Milli Nijat-e Afghanistan (Mojadaddi)	4
- Mahaz-e Milli Islami Afghanistan (Pir Gailani)	10
- Nuzhat Hambastagee Milli Afghanistan (Ishaq Gailani)	3
- Hezb-e Wahdat (Mohaqeq)	18
- Other Hazara/Shi'a parties	12
LIBERAL/LEFT	43 SEATS
- Hezb-e Paiwand-e Milli (Nadiri)	2
- Hezb-e Hambastagee Milli Jawana-ye Afghanistan (Jamil Karzai)	1
- Afghan Millat Party (Ahadi)	7
- Hezb-e Junbesh-e Milli Afghanistan (Dostum)	20
- Jabha-ye Democratic-e Milli	7
- Left parties	6
INDEPENDENTS	93
TOTAL	249

proved problematic, at different times in Afghanistan's history. The debates in the current parliament, thus far, suggest that parties with a conservative outlook have emerged as the strongest contenders, as is indicated by the table to the left. [Table taken from Wilder, Andrew. "A House Divided. Analysing the 2005 Afghan Elections." AREU. December 2005. Page 7.]

Most accounts indicate that the post-Bonn period was accompanied by the emergence of a whole host of new pro-democracy parties, whose activities were dampened once the SNTV system was chosen. Given the institutional constraints, these parties were unable to develop. Parties that had existed prior to the Taliban's rule, however, found their way out of the woodwork and have come to dominate the Wolesi and Meshrano Jirgas. In particular, Rabbani's Jamiat party, Dostum's Junbesh party, and the Mahaz-e-Milli party have all received a large number of seats in the WJ. The NDI estimates that there are approximately 15 pre-Taliban

⁶⁴ Ruttig. Ibid.

parties represented in the WJ, and that these members have approximately 93-123 seats. Post-Taliban parties are 10 in number and only account for between 19-31 seats.⁶⁵

The Role of Parties in the 2005 Parliament: Irreconcilable Cleavages or Experiment in Alliance-building?

The September 18, 2005 elections brought candidates ranging a wide political, religious and ethnic spectrum to power in the WJ and Provincial Councils. The Parliament has been described alternatively as an atomized, fragmented institution and one in which numerous parties with fluid and often indistinguishable membership and platforms operate; the Parliament exists somewhere between the two descriptions.⁶⁶ Estimates indicate that there are anywhere from 22 to 33 parties represented in the parliament, with additional parties looking to organize for the upcoming elections.⁶⁷ While some heralded the surprising success of political parties against all odds during the elections, their relationship to the legislature is at best tenuous.⁶⁸ Firstly, the lack of an official acknowledgment of political parties has ensured that only larger, more well-established parties with strong internal communication have been able to influence their Members of Parliament (MPs). Secondly, the lack of a “functional structure” has prevented the parliament from forming or maintaining legislative majorities, which are essential both for necessary political discussion as well as quick and effective legislating. Instead, the plethora of small factions and individuals with no constituency to answer to has resulted in “an environment of constant deal making and horse-trading.”⁶⁹

⁶⁵ “Political Party Assessment: Afghanistan.” Ibid. Page 7.

⁶⁶ Grant Kippen explains that this “resulted in a parliament comprised of numerous contending voices with limited formal organization of political interests, but with large parties informally represented in significant numbers nonetheless.” Kippen, Grant. “Elections in 2009 and 2010: Technical and Contextual Challenges to Building Democracy in Afghanistan.” AREU. November 2005. Page 7.

⁶⁷ “Political Party Assessment: Afghanistan.” Ibid. This NDI report argues, “While many observers were concerned that the parliament would be largely composed of independent candidates, the result has proved to be somewhat more complex.” Page 7. *See also* Reynolds. Ibid.

⁶⁸ “Afghanistan’s New Democratic Parties.” Ibid. Page 5.

⁶⁹ Ibid. Page 5.

Attempts were made early on at establishing a Parliamentary Groups system, where individual MPs were invited to form issue-based groups, rather than those based on religion, ethnicity, or language. The Parliamentary Groups were required to have a minimum of 21 members, and each MP was to be a member of only one group. However, the system failed to take off largely due to leadership struggles between various members of the parliament and because the decision to join parliamentary groups was based on who the other members were rather than on the group's platforms. Thus, each MP continues to effectively function, and vote, as an independent. This provides ample room for vote-buying and intimidation within the legislatures. The Afghanistan Research and Evaluation Unit (AREU) highlights a "self-perpetuating problem" here: "while the functioning of parliament is highly limited by the lack of political parties, the ways in which it does operate provides no incentive for parties to consolidate their connections to it, or to form in the first place."⁷⁰ MPs' votes are not recorded and as they have no public to which they are accountable, there is no incentive to "formalize their connection with Parliament."⁷¹

Since a culture of political parties has eluded Afghanistan throughout its history, there is no system in place whereby parties disseminate information about their goals and mandates. Most parties operate simply as underground groups bent on organizing and mobilizing, rather than working within a system which would provide them the space in which to operate and mobilize. In fact, interviews conducted by the AREU demonstrate that MPs which are members of newly-formed political parties are unwilling to name the party with which they are affiliated. The AREU suggests that this hesitancy may be a result of parties continuing to operate as vehicles of patronage; that is, MPs may agree to represent a party in exchange for some

⁷⁰ Ibid. Page 15.

⁷¹ Ibid.

concession.⁷² Thus, membership to a party is contingent upon personal gain and not upon the desire to put forward certain issues or instill social change. Equally significantly, membership to parties is not formalized, allowing MPs to attach themselves to “successful” parties as they wish. According to AREU findings, respondents view parties as “outside” the WJ, as “separate entities from the workings of parliament,”⁷³ a sentiment which is supported by that fact that many MPs, despite being members of a certain party, are free to make their own alternative coalitions within the parliament.

In a detailed assessment of the backgrounds of candidates elected to the Wolesi Jirga of 2005, Andrew Wilder divided the parliament into pro-government, pro-opposition and non-aligned (or uncertain alignment) groupings. This division demonstrates little by way of actual common interests, and has not pointed towards the actual voting pattern in the parliament. Party policy does not dictate voting behavior, and one can not accurately determine an individual’s political leanings by the party to which they belong. Wilder explains, for example, that the Jamiat-e-Islami, a traditionally Islamic fundamentalist party with Muslim Brotherhood linkages, now includes members with a leftist orientation. The Jamiat faction led by former president Burhanuddin Rabbani currently has ten seats in the Wolesi Jirga, but about 10 related factions and off-shoots have members represented in the WJ as well. “It appears that any ‘politics of ideas’ is overruled by a politics of ethnic identity and personal interest, in spite of measures . . . to counteract this.”⁷⁴

Karzai’s decision to operate independent of a political party has itself backfired. By holding the Presidential and Parliamentary elections at separate times, despite the initial joint

⁷² Ibid.

⁷³ Wordsworth, Anna. “A Matter of Interest: Gender and the Politics of Presence in Afghanistan’s *Wolesi Jirga*.” AREU. June 2007. Page 19.

⁷⁴ Ibid. Page 24.

timetable, Karzai began his presidency with a weak legislative base of support. While he received 55% of the presidential vote, less than a third of the Wolesi Jirga can be categorized as pro-Karzai – and this percentage is further reduced by the tenuous nature of political allegiances.⁷⁵ Thus, one of the most significant results of the composition of the 2005 Parliament has been the manner in which Karzai has had to resort to extra-judicial and undemocratic means by which to exert control – despite the presence of a system that was created in order to bolster his position and disable effective opposition mobilization. The lack of a presidential party, which could potentially have brought in a broad support base from myriad sectors of society, has instead left a gaping void in the center. The Mahaz-e-Milli led the campaign for Karzai in the presidential election, and he was supported by a number of other smaller parties, but no effective alliances have been formed in parliament since.⁷⁶

Karzai stated in an October 2003 BBC interview, “Afghanistan was destroyed, tormented, put through lots of suffering because of the in-fighting, because of the political agendas of the parties that were not national. Afghanistan needs to have a day off on that.”⁷⁷ However, Karzai made no attempt at creating this national party which, even if it had resulted in single-party dominance along the lines of India’s Congress Party post-independence, could have prevented the current-day fractionalization. In 2005, Wilder predicted, “President Karzai’s skill at being all things to all people – to appear relatively moderate or liberal to the liberals, respectful of the jihad to the Islamic conservatives, and to have at least some support from within most ethnic groups – will certainly help in this regard.”⁷⁸ Instead, today Karzai finds himself appealing to extremist parties at all ends of the ethnic and ideological spectrum; his recent

⁷⁵ Reynolds. Ibid. Page 114.

⁷⁶ “Political Party Assessment: Afghanistan.” Page 6.

⁷⁷ Quoted in Ruttig. Ibid. Page 40.

⁷⁸ Wilder. Ibid. Page 5.

signing of the Shia family law, which regulates personal matters among the Shia minority community and effectively “legalizes the rape of a wife by her husband” according to the UN, is indicative of this trend.⁷⁹ A prominent Shia leader was quoted as saying, “It’s electioneering. Most of the Hazara people are unhappy with Mr. Karzai.”⁸⁰ Additionally, a female MP argued, “There are moderate views among the Shia, but unfortunately our MPs, the people who draft the laws, rely on extremists.”⁸¹ Hence, parliamentary debate and discussion has excluded more moderate voices, with the more conservative ideas finding their way into the law. Karzai can be seen to be operating with a “very strong sense of tribal enlightenment and leadership,”⁸² more as a tribal chief than as the head of a modern democratic state.

The former mujahideen – while initially, and still largely, proponents of Karzai – have nonetheless demonstrated their willingness to band together in opposition to Karzai if so needed. The opposition alliance in the Parliament, composed of 12 members and called the National Understanding Front of Afghanistan (NUF), was initially headed by Qanooni who sought to “crystallize the anti-Karzai opposition around his own person.”⁸³ This multi-ethnic alliance aimed to run together for the elections and eventually merge into one reformist party. This pact failed, both in running joint candidates for parliament, and in providing a common front in Parliament. Qanooni was eventually replaced by Rabbani as the opposition leader in the WJ. This period was marked by shifting allegiances between parties and the creation of new offshoots. The presence of these groups nonetheless has ensured a harsh conservative streak, with Qanooni advocating for the implementation of Shariah Law. The NUF vowed to weaken the grip of Karzai and give more influence to political parties. Their first attempt in challenging the

⁷⁹ Starkey, Jerome. “Afghan leader accused of bid to ‘legalize rape’: UN and women MPs say Karzai bowed to Islamic fundamentalists before poll.” *The Independent UK*. March 31, 2009.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Author interview with Tim Wilder. April 12, 2009.

⁸³ Ruttig. Ibid. Page 20.

presidency took place in September 2005 as the Parliament voted overwhelmingly to oust the foreign minister “on the grounds of incompetence.”⁸⁴ The vote proved ineffective, as Karzai deemed it illegal and politically motivated; Foreign Minister Spanta had alienated the warlords by opposing a blanket amnesty for war crimes committed during the years of conflict. Members of the NUF threatened to quit the Parliament. One of the members stated, “If the executive doesn’t pay attention to our decisions, what can we do? If 60 M.P.’s resign, definitely Parliament will collapse,”⁸⁵ indicating the degree to which coalition-building was proving effective for certain members of the Parliament. That this ultimately failed to take off demonstrates the difficulty of ensuring an independent and sovereign Parliament. In March 2006, after the Parliament ruled that a 41-year old Christian convert should not be allowed to leave Afghanistan to seek asylum abroad, as doing so would have violated Shariah law and the Constitution, Western pressure on the new government to honor freedom of religion halted this ruling.⁸⁶ Thus, both Karzai and the international community must balance the need for an independent legislature and one which promotes moderate, democratic ideals – which at the moment, appears irreconcilable. A system that encourages the formation of political parties would assist in promoting this independence, by encouraging groups to mobilize around specific issues.

Former Mujahideen, New Democrats and the ‘Unaligned’: Competing for Legislative Control

Wilder argued in 2005 that the major political divide that would be witnessed in the functioning of the new parliament would be between “religious conservatives” and “liberal, left-leaning members, allied with some independents and members from the more secular, ethnic-

⁸⁴ Semple, Kirk. “In Afghanistan, Anger in Parliament Grows as President Defies Majority’s Wishes.” *The New York Times*. September 26, 2007.

⁸⁵ Ibid.

⁸⁶ “Asylum-seeking convert must not escape: MPs.” *Gulf Times*. March 30, 2006. Accessed March 22, 2009. <http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=79247&version=1&template_id=41&parent_id=23>

based nationalist parties.”⁸⁷ The events of the last four years have demonstrated that the religious conservatives have largely won this battle. Former mujahideen groupings form a stronghold in the parliament; these warlords have created their own parties, in an attempt to reassert their legitimacy and to assert their right to national prominence and to bear arms. Candidates with “jihadist” credentials had a 60% success rate in the 2005 elections in the Wolesi Jirga and an 80% success rate in the provincial councils.⁸⁸ Despite representing different factions and parties, “each of these commanders remain unified in a shared sense of privilege and a right to rule.”⁸⁹ Thus, while the former mujahideen are admittedly a diverse group, and are divided along ethnic lines, they nonetheless possess a similar conservative outlook. A law which banned the broadcast of Indian soap operas as un-Islamic, as well as the prohibition of music and dance performances, indicate the type of socially conservative agenda which is being promulgated.⁹⁰ Recent news reports further indicate that the type of issues with which the Parliament has been involved have remained largely trivial and “out of touch” with the needs of the populace.⁹¹

In a country with a history as dominated by war as Afghanistan’s, political parties have often changed shape numerous times, oscillating between armed militias governed by warlords to parliamentary parties with ostensible party mandates and agendas. Political-military parties have tended to dominate post-war politics for a number of reasons: these armed groups possess greater organizational capabilities than other groups, their role in previous armed resistance

⁸⁷ Wilder. *Ibid.* Page 6.

⁸⁸ Bhatia, Michael. “The Future of the Mujahideen: Legitimacy, Legacy, and Demobilization in post-Bonn Afghanistan.” *International Peacekeeping*. Vol. 14, No. 1. January 2007. Page 100. Wilder explains, “The terms mujaheddin or jihadi are now used to describe those jihad party leaders and their commanders and supporters who still politically and ideologically closely associate themselves with the jihad. They generally share a conservative outlook on social, cultural and religious affairs, and many have a shared objective of “defending the jihad” and establishing a more conservative Islamic state governed by Islamic laws.” Page 6.

⁸⁹ Bhatia. *Ibid.* Page 91.

⁹⁰ “Afghanistan Parliament Bans Indian Soap Operas.” *IBN Live*. April 15, 2008. Accessed March 30, 2009. <<http://ibnlive.in.com/news/afghanistan-parliament-bans-indian-soap-operas/63351-8.html>>

⁹¹ A recent debate over which word to use for ‘university’ indicates the extent to which the WJ remains ineffective, and also the manner in which ethnic and linguistic divisions remain significant. “As problems pile up, Afghan lawmakers debate words.” *Reuters*. August 11, 2008. Accessed April 2, 2009. <<http://www.reuters.com/article/asiaCrisis/idUSISL208419>>

imbues them with a sense of entitlement, and more “traditional” elements have lost legitimacy through their affiliation with the previous regime.⁹² The presence of these parties has done little by way of increasing their legitimacy in the eyes of the public, the majority of which continue to view parties with suspicion and as remnants of either the communist or jihad era. Whether or not the presence of warlords and drug commanders in the Parliament should be used as a reason to marginalize the body is a question many held immediately after the 2005 elections. Bhatia argues that while some commanders attempt to retain the mythology of the mujahideen’s fight against the Soviets, lower-ranked members are looking to break from the party leaders.⁹³ And the former mujahideen are not homogenous in their own right. Bhattia distinguishes between three types: the political-military parties, strongmen-warlords and community militias. “Here, there is a clear divide between those commanders linked to (and drawing their power from) communities or solidarity groups (*qawms*), and those that draw their power from political parties.”⁹⁴

Certain parties have indicated a willingness to transform from parties dominated by a single warlord to political parties with a socially progressive agenda. Dostum’s Junbesh party has been one such example.⁹⁵ Dostum is an Uzbek warlord and former communist militia commander who allied with the mujahideen to help them take control of Kabul in 1992. He played an active role in the U.S.-led campaign against the Taliban, and held the position of Deputy Defense Minister briefly.⁹⁶ According to a report by the Jamestown Foundation:

[Given] Dostum's role as a popular secularist leader in the north (he is generally well liked by the Uzbek, Turkmen, and Hazara population of the north who are grateful to him for protecting their liberal mini-state of six northern provinces . . .), his multi-ethnic Junbish Party might actually play a positive role in the prevention of the reemergence of Islamic extremism in northern Afghanistan.⁹⁷

⁹² Bhatia. Ibid. Page 92.

⁹³ Ibid.

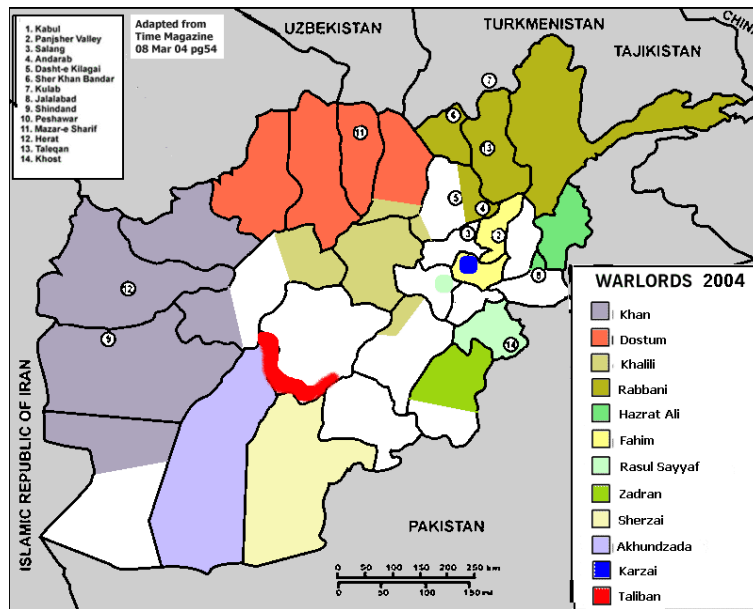
⁹⁴ Ibid. Page 95.

⁹⁵ Interview with Andrew Wilder. Ibid.

⁹⁶ Tarzi, Amin. “Afghanistan: Government Turns its Sights on Northern Warlords.” *Radio Free Europe*. August 21, 2006. Accessed April 17, 2009. <<http://www.rferl.org/content/Article/1070709.html>>

⁹⁷ Williams, Brian Glyn. “Rashid Dostum: America’s Secular Ally in the War on Terror.” *Terrorism Monitor*. Vol. 1, No. 6. August 2003.

Junbesh is said to consist of members from both ends of the ideological spectrum - both leftist and Islamist. Thus, international actors looking to promote democratic parties in Afghanistan should recognize that while parties led by former warlords may not always be amenable to change and that while their presence does point towards a conservative political orientation, in the short-run, working with them to push certain agendas could prove effective. Working to reform the existing system is a policy path that should be adopted along with providing support to new and upcoming democratic parties. An Afghan analyst further indicates the folly of dismissing these parties in an ad hoc manner: “When we talk about the typology of the Mujahedin parties, there are the liberal and open-minded parties among them, the parties that are able to place the national interest of Afghanistan at the top of their political agenda, and the parties which see Islam as entirely compatible with modernism.”⁹⁸



Map Taken from [Global Security](http://www.globalsecurity.org/military/world/afghanistan/images/afghan-map_warlords_2004.gif). Accessed March 5, 2009.

http://www.globalsecurity.org/military/world/afghanistan/images/afghan-map_warlords_2004.gif

⁹⁸ Kabul Center for Strategic Studies. Interview with Sarwar Jawadi. July 2008. Accessed April 16, 2009. http://www.kabulcenter.org/index_files/Page13477.htm

Nonetheless, the influence of these warlords has prevented newer, more moderate parties from exercising control or expressing their views in the WJ. The presence of women – who, before 2005, had a limited, if not non-existent, role in politics – had ensured that lesser-known, and generally more liberal, parties have been able to enter the WJ. However, when these women attempted to challenge the legitimacy of these warlords, they have been silenced and dismissed. This was the case with Malali Joya, an MP from Farah province, at the first session of the new parliament, when she referred to the former mujahideen as “criminal warlords” and said that their hands were “strained with the blood of the people.”⁹⁹ Joya was subsequently suspended from the Wolesi Jirga, on the grounds that she had broken Article 70 of the Parliament which banned WJ members from openly criticizing one another. A discussion of the success of the quota for women in the WJ is beyond the scope of this paper, but it is important to emphasize here that the women, while present, have failed to effectively function as a united caucus.¹⁰⁰ Many of the women were elected on the backing of an influential male figure, and have not banded together on issue-specific grounds. The atmosphere of intimidation, further, remains a major hurdle to successful politics. Shukria Paikan Ahmadi, a deputy from Kunduz, explained:

“The mujahedin are always intimidating us and we can’t say what we want. When one of the women was speaking, a commander from Herat told her to be quiet, otherwise they’d do to her what they did to Malalai... The warlords are a majority in parliament. And even though they are all from different factions, in this they are together. They are all against us, against the women.”¹⁰¹

Recently, political activists – mostly from the leftist camp, but also including members of the former mujahideen – have formed into a grouping now being referred to as the New Democratic Parties (NDPs). The new democrats belong to distinct parties, but 13 of these have formed a tentative coalition, the New Democratic Front, which recent reports indicate may

⁹⁹ Coghlan, Tom. “Afghan MP says she will not be silenced.” *BBC News*. 28 January, 2006.

¹⁰⁰ Interview with Andrew Wilder. *Ibid.* For a detailed discussion regarding gender politics in the Afghan Parliament, see Wordsworth. *Ibid.*

¹⁰¹ MacKenzie, Jean and Wahidullah Amani. “Afghanistan’s Buzkashi Parliament.” Institute for War & Peace Reporting. May 19, 2006. Accessed March 30, 2009. <http://www.iwpr.net/?p=arr&s=f&o=261895&apc_state=henh>

potentially prove to be powerful in the next Parliament. Many of these parties consist of young activists who are distanced from the bloodshed and trauma of the wars of the last few decades. These parties possess a commitment to democratization, and a professed “anti-fundamentalist” stance.¹⁰² Candidates from these parties failed to capture any seats in Parliament during the 2005 elections – partially a result of class cleavages, with most NDPs consisting of the educated elite – losing out to the former mujahideen and Islamists. Nonetheless, their presence and efforts at organizing provide an appropriate template from which further mobilizing is possible.

Looking Ahead: Parliamentary Elections 2010 and the Long Road Forward

While in-depth analysis on the manner in which the parliament had functioned over the last four years still remains to be done, the general consensus appears to be that it exposed structural deficits more than it did begin a process of legislative democracy in Afghanistan. Importantly, it retained an ultimately conservative, undemocratic outlook as a result of the predominance of personality-driven parties associated with previous eras’ power-brokers. Nonetheless, it is important to analyze these developments in context of the overall security and sociopolitical context in Afghanistan – that the Parliament is making key appointments and operating in a generally free and fair environment is a praiseworthy development. Much development has also taken place among younger members of society, and their participation in parties is a promising sign for the future. The importance of the Parliament as a legislative and democratic body cannot be overemphasized. With the political environment in Afghanistan evolving at a critical time, the legislature can alter the political landscape and ensuring the strength of these key institutions is integral to long-term development. As the ICG points out, “in

¹⁰² “Afghanistan’s New Democratic Parties.” Ibid. Page 6.

the absence of legal channels for political representation, sub-state actors could once against resort to violent means to further the interests of the communities they represent.”¹⁰³

A general sense of dissatisfaction with the current parliamentarians means that the next elections may see a vote against the incumbents, which would bring in new actors.¹⁰⁴ While the New Democratic Parties are being trained by international organizations as a means by which to promote internally-democratic, progressive parties, a mix of power politics, lack of expertise and resources and unfavorable legal and constitutional constraints nonetheless indicate that they are unlikely, in the short run, to become major power brokers in Afghan society. Rather, power is likely to remain with parties dominated by former warlords.¹⁰⁵ However, this in itself may not be an irresolvable problem – some warlords have transformed their political groupings into political parties with socially progressive agendas.

Much depends on the upcoming presidential election, which current President Karzai is expected to win. Karzai’s resistance to political parties is “fundamental and not merely tactical in nature,” with some indication that he is choosing to govern Afghanistan like a traditional tribal leader rather than along Western lines.¹⁰⁶ Karzai’s own lack of desire to form a political party on the basis of which he could act and mobilize support indicates a personalistic rule, based on client-patron relations. He must recognize that his power is dwindling, in no small part due to a lack of support base in the legislature. If Karzai wants to effect change along the democratic ideals that he has been espousing, he must discontinue making deals with conservative elements in the legislature, or, alternatively, using his executive authority to prevent bills from being passed. Ultimately, electoral incentives are key to crossing ethnic lines in a democracy. Until the

¹⁰³ “Political Parties in Afghanistan.” Ibid. Page 13.

¹⁰⁴ Interview with Andrew Wilder. Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Maass. Ibid. Page 2.

President himself operates from a centrist, inclusive position, this void will continue to be filled by extremist parties.

The following policy recommendations are intended for both the international community and the Afghan government, who must continue to work in partnership to tackle this issue. As Andrew Wilder explained in an interview, ultimately, the problem of political parties is political, not technical, in nature. Thus, the policy approach must be two-pronged. On the one hand, technical assistance must continue to be provided to individual parties and blocs to help them develop as progressive, internally-democratic political parties that will aid in the independent, successful functioning of the Parliament. On the other hand, the SNTV system must be replaced and electoral incentives provided to give parties a reason to reach out across societal divides.

Policy Recommendations

For the Afghan government

1) Change the SNTV electoral system to a proportional representation system.

The development of political parties in Afghanistan faces historical, legal and pragmatic constraints, of which changing the SNTV system is merely a first – albeit important – step. The SNTV system has shown itself unsuited to Afghanistan not only because it has retarded the development of democratic political parties along the lines of Western parliamentary systems, but also because it has inadvertently benefited conservative blocs and personality-driven parties. The SNTV system must be replaced as soon as possible with a proportional representation system, with open lists. As opposed to a closed-list system which could benefit individual, potentially corrupt leaders, an open-list system ensures that voters know precisely who they are electing. Under this system, candidates can stand as independents or as part of a party list. Seats would be allocated to lists in proportion to the vote, ensuring that Afghan voters would be represented better.¹⁰⁷ This system would also encourage candidates and groups to cooperate across regions and ethnicities. Afghanistan will no doubt experience initial difficulty in instilling this change, as voters will have to be re-educated about the electoral system, but long-term democratic and political development will not be possible without it.

2) Amend the Political Parties Law and the registration process to prevent powerful elements from manipulating the system.

¹⁰⁷ Rubin. “The Wrong Voting System.” Ibid.

The Political Parties Law should be amended as soon as possible to clarify any vague wording which could be used to prevent the formation of new and important political groupings. In particular, the Afghan government should clarify Article 6 of the law, which prevents the formation of parties on the grounds of national unity. In addition, the government should simplify the registration process, and move it from the purview of the Ministry of Justice to an independent commission, which would prevent the politicization of the process.¹⁰⁸ The Ministry lacks the legitimacy and the means to verify that parties are adhering to the law, particularly in areas outside of Kabul.

3) President Karzai should consider forming, and operating on the basis of, a centrist, inclusive political party.

President Karzai lost an opportunity to form, and stand for election, on the basis of an issue-based, multiethnic political party at the time of the first election. He must recognize the importance of political parties for the democratic future of the country and for an effective functioning of the Parliament. Importantly, his own support base could be cemented were he to fill this centrist void, and ensure that it is not filled by voices from the margins.

For the International Community

4) Continue to provide technical training and assistance to political parties in Afghanistan.

The international community must assist with the development of parties and alliances, through technical assistance and training. The New Democratic Parties provide the opportunity for engagement, and organizations such as the National Democratic Institute (NDI) and International Republican Institute (IRI) have already begun providing them training and support. However, in providing such training, organizations should continue to reach out to parties across the political spectrum, and at all levels of party membership. This would ensure that particular parties aren't seen as too closely associated with foreign actors (which could discredit them with sectors of the populace) and also ensure that democracy is being generated from the ground. Emphasis should be placed on creating internally democratic parties, and thus support should be provided to more than a few key leaders.

This support and training should include both short-term and long-term assistance. Helping with message and platform development so parties can effectively convey their mandates to the voters, and assisting with the 2010 election campaigns and fundraising are necessary, but so is helping party leaders develop strategic visions for where they want their parties to be in 5 to 10 years.¹⁰⁹ Thus, while focusing on the 2010 elections will be a necessary part of the training for political parties, international organizations must recognize that political party development is a long-term goal which will require both time and finances. A USAID report states, "Assistance programs need to be strategic. Different parties are at different points along the development continuum, or have different interests. Providing a one-size fits all recipe across the board for all parties may be efficient, but it is

¹⁰⁸ "Political Parties in Afghanistan." Ibid. Page 5.

¹⁰⁹ USAID Afghanistan. "Assessment of Political Party Programming by USAID in the Islamic Republic of Afghanistan." May-June, 2008. Page 26.

neither appropriate nor appreciated.”¹¹⁰ Working to support parties at the local and regional levels, where resources and expertise are even scarcer, is also essential.

Given that the SNTV system is likely to be in place by the time of the next parliamentary elections, currently scheduled for 2010, it is imperative that political parties looking to gain power attempt to work within the system. The benefits of this are limited, and long-term change will only come through a change in the electoral system, but the New Democratic Parties can learn from the former mujahideen groupings in banding together and presenting candidates strategically to ensure that they populate the WJ and Provincial Councils.

5) **Improve the legitimacy and reputation of political parties among the general populace.**

As political parties continue to be viewed with suspicion, particular attention must be paid to improving their reputation and legitimacy. This can be achieved in part by ensuring that the parties rely on legitimate party financing, which will have the additional benefit of weeding out “unworthy political players.”¹¹¹ Building stronger parties based on ideas stabilizes the political system, as representation is based on shared beliefs and values that do not change with a single person’s situation or reflect only one person’s values.

At the same time, more political parties should not be confused with greater democracy. Wilkinson has found that most effective party politics takes place when there are three parties competing for electoral success. The plethora of political parties in Afghanistan indicates the formation of groups not along ideological grounds, but often based on personality and power-driven mandates; Kit Spence refers to these as “vanity projects.”¹¹² Given this scenario, the international community should be wary of encouraging ad hoc and general party formation, and rather provide targeted aid and assistance to parties.

6) **Begin a media campaign to educate voters on the importance of political parties.**

International organizations should work with the political parties in utilizing media sources to explain their goals and mandates. Additionally, assistance should be provided to improve the capacity of the media itself to better discuss and participate in the democratization of the country.

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¹¹⁰ Ibid. Page 25.

¹¹¹ “Assessment of Political Party Programming by USAID.” Ibid. Page 24.

¹¹² Ruttig. Ibid. Page 17.

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