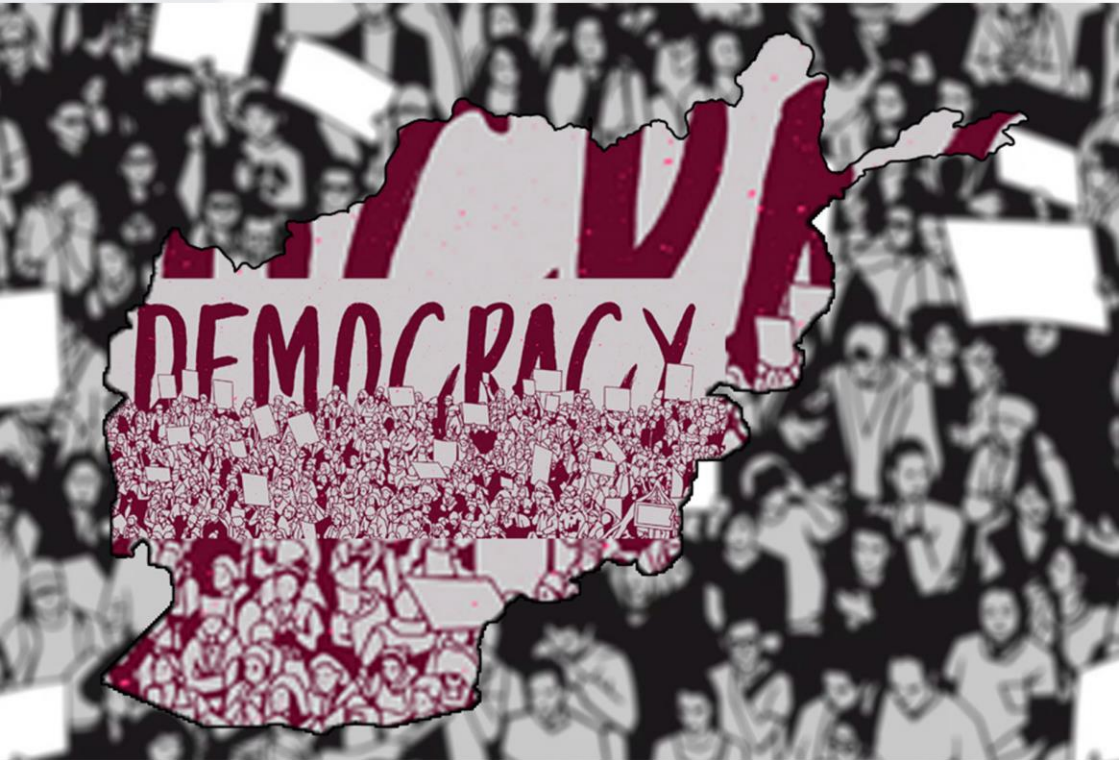


Democracy Denied

The False Promise of Afghanistan's
Constitutional Order



Jennifer Brick Murtazashvili

Afghan Institute for Strategic Studies



Democracy Denied

The False Promise of Afghanistan's Constitutional Order



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FOREWORD

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INTRODUCTION

Democracy in Afghanistan has not lived up to its potential because it was never given a chance to thrive. The blame for this is not to be found in its citizens, its flourishing civil society, or in its vibrant media. It has been limited for two main reasons. First, the 2004 constitution never allowed Afghanistan's democracy to live up to its promise as the institutional arrangements that governed the post-2001 period failed to create incentives for participation in the state democratic system at the subnational level. Constitutional provisions that could have allowed greater citizen participation through elections in their districts and cities were ignored by the country's leaders. Second, staggering corruption in presidential and parliamentary elections disillusioned many from the democratic project. The consequence of this is a dynamic political class that is concentrated in Kabul who have a vested interest in preserving democracy. These groups understand the power of influence and advocacy because they are the few that can participate in this small window for contestation in Kabul. Outside of the capital, many feel betrayed by a system that while delivering corrupt elections for the President and National Assembly, retained features of previous authoritarian regimes. The international community bears enormous blame for this as well, as its massive

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financial support of these dynamics undermined the liberal state it sought to create. The bottom line is that political leaders in Kabul and its international patrons preferred to centralize authority around authoritarian institutions rather than implement the imperfect democracy enshrined in the constitution. The result is that the state-building project denied the people of Afghanistan the democracy it promised.

Recent survey data indicate that many in Afghanistan do not believe that the constitution in its current form is worth preserving. Although most want to preserve Afghanistan as a republic rather than become an Islamic emirate, the vast majority believe that the peace agreement should bring substantial changes to political organization in the country. Just one-third believe the country should adopt a fully Islamic legal basis and become an emirate, while most support the country in its current form as a Republic. Although most want the republican basis of law to remain, only 32 percent said that the current constitution should serve as the basis of legal structures and law after a peace agreement (Heart of Asia Society 2020).

The explanation for these demands lie in Afghanistan's political system, which concentrates policymaking decisions in the capital alongside a bureaucratic structure designed for authoritarian rule

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that that gave people outside the capital almost no voice in political decision making or in policy choices. When the government concentrated all its power in Kabul, there was almost no reason to deter for a truly meaningful civil society to grow outside of the capital. If groups have no role in advocacy and cannot influence local policies, they have no reason to organize—at least around matters of concern to government affairs. A consequence of this is that those who have the most to lose from the collapse of the current state are in the capital. The inability to extend meaningful participation and build local forms of accountability meant many Afghans had no stake in their governments at the subnational level. This represented a lost opportunity as so many Afghans have clamored to change and want to participate in decisions in their communities.

The people of Afghanistan have learned to live without the state. They have learned to distrust democracy, but this does not mean that citizens are disinterested. On the contrary, many organize and lobby around ideas of local concern, but they use structures outside of the state to facilitate this cooperation. The great irony is that during the height of the state-building effort, the most dynamic civil society occurred in communities throughout the country, with almost no participation of the state. The inability of Kabul to harness this creative energy is the greatest lost opportunity of the

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past twenty years. The central government continues to treat citizens as subjects who must be ruled. This is the greatest tragedy of the past twenty years. A true lost opportunity to do things differently.

The concentration of political decision making in Kabul had several devastating consequences for the health of democracy in Afghanistan. First, it gave people of Afghanistan very limited opportunities to participate in democratic governance. Democracy is much more than elections. What happens between elections is just as important as the procedures used to select representatives. It is this period between elections that creates a civic square and government legitimacy. The only place where people were able to participate in democratic governance was at the national level. This means that most political conversations and contestation occurred in Kabul between the educated elites, think tanks, parliament, government ministries and state agencies. A consequence of this was that those who had a stake in the state and its future were largely concentrated in Kabul. Those outside Kabul had few means to have a voice in politics and decisions in their community. Therefore, they did not have a stake in keeping the system together because they were never able to have a real sense of ownership over what was created. This left Afghanistan as a country that is deeply divided, and urban-rural differences—especially differences between Kabul and the

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rest of the country are an important driver of this divide. Although formal democracy has not lived up to its promise, the expansion of education and the constitutional support of democratic systems have had positive consequences. The country has much to celebrate. It has a civil society, deeply engaged political thinkers from across many political spectrums, and a population that wants to participate in the political process. Unfortunately, opportunities for participation are limited to do the lack of democratic institutions at the local level. Without opportunities for participation in local governance, the contours of the social contract remained largely unchanged from what they had been in the past. It is no small wonder, then, that people continue to fight for change.

With negotiations with the Taliban underway, the Afghan government finds itself in a weak bargaining position. The weak military position of the state is partly due to the direct consequence of the inability to give those outside the capital a seat at the decision-making table.

The lack of opportunities for participation in the policy process in Afghanistan is striking given that the war in the country is affecting the rural population much more than those in Kabul. As a peace agreement with the US and intra-Afghan talks were debated, there has been a significant uptick in attacks in rural areas and a

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reduction of attacks in cities (Mashal and Rahim 2020). Turnout for recent parliamentary elections were higher than presidential elections. Although there are many reasons for this, citizens may perceive that their vote matters more for the members of parliament. MPs are the only locally elected officials that play some role in public policymaking in the country. This is hard to tell when because of the SNTV voting system, members of parliament are elected with a very small percentage of the vote. Reporting on the 2018 parliamentary election suggested that in many parts of the country, including Kabul, polls were not open due to insecurity. In much of the country, the Independent Elections commission did not even set up voting stations because there was no security or support for the elections in these areas (Ruttig 2018).

Voting in the 2019 presidential election was the lowest since the adoption of the 2004 constitution. While people may value democracy, democracy simply did not deliver for people.

In Afghanistan—and in so many other conflict-affected states that feature heavy international intervention—elections became the measure of democracy rather than more meaningful participation in the political process. Both domestic and international actors focused on successful presidential and national assembly elections to measure the health of democracy in Afghanistan. This is a very

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imperfect measure as democracy is about much more than elections: it is about the role of citizens in the policymaking process. It is about oversight over officials. It is about the ability of citizens to have a voice in creating budgets from their taxpayer dollars, among so many other things. The constitution called for an elected president, national assembly, as well as provincial, district, and village councils. Although the constitution mandated elections for district and village councils, more than fifteen years after this document was drafted these elections have yet to be held.

Constitutional democracy failed to live up to its promise for several reasons, but the main reason is that the system created elections but those election did not translate into the creation of bodies whereby citizens could hold officials accountable for their action. The only exception to this is the National Assembly in Kabul. There are no bodies at the subnational level where citizens can participate in the crafting of public policy. They do not have the right to make decisions over their own taxpayer resources at the local level. This is where democracy matters most. This is where it has been most absent. The constitution called for an elected president, national assembly, as well as provincial, district, and village councils. Although the constitution mandated elections for district and village councils, more than fifteen years after this document was drafted these elections have yet to be held. The constitution called

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Democracy thus left an important vacuum in Afghanistan. The international donor community and factions within the Afghan government tried to fill this vacuum with donor projects like the National Solidarity Program and the Citizens' Charter. Although well intentioned, these programs sought to substitute for meaningful local participation. They built parallel structures supported by massive donor aid. In this way, donors supported the creation of a kind of rentier democracy the local level that was not directly accountable to citizens or the government. It existed independently from it. It disappeared as quickly as the donor assistance. The failure of the centralized governance system and its democratization project in Afghanistan represents another failed opportunity for the Afghan state to institutionalize its relationship

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and come to terms with society and their informal norms and functions. This exacerbated the attitude of society towards the state and made it much more unwilling to accommodate the state. In this sense, state failure remains a vicious cycle. In other words, it is the outcome of historical competition between the state and social forces and their failure to accommodate one another. The outcome of this process has been either centralization (when state has dominated) or anarchy because of the destruction of the center (when societal forces have dominated, for example in the 1990s). The post-2001 centralization is a microcosm of this historical process for mutual domination where a heavily centralized state, with international support, manipulated the process in its favor rather than seeing a positive-sum result.

Democracy in Afghanistan created a massive, winner-take-all competition that concentrated political power in the center. This led to increased polarization of the public and an increase in ethnic politics because it meant that power would be based on the ability to create factions.

The inability to create opportunities for real democratic participation at the subnational level that gave citizens oversight into policies and programs at the local level were an unfortunate result of the post-2001 institutional design. Although there many

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reasons why an insurgency continues in Afghanistan, we would be quite remiss if we did not consider the ways in which the design of political institutions and inability to implement limited democratic rules concentrated opportunities for political participation in the capital, leaving the rest of the country out of the conversation.

NATIONAL-LEVEL POLITICS

Throughout its modern history, Afghanistan has had a political system that concentrates power in the center. Afghanistan's monarchs believed that to build the state, power must be concentrated in the center. This view is reflected in Kabul today as even the President Ghani believes there is a sequence to political reform: consolidate the state at the center first and only then can politics be devolved to localities. The sequencing assumes a kind of political maturity: when people are mature enough to submit to the rule of the center, only then can they have self-governance in their communities.

The current trajectory of centralized rule is the product of the vision of Amir Dost Mohammad, but accelerated by Abdur Rahman Khan, who ruled the country from 1880 until his death in 1901. He used a level of violence almost unprecedented by Afghan leader to consolidate his personal rule. In terms of centralization, he ended the practice of appointing relatives of the monarch to run distant provinces. Although this informal system of governance had been around for decades if not centuries, he believed that Afghanistan's instability was tied up in this system. It allowed relatives of the king to amass bases of power outside of the capital, which they could then use to challenge the power of the monarch in the capital.

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By putting an end to this system, Abdur Rahman moved to create a system of politics that was based on loyalty to him and that brought most important decision to the capital (Kakar 1979). He used violent campaigns against informal customary leaders at the community level as part of his effort to gain quiescence. He viewed informal sources of authority, such as khans and customary leaders, as threats to state power. These individuals were threatening to the central government because they had sources of legitimacy that were not dependent upon the state. To Abdur Rahman, and others that followed, his legitimacy should emanate from the state. It could not be built from the bottom up.

Leaders that followed Abdur Rahman tended to view subnational politics in much the same way. Although there was some discussion of a more decentralized system in Afghanistan during the period before the 2004 Constitutional Loya Jirga (Rubin 2004), the result of this process was the adoption of the current constitution, which is in most ways identical to the 1964 constitution, except it replaces the monarchy with an elected president. The country was still to be governed through principles of centralism. The post-2004 constitutional order created very weak checks on a very strong executive. Given that the rules of the political game were based on the 1964 order, this should not have

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come as a surprise, as weak parliaments. featuring weak parities have been a signature of executive-legislative since the that time (Weinbaum 1972).

In contemporary Afghanistan, the parliament was weakened in two significant ways. First, the powers of the legislature to serve as an effective check on executive authority were very weak vis-à-vis a much stronger executive. Second, laws governing the elections of the parliament created the Single Non-Transferable Voting system relying on at-large constituencies in each province. This undermined strong representation of citizen interests in two ways. First, the system intentionally disincentivized the creation of strong political parties. During the first parliamentary elections in 2005, candidates were not allowed to associate with a political party. Political parties are vital for the health of any democratic system. In addition to aggregating interests of citizens, they also work to inform citizens, and develop positions that are independent of the executive. Second, the creation of at-large districts created enormous confusion among citizens as to who represents you in the Wolesi Jirga (lower house of the parliament). For example, there are eight seats reserved for Helmand Province. The electoral rules do not create district-level or other forms of constituencies below the province. It means that all members of parliament may come

from the provincial capital. When citizens have more than one MP they can turn to, it creates diffuse representation. People do not know who can best represent their interests in the elected body. It increases costs to citizens to raise concerns if it is not immediately clear to them who represents them. The weakness and lack of clarity about the roles and responsibilities of members of parliament created a system whereby individuals use these elected positions as performative positions.

Rather than enabling policy debates and deliberation, elections provide an opportunity for the most powerful and influential to extend or legitimize their power through other means (Coburn and Larson 2014). They became venues for patronage and other informal politics. This is because members of parliament do not have incentives to rule as policymakers. Due to provincial wide at-large districts, MPs basically have no constituencies. Most important lawmaking functions were given to a much stronger executive, which issues executive orders and proposes the budget.

Parliament has emerged as a veto player in principle, but one that has not been very effective vis-à-vis a much stronger executive and a donor community that wants to get things done quickly. Veto players are constraints on political power that by their very nature slow things down (Tsebelis 2002). There are very few meaningful

institutional constraints on the executive in Afghanistan. Although the parliament has tried to assert itself more frequently in recent years, it is often ignored by both the government and the international community alike.

For example, at the height of the COVID-19 crisis, the lower house of the National Assembly, the Wolesi Jirga, rejected President Ghani's proposed food relief program (*dastarkhan-e milli*) for fears that assistance would not reach those most in need. Despite parliament voting down this program, the government insisted that it had the right to implement the program. The World Bank funded this program with \$240 million in support. The parliament voted down the program, arguing that they did not believe the government would use the funds in a transparent manner (Ghubar 2020). Donor willingness to support such a program in light of the rejection by parliament of this program indicates that even donors who have spent such vast resources trying to create democracy in Afghanistan, have no problem sidestepping it when it obstructs their vision.

DEMOCRACY AND ACCOUNTABILITY AT THE SUBNATIONAL LEVEL

Although Afghanistan strived to become a democratic state, the full potential of democracy has not been felt because participatory decision-making, local oversight, and the ability to hold officials accountable have not been implemented at the subnational level. Furthermore, even if all the rules of the 2004 constitution were implemented, there would still be very few venues for citizens to have a role in decision-making processes or hold officials accountable for their actions. This is because the post-2001 democratic order retained many vestiges of previous authoritarian regimes: all executive authorities at the subnational level are appointed by center and are vertically accountable only to the center—not to the citizens. The constitution has no mechanisms to hold these appointed provincial governors, district governors, and mayors accountable to citizens. Although democratic rules and procedures are now used to select the president and the National Assembly, there is a deep gap in the ability of individuals and communities at the subnational level to select leaders and implement policies at the local level that reflect local preferences. These elections have featured vast amounts of fraud. The Independent Election Commission (IEC), which oversees election has been one of the most corrupt public bodies in

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Afghanistan. Many have accused the organization of playing ethnic politics, and manipulated, and sometimes determining results based on ethnic favoritism. This significantly decreased voters' trust in the electoral system. This distrust could played an important role in decreasing turnout and weakening representation system both at national and provincial levels (Callen and Long 2015). Moreover, since members of the provincial units of IEC are appointed from Kabul, those agents serve the interests of the President.

Democracy at the provincial level in Afghanistan represented a great hope for many citizens after the fall of the Taliban government in 2001. But rather than seeing a striking change in the way they experience the state, governance represented a continuity with previous eras. A new regime was in place in Kabul, but the machinery of governance at the subnational level, where 75 percent of the population resides, was almost identical to previous authoritarian models. This is particularly striking if we look at provincial government. After 2001 and continuing with the 2004 constitution, all provincial governors continued to be appointed by the president in Kabul. There are no provincial authorities at the subnational level that have any role in policymaking that are selected by citizens.

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The constitution also created elected provincial councils. Although voters were promised something new with democracy and the election of provincial councils, what they were served by the state was familiar. The role of the provincial councils during the post-2001 period was identical to their role after the creation of the 1964 constitutional monarchy. They had no formal authority over the appointed provincial governors. Unlike provincial governors, provincial councils are elected by citizens. A challenge with these bodies is that they do not have the ability to override decisions made by provincial governors, they lack policy making authority, and they do not have oversight over any decisions made at the district level. Citizens routinely complain that provincial council members do not serve the people, but instead exist to extract rents from aid, the state, and citizens (Brooks and Trebilcock 2014; Tolo News 2013). Citizens lack confidence in provincial council members for many of the same reasons they distrust members of parliament. Like MPs, provincial council members are selected on an at-large basis and lack formal constituencies, which in turn leads to an accountability crisis as citizens do not know which MP serves them.

The post-2001 constitution did not bring democracy to the district-level, the lowest level of formal authority and the most crucial as

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this is where people experience the state.. Just as in previous eras, all district governors (woluwwals) are appointed by the president (after having been vetted by IDLG). Since 2007, the civil service reforms meant that district governors must go through merit review to be appointed, but this did not mean that they were accountable to citizens. District governors are incredibly important actors because as the lowest level of government, they represent the face of the state to citizens. Many citizens have no idea who their provincial governor might be, but many do know their district leaders.

The 2004 constitution also called for elected district councils, yet despite numerous promises by both Presidents Karzai and Ghani, district council were never held on a nation-wide basis. Officials point to the lack of security, the lack of resources, and most importantly the challenges faced in demarcating and delimiting district boundaries. Indeed, as recently as a few years ago, IDLG officials were unsure of exactly how many districts exist in Afghanistan.¹ The lack of elections for mayors represents one area where Afghanistan has seen pronounced democratic setbacks when compared to the era of the constitutional monarchy in the 1960s.

¹ Interview, IDLG official, July 2013.

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Just as the 1964 constitution promised elections for the leaders of Afghanistan's municipalities, so too did the 2004 constitution.

Yet, this aspect of the constitution was never implemented. In 2009, President Hamid Karzai announced that mayoral elections would be held—as called for by the constitution—but this never happened (Katzman 2015, 38).

Prior to 1964, there were several rounds of municipal elections held around the country. According to a 1947 Municipal Law, towns with populations over 10,000 people had institutions of self-governance. This law created elections for municipal councils based on *nahiyas* (wards) in each city. This law created Municipal Election Committees in each large town in Afghanistan that vetted candidates for these elections. By 1962, at least four rounds of these elections were held. Just as the case with provincial council elections, municipal council elections were plagued with problems and corruption. Many never used secret ballots and used raising of hands to select candidates (Dupree 1963). Elections for provincial councils were held every four years.

Mirroring the 1964 constitution, the 2004 constitution also called for the creation of elected village councils. As with the provincial and district councils, these elections never took place. As with the other elected councils it has never been clear what mandate such

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councils would have even if they were elected. The case of the village councils is even more puzzling. The constitution called for elected councils but does not call for elected village leaders. Typically, legislative councils have oversight or work in tandem with executives. In this case, the Afghan constitution created councils with an unclear mandate and checked by not other authority.

CONSEQUENCES

Proliferation of State-created Parallel Structures

The failure to implement the constitution, especially with regards to district council elections, mayoral elections, and village council elections, meant that it is impossible to assess the full impact of democracy in Afghanistan. Representative democracy was never given a chance to demonstrate its ability to solve problems, aggregate citizen preferences, and hold politicians accountable. Consequently, most politics occurs through informal venues.

The international donor community tried to paper over the lack of meaningful participation at the subnational level with a host of parallel structures that did not give citizens real or meaningful oversight over the government. This was an extremely wasteful endeavor because it created ephemeral bodies that did not deliver on democratic promises. But these efforts were not successful because citizens recognized them as ephemeral. Furthermore, these bodies did not have the authority to do what people wanted them to do, which had a role in shaping policy outcomes.

For example, the National Solidarity Program, which with more than \$2 billion in support from the World Bank and other bilateral donors, sought to create more than 30,000 village development

councils in communities throughout Afghanistan. This program ended in 2017. By the time the program concluded, much of Afghanistan's territory was not under government control. Many of the CDCs that were created no longer functioned because they were not in territory controlled by the government. Most importantly, their reason to exist—to spend donor's funds—no longer existed.

The World Bank's own assessment of the NSP was not positive. It found that its efforts to create new community councils that were in parallel to existing customary structures undermined governance in communities where it worked. Specifically it found that that “the negative impact on perceived local governance quality indicates that the creation of new institutions in parallel to customary structures may not have the desired effect, particularly in cases in which the roles of new institutions are not well-defined (Beath, Christia, and Enikolopov 2013). These findings, which were developed through a randomized control trial, illustrated that efforts to create new donor-supported organizations undermined existing forms of civil society in communities, namely customary authorities.

The Citizens' Charter expanded the work of the NSP in rural areas to include both rural and urban areas. The project, also supported

by the World Bank with massive donor investments, views itself as a community-driven development project. It aims to provide every village and city in Afghanistan with basic services, based on community priorities. In addition to providing projects and grants, the Citizens' Charter sees itself as a project that monitors and evaluates government programs as they are implemented. It aims to gain government trust by reducing poverty and deepening the legitimacy of the Afghan state. Since the project was rolled out a few years ago, it has faced massive problems in implementation due to insecurity and corruption (Bjelica 2020).

The international humanitarian community was not alone in building parallel structures to create venues for participatory processes at the subnational level. During the height of the counterinsurgency campaign of the United States and NATO countries, Western donors tried to support service provision through district councils (Terrones 2014). Just like the international humanitarian community, the military community created its own parallel structures to provide services to citizens in a more targeted manner. These included Provincial Reconstruction Teams (PRTs) and District Stability Team (DSTs), whose impact and usefulness are still questioned. Tamim Asey (2019) argued that these donor supported programs that sought to generate participation through

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development at the subnational level were not sustainable and were not successful because they relied so heavily on donor aid and donor management. These were also community development projects, he noted, and they were not drivers of the economic revitalization. In fact, he argues, these programs contributed to an “unsustainable subsistence economy in the rural parts of the country.”

These programs were not just ineffective and wasteful, but they also served to undermine democracy because as parallel structures, they diverted donor and public attention from what was constitutionally mandated: the creation of district councils and village councils. Rather than focusing on building the structures called for by the constitution, which actually gave citizens power over the government, it created parallel bodies that gave the illusion of participation but gave citizens no legal or constitutional oversight guaranteed to them. These parallel structures were thus illusory and ineffective. They did not win hearts and minds through their programs. They were not sustainable because they were based on cash infusions by donors rather than giving citizens a voice over what matters most to them in local politics: their local administration. Participation at the subnational level is important. Aid projects like the NSP and Citizens’ Charter created new

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councils that allowed people the opportunity to set priorities in the funding of local projects.

Most, if not all, the funding for these projects came from the international community. These were not the funds of citizens. These were not taxpayer dollars. While many donors were quite satisfied with the ability of citizens to play a role in deciding how funds should be spend, participation is important for many reasons besides setting spending priorities. Elected officials provide very important oversight that can help ameliorate corruption. Governments do much more than distribute grants and aid. They solve problems. They are focal points for local collective action. In many democracies political parties should be involved in these issues because political parties play an important role not just in aggregating interests but also in educating voters on important policy issues.

Consequence: Democratic Buy-in Concentrated in Kabul

What should be clear from the sections above is that Afghanistan has elements of an imperfect democracy. It is imperfect because most of the democratic aspects of the constitution have only been applied to politics at the national level. Subnational democracy was only partially implemented (through the creation of very weak

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provincial councils). One consequence of this is that the groups who are most active in participating in Afghanistan democracy are clustered in Kabul, where the only meaningful participation in government exists. While citizens may support factions in the government, it is unclear the extent to which citizens support democracy in the country. This is because many have not been able to participate or benefit from democratic processes.

Kabul is the heart of democracy in Afghanistan. The full spirit of democracy has been able to flourish in the capital, where you will find hundreds of think tanks and civil society organizations that have gone beyond service delivery models, which is the most rudimentary form of civil society. These organizations participate in sustained advocacy and data driven policy formulation. Kabul has a diverse group of advocacy organizations that try to have an influence on national-level policy. Media organizations, especially television, feature vigorous debates about issues of national concern.

Kabul also features a rotating door between think tank leaders and the government. Many people who emerge from civil society go on to government work. In this sense, Afghanistan has emerged to be like many other healthy democracies. There is jockeying for influence with members of the government and even members of

parliament as new rules are debated. The challenge is that so much of this rotation is limited to Kabul and does not exist far beyond it. Kabul is the seat of power and the place where important policy issues are debated. Due to challenges with constitutional design that make local-level policymaking unclear and the incomplete implementation of the constitution, these debates do not happen as vigorously as they should outside of the capital.

Formal, institutionalized civil society remains heavily concentrated in urban centers and in Kabul in particular. As study on civil society by the Afghanistan Research and Evaluation Unit (AREU) pointed out there are weak vertical relations with civil society organizations and people compare to horizontal relations with the government outside of Kabul. According to this report, “this point reassess the important question of legitimacy, given the serious obstacles concerning the access to grassroots and rural civil society for supporting local voices” (Nemat and Werner 2016, 28). The authors suggest this creates enormous legitimacy concerns for civil society organizations in the country. They argue that this Kabul-countryside gap is due to safety and security, and the fact that so many NGOs outside of Kabul are dependent on donor funding that is disappearing.

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The report notes that at the provincial level, a draft subnational governance policy allowed for bottom-up approaches to planning and budgeting, but this planning and budgeting approach must still go through line ministries. The provincial governors, it is noted, are not engaged in this process. Reform proposals indicate some need for accountability, but that there is a legitimacy deficit that the district and village level because there are no formal channels of representation to the government at three levels. Furthermore, the government tried to engineer a community planning process that is still dominated by district, provincial and national level planning and resource allocation (Nemat and Werner 2016, 29).

An alternative explanation is that there are few reasons for individuals in rural areas to mobilize and participate in civil society if they are main subjects of the state and have few opportunities to translate their policy and political preferences into real outcomes. Why would individuals work to overcome collective action dilemmas and form groups if the groups cannot have much influence on policy concerns? The lack of meaningful institutional reform has led to the continuation of the state's "old-style bureaucracy," nepotism and corruption at the local level because there are few opportunities baked into the political system for

individuals outside of Kabul to have a meaningful influence on policy outcomes.

In Kabul, there are many think tanks and civil society groups that have a large impact on the policy debates, but they have had an unclear impact on policy itself. Leaders of civil society groups are often pulled from their organizations and asked to serve in the government. Organizations in Kabul can influence government decision-making in the capital because this is where decisions and policies are made. This influence happens, however, through a highly informal process that is based on personal networks and connections, not because of systematic opportunities for engagement in the policy process.

The consequence of the concentration of power inside of Afghanistan was the creation of a new political class in Kabul that had strong ties to the government and who are perceived to be out of touch with the lives of people in most of the country. According to Tamim Asey, “Afghanistan’s rapidly moving towards being an oligopoly, with extractive political power and economic institutions. The increasing amount of wealth and political power under control of a small minority of Afghanistan is increasingly marginalizing most of the country’s population—largely in rural Afghanistan (2019).”

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According to the 2019 Asia Foundation Survey of the Afghanistan people, rural Afghans are more concerned with governance issues as reason for their pessimism about the future (33 percent cited this as a major concern, vs 27 percent in urban areas). The survey also shows that urban residents are historically much more likely to be satisfied with democracy than their rural counterparts (The Asia Foundation 2020).

The issue of centralization came up in the 2019 Asia Foundation Survey of the Afghan people. When asked what is important to protect as part of a peace agreement, support for preserving the current constitution, a “democratic system” and a “strong central government” were highest in Kabul than in other parts of the country.

Parliamentary elections became the elections that mattered most. It should not be surprising that turnout for the 2018 parliamentary elections in Afghanistan were higher than for the 2019 presidential elections (Cookman 2020, 33). This is because members of parliament are the only elected officials outside of the president who have a role, albeit a small one, in the creation of public policy in the country. Therefore, having a say over who is represented in the parliament is one of the only ways citizens can have a voice in matters of public policy. Yet, as noted earlier parliament is very

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weak. The problem has become even more acute in the most recent elections. The insecurity prompted the closing of many voting stations in rural areas, leading to an urbanization of the electorate. Urban voters and voters from Kabul, in particular, were overrepresented in the turnout for the 2019 presidential election (Cookman 2020, 36).

The lack of opportunities for citizens to participate in local level democracy did not eliminate the demand of citizens for such participation. There is probably no country in the world that has developed more channels for local participation and problems solving in Afghanistan. The challenge with liberal state building efforts, centered on strengthening democracy and the constitution, is that they did not reach out to Afghanistan's vibrant informal governance sector that is prevalent in so many customary bodies at the village and city level throughout the country (J. B. Murtazashvili 2016).

CONCLUSION

Although democracy did not live up to its promise in Afghanistan, the data and evidence presented in this paper should illustrate that most people in the country have not given up on a desire to participate in the political process. Indeed, with constitutional reforms that provide more opportunities for local participation and decision making, democracies best days may be ahead for Afghanistan. There is a huge demand by citizens to participate in the policymaking process. They have been promised so many times that things would change, but that change has never come about. The system installed after 2001 was a continuation of the old authoritarian system that existed prior to the Soviet invasion in 1979 (J. Murtazashvili 2016). It bears all the hallmarks of the constitutional monarchy of the 1964. This was a constitutional monarchy, but it was still an authoritarian regime.

The constitution was never implemented. More than 16 years after being adopted, many of the aspects of the constitution that called for democracy never came into being. It is striking that before 1964 there were even elections for municipal councils and for mayors around the country, something that was never achieved in the post 2001 period. The constitution of Afghanistan that was adopted in 2004 promised to bring democracy to the country.

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It was imperfectly implemented. Even if it were implemented fully, it would bring a limited democracy to the people. Because the constitution is based so heavily on its authoritarian antecedents, it does not create many opportunities for citizens to have oversight over government officials outside the capital, nor does it provide them opportunities to create public policies.

Democracy has not lived up to its full potential in Afghanistan. Over the past twenty years, the country has seen the birth of an incredibly active civil society and media organizations. Yet so much of this is concentrated in the capital. This is not a consequence of capabilities outside of the capital, it is a consequence of institutional design. It is also the consequence of politicians and donors who prefer to concentrate power in the capital rather than diffuse it throughout. People and groups living in the provinces have no opportunity to influence the policy process in their communities. They have no way to hold their local officials accountable.

The ability to have a say in public policies, to be able to craft budgets that illustrate citizen priorities over taxpayer funds, and to oversee the work of public officials are fundamental parts of democracy. The liberal state-building project in Afghanistan executed democracy in a very narrow way: viewing it as elections

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for the president and the national assembly. The constitution called for the election of weak bodies at the subnational level, but those elections never took place. The people of Afghanistan are ready to take on the gift of self-governance, but the constitution does not give them the authority to do so. Thus, the promise of democracy in Afghanistan is one that remains unfulfilled.

RECOMMENDATIONS

The future of democracy in Afghanistan is under uncertain. Peace talks between the Afghan government and the Taliban are well underway. Lessons from other countries suggest sustainable peace can only be achieved through a durable power sharing agreement. Most often, these agreements involve constitutional reforms. Given that a redraft of the current constitution seems to be inevitable with a peace agreement, policymakers should think about how to empower citizens throughout the country to help build a more sustainable democracy—a democracy that includes the voices of all segments of society.

The Afghan government and the Taliban appear to have two very different visions for the future of the country. A political system that embraces pluralism—rather than the current constitutional order that stresses zero-sum relations—will play an important role in the future. The future of democracy depends on the will of domestic and international political leaders to support a future system that encourages diversity and pluralism and ensures they are represented in the government.

- Afghan policymakers and international partners of Afghanistan should work together to support a new conversation about a new system of governance that sees Afghanistan's regions as a source of pride and strength. Rather than viewing subnational units as a threat that undermine a centralized strength, they should be seen as an asset whose strengthening only strengthens the legitimacy of the center.
- A stronger and more legitimate central government can be achieved by giving Afghanistan's regions more authority. For decades, some Afghan politicians and analysts have argued that power can only be shared with the people at the subnational level once it has been successfully consolidated at the national level or once an Afghan national identity has been fully achieved. This is the strategy that has been pursued by the government and supported by the international community over the past two decades with disastrous results. Rather than seeing Afghanistan's regions as an obstacle to state consolidation, it should view them as essential building blocks upon which a future peace can be built.
- Peace and stability in Afghanistan can be accommodated by a more pluralistic political system that celebrates

Afghanistan's rich diversity, rather than concentrating power in a strong presidency. The current constitution concentrated so much power in the executive, that it results in a zero-sum situation that excludes many voices. Battles for control of the presidency are so hard-fought because the cost of losing is very high. The stakes are so high to control the executive because of the vast power this individual has at all levels of government. At the national level, this can be done through the creating of a parliamentary system that strengthens the role political parties play in supporting the government.

- A future political arrangement must find a way to strengthen peaceful political parties and ensure they have a role in any future government. The current electoral system—SNTV—intentionally weakened political parties and serves as a substantial obstacle to Afghanistan achieving its pluralist promise.
- Those considering a future political order should consider lessons from decentralized political orders that create more space for local-level participation at the village, district, and provincial levels. This would create greater accountability of decision-makers to the people. Federalism is one way this could be achieved, but it is not the only way.

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- Donors should rethink their myriad programs that create parallel political and policy structures, especially at the subnational level that seek to fill the legitimacy gap of the state. These policy experiment that create and support parallel political and community-based organizations do not fill democratic deficits but undermine the very state they are trying to build. Parallel structures may make donors feel as if they have achieved quick wins, but these ephemeral programs only widen legitimacy gaps.
- Political, administrative, and financial decisions should devolve to lower levels of government. Devolution of such decision-making would create broader constituencies for democracy around the country, rather than having them consolidated among policy elites in Kabul. In other words, more decentralization would create more support for democratic values because more citizens are participating in them. More meaningful participation can promise more effective service delivery, but also generate more buy-in into the political system, thereby strengthening the state.
- Reform of the bureaucracy should accompany any political changes in the country. After 2001, the archaic bureaucratic system that was the basis of autocratic rule and strengthened by the Soviets remained in place. This allowed the executive

branch to become more powerful than other branches, including a democratically elected parliament. Decentralization should be accompanied by an overhaul and simplification of the many regulations that govern the executive branch, as these regulations preserve the country's authoritarian legacy. Having elections is irrelevant if actors in the executive branch have more power than elected representatives of the people, as is currently the case in Afghanistan.

- Education about political systems and their differences is crucial in the months to come as Afghanistan debates its political future. Decentralization could serve as an important vehicle to help the state gain legitimacy at the local level. This legitimacy has been lost over the past 15 years. It could also help account for diverse preferences among the country's diverse population. There are many misconceptions about decentralization in Afghanistan. Chief among them is that decentralization is the same thing as ethno-federalism. Discussions about decentralization are embedded with fear among some groups who fear losing territory or populations. Rather than seeing political reform and decentralization as a sign of state weakness, it should be seen as vehicle to strengthen the central government. When

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institutions generate cooperation and require people to work together for a common cause, they will be more likely to support peace and their government.

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