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SOSYAL BİLİMLER ENSTİTÜSÜ
YEREL YÖNETİMLER ANABİLİM DALI
MAHALLİ İDARELER VE YERİNDEN YÖNETİM DOKTORA PROGRAMI

**AFGANİSTAN'DA DEVLETE YAPILANAN KUSURLAR: AFGANİSTAN'IN 2004
ANAYASASINA GÖRE YEREL SEÇİMLERİNİN KRİTİK BİR ANALİZİ**

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ÖZET:

Uluslararası toplumun Afganistan’da meşru bir devlet inşa etmek ve desteklemek üzere yirmi yıldır yürüttüğü önemli çabalara karşın, İslam Cumhuriyeti birkaç hafta içinde çöktü. 2004 Anayasası güçlü bir merkezi cumhurbaşkanlığı gücü aracılığıyla hükümete demokratik bir oluşum inşa ederken, siyasi partilere ve yerel demokrasiye daha az rol verildiğinden, süreç başından beri ciddi bağlantılı hatalarla yanlış yönlendirildi. Güçlü bir başkanlık gücüne sahip merkezi bir devlet, vatandaşlarının çoğunun devleti yalnızca yerel düzeyde deneyimleyebileceğini anlayarak, Afganistan’ın çok etnikli ve çeşitli toplumlarını yönetmeye yönelik pragmatik olmayan bir yaklaşım olarak ortaya çıktı. Ayrıca, genel ve yerel seçimler şeklinde düşünülen seçim sistemi, yerel ve genel düzeydeki kuvvetleri ferasetle dengeleyecek güçlü demokratik kurumları teşkil etmekte başarısız oldu. Yurttaşlar, yerel seviyede katılımcı bir yönetime ayak uydurmakta yetersizdi ki 2004 Anayasasından beklenen görev buydu- ve devlet ile halk arasındaki uçurum giderek açıldı. Bu makale, ulusal ve uluslararası aktörlerin yalnızca kırsal alanlarda sınırlı bir siyasi gelişim ile sonuçlanan daha merkezi bir yönelime sahip olma eğilimini aydınlatmak için Afganistan’da devlet inşa süreci içerisinde yerel yönetimin rolünü anlamlandırmayı amaçlamaktadır.

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Abstract:

Despite two decades of the international community's considerable efforts to build and support a legitimate state in Afghanistan, the republic state collapsed in a matter of weeks. The process had been misguided since its beginning through serious connected mistakes as the 2004 constitution built a democratic formation for the government through a strong centralized presidential power while less role was given to the political parties and local democracy. A centralized state with a strong presidential power certainly appeared as an unpragmatic approach to ruling the multi-ethnicity and diverse society of Afghanistan understanding most of its citizens can experience state only at the local level. In addition, the electoral system considered for the national elections and local elections failed to form strong democratic institutions to insightfully balance the power both at national and local levels. The citizens were unable to engage in participatory governance at the subnational level—an objective derived from the 2004 constitution—and the gap between the state and public widened. This paper aims to make sense of the role of local governance in the content of the state-building process in Afghanistan in order to elucidate the tendency of national and international actors to become more centrally oriented, resulting in a limited political development in rural areas.

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LIST OF ABBREVIATIONS

CCNPP: Citizen's Charter National Priority Program

CCP: Citizens' Charter Program

CLDC: Cluster-Level Development Councils

CDC: Community Development Councils

DC: District Council

DDAs: District Development Assemblies

DLDs: District Line Departments

IARCSC: Independent Administrative Reform and Civil Service Commission

IDLG: Independent Directorate of Local Governance

MRRD: Ministry of Rural Rehabilitation and Development

NGO: Non-governmental Organization

NSP: National Solidarity Program

PC: Provincial Council

PLD: Provincial Line Department

OSCE: The Organization for Security and Cooperation in Europe

SNG: Sub-National Governance Policy

VC: Village Council

IDPs: Internally Displaced People

SPAs: Special Provincial Administrations

Glossary

Jirga: A Tribal Council, in Pashtun regions

Meshrano-Jirga: The House of Elders, was the upper house of the bicameral National Assembly of Afghanistan

Mujahidin: In Afghanistan, mujahideen were various armed Islamist rebel groups that fought against the government of the Democratic Republic of Afghanistan and the Soviet Union

Sharia Law: As part of the Islamic tradition, Sharia is a body of religious law.

Sharwal: Mayor

Shura A consultative council

Shura-e-Mili: The National Assembly of Afghanistan

Wakil-e-gozar: "Wakil-e-gozar", a representative elected by heads of households in a neighborhood, is a key player in the customary urban development system.

Wali/Vali: Provincial Governor

Wolesi Jirga: The House of Representatives of the People

Woluswal: District Governor



1. Introduction, Concepts, and Definitions

1.1 Introduction

As argued in official discourse, the nation-state of Afghanistan differs from its ancient and historical origins. As a matter of fact, the 'modern state' of Afghanistan according to Max Weber's definition came into existence during the reign of Amir Abdurrahman in the 1880s because of rivalry between the British and Russian Empires, and in particular as a result of the support Abdurrahman received from the British empire. The territory of Afghanistan was historically characterized by a shifting border between empires based in neighboring regions long before European imperialism entered Asia and occupied the region (Runion, 2017). For centuries, strong powers, whose peripheries extend eastward into the territory of what is now Afghanistan, have intervened in the region around its borders in order to establish political stability based on their own political platform (Rubin, 2006). There was a delineation of the country as a buffer state by the arrival of the British and Russian empires. This helped the Afghan Amir Abdur Rahman Khan (1880-1901) to 'stabilize' his power and transform the country from tribal confederacy into a centralized state. However, the country and his repressive regime lacked full external sovereignty as a buffer state between the two empires (Runion, 2017). Ultimately, Afghanistan, which gained full independence in 1919, joined the League of Nations as a founding member state (Rubin, 2006).

In the 1920s, King Amanullah Khan, who was inspired by Mustafa Kemal Ataturk, promoted the first coherent, self-conscious modernization program. A similar reform agenda was launched fifty years later by Mohammed Daoud, a tribal notable turned republican. Communists, the People's Democratic Party of Afghanistan (PDPA), represented a much more radical form of change, (Suhrke, 2007). Taking this into consideration, attempts on bringing social and political changes have been launched by Afghan rulers as well as their foreign supporters although they appeared successful at first, they all faced opposition from the local traditional order, resulting in the strengthening of religion and traditional order. There is a strong resemblance between the 2001 post-conflict reconstruction programs and the development model that was referred to as modernization in the 1950s and 1960s (Suhrke, 2007). The Cold War and the Soviet military presence in Afghanistan strengthened the military Islamic sects that were founded during the 1960s-constitutional monarchy. Afghan civil wars ensued after the Soviet withdrawal, leading to the emergence of the Taliban in the 1990s (Larson, 2007).

International community started its democratization project when the Soviet-Afghan War and civil wars had changed dynamic of politics in favor of traditional society and had weakened modernization efforts. 9/11 incidents, which involved the international community with Afghanistan issues for two decades, have proven that the collapse of weak and fragile states can spread negative spillovers to their neighbors, and create a haven for illicit activity, such as the drug and arms trade or terrorism, affecting nations and people far from the troubled localities (Brinkerhoff, 2005). In the globalized world, as Francis Fukuyama (2004) and Derick W. Brinkerhoff (2005) note, challenges and issues in societies that used to be distant in the past are now interconnected. Political instability at the local level may lead to social conflicts, tensions between ethnic groups, and political disarray. State failure which means the breakdown of public institutions and their legitimacy and “leads to failing states characterized by disharmony between communities, criminal violence, corrupt institutions, and a decaying infrastructure, as well as inability to control the borders” (Kersting, 2011, 1646). State building, on the other hand, is “the construction of a state apparatus defined by its monopoly of the legitimate use of violence in a given territory (O’Dwyer, 2016).

The post-1990s witnessed the fact that international actors and/or institutions refer to the concept of ‘state-building’ as a magical instrument of tackling the ‘state failure/fragility’ in several societies including Afghanistan, Bosnia-Herzegovina, Haiti, and Iraq (Morgan-Edwards, 2010). International community’s intervention leading by the United States in Afghanistan resulted in the overthrow of the Taliban’s Emirate and created an opportunity for ending civil wars, democratization, and economic development (Schmidiedl, 2016). Afghanistan as a post-conflict and transition context emerged in the assistant agenda of international community to build a state based on western democratic values such as human rights and rule of law as well as rule of citizens. In this line, the international community attempted to project a state-building model basically inspired by Weber’s functional state concept which is isolated from civil society and its functions (Wennmann, 2010). While the “top-down” (quick-fix solutions) state-building model prioritizes, the composition and structure of national and local government in fragile states the “bottom-up state-building” include local, central and international, stakeholders by creating a synergy between traditional, informal, and new state actors in a progressive and transformative process.

The U.N. Security Council issued Resolution 1378 on 14 November 2001, calling for a conference between the warring factions in Afghanistan to form a new government (United Nations Security Council, 2001), even while the United States was conducting its military operations (known as Operation Enduring Freedom) in Afghanistan at the time. After the Bonn agreement (December 5, 2001), a state-building sequence was formulated including an interim government for a six-month period, the emergency Loya Jirga (grand council) for the formation of a two-year transitional

government and the constitutional Loya Jirga for establishing a new constitution for a permanent government (Rubin, 2004). While different groups and political elites including anti-Taliban, coalition called *The Northern Alliance* were invited to this conference, the Taliban main insurgent group who carried out deadly anti-government operation over the next twenty years after the Bonn conference were excluded (Daudzai, 2021). As a result of this, it has been witnessed the demise of the Taliban insurgency in recent years and witnessed numerous violent incidents and wars since then. In addition, another major result of the new arrangements was the inclusion of warlords in the government, which has led to a corrupt and weak central state (Teijgeler, 2009).

Political major concern of international actors after civil wars is the incoherence, tribalism, and division of war-torn nation-states like Afghanistan. However, it is evident from difficulties encountered in the rescue and reconstruction efforts in Afghanistan that the divisions, rivalries, and fragmentation of authority of the 'international community' have also contributed to create what is now termed 'peace building' by the UN (Rubin, 2006). Political scientist Astri Suhrke (2018), who is a senior researcher at the Chr. Michelsen Institute in Bergen, Norway, noted that the parameters of the Bonn talks were largely determined by US concerns regarding denying Afghan territory to al-Qaeda and Taliban. There was a subordination between the political rationality of Bonn, which was to negotiate a stable political system, and the military logic, which sought to remove the terrorist threat. Among the key requirements was the exclusion of the Taliban, since the movement was assumed (indeed, wrongly) to be categorically defeated on the battlefield (Suhrke, 2018). Suhrke argues that the lessons of Bonn ought to be geared towards prioritizing Afghan interests over those of external actors in order to ensure a peaceful and sustainable future.

Nevertheless, the international military presence could be justified based on what Jost Delbruck (2001) defines as "self-defense" or as Gardner, Hall (2017) describes it as war against terrorism for "global security". On the other hand, this intervention could be blamed for the attempts to ignore the local dynamic of Afghanistan as a post-conflict setting and instead to transform the country into a highly unitary system (Murtazashvili, 2022). Afghanistan was a highly fragmented society when it faced international military intervention, and its regions had experiences of being distinct and allegiances resulting from decades of conflict. Afghanistan's new formal structure, however, were not meant to accommodate these diverse attributes, instead, the ultimate goal set to transform it into a highly unitary system based on strict rules that only appear to have a limited interpretation (Murtazashvili, 2022).

Despite all flaws in the constitution, Afghan citizens were given the right to vote for the elections at the local level under the scope of the 2004 Constitution. The Constitution's provisions regarding establishing elective public institutions at the local level were the only promising approach

to bringing decision-making bodies of the government closer while in reality people have been remained deprived from their right to participate to local affairs. In addition, democratic institutions that have been formulated through the electoral system failed to act as a ‘pull factor’ in practicing democracy, promoting promoting rule of law and fostering representative governance.

In practice, however, people have voted only for provincial council members at the local level and key local officials such as city mayors and district mayors have been appointed by the central government. The lack of the central government's willingness to apply the constitution's provisions regarding local administrations, even in safe zones, has forced local authorities to assume the role of representing the central government at the local level, despite the security and insurgency concerns ahead of the central government. As a result, there is a lack of a sense of electoral accountability of local institutions towards citizens, which has prevented citizens from having a say in how their local institutions are managed.

In light of role elections and electoral system in post-conflict context in formulation democratic institutions, this study discusses multidimensional and interrelated themes such as representative democracy, post-conflict or transition and the role of election in institutionalization of democracy. The main focus of this dissertation is to draw an attention to serious flaws in the institutionalization of elections at various levels as an essential part of the process of democratization and state-building led to political backwardness at the local level. There will be a special focus on how power is distributed in practice, which is formed through direct interventions of stakeholders as well as the constitution.

In addition, a chapter in this dissertation is devoted to a comparative analysis local governments evolution between Turkey and Afghanistan, despite the fact that the dissertation is not a comparative study as a whole. This study is primarily motivated by the fact that public administration system(s) in Afghanistan, especially local governments, have been heavily influenced by the Ottoman Empire and the Republic of Turkey. Besides, as the aim for this is to highlight the role of local governments on implementation of democratic reforms and designing public institutions, comparing national and local issues often generates new ideas about how to address them, according to Norton (1997). Though Turkey and Afghanistan differ greatly in terms of history, geographical features, politics, culture and economy, there are also some similarities that have led to the researcher conducting this study. There are a number of factors that contributed to the selection of Turkey and Afghanistan, including a similar tendency toward centralization, despite demands for a greater degree of decentralization, a close bilateral relationship, and Turkish experience serving as a model for Afghanistan's early reformation process.

1.2 Research Questions, Aim, and Objectives

The political crisis in 2021 that resulted in the rapid collapse of the entire state and system has proven that rural Afghanistan is close to the root of many serious challenges. In a matter of weeks, the Taliban were able to take control of all districts and villages across the country following Biden's announcement to withdraw US troops from Afghanistan in April 2021 which unveiled the central state's weakness to control its rural areas. The central state failed to build and maintain an insightful relationship with its periphery (Lister, 2007). In addition, the recent incidents in Afghanistan explicitly indicate that the international-backed state lacked sufficient support from its citizens; however, despite serious challenges such as security threats and electoral frauds, citizens actively participated in the national-level elections several times. It means that Afghan citizens have welcomed any opportunity that could have granted their right to make their own decision and would have ensured peace and prosperity in their lives.

Improving local governance is a critical step toward the stabilization of post-conflict countries to overcome challenges head of governance that have arisen as a result of civil wars. In Afghanistan, however, rural areas, where the majority of its population resides, received less attention from state-building actors. Kabul, the capital city, and some other urban areas developed economically, culturally, and politically over two decades of state-building. Democratic institutions were established and empowered only at the national level while the central state failed to improve representative governance at the local level. As a result, people at the local level were unable to claim their rights against officials as the public institutions lack accountability toward people.

The majority of countryside citizens were deprived of having an active role in the decision-making process while popular participation by citizens in political decision-making is one of the most important components of a functioning democracy. The overall goal of this research is following to find an answer to the question of that if there is any democratic and lawful way to enhance representative democracy in Afghanistan—particularly in the rural areas. This approach must contribute to the government for the challenges ahead of sub-national governance which was largely existed in Afghanistan such as instability, lack of rule of law, growing corruption, lack of social justice, inadequate provision of public service by local entities, and marginalization of people on the decision-making process. This research suggests focusing on the constitutional provision on local elections to enrich participatory local governance in Afghanistan after drawing a clear road map for its legal framework. However, the involvement of people in the promotion of democracy is closely

related to a number of factors, such as fairness, transparency, and a simple understanding of their engagement with the government.

The main question this research aims to address is whether and to what extent the electoral provisions prescribed through the Afghan constitution and Afghan election law for local administration could provide an adequate and appropriate legal framework for organizing and empowering Afghan local governance?

Following that main question, the research aims to look at secondary research questions as follows:

- Whether to what extent state institutions are capable of carrying out their activities at the local level of Afghanistan?
- Why does local governance matter in Afghanistan?
- How the Constitutional provisions would have empowered representative governance at the local level?
- What are the current components of local institutions and how they have been evaluated?
- Could local elections function as a decentralization strategy?
- Can the current local election system ensure local administration's accountability to the people?
- Whether to what extent people are involved with local governance in Afghanistan?
- Can the current electoral system for the local governance in Afghanistan produce sufficient incentives for the people to engage in local governance?
- Can the contemporary history of democracy in Afghanistan and other local election experiences in other nations offer us useful insights and models for understanding and improving local governance?
- Whether the current electoral system could improve service delivery and localization of authority or does it require broad reformation to effect accountability and sufficient service delivery for the mass and dispersed population of Afghanistan?

1.3 Subject and Scope

While some national programs, such as the citizen's Charter National Priority Program (CCNPP) and National Solidarity Program (NSP), have been operated at the local level in Afghanistan, the scope of this research is the elective bodies of local entities in Afghanistan that have been defined through the law. Since the national programs mainly intended infrastructure progress at the local level rather than focusing on rule of law (Sadri, 2019), for the promotion of rule of law, stability, and sustainable development of local communities, this research aimed only at those local institutions that have been described by the law. Moreover, the local administrations in Afghanistan are effective tools for the government to exercise rules to formulate an expedient linkage with the local people. In addition, those mentioned national policies are mainly supported by the international community while the Afghan government should consider constitutional provisions to build a sustainable procedure to function effectively without external assistance as a long-term strategy.

According to Afghan legislation and regulations related to governance and administration, Afghan governance, like many countries, is built on a central and local level. Furthermore, Afghanistan has a two-tiered system of administrative governance. The main component of local governance structure through a formal system is The Independent Directorate of Local Governance (IDLG), provinces and districts with provincial line departments and district line departments, provincial and district councils, and municipalities. The government of Afghanistan created IDLG as an effective way to exercise control over local institutions. The provincial governments and their inline departments represent the central government in each province under the supervision of IDLG. In addition, IDLG oversees municipalities and provincial councils as it has the authority to appoint and remove all mayors in Afghanistan.

Another theme this research deal with is the main components of the Afghan municipalities and local councils since they have been defined as the only elective entities of local governance structure through the Afghan Constitution. Meantime, the author highlights their current state of affairs and explores their conformity with Afghanistan's constitutional provisions. For that reason, the author evaluates the main components of the legal framework of Afghanistan's local elections such as Constitutional Provisions, The Election Law, Presidential Decrees and Orders, Political Parties Law, and other administrative regulations.

1.4 Relevant Literature

Election and local governance are topics that have been discussed from different perspectives. Political and legal literature review on Afghanistan due to the long-lasting crisis and rapid changes in its structure has not been enriched enough. Therefore, major research studies rely on existed a significant number of literature produced most of them by western authors on the topic of challenges ahead of governance and the future of democracy in Afghanistan.

This study categorizes the relevant literature into two main parts of general studies about the importance of the election and local governance and specific scientific studies related to the issue of elections and local governance in Afghanistan. Therefore, the author through this research testifies a number of facts, data, theories, and instructions through variety of primary and secondary sources to address the challenges ahead of local governance to the recent theoretical and empirical works considered through this research. Andrew Reynolds and John Carey, for instance, in their study titled “Fixing Afghanistan’s Electoral system: Arguments and options for Reforms” configure drawbacks for the SNTV in the Election turnout and the ability to cast clear votes are important aspects of effective translation of votes into representation and establishment of the stable party system. Building in the line with assessments provided by Andrew Reynolds and John Carey (2012) additionally, several main variables were further addressed in an attempt to build a more comprehensive framework, which included: election in practice, electoral choice, and challenges of institutionalization of the election. Understanding that the state-building and reforming process for the Afghan context may have potential challenges and risks, apart from security concerns, this study is not aiming to explicate the simplification of the process. This study, therefore, tends to outline the indisposed outcomes of less institutional and consolidation interest to establish popular institutions— stipulated by the constitution—at the local level.

Election and local governance are topics that have been discussed from different perspectives. To provide a broad overview of general concepts of elections, local governance, and its requirements in post-conflict societies and Afghanistan in specific, this dissertation examines several relevant books, handouts, and guidelines in this regard. For instance, a book titled “Governance in Post-Conflict Societies: Rebuilding the Fragile States” which is wrtitten by Derick W. Brinkerhoff is a notable work in the area of local governance and post-conflict societies which is examined through this book. Brinkerhoff highlights the questions of rebuilding governance in post-conflict societies from different perspectives. He explores the complexity of governance reform and reconstruction in failed states with its effect on international development communities.

Furthermore, Derick W. Brinkerhoff argues that rebuilding governance depends on filling three major gaps: deficits in legitimacy, effectiveness, and security. In addition, There have been notable scientific works by Jennifer Brick Murtazashvili in the area of local governments and informal order (2016), and the collapse of state in Afghanistan in 2022, which have been widely cited as influencing the direction of this research.

The conventional wisdom that 2001 Afghanistan and many other post-conflict settings were ungovernable through the western package of democracy has been challenged by Schmidiedl (2016), Lyon (2019), and Murtazashvili (2022). Susanne Schmidiedl (2016) notes that at the beginning of the process, the ordinary Afghan people hoped that democracy would bring peace and prosperity into their lives, while their international counterparts were trying to design new political arrangements to combat terrorism, and the Afghan political elite used the whole process to capture power and resources to take over the country. David Layon (2019) in his book titled “Politics without parties: Afghanistan a long read to democracy” argues that it is wrong to say that “*the soil of Afghanistan is not conductive for the tree of democracy when it has never been applied*”. Murtazashvili (2022) challenges the wrong policy of US and its allies through state-building process in ignoring diversity of society. She argues that international stakeholders aimed to transform to political structure toward unitary system without considering sharing power through a decentrilized mechanism.

Anna Larson a longtime researcher in Afghanistan and Noah Coburn a professor of Anthropology at Bennington College (2014) on their famous research related to flaws of democracy in Afghanistan and elections in a fragile political landscape highlight some crucial critics of international playmakers' sidelined cultural understanding of the Afghan society and the consequences of it.

To have a further down impression of the impact of desirable elections on people's everyday local life in Afghanistan throughout the promotion of rule of law, the linkage on cultural, religious, economic, and political aspects of the society should be investigated as well. Therefore, the author examines several significant relevant published reports and articles. For instance, a recent article titled “A Study of Afghanistan's Organization and Structure of Public Administration under the 2004 Constitution” written by Ayobi and Rahimi and published by Afghanistan Research and Evaluation Unite” describes the legal structure behind the public Administration of Afghanistan from a different perspective. To highlight the importance of election on local governance, the author refers to the article titled “Electoral Accountability: Recent theoretical and Empirical Work” written by Ashworth. The other remarkable scientific works that the author examines in this research are “The role of Election on emerging democracies and post-conflict Countries” written by

Kühne Winrich. Shabnam Habib has written a research article about the structure of local government in Afghanistan as well as its functionality, and “why electoral systems matter: an analysis of their incentives and effects on key areas of governance” written by Alina Rocha Menocal.

One of the few histories of Afghanistan that have been written by conscientious historiographers is *Afghanistan in the Course of History*. The story of this book is not solely a narrative of despotic rulers, but also a tapestry of Afghan struggles and valour against foreign invaders and indigenous traitors. Mir Ghulam Mohammad Ghobar was a historian and an indomitable patriot who suffered many hardships and incarceration before leaving behind a legacy for future generations. Even though all copies of the book were confiscated after the book was printed in 1967, the traitorous autocratic despots who had taken control of Afghanistan could not prevent its publication. A few other books are worth mentioning in relation to this study: "Electoral Systems in a Divided Society: The Case of Afghanistan" by Carol J. Riphensburg and "Elections, electoral systems, and Party systems a resource guide" by Timothy D. Sisk. Riphensburg (2007) a political science expert, argues that the election could mitigate tensions even in divided societies. Sisk (2017) in his resource guid which is published by international IDEA explains why elections and electoral systems matter, and what factors electoral designers should take into account when choosing a system.

1.5 Originality of Study

This research provides insightful lessons to learn for both academics and policy makers in the field of developing citizen engagement in new democracies. Building democracy in the developing world became a significant concern of Western development assistance and academic researchers. It has always been difficult for those working on conflict management, state-building, and peacebuilding in the “real world”, filled with multiple challenges, conflicts, and dilemmas that make things difficult to negotiate, and who often find themselves forced to make decisions that are not necessarily in accordance with those that academics take into account (Kühne, 2010).

One of the most debated topics in Afghanistan was empowering governmental entities and increasing people’s participation to bring back stability in a country where violence and conflict have existed during the last four decades. While many focuses on reforms by the central government from top-level national to the bottom- subnational level local, this research suggests that there should be an applicable way to promote democracy at the local level, and meantime enhance participatory governance at the local level in Afghanistan that results in effective service delivery for the people. This approach is considered a bottom-up reform way for effective governance and sustainable development in Afghanistan. This dissertation argues that local governments matter in Afghanistan as the major people in Afghanistan live in rural areas dispersedly. When it was not feasible to tackle the principle of centralism mentioned in the constitution through a local election and empowering formal institutions at the local level due to insecurity concerns, integration of an informal system could bridge the gap between state and people through a constitutional mechanism. Therefore, this research contributes to the existing literature enhancing systematic local governance through local elections.

1.6 Methodology

Social science scholars often use a different types of research methods including qualitative and quantitative approaches based on the purpose of their research studies (Sheppard, 2020). This dissertation uses different qualitative approaches for the context of the present research to fulfill the defined aim and objectives of this research. Therefore, within the framework of qualitative research methodology as a whole, a number of methods including legal research method, secondary research method, textual, phenomenological and ethnographic research methods have been employed through this research to achieve the defined goals of this research.

As one of the main focuses of this research was the electoral system, which has been defined by the relevant rules. Therefore, legal research method has been used in order evaluate the laws governing democratic practices in Afghanistan. Secondary research, also known as desk research, is a research method that involves compiling existing data sourced from a variety of channels. Throughout this research, secondary research approach has been adopted, as most researchers and practitioners have already provided relevant data to this study. Textual analysis becomes the most significant one used in the research in order to display the pragmatic challenges of local governance, election, and citizen participation in Afghanistan. As a matter of fact and due to several security challenges in the country, many laws and regulations are perceived unforeseeable to apply or serve the specified goals. Thus, it is significant to analyze the spirit and true meaning of many laws and regulations besides the literature that lawmakers relied on in the text.

Primary and secondary sources are analyzed with a multimethod qualitative research design. The phenomenological method (Lester, 1999), which is a qualitative research method, tends to describe local governance, challenges, and opportunities that Afghan people encounter through the result of several interviews and surveys conducted by international and national organizations before 2021. The ethnographic method (Whitehead, 2005), as another method of qualitative research, would make a huge effect on the result of this research. The result achieved by the method adds to the creditability of the research.

In addition, the research and the finding seem to be incompletable and unforeseeable without using historical and narrative models as a method (Eiranen et al. 2022). Afghanistan adapted local governance variety of structures and electrical systems several times in history due to several different reasons and inconveniences. It is noteworthy to describe the lessons learned and the need for adaptation regarding the local governance and electrical system.

Chapter five of this paper exclusively devoted to a comparison study evolution of local government structure of Turkey and Afghanistan. As the main focus of this part of study is on the degree of the state's closeness to the citizens manifested in Afghanistan and Turkey, micro level comparison carried out. In terms of the level of comparison a micro level is used which occurs when specific laws, institutions or problems are compared between the different systems (Van Hoecke, 2015). An analysis of secondary data is used for chapter five, based on documents, books, journals, rules, government reports, official documents, newspapers, and websites. As defined by Arber (2006), secondary data analysis refers to the process of re-evaluating existing data, which is commonly applied to both qualitative and quantitative research methodologies.

This research pursues finding answers within two different periods in Afghanistan and Turkey respectively. Part one of the research will be conducted in Herat and Kabul cities in order to collect facts and data to examine the linkage between people and local institutions. After that, the second phase would be conducted in Turkey under the supervision of a thesis advisor at Marmara University Institute of Social Sciences, Department of Local Governments for further statistical analysis and modeling. Therefore, this research would have a correlational and descriptive method as the purpose of this research is to determine the capability of the local entities in Afghanistan in the provision of services for the indigent people and how local elections contribute localization and execution of gradual, realistic goals for increasing people's participation and foster accountability of local officials.

Conducting this significant and novel research, the author encountered the challenges raised by the recent pandemic and the political and security crisis at the national level, discussed in detail below:

Covid-19:

At the beginning of 2020, Covid-19 brought unforeseeable alternation to human life that affected the progress and procedure considered for this research. It is a novel, uncharted situation that has shaken the world and permanently altered everyday life for many people around the world. Since the social distancing policy has been implemented, many people have switched to remote work. In Poland, around 75% of white-collar workers worked from home, either completely or partially, from mid-March to the end of May 2020. Certainly, the COVID-19 pandemic has had a profound effect on the world, including research institutions. While the Coronavirus has created numerous challenges for academic research, it has also provided opportunities for research to grow in the future. Based on the assertion of Lorna Thomason, Director of the University of Edinburgh Research Office, the pandemic rendered significant effects on the research. As a result of the pandemic, researchers have been unable to access physical laboratories, resulting in delays of several months in some cases. Researchers have been unable to access a lab for several months, says Thomson. Thomson's institution

has begun reopening its facilities in phases beginning this summer after closing its facilities in March. It appears that researchers are in a cycle of trying to catch up with their deliverables.

It is noteworthy that the pandemic rendered significant challenges for the author to have progress with the research, which needed to be conducted in rural areas of Afghanistan that lack technology.

Political Crisis: The republic of Afghanistan's economy and security relied strictly on foreign aid and foreign troops' existence in the country. Starting from February 2021, the rumors of a confidential and sneaky agreement between the US and the opposition group, the Taliban, halted numerous developing projects and adaptations in the country. The political unrests caused by the recent presidential election, peace negotiations fail, and the withdrawal of foreign troops led to the collapse of the Republic of Afghanistan. The Taliban group took control of the country in just a few weeks and putting thousands of people's life at high risk of being brutally murdered or tortured due to having affiliation with foreigners, even scholars and researchers.

Having a degree from a US institution and being a democracy activist, the author happened to be highly at risk. The author needs to live in a hidden place for several months while seeking a safe route out of Afghanistan in order to stay alive. Among dozens of other embassies, the Turkish Embassy failed to issue a valid visa on time. All of these desperate times halted the progress of research, collecting data, conducting interviews, and regular procedure for research. The current research happens to be the result of some days and nights when the author struggled with electricity and wifi for several weeks.

Based on the considered research methodology and drawn reviewing the literature, the study is based briefly on the following sub-hypotheses

- A closed list proportional electoral system matters electoral accountability of the elective authorities and ensures overseeing mechanism for the functionality of public service contributors in a post-conflict context like Afghanistan.
- Existed single non-transferable vote (SNTV) system for mayoral elections and local councils' elections are unable to provide sufficient incentives for political parties to participate actively in local politics systematically.
- In relatively secure areas of Afghanistan, the lack of sufficient citizen pressure on the central government affects the government's determination on empowering local governance.
- Political parties could engage people to participate actively under the scope of another electoral system than SNTV.
- Political parties could maintain overseeing mechanisms for local administration under the scope of the proportional (PR) election system effectively.

- Elections should not be conducted soon at the beginning of state-building process to fulfill international actors' objectives.
- It is possible to rule Afghanistan based on 'liberal Democracy' of the constitution would consider the political pluralism of Afghanistan.
- Elections at the local level would function as decentralization strategy.
- Culture and religion are main obstacles towards democratization of rural Afghanistan.
- Proportional closed list system would work better in Afghanistan's context.



1.7 Expected impact

The focus of this research is on those political, structural, and institutional, foundations and lessons learned which are in the present day deemed by most practitioners to be indispensable for ensuring popular participation in elections in emerging democracies and war-torn countries despite the numerous challenges posed by the environment in these countries. There is no rational reason to stop supporting these elections. However, the international community, especially the Western countries, will have to take a more explicit stance on what types of elections they are willing to support. Specifically, it involves, in particular, the existence of certain key elements, such as independent Election Commissions and functioning Electoral Complaints Systems (Kühne, 2010).

This research is expected to impact people's awareness of their absolute constitutional right to a free vote for local officials. In addition, this research is expected to review the current electoral model in Afghanistan and its impact on localization in Afghanistan. After analyzing the data, we hope to set several suggestions for lawmakers and policymakers with respect to the current and future need for revisions or making a new strategy for the future of local administration in Afghanistan. The results of this research are also expected to have a positive impact on the process of peacemaking as well as service delivery in Afghanistan to make local institutions more efficient and responsive as people-oriented in the long-run period. This research contributes applicable solutions for ongoing issues ahead of governance such as reducing the gap between people and state affairs, implementing services considering local priorities, preventing conflict, and promoting overseeing approach to local entities.

1.8 Outline of Thesis Chapters

The question that why the Afghan central state could not maintain a strong linkage to its periphery through the state-building process since post-2001 has motivated me to focus my Ph.D. research on approaching a lawful and legitimate relationship between the state and citizen. The 2004 Constitution recognizes the right to vote for the residents to elect the local authorities themselves and this law mandates the government to form elected local institutions such as municipalities and local assemblies. In practice, however, no mayoral or local council elections have been conducted, at the district or village level, and yet the government failed to form such councils at the district or village level. Governance in Afghanistan as a rural society where only 24% of its population lives in the urban area requires special consideration at the local level. In post-2001 state-building period in Afghanistan, local governance, therefore, required more contemplation of the internal and external

actors while the primary findings of my research indicate that empowering local governance and citizen participation through a lawful mechanism was a secondary aim for the international community and the Afghan government that has resulted in widening the gap between people and state. This research has focused exclusively on the principle of centralization, democratization and the state's closeness to the citizens manifested as three indicators of local governance in Afghanistan through the constitution and other status laws. These indicators explore interrelatedly local governance's challenges and opportunities in post-2001 Afghanistan; however, the study is not tempting to prove the simplification of local governance in Afghanistan. This study has been divided into six main chapters as below:

- 1- Chapter One: Introduction and conceptual framework
- 2- Chapter Two: An Overview of State and Politics in Afghanistan
- 3- Chapter Three: The 2004 Constitution Approach to the Structure of the State
- 4- Chapter Four: Post-2001 Elections and Beyond: Challenge of Institutionalization of Election
- 5- Chapter Five: Local Governance and local democracy enhancement in Turkey and Afghanistan: A Comparative Perspective.
- 6- Chapter Six: Key Analysis, Findings, Conclusion and Applications

- **Chapter One: Introduction and conceptual framework**

Afghanistan like many post-conflict societies was emerged as an assistance agenda of the International community after decades of civil wars in 2001. Over the past two decades, the international community, led by the United States, sought to re-build a legitimate state to fight against international terrorism. While the efforts have been carried out to build a strong central state to monopolize the power and end factionalism, local governance has been given less importance on the national and international agenda. The titles of each chapter are considered to be in alignment with each chapter's main objectives in this dissertation. Chapter one has been divided into two sections. Part one of this chapter includes an overview of the research, research problem, introduction, research questions, methodology, scope, subject and literature review, expected impact, and outline of chapters. Part two of this chapter describes a conceptual framework and perspectives in this literature. Concepts such as election and its typology, the need for an election, and theories and literature on state-building, post-conflict and transition, and decentralization have been included.

- **Chapter Two: An Overview of State and Politics.**

This part of the paper starts with a general insight into the historical background of state and politics in Afghanistan. The historical part narrates how the Durani empire led to the modern state in Afghanistan and failed modernization attempts in the early 19th century. After that, this section explores the early democratization efforts in Afghanistan as a global trend in the early 20th and how constitutional monarchs fell as the authoritarian republic and pro-communist party regimes arose subsequently. The historical background ends through discusses how Islamist movements were empowered and what was their role in bloody civil wars that resulted in arising of an ultra-extremist group named the Taliban in power during the late 1990s. The author separately evaluates the evolution of political parties and their influence on the long-lasting political unrest in Afghanistan. Finally, this part ends with how Afghanistan has emerged as a context of a post-conflict society on the assistance policy of the international community post-2001. While the primary goal of the international community led by the United States of America was to create and support and legitimate state to fight against international terrorism, massive deliberation started on democracy, social and individual rights, and freedoms by international civil society, associations, and funding groups.

- **Chapter Three: The 2004 Constitution Approach to the Structure of the State**

According to the 2004 Constitution of Afghanistan, this chapter is concerned with state at the national the subnational governance structure of the country. This dissertation throughout this chapter aims to elaborate on state institutions and democratic institutions that have been defined through the 2004 Constitution while in reality, they had been carrying out their assigned tasks completely in a different manner than the constitutional law. It is important to note here that in this chapter, the author distinguishes democratic from non-democratic institutions enshrined in the constitution.

- **Chapter Four: Post-2001 Elections and Beyond: Challenge of Institutionalization of Election**

The results of several elections at the national level in Afghanistan were controversial due to the mismanagement of the process, massive corruption, and widespread insecurity. This study covers the impediments and implications of national-level elections in Afghanistan (apart from security concerns) which are appeared to be peculiar to the elections and could be more difficult to manage compared to the elections within other forms of governance. The study further endeavors to find an answer to the question that why the local elections in Afghanistan are of less significance to the public compared to national elections and are often difficult to manage.

In many countries, local election for the political parties is contemplated as an instrument to contest the level of support of the blocks of voters across a country. In Afghanistan, the initial focus of the state-building process after 2001 was on the creation of a strong central state to fight against terrorism and weaken those factional parties who were associated with civil wars to pave the way for the emergence of new political parties. As a part of this process, the Single None Transferable Voting system has been selected for the election of the lower house of the parliament (Wolise Jirga); and local council members. In practice, however, after two decades of the state-building process in Afghanistan, modern political parties that could strengthen people's participation in governance have not surfaced through this system. Many experts and political science scholars believe that the nature of the electoral system considered for the National Council is one of the main reasons for the absence of functioning political parties in post-2001 Afghanistan. In light of established political science literature, this study stresses the stipulation of effective political parties for a functioning democracy. In particular, this part of the research argues that SNTV and the centralization process have created a gap between the central state and the local domain. The primary findings of this study suggest that to bridge this gap, the Afghan local governance must receive constitutionally required attention for the local society's socio-economic and political development.

- **Chapter Five: Local Governance & Local Democracy Enhancement in Turkey & Afghanistan: A Comparative Perspective**

This part of the dissertation has been developed as a separate paper and has been admitted to UDEF International Student Conference in 2021. The main goal of this part of the research is to compare how local governments are evaluated, structured, and function to give some insight into the level of autonomy and authority for local governance as well as citizen participation in both countries. Due to social-historical, cultural, and theological similarities, the Ottoman empire and the republic of Turkey's administration system were considered a model when the first attempt started the modernization of Afghanistan. The strong bilateral political, and cultural relationship has made it possible to study both countries comparatively. Historically Turkey and Afghanistan have had strong centralist administrative systems that demonstrate relative institutional flaws at the local level. Afghanistan as a country that was emerging from decades of instabilities in post-2001 adopted a new legal framework for its local administration under the 2004 Constitution. Likewise, Turkey's local administrative system has applied various reforms under the 1982's Constitution. Although both countries' constitutions delegate a certain amount of authority and responsibilities to the sub-national level, local administrations are subject to the strong administrative and financial tutelage of central states in both countries.

- **Chapter Six: Key Analysis, Findings, Conclusion, and Applications**

Based on the initial findings of this research, the author builds this paper's key analysis. This chapter starts on how to choose the best electoral system for different settings of post-conflict societies and briefly discusses whether the Afghan society was a post-conflict society or a divided society at the time of selecting SNTV as its electoral system. In Addition, this part contains a discussion on the role of elections in post-conflict societies from the point of view of different scholars and researchers. This title discusses how elections could impact conflict and peace processes in countries based on real cases in the past, and then define electoral conflicts and requirements for conducting peaceful elections. Moreover, this chapter further continues with an analysis of systematic flaws in governance that were unforeseen at the time of the designing local government's structure and deciding whether to go by which system. After this, this chapter further continues with a discussion on how national-level elections in practice have damaged public trust, and state legitimacy and undermined the entire state-building efforts. Afterward, the author highlights the centralization tendency of the process which disregarded empowering local domains and supporting advancing democracy at the local level. Another important discussion this chapter covers is an examination of strategies of decentralization through formalizing traditional local institutions or using local elections. Furthermore, the author elaborates on election timing in post-conflict settings. This issue is controversial among scholars and

practitioners as many scholars support the idea of legitimization of state through elections in post-conflict societies, other scholars believe that rush on democratization led a post-conflict society into further instabilities and violence. In addition, based on this idea, conducting elections too early in post-conflict or divided societies will formalize war lords and those who were associated with violation of human rights, same as the case happened in the 2005 parliamentary election of Afghanistan. Before general conclusions, the author ends this chapter by rising the question is Afghanistan ungovernable through democracy. Talking about Afghanistan being a rural society, when democracy has never been applied all across the country and the majority of its rural population has never practiced democracy, therefore, this may not be a realistic conclusion. This part also relies on a number of strong arguments and evidence presented by scholars from different fields including law, political science, and public policy.



1.9 CONCEPTS AND DEFINITIONS

Below, the basic concepts are defined and elaborated by using the major literature.

1.9.1 Election: A Core Value of Democratic Governance

One of the core attributes of democracy in most countries in the world is periodic and regular elections. An election that could fulfill international and regional standards would give meaning to democracy's core values and would ensure political equality and accountability to rulers. According to Pitkin (1967) analysis election is a technical instrument that forms institutions or chooses individuals for office, and indispensably election for democracy is the promotion of people's participation which further paves the way to influence the decision-making process allowing them to choose their representative in respect to the matter of public interest (Pitkin, 1967). Therefore, elections facilitate bringing public issues through expressing public into a debate over the period of elections (Eulau, 2016). In addition, for the countries that come into new exist or emerge as post-conflict nations, the election could be a powerful instrument to share power and include different groups (UNECA, 2013). Furthermore, elections have a meaningful role in promoting democracy, strengthening political and common identity, reinforcing a sense of belonging and shared concerns, and structuring social cohesion (Webb, 2016).

The practice of election that we know today goes back to the 17th century in Europe when a representative way of governance was born for the first time although the right to vote for political elections was limited and privileged to propertied men. After almost three centuries of gradual reforms for countries to develop suffrage that could be standards in most of today's world (Eulau, 2016). According to Nohlen (2010) election and its components have been introduced in every country, even those countries where strong civil society institutions do not exist or lack a rule of law conduct elections regardless of their conformity to 'democratic principles' (Nohlen, 2010). Today even the authoritarian regimes tend to organize "show" elections while citizens in such circumstances have limited choice and are often deprived of their political and fundamental rights. The minimum standard for democratic elections will be elaborated on in this section of the paper. In addition, this part exclusively encompasses the importance of elections, classification of electoral systems, the role of election in conflict prevention, and challenges of elections peculiar to new democracies. This part begins by explaining the significance of elections in the legitimization of government in monopolizing the use of power as well as giving accountability in return for ensuring people's better life and wellbeing.

1.9.2 Why Election?

Election as a democratic way of attainment of political power is important for a number of reasons. First of all, elections determine the leadership of a community or change in the leadership. Second, elections matter to the institutionalization of the democratic way of governance in which citizens feel involved. Third, the election has a crucial role in the legitimization of public institutions and public officials; however, the principal functions of elections highly depend on the freedom and fairness of a clean process throughout the entire elections. The other important reason that elections matter is exercising accountability. The electoral process could result in the leadership being held to account by the people in order to improve the quality of public services and economic development. Finally, representational governance could be done by the electoral process.

According to Sisk (2017), even elections with flaws may subsequent institutionalization the integrity of elections. Sisk then identifies four key principles in order to better understand why election matters when it is being held in a given setting: (1) Legalization; (2) Exercising accountability; (3) Choosing ‘representatives’; (4) Exercising voice, aggregating preferences.

A ‘free and fair’ election that would be clean of corruption would definitely ensure the legitimacy of the ruling elites. The fairness and cleanness of the entire ‘electoral process’ of which election happens throughout it significantly matter to the legitimacy of the election’s winner(s). People throughout an election cast ballots to make a decision who would represent their interests. According to Warren (2006), democracy emerged historically to support the legitimacy state’s coercive authority.

Initially, voters hold those elected to office accountable through an election held in accordance with electoral legislation and relevant procedures, and in means by which it could promote the integrity of the entire process. Elected officials at all levels of a government must be responsible for their actions and decisions and must be held accountable if they fail in their duties. Laws and relevant regulations define penalties and the possibility of criminal liability for serious offenses. However, holding local officials accountable throughout local elections is more complicated in less developed democracies. Sun and Johnston (2009) for instance, in their comparative study of local elections in India and China, have concluded that India has been doing no better than China in curbing corruption at the local level.

It is an election that allows voters to make their decision on how they should be represented. Election winners could be a political party within a specific ideology (e.g. ‘socialist’ party) or ethnic, racial, or religious tendencies. In an ideal manner, ‘Electoral processes’ facilitate political equality and popular involvement in democracy. Ultimately, elections have an undeniable role in promoting the

political awareness of the society as well as the awareness of the people about the situations in the country in various respects. Practically voters learn in the elections by setting common agendas, defining demands and concerns, and portraying a variety of options and alternatives.



1.9.3 Requirements: International Standards and Features of Democratic Elections

In order to promote democratic governance, support human rights values, and enhance the legitimacy of political power, fundamental principles and international standards must be taken into consideration while elections are being conducted at different levels in a country. However, there are no single documents available stating unique international standards for the elections to oblige states. International standards for elections can be recognized as general principles stated throughout international and regional declarations and treaties among countries that are legally binding agreed on principles and practices adopted by governmental and non-governmental organizations, observation tasks conducted by UN agencies, reports, and other widely accepted sources. For instance, international principles supporting minority representations and gender equality are explicitly declared through a variety of international conventions and universal declarations. Such as the Universal Declaration of Human Rights (UDHR, 1948), The International Covenant on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), The International Covenant on Civil and Political Rights (ICCPR, 1966), and The European Charter of Local Self-Government (ECLSG, 1985).

A genuine democratic election could be administrated through an effective domestic legal framework (Election Standards, The Carter Center, 2021). To assess whether to what extent a country obeys international standards, the country's domestic rules and regulations such as constitution, election law, media law, criminal and civil codes, nationality and citizenship law, etc. should be analyzed to ensure their conformity to generally accepted principles such as equity and equality (IDEA, 2012). To conduct and successfully manage an election in line with well-established standards, countries can get the advantages of practical guidelines, observation reports, manuals developed by IOs, and NGOs. Implementation and fulfillment of the standards are normally observed by observation missions. Countries are required to apply democratic norms throughout the entire electoral process which encompasses a pre-election period, election period, and post-electoral period (IDEA, N.D.).

Minimum standards and features for democratic elections can be derived from numerous scholarly sources in the field of democracy. Nohlen (2010) for instance, identifies three main requirements for democratic elections. First, people's involvement should be highly regarded in terms of suffrage and choice. Second, it is essentially required to consider the surrounding political conditions. Finally, the aftermath of elections and its effect on power structure should be observed (Nohlen, 2010). In light of internationally accepted standards, a democratic election in any country must be conducted periodically, must adhere to principles of freedom, fairness, and equality, and ensure universal adult suffrage with the use of secret ballots (Nohlen, 2010).

Moreover, regional agreements and declarations as an integral part of democratic efforts can be used as inspiring sources to realize international principles on conducting democratic elections. For instance, OAU/AU 2002 declaration on the Principles Governing Democratic Elections in Africa states that “ Democratic elections should be conducted: (a) freely and fairly; (b) under democratic constitutions and in compliance with supportive legal instruments; (c) under a system of separation of powers that ensures, in particular, the independency of the judiciary; (d) at regular intervals; as provided for in National Constitutions; (e) by impartial; all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics (African Union, 2002).

The legal framework for elections should be designed in a way to ensure the inclusion of minorities and protect social groups from discrimination, exclusion, or marginalization throughout the entire electoral process. IDEA (2002) gives further elaboration respecting domestic laws and regulations constituting the electoral cycle. According to IDEA (2002), voter-registration procedure must be effective, impartial, non-discriminatory, inclusive, and accurate to ensure citizens the right to vote equally.

However, according to OSCE (2013), it is normal if the right to select or the right to be elected for office is limited by minimal age [often 18, 21, or 25 years], or requirements such as education, citizenship, free of conviction of serious crimes. In addition, in some cases, high-ranked active officers are restricted from the right to stand for an office such as officers of armed forces, judges, or civil servants during their active service unless they voluntarily resign from their positions (OSCE ODIHR, 2013).

People who temporarily reside in a different country than their home country should have the right to vote or influence their country’s policies and public expenditures especially when they are obliged to pay taxes and are considered to be citizens of a specific country. In particular, people such as refugees and Internally Displaced People (IDPs), who have forcibly left their homes and are residing in other places, should not be deprived of their right to participate in public affairs and the rest of their citizenship rights such as the right to vote. According to OSCE (2022), the engagement of refugees and IDPs is important in the election when an election is being held within international supervision as a part of the transition to democracy. In this respect, the pluralism and inclusivity of the entire political and electoral process must be ensured. For any reason, if the electoral process excludes refugees, the entire process must be considered deficient and the credibility of the process fails.

An election could be respected as genuine and democratic when the entire electoral process fulfills minimum standards and international requirements. Although requirements for democratic

elections are unavailable through a single international document, resources related to political and civil rights and freedoms, in addition to global and regional declarations of treaties and behavior between states and human rights organizations can be a source of inspiration for domestic law and the holding of democratic elections in countries. It is essential for countries emerging from conflicts and moving towards democracy to design an effective legal framework for conducting democratic elections. Domestic laws and regulations constituting elections must be in line with principles such as fairness, transparency, and equity to ensure citizens' political rights such as the right to vote and the right to stand in an office. IDEA (2002) indicates that domestic laws and regulations related to elections should be unambiguous, and understandable, and should address all components of an electoral system necessary for democratic elections (IDEA, 2002).



1.9.4 A Critical Analysis of Electoral System

In a given context, it is through the rules manifest in an electoral system that democracy works (Sisk, 2017). An electoral system demonstrates features in a democracy, which could be described through constitutions or other regulations. A country's electoral system determines how the votes are being translated into seats, and shows who makes the government, and how political parties interact with democracy, peace, and policies. Both party system and electoral system, therefore, are core elements of a functioning democracy.

One of the most significant decisions for a country's future and political life that emerges in the rear of conflicts or when it newly comes into existence is the electoral system choice. Once an electoral system has been chosen for the country, it would not simply accept radical reforms and would remain unchanged for a long time. Pippa Norris states that *“electoral systems represent perhaps the most powerful instrument available for institutional engineering with far-reaching consequences for party systems, the composition of legislatures, and durability of democratic arrangements.”* (Norris, 2001). The electoral system influences the future of a country to a large extent as it has broad consequences on the formation and function of institutions that are being established or running in a country.

Countries based on their historical backgrounds, geography, demography, institutions, etc. have their own electoral systems which reflect their uniqueness and context. Therefore, there is no single formula for attaining a perfect electoral system to achieve desirable outcomes and fit in every democracy. While in most established democracies targeted aim for an electoral system to a stable government in order to make the best decisions for the wellbeing of its citizens, electoral systems in new democracies and post-conflict nations are considered to lead towards inclusivity of political institutions and sharing of the 'political power'. As a matter of fact, one electoral system may better achieve considered results in a particular context, while the same electoral system may result oppositely in a different democracy or even may have negative consequences. However, electoral systems regardless of their features must ensure fair representation of all citizens, the equality of women and men, the right of minorities, special considerations for the disabled, and so forth (ACE, 2016). When it is about to select an electoral system, decision-makers should be careful, therefore (Norris, 2002) as numerous elections in practice could unfold the functionality of an electoral system. There are lessons to be learned for new democracies from previous experience of other counties whose electoral systems caused to rise some serious conflicts and political instabilities.

There is no single definition of 'Electoral System', scholars, however, agree on several broad criteria. According to Donald L. Horowitz (2003), an electoral system aggregation preferences and

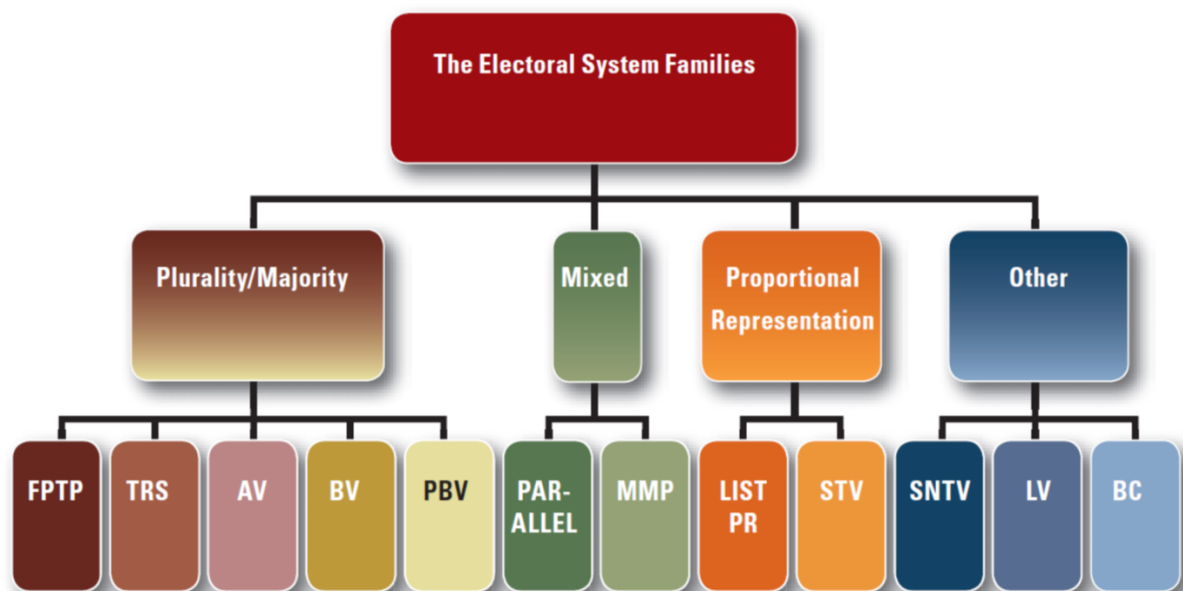
converts them into electoral results (Horowitz, 2003). Andrew Reynolds (2007) believes that electoral systems are instruments for people to select decision-makers to represent them and make good decisions on their behalf as the vastness of the society unable them to present their own will directly (Reynolds, 2007). According to the portal of ACE Electoral Knowledge Network, which is designed with information to meet the needs of those who work in the electoral field, the electoral system of a set of norms and procedures used in an election to decide on how to choose those who will hold the positions in disputes (ACE, 2016). In addition, the Glossary of Voting and Democracy Terms defines an electoral system as a part of election rules which determines the outcome of elections, defines an electoral formula, structures the ballot, and district magnitude (Fair Vote, 2016). Ballotpedia which is a nonprofit and nonpartisan online political encyclopedia that covers federal, state, and local politics, elections, and public policy in the United States, defines an electoral system as a method through which elections are being conducted (Ballotpedia, n.d.).

1.9.5 The Electoral System Families

A single universal typology of the electoral system is not available. However, there are some features by which voting systems can be distinguished such as the structure of ballots, the electoral formula, the number of rounds, electoral districts, degree of proportionality, etc. (Blais, 1988).

This part of the paper highlights features of well-known electoral system families classified by the International Institute for Democracy and Electoral Assistance and the ACE Electoral Knowledge Network. According to IDEA International, there are three main electoral system families in practice worldwide although each electoral system contains a complicated feature that is unique to the special circumstances of countries. They are namely plurality, Majority, Proportional representation, and mixed. In addition, some voting systems could not easily meet any features of the above three voting systems like the Single Non-Transferable Voting System, accepted in Afghanistan and Jordan (Reynold et al., 2005).

Figure 1 Typology of Electoral Systems



Source: Reynolds et al., 2005, p. 28

1.9.5.1 **Plurality or majoritarian systems**

A majoritarian voting system is an electoral system by which the winner (candidate or party) must receive a majority of votes to be elected which could be through a runoff election or a final round (Sisk, 2017). This type of voting system could be achieved either through an absolute majority of votes—constituting of an absolute majority of more than 50% of votes called majority—or—the largest share of votes called plurality (Sartori, 2011). A unique feature of both plurality and majority system systems is that they are used in single-member districts (Reynold et al., 2005). Reynold et al. (2005) further classify Plurality or majority systems into first-past-the-post (FPTP), two-round system (TR), alternative vote (AV), and block vote (BV). This part of the paper briefly elaborates on each system with its potential upsides and drawbacks.

1.9.5.2 **First Past the Post (FPTP)**

According to Sisk (2017), first-past-the-post (FPTP) is one of the most well-known plurality or majoritarian systems, which is the lesser-used block vote and the alternative vote (Sisk, 2017). In this way, a winner party or a winner candidate needs to participate in a one-round election. FPTP is the simplest electoral system possible because in this way, to win a majority in a council it is sufficient to win only the first round of elections, even with a simple majority in the constituencies. There are numerous upsides and downsides in the application of FPTP within different contexts that are in line with the assessment made by Andrew Reynold et al. (2005) and Sisk (2017), this part of the paper briefly highlights each of them.

Advantages FPTP is frequently praised by its supporters for its numerous potential advantages.

First, it is argued that this system is easy to practice and understand. Reynold et al. (2005) state that this system is particularly praised for being simple to vote and understand as a valid vote only requires a mark beside the name of a symbol of one candidate, and it is easy to count for electoral officers even if the number of candidates on the ballot paper is too large (Reynold et al., 2005: 37). Less developed and multilingual countries with huge illiterate voters like Afghanistan could take the advantage of this system in this respect.

Second, popular individual candidates have a better chance in this system to be elected (Reynold et al., 2005: 37; Nohlen, 2010). This advantage is particularly crucial for new democracies and countries emerging after conflicts like Afghanistan where warlords and traditional leaders have more influence and politics revolve more around extended ties of family, and kinship instead of strong party-political organizations.

Another potential advantage Reynold et al. (2005) consider for this system is that voters are free to choose between people rather than just parties. According to Reynold et al. (2005), instead of introducing only a list of the candidate by political parties to voters, in this system voters could measure and assess the performance of popular candidates (Reynold et al., 2005: 37). This advantage could be better applicable in the countries having less developed political party systems.

FPTP encourages the formation of 'broadly-based political parties'. In addition, this system structures a linkage between elected representatives and constituents since it generates legislatures formed by MPs of geographical areas. Some analysts believe that this system is important in developing countries (Reynold et al., 2005: 36-37). Moreover, another major upside of this system is that this system produces clear winners or winning coalitions (Sisk, 2017). Finally, this system is praised to exclude extremist parties from representation, and advocates for this system commend this system because it gives rise to single-party governments and formulates a coherent opposition in the legislature (Reynold et al., 2005: 36).

Disadvantages: A notable number of disadvantages of this system have been widely explored that are includes:

This system causes to waste of a large number of votes. Reynold indicates that a large number of votes do not go for any candidate during the election (Reynold et al., 2005). The application of this system could be extremely dangerous for countries like Afghanistan were made up of dozens of linguistic and ethnic minorities. Minority social group supporters soon realize that they would not have a real role in every election (Reynold et al., 2005). Over the last 20 years in Afghanistan, the ultra-extremist groups such as the Taliban and other pro-religious and traditionalists were able to mobilize their anti-system movements.

Disproportionate outcomes and exclusion of minorities are other negative sides of this system (Sisk, 2017; Reynold et al., 2005). Under the scope of this system, small parties, minorities, and women candidates are tended to be excluded. As a matter of fact, this system excludes minorities from fair representation as a rule according to Reynold et al. (2005). Reynold adds that parties often introduce the most broadly acceptable candidates who are rather men and are from majority ethnic, language, or ethnic groups. Therefore, this system excludes women, minorities, and small parties from 'fair' representation (Nohle, 2010, Reynold et al., 2005).

Another major drawback of this system according to Andrew Reynold (2011) is that it produces regionalism or factionalism based on ethnicity, tribe, or region which might be attractive concepts for specific groups based on candidates' policy platforms or campaigns. This particular

negative side is more accurate in countries where a large communal group of people tends to be regionally concentrated.

Nevertheless, this system can be found in the UK, USA, India, Malaysia, and Pakistan (Sisk, 2017). In addition to those countries historically influenced by Britain, this system could be found in Caribbean countries, and Latin America by Belize (Reynold et al., 2005).

1.9.5.3 **Block Vote (BV)**

Block Vote system is another type of plurality election based on elected candidates being considered to be individual candidates rather than representing their political party. Reynold et al. (2005) state that an FPTP voting system simply becomes the Block Vote (BV) when it is used in multi-member districts (Reynold et al., 2005; Blanc et al., 2006). In addition, according to ACE (2016) in the BV system, each voter who is free to vote for individual candidates regardless of party affiliation is given as many choices as there are seats to be filled (ACE, 2016). This system is widely used in Kuwait, the Palestinian Authority, Bermuda, Fiji, Laos, the U.S. Virgin Islands, Thailand, the Maldives, Philippines, and Mauritius, as of September 1997 according to ACE, the electoral knowledge Network. In the past, this system was used in Mongolia, 1992, and Jordon, 1989.

As an advantage known for this system by Reynold et al. (2005), the Block Vote system often enables voters' ability to vote for candidates individually nominated in restricted geographical areas. In this respect, Reynold et al. (2005) add that this system empowers the role of parties compared to the FPTP system and favors parties with having more organizational and coherence ability (Reynold et al., 2005: 44-45).

BV system reflects better drawbacks of FPTP and even exaggerates most of FPTP's disadvantages--especially its disproportionality of it in the outcome of the election (Blanc et al., 2006). It gives favor to the largest party when voters cast all of their votes for candidates from a single party (Reynold et al., 2005). Most of the countries that used to adopt this system as their electoral system in the past have abandoned this system in favor of other systems (Reynold et al., 2005). This system can cause some severe challenges for promoting the effective functioning of a parliamentary system in relationship with the concept of government and opposition (Reynold et al., 2005).

1.9.5.4 **Party Block Vote (PBV)**

In this system, voters have only a single vote to choose from party lists instead of individual candidates—and unlike FPTP this system is used in multi-member districts. However, in this system there no need for the winner to have an absolute majority of the votes, the party which wins the most

votes will fill all the seats in the district (Reynold et al., 2005). Within PBV, options are not given to individual candidates—only political parties are able to nominate candidates. A political party nominates a list of candidates according to the number of seats allocated for a constituency, and the party which receives the most votes even if not a majority wins the entire seats in the district (Reilly, Reynolds, 1999; Blanc et al., 2006).

Advantages. The simplicity of the majority/plurality system is exceedingly applicable in its usage as it allows parties to facilitate minority representation by putting up mixed slates of candidates (Reynold et al., 2005). In addition, since there is a possibility to enable parties to present ethnically diverse lists of their candidates for election, this system could be used to balance ethnic representation (Reynold et al., 2005). In some countries, this feature is based upon the principle of fairness and designed to require them to balance ethnic representation. In Djibouti, for instance, each party list must encompass candidates from a variety of ethnic groups. (Reynold et al., 2005).

Disadvantages. Most of the FPTP's negative points affect PBV as well as there is a high possibility for a party to fill all seats in legislation without having an absolute majority (Reynold et al., 2005). Nevertheless, this system is still in use as an electoral system for a number of countries including Cameroon, Chad, Djibouti, and Singapore (ACE, 2022).

1.9.5.5 The Alternative Vote (AV)

AV is another type of plurality/majority system which is used for single-member districts and voters use numbers to make an order of their preferences. As a result, a candidate who receives an absolute majority of first-preference votes is declared elected. In a case, if no candidate could achieve an absolute majority, the least preferred candidate is eliminated and their votes reallocated based on their second preferences, and it moves on through this way until a candidate achieves an absolute majority of preferences (Reynolds et al., 2005: 48).

Same as FPTP, this system is used in single-member districts; however, voters in this system have more options compared to FPTP. This system is different than FPTP in the way votes are counted (ACE, 2022). In AV, voters instead of simply marking beside the name or a symbol of one candidate on the ballot paper, rank the candidates in an order of their favor marking '1' for their first choice, marking '2' for their second choice, and so on (Reynold et al., 2005). Therefore, voters or in some cases rules decide how many candidates to rank, either a certain number of candidates or all of the candidates to produce a valid ballot (Reilly, Reynolds, 1999; Reynolds et al., 2005).

Advantages. In the AV system, different candidates with related interests could win the election as electors can combine several candidates throughout the given option of transferring ballots for voters (Reynolds et al., 2005: 49). Also, voters with little hope of winning for their desired

candidates still influence their second and later preferences for the election of a major candidate (Reynolds et al., 2005: 49).

Disadvantages. According to Reynolds et al. (2005), AV generates disproportional results compared to PR systems and in some cases compared to FPTP since it is used in single-member districts. Literally, the Alternative Voting system seemingly offers complicated options for voters and makes the counting process difficult to administrate. Therefore, the successful application of this system requires reasonable literacy and numeracy of both voters and counting officers (Reilly, Reynolds, 1999; Reynolds et al., 2005: 49; Blanc et al., 2006). According to ACE (2022), currently, this system currently is not common around the world as Australia has selected this system and Nauru has modified it. In addition, this system is considered in the United Kingdom as a desirable alternative for FPTP (ACE, 2022).

1.9.5.6 The Two-Round System (TRS)

The two-round system (TRS), also known as runoff, is another type of majoritarian election from which two winners emerge through a first-round election if neither candidate wins more than a fifty percent of the votes, and the second round of election needs to be conducted for the final winner of the election (Sisk, 2017). The first round is conducted in the same way as the FPTP system, in a case in which a candidate receives an absolute majority of the vote, no need for a second ballot while if neither candidate receives an absolute majority within the first round, the top two candidates from the first round go for a second round of voting and the winner is declared elected (ACE, 2022).

A runoff nature of this system requires candidates and political parties to refer voters beyond their own group, this is more feasible during the second round of election (Sartori, 2001). One of the most important advantages of this system is its simplicity for voters to understand and use despite its runoff nature.

Advantages. Voters have a more highlighted role in this system as they are given two times chances to make their decisions. This is an advantage for voters for their chosen candidate or if they want to make a different decision after the first round (Reynolds et al., 2005: 53). Therefore, TRS in terms of stressing voters' role could be comparable to the Alternative Voting system in which voters are given a chance to rank their favorite candidates through a first-round election, and in a second-round election, voters are free to make a fresh new choice.

Disadvantages. This system applies heavy pressure on electoral administration requiring them to run a second-round election within a short period of time after the first round, this situation could be more challenging for low-income countries where conducting is costly and require a budget, and the interval of time between conducting the election and declaring the result is limited. This system,

therefore, leads easily toward political crisis and uncertainty, particularly in divided societies where electoral disputes could act simply as a powerful instrument for triggering different parties. In addition, every single drawback of the FPTP system could be applicable through TRS as the results of the election could be highly disproportional in TRS (Reynolds et al., 2005: 53).

According to ACE (2022), the TR system is used in more than thirty national parliaments while this system is a more common method for presidential elections (ACE, 2022). According to the 2004 Constitution, TRS is considered an electoral method for the presidential election which caused a political crisis and political instability two times in 2014 and 2019.

1.9.5.7 Proportional Representation System (PR)

A proportional voting system is designed to fulfill the percentage of votes cast in an election for a particular party or candidate with a percentage of seats available (Sisk, 2017). According to Reynolds et al. (2005), the main rationale behind advocating for a PR system is that consciously party's share is being translated into the proportion of seats in legislation (Reynolds et al. 2005). Through this system, it is more likely to form an inclusive government with another aim—particularly accountability (Sisk, 2017). The PR system is particularly important as it gives minorities a chance of having their representatives.

A PR system allows the voter to choose between political parties or individual candidates, thus offering more possibilities for voter participation. Since PR systems allow parties and other groups to participate in decision-making, they are often used in transitional and new democracies, especially where there is a deep social division. In this way, democracies are solidified when all key segments of society are involved in decision-making according to Reilly and Reynolds (1999). Nevertheless, there are a number of proportional systems around the world, since their setting depends on a wide range of variables, all of which can be combined in a large number of ways. Generally, there are two types of PR systems—Party List Proportional Representation and Single Transferable System.

1.9.5.7.1 Party List PR (List PR)

According to Party List PR systems, parties create lists of candidates for election, and seats are allocated by the elections officials to each party based on its vote total. Multi-member constituencies are used for List PR elections. A party or coalition of parties, or a group of candidates running together, nominates candidates for the district(s) they intend to take part in. An individual

casts a ballot for a party list, which can either be closed (no shifts on the ballot) or open, allowing preferential voting. When an open list is used, voters can express their preferences for certain amounts of candidates, which increases their chances of winning a seat. Yet, the primary choice remains for a particular party (Blanc et al., 2006).

The List PR system is a popular option when selecting a suitable system for a new country, a new democracy, or a post-conflict society. Worldwide, it is also the most popular type of electoral system, used for legislative elections in 70 countries. In this way, it is widely used in parliamentary elections in Europe, Latin America, and Middle Eastern and North African countries (Morocco, Tunisia, Jordan, Turkey, and Iraq), as well as in South Africa (ACE, 2021).

As a means of avoiding party fragmentation and facilitating the formation of stable governments, some countries have implemented a formal threshold for representatives in their party PR system (Reynolds et al., 2005). In addition, Party List PR systems seem to open up room for the candidacy of representatives from minorities and successful election of those candidates in new democracies. In this sense, List PR systems can lower or prevent tensions in society by including both majority and minority groups in decision-making. Finally, the possibility of women being elected increases under systems based on proportional representation.

On the other hand, it is extremely difficult to implement the system in societies with no or few parties because it requires the existence of some groups or parties. One of the main reasons why state-building actors in Afghanistan avoided this system as the electoral system in post-2001 was because Afghanistan lacked modern political parties. Furthermore, Party List PR may pose difficulties in forming governments due to its excessive fragmentation of the party system. In addition, larger constituencies mean that the elected representatives have fewer relationships with the constituents and the region, and therefore, they are less accountable to the public (Blanc et al., 2006). In addition, voters have no influence on whom they will vote for since the choice remains at the discretion of political parties when closed lists are used. The challenge can be particularly difficult in developing countries where the society is largely rural and where voters are often primarily identified with their region of residence rather than with a particular political party (Reynolds et al., 2005).

1.9.5.7.2 The Single Transferable Vote (STV)

Even though it is hailed as the perfect form of PR, the single transferable vote system has only been utilized consistently in a handful of countries – mainly Australia, Ireland, and Malta (Farrell et al., 1996). Unlike party list-based systems, this preferential voting system does not use party lists to select candidates in multi-member constituencies. According to this system, several candidates run together on the ballot, so each is listed by name as well as their party affiliation. Due to this, STV tends to represent very individualized voting, since voters normally choose between candidates rather than parties. A voter can decide whether to vote along or across a party line, or to support regional candidates, candidates who represent a certain racial group, religion, or gender (Blanc et al., 2006, p. 63). In addition, it is possible for voters to choose among moderate candidates across the political spectrum without being influenced by a specific party.

Hence, the system appears to strengthen the moderate voice in a post-conflict environment. Blanc et al. (2006) state that this system "can help to ensure the moderate voice is heard in the post-conflict situation". On the other hand, this can also backfire when voters support candidates with specific affiliations or extremist candidates (Blanc et al., 2006).

Generally, larger areas elect a team of representatives, such as four or five, rather than one person representing everyone in a small area, which reflects the diversity of opinions within that area (Single Transferable Vote, 2022). A list of candidates is numbered by voters on election day. They rank their favorite number one, their second favorite number two, etc. There is no limit to how many candidates voters can choose to number. Most parties will have more than one candidate running in each area. If a voter's favorite candidate has enough votes already or cannot win, the numbers indicate to the person counting the voter to move his/her vote (Single Transferable Vote, 2022).

The quota of votes needed to be elected is set by law. The quota is calculated very simply, based on the number of valid votes and the number of seats available. Voters are assigned quotas according to the number of vacant positions and the number of votes cast (Single Transferable Vote, 2022). Upon completion of the counting, any candidate with more number-one votes than the quota is elected. However, instead of disregarding extra votes, a candidate received after the amount needed to win, these votes are moved to each voter's second-favorite candidate.

Ultimately, STV requires a complicated process of translating votes into seats, which could be considered a notable disadvantage for this system. A key reason why STVs are less susceptible to

tactical voting is that the counting process is complex. Further, due to the complexity of the method, it may take a while for voters to fully comprehend it. In countries same as Afghanistan, with low levels of education, the use of this system might prove challenging. Subsequently, when voters have difficulty understanding how the system works, they are less confident about the procedure and the outcome of an election. The result is often a decrease in voters' participation in elections.

STV has another advantage in that it produces a high level of accountability. Instead of voting for parties, voters vote for individual candidates. This could be possible as a small number of constituencies further strengthens the relationship between the electorate and the representatives. Moreover, in terms of choosing representatives, STV may be the most advanced of all electoral methods, as it allows voting between parties as well as individuals within parties (ACE, 2016).

1.9.5.8 **Mixed Systems**

In mixed systems, features of different electoral systems such as majoritarian and proportional are used (Massicotte & Blais, 1999). In other words, as opposed to referring to a system as a whole, mixed systems consist of a number of different systems that share a primary characteristic—both are based on several different electoral systems using different formulas (Reynolds et al., 2005). As a practical matter, the voter casts two ballots, one voter through each electoral system. Such arrangements choose to combine the best features of proportional systems and plurality-majority or other systems (ACE, 2022).

Masicotte & Blais (1999) in their research entitled “*Mixed electoral systems: a conceptual and empirical survey*” classify mixed systems based on how they are defined through plurality and majority systems. According to Masicotte & Blais (1999), A mixed system is characterized by three features: the electoral formulas involved, the combination of those formulas, and the number of seats assigned to each formula. Based on their research we are dealing with two straightforward and simple dimensions. Identifying whether PR blends with plurality or majority is the first step. Then, we must determine the percentage of seats allocated through PR. A clarification is needed as to how PR is combined with plurality or majority (Masicotte & Blais, 1999). In East Europe, Africa, and Asia, as well as in some Asian countries, mixed systems have been used by new democracies (ACE, 2016).

1.9.5.9 **Other systems**

There are some other electoral systems that could not be classified through either of mentioned features of the electoral system such as The Single Non-Transferable Vote; The Limited Vote; and the Board Count. Since SNTV is used in Afghanistan’s election, this part of the paper exclusively elaborates on it as below.

1.9.5.10SNTV

Every voter casts a single vote for a candidate (unlike FPTP) while there is more than one seat to fill in every district under SNTV (ACE, 2022). There is no redistribution of votes since each voter can cast only one ballot. In this way, the candidate with the highest number of votes wins (Blanc et al., 2006; Reynolds et al., 2005). Voters typically vote for individuals rather than parties in SNTV voting. Therefore, the party and electorate must behave tactically to maximize their gains during the nomination process. The system is not very common for legislative elections because of its vulnerability to tactical behavior (Blanc et al., 2006).

In the case of Afghanistan, a certain number of representatives are elected in each electoral district or province, and every voter has only one vote for one candidate. Seats are won by the top vote-getters, regardless of what percentage they receive (Reynolds, 2011). Those who get the most votes may still not get the most seats under the Single Non-Transferable Vote system. Accordingly, depending on the number of seats in the constituency, it can produce proportional results, or at least more proportionally than plurality-majority systems. It should therefore be called a semi-proportional system (Blanc et al., 2006).

Electoral system family

Electoral System Design Database

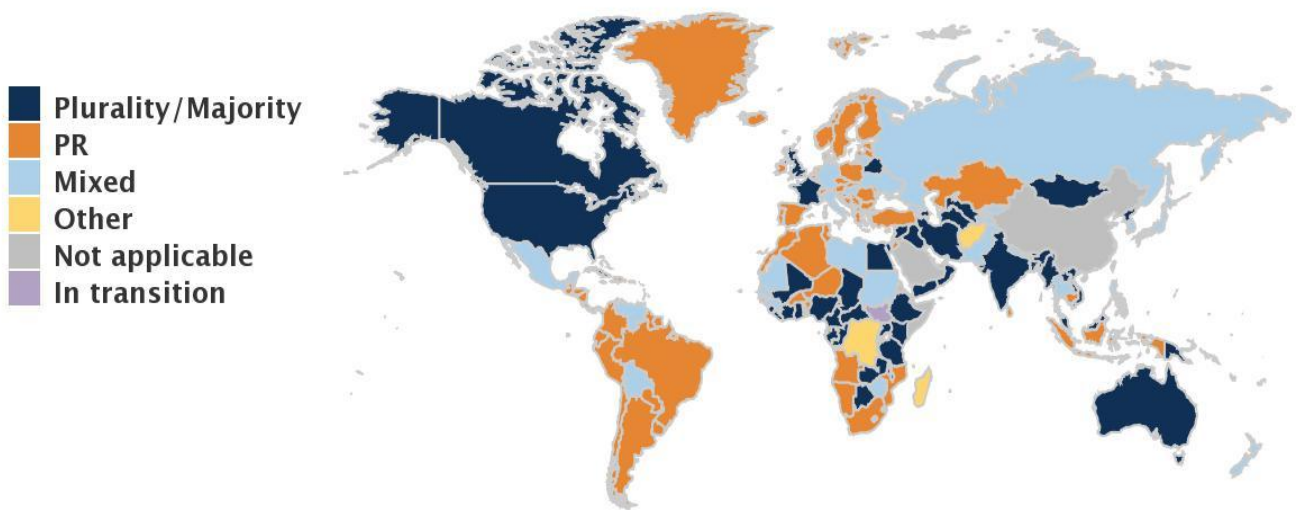


Figure 2 Global distribution of electoral systems

Source: International IDEA, Electoral System Design Database, <<http://www.idea.int/data-tools/data/electoral-system-design>>, accessed 20 June 2012.

1.9.6 Elections in Post-Conflict and Transitions Settings

Literature on political transitions and democracy in post-conflict setting reveals how the legacy of the old order and the uncertainty associated with competitive elections shape strategic decisions. A key aspect of academic research will continue to be the understanding and definition of post-conflict elections. As a result of the vastly different circumstances and conditions associated with each type of conflict it may be difficult to assign a set of criteria to all post-conflict elections in response to those different circumstances. There are, however, instances in which research can conclude that certain criteria are or are not associated with election success.

Despite different priorities in post-conflict countries, elections should be conducted to fulfill the two main goals of terminating wars and establishing democracy according to Terrence Lyons (2002). Election events are understood as deeper and longer-term processes that contribute to the end of wars and the development of democracy. In Lyons's view, post-conflict elections are embedded in both conflict resolution and political transition. An important aspect of demilitarizing politics is the emphasis on specific processes and policies that support the twin goals of ending war and democratizing society (Lyons, 2002).

As such, future cases should be determined according to the criterion that offers the greatest chance of success. The international community must also provide durable support, peacekeeping forces, and reconstruction resources as part of its commitment to post-conflict societies. As it relates to international commitments, it is important to be able to clearly define the objectives, rationale, and outcomes when it comes to these commitments (Fischer, 2002). If a contributing country fails to make a sufficient and lasting commitment, it will damage its international image, “and, most importantly, the sustainability of democratic institutions” (Radnitz, 2011, p. 5).

Elections following a conflict are extremely challenging. Following a negotiated settlement to a civil war, elections have become the principal means for legitimizing the new leadership and institutions. It means that elections have the power to settle the contentious issues of internal and external legitimacy which can arise due to various factors. However, considering the chaotic nature of society, general insecurity, fear, distrust, and institutional breakdown, it is natural that election could be held under difficult conditions due to societal disorder, fears, and insecurity. In addition, practically, it is not reasonable to expect the vote to perform miracles. There are no ways elections can end a military conflict that has not been resolved by negotiations or victory, for example.

1.9.7 Role of Democratic Institutions in Post-conflict and Transition Societies

It has been demonstrated both in conflict resolution studies and in democratization studies that institutions play a crucial role in post-conflict transitions, including interim governments and the construction of democratic institutions, such as political parties and electoral system, to achieve both security and political objectives. Broader institutional rules became increasingly important in expanding democracy as constitutional designers sought to expand democracy and reduce violent conflicts in post-conflict societies with sharp cleavages based on ethnicity, religion, nationality, and/or languages during the 1990s (Riphenburg, 2007).

Over the past few decades, much research has been conducted on the relationship between specific political institutions, conflict management, and democracy. For instance, it has been debated for decades whether proportional representation or other electoral systems, which facilitate multi-participation, are more conducive to democracy. Institution building has the greatest impact in post-conflict societies. There is probably less relevance of institutional choices for democratic stability in societies in which there are no deep ethnic, religious, or national divisions, due to the fact that they are less likely to influence the political system in favor of different groups, or to affect them negatively (Reynolds, 2002). In contrast, in societies after conflict, institutional design can systematically favor or disadvantage a particular ethnic, national, and religious group by means of its design (Riphenburg, 2007). For instance, a first-past-the-post election system might be systematically and profoundly discouraging, even when it comes to large minorities of people, especially those that live in remote areas (Reynolds, 2002). This situation will likely make building loyalty to the system more difficult (Fischer, 2002).

A post-conflict society's institutional architecture determines how effectively political leaders can manage conflict democratically. Thelen and Stenmo (1992) indicate that constitutions have a profound effect on the logic and outcomes of democratic politics. It is important in most divided societies to have some institutions or processes to promote consensus democracy, as described by Lijphart (1984; 1999). However, there may be different 'best' ways to achieve power sharing depending on the circumstances. Generally, parliamentary systems are preferred over presidential systems. However, semi-presidential or presidential systems are also acceptable alternatives when parties are not disciplined (Sartori 1997; Shugart and Carey 1992). In the case of a large, pluralist, and geographically diverse country, a decentralized federal system may have many advantages. However, if the country is smaller and less divided, its disadvantages may exceed its advantages.

There has been considerable debate among scholars over what institutions are most conducive to the development of democracy in divided or post-conflict societies. In spite of the fact that this study does not purport to provide a solution to the question of which institutions are most suitable for divided societies, it provides an overview of the debate about institutional design and conflict management in divided societies and offers new insights into the subject. Many scholars argue that even countries with complex structural and cultural obstacles, such as poverty, inequality, racial and religious divisions, can sustain democracy (Lyons, 2002) . Even in adverse conditions, democracy appears to be capable of thriving under structural and cultural factors. Historically, democracy was generally limited to a handful of countries with favorable social, economic, and cultural conditions (Dahl 1971) but after the start of the third wave of democratization (Huntington 1991) in 1974, major democratic-or at least semi-democratic-experiments have been carried out in many countries in less favorable conditions (Diamond 2000). Various conflict resolution concepts emphasize that managing strategic and security dilemmas is an essential component of encouraging military leaders to cease fighting and exchange their armed power for a shot at political power.

1.9.8 Building Constitution for Post-conflict Societies

A constitution serves as a valuable tool for framing the prospect of a new beginning for a country emerging from conflicts (Pillalamarri, 2021). In areas where violence has been deeply rooted, constitutions are of great importance from a political standpoint. Moreover, they may serve as mechanical instruments for controlling political reactions, enabling violent action to be transformed into a more constructive form of dispute resolution (Reynolds, 2002). Developing conditions conducive to sustainable peace cannot be achieved solely through legal reform, including constitutional design (Samuels, 2005). Therefore, legal reform remains one of the most important initiatives for post-conflict societies.

In addition to addressing previous deficiencies in the legal system, which may have contributed to or enabled the conflict to occur, a newly formed post-conflict government will also be able to establish credibility through the implementation of legal reforms. The use of constructive methods through which political parties are able to gain recognition and status of their needs and status can allow them to engage in nonviolent contestation by utilizing peaceful means (Böckenförde, 2011).

After a conflict, constitutions play a much greater role in stabilizing governments and regulating their relationship with citizens (Haynes. et al., 2010). It has become a means for many states to manage crisis situations in an effective manner through constitutions rules. The success of constitutions designed for conflict-affected and deeply divided states depends largely on the ability of these constitutions to bring together opposing groups, to address serious concerns, and to avoid further division and deterioration of conflict.

Architecting a constitution should consider a suitable process to address national and local concerns. For instance, it is more appropriate to leave the choice of process to the national constitution builders on the basis of their own understanding of how the local environment should be shaped to enable this process to succeed. More careful consideration needs to be given to the involvement of outside stakeholders in these processes, which has become increasingly important in recent decades as a result of increased demands (Böckenförde, 2011).

There is some evidence that constitutions developed in response to the needs of managing conflicts have had some degree of success in the past century, as demonstrated by the decreased levels of conflict around the world (Reynolds, 2002). There are also other factors, such as economic

inequality, that are emerging as increasingly important determinants of new demands for constitution building. Other factors should also be taken into consideration (Böckenförde, 2011).

In recent years, it has become increasingly obvious to scholars and policy makers that constitution-making is an important part of the process after a conflict, as has been seen in Afghanistan and Iraq. This kind of process has the potential to provide significant and lasting opportunities for the development of peace, stability and democracy in a state. In spite of the fact that these endeavors may be difficult, their importance cannot be underestimated. It is common for deeply divided or post-conflict societies, which have a history of violence, to face difficulties in constitutional negotiations. If a constitution is adopted, its implementation may be hampered by inadequate democratic practices, dysfunctional or ineffective government institutions, an inexperienced or corrupt public service, and a weak rule of law tradition and civil society.

1.9.8.1 Process of making a constitution

Are constitutions affected by the process by which they are made? There is no single model for a "successful" process. The choice of process and the impact that it will have on each case will vary depending on the political, historical, and regional contexts. The role of public participation in constitutional processes is highly regarded, but there are other elements that go beyond participation. All of the cases considered faced similar challenges.

1.9.8.2 Role of citizens versus political leaders

Public participation versus elite incentives. To achieve the critical balance between creating incentives for powerful elites to become a part of the constitutional process as well as evaluating the needs for consultative processes that foster political dialogue and empower ordinary people, Constitution makers will need a way to achieve this (Ladley, 2011). Despite the lack of evidence, many consider participatory processes essential for constitutional success (Ladley, 2011).

Advocates for people participation highlight the fact that citizens of post-conflict states have typically suffered under years of repressive regimes and violent conflict rooted in exclusion. While a participatory approach is not a guarantee of success in the implementation of the new constitution, it can offer other benefits: signaling a break with the past, providing a forum for dialogue and national education, and setting a precedent and creating demand for continued participation by the public. Even though participatory and inclusive processes can often result in constitutions that represent the broader interests of the population, ruling elites often react by undermining constitutional processes.

1.9.9 Participation

Most discussions on the development of a country are based on participation as an important aspect (Balogun, 2000; Engberg Pedersen 1995). Recently a number of comparative studies have been conducted on the effect of decentralization on popular participation, the main findings of which have suggested that decentralization can have positive impacts on participation (Crook & Manor 1998; Heller 2001). The poor majority of people of the country, however, have proved to be a much more difficult group to engage beyond the election process, which in itself is only a crude tool that facilitates popular control (Blair 2000; Alsop et al. 2002). In addition, poor people are frequently prevented from being involved in local level politics by local elites and institutions (e.g. social sanctions), custom (gender, caste, ethnicity), patronage, or due to the costs involved in the process (Vedeld et al., 2004). It was also observed that many villagers did not feel they had any influence at all, even when they participated, as it was observed in Indian villages (Alsop et. al. 2002). A major issue for poor people is the lack of transparency and corruption, as well as the fact that they receive little benefit from the system. Rural women and tribal people are generally excluded, while educated male participants dominate.

1.9.10 Local Governance versus Local Governments

The concepts of *local governance* and *local governments* are subject to distinctive definitions and interpretations consistent with established political science literature (UNDP,2015). For instance, Shah (2006) views *local government* as a specific entity or institution created and organized by a government through a constitution, or any other legislation to provide multiple ranges of services for the citizens in a specific geographical area (Shah, 2006). However, some others focus on how the government and other sectors connect with citizens. In contrast, local governance is considered as the role and ability of a government on providing efficient, effective, and accountable public management at the local level that is open to citizen participation and empowers a democratic system of government at the local level (Brinkerhoff, 2005). Shah (2006) adds that *Local Governance* is a broader concept that encompasses the formulation and education of collective action at the subnational level. Under the scope of this definition, *local governance* includes decisions made collectively by formal and informal institutions at the local level.

In addition, Bonnafous-Boucher (2005) in *From Government to Governance* states that *government* **subsumed** under that of *governance* according to a cosmopolitical perspective. She adds that the term *governance* from this perspective covers a variety of practices such as political and economic. In the Afghan context, however, the term governance is subsumed under public administration while government often encompasses public institutions dealing with the well-being of citizens. For instance, in the 2004 Constitution chapter four is titled *Government* which covers provisions regarding the rights and responsibilities of the cabinet. In addition, the Constitution in chapter eight which is titled *Administration* exclusively covers affairs of the governance at the subnational level. According to the constitution, therefore, terms such as governments and governance only encompass formal institutions at the national and local levels.

Independent Directorate of Local Governance in Afghanistan which was directly and solely in charge of all local entities named itself the Directorate of *LACAL GOVERNANCE* in English while it was officially translated into local languages as *Directorate of the Local Organs*. Literally, due to the lack of inadequate authority and autonomy given to the public institutions at the local level in Afghanistan, the term “local administrations” is often used in many sources as a key term for public entities at the local level.

1.9.11 From Centralization to Decentralization

Historically there is more evidence illustrating that local governments were established earlier than that of central states as democracy developed around the city-states of ancient Greece for the first time (Lipset, 1995). However, after the medieval era, the focus on empowering central domains has resulted in undermining governing peripheries. This was particularly true when major political units with a great extent of territories were under the control of great empires or single powers. As these empires extended their territories to a remarkable distinctive region, soon they found themselves to be sluggish and neglected in response to the local demands and management of the local affairs. Therefore, they started to delegate authorities and grant to some extent autonomies to the remote regional units for a purpose of lessening executive burdens from the central states. As a result, strong centralized governments were forced to delegate authority to their political units at the local level or to delegate authority to officials at various levels of the territory. Hence, democratic local governments gradually emerged in Western Europe in the late 19th. In France, for example, in 1880 the mayor was elected through a general council instead of being appointed (Lipset, 1995).

In Europe, the debate over the establishment of local democracy through decentralization began in the early 20th. Many politicians and scholars equate decentralization through popular elections with democracy. For instance, according to Maurice Hauriou, a French jurist and sociologist, decentralization deals with the creation of autonomous administrative units in which officials are elected through votes in a specific region. From this point of view, decentralization would not only aim to offer the best way of governing a society but also seeks to raise the democratic participation of the people to a high scale. According to Hauriou, even if a centralized form of governance better serves people through the cost-effective and integrated structure of governance, citizens demand their basic political and social rights and freedoms which is more feasible to achieve within a decentralized form of governance.

The role of the citizens is fundamental in improving the functionality of democratic institutions and plays a key part in the survival and continuation of democracy. In recent years, universal movements around the world have never protested against democracy, instead, people around the world have been seeking ways to promote democracy and add more values to it, especially after the contemporary humanitarian crisis and worldwide armed conflicts (Kemp & Jiménez, 2013). They are clamoring for a greater voice in the way they are ruled. In addition, it is widely accepted that the stability and resilience of states depend on how they interact with their relations with citizens. In third-world and less developed democracies, where main decision-making bodies are placed at the national levels, the pattern of governing and developing regional areas are often not in line with the demands and desire of the residents at the local level. In this situation, the matter is not how many

responsibilities have been transferred to those institutions at the local that lack sufficient authorities, instead, to what extent public institutions contribute to the state's legitimacy in the public eyes.

A society where all financial resources and political power are accumulated at the national level certainly fails to build a state's legitimacy, no matter how much responsibility is transferred to those institutions and sectors at the local level that lack access to resources and their authority is highly limited. Ultimately, this trend could lead a state toward the use of illegitimate power and lack of rule of law or even leads to dictatorship as citizens' perceptions and expectations of the state fail to be constructed. Thus, a new tendency of localism has emerged in the Global South based on the construction of local political spaces and actions. A striking manifestation of this new policy is the shift in development theory and strategy from developmental governments to civil society, from an emphasis on centralized government construction to an emphasis on decentralization and local participation (Mohan & Stokke, 2007). Public institutions at the local level are closer to the citizens which could allow citizens to experience state and practice democracy (Kemp & Jiménez, 2013). In today's globalized world, therefore, there is an increasing emphasis on recognizing the importance of democracy at the local level, which could be better possible through a decentralized form of government. Local citizens demand their political and social rights which have been denied historically and states are unable to resist this demand (Dillinger & Fay, 1999).

Decentralization has emerged as a tendency for administrative and political reforms since the 1980s in most European and developing countries (Sow & Razafimahefa, 2015). People demanded their political and social rights and central states were unable to resist that ultimately decentralization has been recognized as a solution. According to World Bank, decentralization is the entire process of transferring responsibility and authority from central government to local units such as local authorities, quasi-independent government organizations, and the private sectors (World Bank, 2022).

1.9.12 Decentralization in Post-conflict Societies

Over the past few years, cross-ethnic alliances have been proposed for a number of divided societies, including Indonesia, Philippines, Iraq, Sri Lanka, Afghanistan, Burma, and Nepal. The concept of devolution within a unitary state has also been considered as an option in some of the cases mentioned above, and this model has been on the top of the political agenda in Nepal and Afghanistan. It is also worth noting that many governments in sub-Saharan African states, which are unitary multicultural, have embarked on a decentralization process and have started to use devolution to manage conflict. These examples include Ghana, Ivory Coast, Uganda and Malawi.

It is important to recognize that all forms of decentralization have proved difficult to fully implement when investigating the systematic empirical evidence regarding tensions and decentralization. A review of the literature indicates that governments, particularly in sub-Saharan Africa, have been unwilling to transfer meaningful powers to representative local authorities. Without the appropriate institutional forms and powers, decentralization will not deliver the theoretical benefits, such as efficiency, equity and improved service delivery.

Balance, constant adaptation, and collaboration are crucial for effective deployment decentralization. The concept of decentralization and reconciliation refers to both a set of institutions and legal arrangements. As a result, generalizing about the success of decentralization is difficult at this point. There have been quite a few countries around the world with very similar laws that have produced quite varying results. Sterud (2002) also supports this point of view by stating that even in federal states, the central government must strive to achieve national integration after compromising between divisive and integrating forces (ethnic groups and other groups) so that it is capable of meeting the needs of the citizens (Sterud 2002, 62).

1.9.13 Typology of Decentralization

Decentralization could be administrative, political, fiscal, and market, according to a classification made by World Bank, Shah (2006), and many other kinds of literature. These four types of decentralization are as follows:

1.9.13.1 Political Decentralization

Political decentralization is a national state's strategy to grant citizens or their representatives political powers at the subnational level (Choudhry & Stacey, 2015). In other words, it is a process by which the central state transfers the political power and decision-making authority to subnational entities to involve people in governance. The aim of this type of decentralization is to raise the involvement and participation of citizens and their representatives in the process of making and implementing policies at the local level. This concept implies a high level of decentralization as a close bilateral relationship can be shaped between state entities and citizens.

This form of decentralization gives the citizens the right to elect their representative at the local councils and allows them to vote for governors and mayors through free and fair elections (Schneider, 2003). Local representatives could better address citizens' demands and desires of their constituents as they have close relationships with citizens of their electoral jurisdiction (World Bank). Finally, citizens and their representatives oversee the public entities' performance through the process of service delivery and they hold local politicians accountable for their decision-making.

Jamie Boex and Serdar Yilmaz (2010) divide four components of political decentralization the political structure, electoral system, party system, and mechanisms for accountability. According to Boex and Yilmaz (2010) political structure concentrated on the division of authority and responsibility through an institutional arrangement between a strong elected local council (e.g., the mayor is elected by the council) and an executive (e.g., a directly elected mayor). The electoral system matters as it provides incentives for the voters and holds local officials responsive to citizens' demands. Two electoral systems namely Proportional Representation (PR) and First-Past-the-Post (FPTP) have gained more fame in local elections. PR is mainly known for forming inclusive representation which considers minorities while FPTP is gained its reputation for promoting accountability as it gives citizens more choices for their votes. The third component which Boex and Yilmaz identify for political decentralization is the nature of the party system which is significant for local elections. They also add to their assessment that the role of the party system is important for improving political competition at the local level to bring local interests into consideration rather than the national interest. However, party-based and non-partisan local elections would have their own advantages and

disadvantages depending on how the system would draw constraints on elite interests and promote 'clientelism'. Finally, political decentralization must ensure local accountability and responsiveness which contribute highly to the legitimacy of the government. Their assessments in this regard indicate that the principal method by which individuals have their voice in the public sector could be achieved through local elections. Accountability in the local elections could be enriched through a number of certain mechanisms such as recall elections, term limits, and referendums for specific local decisions.

1.9.13.2 Administrative Decentralization

Administrative decentralization is mainly associated with public administration at the sub-national level. According to World Bank, this type of decentralization seeks to redistribute authority, responsibility, and financial resources for providing public services through various layers of a government. Besides political discretion, local governments require administrative authority to respond demands of local citizens effectively (Boex & Yilmaz, 2010). Schneider (2003) believes that the extent of 'autonomy' delegated to local units measures the degree of administrative decentralization. Schneider (2003) and World Bank identify three categories of decentralization subordinated to administrative decentralization that are deconcentration, delegation, and devolution.

Deconcentration is the weakest category of administrative decentralization which is often seen in unitary states. In this form of decentralization, the central state redistributes limited authorities and responsibilities on administrative affairs and financial management to its subnational entities such as inline ministries at the local level (World Bank) (Martinussen, 1997). This form of governance hardly implies a 'true' decentralization since the central state runs state's agencies at the local level and entities at the local level lack authority of their own. According to Martinussen (1997) in pure *deconcentration*, local entities are neither discrete nor integrated through a mandatory horizontal and coordinative mechanism. The central state in Afghanistan runs its subnational units through this type of governance while the 2004 Constitution explicitly recognized elected bodies at the sub-national level.

Delegation as the second-lowest type of decentralization is more extensive. Local entities receive a certain amount of responsibility and decision-making authority that in return they remain accountable to the central state (World Bank). This often happens when the central state deploys decision-making authority on certain public functions and keeps its supervisory power (White, 2011). Special authorities could be established on housing, transportation, implementation of special projects, semi-autonomous school districts and etc. (World Bank). According to Martinussen (1997), central states delegate authority to public and semipublic enterprises to offer sectorial services including communication, transportation, health, energy, water, and education. While local entities in this

instance remain accountable to the central state, limited supervisory authority rests with the central government (White, 2011).

Devolution is the most extensive category of administrative decentralization by which central states devolve functions to quasi-autonomous subsections for a subnational government that requires sufficient power to make decisions regarding budget and management of local affairs (World Bank). In this form of decentralization, which is known as a 'pure' form, central states often transfer responsibilities for delivery of services to elected bodies of local governments such as mayors and councils to raise their own revenues and have the capacity to make investment decisions (World Bank). Under a devolved system, local entities are given legal personality and can be distinguished explicitly through geographical boundaries which enable them to practice their power while functioning (World Bank). Although devolved entities function as quasi-autonomous and are given a free hand, the original exercise of power rests with central states as a legitimate right (Martinussen, 1997).

1.9.13.3 Fiscal Decentralization

Fiscal decentralization is a process in which the central state grants budgetary authority to elected local units to make their own decisions regarding taxes and revenue. Sub-national units within a central state's jurisdiction are in charge of collecting local revenues through local taxation or leasing properties and public assets (Bahl, 2008). Financial authority is a key component of decentralization as local governments require to have an adequate degree of revenue--raised locally--and transfers--received from the central state--to carry out effectively their decentralized functions (World Bank). According to Schneider (2003), central states through fiscal decentralization aim to balance the economy through their regulatory policies and financial instruments.

Central states structure their fiscal relationship over their peripheries to make an exclusive economic union. In addition, central states often intervene through intergovernmental fiscal transfers to achieve national, regional, and local objectives such as fairness and equity. Boadway and Eyraud (2018) identify three main purposes for national states in using their strong fiscal power over the local units. First, transfers are viewed simply as filling the financial gap between state expenditure and revenue-raising responsibility, 'the fiscal gap'. Another purpose is to applying transfers is equalization since the capacity of raising revenue might be different among the states while they must provide the same services. The final goal considered for transfers is to apply sufficient power of the central states over its local units to exercise influence or oversight over the enterprising state programs (Boadway & Eyraud, 2018).

Boex & Yilmaz (2010) believe that fiscal decentralization matters in both administrative and political decentralization. Through a fiscal decentralization, local officials justify their exercise of power over the local population, and in a return, they respond to their demands and desires (Boex & Yilmaz, 2010). The main challenges in budgeting, raising revenue, allocating central states' transfers, receiving loans, and borrowing is professional competence, transparency, and accountability according to Boex and Yilmaz (2010). Therefore, shifting from a centralized form of governance toward fiscal decentralization requires adequate knowledge, capacity, and professionalism at the local level (Grindle, 2007).

Empirical studies have shown that radical changes for a purpose of applying a high level of fiscal decentralization may worsen and destabilize local governance, particularly in third-world countries with having a long story of centralization. Niamh Gaynor (2014) indicates that revolutionary reforms cause growing corruption, inequality, and escalating tensions mainly in post-conflict and developing countries. According to Gaynor (2014) disregarding a state formation, its history, its structure of informal and formal governance, and political norms and context result in a failure of entire decentralization efforts. In this situation, if the central state's peripheries could be ruled through a patron-client relation, local elites would increase their remarkable influence over local power and state institutions, which leads to growing corruption, massive inequality, and constant violence (Grindle, 2007) & (Gaynor, 2014).

1.9.13.4 Market or Economic Decentralization

According to a World Bank definition, this form of decentralization is a shift of functions and responsibilities from public sectors to private sectors, which is the most complete form of decentralization from a government's point of view (World Bank). This often occurs in countries with liberalized and free-market development policies through privatization and deregulation. Governments often remove constraints on private participation through deregulation (Davey, 2003).

After 2001, Afghanistan applied notable reforms in its economic system. One of the modifications was a conversion of Afghanistan's entire economic system from a centrally planned economy system toward an open and free economy market system. By adoption of a new constitution in 2004, the economy was largely liberalized and westernized as the state prioritized private sector-based development. This new constitution has guaranteed a 'market economy' as the economic system and approved the promotion and protection of private investment (Article 10 of the Constitution). Since private sector investment usually requires the encouraging modern governance and transparency for investment including the availability of clear unambiguous rules and transparent regulations, political and economic stability and security, reasonable tax rates that are equitably

enforced, access to finance and infrastructure, and an appropriately skilled workforce, the Afghan government was forced to open its market for domestic and foreign investors and provide a mechanism for private sector investment to attract more investors for private investment in Afghanistan for better implementation the new free-market economy. The Government of the Islamic Republic of Afghanistan with the assistance of its international allies has adopted essential law reforms and provided satisfactory facilities for domestic and foreign investors. For instance, the Afghan government has set up with the assistance of the German Government a “One Stop Shop for investors”, called the Afghan Investment Support Agency (AISA). Likewise, the Islamic Republic of Afghanistan has adopted a new investment law called the law on domestic and foreign private investment in Afghanistan, which is the most liberal investment law in the region, allowing full foreign and domestic investment in almost all sectors of the economy. The new investment law of Afghanistan offers encouragement in terms of tax breaks, special custom duties, and legal protections to the investors.

However, a strong private sector will provide the basis for economic growth, long-term success, and economic sustainability, private investment in Afghanistan can also pose challenges and risks associated with the insecurity in a country where instability is pervasive. Security risks prevent investors’ opportunities to improve trades in some areas, and certain private investment sectors (such as mining and hydrocarbons) still lack a regulatory environment that entirely supports private investment. Domestic and foreign investors are also faced with the challenge of corruption on the list of impediments.

2 Overview of State and Politics in Afghanistan

2.1 Historical Background

Afghanistan has witnessed various state governments and regime models since its creation in the mid-18 century. These regimes and models include absolute monarchies (monarchy without constitution 1747-1923 and constitutional based monarchy 1923-1964), a parliamentary monarchy with partly democratic elections (1964-1973), republicanism (1973-1977), communist-socialist republic (1977-1992), Islamic government (1992-1996), Islamic Emirates (1996-2001), and presidential democracy (2001-2021), all followed the centralization of power as a principle.

The concrete source for state legitimacy and authority relied on Afghan relatively diverse society, particularly at the local level and in rural areas throughout modern history. Afghanistan consisted of around 55 different ethnic groups based on a late 20th-century study (Orywal, 1986) and the 2004 Constitution named 14 of them: “*The nation of Afghanistan shall be comprised of Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pachaie, Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahui, and other tribes.*” (The 2004 Constitution of Afghanistan, Article 4). Recent studies and research failed to envisage and record an accurate statistic for the Afghan ethnic population; however, some academic pieces indicated a bold role of at least four ethnic groups during the civil war in the country with Pashtuns making 40%-50%, Tajiks 20-35%, Hazara 7-20%, and Uzbek 8-15% of the Afghan population several decades ago (Schetter, 2009, P.24; Glatzer, 1998).

The interaction and political alliance between these four ethnic groups endeavor effective and ample weight in the country’s politics during the civil war and post-civil war states. The social construction or family tree of Pashtuns can be traced back to a network of sub-clan, clans, sub-tribe, and the tribe while non-Pashtuns’ social identity remains limited to family, community, and village. The tribes’ leaders and elites enjoyed privileges and responsibilities as the prime legitimate actor to ensure local interests against other local communities, handle informal governance through religious and customary laws, and maintain state-society politics at provincial, district, and village levels. The tribe’s leaders and elites owned relentless support from locals that predominantly affected state-related institutions and were less likely to be underestimated along with the history.

Afghan social construction and interaction with the state remained divergent, as more advanced in the urban areas than in the rural areas. Among many socio-economic and political factors, the wide gap between urban and rural Afghanistan counted as an essential animus factor prevaricating

a steady pace toward institutionalization and modernization for a long time. This gap happened to be common in a majority of developed countries due to the socio-economic and ideological differences; however, it led to constant conflicts in Afghanistan (Roy, 1986).

Olivier Roy (1986) notes:

“... there are really two Afghanistan: first there is the town (shahr), the place of innovation (bid at); this is the natural environment of the civil servant, the teacher, the soldier and the communists, all “intellectuals” and “bare-head” (sar-luchak), held to be unbelievers and arrogant; and secondly the province (atraf), the home of religion, tradition (sunnah) and values which stand the test.”

This controversy remained up to the present as peasant livelihood lacked access to basic services and habituated to traditional beliefs, while inhabitants of big cities enjoyed the urban facilities and professional job opportunities. It certainly rendered a deep social dichotomy between modernists and liberals located in the urban population and religious conservatives located in the rural population of Afghanistan. Not long ago, the Human Rights report declared that 3.5 million children with 85% of girls, were deprived of having access to education in 2017 (Human Rights Watch, 2017, P,4). Expectedly, such statics declared a huge gap between urban and rural areas and remained a key issue for the states' initiatives and policies.

It is claimed that Afghan states preferred to emphasize tribalism, Islam, and Afghan nationalism as legitimate tools rather than relying on governance and service delivery for tribal and non-tribal communities (Roy, 1986). For instance, the legitimacy concepts of Afghan nationalism and Islam mobilized the Afghan population to defeat foreign interventions (Saika, 2004). Similarly, Islamic traditional fundamentalists succeeded to resist internal modernization attempts in history (Rasanayaganm, 2003). The majority of modernization attempts backed by governments were applied promptly without deliberation and placed in contrast with the socio-economic beliefs of the society that led to the collapse of governments several times (Ghubar, 1989, 2012; Saikal, 2004).

In addition, Afghanistan's geographical location and great empires' quest for expanding power and political influence added to the state-building, institutionalization, and modernization hardships in the country. Being a land-lock country and an agriculture-based economy, Afghanistan constantly remained dependent on foreign aid and regional powers. Furthermore, Afghanistan remained a buffer zone between great empires since the 19th century due to its geopolitical location, which led to the foreign intervention of the British (1880-1919), the soviets (1979-89), and the United States (2001-2021). Alongside several other incentives, the great empires tended to adapt traditional socio-culture

structures by importing modern initiatives that faced blockage from rural Afghanistan. Due to the most recent foreign intervention, Afghanistan witnessed dramatic changes at the governmental level and human rights conditions to an extent in urban and rural areas that connected Afghans to the world through watchdog journalism, freedom of speech, and democracy as lifestyle and values.

2.1.1 From the Fall of the Afghan Durani Empire to the Rise of Modern Afghanistan (1747-1880)

Ahamd Khan Durrani succeeded to establish the essential basis of a strictly centralized state in Afghanistan and selected loyal governors in the provinces for local management. He owed his success to his knowledge of Afghanistan's tribal and non-tribal structure politics and his great experience as a general in the army (Gubahr, 1989/2012). Emperor Ahmad Shah eagerly focused on expanding the empires from the Amu (Oxus) River to the Arabian Sea and from Indian Panjab to Khorasan (Rasanyaganm, 2003). His death rendered a long period of political power gap, local uprisings, and foreign interventions due to the empire's dependency and reliance on the Emperor's personal leadership skills. Durrani's successor was his favorite son, Timor, who spent his term distributing local political authority among his 36 sons around the empire as a priority. Besides internal conflicts between Timor's descendants after his death, the great empires of British-India and Tsarist- Russia's geopolitical competition rendered Afghanistan a buffer state, facing political chaos that led to the British intervention in the 19th century (Saikal, 2004).

2.1.2 Modern State-building Efforts (1880-1964)

After the Afghan-Anglo war (1879-1889), King Abdul Rahman Khan establish the basis of a modern state in conformity with universally applied administrative and judiciary institutions in Afghanistan. However, this effort tended to rationalize institutions of the state more efficiently and without clashing with the traditional structure of the society. Also, the King ensured that the economy and manufacturing function in the disposal of the military, and integrated the religious institutions into the government to be utilized as a source of power legitimization (Saikal, 2004; Roy, 1986, p15).

His successor, King Habibullah Khan, commenced a national revolution against the British invasion and established the basis for constitutional modernization and state-building reformation in the country, which remained a failed attempt due to his assassination (Saika, 2004; Rasanayagam, 2003). King Amanullah Khan, his son, led Afghanistan's independence war, the third Afghan-Anglo war, and announced Afghanistan's independency in 1919. The young king had a great zeal to lead the state and society toward new governance aligned with that time's global modernization movements. He intended western-style bureaucracy reforms through radical form and dramatic changes in the

political, social, and economic structures, partially inspired by Turkey's that time revolutionary reforms (Saikal, 2004). The King issued the very first Afghan Constitution in 1923 that reinforced monarchy with people's interaction to some extent at national and sub-national levels, such as a national advisory assembly ("Shura-e-Melli") at the national level and provincial and district councils at the sub-national level with consultative and legislative roles (Constitution of Afghanistan, 1923).

At the sub-national level, the reforms affected the local autonomy and partial independence of local and tribal leaders toward the central state, as an attempt to integrate local elites into the sub-national government bureaucracy with new roles and responsibilities. Similarly, the religious elites' authority and role were endangered through the establishment of the official judicial system and faced strict approaches from the government. As a fundamental part of modernization, some governmental orders mandated modern outfits for women and employees in the urban areas, and a secular educational curriculum for the youth was placed against traditional values. Unsurprisingly, King's radical reforms led to social unrest and mass uprisings across the country, especially in the rural areas resulting in the collapse of his kingdom. Afghanistan's socio-cultural structure and religious beliefs deterred institutional radical shift to modernization (Ghubar, 1989/2012). Besides these reforms, the King's foreign policy and victory in the third Afghan-Anglo war provoked the British Empires to facilitate destabilization of the King's power and compelled him to exile from the country (Saikal, 2004). This means that the attempt of the modernization of the state and society faced fervid backfire that maintained relentless deprivation of development and endorsed supremacy of traditional solid values in rural Afghanistan.

After King Amanullah Khan, King Habibullah took the power through local religious leaders' support for nine months and was executed by General Nader, a former Defense Minister of King Amanullah Khan's cabinets (Ghubar, 1989/2012). Consequently, General Nader received his legitimate power as a king through the national assembly ("Loya Jirga") in 1929 and reversed modernization initiatives in conformity with local, tribal, and religious elites. King Nader issued a new constitution, supporting the constitutional monarchy, and two-house parliament separated power between religious institutions and the judiciary branch and empowered tribal and religious elites through appointments in governmental positions (Saikal, 2004). He succeeded to apply neutral and friendly foreign policy toward great powers; however, the opposite political elite's elimination policy resulted in King Nader's assassination (Rasanayagam, 2003).

2.1.3 First Democratization Attempts (1964-1973)

After King Nader's assassination in 1933, his son Mohammad Zahir, became the King. However, the new king owned symbolic power due to his young age, and Mohammad Hashim, King

Nader's Prime Minister, remained in the position to lead internal and foreign affairs. The Prime Minister granted bold roles in the country's politics to his nephew, Mohammad Daoud. The history of Afghanistan endorses Daoud Khan, King Zahir's cousin and brother-in-law, as another modernization fond leader of the country after King Amanullah Khan. Daoud Khan served as Defense Minister and later as the Prime Minister of the country, and enjoyed fervid support from the people and the army due to his significant services to the economy and foreign policies (Saikal,2004), which facilitated his political power later on in the country.

During the Kingdom of King Zahir, the national assembly (Loya Jirga) endorsed the prepared draft of Afghanistan's very first democratic constitution that a committee of highly qualified experts drafted in 1964. The new constitution recognized equal rights for the citizen before the law, fundamental freedoms for the citizens and minorities, and elected representatives from across the country as the parliament members. The prime minister, who needed to be appointed by the King, enjoyed the authority to introduce the cabinet ministers to the lower house of the Parliament for the vote of confidence after the King's approval. Regarding local governance, the 1964 Constitution acknowledged provinces as an administrative unit to implement ministers' regulations for service delivery, and advisory roles for the locally elected councils' members of provinces and municipalities across the country (Constitution of Afghanistan, 1964; Rasanayagam, 2003). Besides, the 1964 Constitution recognized political parties' formation and function officially. However, the first Afghan political movements existed unofficially and limitedly in the early 1950 and led to a later brutal clash between two influential political parties, the People's Democratic Party of Afghanistan (PDPA) backed by the USSR and Jamiat-e-Islami, representing contrary ideologies, religious and communism (Rasanayagam, 2003).

2.1.4 The Radical Shift from the Authoritarian Republic to Two-Party Communism

King Zahir's democracy and reform process was halted by Dauod Khan in 1973 through replacing the monarchy regime with a republic regime that compelled King Zahir to stay in exile. Dauod Khan received support from PDPA for the coup against King Zahir and appointed a high number of PDPA-suggested candidates as ministers in return; however, he fired the PDPA support ministers as soon as the friendship became fragile. He appointed 17 commissions with executive power to elect Dauod Khan as a president to govern the country through presidential decrees (Saikal,2004).

Dauod Khan, known as a nationalist reformist, tended to reduce the gap between urban and rural areas and extend high service delivery and state bureaucracy to far-reaching rural Afghanistan. He planned the modernization journey of Afghanistan through a 25-year steady strategy that backed

the institutional reform (Saikal,2004). Nevertheless, Dauod Khan struggled with the heavy financial burden of foreign aid received from the Soviet Union that compelled the president to consent to power-sharing with the PDPA. The tense alliance with the Soviet Union needed to cease as the President disregarded power-sharing initiatives and desired a stronger relationship with the anti-Russian block, including Iran, Gulf countries, and the United States. Dauod Khan's shift in foreign policy during the cold war nudged Moscow to support the communist PDPA revolution, assassinations---and ultimately a direct intervention of the Soviets Union in Afghanistan in 1979 (Saikal, 2004).

The end of Dauod Khan's republic counts as cease of a social-economic and state modernization reform and the beginning of a radical reverse journey for the country. The communist PDPA regime and approach clashed with the socio-cultural structure, traditional, and religious beliefs in the country. The new regime' approaches, including strengthening state institutions, land reform, agriculture improvement, and raising the literacy rate, preferred Marxist ideology over Afghan society's interest and will (Roy, 1986). The obvious contrast between the governing regime and Afghan society led to brutal oppression, mass murder, local resistance, and armed revolt nationally (Ibrahim, 2009). Human Rights Watch estimated the loss of over a million Afghan lives and five million migrants to neighboring countries as a result of the Russian military invasion (Human Rights Watch, 1991).

2.1.5 The “Revolution” and Afghan-Soviet War (1978- 1989)

As President Daoud’s regime approached its fifth year, he realized that PDPA had become increasingly powerful during his rule. As he showed leniency toward the United States while relations with Moscow cooled, the PDPA lost powerful rule. The leaders of the PDPA called for a coup with some logistical help received from the Soviet advisors, which rendered the palace under attacked and killed the President and his family. The so-called Revolution, an urban coup paved the way for the Democratic Republic of Afghanistan. It is important to note that the PDPA was a party with two very different factions. Nur Mohammad Taraki and Hafizullah Amin were the leaders of “Khalq” (Masses) faction, which had great strength among the security services. Babrak Karmal led a more moderate and broadly based faction called “Parcham” (Banner).

Soon after, this party was ejected and its leader sent abroad on ambassadorial duties. The leaders of the Khalq faction were radical ideologues who favored rapid modernization. A program formulated over Soviet objections appeared almost to be intended to incite an uprising. Land reform, usury reform, and equal rights for women were some of its main characteristics, which remained unpopular. Farmers considered land reform incompatible with Islam. In addition, the PDPA changed the color of the national flag from Islamic green to socialist red. Rather pleasantly surprised, Moscow publicly welcomed the prospects for the reformed regime, yet remained concerned about the PDPA's relatively alignment with the people. The Soviet Union privately disapproved of the prospect of a socialist revolution within what they regarded as a feudal system.

After the coup, the PDPA maintained relatively proper relations with the United States. Washington remained concerned about the Soviet Union's political influence in Afghanistan and, at that time developments in Iran. Relations between the United States and Afghanistan plummeted in February 1979 as radicals in Kabul kidnapped Ambassador Spike Dubs. The ambassador and the kidnappers were killed through a rescue mission led by Afghans and advised by the Soviet Union, which resulted in U.S. aid programs ending as well as the diplomatic relationship. Afghanistan's army was also unstable and not suited for dealing with newly emerging “mujahideen” (holy warriors). The relationship between Soviet advisors and Afghan commanders deteriorated and caused the insurgency to take an abrupt turn in 1979. The attack on Herat City caused the death of fifty Soviet officers and their dependents. This attack made Kremlin officials quite concerned. Despite lengthy debates, the use of force and a response by the Soviet army lacked concrete support as an option. Former KGB chief and Soviet leader, Yuri Andropov, outlined the reasons for not using Soviet troops: “We can suppress a revolution in Afghanistan only with our bayonets, and that is for us absolutely inadmissible.”

Foreign Minister Andrei Gromyko agreed and pointed out that other advances with the United States and Europe would be jeopardized by using force. The Afghan army, receiving advice from Moscow, conducted retaliation attacks in Herat. Throughout 1979, Soviet advisors came to be found at nearly every echelon, Soviet pilots led combat missions.

As a result, the Soviet Union dispatched an army of 120,000 troops to Afghanistan in support of the PDPA in 1979. Despite Soviet troops' assistance to the PDPA in gaining control of major towns and transportation routes, the countryside remained under the control of insurgents and opponents of the government. The Soviet army's presence served as a further catalyst for the PDPA rebellion as well as another arena in which the USSR and the US competed in Cold War contests. The leader of the PDPA has been stigmatized as a traitor, a Soviet puppet, and an infidel threatening the existence of Islam in Afghanistan by opponents.

Mujahedeen were the major opponents of PDPA leadership. A number of smaller religious organizations along with the *Islamic Party of Afghanistan* and the *Islamic Society of Afghanistan* (“Jamaat-i-Islami”) spearheaded the battle against the Soviet Union’s troops as well as against the PDPA. During the Cold War, With the assistance of Pakistani intelligence agencies, the United States financed Islamic opposition through secret channels. During the 1980s, a small-scale military conflict became a large-scale civil war that resulted in numerous tragedies. The PDPA and Islamists failed to initiate a dialogue and reconciliation because of a deadlock.

In the USSR, political and economic reforms accelerated after Mikhail Gorbachev became general secretary of the Soviet Communist Party, which resulted in the withdrawal of Soviet forces from Afghanistan. The Soviets withdrew all of their troops from Afghanistan in 1989, however, the PDPA remained in power for three years without assistance. In 1992, the Soviet Union cut off arms and fuel supplies to the PDPA army, and the Islamic opposition, supported by the United States, managed to take control of Kabul. With the removal of the PDPA from power, the civil war did not end. As a result, Islamic parties vied for power, further generating political and economic chaos. After purging and executing the PDPA leaders, Burhanuddin Rabbani, the future president of Afghanistan and leader of the Islamic Society of Afghanistan, returned to Afghanistan in 1992. However, Rabbani's government was not recognized by leaders of the Islamic opposition, which led to its inability to establish power outside of Kabul. There were warlords ruling nearly all of Afghanistan between 1992 and 1996: Abdurrashid Dostum in Mazar-i-Sharif's northern stronghold; Ahmad Shah Masoud in the Panjsher Valley; Ismail Khan in western Herat Province.; and Golbeddin Hekmatiar in the east, a major political and military force behind the rise of the Taliban. Due to persistent and open warfare, as well as political chaos, there was much discontent among the populace with the pillage and violence and this contributed to the rise of the Taliban movement in 1996 (Bosin, 2009).

2.1.6 The Taliban, 1996-2001

The Afghan mujahidin succeeded in driving out the Soviet forces and the government they had left behind in Kabul, and the war itself began. Muhammad Omar – as well as many others – believed that 'control was in the hands of the corrupt and wicked'. Taliban leaders, particularly those who would follow Mullah Omar, believed that the civil war had been stoked by outside interference and the victory of jihad had been marred by the selfishness of mujahidin commanders who were fighting each other in a power struggle. In reality, the crisis involved more than just a few mujahidin leaders and their foreign supporters; the Taliban noticed the Afghan people's frustration. Taliban oped was written in mid-1995, seven months after the movement began, and expressed that 'We all saw what happened when there was no sharia law in the country.' A society without a strict code of law has been facing a disaster during the last few years.

There are differences of opinion within the Taliban concerning matters of national and international policy, and to consider them as one entity would be misleading. There are distinct Taliban groups that have existed since the Taliban's inception. However, the core Taliban message resonated widely -- that Afghanistan should be returned to law and order, and that they were providing security and justice based on Islam. The Taliban's initial success was not an outcome of superior military strength, rather it was the result of widespread discontent and desperation concerning the steadily deteriorating situation. It wasn't long after the Taliban's colossal victory in Kandahar province that they turned their attention to the wider region. The group declared an official government by taking control of Kabul in 1996, however, the group split up at the local level starting in 1995. Similar to the mujahidin groups of the 1980s, the Taliban also developed their capability to raise finance, fight, and negotiate. Within four months, the group reached within a few kilometers of Kabul and established committees and departments that performed poorly in practice, such as international diplomacy, health care, and economic development, apart from based on the movement's core mission of providing security and justice.

In order to achieve their primary objective, the Taliban realized the significance of a highly centralized regime as a prerequisite for the creation of a viable Afghan state. While the Taliban extended their territory and ranks primarily through enlistment and negotiation, the Taliban was convinced that as long as fighters were available, there would be fighting, or Afghanistan as a whole would break apart. From the perspective of many foreigners, this approach appeared little more than the Taliban requiring all other Afghan factions to lay down their weapons. The Taliban's viewpoints, however, were significantly different. In other words, the Taliban consider themselves not included in the civil war in the early 1990s, a distinct group that tended to end the war. According to the group, the main object of the mission was perceived to include everyone in the regime instead of tending to

exclude anyone. The group stated its fierce and sole commitment to Islam and denied having any affiliation with any group involved in the civil war or any ethnicity or political movement. Islam would provide the framework on which all others should operate. Accordingly, the goal of an Islamic government based on the Shari'a could not be seriously disputed, the main reason that *Mujahidden* announced war against Soviet forces. During the summer of 1995, the Taliban Islamic movement leader stated that 'the movement is doing everything in its power to prevent conflict.' The fundamental objectives perceived- as peace, justice, security, and the spread of Islam -resonated widely. Nevertheless, they were also loosely defined, and many details were left to be discussed when issues arose.

In September 1996, the group took control of Kabul City and announced an Islamic government. Much of the Taliban viewed Kabul as the epicenter of all that had gone awry. Kabul had long been the engine of modernization and innovation in Afghanistan. In fact, the capital witnessed followers of various ideologies, including Communism and Muslim Brotherhood-inspired Islamism, gain a foothold. As the result of a combination of rural village culture and religious education, many senior Taliban leaders had a highly ritualistic and outward-oriented religious understanding; if something had the potential to corrupt people, it should not be allowed.

A great deal of effort was made by the Taliban between 1996 and 2002 to resolve the core issues they considered to be behind the Afghanistan crisis. Despite their efforts to negotiate with the opposition to end the war, none of those attempts were successful. The group considered the opposition not trustworthy and the war continued. Attempting to establish a government and state the Taliban encountered a well-familiar challenge: establishing both authorities over an independent populace and a monopoly of violence within the country's borders.

Eventually, Osama bin Laden and other foreign nationals accused of involvement in terrorism dominated the Taliban's international relations. Several concerns had been expressed by the international community, and in particular, the United States, since the Taliban took power in Kandahar: opium production, the treatment of the population, especially women and girls, and then bin Laden and terrorism. The United States and Saudi Arabia protested against bin Laden's presence in Afghanistan and began to dominate much of the Taliban's international interaction. From the Taliban's perspective, there was little difference between meeting a US diplomat or a UN representative. Diplomatic efforts bore little fruit. The leader of the Al-Qaida terrorist group continued to threaten the US and other nations, and he was held accountable for the 1998 bombings of two US embassies in East Africa.

U.S. forces retaliated with cruise missile strikes and imposed sanctions on the Taliban to force them to surrender Bin Laden. Following these sanctions, the Taliban regarded the UN as another tool of the United States. Many Taliban leaders feared that Afghanistan would pay the price for the attack, and sought to find a peaceful solution and many wanted bin Laden to leave Afghanistan. However, the leader of the group announced publicly that there was not any risk of expelling him to the US. As a response to 9/11, the United States mobilized rapidly. “The Bush doctrine” stated that the US ‘will make no distinction between those who planned these acts and those who harbor them’. The US used small teams of special forces alongside Afghan opposition groups - who were familiar faces to the Taliban - in Operation Enduring Freedom launched in October 2001. In northern Afghanistan, the US gathered loosely affiliated groups of the Northern Alliance, almost all of whom had taken part in the civil war of the early 1990s. There was General Mohammed Fahim, who had been Ahmad Shah Massoud’s intelligence officer; Ismail Khan, who had built an empire in the western part of Afghanistan; and Abdul Rashid Dostum, the Uzbek commander known for switching allegiances frequently. Gul Agha Shirzai, the same man that the Taliban had expelled from Kandahar in 1994, mobilized men in Pakistan and marched towards Kandahar, supported by US air power. The group was defeated and the regime collapsed in 2001(Kuehn, 2010).

2.2 Evaluation of Political Parties in Afghanistan

Political parties in Afghanistan have come forward with political unrest from the early 20th century until 2001. In Afghanistan, political party (“hezb-i-Siasi”) does not necessarily mean an organization that performs political activities in western democracy. Many of them lack a platform, structure, and ideological program. While these parties have been survived and shown significant stability over decades of uncertainty, most of them organized along with tribal identities. Furthermore, these groups cannot be distinguished ideologically as ethnicity lines and war records matter significantly more than any other policy. Moreover, the majority of these parties lack internal democracy instead they are extremely based on their authoritarian leadership and hierarchy. In the post-2001, the evaluation and integration of democratic political parties were unheeded by introducing a weak legislation power by the 2004 Constitution and determining an extremely passive electoral system by election law.

Historically the emergence of political parties in Afghanistan was coincident with the first constitutionalist “*Mashruiat*” movement of the early 1900 (NDI, 2011). *Afghanistan-e Jawanan* (Young Afghans) were constitutional reformists, which were inspired by the Young Turks movement in contemporary Turkey (Larson, 2009), and favored the Kingdom Amanullah’s progressive reformist policies (1919-1929) although they were repressed in the early years (NDI, 2011). Furthermore, Afghan citizens were given the right to vote for the first time through the first Constitution of Afghanistan in 1923 as the parliamentary election was considered a part of the modernization and reformation process. However, the king could not hold any election at this time due to the resistance against his government’s reformations by conservatives and those reformers who had believed that reformations should be implemented gradually (NDI, 2011). Finally, the lack of international support, especially the British support, and domestic resistance of religious and conservatives against the King’s modernization plans resulted in a civil war, and the King ultimately absconded to Europe in 1929 (Barfield, 2012).

After a civil war in 1929, Nadir Khan was able to end the anarchy and form a powerful centralized monarchy. Following the assassination of Nadir Khan in 1933, his young son Zahir Shah (1933-1973) was succeeded on his father’s throne. From 1929 until the 1940s, Afghanistan had no progress on any of democracy’s indicators while the government started its tendency towards the democratization of Afghanistan once again after the 1940s. Although in 1949, the first election for the national assembly took place by prime minister Mahmud Shah, the political parties were not allowed to run through the election (Loyn, 2019, P.53)

During the 1940s, a strong movement called the “*Wesh Dzalmian*” (Awakened Youths) emerged that had an opposition view towards the government and the ruling elite. This group was educated Pashtun (one of the largest ethnic group) elites that formed with a regular organization as well as publication and policy (Rutting, 2006, p. 4). However, because of the ethnic and language differences soon smaller groups were ramified and ultimately these groups functioned as political parties. In 1949, five members of *Wesh Dzalmian* were elected as parliament members and had remarkably influenced the creation of a reform agenda through *Jabha-Milli* (National Front) (Rutting, 2006, p.5). Overall, from the 1940s until 1952 the government allowed several parliamentary elections that are known as relatively free national assembly elections.

The 1950s were a period when the government had some remarkable reactions towards the parties’ activities as a certain number of parties were banned from having any political activities, under the premiership of Daoud Khan (Barfield, 2012). Despite an extensive response from the government side to opposition groups’ activities, these groups continued their secret political activities and expressed their alternative view on the Afghan political system throughout their publications (Larson, 2009).

The 1960s is known as the “decade of democracy” as the king limited the royal family from political activities through the 1964 Constitution (Lyon, 2019). Furthermore, Zahir Shah’s 1964 Constitution paved the way for the development of the first political parties’ law as well as a competitive parliamentary election (NDI, 2011). However, the King refused to sign the Parties Law for some reason. Anna Larson a long-time analyst of Afghan affairs, in her research titled “Afghanistan New Democratic Parties: A Means to Organize Democratization?” outlines the main reasons behind the King’s refusal to sign the Parties Law and his setback of earlier modernization policies. Larson indicates that “*The development of these parties was limited, however, by their own inability to engage the public in political activity, their lack of promotion of national interests and a tendency towards extremism*”. (Larson, 2009).

Universities across the country were the center of political activities for both Islamist and leftist groups as the government increased the number of educational institutions and investments in higher education (Larson, 2009). During the “Decade of Democracy”, a number of leftist parties were formed in which the People’s Democratic Party of Afghanistan (PDPA) is one of the most important of them in the short history of leftist political movements in Afghanistan (Teijgeler, 2015). Furthermore, Islamists, who were mainly the university professors and had been educated at *Al-Azhar* in Cairo, theoretically were inspired by the ‘Muslim Brotherhood’, or *Ikhwan ul-Muslimin* (Rutting, 2006, p. 8). While the 1964 Constitution granted the right to exist for all political parties and provided

incentives for the political groups to develop their activities; in practice, however, they were marginalized following Daoud's coup in 1973 which ended the monarchy.

Former premier Mohammad Daoud, a cousin of Zahir Shah, was able to overthrow the king in 1973 through a non-violent coup and form the Republic of Afghanistan as declared himself the first President of Afghanistan. Some sort of rigged elections during his regime occurred although the opposition groups were severely repressed and prosecuted. People's Democratic Party of Afghanistan soon rose to power following the Saur (April) Coup or Revolution in 1978, which saw the assassination of Daoud Khan (Teijgeler, 2015).

The ruling party, with its two factions *Khalq* and *Parcham*, were receiving considerable support from the Soviet Union to employ a radical-secular political system that shortly opposed the resistance of Islamist groups and traditional elites. The power in this period was changed repeatedly among the two *Khalq* or *Parcham* factions of PDPA depending on their leadership's relationship with the Soviet Union.

When the Soviet Union invaded Afghanistan in 1979, Islamist groups or so-called- *Mujahidin* which consisted of those in exile in Pakistan or Iran, religious organizations, and political groups consolidated as armed militias against the Soviet Union and government's forces. They were receiving remarkable support from anti-Soviet regional and international powers, most notably Pakistan, Iran, Saudi Arabia, and the United States, founded themselves in Pakistan and Iran as ethnic and religious factions to fight against PDPA and Soviets between 1978 and 1992. Since the beginning of the war of resistance, these groups were split into various sections such as *Tanzim*, Sunni, and Shia Islamists (Rutting, 2006, p. 10).

Despite a short-term unity of Islamist groups during the war against Kabul's administration and the Soviets, soon after the withdrawal of the Russian troops in 1989 and following the collapse of the last leftist government, they became rivals of one another ensuing a civil war resulting in the destruction of Kabul city on a large scale. The result of the civil war among the Mujahidin groups was the rise of the Taliban in power to introduce a fundamentalist and authoritarian version of the Islamist regime for the Afghans in the late 90s.

2.3 Post-2001 Democracy and Political Parties

Following the 9/11 terrorist attacks, the United States of America intervened in Afghanistan with its international allies, namely NATO to rebuild the state of Afghanistan to fight against international terrorism. Subsequent to the overthrow of the Taliban regime and the Bonn Conference in December 2001, the Bonn Agreement prescribed a mechanism for the post-war reconstruction of Afghan public institutions. The majority of members of this agreement were those *ex-mujahidin* groups that gained much of their reputation during their war against the Soviet Union and their engagement in a civil war resulting in widespread civilian casualties in the early 1990s (Teijgeler, 2015). The *ex-mujahidin* groups or so-called *Jihadi* parties were known as “Northern Alliance” and were the main anti-Taliban coalition when the Taliban were ruling Kabul, which they needed to develop for themselves a new identity at the beginning of this period (Teijgeler, 2015).

The first party law was ratified in 2003 since the last one was approved only by parliament in 1968. According to this law, parties wishing to register were required to comply with their activities with the principles of Islam, provision of the constitution, and articles of this law (Afghanistan Political Party Law, Art. 3, 2003). The newly adopted 2004 Constitution stipulates further conditions that parties could not form based on ethnicity, region, language, or religious sect (The 2004 Constitution of Afghanistan, Chap. 2. Art. 35). After ratification of these laws, a significant number of political parties registered through the Ministry of Justice, not only the old factional parties but also those New Democratic Parties (NDPs) that had been formed secretly during the Taliban regime or were active as civil society groups or movements (Larson, 2015).

The new democratic political parties have made a commitment to political activities based on principles of democracy and political pluralism although some of their members had connections to the former PDPA factions (Teijgeler, 2015). In terms of defining their political purpose and ideology, these parties are more advanced, compare to factional parties, as they are committed to democratization and have an anti-fundamentalist position. Furthermore, these parties were not involved directly in civil wars and generally are not related to any regional power or military organization (Teijgeler, 2015). However, compare to *ex-mujahidin* or Islamist counterparts, NDPs could not form a significant influential political force in Afghanistan yet.

NDPs were not able to compete with the *tanzim* affiliated parties as these parties were in a position of armed power, controlling most resources and dominating the government in several layers after the Bonn Agreement up to the date (Rutting, 2006, P.10). The other main factor that prevented

the promotion of functioning political parties after 2004 in Afghanistan was the SNTV choice of the election that naturally supports independent candidates and discourages political parties. As a result, alternative political forces that are mainly comprised of the educated elites have not been able to influence rural Afghanistan and are only able to operate relatively freely in the largest cities and a few rural areas (Rutting, 2006, p. 10).

The election system in Afghanistan has been designed in a way in which no one party can gain political power alone since naturally, Single None-Transferable Voting (SNTV) supports independent candidates. The newly established government after 2001 was highly inspired by the Afghan monarchy constitution (1964) which favored political parties within restrictions. At that time, it was widely accepted that political parties, leftists and Islamists, shall be controlled since they were associated with two decades of political unrest in the early 1980s. However, this negative view in the eye of the public about political parties has not been fixed during post-Taliban (Loyn, 2019).

3 The 2004 Constitution Approach to the Structure of the State

In spite of the fact that the development of public administration, particularly in the area of local governance, such as municipal law and local administration law, has been slow, flaw-ridden, inconsistent, and incoherent, legal reforms in the country over the last two decades. As the culmination of more than a century of legal reforms, the 2004 Constitution is the most democratic and progressive constitution in Afghanistan to date. A significant role has also been played by the international community in making sure that the 2004 Constitution was made with a lot more liberal aims and granted individual rights and freedoms in accordance with the basic human rights. Although the 2004 Constitution is inspired largely by 1964 monarch Constitution particularly in the area of accumulation of power and administration at the central level, this Constitution's provisions regarding the rule of law, principles of democracy and individual rights and liberties have made it distinctive.

Even though the 2004 Constitution has been deemed a monumental success, there are also a number of serious flaws, as the last two decades have demonstrated. A major flaw within the Afghan constitution is the creation of an excessively centralised, unitary state in the midst of an ethnically diverse and geographically challenging country in which local leaders, communities, and tribes are often able to govern themselves more effectively than the central government (Pillalamarri, 2021). In addition, the constitution's provisions regarding the establishment of local democratic institutions are ambiguous, particularly in terms delegation necessary authorities.

According Nazif Shahrani (2018) the demands for a parliamentary system and decentralized governance, mainly made by non-Pashtuns ethnic groups, were ignored, however. Shahrani adds, "this means, Afghanistan was saddled with the most inappropriate all-powerful presidential executive structure, which cannot, has not, and will not be able to fulfill the numerous positive constitutional rights of the Afghan people" (Shahrani, 2018).

The 2004 Constitution provides a system where the Kabul-based president appoints provincial governors (of which there are 34), and police officials. Many Afghans believed, at the time of the constitution's drafting, that strong central government was necessary to prevent disintegration, interfering neighbors, and warlordism.

Nevertheless, the 2004 Constitution has established Afghanistan as an "Islamic Republic", with Islam being the official religion of the country. In addition, the Constitution declares that no law

is to contradict Islam's tenets or provisions. It is further stated in Article seven of the new constitution that Afghanistan must abide by the UN charter, international treaties, international conventions it has signed, and the Universal Declaration of Human Rights.

The 2004 Constitution provides for the separation of powers under a presidential system, with a strong executive, a bicameral legislature, and a judiciary. The first nationwide election was conducted in October 2004 to elect Hamid Karzai as the first President of the Islamic Republic of Afghanistan, and a legislative election was held in September 2005.



3.1 The Executive Branch

According to the 2004 Constituion, government consists of the presidents, vice presidents and minister (Art. 61). Under the 2004 Constitution, essentially the president has the same amount of power as the prime minister combined with king had in 1964 (Shahrani, 2018; Ayobi & Rahimi, 2018). Therefore, the Afghan politics and state structure rely on a strong presidential system. According the Constitution, state and government are headed by the president, who is elected directly and by popular vote (Art. 60). The position of the president as the head of state allows him/her to represent the state of Afghanistan in relations with other countries, not to hold authority over all three branches of government. Through this way, it preserves two fundamental constitutional principles of judicial independence and separation of powers (Ayobi & Rahimi, 2018).

The cabinet along with the president are the highest decision making body of the executive power according to the constitution of Afghanistan. Chapter four of the 2004 Constitution is exclusively devoted to the authority and responsibility of the Cabinet. According to the first article of this chapter, the president is the head of state is also the head of government. Furthermore, the 2004 Constitution provides the government with a wide range of administrative-political authorities, the most important of which can be found in articles 75 and 76 of the Constitution.

Furthermore, in addition to the council of ministers, which is formed through national unitary government, there are other units of the central administration that are not part of a ministry and do not fall under the jurisdiction of a ministry. It is under the direct control of the President that these administrative units, which are divided into different titles, such as commissions, high offices, councils, and committees, function. Many of these administrative units are established by the constitution, while others are created through a law or a presidential decree like the IARCSC and IDLG, for example. The main feature of these units is that they are not accountable for the *Wolesi jirga*, unlike ministy units (Daudzai, 2021).

3.2 Legislative Branch (National Assembly)

A National Assembly consists of two chambers, the *Wolesi Jirga*, “House of the People”, and the *Meshrano Jirga*, “House of the Elders” among the two houses of parliament, the *Wolesi Jirga* has the most power. It must have no more than 250 members (the 2004 Constitution and Electoral Law set the number at 249, and the electoral law set the number at 250). Each member of the council is directly elected for a five-year term. The 34 provinces of Afghanistan are assigned representatives proportionally to their populations, with each province having at least two representatives. The Constitution requires that there be 68 female representatives (or about one quarter of members), and the 2004 electoral law also requires at least one female representative in each province. Each person voted for one candidate in their province using a single non-transferable vote system in the elections. In each province, the candidates who received the most votes were seated in parliament. Candidates for the election ran as independents without party lists; however, there were some candidates who were members or backed by parties.

According to the Constitution, the *Meshrano Jirga* is the weaker of the two houses of parliament and is indirectly elected. Provincial councils elect thirty-four members (one from each province) for four-year terms. The district councils in each province elect 34 members for three-year terms from among their own members. The remaining 34 members are appointed by the president for five-year terms, and half must be women. However, in practice, the district council elections for members of the *Meshrano Jirga* never took place.

Both the National Assembly and the president's administration can propose legislation, which must be first introduced in the *Wolesi Jirga*. Upon approval by the *Wolesi Jirga*, it is sent to the *Meshrano Jirga*. In the event that the *Meshrano Jirga* rejects the proposed law, a two-thirds majority in the *Wolesi Jirga* may override it. Furthermore, a two-thirds majority in the *Wolesi Jirga* may also override a presidential veto.

3.3 The Judiciary

The Supreme Court is composed of nine members who are appointed by the president and approved by the *Wolesi Jirga* for a single ten year term. A Supreme Court member must be an expert in the law or Islamic jurisprudence, and the Supreme Court has been dominated to date by conservative ulema (scholars). Judicial review is one of the powers of the Supreme Court.

Table 1 Separation of Powers according to the 2004 Constitution

	Aspects of power	Process of voting	Period of elections
Executive	As head of state, the president is responsible for military and legislative affairs. Vice presidents are Afghanistan's second-highest political officials.	An absolute majority vote is needed to elect the president in a two-round process. Presidents appoint vice presidential candidates, who are then elected directly by the people.	A period of five years
Legislative	While the House of Elders primarily serves as an advisory body rather than a legislative body, it does have some veto power. The House of People created and ratified laws and approves Ministers of the cabinet.	The House of Elders has 102 members and 250 members at the House of People who are elected through the single non-transferable voting (SNTV) system.	The House of Elders consists of 102 members, 34 for three years, 34 for four years, and the remaining 34 for five years; the House of People is are elected for five years.
Judicial	The supreme court serves as the highest judicial branch of the government and is the head of the	Presidents and lower houses of parliament select the nine justices for the tribunal,	Ten Years

	judiciary. According to law, the supreme court is governed by the chief of the supreme court, members, the high council of the supreme court, the general administration directorate of the judicial power, and some professional and administrative sections.	which has nine members. The president appoints the chief justice from among the nine members.	
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Source: Global Edge, 2022. Retrived from:

<https://globaledge.msu.edu/countries/afghanistan/government>

3.4 Sub-national Governance: Formal Structure versus Informal Structure

The first attempts toward modernization of governance both at the local level and national level in Afghanistan began in the early 19th Century. The first Constitution of Afghanistan (1923) during the reign of Amanullah Khan introduced a decentralized governance style which is known as the first attempt at modernizing and reformation in Afghanistan (Ayobi & Rahimi, 2018). In practice, however, most regimes in Afghanistan tended to apply strong central power over local units, even the communist regimes, at the end of the 1970s and during the 1980s, in which in the paper they had adopted a decentralized legal framework for the local administrations (Ayobi & Rahimi, 2018). Although many efforts were carried out to build a strong central government in order to monopolize the power of the state in the last four decades, as a consequence of long-standing instabilities, strong informal institutions at the local level have been formed. These informal institutions have been ruling rural Afghanistan, where the majority of its population is inhabiting.

Sub-national governance in Afghanistan is one of those complicated issues that requires a deep understanding of the Afghan society especially rural communities where the majority of its population resides. Nevertheless, Afghanistan has a multi-layer and complex structure for its local governance. Part of this complexity is generated after the fall of the Taliban regime in 2001. Empowering government entities at the local level in Afghanistan was a secondary aim for the international community and the Afghan government within the last two decades that resulted in the formulation of further complexity on the structure of the local governance. Local governance, therefore, in Afghanistan has been divided into two methods of formal and informal governance.

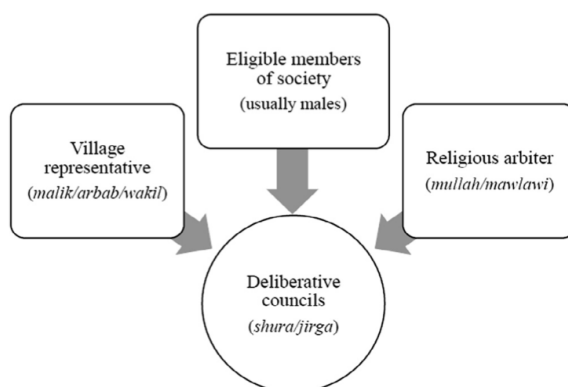


Figure 3 Participation in Customary Councils. Source: (Jochem, Murtazashvili, & Murtazashvili, 2016).

Formal entities are those institutions at the local level which has been defined through the rules and regulations such as the constitution and other relevant laws. Informal entities such as religious and traditional institutions in Afghanistan are stronger and have more influence over the rural areas compared to formal institutions anticipated by state law. These strong traditions called “*jirgas or Shuras*” have deep roots in the Afghan customary and religious rules and norms. The public institutions representing the central state’s power have a weak manifestation while religious and traditional institutions have shaped a *de facto* decentralism in rural Afghanistan bridging the gap.

In addition, the economic development in rural Afghanistan is mainly relying on project-based programs such as National Solidarity Program (NSP) and Citizen’s Charter National Priority Program (CCNPP) which contributed to social and economic development in villages to some extent. While the customary and religious institutions have a strong influence over the local communities within the four decades of instability and in the absence of the central state, these institutions have a high potential to be exploited by insurgent groups as the government’s main focus is to employ its power in the urban area. This has resulted in the empowerment of insurgent groups and undermining rule of law and people’s role at the subnational level. This part of the paper explicitly elaborates on the formal structure anticipated by state law for local governance in Afghanistan and highlights their ambiguous role in ensuring people’s rights and their influence on decision making process.

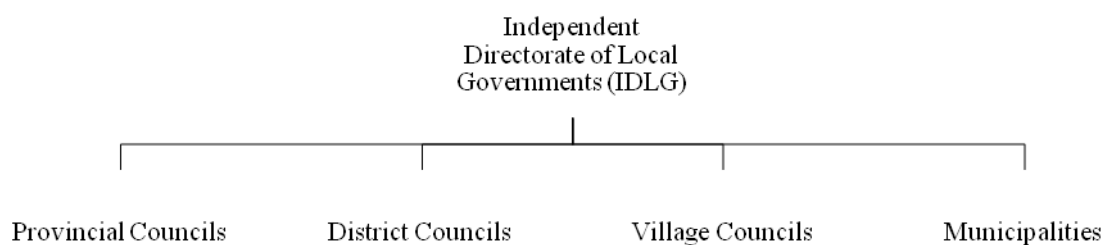


Figure 4 Democratic Institutions at the Local level, according to 2004 Constitution

3.5 The formal structure of sub-national entities in Afghanistan

Administratively Afghanistan has been divided into 8 economic regions, 34 provinces, almost 387 districts, 165 municipalities, and thousands of villages (“IDLG Policy – Independent Directorate of Local Governance,” 2021). The 2004 Constitution employs a unitary system of government in which key decision-making bodies are located in Kabul, the capital city of Afghanistan (Nijat, July 2016).

With the new legal structure for local administration defined in the 2004 Constitution, local governance has once again gained importance in Afghanistan. While after 2001, following the collapse of the Taliban regime, the international community aimed to re-build the state’s institutions, bring stability, and support democratization efforts, after nearly two decades, the central government failed to establish the Constitutionally mandated public institutions at the local level that should be elected by the public votes, except the provincial councils. Moreover, the central-local level of power is unbalanced as the constitution imposes an accumulated power on the central state.

The 2004 Constitution explicitly emphasizes the preservation of the principle of centralized governance style at the local level while it requires the government to delegate necessary authorities for the local administration to improve economic, and social-cultural matters, enhance people’s participation and develop national life. The legacy of the centralized governance style of the 2004 Constitution is inherited from its predecessor constitutions, especially the 1964s during the reign of Zahir Shah (Shurkin, 2011). The Afghan centralized constitution was not able to introduce meaningful checks and balances (Boex et al., 2011). However, the 2004 Constitution prescribes the establishment of key elective local entities such as municipal mayors, municipal councils, and local councils at the province, district, and village levels (The 2004 Constitution of Afghanistan, Art. 137-138,140).

Formally, Subnational governance in Afghanistan has four key institutions: The Independent Directorate of Local Governance (IDLG), provinces and districts with provincial line departments and district line departments, provincial and district councils, and municipalities (Nijat, July 2016).

IDLG was created upon a presidential decree in 2007 to function as a linkage between the central government in Kabul and subnational units and has no accountability to the parliament—unlike the ministries (Nijat, July 2016). Initially, IDLG has a broad range of responsibilities over all subnational entities from recruitment of key officials, such as governors and mayors, and empowering local institutions, to making policies, legislation, and law enforcement authority. This institute has a

strong overseeing authority over all subnational entities according to the rules and regulations related to the subnational governance of Afghanistan.

Provincial Governor (PG): Provincial Governors, as the representative of the president for provinces, coordinate with line ministries and have an oversight role over district governors (Shurkin, 2011). The governor is appointed by the president and supervised by IDLG. According to the subnational governance policy of Afghanistan (2018), the governors are in charge of a number of responsibilities that mainly includes promoting good governance, peace, and stability and ensuring security, leading the provincial development planning, developing the public administration reform, protecting and promoting the human rights, having an active role on political and diplomatic affairs, building the trust between the citizens and the state at the local level, making recommendations for the higher-level appointments and select the lower grade staff at provincials level (the Islamic Republic of Afghanistan, 2010).

Provincial and District Ministry Line Departments: One other important part of the subnational governance structure is provincial line departments and district line departments. The heads of provincial departments are appointed and report to their related ministries; however, the provincial department's directors have an accountability relationship with the Provincial Governors (Habib, 2013).

3.6 Democratic Local Institutions

Public institutions have to be established and authorities should be elected at the local level through a direct vote of the citizens. These elective entities according to the 2004 Constitution for the provincial level are Municipality, the council of municipalities, and the provincial council and for the district and village level are district and village councils.

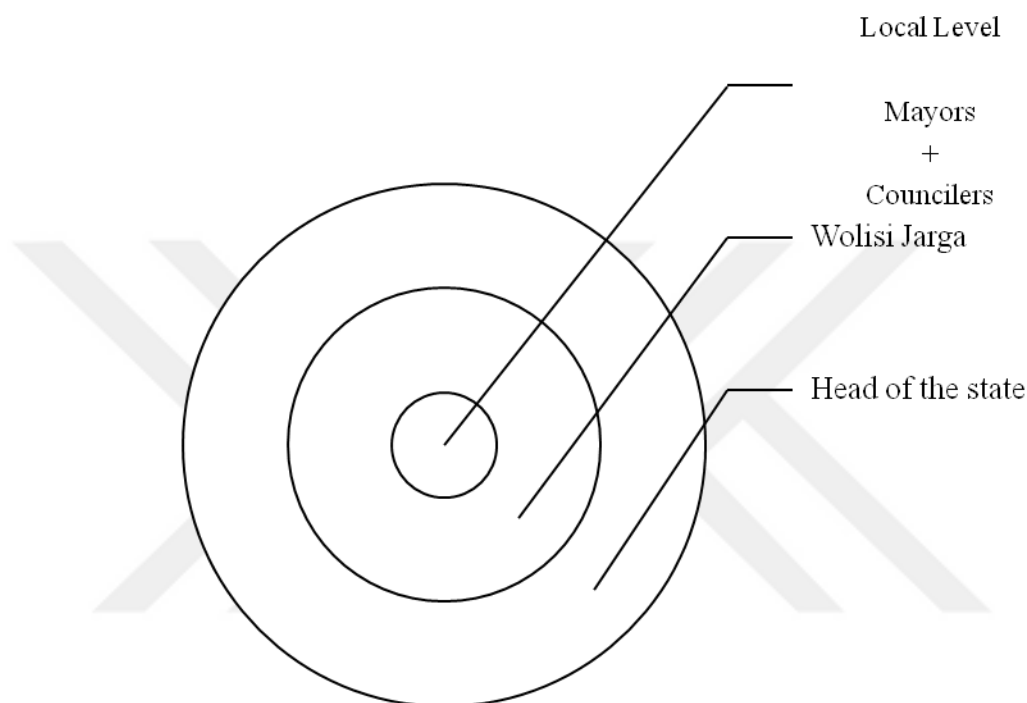


Figure 5 The Exercise of Right to Vote by 2004 Constitution

3.6.1 Municipalities

The 2004 Constitution orders establishing municipalities and electing mayors and municipal council members through a direct vote of the residents to manage city affairs. However, all 34 capital cities of provinces in Afghanistan are managed by principal municipalities mayors who are appointed by the IDLG of the Islamic Republic of Afghanistan. As it was mentioned, the government due to financial and security difficulties have not been able so far to hold municipality election and instate the mayors appointed by IDLG and approval of the President.

Moreover, almost 120 district municipalities function in the urban center of a rural district that is managed by the district mayor. The municipality of Kabul as the national capital has a different administrative and financial status. Municipalities are different according to the size and size of

their administration. While there are no subdivisions for the district municipalities in the rural district, municipalities in the capital provinces are divided into urban districts called *Nahia* (city districts) 33 municipalities in capitals to have 159 Nahias (Popal, 2014).

3.6.1.1 The Legal Framework of Municipalities

The constitution indicates *“To administer city affairs, municipalities shall be established. The mayor and members of municipal councils shall be elected through free, general, secret, and direct elections. Matters related to municipalities shall be regulated by law.”* (The 2004 Constitution of Afghanistan, Art. 141). As the Constitution prescribes, the Afghan government is required to establish municipalities in cities, the mayor must be elected through a democratical mechanism, and a special law for the regulation of municipalities affairs must be enacted. In practice, however, within last 15 years, the government has not been able to execute this article as no mayor election has been held and there no special law based on this article other than old Municipality Law of 2000. (Independent Joint Anticorruption Monitoring and Evaluation Committee (MEC), July 2016)

3.6.1.1.1 The Municipal Law 2000

Municipal mayors and their administration receive their compiled assigned affairs through the current Municipal Law adopted in 2000 during the Islamic Emirate of Afghanistan, Taliban regime (Popal, 2014). According to the Law, municipalities are public legal entities that provide services for the welfare of the citizens. In fact, this is a century years-old law, since the Kingdom of Amanullah Khan, which was amended by the Taliban Regime in 2000. One of the features of this law was rooted based on the system of a planned economy. Legal experts believe that as this law was revised several times by previous regimes including the last amendment that is in force, for now, this law is not responsive in the current situation. (Independent Joint Anticorruption Monitoring and Evaluation Committee (MEC), July 2016). Based on Article 4 of the current Municipal Law, “Municipalities shall be established in the centers of local administrative units (provinces and districts) based on the following conditions: In the center of administrative units having a population of more than 10,000

people. For provinces, a minimum five-kilometer square surface. In the center of an administrative unit where implementation of the urban master plan is feasible.”¹

There are some major contradictions between the Municipal Law of 2000 and the 2004 Constitution as the municipal law was formed based on a planned economy system while the 2004 Constitution recognizes a capitalist free-market economy. Another contradiction between Municipal Law and the Constitution is the mayors’ selection process. For instance, Article 6 of the Municipal Law indicates that the mayor is appointed by a presidential order² while according to article 141 of the Constitution mayor should be elected through a democratic way directly by the people.³

Due to these contradictions and deficiencies between current law and the constitution, a new Municipal Law that supports a decentralized system of governance in line with the Sub-National Governance Policy (SNG) Policy has been approved recently by the Cabinet. The new Law aims to improve urban governance, it identifies the conditions for the establishment of municipalities, and their operations. The Law supports an elected mayor as the executive head of the municipality, and a Municipal Council comprised of elected representatives of the people as the highest level of municipal decision-making. The Law preserves the power of municipalities to produce, retain and spend own-source revenues. (Afghanistan Municipal Law, October 2018)

According to the new municipal law, chapter 3, article 11 municipality’s structure includes the mayor, council of the municipality, deputy(s), and other staff⁴. According to this Law, a mayor can propose position(s) for the deputy mayor to the Independent Directorate of Local Governance, and the deputy mayor for a municipality shall be hired by the collaboration of the Administrative Reform and Civic Service Commission (ARCSC) and Independent Directorate of Local Governance. In addition to the requirement of civil servant conditions, the candidates should have the qualification of Instruction on Appointment of Mayors and Deputy mayors’ positions 2.⁵ (Afghanistan Municipal Law, October 2018)

¹ Afghanistan Municipal Law 2018, Chap 2, Art4.

² Afghanistan Municipal Law 2000, Chap 2, Art6.

³ Afghan Constitution, Art 141.

⁴ Afghanistan Municipal Law 2018, Chapter 3 Art 11.

⁵ Instruction on appointing provincial mayors and district mayors, 2017. A separate regulation which is applicable for appointing mayors until mayoral elections in Afghanistan.

3.6.1.2 Municipal Finance

The municipalities' own-source revenues are crucial for the provision of local services as they do not receive any central government revenue transfers, loans, or on-budget development assistance. As was stated before, there is only one exception of Kabul Municipality which receives a transfer from the central government.

3.6.1.3 Municipal revenues

From 2011-to 2013, around 53% of total municipal revenues were gathered in Kabul city. Afghanistan's regional hub cities including Herat, Mazar-i-Sharif, Kandahar, and Jalalabad comprised almost one-quarter of total revenues (27%), 11% in Herat, and 7% in Mazar, 5% in Kandahar, and 4% in Jalalabad.

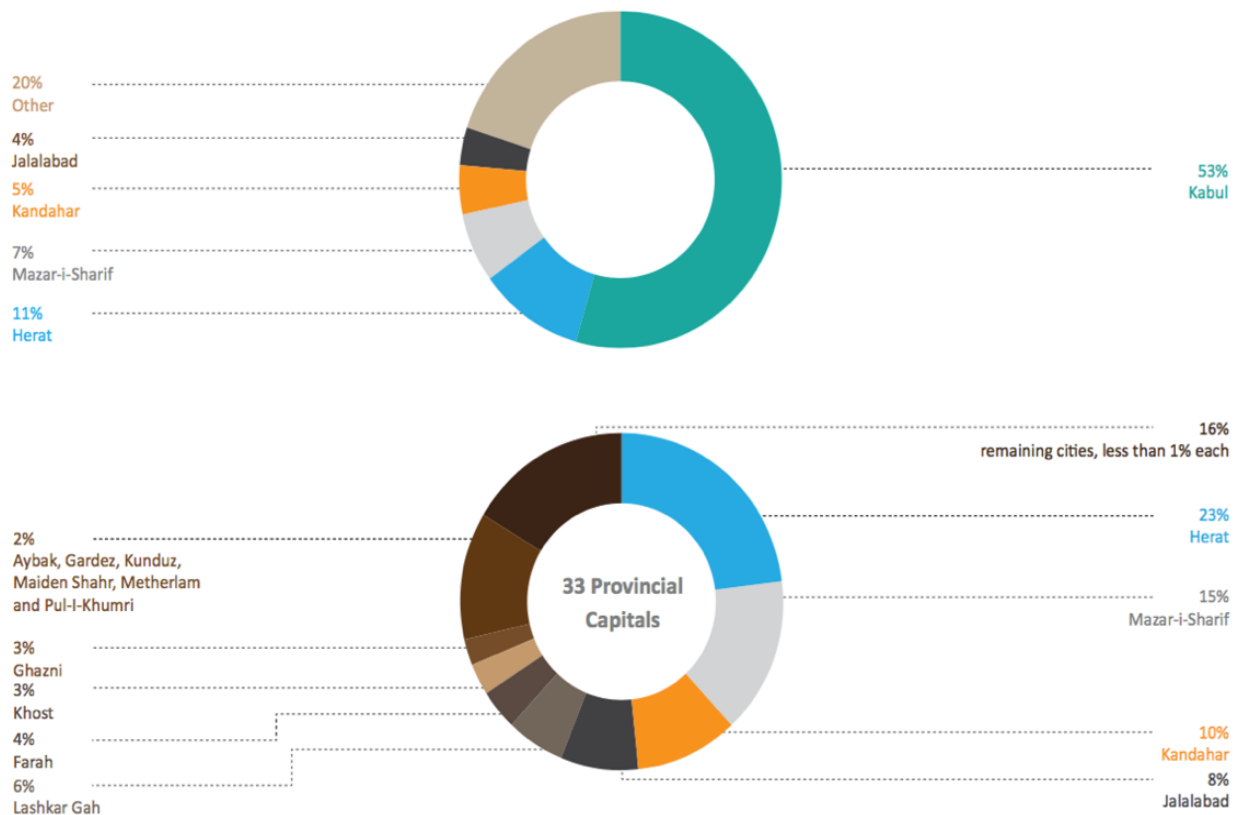
Source	Description	% Total revenues average 2011-2013	
		33 Cities	Kabul Municipality
Sale of land and properties	The sale of land and properties (residential, commercial, industrial and institutional)	19%	22%
Lease of properties	A written agreement between renter and the owner which gives the renter the right to occupy the space for an agreed period of time for an agreed lump-sum (paid at the beginning of the contract)	13%	3%
Rent of properties	A rent is a monthly payment the renter needs to pay to the owner of the property.	7%	6%
Safayi Tax	Essentially an annual property tax/rates payable by all property owners (residential, commercial, institutional, etc) to cover city cleaning and solid waste collection (safayi means cleaning/sanitation); regulated by safayi regulation.	10%	17%
Municipality (City) Services Tax	A tax on products (goods) entering the cities, these goods can be of intra-provincial trade, collected at the entrance points of cities; regulated by the City Services Regulation.	9%	14%
Business Licenses	License issued by the Municipality to all businesses (large and small) operating within the city, regulated by Business License tax table.	1%	2%

SOURCES: MUNICIPAL LAW; GDMA (2015); KABUL MUNICIPALITY

Figure 6 Main Municipal Revenue Sources, 2011-2013

Municipalities are permitted to collect over 50% of local revenue sources. These sources can be fees, fines, penalties, service charges, the lease, rent, and sale of municipal land and properties. Municipalities' largest revenue is the selling of municipal land and properties making an average of

22% of total annual revenues in Kabul and 19% throughout the rest 33 cities. Both leasing and renting municipal properties make 20% of revenue in 33 cities.



SOURCE: GDMA AND KABUL MUNICIPALITY

Figure 7 Share of Total Municipal Revenues, 2011-2013

3.6.1.4 Municipal Expenditures

Generally, there are two sorts of ordinary (operational costs) and capital (capital development projects) expenditures for municipalities in Afghanistan. Ordinary expenditures are classified into wages and salaries and goods and services. The average split expenditures for 33 municipalities in the capitals is between 28% ordinary and 72% capital while this percentage for Kabul the capital as an exception is 80% of its expenditures is ordinary and only 20% are for developing project expenditures.

3.6.1.5 Municipal Budgeting

In Afghanistan, all municipalities are required to make an annual budget plan which is sent to the Ministry of Finance for approval via GDMA. However, this process is considered a bureaucratic mechanism rather than a way to improve good governance and service delivery. The budget could be spent from the 55% of the fixed revenues on running costs such as salaries of employees, consumables, and administrative items that makes up the operational expenses. Salaries and allowances, goods, and services are spent from the codes of the Ministry of Finance. The remained non-fixed revenues and the saving can be spent on the development budget.

3.6.1.6 Municipal Borrowing

Borrowing has not been considered a suitable option in Afghanistan for municipalities although borrowing is a common source for financing infrastructure projects in mostly industrialized economics. Currently, it's considered that if the municipalities in Afghanistan are allowed to borrow, typically it would result in defaulting on many municipalities and they might become financially bankrupt. Therefore, instate a framework of borrowing, public-private partnerships are potential in Afghanistan as one possible mechanism for municipalities to attract capital investments.

3.6.2 Provincial Councils

Provincial councils as democratic institutions are closer to the residents compared to those governmental agencies that remained isolated through the central government's failed local governance strategies. The role of provincial councils for local democracy and citizens' closeness with the government was vital in the last two decades for two main reasons. First, through a centralized model of governance, these councils could be a remedy for the lack of inclusive and representative governance at the local level with having sufficient power to oversee and hold accountable central state's institutions at the sub-national level. However, within the first Afghan provincial council law, these councils were not given an oversee power over other public institutions. After protests by the members of provincial councils, this right was finally granted within the amendment of Provincial Council Law 2005.

Provincial councils could bridge the gap between state and people to some extent. Considering the elective nature of provincial councils, members of the provincial council could address the demand and desire of their communities for the state as they are directly involved with the citizens, and meantime they have electoral accountability towards people's votes. Giving the provincial councils overseeing role by the law, and having electoral accountability towards the voters could be concluded as relative deconcentration of power at the local level.

Provincial councils' legal framework is outlined by the 2004 Constitution, 2016 election law, 2005 provincial council law, and "the 2018 Guidance Regulation for Supervision of Provincial Councils". The 2004 Constitution states in its article one hundred thirty-nine that "The provincial council shall participate in the attainment of the development objectives of the state and improvement of the affairs of the province in the manner prescribed by laws, and shall advise the provincial administrations on related issues. The provincial assembly council shall perform its duties with the cooperation of the provincial administration." (The 2004 Constitution of Afghanistan, Art. 139).

The Constitution outlines a four-year duration for a provincial council and in each province, there should be one provincial council. This article states that members of the provincial council shall be elected by direct vote of the residents of the province, proportionate to the population, through free, general, secret as well as direct elections. Members of the councils elect one of their members as President, according to this article. (Afghanistan Constitution, Art. 138). The 2004 Constitution has not given a supervisory power to these institutions to preserve the principle of centralized governance while their advisory role is explicitly outlined by the constitution. In addition, the constitution is extinct on the role of political parties in provincial councils' elections; however, the constitution states that the activity of these councils shall be regulated in accordance with the provision of the law.

The electoral system of provincial councils' elections is SNTV meaning each voter casts one vote in a multi-member district. The experience of elections for provincial councils in Afghanistan reveals that political parties had given a minor role as candidates preferred to register themselves independently, and in this way, they feel it is more likely to win the election.

3.6.3 District and Village Councils

The state is mandated to conduct elections for councils at district and village levels according to the 2004 Constitution although these entities have never been established. Despite promises of the central state to hold elections at district and village levels, due to boundary and logistical difficulties no elections have been held. It was expected that these councils could remain electorally accountable to voters, and unlike traditional organizations, they would consist of female members as well. However, under the current legal framework, these councils would not be able to achieve widely invoked objectives (Brown, 2017). Therefore, the delivery of services for the local citizens remained centralized and people have been remained highly marginalized from the decision-making process. Apart from national elections organized by the state, in which people actively participated despite the direct threats to the civilians from the Taliban, the majority of rural Afghans have been deprived of their civil and political rights at the local level. Bringing the local issues to the national level was the only incentive for the voters as the state-building stakeholders lack a coherent vision on the formulation of popular local entities and giving them a legal personality (Coburn, 2010).

Despite the failure of the central state to establish authoritative local-level representative bodies anticipated by the constitution, a national program aimed at socio-economic development and not explicitly focused on establishing a rule of law had been supported financially by donors before the fall to the Taliban. This program which was known as National Solidarity Program (NSP) has achieved notable success in establishing and operating community-based development councils CDCs through elections. While international aid dramatically has declined in recent years, formal local councils at district and village levels could have been considered as an alternative for CDCs.

Table 2 Inter Governmental Administrative and Fiscal Relationship (Formal Structure)

	Administrative		Fiscal	
	Structure	Personal	Revenue	Expenditure
Province	In Kabul, the department structure resembles that of the ministries - although not all ministries correspond to departments.	Senior staff (grades 2 and above) are appointed by the president, junior staff (grades 1-3) are approved by the governor, and karmand staff (grades 3-5) are approved by their respective ministers.	The levels of all taxes and customs are set by legislation from the central government. Kabul is responsible for collecting all of these revenues. Following fiscal transfers to the province, these are allocated against each line item in the budget of the department. This amount reflects the actual difference in transfer payments.	In addition to the allocations for "ordinary" and development budgets made by Kabul ministries to their provincial departments, there is also a total allocation for each of the provinces that is a product of the decisions reached by the respective Kabul ministries.
District	The structure in the district corresponds to the structure in the province, although some departments do	Junior staff is appointed and transferred by the governor (karmand grade 6 or below, and all the agir staff); the pertinent minister fills	In addition to assessing minor business taxes, district and provincial representatives form a review committee to review the rates at least three times a year.	In order to calculate the "ordinary" and "development" budgetary allocations for the districts, we

	not have corresponding units in the district	karmand posts in grades 3-6, and the president appoints senior posts (uluswal and judge).	Income from these taxes is forwarded to the province.	have to tally the administrative decisions made by the various provincial departments regarding the allocations corresponding to the sub-departments within the districts.
Provincial Municipality	Upon the approval of the governor provincial council candidates, the IDLG sets up the structure of the municipality (departments and staff numbers).	Appointments and promotions for agr grades 3 and below are approved by the governor. Senior staff (grade 2 and above) are appointed by the president, karmand staff from grades 3-5 are approved by the relevant minister, and agr staff from grades 6 and below are approved by the governor.	Kabul is the place where all tax and fee rates are set. After the tax and fee rates have been set, all the revenues go directly into the budget of the municipality.	Municipalities prepare and submit their "ordinary" and development budgets to the IIDLG (municipal general presidency), with the approval of the Governor.
Rural Municipality	Municipalities and the governor of the province agree on the	The governor is responsible for the appointment and transfer of junior staff (karmand staff in	Rates for all taxes and fees are set in Kabul. All taxes and fees are collected locally by rural municipalities	In addition to salary payments, no formal budgetary allocations are

	structure, which is set by the IDLG.	grades 6 and below, and all agir staff in grades 3-5), the relevant minister is responsible for karmand staff in grades 3-5, and any senior officials are appointed by the president.	that are funded by the revenues.	made. Spending on the development budget is agreed upon and is governed by the local municipality.
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Source: AREU/WB staff assessment.

3.7 Informal system: *Jira* or *shura* in Afghan society

As a matter of fact, in rural Afghanistan, self-governing, customary organizations maintain profound political order despite massive state building efforts (Murtazashvili, 2016). A study by Jennifer Brick Murtazashvili and Ilia Murtazashvili explores how local forms of self-governance in Afghanistan deal with land and property disputes. Specifically, Jennifer's research focuses on the way that traditional forms of local governance contribute to the establishment of an informal federalism even though the state constitution does not recognize it. As a result of centuries of tradition, the Afghan people have developed an intricately interconnected set of institutions to resolve conflicts in their local communities over time (Murtazashvili & Murtazashvili, 2021).

One of the most important traditional organizations which has a significant influence over the rural societies everyday life is *jira*, which in non-Pashtun areas called *shura*. In Pashto, the word *jigra* means “great council” or “large assembly.” The institution has been around for centuries and is similar to the Islamic shura. Jigra is the traditional and unique forum in Afghanistan used to resolve disputes between tribes or discuss issues related to the communities in order to resolve personal conflicts and resolve problems. Historically, the jigras have been established as an important feature of Afghanistan's culture and politics for centuries, and are thought to have existed even before the country's historic civilization. The *jirgas* and *shuras*, which are local traditional organizations, have always maintained a strong influence on the lives of the local citizens despite efforts made by the central states throughout history to consolidate their power.

It is widely perceived that traditional institutions are a barrier to modernization and development. In this case, there's a core problem inherent in the term “traditional.” The term implies the existence of a timeless quality, but there is none. Throughout the course of history, every culture has evolved and transformed in some way. Consequently, it is inevitable that a culture that is far more advanced than Afghanistan will continue to evolve and develop for a lot more time to come. The 2004 Constitution unlike the 1964 Constitution have not recognized traditional organizations at the local; however, *Loya Jirga* (Great Council), which is a national level assembly is recognized by the constitution (Murtazashvili, 2016).

4 Post-2001 Elections and Beyond: Challenge of Institutionalization of Election

The Afghan citizens went to the polls several times to elect their head of the state and their representative for two decades of democracy. Although the people welcomed elections despite security threats from insurgent groups, over time the citizen participation in the elections declined sharply for a variety of reasons. Elections at various levels were marred by fraud and corruption, which extremely harmed public trust. The central governments that emerged as a result of the controversial elections faced questions of public legitimacy, which significantly undermined the government's position in front of insurgent groups during the failed peace process in 2018-2021. This part of the paper exclusively discusses the electoral system and its implication for the new democracy in Afghanistan. This section outlines how political actors had decided to prefer an electoral system that has been abandoned in each country once it has been tried and also explores the legal structure of popular institutions such as councils to examine their efficiency for democratic governance both at the national and local levels.

4.1 Electoral System - Single Non-Transferable Voting System (SNTV)

The electoral choice and its legal structure in Afghanistan are important to understand for several reasons. Electoral systems or the way in which the votes are translated into the seat matter as they influence the dimension and dynamics of governance (Menocal, 2011). In addition, the electoral system provides different incentives for stakeholders on the demand and the supply side. Finally, it is important to understand how democracy may work in a country through examination of the legal framework, constitution, or other legislation, backing to learn more about the functionality of democracy. In addition to describing the electoral system of Afghanistan and its potential drawbacks, this section unfolds briefly the state of elections in practice at the national and local levels.

Afghanistan has indirectly implemented Afghanistan's electoral mechanisms through its approval of the constitution and through President Karzai's executive decrees, bringing the Electoral Law into effect. It was all carried out under the supervision of the United States Ambassador to Afghanistan, with the assistance of United Nations Assistance Mission in Afghanistan (UNAMA) and affiliated consultants as part of the implementation of the 2001 "Bonn Agreement". The success of the

process will probably be determined to a large extent by the degree to which Afghani citizens feel the ownership of the process

A number of seats are reserved for female candidates. 102 members make up the upper house, or *Meshrano Jirga*, and are distributed equally between provisional council members, district council members, and presidential appointees. A reserved seat is one method of ensuring that minority groups within parliament are actively represented. One-third of the members of the committee are appointed for a five-year period by the President from among “experts and experienced personalities, including two representatives from the handicapped and impaired and two from the Kuchi tribe (pastoral nomads from Ghilji Pashtuns”. The number of women appointees to the presidential position must be fifty percent.

SNTV as a choice for Afghanistan had consequences that were unforeseen at that time, as well as unpredicted results. Single None-Transferable Voting (SNTV) was chosen for the 2004 presidential election and 2005 parliamentary election by the government which discouraged the activities of the political parties right after 2004. SNTV is abandoned in every country that has been tried (Loyn, 2019) while this system is still the electoral system of Afghanistan that was accepted by international actors and national elites for numerous reasons. SNTV at that time was considered to be easy to understand and simple to implement in a post-conflict country and does not require candidates to be a member of political parties that were unpopular in the public perception (Teijgeler, 2009). President Hamid Karzai was in favor of SNTV saying that “it would make it easier to control the warlords”. The Independent Election Commissioner, Momina Yari, also committed to SNTV during the first Wolesi Jirga election in 2005, told the International Crisis Group “illiterate voters would never understand a more complex system.” (Loyn, 2019).

In practice, however, it became soon clear, after the parliamentary election in 2005, that SNTV could not prevent warlord groups as these groups were dominating the parliament after the 2005 election (Teijgeler, 2009). Many ex-mujahidin candidates were able to enter the parliament as independent candidates while in reality, they commit those *tanzims* whom they are representing. SNTV itself functioned against the growth of strong democratic institutions in Afghanistan (Loyn, 2019).

The 2004 Constitution commends exclusive provisions related to elections that include defined time as a requirement for the election that should be held for specific offices and assemblies (Ennis, 2006). However, the constitution never specified an electoral system for the popular institutions. Based on the Afghan Constitution, the following offices and assemblies should be elected through the general, direct, secret, and free vote of the Afghan citizens: The presidency, The Wolesi

Jirga (the lower house of the National Assembly), Provincial Councils, District Councils, Municipal Councils, Mayors, and Village councils (Ennis, 2006).

Article 61 of the 2004 Constitution outlines the electoral system for the presidential election as to be the majority of more than 50% of the votes through free, general, secret, and direct voting. A run-off election should be held within two weeks of the announcement of the results of the elections in case no candidate would be able to receive the required number of votes. In this case, only the top two candidates who won the highest number of the votes would participate in the run-off election and the one with the majority of votes shall be elected as the president of Afghanistan. The president functions as the head of the government and the head of the state and he appoints the cabinet within final approval of the Wolesi Jirga. The constitution restricts a president only to two terms in its Article 62. Following the adoption of the constitution, the government has set several other legislations related to elections such as Election law and Political Party Law.

4.2 SNTV for Parliamentary Elections

Chapter five of the 2004 Constitution which is titled “National Assembly” outlines a legal framework for the Afghan Parliament. According to the Constitution, Afghanistan has a bicameral parliament- Lower House and Upper House. Article 83 of the Constitution states that “the National Assembly “Shura-e-Milli” of the Islamic Republic of Afghanistan is the highest legislative organ, shall manifest the public’s will, and shall represent the entire nation. ”

In addition, the number of seats in the Lower House of the Parliament is determined by Article 83 of the Constitution. Based on this article, the number of Lower House members shall be proportionating to the population of each constituency, and not exceed a total number of two hundred fifty individuals. Therefore, changes in politics, geography or an increase in population would not affect the number of members of this house as the maximum number is fixed by the constitution (According to the website of the National Assembly of Afghanistan, 2021).

The Afghan Constitution stipulates the electoral system design for the lower house of the parliament through the election law emphasizing the principle of general and fair representation for all the people as well as proportionate to the population of every province. This provision also mandates the election of at least two female members for the House of People, or Lower House, from each province (The 2004 Constitution of Afghanistan, Art. 83).

5 Local Governance and Democracy: Lessons from Turkey

Historically, both Turkey and Afghanistan have maintained strong centralized administrative systems that suffer from relative institutional weaknesses at the local level. Having emerged from decades of insurgency, Afghanistan has adopted a new legal framework for its local administration under the 2004 Constitution. The Turkish local administrative system has also undergone several reforms under the scope of the 1982 Constitution. Although the constitutions of both countries assign certain responsibilities and powers to sub-national levels, local governments remain under the strong financial and administrative supervision of central governments. Local elections in Turkey are relatively influential on the functioning of public institutions and the development of local democracy, on the other hand, in Afghanistan, major local authorities still represent the central government, and people at the local level have no capacity to influence public policy as part of their constitutional rights. Taking into account Turkey's experience in modern state construction, which had a significant influence on the first constitution of Afghanistan, recent reforms, whether successful or unsuccessful, can serve as lessons for Afghanistan, which is undergoing state-building to empower its institutions and foster participatory governance. To clarify the issue of local administration authority and autonomy level, this section of the paper compares the development, organization, and efficiency of the local administration systems in Turkey and Afghanistan. This chapter examines the provision of the constitutions, regulations, and policies on the interaction of the central states and local components to stress the method of people's participation with states and offers concrete suggestions at the end of this chapter.

5.1 Why Turkey could be compared?

The Ottoman Empire and the Republic of Turkey remarkably influenced the first attempts at state-building over the contemporary history of Afghanistan- due to their social, historical, cultural, and religious similarities. Local governance systems of Turkey and Afghanistan, therefore, can be assessed comparatively since bilateral political, and cultural relations between the two nations have existed over the course of history. Moreover, Turkey as one of the relatively successful developing countries may provide lessons to learn for a country like Afghanistan which was emerging from perpetuating political instabilities. However, different external and internal factors influence the evolution of distinctive local governance systems in Turkey and Afghanistan. Although local governance has a long root prior to the establishment of the modern republic of Turkey, the central government of Turkey tended to focus its attention on local governance for the purpose of European Union integration, economic development, and fostering local democracy. On one hand, Turkey has achieved significant economic development within the last two decades. On the other hand, urban growth and local democracy's condition still require more consideration from the central state.

Participatory local governance has been remarked as a safeguard not only for the people's role in the decision-making process but also under the scope of participatory local governance, local institutions carry out key functioning services since the residents hold themselves the local institutions accountable. In Turkey and Afghanistan where traditionally strong central domains have existed, local administrations are still under heavy control of the central governments while the local administrations demand some extent of authority and autonomy. Afghanistan had been receiving the support of the international community to build a state within the standards of western democracy while urban-rural population unbalancing could be visible in recent years that require strengthening formal local domains. Turkey, under the influence of EU nomination, improving economical scale, and nationwide urban growth, have applied varieties of reformation packages in recent years.

In Afghanistan, the new tendency toward the institutionalization of democracy and state-building, after 2001, focused on re-building a central authority instead of strengthening local domains that have resulted in the formulation of fragile formal institutions at the local level. Public Institutions at the local level in Afghanistan are unable to carry out necessary functions effectively such as providing basic services and maintaining political stability at the local level, being responsive to citizens' demands, or filling the gap between the state and people. According to the 2004 Constitution, the public sectors are crucial institutions to provide public services for the people of the community. In practice, however, the Afghan government failed to apply the constitutional provisions regarding the

delegation of necessary authority and a certain amount of autonomy for sub-national administrations. Besides, the existence of the old rules and policies that are not conforming to the new constitution is another reason that the Afghan government could not implement the supportive rules related to local institutions. Consequently, the lack of the central state's will to implement the new constitution resulted in a high level of political, administrative, and fiscal centralization in Afghanistan.

5.2 Local Administration System in Turkey: An Overview

Turkey with a population of over 83.4 million (The World Bank, 2020) is a founding member of NATO as well as a Mediterranean and Black Sea country (Şarbak, 2017, p.5). The form of governance has been shifted from parliamentary democracy toward presidential following the 2017 constitutional referendum. Turkey, officially the Republic of Turkey, signed the European Charter of Self-governance in 1988, obtained a candidate statute for full membership of the European Union in 1999, and officially began negotiation with the EU after 2005 (Yakar, n.d.). Administratively the country has been divided into 81 provinces, more than 921 districts, 395 towns, and 18,322 villages (Şarbak, 2017, p. 5-6).

Local government in Turkey has undergone many reforms in recent history, most notably in Tanzimat⁶, the establishment of the Republic of Turkey, and at its height when Justice and Development Party ruled the country. Local governments were created following administrative reforms during Tanzimat. In fact, the purpose of this was to strengthen the central government rather than the democratic process and the political participation of the people (Demirkaya, 2016). Through administrative reforms carried out during the Tanzimat era, local government emerged in former Ottoman territories. Instead of encouraging political democracy or institutionalizing mechanisms for popular participation, the authorities wanted an administrative structure and an environment based on legality, which would function well and contribute to economic prosperity. In addition, Russia and Austria also offered demand for decentralized autonomy for national minorities and subject regions in the Balkans during Tanzimat. However, the Ottoman elite imposed a centralized style of provincial administration to maintain and control their authority over the regions (Ortaylı, nd).

⁶ During the Ottoman Empire's Tanzimat period, reforms were enacted, which resulted in the First Constitutional Era in 1876.

Some great deals of regulations have been implemented in every field, especially in local government, since the establishment of the Republic of Turkey. Reforms and improvements in the public sector have been encouraged by a number of factors, including the need to modernize the public sector, the need for a regulatory framework that will lead to growth in the private sector, and the need to join the European Union. A number of reforms have also been implemented in public administration in order to improve decision-making speed, create flexibility in the structure, redefine public activities performance, establish transparency and accountability, and strengthen local administration.

As stipulated in Article 127 of the 1982 Constitution, local administrations are public corporate bodies intended to meet the common needs of the residents of provinces, districts, and villages, whose principles of constitution and decision-making organs elected by the electorate are defined by law. It is further defined that in accordance with the principle of local administration, laws shall provide for the formation, duties, and powers of the local administrations. According to the constitution, therefore, local government is a local entity with its own budget and executive power. They provide goods, borrow funds, and litigate. Local government structures are not governed autonomously and differently from central administration under the unity of administration principle. They can not act in a way that violates the unity of administration. Furthermore, as an agency of the government, all of their acts and procedures are subject to administrative tutelage and judicial supervision. Furthermore, there is no political autonomy; legislative and judicial duties are carried out by the Grand National Assembly, Parliament, and independent courts.

Turkey has a tripartite system of local governance which includes Special Provincial Administrations, Municipalities, and Villages. Special Provincial Administrations (SPAs) existed prior to the establishment of the Republic of Turkey in 1923 and continued to function until 2005 based on a law that was ratified in 1913. However, after the local elections of 2014, in 30 metropolitan municipalities SPAs were abolished and their duties were delegated to the municipalities. In non-metropolitan municipalities, SPAs are carrying out certain tasks and operate as municipalities for the rural areas (Yakar, n.d.).

5.2.1 Special Provincial Administrations (SPAs)

These organs are the oldest entities of local administration in Turkey which have been inspired by the French administrative system in the Ottoman Empire's time. SPAs have been reformed since their establishment and the major reforms occurred after the republic era (Kavruk, 2004). Currently, these organs are in charge of a variety range of responsibilities that mainly include education, health, police, infrastructure, agriculture, rural services, industry, trade, environment, emergency, youth and sports,

culture and tourism, parks and recreation services outside of municipal boundaries (Law on Special Provincial Administration, 2005). SPAs have three main organs that include the Provincial General Council, Standing Provincial Committee, and Governor (Law on Special Provincial Administration, 2005).

Provincial General Council is the decision-making component of the SPAs which has the same functions and authority as the municipal council. Members of the Provincial General Council are elected by direct vote of the residents similar to the Municipal Council members (Ertaş, 2016). The 2005 Law No. 5302 on SPAs stipulates that the head of the council shall be elected by the council's members (Law on Special Provincial Administration, 2005) while in the past the governor was the head of this council. Besides, according to this law, Provincial Councils are given a certain amount of power and task.

Standing Provincial Committees (SPCs) alongside the governors are in charge of the executive affairs of non-metropolitan provinces. These committees are consisting of three members elected by the General Provincial Council, three members appointed by the governor, and the governor is the head of the committee. They mainly implement the main decisions of Provincial General Councils during its recess. In some cases, however, the committee acts as a decision-making body in cases of selling or leasing the properties of the Special Provincial Administration and some technical matters (Yakar, n.d.).

Governor is appointed by the President of the Republic and acts as the representative of the central government under devolution of wider powers principle set by the 1982 Constitution (Art. 126) at the local level as well as the head of the executive committee of the Special Provincial Administration.

5.2.2 Municipalities

Turkey's Municipalities are one of the key public entities in sub-national governance. Municipalities in Turkey date back to the Ottoman era as the first Municipality was established in Beyoğlu titled as *Şehremaneti*, Istanbul in 1885 (Şarbak, 2017, p.14). In modern Turkey, local administrations gained importance during the 1960s since, for the first time, mayors were elected by citizens. The first Law on municipalities was enacted in 1930 and had been enforced until 2005 for 75 years (Ertaş, 2016).

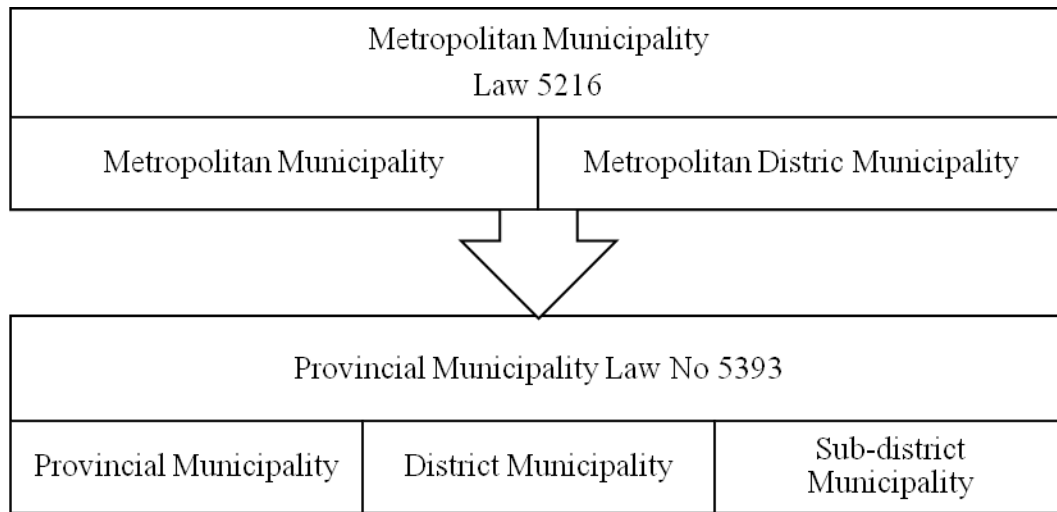


Figure 8 Classification of Municipalities in Turkey

As the population has grown rapidly in urban areas, numerous reformations have been applied to foster the effectiveness of the municipalities. Furthermore, other main reasons behind these reformations were the decentralization of power, the scale of the economy, and the European Union integration process (Oktay, 2017; see also Yılmaz & Güner, 2017). Municipalities in Turkey are classified into two categories: Provincial Municipalities and Metropolitan Municipalities. Provincial municipalities are graded as provincial, district, and town municipalities while metropolitan municipalities are established only in metropolitan cities (Ertaş, 2016). Metropolitan municipalities were introduced in the three largest cities while currently, the number of metropolitan municipalities is 30 (Derdiman, 2016). Metropolitan municipalities also have a two-tier system as district metropolitan municipality and metropolitan municipality (Özkal - Sayan, 2013).

Recently, Turkey has made numerous reformations of local governments' structures under the influence of its candidacy for the European Union's membership and formation of metropolitan cities after the dramatic growth of its population. However, the introduction of metropolitan municipalities in Turkey's local governance system in the 1980s is related to urban growth when metropolitan municipalities were launched in Istanbul, Ankara, and Izmir for the first time. A radical reformation has taken effect through Law No. 6360 and remarkable changes have been brought into metropolitan municipalities and other provinces. Based on a new law the number of small municipalities has been reduced and 14 more metropolis municipalities were established (Özkal- Sayan, 2013). The 2014 regulation on metropolitan municipalities has demolished Special Provincial Administrations in 30 metropolitan cities and increased the authority of metropolitan municipalities. In the metropolis cities, there are two-stage municipalities of metropolis and district municipalities that are in charge of providing services at the local level. New reforms have demolished town municipalities and villages in

metropolitan municipalities; however, sub-district municipalities exist in district municipalities (Esen, 2016).

Municipalities consist of three main components: The Municipal Council, the Municipal Committee, and the Mayor (Özkal - Sayan, 2013). The mayor who is elected by direct vote of the people is the head of the municipality for five years. This situation strengthens the position of the mayor within municipal bodies. The Municipal Council is the decision-making body of the municipal administration. The number of council members varies according to the population of the city or town. The proportional representation system is applied in the election of the municipal council members. The Council convenes on the agreed day in the first week of each month, excluding a one-month holiday. Finally, municipal committee is the executive and advisory body of the municipality, under the mayor's chairmanship. It consists of seven members in provincial municipalities and municipalities with a population of over one hundred thousand, and five members in other municipalities.

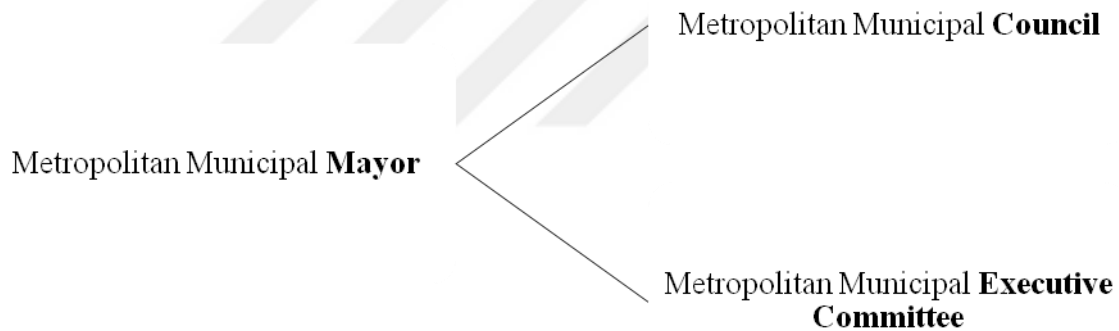


Figure 9 Metropolitan Municipality Organs

Municipal Council of metropolitan provinces became the decision-making unit alongside the mayor who has the right to veto the decision of the council and makes the agendas for each meeting. Moreover, the number of council meetings has been increased to accelerate the council's activities and the members are encouraged to participate in the meetings by payment per each meeting. In non-metropolis municipalities, Special Administration for Provinces is acting as a municipality for rural areas. Furthermore, a number of villages with a population of less than 2000 have been demolished.

5.3 Local Governance in Constitution

The 1982 Constitution (Art. 127) defines local administrations as institutions that should be established to meet the needs of residents in provinces, municipal districts, and villages. Based on this article, metropolitan municipalities are excluded from the classification of the local administrations in Turkey (Derdiman, 2016). This provision further indicates that the main decision-making bodies of these organs should be elected by the public vote. The Constitution also stipulates that local institutions are public entities. Furthermore, local elections should be held every five years. The constitution specifies that a special law shall assign organization, duties, and authorities to the local institutions according to the principle of “decentralization”. However, the Constitution (Art. 123) defines the administration in Turkey shall be organized in accordance with the principles of centralization and decentralization. Decentralization here does not refer to political autonomy rather limited to administrative and fiscal autonomy under administrative tutelage of the central government as a part of the unitary state structure (Özkal Sayan, 2013).

According to the Constitution, there are two approaches that the central state could exercise its tutelage power over the local administrations. First, the central state through the relevant ministries has administrative tutelage power over the local administrations in accordance with the principles and rules set forth by law. Secondly, in a case, if an elected organ has been subject to a judicial trial, the minister of Internal Affairs may temporarily remove the local administration or the members who are being investigated until the final judgment of the court. Finally, local administrations in Turkey are provided income sources proportionate to their responsibilities (Şarbak, 2017, p.8).

5.4 Local Democracy

The right to vote for the local elections has been prescribed by the 1982 Constitution. A nationwide local election occurs every five years in Turkey to elect mayors, municipal councilors, general provincial councilors, and the village chief (Yakar, n.d.). The Supreme Board of Elections is the management body of election in Turkey, which is a permanent commission made up of 11 members –seven permanent and four substitute- from the judiciary, elected for 6 years (International Foundation for Electoral Systems, 2019). Based on the 1982 Constitution, citizens at least 18 years of age on the day of the election and who are registered on the voting list are eligible to vote except active conscripts, cadets, and those prisoners who have committed intentional crimes (Genç, 2015). Electoral systems for local institutions vary from municipalities to local councils. The chosen electoral system for the mayoral election is the simple majority, first past the post, while for local councils the considered electoral system is proportional (IFES, 2019).

A 10% threshold applies for local councils' elections that discourage parties who are representing minorities and also inhibit independent candidates. According to the official website of the Union of Municipalities of Turkey, a quota clause applies for municipal council elections that awards to the highest voted political party. Based on laws regulating local elections in Turkey, independent candidates are severely inhibited in competition due to the threshold and quota clause. As a result, only 10 mayors are among the independent candidates which are 0,8% of all mayors. In addition to the local elections, Turkish citizens can engage local governance by participating in municipal council and commission meetings, and citizen assemblies (Şarbak, 2017, p.22). Meetings at municipal councils must be open to all citizens, and the media may observe the meetings freely. Furthermore, civil society, media, and representatives of other organizations can participate in and observe the meetings at the municipal council's commissions. Municipal council commissions also should publish the resolutions and reports of the meetings to the public. Citizens' councils are made up of representatives from civil society, universities, professional organizations, trade unions, and other public and private sectors (Yakar, n.d.). These assemblies have a crucial role in raising awareness of people and municipal administrations on issues related to the rights of the city, applying the decentralization principle of local governance, sustainable development, and environmental protections (Şarbak, 2017, pp. 21–22), (Yakar, n.d.).

5.5 Reforms and Implications on Localization in Turkey: Tending toward Centralization or Recentralization

Local democracy in Turkey has been subject to considerable debate among the local governance experts after the implementation of the reform package enforced in 2014 by-law number 6360. After ratification of the European Charter of Local Self-Government and obtaining the European Union's membership candidacy, Turkey prioritized fostering decentralization and improving the economical scale at the sub-national level. Some notable reforms that can be outlined are increasing the number of metropolitan municipalities to 30 from 16, extending the boundaries of metropolitan municipalities, demolishing Special Provincial Administrations at metropolitan municipalities, and eliminating a significant number of small-scaled municipalities (Oktay, 2017). However, some may conclude that the integration of small municipalities into the metropolitan municipalities would weaken the democracy at the local level and may challenge citizen participation in villages since those units were the only entities that the distant residents could engage in the governance.

According to the 2012 reform package, some may argue that it could be evaluated as localization and decentralization since the authorities of the SPAs, which were representing the central government, assigned to the mayors and local councils as the elective bodies of local entities in Metropolitan Municipalities. Moreover, it is justified that small-scaled municipalities were integrated into the metropolitan municipalities because of their low-income level, financial dependency on the central government, high rate of debt level, and issues with technical staff employment (Oktay, 2017).

However, some local government experts have concerns over the implication of new reforms on local democracy norms in Turkey. First of all, it can be argued that removing the only decision-making bodies in distant municipalities is not conform to democratic principles as rural residents have different needs than urban municipalities (Akilli & Akilli, 2014). However, in September 2013, the Constitutional Court of Turkey ruled that the legislation [law number 6360] is not inconsistent with the constitution (Akilli & Akilli, 2014). In addition, the way in which the reform was introduced by the government via a top-down approach without considering local citizens' public opinion can be considered a violation of the European Charter of local Self-Governments (Yılmaz & Güner, 2017, p. 244). The European Charter of local Self-Government (Art. 5) indicates that "Changes in Local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this permitted by statute". Formulating weak municipal councils compared to mayors, decentralization in metropolitan municipalities, lack of devolution of

power for residents and lack of access to local administrations at the local level are the main concerns that may result in declining citizen participation and undermining of local democracy in Turkey, especially in Turkey's most populated cities (Akilli & Akilli, 2014; see also Yılmaz & Güner, 2017).

5.6 Comparison

Afghanistan and Turkey have enjoyed a close bilateral and warm relationship because of their strong religious, cultural, and historical associations while there is no border between these two nations. After the declaration of Afghanistan's independence under the leadership of King Amanullah Khan on 19 August 1919, Afghanistan established a diplomatic contract with Turkey even though the war for Turkey's independence was ongoing. When Turkey gained its independence, Afghanistan was the second state to recognize the Turkish Republic after the Soviet Union (Doğan, 2011, p. 369).

In addition, Turkey supported the modernization and state-building efforts in Afghanistan in the early 20th and post-2001 regimes (Ministry of Foreign Affairs of the Republic of Turkey, n.d.). This is one of the main reasons that Turkey is contemplated as a topic of comparison for Afghanistan's enhancing local governance since the major people in Afghanistan believe that Turkey is the best friend of their nation. Despite all the closeness that states and nations have had over the course of history, the local governance system has been developed in two countries within different socio-economic and political situations. Nevertheless, Turkey, as one of the relatively successful developing countries provides many lessons for empowering local governance in a country like Afghanistan. Turkey seems to own a unique and significant model of local governance that Afghanistan could consider with its lessons learned, the challenges, and the strength of the system.

According to the constitution of Afghanistan, fundamental principles can be stated as a unitary state, Islam as the religion, Islamic Republic, Rule of Law, democracy, and extensive rights of the citizens while the Constitution of Turkey declares the fundamental principles as democracy, Republic and Secular State, Rule of Law, Human Rights and loyal to the Nationalism of Atatürk. Mutual fundamental principles among the two constitutions are democracy, rule of law, human rights, and republic states while key differences are Islam as the religion, Islamic republic, and state of secular and loyalty to the nationalism of Atatürk.

In both countries, presidents are heads of states and governments while Turkey has a unicameral legislative power, and Afghanistan has a bicameral parliament. The central governments employ heavy tutelage power over the local institutions relying on legislative instruments; however, in Afghanistan in some cases, the national government applies the central power to local administration even contrary to the constitution and other legislation related to local governance.

Central State

Provincial Units

District and
Village

Figure 10 Similar administration structure for two countries

Under the scope of the unitary systems in Turkey and Afghanistan, it is very unlikely that sub-national units would have extensive authority. However, constitutions and other related regulations concerning local governance delegate a certain amount of decentralization in both countries. A comparative study of local governance of both countries reveals that despite having similarities in the subject matter of style of governance, practically the forms and degree of decentralization differ between Turkey and Afghanistan. In addition, as the two countries have different socio-economic and political conditions, the rate of citizen participation, service delivery efficiency, and local institutions' accountability are the main differences at the local level in both countries that demand additional deliberation of the two states. Turkey, throughout the process of European Union nomination and for the purpose of increasing economic scale, has devoted further authority to the elected local institutions and empowered their legal personalities. Unlikely, in Afghanistan, the IDLG on behalf of the central government is in charge of all local units across the country—including those elected institutions such as provincial councils.

According to the legal framework designed for the local governance of two countries, administratively both countries are divided into provinces, districts, and villages. In each country, local governance systems have been developed based on different socio, economic and cultural demands. In addition to external factors that have influenced the process of democratization and decentralization in both states, population unbalancing is a key domestic challenge that requires both

countries' additional efforts. The urban-rural population of the two countries is a major factor that has formed a distinguished local governance style.

Turkey has experienced metropolitan municipality governance as the urban population has grown dramatically in recent years. For instance, in 2000 the population of Ankara was 4 million while in 2016 it had a population of 5.8 million. Unlikely, the long-standing armed conflicts in Afghanistan caused this country to remain a pre-industrial nation where only 24% of its population live in urban areas (UN HABITAT, 2016). However, the rate of urban growth in Afghanistan has been increasing recently, especially in Kabul which is the capital and largest city of Afghanistan and is the center of urbanization (Rasmussen, 2014). Therefore, local governance must be enhanced for future urban growth.

Electoral systems for the local councils in both countries defined through their legal systems significantly matter on citizen participation, civil society engagement, and the role of political parties in local politics. The election system of local councils in Afghanistan is SNTV which favors independent candidates and discourages political parties. Conversely, in Turkey, the local electoral system is proportional in which political parties can actively participate and maintain the local institutions responsive to the residents. Although SNTV is simple to understand for the voters, who have not experienced elections because of insecurities and conflicts for decades, this system may not be effective in the long term since it has prevented the formation of modern political parties in Afghanistan.

Turkish governors as the representatives of the national state for locals similar to Afghanistan have enjoyed extensive power and authority in the past while based on the new tendency towards decentralization in Turkey, the trend has been changed in favor of elected local institutions such as mayors and councilors. Empowering municipalities instead of governors would contribute to the local and regional economies as municipalities have their own revenues. On contrary, the delegation of further power to governors' offices could result in counterproductivity as they are dependent financially on national states' transfers. Therefore, in a country like Afghanistan where local institutions are in need of financial aid from the central government, the focus should be on those institutions that have their own revenue sources such as municipalities.

5.6.1 Conclusion for this Chapter

Effective and responsive local institutions which meet the social, economic, and cultural demands of the residents are the means for democratic governance. For people's participation and provision of effective services, local institutions require to obtain a significant level of authority and autonomy from the central governments. Although Turkey is known as one of the centralist states, the

administrative decentralization is higher in Turkey than in Afghanistan. Turkey and Afghanistan employ a heavy central power over the local institutions while national governments may not be able to provide residents' demands efficiently as they are not informed about the preferences of residents. In contrast, subnational units with having plentiful support from the people are considered better aware of the needs, especially in a representative style of governance at the local level. In fact, the centralization principle mentioned in the 2004 Constitution paves the path for the central state to apply its strong power over the local units

Turkey has had a remarkable influence over the course of modernization in Afghanistan from the early 19th until post-2001. The first constitution of Afghanistan in 1923, which was relatively resulted in the decentralization of power and a constitutional monarchy, was exceedingly inspired by constitutional movements in the Ottoman Empire. Likewise, the structure of governance through top-bottom three-layer levels reflects a resemblance between two centralized countries. In Afghanistan, however, the absence of a central state's power at the local level, due to the civil wars-has resulted in the formation of informal and complex traditional institutions such as *Jirgas* and *shuras*.

In addition, citizen participation through a democratic approach matters in the effective provision of service delivery at the local level. Therefore, local democracy should be empowered in both countries to ensure citizen participation and to promote the efficiency of service delivery at the subnational level as citizen engagement on local issues is still a controversial matter for both countries' local administration systems. In order to empower local institutions in Afghanistan, the gap between the state and people must be filled through empowering participatory governance at the local level. Moreover, bringing reforms for the purpose of economic growth must be in line with the basic rights and freedoms of the citizens. Although the recent reformation in Turkey may have contributed to economic growth at the local level, the basic rights of the citizen in the villages, where the municipalities have been demolished, remained controversial. Likewise, in Afghanistan, due to the lack of rule of law, the citizens are unable to claim their basic rights such right to vote for local authorities.

Active groups collectively have a crucial role in raising people's awareness about their rights of engagement with the local governance, holding the local institutions accountable and responsive to the people instead of the central government, and increasing the efficiency of local service delivery. The electoral system defines the role of active groups such as political parties in engagement with governance matters in each country. The electoral system concerning the local councils in Afghanistan [SNTV which is abolished in many countries] (Renolds et al., 2012). Failures in offering sufficient incentives for the political parties, civil society, and other activist groups to have a functional role in local governance. Likewise, applying a 10% threshold for the local elections in Turkey is identified as

an obstacle to diverse participatory governance and pluralism, and local institutions may not reflect a factual diversity of the society. In terms of governance structure, the two countries are similar while they are different in terms of the electoral system.

Turkey has offers an important lesson that applying reforms on subnaitonal units should be purposely. As the aim is to improve the economic scale of the local area, there is a strong possibility that the municipalities could contribute more, since they have their own revenue, unlike other local administrations. However, in order to promote citizen's right to engage state, powerful state entities such as governor's office should be held accountable or further decision making bodies should be established at the very local level—close to citizens. Due to the fact that Afghanistan's local administration system has been patterned on that of Turkey, the implementation of democracy and citizen participation at the local level-especially at the village level-depended on the top-down implementation of reforms by the central government. The fact remains, however, that strong informal institutions exist at the village level close to citizens that enable citizens to rely on these institutions rather than formal institutions.

6 Key Analysis, Findings, Conclusion and Applications

6.1 What was the Most Appropriate Electoral system for Afghanistan?

Although this study is not specifically about the design process, a brief introduction to this area is necessary to gain an insight into its significance. All new states, new democracies, and post-conflict societies have to decide which electoral system to use when enacting their institutions. In addition, the electoral system is usually chosen and then either remains unchanged for long periods or undergoes only minor changes, such as the resolution of unsuitable provisions or handling unexpected undesirable effects that may occur. It is impossible to find an electoral system that is suitable for every democracy. In order to make a good choice in terms of electoral systems, decision-makers regarding electoral choice must be aware that the performance and consequences of each electoral system depend on a particular set of factors that are associated with each country. A country's electoral system should be carefully designed to suit the particular circumstances [urban or rural, transition or established democracy] in a manner that is consistent with the most important needs of the community (Sisk, 2017).

Democracies in transition, particularly those that are emerging from a long-standing conflict situation, usually require a high level of inclusiveness and a lower threshold for expressing oppositional politics to a relatively moderate level than their more established counterparts (Riphenburg, 2007). In addition, as a consequence of the diversity of nations, and particularly urban areas, many scholars and practitioners contend that such systems ought to be designed in a way that balances inclusiveness with other objectives, including accountability (Sisk, 2017). When choosing an electoral system, at the very beginning of the process aim and key target should be defined. How should the legislative and executive bodies be structured? What should the electoral system accomplish? Are there any unintended consequences of electoral systems? and many others (Horowitz, 2003; ACE, 2022). A similar distinction would apply to the stable political environments of most Western countries, where two or three main parties can expect regular periods in office through the alternation of power or changing of governing coalitions, as opposed to the type of unbalanced politics that so often characterizes divided societies (Riphenburg, 2007).

In the context of Afghanistan as a post-conflict and divided society after 2001, the electoral system had to ensure all parties' inclusivity of the electoral system. In a divided society or one that has recently experienced conflict, the electoral system needs to be well respected by all parties and the people as a whole. The dramatic incline of turnout indicates that a gap between state and people

furthered growth when a large segment of society felt particularly discriminated against by the system, including elections, the frustration represented as insurgent groups furthered empowered against the state. SNTV was able to address only gender inequality and partially ethnic cleavages while Afghanistan's main concerns in the beginning were cleavages in ethnic, linguistic and geographic, war against insurgent groups, lack of developed political culture, education and gender inequality.

In light of this, it could be concluded that SNTV was not the best choice. As a matter of fact, designing electoral systems, it is necessary to take into account the wider constitutional framework of the state. Unfortunately, the 2004 Constitution failed to prescribe a strong resolution for electoral disputes and electoral disputes at the national level depended on external interventions, which had damaged the legitimacy of the state. In addition, the election was conducted in an environment where there had been limited progress towards constructing a new army and police force or the substantial number of militias disarmament.

While it was clear that Afghanistan was a post-conflict context at the time of the designing SNTV as the electoral system, another question puzzling researchers and practitioners is whether Afghanistan could be categorized as a divided society nation. Some clear-cut answers come from Conrad Schetter. According to Conrad Schetter, the origins and causes of Afghanistan's conflict are not a matter of ethnicity, but the nature of human beings overall. As an adherent of the structural theory of identity, Schetter does not view ethnic groups as solid cultural groups, which are divided by obvious lines, and has been involved in violence for a long time. According to Schetter, most of the ethnic groups in Afghanistan were created or shaped in the course of the twentieth century and are not the main sources of identity today. According to him, it is not ethnicity that is the dominant framework of identity and action in Afghan society but rather clientelism, including other elements such as religious and social values. Clientelism is what is being referred to as what is called *qawm*. According to Schetter, ethnicity became politicized during the Afghan war, which broke out in 1979. Over the next two decades, militaries based on ethnic affiliation developed. A variety of ethnic influences were largely represented in four major armed factions, which dominated political and military activity and used ethnicity to their advantage in many ways.

A number of small communities can be found in Afghan society, and these small communities are characterized by a number of overlapping principles of solidarity, which Schoetter explains in his book. Due to this, the groups are primarily organized according to family ties and not according to interests. It is nevertheless important to acknowledge that the social composition of communities in Afghanistan is extraordinarily diverse and variable. In the midst of continuous conflict and insecurity, small communities have emerged that Schetter identifies as 'survival networks' organized for clientelistic purposes. As a response to the war, the Afghan population developed 'survival networks'

that resulted in ideological recruitment, belief-based recruitment, and ethnic recruitment by political parties and warlords. Clientelism has become entrenched in most aspects of Afghan society as a result of growing distrust.



6.2 An Analysis of the Role of elections in Post-Conflict Nations

The majority of countries in the modern world claim legitimacy through the conduct of some form of elections. The electoral process, therefore, has become an increasingly significant means for legitimating government at all levels, from the national to the local. However, elections could not ensure necessarily the success of democratization and the successful completion of a conflict prevention mission in countries emerging from conflicts. As a matter of fact, elections at various levels only represent the beginning of a lengthy and complicated process. Moreover, they could even trigger additional instability and devastation, as was the case in Angola and then in Liberia (Kühne, 2010). However, according to Riphenburg (2007), a political science expert, the election could mitigate tensions even in divided societies. Riphenburg states that in war-torn societies and emerging states after conflicts, there is no hard and fast rule that says elections are destined to fail (Riphenburg, 2007).

Emerging democracies and post-conflict countries have seen a great deal of benefits from elections, which have become an important component of stabilization and democratization, according to Kühne (2010). Nevertheless, it is necessary to note that elections in the emergence of democracies and post-conflict societies have a high potential to plunge a country back into violence, undermine reform efforts, and weaken democratic processes. The main reason for that is elections are considered not only as a democratic instrument but also as a means to win office, leadership, power, and resources (Kühne, 2010). This was evident in the presidential elections in Afghanistan in 2014 and 2019. During the entire election process, the entire country had been passing between war and peace, or, more accurately, between stability and instability. A warning, therefore, should be given to the West by the events in Afghanistan in 2014 and 2019 and US presidential election in 2020 that it is highly possible that destabilization or even a return to war and violence could occur not only in new democracies but also in an established democracy.

Elections are a form of alternative to violent conflict since they are a way to achieve the proper governance of a country. This could happen in cases where the political legitimacy of an electoral process is compromised. However, it can be viewed as unfair, non-responsive, or corrupt, which leads to power holders' motivation to go beyond the established norms (Fischer, 2002). Riphenburg (2007) notes *three* key requirements that must be met before elections can be risked in emerging democracies and post-conflict countries: According to Riphenburg, an environment that is sufficiently safe and secure is one of the essential ingredients for a successful election. There must, as a result, have been a substantial number of combatants and militias disarmed and substantial progress

made towards the construction of a new army and police force. Stability is primarily determined by institutions, particularly in ethnically diverse societies. Political institutions take on great importance in the context of newly emerged civil societies, which are profoundly polarized along ethnic, regional, or religious lines since they become the most visible, and often the only, channels of interaction between groups that are fundamentally incompatible. Political institutions in societies without hybrid institutions, which reflect the increasing interconnectedness of the civil society, and where convergences are likely to be reinforcing rather than converging, become the main channel of interaction in such environments. It is important for them to facilitate communication between groups who need to talk to one another.

It is highly likely that those in power will manipulate the electoral process without considering the minimum requirements for a fair and transplant election, which will lack credibility in the eyes of the people. Therefore, the legal system and law enforcement must be functioning at a level so that they have the ability to deal with cases of fraud, abuse, and other legal issues related to the proper conduct of elections; otherwise, the opposition parties and the population at large will have little trust in the fairness of the elections, which could lead to a relapse into violence (Kühne, 2010). The examination of electoral systems necessarily needs to take into account the development of a nation (whether a transitional democracy or an established democracy), as well as the party system and the wider constitutional framework of the state.

Election processes that are fair, responsive, and honest can also be targeted to the same extent (Fischer, 2002). There are different scenarios in which stakeholders may use conflict, violence, or threat as a means of determining, delaying, or otherwise influencing the results of the election. In some cases, conflict or violence may occur not as a consequence of an electoral process; they may occur as a result of electoral interruptions by political actors. However, it is more difficult to provide an example of a replicable electoral process that has been able to deliver non-conflictive power transitions with the same degree of consistency and reliability. A number of examples have been presented where elections have aggravated long-term conflict (Angola 1992) or even hardened alliances related to conflict (Bosnia and Herzegovina 1996). In light of these experiences, it is generally accepted that post-conflict elections may be held too early and produce outcomes that lead to extending rather than resolving the conflict. On the other hand, elections tend to mitigate the effects of conflict outbreaks and reduce them into smaller, more manageable incidents in most cases.

There is a discussion regarding how electoral violence occurs in different contexts, as well as the relationship between elections and conflicts. Violence does not occur necessary a result of elections. As opposed to this, the primary causes of conflict are often found in deeply seated economic, social, or political disputes, as well as in power allocation among various social forces

impacted by the electoral process. It is increasingly evident that the more people feel that they have the opportunity to freely participate in public life and to freely and openly choose their leaders, the less likely they are to resort to violence as a means of resolving their differences and making their voices heard. A form of political violence referred to as electoral violence arises when actors use violence in an expressive manner in order to advance their own personal agendas. In an election that causes violent conflict, the specific type of electoral system has a significant impact on conflict management (Reilly and Reynolds 2000; Reynolds, Reilly and Ellis 2005).

The fact that elections are contests in which power is gained or maintained and because social contrasts are often emphasized by candidates and parties in their efforts to win or keep popular support, election processes can often be the source of political violence. In this way, democratic processes are both constructive and destructive in their impact on efforts to build democratic states, according to UNDP (2009). In addition, elections are democratic practices that secure the legitimacy of representatives and the political leadership by giving them credible and respected authority to rule the country. There are distinct lessons to be drawn from past electoral failures by international experts. There must have been a complete restoration of the administrative institutions of the respective country such that they permit smooth conduct of not only the elections themselves but a wide range of related activities as well. There is no doubt that democracy, good governance, and accountability are indisputable characteristics of the political process, and that they contribute to government legitimacy and citizen engagement, in addition to establishing a mechanism for accountability and management of democracy. Fair and credible elections have been found to reduce conflict, while other elections can produce violence when tensions are already high (UNDP, 2009).

6.3 Unsolved Flaws: Disregarded Complexity of the Local Governance

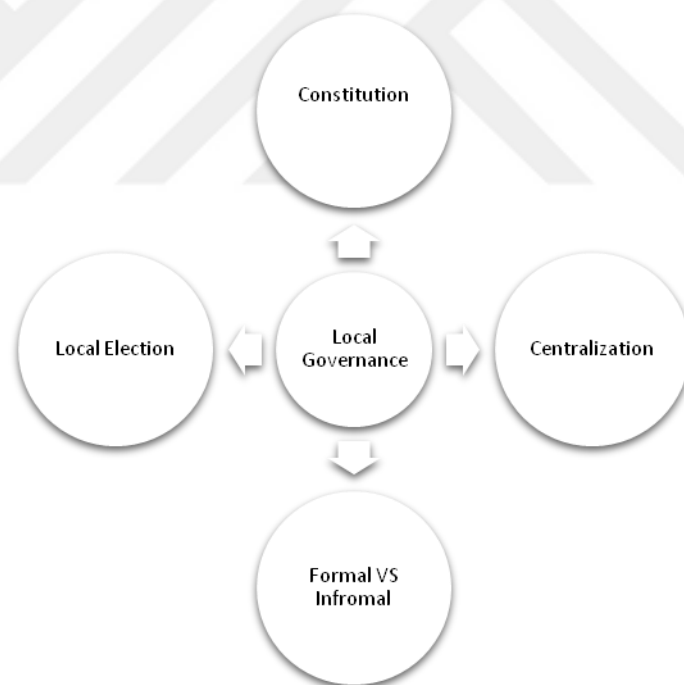
The assisting project to govern Afghanistan through democratic values started with the hope that democracy would bring peace and prosperity into the Afghan lives after long-lasting armed conflicts. After two decades of efforts to democratize the country, the Taliban extremist group took control and toppled the western-backed state following the departure of the US and NATO troops from Afghanistan. A question needs to be addressed how democracy could fail in a country while it was never being tried in the countryside where the majority of its citizens live. Initial findings of this research suggest that the tendency toward centralization disregarded the complexity of governance at the local level. In Particular, the author of this part of the research identifies presidential power versus weak and passive legislation, the implication of defective national-level elections, and centralization tendency were three dynamics that resulted in the complexity of local institutions in Afghanistan over the course of twenty years of state-building process. The centralization, through the principle of centralization and strong presidential power [constitutionalism], and the election system without considering the demand for democratic political parties failed to obligate citizens to cooperate with the state at the local level.

The two-decade efforts in building a legitimate state were characterized by strengthening a strong central government to monopolize the power. This approach to establishing a democratic state has resulted in a co-formation of centralized and empowering decentralized states derived from the constitution law and society's traditional customs respectively. In addition, the electoral system, which was one of the main reasons for the absence of modern political parties, enhanced the centralization efforts. The lack of a practical approach to foster representative governance within all layers of the state led to massive flaws in national elections and subsequently resulted in a serious decline in public trust.

Representative governance is an integral part of democracy, and the legal system significantly matters on the performance of political parties and other active groups. In the Afghanistan context, however, political parties had been given a minimum role for their performance to foster representative governance through the electoral system. The Single Non-Transferable Voting (SNTV) choice as an electoral system for the new political arrangement could illustrate the failure of the state-building process in empowering the governance more at the subnational level than the national level. To a great extent, it is widely accepted by a large number of scholars and legal experts that in newly emerged democracies, representative governance, political parties' role, and their significance should be undertaken. While it had been urgently needed to practice democracy through functioning political

parties in Afghanistan, SNTV failed to empower new political parties. In addition, within the absence of effective political parties, this system further empowered those factional parties and their leaders who were associated with decades of violence and corruption. The initial initiatives of this paper suggest that the absence of functional political parties and representative governance at the local level have spoiled public trust in the state-building process and the lack of willingness of external and internal actors to bridge the gap between state and citizens resulted in a reluctance to participatory governance from new political parties. Ultimately, the country's fledgling democratic system has been severely damaged by widespread electoral fraud, and the Afghan government was weak to overcome election challenges. These challenges have weakened the legitimacy of the government in the public eyes and Afghanistan has remained one of the poorest countries in the world, and that will be dependent on international aid for years to come.

Figure 11 Limited Progress on Empowering Local Governance



6.4 The Implication of the National Level Elections : Undermining State-building Efforts

While the first presidential election in 2004 was initially welcomed by Afghan citizens at an unprecedented level, turnout declined dramatically after the 2014 and 2019 presidential controversial elections. In the beginning, ordinary Afghan people had an aspiration for a future with greater peace and prosperity (Schmeidl, 2016). On the other hand, this was an opportunity for many Afghan elites (Traditional, military, and those in exile) to recapture the power and influence the post-Taliban regime while the international actors aimed to support a legitimate government to fight against international terrorism (Schmeidl, 2016). Nevertheless, Afghanistan has experienced four presidential elections (2004, 2009, 2014, and 2019) and three parliamentary elections (2005, 2010, 2018) during the 20 years of the state-building era (IEC, 2020). Except for provincial council elections, local elections have never been experienced in Afghanistan despite the constitutional mandates.

The 2004 presidential election was the first election ever in Afghanistan in which Afghan citizens were able to elect directly their head of state. Ordinary Afghans went to the polls in 2004 hoping that democracy may bring stability in Afghanistan as this approach contributed to peace in many post-conflict countries while to the date, elections have not contributed to stabilization in Afghanistan at all. As a consequence of misuse of power, lack of public awareness, insecurity, systematic fraud in the elections, and lack of meaningful political parties' participation, elections in Afghanistan witnessed a fall in the number of voters sharply that resulting in a widening of the gap between the government and the Afghan people.

In addition to systematic shortcomings in building a representative democracy in Afghanistan, other factors that can contribute to the success or failure of elections in Afghanistan are socio-economic-based challenges. Shahrzad Akbar, former chair of the Afghan Independent Human Rights Commission in her work titled "Elections and Conflict in Afghanistan" categorizes the main challenges to election participation into illiteracy, poverty, and women's unequal status in Afghan society. She indicates:

"Widespread illiteracy, specifically among the older generation and women, prevents meaningful participation in the election process and a clear understanding of it. Poverty and increasing income gaps have led to the alienation of a large proportion of young people from the government".

The Afghan government could not raise ordinary people's awareness about democracy and its advantages for a diverse society like Afghanistan as traditional leaders still enjoy the support of the mass population of the country. Furthermore, men and women were not given equal opportunities as security challenges ahead of women candidates during the campaign are still counted as a major obstacle to their election participation as the candidates.

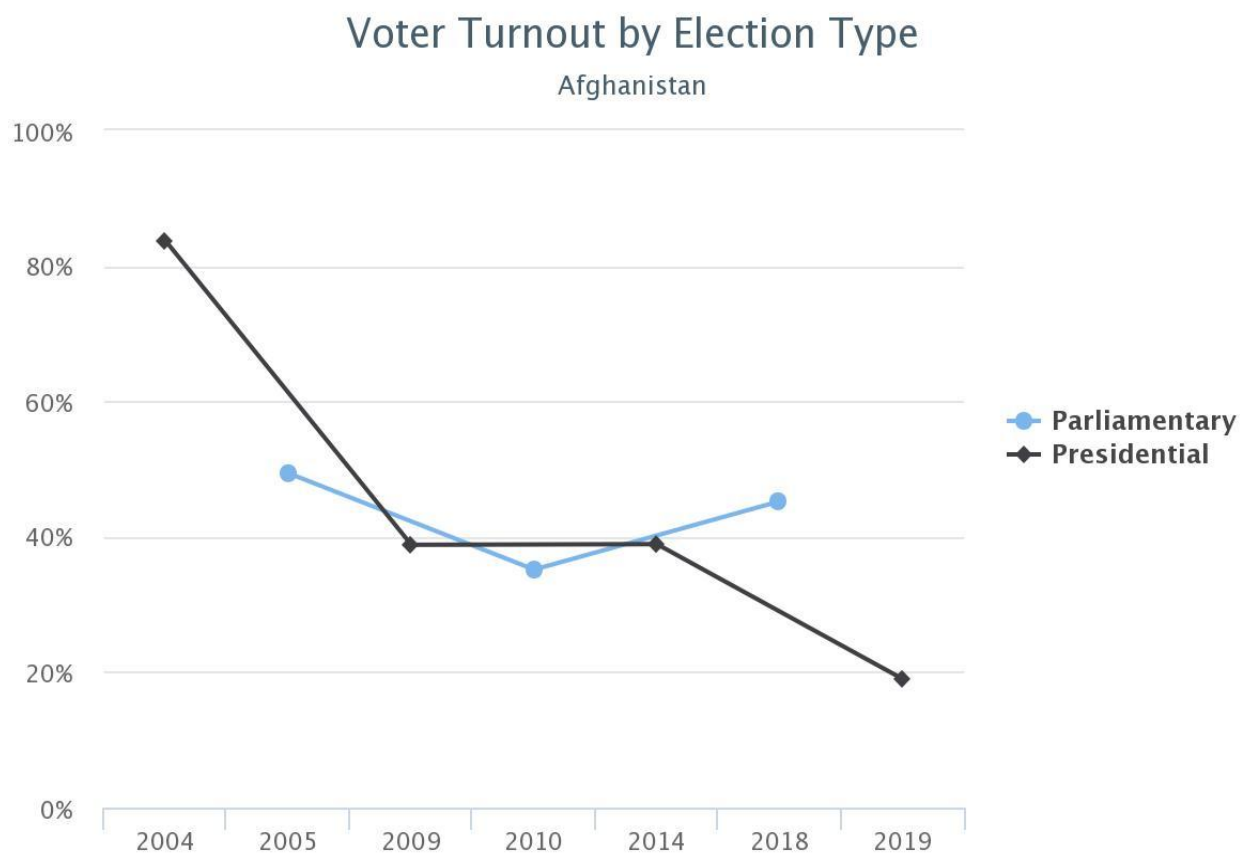


Figure 12 Voter Turnout in Afghanistan Elections.

Source: IDEA, 2022

The 2018 Parliamentary elections and the 2019 presidential elections are the two most recent and probably the most controversial democratic events in the country's history. Dissatisfied candidates of the 2018 parliamentary election have challenged the announced results of the election as well as the impartiality of the Independent Election Commission (IEC) and Election Complaint Commission (EEC). Next year, the 2019 election, with the lowest turnout compare to previous elections, led the country into crisis as a consequence of electoral disputes among the top two candidates. Incumbent President Ashraf Ghani was announced the winner by IEC while Abdullah Abdullah his main rival rejected the results and hold a parallel inauguration with the president. The crisis lasted for several months until both sides signed a power-sharing deal in which Ghani would remain as the president and Abdullah would lead the peace process with the Taliban.

Citizens in the countryside only have experienced democracy and elections with an aspiration to bring their local concerns to the national level since systematically they have been marginalized from the decision-making process. There have been fewer efforts to hold local elections and to bring decision-making closer to the people. This phenomenon may not be only peculiar to the process of building institutions in Afghanistan. David Hirschman (2001) in his studies on the challenges of local elections wrote that local elections have been often a secondary matter for new democracies due to their potential challenges such as corruption and fraud making them hard to manage for the central state compared to the national elections. In Afghanistan, however, the possibility of holding local elections for secure provinces were feasible given the circumstances of the Afghan state being supported technically and financially by the international community. Therefore, the lack of a central state's will to conduct local elections elucidates the predominance of national politics and elections in the lives of residents.

The lack of the central state's incentive to establish popular entities and delegate a certain degree of authority to the subnational level has been considered the main reason for the lack of local elections. In addition, the central state's preference to appoint local officials to gain more control in its relationship with the periphery has undermined fostering local democracy at the local level of Afghanistan. This centralization tendency of the state has deprived local citizens of their constitutional rights. Finally, insecurity, corruption, and manipulation of the entire process of elections resulted in a dramatic decline in people's votes in recent elections that illustrate this gap.



6.5 Central State's Lack of Will to Expand Sufficient Influence Over Its Periphery

Creating and empowering public institutions—contemplated centralizing the power— started with massive international deliberation after the US-led coalition toppled the Taliban regime in 2001.

At that time, most donors and international organization who aimed to contribute to the assisting democratization project in Afghanistan established their bases in Kabul, the capital city. Kabul and a few other cities which were relatively secure for foreigners became the core center of the considerable efforts to build a central state while rural Afghanistan where the majority of its population lives was largely forgotten. Kabul and a few other cities that were the core center for the political and economic activities have been developed culturally and politically as isolated islands (Ahwar, 2018).

Kabul and few urban areas hardly represent politically and culturally a model of Afghan society. Elites in Kabul have learned the language of rule of law and democracy to some extent while it has never been expanded beyond the center of the capital city. Conrad Schetter the author of *Local Politics in Afghanistan: A Century of Intervention in the Social Order* in 2013 indicates that “If you really want to understand what Afghans are thinking, you have to go to the village’, an Afghan friend told me when I visited Afghanistan for the first time in 1997.” He has a special emphasis, from an academic standpoint, on understanding the local politics profoundly and urgently in order to realize how the Afghan society works (Schetter, 2013).

The Afghan Local governance has been a secondary concern for the state-building actors unless it was a matter of increasing the central state's power to control the countryside. Historically there have been particular considerations to control of local domains in Afghanistan through a central power that often has confronted a strong resistance of the residents. The 2004 Constitution movement, which has been highly inspired by the 1964 King Zahir Shah's constitution, supported the idea that a centralized form of state governance would best suit Afghanistan and could be considered to meet the country's centuries-old traditions. However, political order in rural Afghanistan has been always ruled insightfully through self-governing, customary organizations.

Customary organizations such as *Jirgas* and *shuras* are such strong traditional entities at the local level that have never lost their strong influence in local citizens' lives despite the notable efforts to consolidate the power by central states throughout history. Historically central powers have always favored practicing a strong power over the local orders, which was deemed to undermine the influence of local elites over the informal institution. This trend has been started since the reign of Abdul Rahman Khan (1880-1901) who gained much of his reputation as an Iron Amir for choosing a brutal

way against his opposition in establishing a strong central state. The 1964 constitution during the reign of King Zahir Shah implies recognition of village councils without mentioning an election while the 2004 Constitution explicitly recognizes elected district and village councils without mentioning how they should be elected (Jochem, Murtazashvili, & Murtazashvili, 2016). The 2004 Constitution, therefore, has not recognized the informal structure of self-governing village councils; rather it has prescribed elected village and district councils to foster democracy at the local level which has never been applied in practice. In addition, the 2004 Constitution remains silent on how these elected institutions should be formed and to what extent they should be given authority and autonomy. This constitutional phenomenon has been subject to considerable debate and severe critics through the discussion going on in academic analytical circles around the present-day reality of state-building in Afghanistan (Shahrani, 2013).

Jirgas and *shuras* as de facto self-governing bodies were empowered in post-2001 which built a deeper tie with local communities compared to central government appointees such as provincial and district governors. In addition, the centralist constitution has served as an instrument for the state to disregard the political complexity in rural Afghanistan that has been generated as the public institutions and central state appointees at the local level have been insufficient to impose a high level of control (Thier, 2020). As a result, the central state failed to formulate its insightful structure with remote parts of the country and its informal order. Despite all efforts to centralize the power, Afghanistan remained among highly centralized states on paper and among the highly decentralized states in reality.

The stability and effectiveness of the state-building process are extremely dependent on how the political system corresponds to the fundamental principles of society. Political institutions that function within the framework of the constitution should encompass the values and traditions of the people coexisting in it. Decentralization has emerged as a strategy to promote public institutions' efficiency, responsiveness, and accountability in the developing world (Siegle & O'Mahony, 2006). In addition, this approach of governance has been considered to contribute to social and political stability; however, in highly fragmented societies with a weak state system, decentralization raises the risk of civil and ethnic tensions (Siegle & O'Mahony, 2006).

6.6 Local Election and Traditional Councils: What was the Best Strategy for Decentralization?

There is no real understanding of how the Afghan traditional structures appear in modern society. They have been undermined or misrepresented throughout decades of interventions and civil war in the country. Consequently, these traditional structures are often more a cause of state failure, conflict, and civil war rather than the solution to these problems. People in Afghanistan are hesitant to welcome them back. It is imperative that much more consideration be given to the particularities of their current local conditions despite the fact that their leaders, may be unfamiliar with all the features and complexities of modern democracies. The truth is that the only way to make their desire real is through elections. This fact has been fully accepted by citizens as well. The provincial councils at the local in Afghanistan have changed the political dynamic of traditional structure to some extent. However, they have gained their influence again following PCs' dismissal by the Taliban in 2021. Although Afghans have had bad experiences with elections in the past, they remain committed to having a say in the selection of government (Kühne, 2010).

The lack of the central state's willingness over the issue of empowering democratic institutions at the local level had economic reasons to some extent. The research of William Fox (2007) focuses on decentralization, local election, and the conflicts associated with cultural pluralism with cross-cutting themes. Generally, Fox believes decentralization lessens conflict when it increases participation in local elections, expands local expenditures, and creates jobs; however, it causes conflict when local taxes rise or regional autonomy grows too much (Fox, 2007). In addition, conflict is more likely to arise where the central government has limited control over security, or if there is a high dependence on natural resources (Fox 2007). In Afghanistan's context while security and insurgent threats often challenged conducting local elections and the central state justified that over the last twenty years, the central state had never displayed explicitly actual willingness to conduct local elections in relatively safe zones; due to its tendency toward controlling local domains via its appointees. The Afghan constitutionalism idea through the contemplation of centralism via presidential power is the three main parameters in this part of the paper that the author analyzes regarding local elections as an instrument to decentralize the power.

It is widely accepted by a large number of scholars and practitioners that the best way to improve decentralization and establish local governance is to start by examining what works, beyond state structures according to Tschudin (2018). In the context of Afghanistan, however, the 2004 Constitution seemingly commends establishing democratic local institutions that are entirely different

than those customary councils that have existed in Afghanistan's context since a long time ago. On one hand, according to many scholars and practitioners, the constitution's provisions regarding democratic institutions could tackle the principle of 'centralism' stressed further through a presidential power. They argue that democratic institutions at the local level could be a remedy for the 'local self-governance mechanism recognized in many developed democracies for the purpose of decentralization of power. On the other hand, the constitution has largely disregarded the existed local and traditional institutions—particularly in the rural areas—where people rely on customary councils to resolve their disputes and conflicts in the absence of state institutions. It means the constitution introduced exclusively new concepts which was alien to the people of Afghanistan and they have never experienced and practiced that before while constructing any type of new institution that must best suit the realities of the society. The 2004 Constitution, therefore, failed to design an insightful linkage between people and state at the local level.

The 2004 Constitution, which is inspired by the 1964 monarch constitution in many ways, explicitly mandates the government to establish democratic councils at the village level while the provision remains ambiguous regarding delegation of authority for mentioned councils as well as the way by which authorities should be voted by citizens. Unlikely, the 1964 constitution implies a *de facto* recognition of customary governance by traditional councils determining representation of village government without mentioning necessarily by-election. The 1964 constitution recognized local self-governance councils and substantial local autonomy was allowed while formally it was unitary (Jochem et al., 2016).

It is ideal to establish popular local institutions and delegate the necessary power and authority to function effectively and address local citizens' sensitive issues. However, in a situation where corruption and insecurity were growing and they were extremely challenging to the entire state-building process, elections may fail to achieve defined aims and goals—particularly in rural and remote areas where implementation of the election was more challenging. Noah Coburn a Professor of Anthropology at Bennington College and Anna Larson a longstanding academic researcher on Afghanistan in their book "Derailing Democracy in Afghanistan: Elections in an Unstable Political Landscape" write about democracy and election that there has been a close association between elections and democracy because elections are considered to be a reprehensive means of distributing power in response to the political will of the people (Noah & Larson, 2014). They further add that literature makes two claims regarding the connection between the two: the first is that representative democracy cannot exist without elections, and the second is that elections alone do not constitute democracy according to Noah & Larson (2014).

On the other hand, however, the local election could not be the only way to establish local governments, particularly local councils according to Jochem et al., (2016). Based on research by Jochem et al., (2016) regarding the establishment of local governments in fragile states, formalization of self-governing village councils and formalization of community development councils CDCs could be options for formal decentralization of power while elections could not be feasible to conduct. In Afghanistan's context, however, traditional councils called Jirgas and shuras are not democratic despite their strong influence over the rural areas. These institutions often violate human rights values and even perform in some cases against Islamic core values. In addition, these institutions are not diverse and inclusive as women, youths, and minority groups are not allowed to participate. Nevertheless, as a matter of fact, twenty years of efforts on state-building disregarded the complexity of local governance at the local level as the entire process concentrated mainly on central domains.

Another key part of the informal local component of Afghanistan is Community Development Councils for the village. They have gained much of their reputation through the successful implementation of NSP and CCNP for the economic development of villages. It has been shown that local elections of council members contribute to the community development council's success in ensuring accountability. A number of studies have demonstrated the effectiveness of community development councils' elections for ensuring accountability. For instance, scholars from the Massachusetts Institute of Technology conducted a statistical investigation of more than 200 communities across different regions and found that direct democratic decision-making procedures are associated with a reduction in elite capture of public resources and an enhanced legitimacy of political processes (Wang, 2014).

6.7 How soon should local elections be held in Afghanistan as a post Conflict case?

In a fair and transparent election, conducted in accordance with international standards of impartiality, administrative competence, and respect for human rights, both the chosen and the remaining parties can gain the public's support and legitimacy. However, in war-torn countries, it is evident that these conditions are difficult to achieve. There may be a long period of time needed to build the relevant capacities and institutions. A strongly debated subject is how to introduce elections in a manner that is both timely and sequential? As a matter of fact, in post-conflict contexts, decision-makers can be faced with the dilemma of either rushing elections after conflicts or delaying elections until the conclusion of state-building.

As a general rule, election experts believe that countries that have recently emerged from conflict or are newly democratic should hold their elections later than they usually would in order to ensure that the eligibility conditions are met when voting takes place. However, International relations theorists and democratic theorists have different opinions in this regard (Higashi, 2015). International relations theorists are more concerned with the legitimacy and action taken by states at the international level based on security council resolutions or international law, whereas democratic theorists consider domestic factors and ignore the involvement of international actors. According to scholars of international relations, elections should be conducted at the end of nation-building in war-torn states to enable the creation of democratic governments. However, it is realistic to conclude that International actors such international NGOs or foreign states would not support governments that are formed through non democratic ways such as authoritarian regime or totalitarian regime (Higashi, 2015).

Moreover, early elections in the Balkans have provided a lesson to us about the tendency of elections to be held too early to strengthen groups and leaders who have incited conflict in the past (Kühne, 2010). Similarly, Afghanistan conducted its first legislative election in 2005 which resulted in formalization and integration of ex mujahidin groups into the system, except the Taliban group who just started to conduct anti-governmental insurgent operations. In spite of SNTV being chosen to prevent warlords from seizing power, due to limited progress in the areas of establishing a strong army and disarmament of militia groups, SNTV was unable to prevent the majority of ex-militia group members from gaining power and influence.

As a part of the 2001 Bonn Agreement, free and fair elections were required within two years of the Emergency Loya Jirga (June 2004) and must result in a government that is gender-sensitive,

multi-ethnic, and fully representative Riphensburg (2007). The long-time Afghan expert Barnett R. Rubin has repeatedly pointed out that once President Karzai assumed office on December 22, 2001, he inherited a country that, for the most part, had no state to speak of. Years of war have left Afghanistan among the world's poorest countries. In addition to the high level of poverty in the country, Afghanistan is also the country with the highest ratio of modern weapons per person, thereby making it a country that has a high tendency for violent conflict and a lack of resources to manage and defeat it.

Finally, there is a growing understanding among election experts that there is a strong need to differentiate between national and local elections, in terms of determining the appropriate timing. It is generally regarded as a good idea, to begin with the local elections. The concerns about the distribution of power and wealth into the various parts of the country do not seem to be so on the same dramatic scale as at the national level and to make matters worse. That is because most of the population lives in rural parts, far from the capitals, where basically the big power plays take place. Local elections, therefore, are more relevant in the day-to-day lives of these people than national ones (Kühne, 2010).



6.8 Is Afghanistan Ungovernable through Election as a Democratic Value?

In August 2021, the hardline group Taliban toppled the Islamic Republic of Afghanistan and forcibly took control of the entire country in a matter of weeks following the departure of NATO troops. Another important question that needed to be addressed is why the efforts on evolving democracy in Afghanistan ended rapidly and the Afghan state failed to last even a single day without the international community's presence or is the soil of Afghanistan not conducive for the tree of democracy. The collapse of the western-backed state may support the conventional wisdom idea that culture and religion hamper democratization efforts in many developing countries. However, clear-cut answers come from many scholars and practitioners that challenge this idea for numerous reasons.

Anna Larson (2009)

Francis Fukuyama (2004) writes, for instance, that while the modernity of the liberal west is hard to attain for many societies around the world, many people are being attracted by the packages that democracy [western liberal] offers—as evidenced by one-way flows of immigrants and refugees from less developed countries (Fukuyama, 2004). Unlike many cases in the third world and post-conflict countries, the military intervention in Afghanistan was not perceived as '*new colonialism*' or '*occupation of the nation by foreign military troops*' as the people of Afghanistan welcomed it as an opportunity to rebuild the country and bring peace by exercising democracy. In the beginning, the majority of the people have welcomed this for the following reasons:

First, the Afghan people were liberated from the barbarism of the Taliban and other international terrorist groups. The Taliban who had introduced a package to the people as an alternative to democracy was neither desirable for the people of Afghanistan nor it was compatible with the history or political context of the Afghan society. Even after 20 years, they have started to govern the country again with restrictive and senseless policies on women and girls—the same way they had ruled the country during the 90s. Second, as a result of decades of civil wars, the country's foundations and infrastructures were completely destroyed while many Afghans perceived it as a golden opportunity for one of the poorest countries in the world to rehabilitate its economy. Finally, there is no better alternative to a system by which people would have the right to own their national sovereignty. The attempt by the Afghan people to leave Afghanistan from the first moment of the fall of the government and the takeover of the Taliban indicates that the Afghan people, despite the challenges associated with democratization, were not willing to go back to 20 years ago.

There is no alternative to democracy even in a divided society emerging after conflicts (Riphenburg, 2007). Riphenburg (2007) concludes that democratic governments rather than oligarchy

or authoritarianism provide the most conducive atmosphere for resolving societal divisions that are increasingly severe. In reality, however, democracy functions primarily as a system for managing conflict as opposed to resolving it.

David Lyon (2019) believes that it may not be true to conclude that the *“Soil of Afghanistan is not conducive for the tree of democracy”* as it has never been applied (Lyon, 2019). He indicates that there were serious mistakes in the system that led to the process of state-building in a negative way. For instance, he states that the electoral system for the election which was introduced by policymakers has been abandoned everywhere once it had been applied (Lyon, 2019). While the overall goal of democracy is to grant citizens political rights and freedom to make decisions themselves, over the course of 20 years of state-building in Afghanistan, the majority of Afghan people were marginalized systemically from the decision-making process.

Schmeidl (2016) and Murtazashvili (2022) are two other political science scholars who challenge the common idea of the unproductivity of democracy in Afghanistan. Schmeidl highlights that the people of Afghanistan, in the beginning, had aspiration that democracy would bring peace and prosperity into their lives, Afghan political elites welcomed this as an opportunity to recapture power and resources, and the international community's priority, led by the U.S, was to build a state to fight against international terrorism (Schmeidl, 2016). As a result, Afghan political elites manipulated the electoral process led to the undermining state's legitimacy, growing corruption, and an unmanageable political crisis. In addition, Murtazashvili (2022) believes that it was a wrong policy that was chosen by international actors that resulted in the collapse of the state rapidly. According to Murtazashvili, efforts to build states conducted by the United States focused on building state capacity without establishing effective constraints on state power, which is a prerequisite for accountability (Murtazashvili 2022).

Conclusions and Applications

When building a state or applying democratic reform in post-conflict contexts, the segment of the population should be taken into account. However, many international policymakers focus on political actors at the national level to advance democracy which could be problematic according to many democratic scholars. However, it is common for international actors to incorporate local perspectives into their state-building activity work only as background information, while primarily engaging with their national counterparts in capital cities. When the central government is fragmented or lacks widespread legitimacy, a focus such as this can be problematic. As a matter of fact, after 2014, the government was new-patrimonial with limited legitimacy which was formed as a result of controversial elections at the national level. It is true that national-level elections damaged considerably the legitimacy of power holders, and the constitution failed to offer a mechanism to reconstruct the legitimacy.

In 2014 and 2019, Afghan presidential elections had once again revealed that Afghan elections were dependent on external intervention [U.S. support] since Afghanistan's constitution was remarkably out of sync with the realities of political life. Instead of creating constitutional arrangements for power-sharing based on the reality of the actual state, democratization has become dependent upon external brokers of extralegal agreements to negotiate. A unitary state backed by strong presidential powers is highly commended in the Constitution. A system of majoritarian representation led to many wasted votes and controversial outcomes caused the Afghan parliament to be weak and not seen as especially legitimate. Hence, the presidential election winner really does take control of everything.

Insisting on empowering a unitary and centralized state along with a strong presidential power resulted largely in the marginalization of people from the decision-making process. This was particularly true in rural Afghanistan where democratic components of the governance have never been established. While local people profoundly have displayed their constant desire in participating governance through national-level elections, challenges that have arisen as a result of controversial elections created a great frustration in the public eyes. Nevertheless, subnational government operates through local self-governing councils at the district and village level based on traditional norms while the central state's appointees have been representing the central state's power at the provincial level. Within the current centralist formation of the state, delivery of public services requires a complex set

of actions through different layers of bureaucracy as the local officials lack sufficient authority. The lack of people's representatives at the local level to hold state entities accountable promoted widespread and growing corruption in Afghan society. Fair and transparent elections as a crucial effort toward fixing the negative perceptions were important to end the long-lasting crises in Afghanistan and foster representative governance. However, under a centralized form of government, it is unlikely to manage local election challenges effectively since the state entities are weak enough to impose high-level control at the subnational level, and potentially local elections are harder to manage compared to national-level elections. The complexity of the local government that has been generated as a result of the absence or weak presence of state institutions at the local level for several decades, had to be taken into account. Considerable efforts to promote rule of law and democracy through the center of the cities, which hardly represent the actual Afghan society, could have been expanded through the country's periphery. In addition to shortcomings in the system of governance, elections in a conflict situation may result in manipulating the results, undermining the public trust, and producing further disputes in post-conflict democracies like Afghanistan.

A major challenge in the reconstruction phase of Afghanistan was that the country lacked a highly functioning civil society or political parties that can effectively address issues that are relevant to the Afghan people. Instead, a severe and very acute problem exists due to the dominant influence of the clientelist culture. At the time of designing a political system after 2001, key concerns were including cleavages of ethnicity, language, and region, war and instability, lack of developed political culture, education, and gender inequality. However, the constitution and electoral system have only addressed gender inequality while other issues remained unsolved. The need for a newly inspired approach to state-building and peacemaking, at least in its early phases, is for a new perspective that focuses more on enhancing local domains of governance than trying to re-establish a strong central authority. Both the state-building process and peacemaking process failed in 2021 in Afghanistan since the low level of education among the population is one of the reasons for the deterioration of political culture. Following the Taliban's takeover in the summer of 2021, Afghanistan lost its intellectuals, skilled workers, and highly educated people, leading to a "brain drain." It is important to remember that Afghanistan is a deeply religious traditional society that lacks the philosophical elasticity to accommodate a western style of rational. It means, a similar situation exists in Afghanistan as in many other developing nations in terms of the adoption of western ideals. In light of this, the following lessons can be drawn from this study:

First, constitutions in many countries not only function as a document to declare rights and freedoms of the citizens or setting up a balance between the three branches of power that are involved in the process, but also they could address nation's some serious concerns such as providing a path

towards peace, resolution of national crises, sharing power and assuring equal opportunities for all and etc. The 2004 Constitution which was known as the most democratic constitution in the history of the country, was successful in improving individuals' rights, particularly women's rights while it failed to provide an insightful elucidation for country's political crises such as electoral disputes that damaged largely the legitimacy of the entire state and system in the public eyes.

Second, elections in many post-conflict societies having taught us that hastily moving toward conducting elections in a post conflict environment often undermines advancing democratic efforts. Two years after the collapse of the Taliban regime in 2001, presidential and parliamentary elections were held, which resulted in empowering warlords. While one of the main rationale of international actors for choosing SNTV as the electoral system was to limit those warlords who were associated with crisis, early elections resulted in empowering warlords. As a result of integration and formalization of warlords, they have started to manipulate electoral process to capture more power and resources.

Third, despite improvements in the country's cultural, political, and economic conditions, these developments have been limited in rural areas where the majority of Afghans live. Despite some economically focused projects implemented by national and international actors in rural Afghanistan, such as NSP and CCNP, which were well received by citizens, state-building actors lacked a coherent vision or pragmatic strategy to improve political developments at the local level.

The central state failed to implement the Constitution's only provisions pertaining to local governments. Constitutionally, state was obligated to facilitate establishing democratic institutions at the local level. However, the way in which they should be established and the level of authority they must receive were ambiguous. In spite of the government's promises, the municipality law was only passed after almost two decades and the law on local administration was never passed.

This research failed to find any evidence on the need for successful reintegration of insurgents in post-2001 Afghanistan. However, this research highly recommends that additional research is needed to conduct in order to determine the effect of reintegration of insurgents. It has been demonstrated that the current reintegration process is contributing to the failure of the process. In order to complete the process, international support and financing are required over a long period of time. In many cases, these programs are terminated after the funding has run out, even if they have not achieved their objectives. A further adverse effect of the formality of the process is that it deepens hostilities by stipulating who is a reintegrated insurgent and who is not.



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