



# A federal arrangement for Afghanistan

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**Federalism** just might be the most suitable arrangement for Afghanistan. But federalism needs to take a particular shape in this country. It will not do simply to emulate the traditions and conventions of Western federal systems.

The Western discourse on federalism has been traditionally formulated within the framework of center-state relations, focusing on centralization and decentralization. In the case of Afghanistan, we need to make a departure and view federalism as both a *territorial* and *non-territorial* project. As a territorial project, federalism addresses the fragile equilibrium to be maintained between indestructible union and indestructible units. As a non-territorial project, federalism is directed to the issues of cultural representation and identity in a multicultural society.

## **Afghanistan's cultural diversity**

Afghanistan is one of the poorest countries in the world and its population is divided, often sharply, along ethnic, linguistic and even religious lines. The population of Afghanistan (including some 5 million refugees now living in neighbouring countries, primarily Pakistan and Iran) is roughly 25 million, occupying a landlocked territory slightly smaller than Texas.

The largest group is the Pashtoons, who make up about 40% of the population, speak Pashtoo (which is related to but quite distinct from Persian), live in eastern and southern Afghanistan, and are further divided into a patchwork of tribes and clans. The second largest group (comprising about one-third of the population) is the Tadjik, who speak Persian. They are native to the valleys and mountains north and north-east of Kabul, and are ethnically akin to the Tadjhiks of Central Asia. The remote massif of central

Afghanistan is home to the Hazaras (comprising 8%-9% of the Afghan population) who speak a version of Persian called Hazaragi. The last major group, of about the same size, are the Uzbek, who speak Uzbeki. There are over a dozen other ethnic and linguistic minorities.

***"The major challenge which federalism in Afghanistan will have to face will be to balance the territorial with the non-territorial requirements of the Afghan multicultural, multi-tribal nation."***

Socio-economic differences between the majority Pashtoons and other tribal groups have been less significant than the ethnic, cultural and political distinctions between them. Pashtoon relations with non-Pashtoons are defined by rules proscribing inter-marriage, by differences of language, sometimes by religion, and by economic exchanges that usually denote the Pashtoons' superior status. Pashtoons have long been the dominant political community. During King Zahir Shah's regime, the top governmental positions remained monopolised by the elite upper class, mostly of Pashtoon nationality.

Islam in Afghanistan embraces a wide range of beliefs. The major ethnic groups are predominately Sunni, with the exception of the Hazara who are Shiite, but a significant number of Afghans are followers of the Sufi tradition, an Islamic tradition that fosters values of tolerance

and peaceful co-existence with other religions. The wahabi tradition has only recently been imported from Saudi Arabia and the Taliban, who received their Islamic training in the refugee camps of Pakistan, are the followers of the intolerant wahabi tradition.

## **New institutions, new structures**

Several of the international players have suggested that one of the ways to revive democracy and to arrive at consensus towards institution-building is for the former king, Zahir Shah, to call together the Grand Assembly or *Loya Jirga*, which is made up of traditional tribal leaders, intellectuals and bureaucrats. The task of the *Loya Jirga* would be to formulate a democratic constitution creating structures of equitable representation and governance.

The Afghan state is not as archaic as we might be led to believe from reports we read in the media, although the modern Afghan state did suffer tremendous shocks during the Soviet and post-Soviet occupations. The king, Amanullah Khan, laid the foundations of a modern nation-state in 1919. The first constitution was promulgated in 1923. It provided freedom for the practice of religious rituals to the Shiite minority and enshrined other minority rights. Amanullah Khan's government undertook various social and economic reforms, including land reform and the restructuring of a tax system.

There followed a period of intermittent turbulence and regimes. For example, General Nadir, who took power after King Habibullah's execution in 1930, called a *Loya Jirga* to endorse a new constitution. The *Loya Jirga* also confirmed him as a king, declared Islam as a state religion, and endorsed the king's personalized power.



In 1933, under King Mohammad Zahir Shah, the state modernized its bureaucracy (which had significantly expanded), its army and its police force. Education was vigorously promoted.

In 1963, King Zahir democratized the constitution, barring the members of the royal family from participation in the government. The new constitution accorded Persian, the language of large minorities, an equal status to Pashtoo. It also allowed the establishment of political parties. During 1963-1973, four prime ministers were appointed and in 1973, Afghanistan was proclaimed a republic. The new government included women and minorities. In order to respond to the demands of the minorities, the state appointed two members of the Hazara community and one from the Uzbek community to the ministerial portfolios of planning, mines and commerce.

Beginning in the early 1950s, Koranic education complemented government-sponsored Western-style education. By the late 1960s, education accounted for some 20% of total government spending. The university was co-educational. Both women and minorities took advantage of the educational system, which had been largely responsible for furthering their demand for the inclusion of minorities in the government.

Although religion was a compulsory subject in government schools, most of the reading material emphasized modern aspects of life. Amongst the traditional schools, Sufism was widely studied.

### **Federalism with a new twist: a viable option**

As a beginning of a solution to the current crisis in Afghanistan, King Zahir Shah could indeed rely upon the earlier democratic constitutional tradition to invoke a new constitution. However, this time, more serious attention must be given to the structures of representation and governance. *Multicultural federalism*, as a territorial and non-territorial project, stands out as the most suitable potential structure for Afghanistan.

One of the tasks of multicultural federalism is to provide cultural recognition of various groups and to ensure that minority groups who differ from the dominant regional norms are not left powerless and marginalized.

The major challenge which federalism in Afghanistan will have to face will be to balance the territorial with the non-territorial requirements of the Afghan multicultural, multi-tribal nation. Given Afghanistan's cultural diversity and social pluralism, the federal system will have to struggle constantly if it is to reconcile the claims of *equal citizenship* with *group* identities and interests.

Even in the West, it is only recently that people have begun to explore the issues of citizenship, cultural pluralism and a multicultural "political community."

It might be a good idea to look at examples set by federations that have tried to address the issues *both of territorial and non-territorial* representation. In India, for instance, it was a major preoccupation of the Constituent Assembly to tackle this question. And, lately, multicultural Western societies have begun to grapple with it.

Historically, the Indian constitution-makers were not only sensitive to group identities but were also innovative in generating a difficult and challenging non-traditional discussion of "political community."

Relying on indigenous Hindu traditions, emphasizing collective identities such as family, caste and tribe, and borrowing from 'imported' liberal theory revolving around the concept of individualism, the founding fathers of the Indian state attempted to balance constitutionally the contradictory principles of *equal citizenship* with *collective* rights.

India also sought to balance secularism with religious community rights, fundamental equality for all citizens with preferential privileges for backward classes/castes, and an official language with the protection of minority linguistic rights.

A reconciliation of the territorial with the non-territorial approach is undoubtedly more challenging than the simple Western federal model (based on territorially distinct provinces or states). But this is the best hope for a nation such as Afghanistan, sharply divided by religious, linguistic and tribal loyalties.

The traditional concept of federalism defines two levels of government: one central/federal and the other a set of regional governments. It does not give constitutional recognition to

local government. However, recently there has been an increased recognition of the notion that local governments can also provide democratic representation, particularly of minorities and women. In Afghanistan, where there are strong traditions of local autonomy, a federal structure will have to involve three layers of government—central, regional and local—each with its areas of autonomous jurisdiction.

It is precisely at the local level that one can take advantage of traditional Afghan structures. These structures can be emptied of much of their original meaning (they were often based on hereditary chieftainships, for instance) and be "filled" with the new "content" of:

- equal representation,
- democratic rights,
- and freedom of contestation and participation.

Once again, India is a very good example.

In 1992, the Indian Parliament provided a constitutional base to local government by constitutionally recognizing the Panchayats: the traditional local organizations. The Panchayats became the third tier of government, with 29 local powers and the compulsory representation of women and tribal populations by at least one third of the Panchayat.

Such an emphasis on local self-government and decentralization of power is directly linked to the realization of two fundamental goals: 1) ensuring effective governance and equitable political representation through the institution of federalism; and 2) resolving the dilemma of simultaneously pursuing the goals of economic growth and social justice.

Mobilizing a society without developing appropriate institutions can lead to political decay. One must see to it that not only is democracy introduced into Afghanistan, but also that institutions are brought in to inculcate and foster a culture of tolerance, trust and cooperation. And these institutions must be based on indigenous traditions and respect for the diverse ethnic communities. ☺