



After the Bonn Accord: Is federalism relevant to Afghanistan's future?

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On December 22, 2001, in conformity with the Bonn Accord (the United Nations-sponsored blueprint for democracy, peace and stability in Afghanistan) Hamid Karzai, a Pashtun, took over the job of chairman of the executive council of the interim administration of Afghanistan for a term of six months.

The framers of the Accord had made a conscious attempt to balance the new interim administration along ethnic and political lines. In addition to including two women in a 30-member executive council, ethnic balance was achieved by including eleven Pashtuns, eight Tajiks, five Hazaras, three Uzbeks and three members from smaller minorities.

The Bonn Accord provides for an incremental process by which temporary and provisional structures of governance are to be replaced by a democratic constitution for Afghanistan and permanent structures of popularly elected representative government. Six months after taking over office, the present Karzai administration is to be replaced by a broad-based Transitional Authority, agreed upon by an Emergency Loya Jirgha (traditional grand council).

That transitional government must, in turn, be replaced by a popularly elected representative government, no later than two years from the date of the convening of the Emergency Loya Jhirga. Within eighteen months of the establishment of the Transitional Authority, a *Constitutional* Loya Jhirga is to be convened. The latter will establish a Constitutional Commission to prepare a new constitution for Afghanistan.

Karzai's government has inherited a country that has been ravaged by war for the past 22 years. The result is a humanitarian situation that is disastrous by virtually any measure:

- extreme poverty,
- a population highly vulnerable to communicable diseases,
- deplorable sanitation systems,
- a 25 percent child mortality rate,
- one physician for every 50,000 people,
- 17 maternal deaths per 1,000 women (the second highest in the world),
- life expectancy for both men and women under 46 years,
- a literacy rate of 15 per cent for women and 31 per cent for men,
- and a massive emigration of a significant part of the population into the neighboring territories of Pakistan and Iran.

In addition, the past three years of drought cruelly worsened Afghanistan's already poor economy, dependent as it is upon farming and livestock raising. Moreover, a whole generation has grown up amidst this great poverty, with a pervasive gun culture and under the religious oppression of the Taliban.

It is estimated that in the upcoming Tokyo reconstruction for Afghanistan conference, international donors will pledge US\$15 billion for the economic rehabilitation and development of the country.

A constitutional framework

For a country with ethnic and linguistic diversity, as well as strong tribal and local traditions, what kind of constitutional framework would be appropriate to simultaneously promote the principles of the Bonn Accord, democracy, pluralism, social justice and Islam?

Afghanistan is highly diverse in terms of ethnicity, language and religion. Its population is composed of: Pashtuns 38%, Tajiks 25%, Hazara 19%, minor

ethnic groups (Aimaks, Turkmen, Baloch) 12% and Uzbeks 6%. In addition to three major languages, Pashtu, Dari (Afghan Persian), and Turkic, about 30 minor languages are spoken in Afghanistan. While a large majority of the population is Sunni Muslims, 15% of the population are Shi'a Muslims. The Hazara group is predominately Shi'a.

There are also small numbers of Ismaili Shi'as living in the central and northern parts of Afghanistan. The Ismailis consider the Agha Khan their spiritual leader. And even within the Sunni majority, there are those who follow the Deoband school of India, implementing orthodox and pure Islamic practices (the Taliban were the followers of this group) and those who follow a mystical version of Islam known as Sufism, emphasizing tolerance and peaceful co-existence with other religious traditions.

The Bonn Accord stipulates that the Afghanistan constitution of 1964 is to serve as the legal framework for the organization of the interim government of Karzai. While the 1964 constitution enshrines equal political rights and freedoms for its citizens, it also provides Afghanistan with an administration based upon the principal of centralization.

For such a pluralistic and so deeply divided society along ethnic, linguistic and tribal lines, a centralized form of government would seem to be a sure-fire recipe for discontent and for increased demands for autonomy. It would promote the unity of the country at the expense of the rich diversity of its citizens' cultural inheritance. And this means that the Constitutional Commission, which is to be formed by the constitutional Loya Jhirga within two years, will have to pay serious attention to the need to create both a single,

indivisible nation as well as a set of constituent unit governments whose role would be to maintain Afghan diversity and the plural cultural identities of its population.

Federalism is the only option whereby a strong central government can be combined with strong regional units.

Moreover, federalism provides an opportunity to the framers of the constitution to mould the structure of the governments, both national and constituent, to adjust to the specific pluralistic realities of the country. Multicultural societies such as Afghanistan require that federalism address both the territorial dimension and the question of cultural diversity, the latter directed to the issues of cultural representation and identity within the concept of a multicultural society.

One of the tasks of a multicultural federalism is to provide cultural recognition. It should ensure that the deviations of minority groups from the dominant regional norms do not result in their being consigned to powerlessness and to a marginalizing of their identities. Such a federal project is indeed difficult and will require an enlightened leadership and an enlightened citizenry, for there is a constant struggle between the need to recognize the claim of equal citizenship for all individuals and the exigencies of collective identities and interests.

National standards, social justice and equal citizenship

The government of Afghanistan faces a three-fold challenge: nation-building, economic development and state formation. It will not succeed unless it can provide both a strong central leadership and meaningful regional and local initiative.

A strong central government will be able to set the national standards for education, public health and regional development. During the past two decades, the nation's education system has been used by each successive set of rulers to socialize the population towards the regime's ideology. Since 1996, the Taliban eliminated most of the opportunities for girls' education. A national policy on education will ensure

proper facilities, equal access of education to both boys and girls and a standard curriculum. Education ensures a better-informed citizenry and consequently a stiffer requirement of accountability for elected representatives.

A policy for balanced regional development is not only desirable as a matter of principle, but it is necessary because of potentially explosive regional economic disparities. The majority Pashtuns live in the agricultural drought-devastated south, while the minority Tajik and Uzbek areas in the north hold significant gas and oil resources. While the major economic activity of the Afghans is agriculture, only 12 percent of the land is arable. It will fall to the national government to create a strategy of economic development (using an anticipated massive inflow of foreign aid for both short-term reconstruction and future development). Not surprisingly, the Planning Minister of the interim administration, Haji Mohammad Mohaqiq, has asked for a staggering US\$45 billion in aid.

Strong regional governments and local participation

The 1964 constitution of Afghanistan divides the country into provinces and municipalities, but endows them with limited autonomy and insufficient capacity for initiating policy in the economic sphere. In a federal system, decentralization of powers to the regional and local governments would ensure not only the protection of the cultural and collective identities of its population, but also facilitate effective governance and equitable political participation.

Strategies of poverty alleviation in an agrarian society with strong patriarchal and feudal institutions can best achieve results if the otherwise marginalized population is involved in a partnership with policy makers relating to issues of local significance. It is also at the local level that women are more likely to have a voice. Both India and Pakistan have provided for compulsory participation of women in their local governments. To ensure that the targets of economic welfare reach the poorest of the poor, the marginalized population must be empowered.

By increasing the representation of women in local political institutions, India and Pakistan have gone a certain distance toward empowering women and equipping them for their new role in the exercise of effective leadership. It is a model that Afghanistan may well wish to adopt.

Prerequisites for federalism

Does Afghanistan have the prerequisites for creating a workable federation?

In the past two decades, the breakdown of Afghan society was more a product of foreign intervention than the result of a failure of its domestic social and political culture. While in 1919, King Amanullah Khan laid the foundations of a modern state, and in 1963 King Zahir Shah introduced a democratic constitution, it has been the turmoil of the past twenty-two years that led to the disintegration of the Afghanistan state.

But the legacy of democratic institution-building, essential for establishing a federal system of government, has survived the state. The proof of that is the Bonn Accord, which, in creating an ethnically balanced interim administration, has been an excellent exercise in observing the federal principle of equitably representing distinctness.

And there is an older tradition that will also work in favour of developing Afghan federalism, namely the tribal society's reliance on a traditional democratic culture of consensus in the working of both local Jhargas and national Jhargas. A successful federal bargain depends upon a solid institutional framework as well as the capacity to generate consensus from often difficult and contradictory interests and demands.

At the present time Afghanistan has a unique opportunity to create permanent constitutional structures that incorporate elements of federal models, suitable for its pluralistic society. What is needed is a strong domestic political will and the concurrence of international interests to support such a project.

If that opportunity is not seized, Afghanistan could face the grim prospects of continuing turmoil and chaos for the foreseeable future. ☺