PUTTING STATE-FORMATION FIRST: SOME RECOMMENDATIONS FOR RECONSTRUCTION AND PEACE-MAKING IN AFGHANISTAN

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Abstract: The authors suggest a revision of the current strategy of reconstruction and peace-building in Afghanistan with reference to four points. (i) The programme of reconstruction should have a clear strategic focus and be designed as a state-building project. The main problem Afghanistan faces is the absence of a monopoly of power and of other basic state functions, without which no sustainable economic development is to be expected. Fostering 'civil society'—the standard pre-occupation of many current development co-operation programmes—may have a negative impact in the cases of countries suffering from state failure. (ii) A monopoly of power cannot be established only by building up a central army and disarming or integrating local armed forces. Rather, the loyalty of the country's citizens must be won through a long-term process of providing them with equality before the law and protection from arbitrary violence in such a way as to make them independent of the 'protection' of local strong men or regional warlords. (iii) It is too early to achieve democracy in Afghanistan through elections. A democracy can only release the potential for political integration following successful political stabilization and institutional consolidation. And the institutional framework should be designed in such a way as to avoid an escalation of conflicts along ethno-religious lines. An ethno-religious quota system of the sort that many have in mind at the moment would tend rather to increase such conflict than to reduce it. (iv) A programme of reconstruction and peace-making must necessarily take a long-term perspective. Spending the resources that have now been approved over the next four years and hoping for a continuation of aid approvals in the future is too risky, given the dependence of these approvals on the future political climate. Copyright © 2003 John Wiley & Sons, Ltd.

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1   INTRODUCTION

The Petersberg conference held near Bonn at the beginning of December 2001 and the donor conference held in Tokyo in mid-January 2002 both defined the broad outlines for peace-making and reconstruction in Afghanistan. Under the Bonn agreement, a *loya jirga* consisting of representatives from all the country's regions will agree a new constitution in the coming months. A new government to replace the transitional government will be chosen in democratic elections to be held in summer 2004. Provided this process of political peace-making and democratization takes place as planned, the international community intends to provide the financial means to enable this famine-stricken and war-torn country to take a leap forward in development over the next four years. The political commitment of the international community and its approval of financial aid to the tune of over US$ 4 billion are remarkable. Neither Somalia nor Liberia, which have suffered in comparable ways from state breakdown, warlord economies and systematic violations of human rights, have ever been able to count on so much political attention or on receiving a similar number of aid programmes.

The international community reacted to the war crises of the 1990s in these and other developing countries with a new form of *arrangez-vous* policies. This contrasts with the Cold War period, when such far-flung wars as those in Nicaragua, Angola and Cambodia were quickly sucked into superpower rivalries. The parties to such conflicts could count on the support and interests of both East and West, and to a large extent flows of 'development aid' followed the weight of political interests. After 1989, international involvement in the many conflicts breaking out in the South, as well as in the area of the former Soviet Union, came to be regarded as a heavy burden. If the danger of large-scale migrations of refugees and asylum-seekers to the North had not linked the new discourse of global responsibility with domestic political interests, conflict-prevention and intervention policies might never have been put on the political agenda. However, because of the lack of strategic relevance of most of these conflicts, these policies were pursued only half-heartedly and hesitantly integrated into overall foreign and development policy plans.

Like so much else, these conditions were changed by September 11. Because of the danger of a new split in world politics—this time along the lines of world religions as described by Samuel Huntington in his vision of a 'clash of civilizations'—the West is striving to avert the great war being evoked by Osama bin Laden and other Islamic radicals between a religious Islam and the secular, 'decadent' West.

On the one hand, Afghanistan has become significant in terms of combating international terrorism and demonstrating that the West will not let itself be shaken or forced to its knees. In the eyes of many observers from the non-Western world, the war must seem like a punitive expedition for challenging the sole remaining superpower and radically calling Western values into question. On the other hand, the reconstruction of Afghanistan as outlined politically in Bonn and sealed financially in Tokyo is intended to demonstrate to world public opinion, especially in the Islamic world, that the Western model of society has a future even for Islamic countries. It is precisely on the stage of the great struggle between good and evil that good, in the form of a democratically constituted society promising well-being and security for all, must triumph.

Islamists and other critics will denounce the neo-colonial gestures with which the new order is being enforced in Afghanistan—including a military contingent from the former major colonial power in the region, Great Britain, which fought three wars against Afghanistan in the nineteenth and early twentieth centuries without, however, formally

annexing the country. However, given political conditions and the symbolic importance of reconstruction in Afghanistan, such an intervention seems unavoidable. With respect to the devastating balance sheet that is all that internal Afghan powers can demonstrate in overcoming war and hunger, this intervention is also justified as being in the interests of the Afghan population. If, therefore, the 'whether' of the intervention is hardly challengeable, the question of the 'how' becomes all the more urgent.

2 STATE VERSUS CIVIL SOCIETY

In order to guarantee sustainable peace, both political restructuring and economic development must be carefully adapted to conditions in Afghanistan. Judging from what was made public about the strategy for reconstruction from official sources, a number of improvements seem necessary. The programme as planned at present envisages the stabilization of the security situation in Kabul by a multinational force, economic reconstruction by means of outside aid, and the introduction of democracy and representative government. It has still not finally been decided how this reconstruction should proceed. Strengthening the state and reconstructing state institutions represents one possible focus, the construction of civil society and the channelling of financial aid via NGOs another. Evidently, this is not a simple question of either–or: a combination of both approaches is practicable. Nonetheless, in this paper the authors are advocating a clear orientation towards a state-centred policy, especially in areas concerning core state functions (police, military, judiciary, education and health). Although promoting civil society makes sense in the context of authoritarian states, it is not only inappropriate in a country in which state structures scarcely exist, it also carries with it the danger of perpetuating the causes of the conflict (Baker, 2001).

Clearly this does not mean that there are no meaningful roles that NGOs might play in the process of state-building that we are advocating here. Human rights groups and an independent press, to cite the two obvious cases, must indeed be strengthened, both to counter-balance the rising power of the central state and to provide monitoring facilities that may reduce incentives for the abuse of power and autocratic behaviour. However, these should be clearly complementary and subsidiary aspects of the main development strategy, which is focused on strengthening the state.

In order to substantiate this argument, we shall first discuss the history of state-building and state-failure in Afghanistan. Against this background we shall then sketch the present-day political situation before returning to the central question concerning which strategy of reconstruction and peace-building may be the most appropriate for Afghanistan.

3 THE RISE AND FALL OF THE STATE IN AFGHANISTAN

Like other pre-modern political systems, Afghan society was characterized by a series of overlapping obligations of solidarity. Village communities, clans, tribal groups and religiously defined local communities formed the most important reference points for political identity and action. Even ethnic identities, which are all too freely seen as the basis for group formation in Afghanistan by external observers at the present day, represented too broad a framework, given that ethnic groups had hardly any political

relevance in Afghan history. During the first half of the twentieth century, attempts at nation-building on the basis of Pashtun supremacy led to counter-reactions by non-Pashtun leaders that also used the language of ethnic pride and independence. However, these movements never really attempted to mobilize larger sections of the population politically along ethnic lines, and ethno-nationalist rhetoric remained confined to specific constellations of the elite's political game (Schetter, 2002a).

The complex political organization of Afghan society stood in the way of centralizing state-building processes. Neither the empires of the Safavids and Mughals of the sixteenth and seventeenth centuries nor the Durrani rulers of the eighteenth and nineteenth centuries managed to preserve their rule permanently or extend effective state structures beyond the few urban centres of power (Noelle, 1997). Thus for most Afghans the state represented an external entity, even a hostile one. It was only the 'Great Game' between the imperial powers that led to a state being founded in Afghanistan as a buffer between British India and Russia.

The Afghan state nonetheless remained weak, not least because it lacked the political and military resources to undertake a self-sufficient state-building process financed by tax revenues. This does not mean that state institutions did not exist or were not present in the provinces—quite the contrary. Even in remote areas a centralized and extensive web of state officers existed right down to sub-district level, and Kabul formally approved the mayors of all medium-sized towns. However, these representatives of the central state were to a very large degree dependent on the political will (and often the money) of local and regional power-holders and were not able to govern day-to-day matters in the countryside effectively. In the course of the twentieth century, the Afghan state became a rentier state that was financially dependent on others: in the 1970s, 40 per cent of the state budget consisted of development aid. State policy meant establishing a balance between the various regional leaders, tribal chiefs and notables, as well as the bureaucratic elite in Kabul, by distributing this aid in a clientelistic way and binding regional and local potentates into a system of sinecures and office-holding.

While state structures were scarcely able to govern rural areas effectively, the urban centres, especially Kabul, developed into oases of state rule in the course of the twentieth century. The resulting opposition between Kabul and the rest of the country determined much of the history of Afghanistan in the twentieth century and also played an important part in the Afghan conflict of 1978–79. On one side was the state, rooted in urban areas and striving for political modernization. On the other side were the rural areas, in which society was traditionally organized in segmentary fashion and opposed to state power and sovereignty (Grevemeyer, 1987). The People's Democratic Party of Afghanistan (PDPA), a communist party with an exclusively urban support base that seized power in Kabul in 1978, tried to bring the system of tribal and local autonomies to an end and to turn Afghanistan rapidly into a modern secular state through radical reforms. The opposition of Islamist intellectuals and religious leaders could therefore count on the support of clan chiefs and local rulers, who helped to organise uprisings throughout the country, finally leading to the invasion of Soviet troops.

One of the fundamental yet scarcely noticed results of the war in Afghanistan that has been raging now for over twenty years is that the embryonic state structures that had been built up during the course of the twentieth century, at least in the cities, collapsed at all levels.

(i)   *The erosion of the state's monopoly of power.* Alongside the almost complete physical destruction of the infrastructure, the erosion of the state's monopoly of

power should be mentioned in particular. Decisive here was the fact that, in the course of the 1980s, the Afghan government was able to rely less and less on the regular army, since it proved ineffective in the struggle against the resistance movements. It thus had to rely on the militias it started setting up, the best known of which was the Jauzjan militia of Rashid Dostum. Following the withdrawal of Soviet troops in 1989, these militias provided the Afghan government's most important military support. The transfer of power from Mikhail Gorbachev to Boris Yeltsin resulted in Russia ceasing to provide financial support to the Kabul government. The latter could therefore no longer pay the militias, which as a result broke with Kabul. The fall of the last communist ruler, Najibullah, in Spring 1992 was inevitable.

Yet the Mujahidin who now took over the government also failed to restore the monopoly of power. The various resistance parties had little influence over military organizations like the militias, which temporarily sold their fighting strength to the highest bidder. In any case, by the 1980s pragmatic, short-term advantage had become more important in alliance politics than ideological closeness or distance. Many military organizations changed sides according to the prospects of ending up on the winner's side or for financial inducements, regardless of ideological or ethnic boundaries. In the 1990s this system of warlordism had completely replaced the state's monopoly of power. While in some regions like northern and western Afghanistan warlords like Rashid Dostum or Ismael Khan were still able to bring different commanders under their rule through a policy of divide and rule, other regions like southern and eastern Afghanistan were characterized by a pervasive factionalism and fragmentation of power (Schetter, 1998).

(ii) *Weakening the state's authority by stabilizing client networks.* The governments of both the Mujahidin (1992–1996) and the Taliban (1996–2001) became the playthings of clientelistic networks, since regional and local representatives of the Afghan state were chosen mainly for their authority over valley communities, tribal groups and client associations. Like the Taliban, the Mujahidin parties preferred to regard appointments to local and regional office as a reward for loyalty and as a tool in strengthening political alliances, not as being linked to the exercise of particular functions. Thus the state was not regarded as an independent source of authority, but as institutional support for those who controlled private means of coercive power (Schetter, 2002b).

(iii) *The dissolution of territorial integrity.* Ultimately, the civil war of 1992–96 led to the different regions drifting apart. Neighbouring states supported their respective warlords politically, militarily and financially. These therefore preferred to orient themselves towards these states rather than to other parts of Afghanistan. This also had economic consequences: Barnett Rubin has shown that, while internal trade came almost to a standstill, the different regions of Afghanistan were tied into the economic systems of the neighbouring states (Rubin, 2000).

The erosion of the state strengthened the significance of sub-national associations of solidarity, which remained important for daily survival as protective alliances against arbitrary violence and dispossession. Since only the clan, the tribe and the local religious community could offer security from murder, robbery and loss of honour, they also formed the basis for the formation of militias. Pre-modern political solidarities were thus redefined and strengthened in the modern Afghan context.

4   THE MOST RECENT DEVELOPMENTS: THE CONTINUED FRAGMENTATION OF POLITICS

Acting and thinking within these structures continues to characterise the situation in Afghanistan after the fall of the Taliban in autumn 2001, as became clear during the Petersberg negotiations. The four parties to the negotiations—the Northern Alliance, the Rome group, the Peshawar group and the Cyprus group—in no way represent political interests but consist rather of individuals who were tied to one another on the basis of temporary obligations of loyalty or kinship. The boundaries between even these four nego- tiating partners were fluid, since some representatives (e.g. Jalil Shams, Abdul Sattar Sirat) belonged to several of these networks simultaneously: Abdul Sattar Sirat, the spokesman for the Rome group, for example, is related by marriage to Yunus Qanuni, the spokesman for the Northern Alliance. Even Hamid Karzai, the prime minister of the interim government, demonstrates the unsystematic nature of ideological boundaries and mechanisms for aggregating political interests in the current Afghan context: deputy minister for foreign affairs under Burhanuddin Rabbani in 1992, he became a follower of the Taliban in 1994.

That these four groupings have demonstrated little political continuity can be seen clearly in the case of the Northern Alliance, a rather unstable formation of warlords that fought each other to the extreme in the 1990s and was largely responsible for the destruction of Kabul. A leading role within the Alliance is attributed to Jamiat-i Islami, an Islamist party whose origins stretch back to the 1960s. Yet since the start of the 1990s even Jamiat-i Islami has become a fragile coalition of regionally based and mutually antagonistic client groupings focused on individual personalities: first, Ismael Khan, who founded an autonomous empire in western Afghanistan; secondly, the former president, Burhanuddin Rabbani, with his base in the north-eastern province of Badakhshan; and thirdly, the so-called Panjshiri troika, consisting of Yunus Qanuni, Abdullah Abdullah and Mohammed Fahim, who out-manoeuvred Rabbani politically in the Petersberg nego- tiations. The Panjshiri troika all come from the circle of persons gathered around the warlord Ahmad Shah Massoud, who was murdered on 9 September 2001; they belong to the same age group and all come from the same district in the Panjshir valley. This example shows that stable interest groups scarcely exist in Afghanistan beyond momen- tary alliances of convenience.

This structure of power is also reflected in the behaviour of the present Afghan government. Immediately after November 2001, when the troops of the Panjshiri troika took Kabul, which has since been controlled by their militias, they placed their followers in the ministries. They control key ministries such as the ministry of foreign affairs and the ministry of defence. The attempts by the Panjshir troika to consolidate their power further in Kabul is inevitably leading to tensions with Hamid Karzai, who is striving to create a counterweight to the troika. In our view, the murder of Abdul Rahman, the minister for air transport, in mid-February is an indication of the intensification of this rivalry. While Karzai spoke of this event as a political assassination, according to Abdullah Abdullah, the foreign minister, Abdul Rahman was murdered by outraged pilgrims.

Discussions regarding ISAF troops is another source of conflict between these two factions. While the Panjshir troika is continually pressing for a quick end to the ISAF mandate and opposes any extension of its area of activity, because it regards the foreign troops as threatening its own position of power, Karzai, who only has a very limited military power base in Afghanistan, is insisting on the mandate being extended in both time and space.

The *loya jirga*, which was convened in June in order to appoint a new government, was not able to ease this conflict within the cabinet, and the tensions between Karzai and the Panjshiris therefore intensified still further. For example, Karzai ordered Fahim to reduce the number of Panjshiris in the Defence Ministry drastically and replace them with non-Tajiks. In another incident, Karzai dismissed his security guards, who belonged to the Defence Ministry, and replaced them with US Special Forces in the aftermath of the assassination of Vice-President Haji Qadir on July 6.

A second line of conflict is emerging between the regional warlords and the government. Thus we find almost the same warlords, the same regional distribution of power and the same political constellation as in 1992–94, a period in which Afghanistan was in its most fragmented state. By levying road tolls and reviving the cultivation of opium poppies and the trade in heroin (prohibited by the Taliban in summer 2001) in the past few months, the warlords have been able to re-establish their former principalities. Another source of income for them is foreign donations, with Iran, Pakistan and Uzbekistan in particular supporting 'their' warlords in Afghanistan in order to preserve their influence over political events in the country. The attempts of the Afghan government to reduce the warlords' influence have had little success thus far, and have even led to serious fighting in Pul-i Khumri, Mazar-i Sharif, Gardez, Khost and Shindand in the last year, out of which the local potentates emerged somewhat strengthened. The conflicts between the warlords and the central government mainly concern the levying of custom duties. Ismail Khan in the west and Rashid Dostum in the north, who control the borders with Iran and Uzbekistan respectively, are especially active in collecting customs dues, which are used to strengthen their own rule instead of to finance the central government.

The following central problems emerge out of this analysis. First, the state lacks a monopoly of power over the whole country. Everything indicates that, for financial and logistical reasons, the international community will not be in a position to support the Afghan state in re-creating a monopoly of power by, for example, extending the ISAF mandate to other parts of the country. Secondly, power over Afghanistan, whether in the government or in the provinces, lies mainly in the hands of client groups, which, as alliances of convenience between particular individuals, have hardly any political programme to speak of. Their dominance represents a considerable obstacle to the country's future political integration.

5 RECONSTRUCTION AND CIVIL SOCIETY

What are the implications of the lack of a monopoly of power and the rule of warlords for designing a strategy for reconstruction? A series of negative past experiences, for example in Somalia, Bosnia (Open Society Fund Bosnia/Soros Foundations, 2001) or northern Iraq (Wimmer, 2002b), gives reason to fear that the massive aid package will produce unintended negative side effects on a similar scale. For reasons given in the last two sections, the institutional capacities required in terms of both know-how and personnel to direct the entirely unexpected torrent of money for Afghanistan into the proper channels are simply not present, as the transitional government has repeatedly made clear in Tokyo and since.

Thus development organizations, which, in accordance with the Tokyo agreements, are under enormous pressure to spend the funds earmarked, cannot avoid creating their own apparatuses of administration and control, especially if no special UN implementing body

such as those for Kosovo or Timor is set up. The staff of the lead organization, the UNDP, and of other UN organizations, the World Bank, the Asian Development Bank, the Islamic Development Bank, large bilateral donors like the EU, USA, Japan and Saudi Arabia, and their implementing organizations will very likely number thousands and occupy their own part of Kabul, guarded by international troops. Almost as many employees of international NGOs is gathering around them and competing with one another to obtain the largest slices of the aid cake. They are being required to carry out their projects in co-operation with 'civil society organizations' like NGOs, in order to fulfil the donor countries' criteria for project applications.

Yet neither the cultural nor the organizational preconditions for the creation of autonomous structures of civil society are present in Afghanistan. Reconstruction under the leadership of NGOs therefore carries dangers for political stability. Notions like democracy, human rights and women's rights are connected above all with communist propaganda and are thus viewed with deep suspicion, being associated with the rule of the educated urban elite over the rest of the country and with the introduction of un-Islamic, even immoral conditions. In other words, they cannot easily be linked with established ideas of law and justice. Institutions that, seen from the outside, appear to be depositories of civil society traditions on further examination fail to correspond even to generous interpretations of what civil society would mean in non-Western contexts. For example, in the past the *loya jirga* or Great Council was not a democratic parliament, but rather an instrument of rule set up from above in order to give blessing to the king's decisions (Noelle-Karimi, 2002). Obviously, the constitutional monarchy of 1964 brought with it the beginnings of democracy and civil society forms of political organization, but again they remained overwhelmingly restricted in compass to Kabul.

The lack of civil society structures in Afghan society has decisive consequences for reconstruction. If the latter is to take place in accordance with the paradigm of much present-day development policy that focuses on NGOs, then the following consequences can be expected.

(i)   *Creation of parallel structures.* Afghan NGOs, overwhelmingly organized by the educated, Persian- and English-speaking middle classes in Kabul, including their branches in the provinces, are mushrooming. They are creating a new form of clientism, which intersects in part with earlier forms, replacing and overlaying older re-distributive coalitions. Local potentates, tribal leaders and notables are bringing together the families who are dependent on them into 'local user associations', defining the women under their patriarchal control as women's NGOs, and creating relations of dependence and partnership with intermediaries in NGOs in the capital. The latter in their turn are creating similar relationships with international NGOs and GOs, thus competing with existing structures of political power and dependence. The result will be the rise of parallel structures: on the one hand a weak, embryonic government organization, only left with representing the Afghan state towards the outside, in addition to its important role in the creation of a functioning financial infrastructure; and on the other hand new clientelist networks, strengthened by the financial resources of the international donor community, and obstructing the stabilization of the state's authority and legitimacy.

(ii)   *New forms of dependence and the lack of sustainability.* Even with the strictest rules concerning the transparency and accountability of resource use, and the

application of state-of-the-art monitoring and evaluation techniques, as in comparable cases the reconstruction programme will function above all as a system of political patronage. This was repeatedly the experience of the first decade of the war in Afghanistan, when both the Soviet Union and the West were funding their political allies on a massive scale. It is not doubted that through such channels, successful development projects can actually be carried out, hunger effectively combated, functioning water supplies created, or schools built and provided with teachers. The demand for such projects and the need for schools, water supplies and other forms of infrastructure are immeasurable in this war-damaged and poor country. Yet all experience shows that these structures are neither self-supporting nor sustainable. If the flow of foreign money seeps away, the new structures of clientism will collapse and the projects will come to an end.

(iii)   *Strengthening the warlords.* Because of the different sources of income that the warlords currently have available, they will not be dependent on the resources that the international donor community is providing for reconstruction. Therefore, if the reconstruction of Afghanistan is implemented through NGOs, the warlords will be able to dictate the conditions under which the NGOs carry out their work in the provinces. This will increase the fragmentation of the country and strengthen the position of the warlords, against which the weak Afghan state cannot prevail at present. On the other hand, if the NGOs insist on carrying out their tasks without making any concessions to the warlords, their scope of activity will be limited to Kabul. In this way, the division between city and country will be strengthened, and Kabul will again become a target worth attacking for the warlords.

However, civil society organizations still have an important role to play in any state-centred reconstruction programme. The rising power of central state administration should be controlled and in a certain sense counter-balanced by human rights organizations, independent media and citizen's associations, closely observing the process of state-building and make favouritism, corruption, abuses of power and arbitrary decisions more costly for the new power holders in government positions. Civil society organizations may, in other words, be important not as agents of implementation, but of control and monitoring.

6   RECONSTRUCTION AND STATEHOOD

We thus recommend reconsidering the strategy for developing Afghanistan and to step aside from the usual civil society focus of current development policy. The latter may be a meaningful strategy under *other* political conditions than those relating to 'failed states' like Afghanistan, namely when downsizing the influence of an overly powerful state is one of the necessary conditions for unfreezing the forces of economic development. Three recommendations emerge from our analysis of the current situation in Afghanistan and the dangers of applying the standard development strategy to this country.

First, the enormous short-term pressure to invest funds under the control of the World Bank should be replaced by re-conceptualizing these funds as long-term sources of finance, for example by investing them on international financial markets. The revenues could be made available, under the close supervision of the international community, to the Afghan government to support a state-building project over a longer period than just the next four years.

Secondly, alongside the alleviation of immediate poverty, establishing institutions that are able to perform the basic functions of modern states should represent the main strategic goal of the reconstruction programme. It is precisely because state structures in Afghanistan are still only rudimentary at present and have little by way of tradition to support them that this goal makes sense. Unless the state in Afghanistan acquires a monopoly of power with respect to basic state functions, the country will not be able to break out of the vicious circle of political disintegration, endemic conflict, poverty and economic collapse. Reconstruction projects should therefore be carried out through state institutions, especially in sectors that are concerned with core state functions such as education, justice and health.

In order to reduce the patronage character of emerging state structures as much as possible, not only is firm international monitoring required, but a body of officials loyal to the state must also be created, almost from scratch. This is not a call either to introduce the Prussian reform laws of the early nineteenth century in Afghanistan or to postpone reconstruction to the next generation after an able bureaucracy has been developed. The return of Afghan exiles with professional education and experience can obviously be fostered by providing them with attractive institutional environments, career paths and medium- to long-term employment perspectives *within* the emerging state institutions—unlike the current business start-up programmes of Western donors. Parallel to this, much more must be invested than has been envisaged thus far in providing training courses for newly recruited policemen, teachers, and court and administrative officials.

The aim is not to bureaucratize the reconstruction programme, but to embark on a state-building process that will make peace sustainable and create the conditions for the sustained growth of a market economy. Successful state-building will offer incentives for the citizens of Afghanistan to redefine their relationships with the state, that is, to redirect their obligations of loyalty towards it, instead of towards an Afghan NGO or its leader who has brought a project into a particular valley, as can be expected of the strategy being envisaged at present.

Alongside the combat of hunger, therefore, the most important goal of the programme—which should be viewed as long-term right from the outset—should be the setting up of a secular, comprehensive school system, and the creation of a unitary police force and a functioning court system for the provinces. Should this strategy prove successful, and public benefits like protection from arbitrary violence, equal rights before the law, school education and health be accessible to all citizens, then gradually relationships of loyalty will come to be directed towards this state. Those who no longer depend on tribal leaders or warlords to guarantee the safety of their own lives and those of their children, or who do not need to promise support to a regional potentate in order for their village to be given a school, or who do not need to take the wisdom of a religious notable into account in order to obtain a decision in a dispute between neighbours, will see these leaders, lords, notables and potentates with different eyes and no longer want to play the role of followers in the disputes in which they become involved. In other words, only the construction of functioning state structures will combat warlordism effectively. Both the British and the Soviets failed in their attempts to eliminate warlordism through military means or to achieve the integration of the warring factions into a unitary army. In most historical cases establishing a monopoly of power has been—as it certainly will be in Afghanistan—a slow process not of internal conquest, but of gaining the citizen's loyalty through providing effective government.

7 HOW TO DESIGN A FUTURE AFGHAN STATE?

Alongside implementing a programme of reconstruction, the political integration of this war-torn country represents the second main task for the future. Here too, the Afghan state-building process must begin practically at square one, since, as already explained, state structures have largely been eroded. A number of difficult basic decisions must be made regarding the choice of a future political system, as with the *loya jirga* planning the constitution. Of special importance are the questions of how to design democratic participation, and where to situate the state along the axis between federalism and centralism.

7.1 Consensus-Building versus Democracy

The political and social-structural preconditions for democratic development in Afghanistan are rather unfavourable. Comparative research shows that democratization in conditions of weak civil societies and weak institutional capacity for conflict resolution can lead to a sharpening and escalation of conflict (Paris, 2001; Pugh and Cobble, 2001; Rothchild, 2003; Snyder, 2000; Yalcin Mousseau, 2001). As already mentioned, Afghanistan has no civil society tradition and hardly any experience of the democratic control of government. If the centre of political power in Kabul is now acquiring importance thanks to international legitimation and support of it, control of this centre will assume existential significance. Elections produce losers and may lead to their permanent exclusion from power if institutional mechanisms for distributing and dissolving power are not established at the same time. The struggle for success at the ballot box becomes a struggle for political and material survival, and means of winning are chosen accordingly.

The fact that democratic government is carried out 'in the name of the people' also has the effect of politicizing ethnic differences. Defining the boundaries and character of 'the people' becomes increasingly significant, so that the struggle for power is frequently perceived as a conflict between ethno-religiously defined groups (Wimmer, 2002a), whose leaders are now presenting themselves as the representatives of 'their people' in order to seize the greatest possible share of power at the centre. The ethnicization of politics may well lead to constellations of conflict that are difficult to resolve through negotiation and compromise (Wimmer *et al.*, 2003).

Thus the introduction of a system of ethnic representation, in which fixed quotas determine how many representatives each *ethnic* group will have at the centre of power, could have negative consequences for Afghanistan. Research indicates that such regimes mainly work in a sustainable fashion in highly developed states with a strong capacity for redistribution, as well as an established political culture of compromise (Schneckener, 2002; Wimmer, 2002a). Unfortunately this path towards an ethnic quota system was already taken at the Petersberg peace negotiations in the way that the transitional government was drawn up. This was done regardless of the fact that—unlike in Lebanon, for example—in an Afghanistan characterized by many-stranded political fissures, ethno-religious groups have so far not established a tradition of coherent political organization. Ethno-religious groups only appear as clearly bounded units on the maps of Western policy-makers, diplomats and advisers (Schetter, 2002a).

More realistic than holding democratic elections would be institutionalizing the traditional system of consensus-building between notables, bureaucrats and tribal leaders in the medium term, rather than for a narrowly circumscribed transitional period. In this

respect the *loya jirga* represents a suitable body, provided that actual power relations are sufficiently taken into account—that is, provided warlords are adequately represented, at least in the period of transition (Ottaway and Lieven, 2002). Up to now, UN special representative Brahimi and the new Afghan government have shown notable skill in balancing different interests, being considered capable of achieving the task of putting together a periodically convened *loya jirga* in such a way that a balanced institution emerges and the few actually existing civil society organizations in Afghanistan are meaningfully integrated.

The emergency *loya jirga* that convened in June 2002 endeavoured to include elected representatives as well as the ruling warlords. Although many Afghans have been disappointed by the proceedings and the results of the *loya jirga*, most would agree that it at least helped to stabilise the fragile political situation. The necessity to find a balance between the numerous *de facto* rulers and to bind them into the new regime effectively minimized the scope for democracy and transparency. Judging from this experience, it would be a mistake to force the new government and future *loya jirga*s to follow more democratic practices, introduce a separation of powers and a constitutional court, and hold elections within two years, as envisaged in the Bonn agreement. For Afghanistan, democracy represents a long-term project. As with other processes of political modernization, here too the pace of change must be measured in generations, not years.

7.2   The Centralized State versus Decentralization

The question of how to position the new state on the axis between centralization and decentralization is also of the greatest relevance. Discussions concerning the creation of a federal state in Afghanistan, in which the exceptionally strong tradition of local autonomy and self-government can proceed, are very promising (Federations, 2001). Here too, however, the problem of ethnicity has to be taken into account, especially given that the experience of ethnically defined federalism in Nigeria, Bosnia and most recently Ethiopia scarcely provide any grounds for hope. On the level of the constituent states, the practice of ethnocratic intolerance by representatives of titular ethnic groups quickly becomes rooted, so that for minority elites, either shifting provincial boundaries or founding a new province of their own become more attractive. Political instability becomes endemic. The Indian or Swiss model, where the federal entities are not exclusively or primarily defined in ethnic terms, and where they enjoy strong local autonomy, might serve as a model.

However, federalism in the Afghan context may imply the perpetuation of the rule of regional warlords, who are among the very few in the current debate about the future Afghan state who advocate a decentralized mode of government. And indeed, capture of regional state structures by warlords and other regional bosses represents a danger for an integrated Afghan state. On the other hand, there is no reason to believe that warlords cannot be transformed into provincial governors, as was the case in other regions of the world, including Europe, in comparable phases of state-building processes.

Another, related problem is the issue of pluralism in law. Local, customary law plays an important role in many parts of the country, as do religious notables in the judiciary process. It would certainly be alienating for large sections of the population if judicial reform were to impose a unified code for the entire country and block access to justice through non-state channels such as religious courts. It is therefore certainly sensible to

allow for a certain degree of legal pluralism, perhaps comparable to the practice that has developed in Indonesia. However, it would seriously undermine the project of modern statehood, and the establishment of basic principles of equality and protection from arbitrary violence, if courts of appeal were not organised on the basis of one and the same legal corpus in the entire country, a corpus that was compatible with *sharia* on the one hand and fundamental human rights on the other hand.

8 CONCLUSION

The resources made available by the international donor community should be used mainly to construct a functioning Afghan state on a decentralised but non-ethnic basis, despite the risks of corruption and misuse of power that such a strategy obviously involves. Calling for a strengthening of Afghan civil society—one of the main principles of development policy for roughly the past decade—is to mistake the country's most fundamental problem, namely the lack of modern state institutions capable of implementing a monopoly of power and a unitary legal order that represent basic preconditions for social modernization and economic development.

The programme for reconstruction sketched out by the Preliminary Needs Assessment Team of the Asian Development Bank, the UN Development Programme and the World Bank for the Tokyo meeting seems far removed from such a strategic focus. Possibly because of the enormous time pressure, the architects of this programme do not seem to have distanced themselves sufficiently from the traditional shopping-list approach of needs assessment. The result is not focused sufficiently on the setting of priorities or adapted sufficiently to the situation in Afghanistan.

The most important strategic goal of reconstruction in Afghanistan should be to overcome the political fissures in the country through a process of state-building, a goal which is hardly achievable with only seven percent of the whole aid sum being planned for 'support for government and administration'. Freezing the number of state employees at the present level, as dictated by the civil war, will perpetuate the power balance between the modern state and the segmentary forces of Afghan society. On the other hand, the most recent decisions of the Security Council, according to which reconstruction is to be coordinated not via a specific UN organisation but via the transitional government, and financial aid only distributed where there are local authorities functioning in accordance with the assumptions of modern statehood, point in the right direction. They should be combined with an appropriately focused and strategically oriented strategy of reconstruction.

Such a setting of priorities actually represents a new challenge for development co-operation that has only just begun to think in political terms and to start projects with an explicit political content. Afghanistan could become an example of courageous steps being taken in this direction, appropriate for other cases where the state has collapsed. Yet whoever intervenes in the internal conditions of a state in this way must leave open the direction that state modernization and political development will take. In the Afghan context, this may imply that the political and legal systems of the future may substantially differ from those of the Western donor countries. An openness to different models of modern statehood and a readiness for tolerance with respect, for example, to a different public role for religion are some of the basic requirements of a meaningful programme of reconstruction in Afghanistan. Only in this way will the country have a chance to become a success in the eyes of the Islamic world too.

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