
THE AFGHAN TRANSITIONAL ADMINISTRATION:

PROSPECTS AND PERILS

I. OVERVIEW

The Emergency Loya Jirga, or grand national assembly, held from 10 to 21 June 2002 in Kabul was a small but critical step in Afghanistan's political development. It was an opportunity to accord national legitimacy to the peace process begun at Bonn in November 2001 but it produced mixed results. From a narrow perspective, it was a success: representatives from across Afghanistan came together to elect, or rather anoint, a head of state, and the major armed factions kept their hats in the political ring rather than resort to violence. Given the last three decades of war and turmoil, this is significant.

However, the Loya Jirga also failed in important respects: the opportunity to assert civilian leadership, promote democratic expression, and draw authority away from the warlords was squandered. An all-consuming concern for short-term stability caused key Afghan and international decision-makers to bow to undemocratic sectarian demands. The Transitional Authority that resulted will be hampered by their compromises. The imperatives of the Coalition forces to root out terrorism continue to overshadow their concerns for long-term stability and participatory governance in Afghanistan. Unless U.S. political and military goals in Afghanistan can be reconciled, today's successes may become tomorrow's problems.¹

¹ The ambiguities of the Loya Jirga process, including the prospect that political realities would make it impossible to satisfy fully the high expectations with which many Afghans approached it, were foretold in ICG Afghanistan Briefing, *The Loya Jirga: One Small Step Forward*, 16 May 2002. That preview concluded that ultimately "legitimacy of the Loya Jirga will be based much less on the fairness

The Taliban's collapse precipitated the return of Afghanistan's regional commanders and warlords – the same cast of characters that was responsible for the civil war in the early 1990s.² This has meant an uneasy peace as they compete for power and resources. Tensions in this still-fractured nation are high, and stability is far from assured. The assassination of Vice President Haji Qadir underscores the vital need for arrangements to ensure security and promote reconciliation.

The Afghan Transitional Administration (ATA)³ faces enormous challenges and perils in the next two years:

- (a) a new constitution must be written and approved;
- (b) the legal, logistical, and cultural grounds for "free and fair" elections must be prepared;
- (c) national armed forces must be trained and deployed while up to 200,000 faction-based soldiers are demobilised; and
- (d) a multi-billion dollar reconstruction program must be implemented.

of the process than on the fairness of the outcome". On both scores the process has to be accorded mixed marks.

² There was occasional inter-factional fighting between mujahideen groups even during the war against the Soviet occupation force and the Soviet-backed Afghan government. Many of these groups and their leaders have been in conflict with each other since the 1970's.

³ Throughout the Loya Jirga, some delegates referred to the Afghan Transitional Administration (ATA) as the Islamic Transitional Administration. It remains unclear whether the official name of the Afghan Government, prior to the approval of a new Constitution, will include the term "Islamic." The use of "Afghan Transitional Administration" (ATA) by ICG is not intended to reflect a position on this issue.

All this must be done as the war against al-Qaeda and the Taliban continues; heavily armed, largely unaccountable factions compete; and the economy remains moribund.

Within Afghanistan, the forces of democratisation are welling up from a long suppressed population – but they are up against warlordism, lingering ethnic and factional tensions, a deeply conservative bent within society, and virtually unprecedented post-war reconstruction needs. The international community's commitment will also be challenged. Conflicts or potential conflicts like those between India and Pakistan and in Iraq, and others yet unknown, as well as Afghan internal strife, will distract attention and undermine the continued availability of military, political, and economic resources critically needed to carry Afghanistan through its transition.

II. THE LOYA JIRGA: SETTING THE TONE FOR THE TRANSITION

From 10-21 June 2002, the refurbished Polytechnic College in Kabul was transformed into Afghanistan's political boiler room. The enormous tent raised for this event was a literal and figurative home for the disparate groups that make up the political landscape – together for the first time. Afghanistan's geographic and ethnic spectrum of royalists, former-Communists, intellectuals ex-Taliban, mujahideen, Islamists, fundamentalists, and democrats exchanged views and selected a new government. Virtually every significant Afghan leader was there – the most renowned and reviled among them sitting side by side in the front row.

The Loya Jirga presented an historic opportunity to move Afghanistan another step towards stability, prosperity, and participatory governance. It succeeded in peacefully electing, by secret ballot, a popular head of state, a feat unprecedented in Afghan history and all the more impressive by occurring less than a year after the collapse of the Taliban regime.

The Loya Jirga, however, was a disappointment in other respects. Subject to back-room deals and intimidation on the floor, delegates were unable to fulfil the duties mandated to them under the Bonn

Agreement. For instance, President Karzai's main opponents withdrew their candidacies under pressure, making his election somewhat perfunctory. Other important votes, such as that to approve the structure of government, did not take place at all. Many left feeling that, rather than manifesting the sovereignty of the people, they had merely rubber-stamped the decisions of others.

A. COMPOSITION OF THE BODY

After a gruelling, hurried two-months of local elections, 1,051 representatives were elected in a process that was, by all accounts,⁴ marred by intimidation. Many candidates were threatened, coerced into voting for certain people, and barred from the process altogether by local power-brokers. A few candidates were even killed in Ghor province. However, the process still produced diverse candidates prepared to represent the views of many, if not all, constituencies. An additional 450 representatives were selected by refugee groups, universities, and other civil society bodies, and approved by the Loya Jirga Commission. At the last minute, an additional delegates were added under pressure from powerful regional and government figures. Their exact number was not available, but estimates and vote counts put it at a further 100, bringing the overall total to approximately 1,600.

According to the Bonn Agreement, the Emergency Loya Jirga was charged with three responsibilities: to elect a head of state for the transitional administration; to approve proposals for the structure of that transitional administration, which would govern until a new constitution could be drafted and approved, and elections held, all within two years; and to approve key personnel. Each is a critical element in defining the balance and powers of the components of Afghanistan's next government. Many delegates came armed with plans and speeches outlining the powers and functions of a new parliament, cabinet ministries, and independent commissions.

It became apparent on the first day, however, that much of the decision-making would be made outside the tent. The announcement of a one-day postponement on the opening day due to "logistical concerns" was quickly belied by a second

⁴ Charles Recknagel, "UN Calls Loya Jirga Elections Flawed But Fair", RFE/RL, 2 June 2002.

announcement – that after intensive negotiations, the former King, Mohammed Zahir, would not seek election as head of state but rather would support Karzai. Played down as a clarification of the ex-monarch's long-standing policy not to seek office,⁵ this came after considerable pressure from forces opposed to him playing a political role⁶ as well as U.N. Representative Lakhdar Brahimi and U.S. Special Envoy Zalmay Khalilzad.⁷ The ex-King had apparently been wavering but his agreement was a critical part of the behind-the-scenes deal between Afghanistan's powerbrokers to shape the next government. The following morning, former President Rabbani, who had also indicated that he might run for head of state, withdrew and threw his support behind Karzai.

To many delegates, who had come great distances from inside and outside the country to participate in the selection of their government for the first time in decades, the last-minute deal making outside the tent was disappointing. There were no illusions inside the tent that this was to be a fully democratic process. Compromise between and with those still prepared to use force to achieve their political ends remains unavoidable in today's Afghanistan. However, the orchestration on the opening day seemed heavy-handed and set a disappointing tone. It also inflamed supporters of the ex-King, particularly many already disaffected Pashtuns, who felt that he would have had strong support within the Loya Jirga. Instead, their chance to voice support was silenced by what appeared to be a combination of Shura-i-Nizar⁸ strong-arm tactics and foreign interference.

Two last minute decisions also undermined the potential of the Loya Jirga by creating an atmosphere of intimidation inside the tent. First, in the preceding days, the Loya Jirga Commission came under pressure to include additional, un-elected delegates. In a move that clearly contravened the procedures for the election of members established by the Loya Jirga Commission, approximately 100 government officials, including each of the 32 provincial governors, were added. The rationale, according to one UN official, was that the country's existing power structure should be reflected as accurately as possible at the Loya Jirga. Unfortunately, that power structure is one that continues to rely on force and intimidation, rather than freedom of expression and democratic decision-making.

The provincial governors, many unreconstructed warlords, knew each of the delegates from their provinces – indeed most delegates had been vetted by the governors. In several instances, the Governors sat down with the delegates and clearly told them how to vote. The extra delegates also gave the impression of vote-packing, an insurance policy against an electoral process in the provinces that may have produced an unpredictable group.

A second decision, more surprising given Afghanistan's recent history, further compromised delegates' ability to participate openly in the Loya Jirga. Just days before the assembly convened, the ministries of defence and interior succeeded – with UN acquiescence – in having the internal intelligence branch provide “security”. The National Security Directorate (NSD), formerly known as “Khad”, has been controlled and staffed by the Panjshiri Shura-i-Nizar since the capture of Kabul. Since the Soviet invasion, the secret police have been a key tool of repression. While the agency's name has changed several times, many personnel and tactics have remained the same. Indeed, security branch reform emerged as a Karzai priority. Nonetheless, security agents were allowed complete access to the site, and delegates and international observers alike

⁵ The former King had, in fact, on several occasions indicated that although he was not seeking office or restoration of the monarchy, he would “carry out any role or mission the people of Afghanistan wish to bestow upon me”. Kathy Gannon, “Loya Jirga Meeting Delayed for a Day”, Associated Press, 10 June 2002.

⁶ For example, the powerful defence minister, Marshal Fahim, openly and repeatedly asserted his opposition to an official role in government for the ex-King.

⁷ In a display of poor judgment that diminished public perception of President Karzai's independence, Khalilzad announced at a press conference held at 16.00 at the U.S. Embassy that the ex-King would not seek office during the Loya Jirga. This was prior to an announcement on behalf of the king which was made later that same day.

⁸ The Shura-i-Nizar (Supervisory Council) was formed by the late Ahmad Shah Masood and his followers within the predominately Tajik Jamiat-i-Islami party that was nominally headed by former President Burhanuddin

Rabbani. Much of their strength was located in the Panjshir Valley, Masood's redoubt. This wing of Jamiat, in which the military and administrative power of the party became concentrated, is now controlled by the “triumvirate” of Defence Minister Muhammad Qassem Fahim, Foreign Minister Abdullah Abdullah, and former Interior Minister Yunus Qanooni.

complained of being monitored, and even warned, by them. Attempts by the UN, several days into the meeting, to have the agents removed were largely unsuccessful.

The combination of these two elements appeared to subdue the delegates' enthusiasm for open expression and vocal opposition. Thus, an important opportunity was missed. The exigencies of power-sharing in the ongoing peace-process required arrangements that might have destroyed the process. However, the Loya Jirga also provided an opportunity to whet the appetites of the people and their leaders for democratic politics. Having gathered Afghans from great distances, some of whom took considerable risks in standing for election, key Afghan and international decision-makers failed to harness their potential. For Afghanistan to move beyond the Kalashnikov culture, its warlords must begin to perceive, and respect, the power of popular representation. They will not have from this exercise.

B. SUBSTANTIVE DECISIONS

The Loya Jirga was mandated to choose the head of state, the structure of the Transitional Authority, and its key personnel. In the end, delegates were given little opportunity to address any of these tasks seriously. This was largely due to behind-the-scenes orchestration, but was exacerbated by procedural confusion and poor chairmanship. The exact substance of decisions to be made had been vague since Bonn, most likely because many of the power-struggles that were evident at that conference were still unresolved. This lack of clarity was exploited by those wanting to expand or contract the agenda to suit their needs.

In addition, the Loya Jirga Commission made the grave error of failing to produce clear or timely procedural rules. After weeks of delay, it released the rules only the day before the Loya Jirga. The delay, due to political wrangling, limited the ability of organisers and activists to learn and use the rules to their advantage. The result was several agenda-less days, chaotic speakers' lists, and delegates frustrated at not knowing what, when, or how they were to decide issues. The election of the secretariat (one chair, two deputies, and two secretaries) on the second day was the only seriously contested vote of the Loya Jirga.

1. Head of State

Nominations for head of state were made on the third day. Three candidates met the requirements by securing at least 150 delegate signatures: Afghan Interim Administration (AIA) Chairman Hamid Karzai; Masooda Jalal, a doctor and UN staff member; and M. Mahfooz Nedai, a professor and member of the Loya Jirga Commission. Karzai won with an overwhelming 1295 of approximately 1575 votes cast. Jalal and Nedai received 171 and 109 votes respectively.

Although the actual election was conducted by secret ballot and provided a clear winner, the process was marred by irregularities. The scheduled opening of the Loya Jirga was delayed as the ex-King came under intense pressure from the U.S., the UN, and key Afghan officials to disavow any possible candidacy. In a scripted press conference, during which a statement was read for him with Karzai, Foreign Minister Abdullah, and U.S. Special Envoy Zalmay Khalilzad at his side, the former King affirmed that he never intended to seek any post in the transitional administration, and gave his support to Karzai. Despite subsequent fears that he would not appear at all at the Loya Jirga, he came on the first evening to express his backing for Karzai.⁹

That same evening, following a well received speech in which Karzai officially announced his candidacy, the Loya Jirga Chair, Ismael Qasimyar, announced to a press conference that Karzai had already been elected president "by applause".¹⁰ This assertion by Qasimyar, a constitutional law expert who also chaired the Loya Jirga Commission, was corrected later in the evening by the Foreign Minister, but impressed upon the delegates that all efforts were being made to ensure a pre-determined outcome.

On the day of the election, each candidate was allowed to make a speech. The chairman allowed speeches in support of candidates, but instead of making a representative list gave the floor to several Karzai supporters. Once a complaint was lodged that all speeches were in favour of one candidate, the chairman halted the procedure entirely.

⁹ This press conference followed two hours after the Khalilzad announcement at the U.S. embassy referred to in footnote 7.

¹⁰ "Loya Jirga Chaos Result of Unclear Rules", IWPR, 13 June 2002.

The final, and perhaps most egregious impropriety, involved the powerful defence minister, Marshal Fahim, who during a break approached the husband of Masooda Jalal, one of the candidates. In front of a crowd, he threatened and insulted Mr. Jalal, calling his wife's bid for the presidency un-Islamic and saying she should step-down.

The experience with the election of Karzai as president sent several negative messages to delegates. First, serious rivals for power were eliminated behind the scenes, making the election somewhat perfunctory. Secondly, even though Karzai's candidacy was very popular and he had no serious opposition, blatant attempts were made by his supporters to remove even the slightest possibility of dissent. Thirdly, the elected chairman showed himself partisan and unwilling to guarantee the integrity of the process. Taken together, these factors stoked the fears of many delegates that they were window-dressing for a hidden process governed by intimidation and power-struggles and that allowed no safe space for democratic participation or opposition.

2. Structure of Government

The Bonn Agreement provides that the Emergency Loya Jirga will "approve proposals for the structure ... of the Transitional Administration".¹¹ Prior to the Loya Jirga, the meaning of this phrase was unclear in two key respects: who was eligible to present proposals, and what were their parameters. This uncertainty became the source of confusion, competition, and ultimately consternation. In the end, the Loya Jirga was not given the opportunity to approve proposals for the structure of the ATA.

3. Debate Over a National Assembly

Immediately after election of the head of state, delegates expected to debate the structure of the Transitional Administration but President Karzai failed to seize the initiative and present proposals so several days of spirited but chaotic debate ensued over proposals from the floor. One, circulated by Loya Jirga Chairman Qasimyar, outlined a transitional administration comprising

an executive, a judiciary, and a legislature¹² and checks and balances much like those described in the Afghan Constitution of 1964 (except for provisions relating to the monarchy). The most contentious element concerned the creation and powers of a Shura-i-Milli, or national assembly, which, as suggested by Qasimyar, would have been authorised to establish laws, approve budgets, and print money, among other matters.

For two days, the powers and composition of the Shura-i-Milli were the subject of heated debate. Most who spoke favoured a powerful assembly, and the controversy was over how members should be chosen. Two primary ideas emerged. The first, suggested initially by Qasimyar, was to have two seats per province, with several additional seats reserved for women, experts, and members of civil society. The second was to elect 10 per cent of the Loya Jirga delegates, but with separate polls within provincial, refugee, and expert delegations.

The fundamental issue at stake was whether each province should be represented equally, or delegates should be chosen proportional to population. Predictably, arguments were largely self-interested, based on whether a particular group felt that it would benefit. Ethnic-divisions, which the Loya Jirga organisers had thus far managed to suppress, began to emerge. Most Pashtun speakers supported equal representation per province, an arrangement widely believed to provide more seats for Pashtuns. Similarly, most non-Pashtun speakers supported proportional representation.

At the end of the second day of debate, President Karzai's advisors became nervous. After his overwhelming victory, they feared that the proposed Shura-i-Milli threatened to undermine his executive authority and could prove unwieldy and divisive. Arguing that a national assembly was not contemplated at Bonn, the debate raised constitutional issues the Emergency Loya Jirga was not authorised to decide, and it was Karzai's prerogative to propose the structure of the Transitional Administration, his aides managed to kill the debate and scheduled vote on the Shura-i-Milli. The question of a future national assembly

¹¹ "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions", (the "Bonn Agreement") Art. IV(5).

¹² Qasimyar's proposal was in direct contravention of the rules of procedure produced immediately before the Loya Jirga convened by the commission he chaired. Article 22 of those rules stated that proposals for the structure of government were to be made by the elected head of state.

was put off for further discussion in a National Assembly Commission to be formed sometime in the future. The heart of the democratic experience – an open debate on a contentious issue – had proven too dangerous and unpredictable.

While unfettered executive power is problematic in the long term, however, it is not clear that a powerful parliament would have benefited Afghanistan in the short term. The primary impetus came from two very different quarters, the conservative “jihadi” groups and the more liberal intellectual and democratic groups. The former parties were looking for a way to assert their considerable power since they feel threatened by reforms such as democratic elections and a national military. The more liberal democratic groups saw the Shura-i-Milli as a means to have their voices heard in a government still largely controlled by armed factions. As such, the assembly was bound to be internally divided, and it might have hindered the Transitional Administration from moving quickly on reconstruction initiatives.

As the assassination of Deputy President Haji Qadir demonstrates, Afghanistan is still struggling with the rule of the gun. The transition to a more participatory form of government will not happen instantly. Until conflicts can be handled within a legal framework, unfettered political rivalry could lead Afghanistan quickly back into civil war.

Nevertheless, there must be clear goals and a clear timeline that will lead to a popularly elected government with appropriate checks and balances. It remains to be seen whether the timeline established at Bonn – a new constitution approved by a second Loya Jirga in December 2003 followed by free and fair elections in June 2004 – is tenable.

Regardless of the desirable outcome, the assembly issue was handled in a disappointing, undemocratic manner. The Shura-i-Milli discussion was the Loya Jirga’s only substantive debate. During this period of transition, divisive issues need to be handled carefully – but obvious orchestration and smothering of significant questions will not promote the national dialogue Afghanistan needs for reconciliation and transition to participatory government.

4. Karzai’s Commissions

On the seventh day, after the Shura-i-Milli vote had been cancelled, President-elect Karzai came to the assembly to present his proposal for the structure of government. He covered most of the critical concern of Afghans and the international community but spent little time discussing the architecture of the administration that will address those concerns. Karzai proposed creation of a series of commissions to address key issues facing the Transitional Administration. Their particular functions are discussed below, but generally each commission appears intended to provide some degree of oversight as well as guidance for policy and reform.

Karzai also re-affirmed support for an independent judiciary controlled by the Supreme Court, and proposed placing the attorney-general’s office under the ministry of justice. He reiterated that Afghanistan would have an Islamic government, and that its judiciary would apply Quranic and Sharia law. Karzai also said that he would consider proposals for a national assembly. Finally, he said that he would like to see local elections for mayors during the transitional period.

Except for two “consulting” ministries for Kuchis (nomads) and refugee affairs, no changes to the cabinet structure were announced.

5. The Cabinet

The final task of the Emergency Loya Jirga, according to the Bonn Agreement, was to approve proposals for the “key personnel” in the Transitional Administration.¹³ In the lead up to the Loya Jirga, this was the most controversial issue. First, there was considerable debate and politicking over which were “key” positions. The common view was that these were deputy head of state or prime minister; chief justice and deputy chief justices of the Supreme Court; speaker of a national assembly (if any); and the top ministerial posts e.g. defence, interior, finance, foreign affairs, and justice. However, many in authority wanted to keep deal making out of the Loya Jirga and asserted that these choices were the prerogative of the new president.

Secondly, it was unclear how individuals would be nominated and selected. The rules of procedure made public the day before the Loya Jirga began, indicated

¹³ Bonn Agreement, Art. IV(5).

that the head of state would nominate. However, these were neither widely known nor adhered to, and nomination petitions for key posts circulated by the hundreds. It was also unclear whether the Loya Jirga would have opportunity to vote on individual candidates or for a slate.

Thirdly, the Loya Jirga's success was being predicated on ability of the head of state to select a cabinet both acceptable to myriad power-brokers and more balanced than the government that Bonn produced. Satisfying each constituency would be impossible, but failure to cater to certain factions might have meant a return to hostilities.

In the end, the combination of these issues appeared to the organisers too volatile to handle within the unpredictable atmosphere of the Loya Jirga. As intensive negotiations over posts dragged on behind the scenes, the president-elect wavered over whether he was obligated to bring this decision before the Loya Jirga at all. Ultimately, under pressure from delegates, the media, and the international community, Karzai agreed to announce the names of the key cabinet positions in the Loya Jirga. However, negotiations dragged on for several days, during which the Loya Jirga sat idle.

On the ninth and final day, Karzai came before the Loya Jirga with a list of fourteen ministers. He revealed the names and told the crowd that instead of the required four or five posts, he had announced far more than necessary. At the end, he abruptly instructed those favouring the appointments to raise their hands. Many hands were raised, a cheer went up, and Karzai thanked the crowd for their approval. The will of the Loya Jirga had been discerned without formal vote, count, written slate or opportunity to discuss. Even more oddly, Karzai then announced his three deputy-presidents and the chief justice – all positions that were universally agreed to be key posts requiring Loya Jirga approval – without calling for even a summary show of hands.

The Interim Administration, the UN, and the U.S. appeared to support delaying democracy with the hope that it can develop after peace and reconstruction. However, more had been promised in the lead-up to the Loya Jirga. Delegates, the Afghan people and international observers had all been led to believe the Loya Jirga would manifest the sovereignty of the nation, and that the

representatives gathered with so much difficulty would have some say in putting their country back together. Ultimately, however, it was probably inevitable that the Loya Jirga was not trusted by Afghanistan's real decision makers. Hopefully, this exercise in false promise will not harm the long-term prospects for democratic political evolution.

III. KEY ASPECTS OF TRANSITION

While the Emergency Loya Jirga missed opportunities to boost democratic participation and weaken unaccountable power-holders, it is now incumbent on the Transitional Administration to show that it is capable of moving the country forward.

The ATA faces three enormous, interrelated challenges in the next eighteen to 24 months. First, it must fundamentally overhaul Afghanistan's political structure, including drafting a new constitution; forming and regulating political parties; establishing the division of authority between central, provincial, and local government; and preparing for elections. Secondly, it must establish a national military while integrating and demobilising factional militias. Thirdly, it must re-establish the basic economic infrastructure by overseeing a multi-billion dollar reconstruction program; re-establishing a national banking system, introducing a new currency; and paving the way for enterprise and investment.

A. THE WARLORD PROBLEM

Afghanistan remains a very fractured state, with a mosaic of geographic, linguistic, and cultural boundaries. Poor transport and communication networks have kept populations isolated. The largely conservative, rural culture is family and village oriented, with little patience for interference by central government.

The last 23 years of war have cemented these fault lines. Fighting and neglect destroyed roads and bridges, and front-lines created real boundaries between regions. Ethnically-identified factions engaged in ruthless combat, often stirring sectarian hatreds that spiralled into reprisals and spates of ethnic cleansing. In many areas of the country, the central governments of the Communist and Taliban eras were seen as foreign-supported occupation forces

– strengthening an already strong distrust of government.

President Karzai's government also risks accusations that it is propped up by outside forces if popular discontent grows. As one delegate to the Loya Jirga warned in a speech, "we must watch that our leaders do not become like Shah Shujah and [Babrak] Karmal", former Afghan leaders who were installed by the British and Soviet governments respectively. Incidents like the bombing of a wedding party in Uruzgon by U.S. forces on 1 July 2002, and the murder of Vice President Haji Qadir in broad daylight in Kabul five days later can undermine loyalty to the Kabul government and its sponsors.

Militias with regional affiliations and controlled at the local level by individuals responsible for small units covering one or several villages or strategic points continue to dominate much of the country. These local commanders are generally loyal to a mid-level commander, who may control a substantial portion of a province and in turn is usually affiliated with a regional entity, party or organisation led by a recognised personality. Maintaining the loyalty of mid-level commanders is a fundamental occupation of regional leaders, requiring significant and sustained patronage. Shifting loyalties are often responsible for rapid changes in the status quo.

Eliminating these military entities or subordinating them to the central government is Afghanistan's greatest challenge in the next few years. Up to 200,000 soldiers will have to be integrated into a national military structure or demobilised. Military hierarchy will have to be based on law and governmental authority rather than personality and patronage. Military command will have to become responsible to civilian authority and rogue elements be reintegrated into society or met with force. In planning for demobilisation or reintegration of myriad military forces, critical distinctions will have to be made.

1. Who are the Warlords?

Some of the most familiar personalities who occupy political positions in the new government and control substantial militias are Ismael Khan in the West, Rashid Dostum in the North, Gul

Agha in the South, Karim Khalili in the Centre, and Muhammad Fahim in the Northeast.¹⁴ Each has pledged support for the Transitional Administration, but their true willingness to submit to central authority has yet to be tested. Several mid-level commanders associated with them, while pledging support, have engaged in clashes and looting in recent months.

President Karzai, the UN, the U.S., and many Afghan leaders have spoken out against warlordism but who, among these commanders and notables, is a "warlord"? A definitional battle is being played out that will be central to the process of reconciliation and military reintegration. Labelling all commanders and regional leaders "warlords" is highly sensitive. Many see this as disrespectful of heroic resistance first to the Soviets, then to the Taliban and al-Qaeda. Unfortunately, almost all the groups and individuals now in question forever tarnished their credentials in the minds of large numbers of Afghans by involvement also in the horrendous civil war of the early 1990's that destroyed Kabul, featured looting, roadblocks, rapes and other egregious human rights abuses, and paved the way for the Taliban.

Many of those leaders still control troops, and they are being asked to join in Afghanistan's future. Without either international security forces deployed beyond Kabul or a strong national military, the government has to rely on regional leaders and their commanders to keep peace and enforce laws. President Karzai has identified those who use organised militias for improper ends as "gun-lords", while embracing regional leaders. All of Afghanistan's most notorious leaders, except Mullah Omar of the Taliban and Gulbuddin Hekmatyar of Hezb-i-Islami, sat in the front row of the Loya Jirga and were treated with great deference. Three – Mohammad Fahim, Haji Qadir, and Karim Khalili – were made vice presidents.

Simply having guns and controlling a military force not integrated into the national structure does not qualify for "warlord" status. Indeed, the international coalition has armed and trained several thousand soldiers under the authority of mid-level commanders rather than the central government. President Karzai clearly has a strategy of attempting to co-opt as many leaders and commanders as

¹⁴ Until his assassination on 6 July 2002, Haji Qadir was the preeminent personality in the East. A clear successor has yet to emerge.

possible. Past transgressions have been ignored for now, and behaviour will be judged going forward. Karzai has promised to “go after” those who do not submit to central authority. However, by incorporating the regional leaders into the façade of the central authority, Karzai may be restricting his ability to then declare them outside of that authority.

2. From Many Militias to One Army

Creating a central authority and restoring a military monopoly requires a program that simultaneously draws authority away from regional commanders and gives them incentives to integrate into the evolving political and social context. The role of military commanders has deep roots in Afghanistan and includes complex interplay between economics and social structures. For years, many communities have relied on militias for survival, seeing them as the source of largess and the target of their petitions. This patronage culture must be supplanted, preferably by government institutions that offer support and services to the community. However, it will take time for institutions to form and take over this function.

There must be a tight fit between community development and local demobilisation programs. Economic dynamics have also changed for commanders. The village is no longer willing to provide support, requiring them to get more of their basic support from above to sustain forces. This presents both an opportunity and a threat. Commanders will have to become entrepreneurial to succeed but may also become disaffected and long for the war-time economy that sustained them.

But economic-pull factors alone will not be strong enough to dismantle the patronage system. Commanders either originate from or have supplanted local leadership structures. In either case, they occupy a relatively sophisticated social position. Special reorientation programs will be needed for them – they are unlikely to be happy to get behind a plough. Sustaining their prestige will be an important aspect of any program that hopes to avoid a backlash. Donors may balk at programs that look like “buying-off the warlords”. But the cost of peace is a program of social reintegration for profiteers and thieves, as well as freedom-

fighters, widows, war-wounded, and returned refugees.

The UN and the donor community, in cooperation with the government, have designed an ambitious Disarmament, Demobilisation, and Reintegration (DDR) strategy. Its central tenet is that alternatives must be made more attractive than soldiering. Being a militia soldier is not a good return on investment of time, but the opportunity cost needs to increase. The proposed DDR program has six elements:

- ❑ registration, creating a database of locations and skills;
- ❑ vocational training, focused on the building trades;
- ❑ economic development inputs to “communities of peace” that will have to sustain demobilised soldiers;
- ❑ matching skills of demobilised soldiers with development zones;
- ❑ demining – an economic recovery engine and guaranteed source of employment for several years to come; and
- ❑ capacity building for the government commission that will deal with DDR issues.

A pilot project, commencing in several selected regions, aims to demobilise and reintegrate 10,000 soldiers within a year. This will allow the program to learn from action while aid programs and the national economy reach a level that can sustain many more.

The government is trying simultaneously to incorporate the highest-level commanders into the administration and diminish their regional power. It works with several tools. Regional commanders are vying for a veneer of respectability and legitimacy, without which they risk falling afoul of the government, which could result in a cut-off of aid funding,¹⁵ or potentially a battle with Afghan government or even Coalition forces. At the same time, the government does not want to isolate them.

¹⁵ Following several attacks on aid workers in the north of the country, 70 international relief agencies under the umbrella of the Agency Coordinating Body for Afghan Relief (ACBAR) wrote to the UN Security Council in June 2002, warning that dozens of relief agencies had already pulled out of the country, and others are seriously considering withdrawal. They appealed for the International Security Assistance Force (ISAF) to be extended from Kabul to the north of the country.

Its own legitimacy will be undermined if large parts of the country reject its authority. Realistically, it may be some time before the central government could challenge a major rival militarily, and Coalition forces have repeatedly stated that they would not intervene in factional fighting not involving Taliban or al-Qaeda remnants.

The ATA can also try to use its appointment power to strengthen its hold on the country. Provincial governors, district administrators, and customs officials will all be integral to the transfer of authority to the central government. At the same time, it will be essential for the government to have competent, loyal officials at the local level. In particular, the ATA will attempt to bring revenue collection under its control – an important step in strengthening the centre and reducing the ability of regional commanders to function independently.

Finally, the issue of accountability for past crimes looms. The chorus of Afghan and international groups decrying the human rights abuses committed by regional and mid-level commanders cannot have failed to reach their ears. At least those who choose not to cooperate with the government will have to face the possibility that they will not only be deprived of power, but may be made to face justice. This fear cuts both ways, however. The prospect of a life without power, in prison or worse, may inspire some to hold their fiefdoms at all costs. The government's coercive capability will be a key factor for commanders evaluating their options.

3. The Strongman Problem

There are also grave dangers in the drive to centralise military power in Afghanistan. A strong military, without a strong political system that subordinates it to popularly elected civilian control, can quickly become a dictatorship.

Military power is being concentrated in the hands of Mohammad Fahim, the defence minister. Combining the militia forces he inherited from Ahmad Shah Masood with the meagre remnants of the national army, and appointing his own generals, mostly Panjshiri Tajiks, he now controls Afghanistan's largest and most effective fighting force. In April, Fahim had himself promoted from General to Marshal, a step intended to assert his command of all Afghan armed forces. Without

clear constitutional authority, or the capacity to enforce it, Fahim's ultimate subordination to President Karzai seems questionable.

Fahim has also begun to challenge rival forces by appointing and strengthening commanders in regions outside his immediate control. Notable examples are the appointment of Hazrat Ali to command in the East, and his support of Mohammad Atta, a rival to Rashid Dostum, in the North. The removal of regional commanders – by persuasion or force, is a laudable goal. But the concentration of Afghanistan's military force in unaccountable and unpopular hands risks an unstable and undemocratic future. The assassination of Haji Qadir in Kabul while under military guard immediately raised suspicions of Fahim's involvement. Although no evidence exists as yet to support such a theory, a widespread belief among Pashtuns that Fahim was behind the killing could further undermine confidence in the Karzai government.

Fahim's ascendancy could also damage the immediate prospects for peace. Several, if not all, regional commanders see him as a rival, not a leader. The structure of the new army will influence their willingness to demobilise. If it is perceived as merely another faction, they will be reluctant to hand over to it.

Fahim has not helped to dispel such fears. He has defended the continued dominance of Panjshiris in the military and security services. His men preserved hope during the Taliban period, liberated Kabul and are, he insists, the key to Afghanistan's stability. He maintains that they assumed control in the capital because no one else was proficient to run the key ministries.

During the Loya Jirga, Fahim clearly demonstrated his power and unwillingness to make gestures of reconciliation. He openly and repeatedly asserted that the ex-King should have no political role, and that he would not be "imposed upon". The ex-King then withdrew his candidacy.

Marshal Fahim also stated that he would not relinquish control of the military until security in Afghanistan was "fully-restored" and "acceptable", an open-ended timeframe if ever there was one. He is said to have made his intentions even clearer in private – that he would resist militarily an unfavourable Loya Jirga outcome. Fahim was rewarded for his bullying with the deputy presidency. His brazenness, and the apparent

acquiescence of the U.S. and the UN, has made President Karzai look weak.

The international community, and the U.S. in particular, need to counter this trend. Fahim's power is growing with the consent, if not outright support, of the U.S. military command in Afghanistan. Two critical aspects of U.S. policy confirm this. First, the Pentagon has repeatedly refused extension of the International Security Assistance Force to volatile areas beyond Kabul. Secondly, it has indicated that Coalition forces will not intervene in fights between rival military factions. Taken together, these positions mean that after having won the war against Taliban and al-Qaeda, U.S. and allied forces will not secure the peace. So who will? The answer is a strong central military force – and one that appears as though it will be controlled by Fahim.

What can the international community do to ensure that ultimate command is in elected civilian hands? First, it can require that all arms, funding and training it provides are used to create a neutral, ethnically diverse force at all levels. Secondly, international security forces should be available to enforce civilian control if need be, in concert with loyal Afghan units. This could be accomplished by deploying ISAF beyond Kabul, or by similar guarantees from Coalition forces. Finally, the international community must support democratisation in Afghanistan with the same intensity as it prosecuted the war against al-Qaeda and the Taliban.

B. THE COMMISSIONS

As discussed earlier, President Karzai announced creation of commissions to tackle the most significant issues facing his Transitional Administration. The status of these commissions remains an open question. What is the relationship between each commission and the relevant ministry, for example, the Judicial Commission and the Ministry of Justice? Are the commissions independent and if so, of what? The terms of reference and rules of procedure for each commission will have to be defined, either in advance or by the commissions themselves.

The commissions provide an opportunity to have Afghanistan's best and brightest participate in rethinking and resolving the key problems

confronting the country. If constituted quickly with strong terms of reference and administrative and political support, they could harness potential and broaden the effectiveness of the ATA. However, commissions are notoriously ineffective, and government by commission could be a disaster. The concept appears, in many ways, to envisage a duplicate body for most major ministerial functions. It is crucial at this early stage that President Karzai streamline his administration's ability to implement decisions, otherwise even the best programs will bog down in bureaucratic inefficiency or intransigence.

The commissions and their basic functions as proposed are:

- *Defence Commission* to address creation of a national military and coordination, integration and demobilisation of existing military forces;
- *Internal Security Reform Commission* to convert the internal security and intelligence services into a law-abiding, accountable agency;
- *Civil Service and Administrative Reform Commission* (mandated by Bonn Agreement)¹⁶ to control the government appointments process and recommend longer term administrative reforms to professionalise and streamline the bureaucracy;
- *Reconstruction Commission* to monitor aid commitments, expenditures, and corruption;
- *Media Commission* to oversee transformation of the state-controlled radio and television apparatus into an independent public entity;
- *Investment Commission* to help create conditions for attracting investment including to overhaul financial rules and institutions;
- *Human Rights Commission* (mandated by Bonn Agreement)¹⁷ to educate, investigate, and potentially adjudicate a variety of human rights questions;
- *Judicial Commission* (mandated by Bonn Agreement)¹⁸ to address judicial and legislative reform at all levels;

¹⁶ Bonn Agreement, Art. III.C.(5).

¹⁷ Ibid., Art. III.C.(6).

¹⁸ Ibid., Art. II(2).

- ❑ *National Assembly Commission* to address the creation, composition, and powers of a National Assembly (Shura-i-Milli);
- ❑ *Property Commission* to address property disputes and claims of confiscation arising from the last 30 years of turmoil
- ❑ *Constitutional Commission* (mandated by Bonn Agreement)¹⁹ to draft a new Constitution before the Constitutional Loya Jirga in December 2003.

1. Defence Commission

In early June 2002, under intense U.S. and UN pressure, Marshal Fahim agreed to a National Defence Commission to coordinate the national military command and deal with controversial issues such as disarmament and integration of militia forces into the new army. The Commission attempts to bring together all significant regional commanders – essentially forcing them into an ongoing dialogue. This Commission could be a crucial tool for checking the power of any individual commander and a standing forum in which to ease tensions between rival factions. Failure to participate could lead to ostracisation of a recalcitrant commander.

Unlike the other commissions, which report to President Karzai, the Defence Commission is said to report directly to Fahim.

2. Judicial Commission

The Judicial Commission has an overwhelmingly brief. While basic administration continued in many parts of the country throughout the war years, no semblance of a functioning national judicial system remains. Three decades of regime change have led to massive alterations of the legal system, in both content and implementation. Not only does Afghanistan lack lawyers and judges trained in its mixture of Islamic and civil law, but even its few experts are uncertain which laws are actually in force.

The ATA's ability to re-impose the rule of law will depend on this commission's ability to consolidate existing Afghan law into an

accessible format and to recommend basic changes where necessary.

3. Human Rights Commission

Sima Samar, the outspoken minister of women's affairs during the Interim Administration, is the controversial head of this body. She was first deputy chair of the Loya Jirga, elected with the highest vote, over 500, in a field with many candidates. However, during the Loya Jirga, the newspaper controlled by former President Rabbani (*Payam-i-Mujahid*) published an article calling her the "Salman Rushdie of Afghanistan", an accusation based on remarks questioning Sharia (Islamic) law in Afghanistan that were wrongly attributed to her. Samar was then called a blasphemer in a speech at the Loya Jirga and received numerous death threats. Newly re-appointed Supreme Court Chief Justice Maulavi Fazel Hadi Shinwari charged her with blasphemy. Although the charges were dropped, Samar did not re-assume her cabinet post.

The Commission is mandated to conduct human rights monitoring; investigate violations; develop and implement human rights education programs and institutions; and propose a national strategy for transitional justice to address past abuses.²⁰ It is empowered to "receive, hear and consider complaints and petitions concerning both individual cases and general situations"²¹ and issue decisions or refer cases to the courts. It can also summon any residents in Afghanistan to testify or produce documents or other material evidence.

The mandate is far reaching, perhaps even unrealistic. Transitional justice experts and Commission members themselves are split over which aspects to pursue. One commissioner believes the focus should be on achievable goals, not ideals. For him this means concentrating on human rights education and programs to promote community-based peace-building. He wants to concentrate on issues that bring people together, not those which cause conflict, saying "The fuel for the fire is there, why fan it?"²² According to this point of view, the priority is to bring people into the reconciliation process, with

¹⁹ Ibid., Art. I(6).

²⁰ Decree of the Presidency of the Interim Administration of Afghanistan on the Establishment of an Afghan Independent Human Rights Commission, Annex One: Terms of Reference of the Afghan Independent Human Rights Commission.

²¹ Terms of Reference, Article 10.

²² ICG confidential interview.

accountability applying from here on out but not for the past.

Many of Afghanistan's most prominent leaders have publicly supported this. A number of politicians have suggested there should be a general amnesty. Former President Moqeddi said to the Loya Jirga that "whatever one faction did to another should be forgotten so that we can all live together". This sentiment was echoed by Ashraf Ghani, the powerful advisor to President Karzai and new finance minister, who said at the Loya Jirga that Afghans should "forget and forgive".

This approach is not only ideological; it is also supported by realities on the ground. President Karzai himself has said that, of course Afghans want peace and justice together, but for now justice may be a "luxury" that the country cannot afford. As another commissioner bluntly stated, "after all the intimidation in the Loya Jirga, how can we feel safe to do our work?"²³ Indeed, the Loya Jirga demonstrated that the government is not positioned to take on powerful abusers. If the prominent Samar – who accompanied Karzai to President Bush's State of the Union speech in January 2002 – is vulnerable, how will the Commission be able address these issues.

Others, including some on the Commission, want to pursue a far more aggressive mandate. The Terms of Reference grant the Commission significant powers to investigate and compel testimony. In fact, they appear to grant authority to issue decisions – essentially to act as a judicial body. Provided the Commission is given the political and financial support it needs, it could become a powerful mechanism to promote justice and accountability. One commissioner believes that the Commission, and possibly a future tribunal, may provide critical leverage with the warlords, "because the threat of the B-52 is temporary. A tribunal would be a strategic disincentive going forward. A continued climate of impunity will undermine the potential for future progress".²⁴

This debate will be healthy for Afghanistan – and either approach could be effective if the Commission is given the support and implementation capacity it needs. Many Afghans

remain hopeful that the intense human rights focus of the West during the Taliban period will not fade, and that serious pressure will be brought to bear to ensure accountability.

Unfortunately, the Loya Jirga was not a confidence-building exercise. Several regional leaders with a documented history of suspected abuses were embraced by Karzai and given important positions. The UN and the U.S. also looked past their commitments to international human rights norms for the sake of peace and stability. Following years of war, this may not be unreasonable. However, it is not altogether clear that this level of compromise was necessary to sustain the peace. Indeed, the white-washing of recent Afghan history that took place at the Loya Jirga may not ultimately serve the cause of reconciliation.

C. AN ISLAMIC GOVERNMENT?

On the morning following Karzai's election as head of state, a series of important speakers took the floor. The most prominent jihadi religious figures - Rasul Sayyaf (Ittihad-i-Islami), Maulavi Muhammad Asif Muhsini (Harakat-i-Islami), and Sigtabullah Moqeddi (Nijat-i-Milli) rose to congratulate Karzai – and to articulate their desires for the new government. One after another they struck a single theme: the government of Afghanistan must be the Islamic Government of Afghanistan.

These speeches were clearly an effort by the jihadi block to assert itself – to let Karzai, the delegates, and observers know that its support had kept Karzai in the Arg (the Presidential Palace), and that the nation and the world still owed it a great debt of gratitude for the defeat of the Soviet Union. The years of struggle had been in the name of Islam, and the nation is entirely Muslim;²⁵ therefore, there must be an Islamic government.

There was only one dissent. Gul Agha Shirzai, the controversial governor of Qandahar, the former Taliban stronghold, said that so many bad things had been done in Islam's name in recent years that calling for an Islamic government was untrue to Islam. He said the name of Islam would be used as a weapon against other Muslims, as the Taliban had done. He

²³ ICG confidential interview.

²⁴ ICG confidential interview.

²⁵ Later speakers did remind the audience that although most had been driven out, Afghanistan still has small Sikh and Hindu minorities.

was shouted off the stage, and as one of Afghanistan's most powerful leaders was unable to speak openly on the issue, others were not about to step forward.

Characteristically, the Loya Jirga did not vote on this important issue. Its leadership simply acquiesced to pressure tactics and began to refer to the Islamic Transitional Administration. Interestingly, however, Panjshiri-controlled state radio, a bellwether of Panjshiri thinking, did not use this term during the Loya Jirga.

The supporting speakers did not define how they conceive an Islamic government. All advocated some form of Sharia law, but did not discuss the implications for the form of government. In a later interview, Sayyaf said that government and Islam could not be separate – and implied that attempts to make them so are un-Islamic. “Islam is a complete system of life – not a kind of worship. You can't accept only half the package”.

The debate about the Islamic nature of the government is important and needs to be carried out in public in an atmosphere free from intimidation. Ultimately, the formal relationship between Islam and the Afghan state will be decided in the upcoming constitutional process. Unfortunately, due to the politicisation of Islam in Afghanistan over decades, it will continue to be used as a cudgel against political opponents.

D. PROSPECTS FOR BUILDING DEMOCRACY

According to the Bonn Agreement, Afghanistan is scheduled to achieve free and fair elections in under two years. Holding Afghanistan's first ever universal suffrage election will be a feat simply from a logistical perspective. It will require an unprecedented country-wide census or voter registration. Voting districts may have to be affirmed or redrawn. Electoral equipment and materials will have to be distributed to the furthest reaches of the country.

The legal infrastructure for democratic elections must also be created and implemented. Laws regulating voter registration, the conduct of elections, political parties, and possibly redistricting must be in place well in advance of the actual election. There must also be mechanisms to enforce the law and resolve disputes.

Likewise, the social and cultural grounds for elections must be prepared, including an environment that promotes open debate and freedom of assembly. Opposition needs to be seen as the backbone, not the breakdown, of the system. Perhaps most importantly, prominent and powerful figures who lose elections must be able to accept political defeat without resorting to force.

Creation and regulation of political parties is likely to be one of the most important and controversial issues Afghanistan will face. It has had an unhappy history with political parties, which are associated with both the rise of Communism in Kabul in the 1970s that resulted in the 1978 coup and subsequent Soviet invasion, and with the mujahideen parties whose brutal civil war in the early 1990s destroyed the capital and paved the way for the Taliban. Mujahideen parties have also tended to have a strong ethnic character – a fact that contributed strongly to the ethnicisation of the civil war.

Limited experience with political parties also presents the danger of political capture by a small but well organised, and funded group. Just as in an economic context, an inferior product is likelier to prosper without an open political market with good information, easy access, and competition.

The “Island Kabul” phenomenon has plagued Afghanistan for decades. A government dominated by elites quickly loses touch with the isolated rural areas while the provinces become disenfranchised and disenfranchised. Currently, central government does not control much of the country, so steps will have to be taken to expand its reach. One, almost paradoxically, should be to decentralise certain functions.

Because Kabul cannot effectively govern most areas, it must be seen to promote local government structures that can deal with local issues. For instance, while highways must be funded and implemented at a national level, irrigation and land management are inherently local and should be handled accordingly. Similarly, while refugee return requires national planning and even foreign relations, local communities will have to deal with the real work of resettlement and reintegration.

Strengthening local administration and institutions will undoubtedly hasten transition to economic self-sufficiency. Institutions such as the shura or jirga – local ad hoc councils for resolving community issues – have been used to cement local participation and

decision-making in the reconstruction and development context.

Even without a legal structure in place, party development is underway. Younus Qanooni, the powerful former interior minister, has announced that he is forming a political party, the Nizat-i-Milli. Joined by Wali Masood, the brother of assassinated leader Ahmad Shah Masood, and Minister of Defence Fahim, the party is actively establishing cultural and educational centres, printing propaganda, and recruiting. These three leaders have inherited a faction of the Jamiat-i-Islami party, headed by former President Rabbani, which had one of the most extensive structures among mujahideen groups.

Karim Khalili, the Hazara leader who heads the Hezb-i-Wahadat party, is also working aggressively to create a strong party structure. Wahadat has also started schools and cultural centres. Khalili is trying to transform it into a Hazara nationalist movement while moving away from mullahs and Iranian influence in this mostly Shi'a party. As an ethnic and religious minority in Afghanistan the Hazaras have long argued for increased regional autonomy as a safe-guard for their rights. However, Khalili has recently tempered this by promoting a more egalitarian Afghan nationalism.

Although there is no formal party, a religious coalition of conservative jihadi leaders such as Rabbani and Sayyaf seems imminent. That kind of group, especially if successful in reaching out to different ethnic groups, would be a very powerful force. The potential leaders have already shown their strength at the Loya Jirga, and the readiness of those like Sayyaf to label political opponents Communists and infidels would likely allow them to capture blocks of deeply conservative supporters. It is critical to remember that for many Afghans, the Taliban did not represent extremism, but rather brought rural traditions to the cities.

There is also a budding democratic movement – boosted by the recent formation of a coalition of small groups, called the National Council of Peace and Democracy of Afghanistan. Comprised of students, university professors, liberal republicans, and NGO workers, this coalition has put forward a basic democratic platform and is in the early stages of organisation. Although far less powerful in the current Afghan context, it had delegates at the Loya Jirga – most of whom were

profoundly disappointed at the outcome and felt that Karzai was stifling the very forces that will help him in the future.

During the Loya Jirga, members of this coalition began to form an alternative cabinet list to the one crafted behind the scenes. Their plan was to present it after Karzai's to provoke more open negotiations and possibly a vote. Instead several organisers were threatened, and they withdrew their list in fear. They face an uphill battle to build their coalition while retaining optimism and resiliency to participate in a political process that is not without risk.

Support for development of democratic institutions and parties in the next few years must be a top priority of the Transitional Administration and the international community. The ultimate safeguard against a return to conflict in Afghanistan must be political stability. Demobilisation and reconstruction programs, even if successful, will be slow and incomplete. Afghanistan's future lays in the ability of its people to forge a political community that resolves disputes pacifically and democratically.

IV. CONCLUSION

The next two years of transition have great potential and peril alike. The foundations for a new political and economic system will be laid – a system that will hopefully allow Afghanistan to become a peaceful country over the next decade. The challenge is to shift power from the hands of unaccountable faction leaders into those of popularly-elected leaders at both local and national levels. This must take place in conjunction with programs to demobilise dozens of militias, build new infrastructure, and create a freer political space.

All this is threatened by the lurking dangers of religious and ethnic sectarianism, rule by force, and foreign interference. President Karzai must show strength in the face of intimidation efforts by commanders around the country and in his own government. Having missed the opportunity to take the military commanders down a peg at the Loya Jirga, he cannot continue to avoid all confrontations. The response to Qadir's assassination will be a critical test – especially if any complicity is found within the government itself. If Karzai fails to meet this challenge, the provinces will quickly lose

confidence in his government and look for other means to safeguard themselves.

The international community must act more aggressively to support the Transitional Administration. This entails providing greater security outside Kabul, either through an extension of ISAF or some other mechanism. It also requires support by the U.S.-led coalition for Karzai's efforts to gain control of the nation's military forces. The coalition must let it be known that it is not neutral towards groups that would undermine peace. Finally, aid commitments are already delayed. It is crucial for the political viability of the Transitional Administration that these commitments are implemented promptly and that the funds are spent on visible, in-country projects.

Finally, the Transitional Administration and the international community must adhere to their commitments to democracy and human rights. The path to participatory governance requires many deliberate steps, and full-fledged democracy will only come with time. Pragmatic compromises will be made at many stages, as they were in and around the Loya Jirga. However, care needs to be taken on each occasion to weigh consequences. Short-term gains that endanger fundamental long-term objectives are unlikely to be a good bargain.

Kabul/Brussels, 30 July 2002

APPENDIX A

MAP OF AFGHANISTAN



Base 8029664 (C00362) 6-02

APPENDIX B

GLOSSARY OF TERMS

AIA:	Afghan Interim Authority
ATA:	Afghan Transitional Administration
Bonn Agreement:	Formally, the Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions. Negotiated under the auspices of the United Nations in Bonn from November-December 2001
ISAF:	International Security Assistance Force
Ittihad-i-Islami	Predominantly ethnic Pashtun militia commanded by Rasul Sayyaf, once heavily backed by Saudi Arabia
Jamiat-i-Islami	Predominantly ethnic Tajik group, officially led by former president Burhanuddin Rabbani, with forces formerly commanded by the late Ahmed Shah Masood
Junbish-i-Milli	Predominantly ethnic Uzbek militia based in the north of the country and commanded by General Rashid Dostum
Hezb-i-Islami:	Hard-line Islamist Pashtun Mujahideen group, long backed by Pakistan and Saudi Arabia, headed by Gulbuddin Hekmatyar
Hezb-i-Wahadat	Predominantly ethnic Hazara militia commanded by Mohammad Karim Khalili
Northern Alliance:	Anti-Taliban Coalition of mostly non-Pashtun forces.
Shura-i-Nizar:	Predominantly Panjshiri Tajik political group that holds a number of key posts in the ATA
Uluswali:	Administrative District
UNAMA:	United Nations Assistance Mission in Afghanistan

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices with analysts working in nearly 30 crisis-affected countries and territories and across four continents.

In *Africa*, those locations include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan and Afghanistan; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro

and Serbia; in the *Middle East*, Algeria and the whole region from Egypt to Iran; and in Latin America, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom.

Foundation and private sector donors include The Ansary Foundation, The Atlantic Philanthropies, Bill and Melinda Gates Foundation, Carnegie Corporation of New York, Charles Stewart Mott Foundation, Ford Foundation, John D. and Catherine T. MacArthur Foundation, John Merck Fund, Open Society Institute, Ploughshares Fund, Ruben and Elisabeth Rausing Trust, Sasakawa Peace Foundation, and William and Flora Hewlett Foundation.

July 2002



International Crisis Group

International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38

E-mail: icgbrussels@crisisweb.org

New York Office

400 Madison Avenue, Suite 11C, New York 10017 · Tel: +1 212 813 08 20 · Fax: +1 212 813 08 25

E-mail: icgny@crisisweb.org

Washington Office

1522 K Street, Suite 200, Washington DC 20005 · Tel +1 202 408 80 12 · Fax: +1 202 408 82 58

E-mail: icg washington@crisisweb.org

Paris Office

51 Rue Jean-Jacques Rousseau, 75001 Paris, France · Tel: +33 1 44 88 60 20 · Fax: +33 1 44 88 24 26

E-mail: icgparis@crisisweb.org

All ICG reports are available on our website: www.crisisweb.org