

**Center-periphery Relations in the Afghan State:
Current Practices, Future Prospects**

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After decades of violence during which Afghanistan's weak institutions broke down even further, the Bonn agreement of December 5, 2001, provided elements of a road map for rebuilding governance and security in the common interest of the people of Afghanistan and the rest of the international community. The agreement provided a timetable for key political benchmarks to be met by the interim and transitional Afghan governments, such as the convening of the Emergency Loya Jirga, the appointment of the constitutional commission, the adoption of the constitution by another Loya Jirga, and general elections by June 2004.

All these tasks, however, require the building or rehabilitation of state institutions. Without adequate security and a functioning administration, it will be impossible to hold elections and possibly meaningless to adopt a constitution. The Bonn agreement contains some general guidelines on state building, such as a statement of principle that armed groups should be integrated under government authority and reorganized, and the creation of commissions on the judiciary, civil service, and human rights. But the agreement does not say how the reorganization of the armed groups is to take place or how the recommendations of the various commissions are to be implemented. It effectively delegates these fundamental questions to the interim and transitional

administrations, the constitution commission, and the Loya Jirga, and there is no timetable for these essential tasks.

The military action by the US-led coalition and the presence in Kabul of the International Security Assistance Force (ISAF) created conditions for the political coalition formed at Bonn to take possession of the central government apparatus in Kabul. In other parts of the country, however, various armed groups exercise authority over portions of the administration. Reintegrating these fragments into a common whole constitutes the process of rebuilding the state. This process would connect the central government to the provinces, districts, localities, and nomads. It involves institutions dealing with different functions, including defense, finance, judiciary, police, and service provision of various kinds.

State building requires both a legal framework and political relations that support it. The Bonn agreement reinstated the relatively liberal constitution of 1964, with the exception of the chapters about the monarchy and the legislature. That constitution provides for a centralized administration, which evolved from the state building model of Amir ‘Abd al-Rahman Khan (reigned 1880-1901).

The current reality on the ground consists of a mix of the legally mandated centralization with a military pseudo-federalism based on armed groups built up over years of war and reinvigorated by US and its coalition partners as part of the war on terrorism. The leadership in Kabul wants to re-centralize the government but is split between advocates of a direct assault on regional forces and proponents of gradualism. The technocrats returned from the West tend to be in the former camp and the former northern alliance commanders in the latter. A few leaders, mainly outside the central

government, propose federalism or decentralization. The international community involved in assisting Afghanistan in such matters pays lip service to the agenda of strengthening the central government but works pragmatically with a variety of regional forces, reinforcing decentralization. Global trends that see decentralization as conducive to democracy and grassroots development legitimate such decisions.

Our intention is to understand the current state structures and how governance and the exercise of power are being conducted, as well as how various segments of Afghan society and government are thinking about the current situation and possible future alternatives. We hope to contribute to a constructive debate on options for the Afghans to consider about a future state structure.

This report is based on fieldwork in Kabul, Qandahar, Logar, Herat, Jalalabad, and Bamiyan mainly during visits in May-August 2002, with some follow-up in Kabul afterwards. The pool of people interviewed for this research can be roughly divided into 2 categories: 1) cabinet ministers, governors, *wuluswals* (district heads) and other high officials, and 2) influential people outside of the power structure. The first group can then be subdivided into central and provincial officials, while the second group contains the traditional Afghan civil society: elders, *khans* (tribal leaders), *maliks* (village leaders), former jihadi commanders, religious and spiritual leaders, and intellectuals.

There were a few points over which the opinion was almost unanimous. Most people identified warlordism (*jangsalari*, *tufangsalari*) as the source of the country's problems. Ironically, some of the individuals whom others see as warlords advocate eradication of warlordism. Many people also agreed on the creation of a national army and the emergence of a strong central government. Most people qualified their

statements in favor of a strong central government and national army by adding that the current government in Kabul, seen as dominated by Shura-yi Nazar, does not enjoy sufficient national legitimacy to integrate the various regional forces.

Two main reasons seem to incline ministers, governors, civil servants, and many if not most of those outside the government towards a strong central government. First, they see the central government as their only savior from the tyranny of local commanders and warlords. Second, in the collective memory of the nation, the last time it lived under law and order was during the royal regime, which people remember or imagine, rightly or wrongly, as a strong central government. We will argue that other options are available for Afghanistan, and that posing the alternatives in such a stark way makes more likely the repetition of past conflicts.

Historical Background

Rulers create states primarily through military might and taxation. Amir ‘Abd al-Rahman Khan used military force to conquer all the territory of Afghanistan and collect revenue from traders and farmers. The revenue, along with aid from the British, sustained the military, and the military made it possible to control territory and collect revenue.

The amir legitimated his power with a claim to rule legitimately in conformity with Islam. In an Islamic state, meting out justice is central to legitimacy. In fact, good or bad governance in the Islamic/Afghan tradition of state is judged based on the degree of justice that prevails throughout the land. Amir ‘Abd al-Rahman Khan put in place a strong and elaborate judicial system, which he used to legitimize his state building efforts. Holding Shari’a as the supreme law of the land, he codified customary practices

and insisted on the application of a uniform code of law throughout Afghanistan. To enforce his laws he established an intricate judicial administration and bureaucratic procedures that connected districts and provincial capitals to Kabul.

After having accomplished that, he embarked on establishing a fiscal system. The office of *mustufiat* (finance) became one of the most important departments of the government. The *mustufi al-mamalik* (finance chief of the country) in Kabul oversaw tax collection offices that were established in the country's four provinces. Tax officers sent from the provincial mustufiats to districts and villages collected taxes on agricultural lands and produce, commercial shops, and trade. They then sent the revenue to the capital, where the Kabul mustufiat deposited them into the central treasury. In the absence of budgets, money was disbursed to various central and provincial government offices in accordance with the requests of each office and suggestions from the mustufi al-mamalik, subject to final approval by the amir. The central mustufiat intervened in the collection of taxes only in problematic cases, when tax collectors accompanied by policemen were sent from Kabul with authority to use coercion as needed.

For enforcing his legal and fiscal systems, 'Abd al-Rahman Khan relied more on an elaborate network of intelligence and security personnel, rather than the army. He applied draconian measures to fight corruption, nepotism, and any violation of his laws. His appointments, promotions, and demotions were above all based on loyalty to the state—in this case the amir—rather than family and tribal ties. By the end of his rule, he had sown the seeds of a highly centralized state.

Like the government today, Amir 'Abd al-Rahman Khan came to power immediately following a war (Second Anglo-Afghan War of 1879-1880). The nation

was in disarray, there was a political vacuum, a foreign imperial power played a significant role in the affairs of the country and subsidized the Afghan monarch, and, finally, he inherited a disorganized administrative structure and institutions. The current government in Kabul seems to be in a very similar situation, but it cannot and Afghans would not want it to revive the tyrannical methods used by ‘Abd al-Rahman to build state power.

The Amir’s successors continued to develop the state institutions in the first half of the twentieth century, with a brief interruption during the 1929 revolution. This state remained highly centralized, though weak. Under all constitutions, appointments and promotions of top administrative posts in the provinces, districts, and even sub-districts were strictly the prerogative of Kabul. All provincial offices had to report to and receive instructions from Kabul.

The 1923 Constitution vested responsibility for the administration of the government in the council of ministers, but the de facto quasi-autonomous nature of the ministries’ branch offices in the provinces gave the state an element of decentralization in its daily functions. Perhaps in recognition of the reality imposed by the state of transport and communications, the constitution stated that provincial administration was based on the basic principles of decentralization of authority (ghair-i markazi budan-i qudrat) and clear delineation of duties and responsibilities. Top officials of all ministry branches in the provinces were nonetheless appointed by Kabul.

In this period the large provinces were divided into smaller ones, starting a process of subdivision that has continued so that there are now thirty-two provinces. Governors and district heads continued to be appointed from the center. In addition, the

king established the office of *ra'is-i tanzimiya*, usually translated as governor general. Each governor-general, usually a military general and a highly trusted and close associate of the monarch, was responsible for a grouping of provinces similar to the older, large provinces or the military zones (hawza) of the 1980s. These officials were not permanently posted in the regions under their control. They reported directly to the king on the activities of the governors and provincial administration. Their primary function was that of a troubleshooter. No subsequent constitution mentioned this post.

Despite the authoritarian rule of three successive prime ministers during the first part of the reign of Zahir Shah (before New Democracy, established by the 1964 constitution), institutions such as the judicial and the military continued to develop. Though a similar institutional development occurred in the area of taxation, Kabul authorities could not follow a strict and uniform tax policy, mostly due to political concessions in the tribal areas of the south. Indirect taxation became the state's most dependable source of domestic income. Most revenue came from taxes on foreign trade and a few state monopolies (petroleum, tobacco), as well as foreign aid and, after 1969, sales of natural gas to the USSR.

The constitution of 1964 sanctioned the Afghan state's centralized, unitary nature. Section XIII, Article 108 of the 1964 constitution establishes the unitary nature of the administration, while Article 109 provides for the establishment by law (never enacted) of provincial and district shuras or councils. President Daud's constitution of 1977 provided a framework to strengthen the power of the local shuras and formally include them in decision-making for implementation of development policies, but the 1978 coup d'état intervened before the government could implement these measures.

Under the 1964 constitution, as before, the central government appointed governors, district heads (*wuluswals*), and sub-district heads (*'alaqadars*) through the ministry of internal affairs. In daily work, the *'alaqadar* was subordinate to the *wuluswal*, and the latter to the governor, who in turn, would report to the interior minister. All ultimately were subordinate to the prime minister and the king. Though not required to do so by law, Kabul usually filled those posts with people who were not natives of the areas to which they were assigned, in order to assure their independence of local influences.

Most government ministries had a department representing them in the provinces; some had offices in *wuluswalis*. Government structures and procedures at provincial and district levels were designed as mini replicas of the central government. For example, the head of the department of education (*riyasat-i ma'arif*) in a provincial capital was appointed by and reported to the ministry of education. At the district level, there were education directorates (*mudiriyyat-i ma'arif*), the head of which the ministry in Kabul would also appoint, but who would report and receive instructions through the department in the provincial capital. Their relationship with the governor or the *wuluswal* was a consultative one only.

After having gone through establishment of state institutions and several modernization and reform processes until 1978, three decades of war practically dissolved the state and replaced it with warlordism. Though parts of the administration remain, these are no longer connected into a coherent national state. During the Soviet occupation and mujahidin resistance in the 1980s, few provinces remained under the Kabul government's control. In most places where the central government had the power

to appoint governors, it could protect its interests only in the provincial capitals. Many of the governors and wuluswals actually lived in Kabul.

Some local elites and populations seized the opportunity to free themselves from control or surveillance by Kabul. The countryside was either the domain of mujahidin commanders, often at war with each other, or contested. Mujahidin (and, eventually, regime militia) commanders thus became de facto rulers of the areas under their control, or fought with each other in areas that lacked stable control. This pattern did not so much decentralize governance as destroy it.

As the state structures crumbled, non-governmental organizations (NGOs) and the UN filled the gap in providing basic services to the population in sectors such as agriculture, education, and healthcare. The local commanders sought to attract or blackmail these organizations in order to legitimate their power over the population. In the absence of a legitimate, recognized, and reliable government to work through, the NGOs and UN agencies established their programs through direct relations with communities, represented by local leaders and commanders, thus setting a precedent for internationally recognized decentralization.

Hence, as today's Afghan government undertakes its difficult enterprise of state building, it has to take under consideration both a tradition of centralized state institutions that is still alive, and even exaggerated in the collective memory of the nation and the politico-military ground realities of fragmented power that are a legacy of decades of war. The challenge ahead is to strike the right balance between constructing a state that assumes its national responsibilities, while allowing room to implement development projects at the regional, provincial, district and community levels. The debate among

Afghans on a superficial level is whether it is a strong central government or federal systems that can best serve the needs of the country. Both terms now serve as largely symbolic referents for political agendas. The actual alternatives available are much greater and may allow for political compromise on a system that will have the potential to safeguard the unity of the country, include people from all regions as citizens, and provide a framework for security, rule of law, and reconstruction.

Current Administrative Structure

In the first phase of CIC's center-periphery relations project, we examined current governance methods and administrative structures and procedures, including the judicial, fiscal, and military/security sectors. We found that the pre-1978 structures and bureaucratic procedures have largely been revived in civil administration. This is truer in the internal makeup of central, provincial and district level governments than in their relations with one another, which have taken on new and diverse dimensions. The military/security field has undergone more profound changes. Particularly visible are the remnants of the communist-era security and intelligence apparatus, which was also adopted, with modifications, by the first mujahidin government (1992-96).

A significant administrative change is the new role of the governor. Before 1978, a governor, chosen and appointed by the center, was essentially the chief of civil and police administrations in a province. The judiciary functioned independently of the governor and reported directly to the judicial authorities in Kabul. The military units stationed in the provinces reported directly to the ministry of defense in Kabul. Even education, health, and other service ministries functioned in the same way. Provinces and districts did not have their own budgets; provincial departments spent from the national

budget of their ministry, not out of a provincial budget. This system limited the scope for any political activity at the provincial level except by lobbying or use of family connections to obtain benefits.

Today, provincial governance reflects a different and somewhat complex picture. Before 1978, local officials were almost never natives of the areas they governed, in order to assure their independence from local factions and their loyalty to the central government. Today nearly all officials are drawn from dominant armed faction in the areas they administer: office legitimates power, rather than power resulting from appointment to office.

Most regions in Afghanistan today are under the predominant influence of figures who exercise extra-legal power like governors-general, combining military and administrative functions over several provinces. Unlike the *rais-i tanzimiya*, however, today's governors-general exercise considerable autonomy from the central government rather than being agents of central control. Whether they are officially provincial governors (Ismail Khan, Gul Agha Shirzai, Haji Din Muhammad), military generals (Abdul Rashid Dostum, Ata Muhammad, Hazrat Ali), or incumbents of other offices (Vice-President Abdul Karim Khalili), they have gained their positions not by appointment from the center, but because they command armed militia forces, in most cases affiliated with one or another faction of the former United Front (Northern Alliance). The remaining governors are also mostly former commanders from the provinces where they now exercise authority. While all governors and generals have received letters of appointment from the president as required, they received these appointments because they have power, rather than the reverse.

The big so-called warlords have brought smaller armed groups of their province or region under their command or influence. Some poorer or weaker provinces acknowledge the suzerainty of a neighboring governor or regional commander, creating *de facto* zones. Ismail Khan in Herat and Gul Agha Shirzai in Qandahar are governors without official military positions, but they are simultaneously the *de facto* chiefs of the military forces not only of their own, but also of their neighboring provinces. Abdul Rashid Dostum and Ata Muhammad are military generals without official administrative positions, but they have divvied up, and occasionally fight over, the civil administration in the northern provinces. They have appointed governors and other high officials and set policy in the provinces under their influence. A more complex case is that of the eastern region where Hajji Din Muhammad is the governor of Nangarhar and Hazrat ‘Ali is the military commander of the Jalalabad garrison. There is an uneasy condominium, as they belong to different factions. The relative balance of power between the two may be due to the fact that the governor of Nangarhar enjoys local tribal support and some influence in neighboring provinces, while the military commander has strong backing from the defense minister in Kabul.

Further divergence from the old system is visible in the intra-provincial appointments and chain of command. Most provincial strongmen—be they governor or military ruler—appoint wuluswals. The governor of Herat, for example, has appointed all wuluswals of his province. In districts close to the provincial capital or with larger Tajik population, the wuluswals have managed to exercise control. In some districts, where the inhabitants are predominantly Pashtun, the governor’s Tajik appointees are accused of practicing gross ethnic discrimination. In Chisht, for example, there exists a

parallel power structure to that of the official district government. In the district of Shindand in Farah province, bordering on Herat, where Ismail Khan also attempted to appoint a wuluswal, the situation has escalated into open military confrontations between the governor's forces and those of the local Pashtuns, under the command of Amanullah Khan. The latter has received some support from Gul Agha Shirzai, governor of Qandahar.

The governor of Nangarhar also claims that in most cases he has appointed wuluswals and district security chiefs who are not natives of their districts of assignment. Qandahar is a somewhat atypical case in that the governor at first experimented with district-level elections but interfered later. First, he authorized shuras in each wuluswali to elect the wuluswals. Three months later, the governor shifted all the elected wuluswals from their original districts to other ones. "Only two did not accept this arrangement in the beginning," said the deputy governor of Qandahar. "One finally accepted it; the other became jobless."

The district of Spin Boldak, which is inhabited predominantly by the Achikzai and the Nurzai tribes, seems to have presented a particular problem. According to Qandahar high officials, the two tribes "could not resolve their problems and nominate a wuluswal." The deputy governor explained, "Finally, the Governor sent a sayyid as their wuluswal." The sayyid, a member of a religious descent group outside the Pashtun tribal structure, is originally from the district of Panjwa'i and was brought to Spin Boldak with the help of the governor's armed forces.

The tribal chiefs in Spin Boldak, however, vehemently deny such a disagreement during the elections process and claim that the governor manipulated the process to serve

his economic interests. They claim that they had agreed among themselves on a wuluswal, but that the “government paid a handful of troublemakers to create problems and provide an excuse for the governor to bring in his own man.” According to a prominent Nurzai khan, “The governor does not have any particular tribal or ideological competition with us. The entire issue is over the control of commercial trucks.” In the exceptional case of Spin Boldak, the governor has directly appointed all government officials from among individuals who do not belong to any of the two strong tribes of the region and come from other districts or even provinces. The military commander in the district is a Wardak, while the mayor is another sayyid from Panjwa’i. The manner and real reasons for his appointment notwithstanding, the wuluswal seems to be well aware of the limits of his power in the heartland of Achikzai and Nurzai tribes. He seeks advice from the leaders of those tribes, showing them their due respect.

On occasions, strong commanders have even appointed governors in the provinces in their zones of influence. In the immediate aftermath of the fall of the Taliban, General Dostum appointed the governors of Jauzjan and Faryab, who in turn, appointed the wuluswals. These governors had also served under the Taliban, however. Soon after taking office in February 2003, Interior Minister Ali Ahmad Jalali named new governors to those posts after consulting with Dostum, who reportedly raised no objection. When the new governor of Jauzjan tried to take up his post, however, factional fighting broke out. In Ghor province, where the governor was named by the central government, the deputy governor was appointed by Ismail Khan. The governor who is from a district in the south of the province, could not even enter the provincial capital, Chaghcharan, which is located in the district to which his Herat-appointed deputy belongs. The deputy

governor therefore conducted the affairs of the province with financial support from Herat.

The Military

The zonal division of Afghanistan has changed the administrative shape of the country, though the causes of this change lie deeper than bureaucratic decisions. In the communist period, for the sake of military expediency, the Kabul government divided the country into four military zones: Northern, Western, Southern, and Eastern, under the commands respectively of the garrisons of Mazar-i Sharif, Herat, Qandahar, and Jalalabad, plus a separate zone under the direct command of the Kabul garrison. These zones closely approximated the four provinces into which Afghanistan was divided at the time of Amir 'Abd al-Rahman Khan, and they also coincide with the headquarters of the major regional commanders (warlords or governors general) today.

The mujahidin government maintained that arrangement, but the Taliban dissolved it. Shortly after the creation of the Interim Authority of Afghanistan on December 22, 2001, the four zones were resurrected, with mostly the same personalities running them as in the mujahidin government. Kabul recognized this territorial arrangement, insisting that it was only for the sake of facilitating coordination of military operations against al-Qa'ida and the remnants of the Taliban. The governors-general, however, have gone far beyond the military purposes of the zonal arrangement. Some have appointed governors, uluswals, and military commanders in the provinces within their zone. Recently, Kabul tried to dissolve the zonal system altogether, but has not yet had the power to implement that decision.



President Karzai opposes the zonal system, which he sees as supporting the current regional power structure and undermining the authority of the central government. In an interview, he supported his decision to invite all governors to attend the Emergency Loya Jirga in June 2002 by noting that Dostum, Ismail Khan, and other regional leaders were there. “If the governor of Herat is there, why shouldn’t the governor of Farah be there?” he asked. “Otherwise we are back to the zonal system.” As part of its policy of trying to recentralize the government and build a national army, Karzai’s government has attempted to abolish the zones. The national army is meant to be the principal instrument of abolishing the zones and re-establishing a centralized government.

Several of the regional governors general, however, insist that the zonal system (which they call “federalism,” somewhat misleadingly), be retained, along with regionally based security forces. Ismail Khan, for instance, remarked, “I am rather skeptical about the success of building a national army.” He further explained that,

A national army cannot be created by asking each one of us to give men. They asked me to send them men, and I did. But my men’s loyalty lies with me. They would do what I tell them to do. The same is true with others. How can you form a national army like this?

Pashtun leaders, with their historical attachment to a centralized state, articulate the opposite point of view. “A national army is the only way to end gunlordism,” said Qandahar Governor, Gul Agha Shirzai, “but for it to be successful, it should be formed under close supervision of the UN and the US.” By this he meant that the Minister of

Defense, Marshall Abdul Qasim Fahim, should not be in charge of the national army, otherwise, it would cease to be national. In other words, while Ismail Khan opposes a centralized army, Shirzai favors it in principle but resists centralizing it under the current central government, which he views as flawed.

Other criteria, according to the Governor of Qandahar, for the success of the national army are:

Sons of reputable families should be chosen from each and every province, proportionate to the population of each province. They should not be talib, ikhwani, or communist. They should come with a certificate from their community elders guaranteeing their good character and intentions, undergo medical examination and be interviewed individually by a delegation. We must bring back the national mentality whereby the Pashtun would feel responsible to defend the honor (*namus*) of the Tajik and the Tajik would do the same for the Pashtun. Only with re-establishment of national mentality, we can have a successful national army.

Tribal leaders in Spin Boldak and in Arghandab districts of Qandahar who do not find many common points with the governor, agreed with him on the recruitment strategy. “Instead of asking gunlords and commanders to introduce people for army training, they should ask the tribal elders. They should also ask the tribal elders to guarantee each individual’s honesty and strength of character.”

There are several major points over which there is disagreement. One is whether or not former jihadis and jihadi commanders be integrated into the new national army or

other armed forces or demobilized. As expected, most commanders and high officials affiliated to groups from the former Northern Alliance /United Front favor the inclusion of former mujahidin as well as fighters in other qawmi militias. Ismail Khan, for instance, said, “I have trained jihadis into disciplined fighters. They fought in the jihad. They sacrificed for their country. They deserve to be rewarded. They cannot and should not eliminate jihadis from the scene.”

Echoing this view, General Khan Muhammad, Commander of Qandahar’s Military Corps, but a long-time ally of Burhanuddin Rabbani’s Jamiat-i Islami said:

Some say the mujahidin are not professional soldiers. I say commanders are national figures.... Today’s reality is such that all depends on the commanders and without them we can make neither a national army nor a central government...It is only these commanders who can defend the country against enemies.

General Khan Muhammad believes that only jihadi commanders can be trusted because in the professional army officers one finds either those who were trained in the King’s period who are now “too old and weak, and have mostly lived away from the country for many years,” or officers who started their military careers during the communist period and got promoted for their services to communist rulers and their patrons, the Russians. “The people hate and distrust these officers because of their collaboration with the Russians and because they destroyed the country.”

Former professional military men from the pre-1978 period and many civilians vehemently oppose this arrangement, arguing that this would defeat the very purpose of creating a professional national army. “There is no lack of good officers,” argued

General Abdul Rahim Wardak, a member of the High Commission for Defense in Kabul. Wardak a US and UK-trained professional soldier from the time of the King and Daoud Khan, headed the military committee of Pir Gailani's National Islamic Front of Afghanistan during the jihad and served on the Rome delegation in Bonn. "It is easy to distinguish between the communist and non-partisan professional officers," he explained. "Looking at their records, those who received quick and out of order promotions during the communist era should not be appointed in key positions. The rest are professional officers who should be used at this time."

The General further believes that the former mujahidin cannot be trained as professional soldiers. "It is too difficult to un-train and then retrain them. You cannot teach an old dog new tricks." He does not completely dismiss the inclusion of the old jihadis in the new army. "Most of them may not have the stamina or the mentality to undergo a rigorous training program, so, they should be used in other areas of the army and separate training programs should be devised for them."

A number of powerful commanders in Herat, who are currently working under Ismail Khan's command but secretly claim to be opposed to his rule, stated their opposition to integrating jihadi commanders, including themselves, in the new national army. They believe that for as long as those with "jihadi mentality" are a part of the ruling elite, Afghanistan will see neither stability nor economic development. "We fought during jihad and defended our homes and villages after that. We deserve to be honored for our past services, but these are new times. Our time is over."

There are some possible compromise positions. Although General Khan Muhammad holds an uncompromising position in favor of the prominence of jihadi

commanders in the new army, he understands their inadequacy for today's situation and added that for a national army to be successful, commanders must be transferred from their place of origin to another province. "As long as a commander stays in his home province, he can challenge the authority of the Central Government, thereby keeping it weak."

The Governor of Qandahar, himself a former jihadi commander, said that to appease the former mujahidin commanders, the new army should initially include them. Like General Wardak, he believes that those trained in warfare in an unstructured manner during jihad will not last long in the professional army. After having a taste of the rigorous training and highly disciplined life, he thinks, most "will leave on their own accord."

The Defense Ministry's original proposal for the creation of the new national army, demobilization and disarmament, which is better known as "General Baryalay's Plan," allowed jihadi commanders to register their arms and accordingly receive allocation of resources for their men. This plan integrates jihadis into the configuration of the new army and registers the numbers and qualities of their arms. General Wardak found this plan objectionable on the grounds that,

There are commanders who have stored lots of arms over the years.

Those commanders not belonging to or having friendly relations with the Shura-yi Nazar have been and are in the process of being disarmed. Also, the Taliban managed to disarm most of the Pashtuns, but not the non-Pashtuns. Consequently, if we apply General Baryalay's formula for disarmament and reintegration of

armed forces into the National Army, only a select segment will be in the position to turn in lots of arms, and in return, register large numbers of soldiers and officers to be included in the National Army's budget.

Though most Afghans seem to believe in the creation of a national army to support the state and to replace warlords and commanders with a security structure regulated by law, there is serious concern over the control of the new army by Shura-yi Nazar, which dominates the security structures in Kabul. "If the control of the new army is given to one of those gunlords, it will not do any good," said the Arghandab wuluswal. Hajji Din Muhammad, the Governor of Nangarhar believes that "if only one faction holds control of the armed forces the people will not submit and will not agree to disarmament." He said that in the beginning of the Interim Government 800 arms were collected from Hisarak district of his province, but as soon as it became known that only one faction—Shura-i Nazar—was going to be in control of the Defense Ministry, only one gun was turned over to the government. "Under current circumstances the people are not sure if the arms that they submit to the government will be used against them." The Governor of Nangarhar also identified economic development, significant reconstruction projects and creation of jobs and alternative means of income as an important factor in the success of disarmament creation of a national army.

Hence reform of the defense ministry has emerged as key to the formation of the national army and the demobilization or integration of regionally-based militias. General Wardak believes that the national army should be completely de-politicized and the Ministry of Defense should reform and overhaul itself in such a way as to give the nation

confidence that it is “truly a national institution.” This is one example of a more general point: the reintegration of the center and the provinces requires not just negotiation of power-sharing between the two or the integration of the provincial structures into the existing central structures, but the reform of the central structures so that they enjoy greater legitimacy in the provinces and the capacity to deliver security and other services, which they currently lack. Marshall Fahim does not disagree in principle but argues that the “existing forces,” who resisted the Soviets and the Taliban, have earned the right to a choice of integration into the new forces and that they should be demobilized gradually, with full honors. In August 2002, to indicate his agreement to the goal of making the ministry of defense more of a national institution, Fahim informed President Karzai that thirty senior defense ministry officials, mostly from Panjsher district, had agreed to vacate their posts for successors from other ethnic or political groups. He asked to keep eight positions, among the most important for the existing appointees. In February 2003, the government announced appointments to fifteen of those positions, mostly Pashtuns, but also some Uzbeks and Hazaras.

General Wardak, who was responsible for identifying and recruiting those new appointments, has also proposed that the minister of defense be a civilian with strong managerial skills and experience, as it is in the United States and many other countries. Instead, “The *Loy Diristiz* [the highest ranking uniformed military officer, equivalent to chairman of the joint chiefs of staff in the US system] should command of the armed forces. Of course, in a normal system, the ultimate commander in chief is the president or head of state

A small group of people dissents from the entire process and argue that Afghanistan does not need a national army. According to this group, including Qayyum Karzai, president of Afghans for a Civil Society, and Engineer Yusuf Pashtun, Minister of Construction and Urban Development, Afghan armies have never defended the country successfully. Instead they have been used to intervene politically and suppress the people. At present the primary need is for internal security, which is the function of police, not the army. Pashtun, for instance, contended that the creation of a national army should be postponed to a later time:

An army is for defense against aggression, especially from neighbors. Can we build such an army that could withstand the enormous armed forces of Pakistan and Iran? Instead, we must try to secure an international guarantee for Afghanistan's territorial integrity...In short, first we may not need an army at all. Second, investing in the police force will guarantee internal security and will keep things away from becoming politicized.

Those who think a national army can eliminate the current warlords and local commanders will have to wait long before the new army is strong enough, both in terms of quantity and quality, to achieve that goal. In the meantime, debate continues on how this national army should be built.

Judicial System

Not surprisingly, those in the judiciary are more adamant about Kabul's return to real power, which in their opinion will entail a return to the judiciary's former prominent role. Under the 1964 Constitution the judiciary was an independent branch of the

government and therefore immune to interventions from the executive, especially the military. Also, the judiciary in Afghanistan is one of the oldest and best-developed state institutions. The cadre of professionals in this sector is a large and trained one, though the pattern of emigration of the past twenty years has led to the attrition in particular of those trained in state law (qanun) in favor of those trained in Islamic law (shari'a). In addition, the traditional view of state and governance equates them with the notion of *'adalat* (justice). Dispensing justice, therefore, is the principal *raison d'être* of the state and the determinant of good or bad governance.

All the justice officials interviewed favored a uniform national system of law in the country. The three areas in which we conducted our interviews, however, as well as Kabul, are all predominantly Sunni. All constitutions of Afghanistan (other than some passed under the Communist regime) have made special mention of the Hanafi school of jurisprudence, recognized by Afghanistan's Sunni Muslim majority, as do portions of the 1964 Constitution that are in force today. Shi'a political groups have at times advocated a form of federalism in which courts in predominantly Shi'a areas would be free to make use of the Ja'fari school, which they favor. At this writing, omitting any mention of a specific legal school appears to be gaining favor as a way of avoiding discrimination in favor of any sect in the constitution. The public debate over these provisions of the constitution will show to what extent this remains a live issue in Afghanistan.

In provinces that are relatively free from the firm rule of powerful warlords, justice is, for the most part, left to the local *shuras* (councils). The state intervenes only when the shura fails to solve a problem, when a case concerns a matter of state security or interest, or if the parties involved are relatives or friends of the local commander,

governor or wuluswal. Inhabitants of Muhammad Agha district of Logar province, for example, claim that when a crime occurs, the *Saranwal* (magistrate) refuses to build a case, the judge is not interested in listening to the case, and the police release the accused. The plaintiff and the accused, in short, have to rely on traditional ways and means outside of the state structure to obtain justice. “When there is a case of crime,” admitted the district saranwal, “we first try to let the local shura deal with it. If that does not solve the problem, the government intervenes.” The district director of security defended his department by explaining, “If we let go of a suspect, it is not because of negligence, personal relations, or bribery, but rather because we do not have the resources to maintain a decent detention facility and 24-hour guards. It all comes down to finances.”

In provinces ruled by powerful warlords, such as Qandahar and Herat, the executive and military authorities often intervene in the justice system, sometimes using the threat of falsely informing the US forces about ties to the Taliban. In Arghandab district of Qandahar, when a criminal with ties to the government was arrested, the Provincial Security warned the District Saranwal “to close the case or they would send him to Guantanamo Bay,” said the uluswal. Magistrates complain that they receive demands from the “authorities” to drop cases that they have built against criminals who happen to be members of the militia forces of the local warlords or commanders. In many cases, they claim to receive serious threats. “The powerful ones pressure judges to do unlawful things,” explained a Herati judge. “If the judge does not accept, they make life difficult for him.” But, mostly, as survivors of many years of the rule of gun, they do as they are told by the “gunlords” before the matter turns ugly.

Though this is the general state of the affairs in the judiciary, exceptions occur when the judge or the saranwal comes either from a powerful tribe, or has his own militia force. “If we step on the law to accommodate the mighty armed men, then we are in effect destroying our reputation,” said the Chief Justice in Qandahar. The Chief Magistrate of Qandahar often finds himself rejecting unlawful requests from commanders, including the governor. He is able to do so largely because, besides being a man of principles, he enjoys strong backing from his Achakzai tribe, which competes for power with the governor’s Barakzai tribe.

As for relations and the degree of cooperation between the provincial judicial structures and the capital, the cases studied showed variations. The chief justice of Qandahar, for example, says that he maintains a working relationship with his counterparts and superiors in Kabul, without making an issue of it with the governor:

We are on good terms with the Supreme Court. We correspond daily and exchange files and cases regularly. Regardless of how relationships are in the larger political and military scheme of things, with prudent behavior we have managed to restore a certain degree of the kind of relations that should be between the Supreme Court and us. Politicians and gunlords come and go. We, the machinery of the state, should do our work apolitically and according to procedures.

The provincial Magistrates in Qandahar also claim that they report daily to Kabul and receive answers to their questions on procedural matters. “We obey the center and implement the center’s—i.e., the attorney general’s (Loy Saranwal’s)—commands,” said

the chief magistrate of Qandahar. “When we ask the center for guidance on specific issues, we receive an answer within 8 to 10 days, depending on the complexity of the issue.” The chief magistrate and the chief justice explained that this relationship has been made possible primarily by their strong conviction that professionalism should come above politics, and also by the fact that many of the heads of departments in Kabul, both at the Ministry of Justice and at the Supreme Court, are either their university classmates or old colleagues.

In Herat, by contrast, the justice system, much like everything else, is tightly controlled by the governor and his men. Except for ordinary cases, the chief justice as well as the chief magistrate work as mere clerks, following orders that come from the *wilayat* (governor’s office). According to some of the high officials in the judicial system in Herat, because of political tensions in the province, fictitious criminal cases are sometimes framed for political purposes. The same is true for a large number of women imprisoned under false charges.

Officials of the Herat *saranwali* and provincial high court said that they regularly send reports of their work to the relevant offices in Kabul. They claim, however, that they rarely receive instructions or guidance, and never material assistance from Kabul. Complaints about Kabul’s lack of responsibility on financial matters are also prevalent in Logar and Qandahar, where one official claimed:

Kabul sends us money only for salaries, not for all other expenses.

Lunch money and a percentage are added to the base salary (the highest ranking *saranwal*’s base salary is approximately \$40 per month). The UN, through the ministry of finance in Kabul and the

mustufiat here, pays the added amount. That money only covers 25 percent of the salary. 75 percent is paid by Qandahar wilayat.

Besides salaries, we do not receive money for other office and operational expenses.

Provincial administrations seem to maintain some horizontal relations. For example, the saranwal of Qandahar claimed, “we have good relations with some other provincial saranwalis, notably with Ghazni.” He further boasted, “The saranwalis of Qandahar and Ghazni are considered the best in the country and their work has spread throughout the country and used as model in other provinces.”

Judicial officials of Qandahar, Herat, and Logar agreed that the scope and quality of existing laws are very good. There is, however, confusion over the definition of “existing laws.” In the Qandahar saranwali and high court in July 2002, no one had yet seen a copy of the Bonn Agreement. The officials had heard only that the Bonn Agreement had established the 1964 Constitution as the basis of law in the interim and transitional periods. The officials said that in the decrees issued by the Head of State, Zahir Shah and Daud Khan’s laws and regulations are used. “Existing laws could be all the laws from the time of the King, Daud Khan, the communists, the first government of the mujahidin and the Taliban,” explained the saranwals. They said they rely heavily on Daud Khan’s Penal Code and saranwali regulations, while also using some laws and regulations promulgated during the rule of Najibullah.

Judges in Herat believe that the current weakness of the justice system is the failure to apply the existing laws. “Laws exist. Their application is rare. Procedures are not followed.” The chief saranwal and chief justice in Qandahar both expressed

frustration over not having many professionals in their employment. “Due to circumstances, notably, lack of funds, lack of security in the country, and heavy interference from commanders, not many professional judges and saranwals agree to come back to work for the state.” A number of such legal professionals are still in exile in Pakistan, while others have turned to trade or other means of earning an income.

In some wuluswalis there is not even a judge or a saranwal. In others, the appointed judges are not professionals at all, and, because of lack of professionals, we have had to fill the post with someone who does not know the law. In one case, the judge is self-appointed.

In another, the judge is a blind man.

The chief saranwal of Qandahar admitted, “Even here in the provincial center, it is difficult to convince a professional to work with us for such a small salary, whereas NGO’s pay much more.”

To remedy the problem of not having professionals in place, the chief justice and the chief saranwal have instructed all wuluswalis in Qandahar that do not have a judge or a saranwal to send their cases to the provincial center. Sometimes judges from the provincial capital are dispatched to wuluswalis to settle cases. The mobile judges are usually sent after a backlog of several cases piles up in one wuluswali. “Together with the saranwali, we took this initiative to provide a temporary solution to the judicial problems of the wuluswalis,” explained Qandahar’s chief justice. “Under present difficulties, delayed justice is better than none at all.”

Fiscal System

Afghanistan before 1978 had one of the world's weakest fiscal systems. Domestic revenue as a percentage of gross domestic product did not exceed 10 percent, tying with Nepal for the lowest in the world. The major source of tax revenue was customs duty on international trade, with sales of state monopolies (tobacco, petroleum products) also a source of income, along with sales of natural gas to the USSR and foreign assistance.

The bureaucracy set up for tax collection by central governments in the past still exists, if in a weakened form, but it now generally functions not as part of a national state but under the control of regional governors-general. The Taliban re-centralized tax collection, though most of their income and expenditures remained outside the budget with no formal accounting. After September 11, 2001, however, the revived commanders brought back with them the fragmentation of state functions that had characterized the government in 1992-1996. A vivid example is a reported incident in Balkh. The customs house reportedly had about \$8 million collected during the latter part of 2001 on hand, when General Dostum arrived, announced he needed the funds to pay his troops, and confiscated it.

Customs revenues have become a point of contention between Kabul and the provinces where major customs posts are located, as well as among rival commanders and provinces. The major ports of entry for dutiable commercial goods are Spin Boldak (Pakistan-Qandahar), Torkham (Pakistan-Nangarhar), Hairatan (Uzbekistan-Balkh), Islam Qal'a (Iran-Herat), and Turghundi (Turkmenistan-Herat).

Since the mid-1990's Pakistan has banned twenty-some commercial items from passing through its borders into Afghanistan under the Afghan Transit Trade Agreement (ATTA), which provides for duty free import into Pakistan of goods under seal for re-export to Afghanistan. The ATTA had become a major vehicle for smuggling into Pakistan, and these were items that were either smuggled back into Pakistan or never left. Smugglers sold them in special bazaars (bara bazaars), thereby avoiding Pakistani import duties. After the ban, trucks carrying those contraband goods found new transport routes through Iran and Turkmenistan, into Afghanistan through Islam Qal'a and Turghundi in Herat. This shift in transport routes has decreased the customs revenues of Qandahar and Nangarhar, while it has placed Herat in a markedly advantageous position. According to a high official of the customs service interviewed in Jalalabad, 70 percent of Afghanistan's foreign trade was transiting through Iran in mid-2002. This will only increase with the new transit agreements negotiated with Iran by Afghan Minister of Commerce Sayyid Mustafa Kazemi in 2003.

As it was thoroughly explained by governors, deputy governors, mustufis and customs chiefs of Herat and Qandahar, under so-called "normal" circumstances (which have not existed for decades), customs taxes collected by the provincial customs office are deposited in the finance ministry's bank account at the provincial branch of Da Afghanistan Bank. Then, according to the expenditure allocation for the province determined by the various ministries in their budgets, the ministry of finance in Kabul authorizes the provincial *mustufiat* (finance office) to withdraw money from that account and disburse it to the provincial governmental offices. If there is a surplus, the excess is transferred to Kabul. In case of shortage, additional funds are transferred from Kabul to

meet the province's budgetary requirements. According to Minister of Finance Ashraf Ghani Ahmadzai, Herat is the sole province that consistently enjoys a revenue surplus; all others rely on the central government's revenues to cover their shortfalls.

In the past, too, customs revenue was rarely enough to cover all the expenses of a province. As the *mustufis* (finance officers) of Herat and Qandahar emphatically put it, "Taxes collected at customs were never physically sent to Kabul." Therefore, officials of these two provinces believe, they are not violating existing laws and procedures by not sending the customs revenue to Kabul. In reality, the governors of these provinces commit a gross procedural violation when they assume the role of the finance ministry in deciding on the distribution and disbursement of these funds. The justification given by Mr. Afzali, Head of Foreign Relations Department in Herat, typifies the mentality of today's provincial administration:

Customs revenue is providing sufficient income for the province.

All foreign assistance goes to Kabul. This [customs revenue] is our only means of income. The media's reports that we collect import taxes illegally are completely false. Every cent is counted and registered. It all goes through proper administrative procedures.

Ordinarily, the expenses of all civil and military organs are fixed and paid by the ministry of finance, through the *mustufiat*. Since Kabul is not doing this, we have simply skipped a step in this process and are keeping the customs revenue only to meet the budgets of various state organs.

From the central government's point of view, however, Herat is creating particular distress and embarrassment. There are similar difficulties in northern Afghanistan, where the major commanders split the revenues from the Hairatan customs house. Though the shares have been a repeated subject of fighting and renegotiation, by early 2003 the division of spoils, according to UN officials, seems to have stabilized at 50 percent for General Atta Muhammad of Jamiat, 37 percent for Dostum, 12 percent for Muhaqqiq and Hizb-i Wahdat, and the remaining one percent perhaps used for the cost of transactions.

The implications for Kabul go beyond mere procedural wrongdoing. The current practices challenge the role of the Ministry of Finance and manager of the government's income and expenditures and, in effect, challenge the legitimacy of the central government. Dr. Muhammad Amin Farhang, Minister of Reconstruction and an economist, is convinced that "centralizing revenues would not only strengthen the state, but would also establish the country's long-term economic system."

Mr. Afzali, as well as Herat's customs chief proudly boasted that 80 percent of Afghanistan's imports enter the country from Iran through Islam Qal'a, an even higher estimate than that given by the customs official in Jalalabad. The mustafi of Herat further elaborated that import taxes constitute the largest portion of the province's income. Yet, according to the customs chief of Qandahar, Herat under-reported its customs revenue to the degree that it looked as if Qandahar had raised about (old) af 3 billion more than Herat in 2001-2002. A mid-level employee of the Herat customs office confidentially explained how his office can under-report its revenues. First, he claimed that from the total import taxes collected at Islam Qal'a and Turghundi, approximately



one-fourth is not recorded in the regular books. He insisted, however, that that portion is also treated with the same rigorous bookkeeping methods, albeit kept separate from the official state accounts. Second, he pointed to the porous nature of the Iranian-Afghan border, claiming that there is a fair amount of cross-border traffic at points of entry other than Islam Qal'a. He called that, private business between Ismail Khan and his Herati partners on this side, and their Iranian counterparts on the other side of the border. Ismail Khan is reported to be very close to the head of the foundation of the shrine of Imam Ja'far in Mashhad, the largest bunyad (foundation) in Iran, with much investment in trade with Afghanistan.

Ismail Khan's tax collecting methods are deeply annoying to the Qandahari officials, and the central government has not yet been able to resolve the differences between the leaders of these two regions, despite the personal intervention of President Karzai. "Ismail Khan is collecting taxes that are our rights," said the deputy governor of Qandahar. While the Taliban taxed import goods on the spot, without going through bureaucratic procedures, the pre-1978 law says that a customs office can levy tax only on companies that are registered in that province. "Herat illegally taxes the companies that are registered elsewhere," complained the Qandahar mustufi. Consequently, when a company registered in Qandahar brings its goods in through Herat, it pays duties in Herat. When its trucks reach Qandahar, an that province's customs office levies an additional tax on it because this is the province where the company is registered. If the final destination is Kabul, the company may pays import tax for the third time. "In Qandahar we do not levy tax on trucks that are registered elsewhere," said the Qandahar customs chief. The mustufi, on the other hand, admitted that there is a problem with the same

goods being taxed several times. The traders have staged protests to call attention to this problem on a number of occasions.

The customs levies are also assessed on prices calculated according to fictional exchange rates, which make the effective rate much lower than the nominal rate. Since the nominal exchange rate used differs among provinces, this also creates irrational disparities. In the summer of 2002, at a time when the market rate for the old afghani was approximately afs 45,000 to the US dollar, the mustufi of Qandahar described the procedure as follows:

The finance ministry sets the exchange rate base on which taxes are levied on imports. In Kabul it is currently set at 4,000 [old afghanis] to a dollar. In Herat it is 2,500 to a dollar. We have set it at 2,000 to a dollar. We informed the ministry of finance, but they refused and called it unlawful. We restrained ourselves and accepted the 4,000. In Herat the trader pays taxes based on the exchange rate of 2,500. We only collect the difference here. The Ministry has given us oral permission to do this.

The fierce contention on the part of Qandahar that Herat's taxation is unlawful is understandable in light of the fact that almost half of Qandahar's income depends on customs revenue. "In the last three months our income was [old] afs 160 billion, over 45 percent of which came from import taxes," said Qandahar's mustufi in July 2002. In the absence of funds coming from Kabul, other official sources of income for the mustufiat are transit fees (*haq al-'ubur*), shops tax (*maliyyah-i sinfi*), and income tax on businesses. When he appointed, the mmustufi of Qandahar said, "Those of us with prior experience

in finance were asked to devise a framework. We did not structure it based on expected revenue.” Using the laws, regulations, and by-laws of Zahir Shah and Daud Khan’s periods, they came up with more innovative ways to raise money for the expenses of the province. For example, instead of levying high taxes on property, agricultural land, and businesses, “people themselves came to us and said this is how much tax we can pay, and in return, these are the services that we want from the government,” explained the mustufi. To generate more income,

The Mustufiat has activated 352 companies. Six hundred individual traders have started their work. We have prevented loss of foreign currency. Businessmen have agreed to keep their foreign currency in the country, and, in return, we have reduced their taxes. We have abolished taxation on export of fresh fruits, while reducing that of dry fruit down from 4 percent to 0.5 percent to encourage exports. To encourage rehabilitation of industry, we have forgiven back taxes.

Ghulam Haidar Khan, the current mustufi of Qandahar, holds a degree in economics and has many years of experience at the ministry of finance in Kabul. Since his recent appointment the mustufi said he travels to Kabul frequently. “I work well with the old colleagues from the ministry.” At a seminar for governors and mustufis held in Kabul in May 2002, the Qandahar mustufi had to give talks to his less experienced counterparts from other provinces on current problems and their solutions, procedures, rules, and ways of cooperation and understanding among colleagues.

While both Qandahar and Herat do not depend on or receive much financial assistance from Kabul, the mustufiat of Qandahar has expanded its traditional role and has effectively become a provincial ministry of finance. In Herat, the newly appointed mustufi, Mr. Sakha, comes from a solid academic background. He is well respected as an economics professor at Herat University. Some members of his staff, though, seemed inexperienced in financial matters. In comparison with its pre-1978 existence, the mustufiat of Herat has obviously shrunk into one of the departments of the wilayat. In comparison with Qandahar mustufiat, it is difficult to determine whether the contrast is a consequence of difference of personality and lack of experience, or is simply due to Ismail Khan's tight control of every aspect of the government in Herat.

Federalism, Decentralization, Unitary State

Among the strongmen of Afghanistan, only Ismail Khan, General Dostum, and, previously, Hajji Ayatullah Muhammad Muhaqqiq have openly stated their desire for a federal system of government. Dostum's party, the Junbish-i Milli-yi Islami-yi Afghanistan (National Islamic Movement of Afghanistan, NIMA) and Muhaqqiq's party, Hizb-i Wahdat (the Unity Party, bringing together a number of smaller Shi'a groups) advocate federalism in their party programs. (For NIMA's program and further discussion of federalism, see www.junbesh.com.) Partly because of the unprecedented degree of participation in the central government by Shi'a in both the interim and transitional administrations, and partly because of their recognition of continued resistance to federalism by Pashtuns, Hizb-i Wahdat has moderated its program to calling for measures of devolution and non-discrimination against Shi'a jurisprudence. Over dinner at his residence, Muhaqqiq joked about Hizb-i Wahdat's advocacy of federalism:

“Dostum is with us with his four families [chahar khana], the Tajiks are reluctant, and the Pashtuns consider that federalism is kufir [unbelief] and that it is beyond the pale of the Islamic religion.”

Among the specific issues at stake in the debate over “federalism” are the zonal system (whether provinces should be formally grouped into zones or regions for administrative, fiscal, and political purposes); whether the leadership of the administration of provinces or zones should be elected, appointed, or some combination of the two; and what powers these sub-national units should have, especially in the fiscal area, raising taxes and determining their own expenditures.

It is not surprising that, in general, among political elites, those exercising power in the provinces and representing regions and ethnic groups that have long felt themselves to be subjects of a Pashtun-dominated state in Kabul rather than equal citizens of Afghanistan, advocate federalism or decentralization. Those exercising power in Kabul and Pashtun elites who see Afghanistan primarily as a Pashtun-led state see a strong, centralized government as in their interest.

Popular perceptions need more study but seem to have evolved with changing experience. At the beginning of jihad, in 1979-80, before most fighters were organized into parties or organizations, they often spontaneously attacked the physical presence of the central government. Sayyid Mustafa Kazemi, Minister of Commerce and a former commander of Hizb-i Wahdat, told how he was surprised when he arrived in Bamiyan at the beginning of jihad and found the people burning government buildings. “I asked them, ‘Why are you burning these buildings? They are your property’. They told me, ‘Those buildings have oppressed us.’” The general hostility or suspicion toward symbols

of central power was not confined to the Hazara areas either. Now, however, after years of “gunlordism” (tufangsalari) by local commanders, popular sentiment has largely shifted in favor of a “strong central government.” Loya Jirga electors from the eastern provinces interviewed in Jalalabad during the second-stage elections in May 2002 stated that they wanted a strong central government. Though these delegates were Pashtun, they did not mention reassertion of Pashtun power over Northern Alliance-dominated regions as their main concern. They were quite clear that their main expectation of such a government was that it would be able to dismiss oppressive and corrupt local officials. The same hope seems to characterize people all over Afghanistan. One should not necessarily conclude therefore that government should be as centralized as in the past: confronted with an ineffective, corrupt, or oppressive central government, a possibility that one can hardly exclude, popular sentiment could shift once again.

Ismail Khan believes that the current zonal division of the country is “an excellent system,” and, given the present ground realities, should be sanctioned by law. “The state of Afghanistan must be federal. A central government will never be able to establish its rule over the entire country,” asserted Ismail Khan. “The central government should only be there to support us,” he elaborated, “but we should be autonomous (*khudmukhtar*) in running our affairs.” His views are also shared by General Dostum who has repeatedly and consistently called for federalism, without further elaborating on the exact kind of federalism that he envisions or a clear division of authorities and responsibilities of the central and provincial governments. While Hajji Muhaqqiq has retreated from demanding federalism at present, he advocates the redrawing of provincial boundaries along ethnic lines, separating several predominantly Hazara districts from Ghazni,

Uruzgan, and Ghor provinces. Such changes could be preparatory to creation of a central zone that would correspond to an ethnically defined Hazarajat.

We have already noted President Karzai's strong opposition to the zonal system. While he has compromised with the de facto decentralized power structure by confirming appointments of local officials from their own areas, in private discussions as early as Nawruz 1381/2002, he confided his intention to return to the tradition of appointing governors and uluswals from outside the areas they administer and said that this corresponded to popular demands.

Since his appointment as minister of finance at the Loya Jirga, Ashraf Ghani Ahmadzai, former senior social scientist of the World Bank, has emerged as one of the most forceful advocates of centralization. Since assuming office he has dedicated himself to trying to centralize finances and reform the customs service and treasury department of the ministry of finance. He has persuaded Ismail Khan to turn over new afs 100 million on several occasions and has held up payments to northern Afghanistan in order to pressure Dostum and the other northern commanders to turn the customs revenue over to central control. He has also held up payments to the defense ministry, insisting on a plan for reducing the size of the forces and clear identification of those whose salaries are being paid.

These demands have placed him in sharp conflict with Marshall Qasim Fahim, Vice President and Minister of Defense. Nonetheless, Fahim does not challenge Ghani's agenda of centralization. In an interview he stated, "A strong central government is imperative. The central government must have total control over the entire country; otherwise, it can't be called a state. The military and the intelligence arms of the

government are instrumental to achieve this.” What Fahim challenges is whether the centralization process should be used gradually to incorporate the armed forces of the Northern Alliance or to marginalize them in favor of a state structure dominated by a Westernized, technocratic, and largely Pashtun elite.

The governors and governors-general in the Pashtun areas also state they favor centralization, even if not under the current power structure. Gul Agha Shirzai of Qandahar states that he supports the establishment of a strong central government as the only means to a return to the rule of law, stability and equitable economic development. Similarly, Hajji Din Muhammad, Governor of Nangarhar, said, “Federalism is not the right formula for Afghanistan. The federal systems that are in place in Pakistan or in Germany will not be successful in Afghanistan. They would only push the country towards disintegration.”

The argument that federalism will lead to disintegration derives from the experience of the past decades, in which regionally based commanders developed independent patronage and supply relations with governments and other support networks in neighboring countries. These political and economic linkages provided the infrastructure for the proxy war that took place on Afghan territory, pulling the country apart. Of course, in genuine federalism, armed force and security would still be centralized. Sometimes Afghan commanders and governors-general speak as if federalism were a system where each zone would have its own army. While this is not federalism, the association of the term with these facts on the ground colors how Afghans perceive it.

Two cabinet ministers in Kabul who participated in the Bonn Talks as members (in one case as leader) of different delegations offered intermediate solutions that accepted the need for a process of state building that would transform current realities gradually and keep evolving. M. Amin Farhang, Minister of Reconstruction, who was a member of the Rome delegation, argued that,

A federal system cannot be established in the short-term.

Currently escape from the center is a reality, but this will take

Afghanistan towards gradual disintegration. The *muqam-i sarkari*

[state authority] must be reinstated. Only after a strong central

government is established that we can slowly begin to move

towards decentralization.

Muhammad Yunus Qanuni, Minister of Education, who led the United Front delegation in Rome, said, “the debate should not be on either an all-powerful central state or a federal system. Neither is realistic at the moment.” He also believes in a gradual process, but he proposes it in an order opposite to that of Dr. Farhang’s. Qanuni suggested that a series of authorities should go to the center, while the remaining one should be given to governors. “For example, all level I and level II [*rutba-yi awal wa rutba-yi du* – the highest ranking civil servants] officials should be appointed by the center—including governors and wuluswals, and the rest by the governors. Fifty percent of customs revenue should be sent to the center. Teachers should be appointed locally. All this, until a strong central state is established.”

Thus the differences over state structure are not only about the goals, but about the process. The conflict over the nature of the process is most intense between Ashraf

Ghani and Marshall Fahim, but it expresses the difference in viewpoint between the returning technocrats and those associated with previous regimes, on the one hand, and those whose road to power was through the jihad and the struggle against the Taliban.

The former position advocates a kind of “shock therapy” centralization. Its proponents, especially Ghani, take as their point of departure the same observation made by the deputy governor of Qandahar:

Financial dependency attaches offices in the periphery to the center.

Because financial needs of provincial offices are not met by the center, orders are naturally taken from the source that provides resources, i.e., the governor.

Hence the centralizers seek to use international financial assistance to the central government as leverage to subordinate the regional or zonal authorities, construct a centralized administration, and win the loyalty of the people and former fighters to the government. A Kabul-based elite, with a heavy admixture of Western-trained and Western-returned technocrats would exercise most political power.

The gradualist group largely associated with the former Northern Alliance, however, seeks to incorporate the de facto decentralized military and administrative structures, headed by members of their own and allied organizations into a more centralized structure. An elite composed of former commanders and regional leaders (warlords) would share rulership with Western-trained and returned technocrats while retaining a predominant, though not exclusive, role in the security forces. The Western-oriented elite is also more Pashtun and could claim some support for its program of rapid re-centralization in the Pashtun areas.

Conclusion

For now, centralization is also popular as slogan or symbol among the common people throughout the country, but it is far from certain that the popularity of this idea would survive its implementation. Thus far only fragmentary data are available on non-elite perceptions of these questions. The proceedings of the Loya Jirga in June 2002, which appeared to reflect popular sentiment quite closely, were notable for the absence of calls for decentralization or regional autonomy. The most popular theme, at least during the first two days, before some delegates felt intimidated, was the need for the central government to subordinate or eliminate the “warlords” and provide security. It appears that the overwhelming majority of the Afghans are convinced that only a strong central government can appropriately respond to the daunting task of establishing security and stability and overseeing reconstruction and development. The agreement of the majority of the population on this matter reflects their strong distrust of local and regional rulers. Our survey also showed that after a quarter of decade of war and disintegration of the central government, state structures and procedures that were deeply engraved in the minds of the people and of the cadre of remaining bureaucrats were quickly revived in both the center and the provinces and districts. New leaders have changed the rules of politics, but administrative structures and bureaucratic procedures have stubbornly remained the same.

The popular views of government, however, may not be as simple as a few questions might make it appear. Decades of conflict, exile, and politicization have created an Afghan public quite different from that of several decades ago. One author (Rubin) asked an ad hoc assembly in a mosque in a village near Bamiyan how the relations of the center to the provinces and districts should be structured. One local man who was clearly a

leader in the community responded that the people should elect the uluswals, and that the central government should appoint the governor from a list of three candidates submitted by the local people, presumably by a provincial assembly. We are confident that others have such ideas as well, which would help the Afghan political debate move beyond the sterile polarization of “federalism” versus a “strong, central government.”

The drafting of the new Afghan constitution should provide an occasion to debate these issues more fully, though merely adopting a plan for the structure of the government will not guarantee its implementation. Probably the best constitutional framework would be a unitary state structured in such a way as to provide for participation at all levels through elected councils and that is flexible enough to allow for extensive devolution of power to provinces, districts, and localities. The desirable amount of devolution will vary with the sector and over time.

Popular sentiment clearly wants a more consolidated state right now, and particularly the demobilization of militias. To the extent that Afghanistan has an army, it must, of course be centralized. Policing is an area ripe for new models, at least once a minimally professional national gendarmerie is re-established. Tax collection will have to be nationalized, but provincial and district expenditures need not be. The government should consider establishing an institutional structure that will make it possible to give block grants to provinces, districts, and communities to budget as they see fit for certain purposes. Elected councils could be given jurisdiction over such allocations. The idea of appointing governors and uluswals from the center is deeply ingrained, but can at some point be reconsidered. Some form of zonal system may be necessary for economic and social planning, if not for political participation. It would be remarkably inefficient if

every national program had to be administered through one office in Kabul and thirty-two provincial offices, rather than through seven or so regional offices.

All these topics can be the subject of rational debate, but the political issues are those that might plunge the country back into conflict. A weak and largely unaccountable state dependent on foreign aid and foreign advisors before 1978 nurtured a political elite that was concentrated in a few neighborhoods in Kabul and increasingly culturally and politically distant from the rest of the country, which it barely controlled through a highly centralized but ineffective administration. Today's rapid re-centralizers and their foreign backers risk creating a similar situation. Already one hears that little aid leaves Kabul and is mainly used for international organizations, foreigners, and a small clique of Westernized Afghans who speak their language. Such a system will be even more unsustainable in the Afghanistan of the twenty-first century than in the previous one. While Afghans do not support the regional "gunlords," they will not accept rule by aid-lords either. The political task of reconstruction will be to help Afghans use the assistance they need to construct a state structure that is unitary enough to unite the country and decentralized enough to permit real participation to a population that is politicized as never before.