Section 3
Looking forward

Institutional change

Potential space exists in Afghanistan to diverge from past political patterns and choose new paths forward. For example, reformulating Afghanistan’s political system to facilitate broader inclusion and accommodate opposition non-violently might offer a way to support sustainable stability and insulate Afghanistan against regional political change or interference.

Elections in 2018 and 2019 present opportunities in this regard – elections, while deeply flawed in Afghanistan, remain popular with the general public. While reform before the coming cycle is not likely, a large-scale overhaul of the political system is overdue and a consultative process to initiate this could bolster the legitimacy of a newly elected president.

Section 3 of this publication explores options for institutional change, and scope for renegotiating reform in the context of a peace process. Themes explored in this section include inclusive politics as a path to peace; local perspectives on peace and democracy from four provinces; reflections on peace and transition by significant Afghan figures; theses on peacemaking in Afghanistan; human rights, security and Afghanistan’s peace process; and institutionalising inclusive and sustainable justice.

Scott Worden opens Section 3 by asking what sort of political system can enhance inclusion in Afghanistan – to convince the Taliban to participate and compete for power peacefully, and current power-holders to let them in. Options for institutional reform present dilemmas between a presidential or parliamentary system and how to promote a more party-oriented electoral arrangement that can encourage greater accountability but discourage further ethnic mobilisation and division. Supporting more democratic local governance may be one way to enhance representation, and presidential elections in 2019 are an opportunity for the international community to mediate electoral reform. Some forms of indirect voting may offer possibilities to enhance regional balance and moderate extreme influences in the electorate. Peace talks with the Taliban present another opening to broker change, which would necessitate re-examining the fundamental structures of government and creating space for bargaining over how to administer authority.

Interspersed through Section 3 are interviews with community members across different rural districts in Afghanistan between November 2017 and March 2018 – in Herat Province in the west, Nangarhar Province in the east, Balkh Province in the north and Ghazni Province in the south-east. Interviewees discuss their views on elections, peace and reconciliation. Respondents’ ages and ethnic groups vary, as do their levels of literacy. Data were collected as part of a larger research project funded by the UK’s Foreign and Commonwealth Office.

Dr Habiba Sarabi, Deputy Chair of the High Peace Council in Afghanistan, discusses some of her thoughts on elections and peace in Afghanistan, from a conversation with Anna Larson in November 2017. She describes frustrations with the pace of electoral reform. Voter registration at polling centres will facilitate a more effective ballot and strong civil society monitoring could play an important role. Fresh leadership and a new strategy in the High Peace Council have meant that motivation to work for peace is high, especially among...
women on it. Afghan women have two central roles to advance peace: observing political negotiations to ensure achievements are not lost; and at grassroots level, to play a social role to convince male members of families and communities not to fight. A voluntary network has been established for women to contribute to peacebuilding in this way. All Afghan leaders are men; the majority of candidates in elections will be men. International partners can help by focusing on women’s participation.

In conversation with Accord, former speaker of parliament Younus Qanooni discusses institutional changes needed to support sustainable peace in Afghanistan and how such changes might be achieved. Mr Qanooni stresses that force should be aimed at convincing the Taliban to negotiate. Efforts to reintegrate Taliban fighters outside a political settlement will continue to fail as reconciliation requires serious concessions from both sides. Elections present a dilemma for peace: the government will not negotiate before elections; but afterwards the Taliban will not engage with a government that claims a mandate without their involvement. A solution is to let the Taliban play a part in elections. A change to a parliamentary political system with strong parties would enable representative politics that can break down tribal or ethnic mobilisation. A step towards this is to have a prime minister as head of the executive, a speaker of parliament heading the legislature and a chief justice heading the judiciary.

Professor Barnett R. Rubin explores possibilities for negotiating a mutually acceptable end-state in Afghanistan given the multiplicity of domestic and foreign interests involved. The Afghan state relies on external revenue, but conflicting foreign interests mean that assistance is variously perceived as partial and destabilising. The withdrawal of foreign troops risks state collapse. But the possibility of permanent foreign military presence risks provoking regional backlash. Within Afghanistan, political legitimacy is contested: Pashtuns see themselves as a dispossessed majority; tribal legitimacy is dwindling; and Islamic legitimacy is overlaid with identity politics linked to different solidarity groups. Combatants have largely rejected possibilities for peacemaking to deliver mutual gains, and so have looked to military ascendency as a way to strengthen their bargaining positions. However, no party has been able to establish sufficiently strong status to guarantee success in negotiation, so the temptation to postpone talks indefinitely has prevailed.

The failure of the Bonn Agreement to make significant commitments to human rights is often cited as a major factor undermining peace and stability in Afghanistan today. Patricia Gossman examines the human rights priorities for a future peace settlement for Afghanistan and the prospects for negotiating these effectively. Three deeply contested issues are critical to negotiating human rights in a future peace settlement: 1) demilitarisation – agreeing terms to demilitarise armed groups, including establishing an oversight body and securing international backing for sanctions against violators; 2) women’s rights – addressing concerns over the potential negative impact of a settlement on women’s rights; and 3) transitional justice – addressing the legacy of massive human rights violations and war crimes in order to avoid the persistence of abuses. Negotiating progress on transitional justice will not be easy. Acknowledging the truth about past atrocities may offer a viable entry point for meaningful progress for reconciliation.

In conversation with Accord, leader of the Hezb-i Islami political party and former mujahidin armed group Gulbuddin Hekmatyar discusses his views on war, peace and transition in Afghanistan. Mr Hekmatyar states that the lack of official Taliban endorsement of peace negotiations obscures the reality that a majority within the movement want to see an end to the war. Meanwhile, a ceasefire is not possible unless it is preceded by a peace agreement. Power-sharing in Afghanistan has failed because the groups involved accept neither each other nor the concept of power-sharing per se. Different islands of power have consequently emerged at district, provincial and ministerial level which disregard central government. Forthcoming elections present an opportunity to advance government reform.

Despite significant strides forward, Afghanistan’s formal justice system still struggles to deliver an accessible and inclusive service nationwide, beset by widespread corruption and neglect especially in rural areas. Ali Wardak asks who is best placed to provide justice effectively and equitably to the breadth of Afghan society. Informal institutions are the primary justice provider for many communities, resolving disputes through jirgas, shuras and ulema where the formal sector is absent, exclusive or mistrusted. But traditional bodies also bring challenges, from gender exclusion to human rights violations and illicit practices. Taliban justice is also a significant feature of the informal sphere. A hybrid system that draws on formal and informal institutions can offer a way forward, linked by new institutions that prioritise human rights and women’s rights.