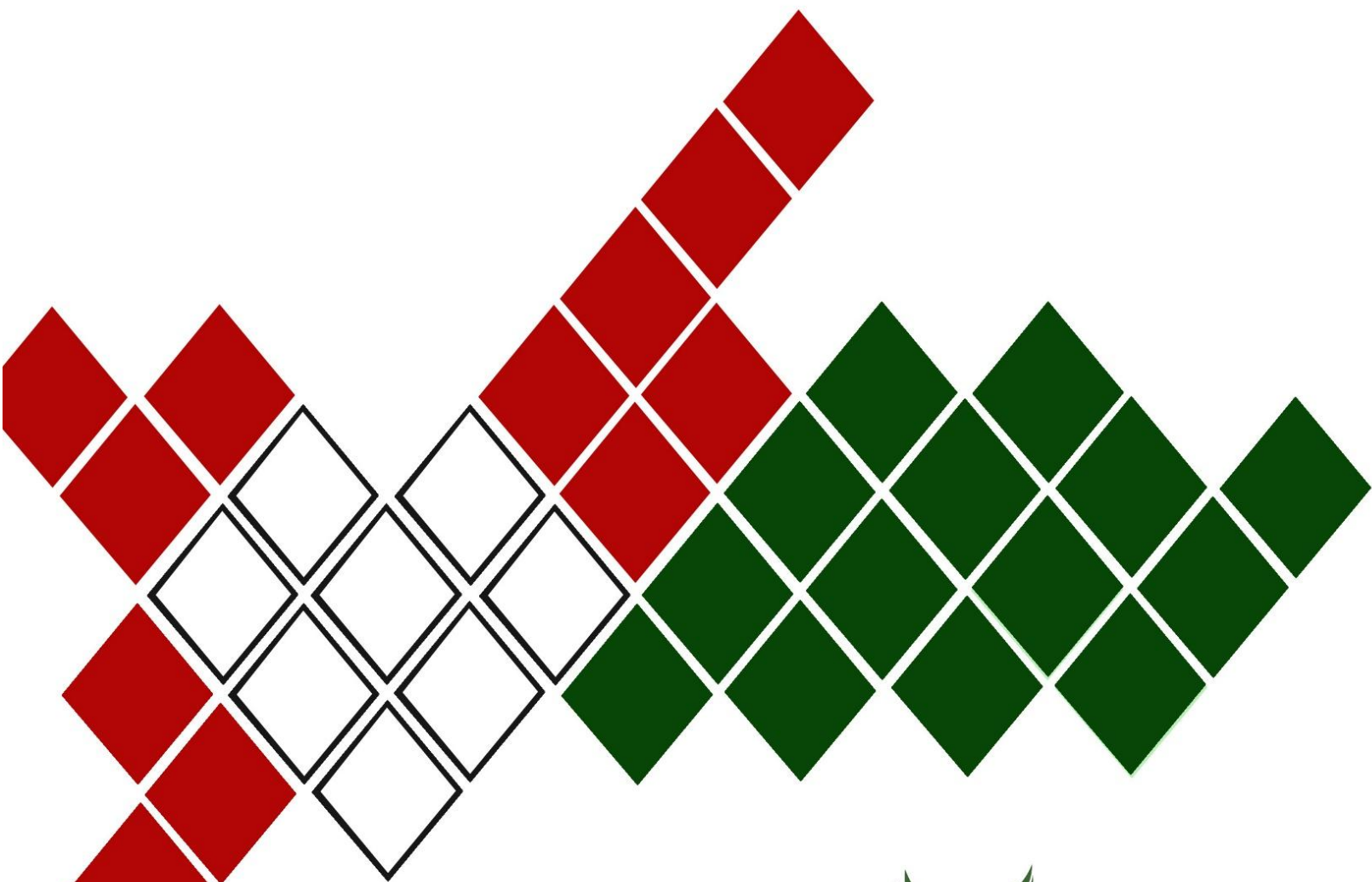# The Challenging Path towards Democracy in Afghanistan

An Assessment and Critique of National Debates on Alternative Political Systems in Afghanistan

Kabul 2017

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Afghan Institute for Strategic Studies

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An Assessment and Critique of National Debates on Alternative Political Systems in Afghanistan

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Acknowledgement

Introduction of Afghan Institute for Strategic Studies

Afghanistan Institute for Strategic Studies is an independent research institute, founded on October 2012 with a goal of providing scientific and academic ground for assessment of the strategic issues of Afghanistan in regional and international levels. Afghanistan Institute for Strategic Studies strives to help the society in improvement and development of democracy, security, peace, good governance and other matters through conducting independent researches, translating and publishing books and scientific papers, convention of national and international gatherings and conferences.

Disclaimer

The analysis provided in the research paper relate to the research team and do not reflect the official position and viewpoint of Afghanistan Institute for Strategic Studies and the research funding institution, Center of National Endowment for Democracy (NED).

Summary

Reform of the political system through changing of the system is one of the demands often discussed but, it became formal after the controversial Presidential elections of 2014 and establishment of the National Unity Government. The purpose of the current research is to highlight all positive and negative viewpoints on changing of the political system and to assess the disparities of the viewpoints. It is obvious that application of any democratic reform within a political system of a country is effective when there exists awareness about who requested the change or reform of current political system, for what purpose and how should we attempt to reforming practices.

As the question on changing of the political system requires a qualitative response, our research team, in addition to utilizing library resources, has chosen in-depth interviews with around fifty field experts as data collection tools. Given the varieties of opinions on changing the political system and the division of certain political groups as defendants and opponents for changing the system, the research team strived to make sure that the interviewees including the rival groups in discussions are from different groups, parties, ethnics and regions of the country. The interviews were launched at Kabul and six important provinces including; Mazar-e-Sharif, Jowzjan, Bamiyan, Herat, Kandahar and Nengarhar in order to relatively collect opinions from four corners of the country. On an average, there were five interviews in Herat and twenty interviews in Kabul. A total of 49 individuals were interviewed. In the current research, we have interviewed a group of government officials including governors and district administrators, representatives of people like, MPs and representatives of provincial councils, representatives of political parties, representatives of civil societies, experts and university lecturers and professors.

Key Findings
● After a controversial election process of the year 2014 there was a political agreement on the formation and establishment of the National Unity Government. The current framework of discussion is over the changing and reforming of the political system. Thus as the first question of the research, the interviewees were asked to point out the main factors of the Presidential elections crisis of the year 2014. The responses point out to the role of three factors namely, structural failures, inappropriate behavior of individuals and intervention of foreigners that led the elections to crisis.

However, in response to the question whether the defined political system at the constitutional law had any role in the crisis of the Presidential elections of the year 2014 or not, the respondents were divided into two groups. Some of them relate the problem to the functions and practices of individuals and their approach and way of electoral competition and campaign for obtaining the power. Others consider the problem structural and point out the defects of the political system. Generally, one can conclude that the type of a political system is recognized as the source and factor of crisis when the oversighting and monitoring mechanisms and procedures over performances and practices of government entities decline to its minimum. It is argued that centralization and monopoly of powers at one point practically puts the independence of public entities and institutions under question.

● Most of the interviewees (29 out of 49),believe that there exist, in the constitutional law, a relative equality of powers among the three branches; the executive, legislative and the judicial but, they are faced with challenges in practice. Breach of the laws by individuals and entities, weak management, lack of cooperation and coordination among the branches and misuse of legitimate powers and authorities by government officials are among the factors disrupting the power balance of all branches of the state. With analysis of all the opinions discussed, it is noticed that the principle of division of powers among the three

branches of the state has problems in terms of both the statutory framework and the practices of government officials. Accurate definition of the authorities and responsibilities of the branches against each other is considered essential for resolving such a situation and strengthening the morale of cooperation among them. But, there are different prospective presented on the methods and approaches for better division and separation of powers. While some people believe that the current political system can be reformed through delineation of exact authorities and responsibilities of the three branches, deduction of some powers of President or establishment of a constitutional court, others pursue the solution in changing the type of political system.

● The attitudes and opinions of the interviewees in relation to the status of judicial branch, is another important aspect of the debate about the current political system. Limitation of the independence of the judicial branch with 22 responses; intra-organizational and personal weaknesses of the branch with 19 responses; lack of independence of the judicial branch with 9 responses are respectively of the significant patterns. Some of the interviewees spoke about the full independence of the judicial branch and believed that institutionalizing the independence of the judicial branch, as prescribed in the constitutional law, requires time and cultivation of a general culture within the country rather than a rapid change in the current political structure. In relation to insufficient independence of the judicial branch, most of the criticism points out to the legal influence of the President and emphasizes that such an influence automatically has been questioning the independence of the judicial branch.

● Nonetheless, with the statements of the constitutional law on principle of equality of ethnical groups before the laws, the impact of the type of the system on the situation of ethnics is still a significant concern discussed in the opposing viewpoints for formation of the political system of Afghanistan. The interviewees in relation to this matter are categorized into two main groups, defendants of a centralized system and defendants of a decentralized one. Almost half of the interviewees (20 out of 47 responses), believe that a centralized and powerful Presidential political system is appropriate for Afghanistan because it can save the country from division and separation and bring unity among all ethnics. Contrarily, about half of the respondents/interviewees, believe that a powerful centralized governance system is not appropriate for Afghanistan and cannot represent all the ethnics and groups. As considered, the gaps and fractures among ethnical groups and disbelieves on inclusivity of the political system are the important aspects of centralization or decentralization of the political system. Meanwhile, the horror of a hegemonic dominance of the elites of a single ethnic over the governmental affairs and ignoring of the citizenship rights of other subjugated ethnics, complicates the matter of participation of all ethnics in the political system.

 In the opinion of most of the interviewees (26 out of 47 responses), the current government has not been able to ensure presence of all representatives of all the ethnical groups in the executive branch of the country. In their belief, the top level officials within the government have been only able to centralize the power, monopolize it and prevent the actual participation of all people at the executive branch through provision of some ethnical and linguistic considerations. In the viewpoints of a quarter of interviewees (14 out of 47 responses), despite the existence of problems with regards to political participation of ethnics, the current political system has ensured the portion of ethnics' representatives in the executive branch. This group of interviewees said that there exist enough mechanisms at the current system for ensuring the political participation of different ethnics. From their point of view, the Independent Administrative Reform Commission is one of the mechanisms which can provide for recruitment of individuals based on competition and proficiency. However, some other interviewees (8 out of 47 responses), principally

ascribe the portioning of the executive branch for the satisfaction of all ethnics a mistake, and state that the attention in the executive branch should focus on proficiency, professionalism and public service delivery.

Overall, most of the interviewees, rated the current political system unsuccessful in ensuring the political inclusion of all ethnical groups in the executive branch. However, they all are agreed on a point that the system shall ensure the political participation and contribution of all people in the power comprehensively. There also exists consensus of the interviewees that meritocracy is a significant approach for ensuring participation of all ethnics in the executive branch of the state. The point of difference among the opinions of the interviewees is that how and under what procedure we can make the executive branch as a source of service delivery to all people. Changing of the political system for annihilation of centralization of powers and increment of the decision making powers of local administrations is one of the solutions discussed in addition to other reformation approaches in this regard. In this relation, creating and establishing mechanisms that ensure the actual and not symbolic participation of all ethnical groups in power are essential. This would aid the executive branch to take decisions based on the interests of all people of the country and bring about a balance of interests among the ethnics.

● With regard to the question of alternative political systems, about half of the interviewees (22 out of 49), believe that currently there doesn't exist any alternative to the existing political system. In their opinion, the existing political system can become responsive through some reforms like, granting executive authorities to local administration, establishment of a constitutional court and enumeration of the powers of all the three branches of the state. Half of the interviewees (22 out of 49) prefer some other alternative political systems like, Premiership-Presidential system consisting of a President and a Prime Minister, a premiership-Parliamentarian and Parliamentarian-federalism. Decentralization of powers to benefit the local administrations and guaranteeing of political participation of all ethnics are the two reasons this group of interviewees present as the necessity for the change of the system.

While there are differences in the opinions regarding the alternative political systems, it is still debatable whether the required readiness for the change of political system exists in the country or not? Existence of powerful political parties, admitted elites and sufficient human resources are the prerequisites of stabilizing alternative systems. Some people emphasize that prior to changing a political system we need some necessary prerequisites, while others basically ascribes changing of the political system itself as a prerequisite for production of a desirable political situation.

● The system and way of conducting elections and the type of voting system in a country are considered among the important issues of the discussion over the political system change. Although the shortcomings of the current method of voting (single non-transferable voting) have been highlighted by many scholars and politicians, it has not been subjected to any meaningful reform yet. A notable number of responses (16 out 40) emphasize that with the current approach and procedure we cannot ensure having a functioning Parliament and active MPs in the Parliament. The second section of responses (which in number of responses is half of the first section) has a positive prospect towards the current system and believes that it is possible to have a functioning Parliament and active MPs with the current approach and procedure. The third section of responses which are equal to the first section, accept the existence of problems within the Parliament and of the current MPs but does not see any effective and operative factors of the current system over these problems, rather questions the way of executing and application

of the system in the country. The nature and essence of the challenges discussed by respondents in this research shows that without bringing some serious reforms in the infrastructures like, determination of the voter's identities, preparation of a list of eligible voters, establishment of a clear supervision mechanism and etc. we cannot expect improvement of the electoral system.

In this regard, the suggestions emphasize on annihilation of the current voting system (single and non-transferable). In the purposed alternative voting system, it is possible, on one hand, to contextualize for a visible presence of political parties and on the other hand lay some conditions that also enable independent candidates to enter to the Parliament. For this purpose, a proportional voting system is considered appropriate. Some interviewees have emphasized that for creation of powerful and impactful fractions within the Parliament, the current voting system shall be changed to "a single transferrable voting system".

● A centralized system of recruitment of government officials within a Presidential political system is another important aspect of the debate on changing the current political system. Based on analysis of the responses for the question whether ministers and governors have enough authority and independence to perform their duties effectively, two significant matters are revealed. The first matter which includes responses of 21 out of 49 interviewees, states that the existing laws of the country haven't recognized full independence and self-reliance of these officials. It is considered illegal if they perform their assigned duties independently. The second matter which was supported by 19 interviewees states about ambiguity and no clarity in governors' authorities, particularly in financial and budgeting affairs. Some of the interviewees have also related the problem to both structural and personal factors. They believe that in addition to the complications that exist in the authorities of the officials, personal characteristics of the officials also have an important impact in the execution of their authority. Some others assessed the overall socio-cultural structure of the country inappropriate and negative and considered this as one of the main obstacles for institutionalizing the enforcement and rule of law in the country.

● A large number of responses (29 out of 42 interviewees who responded to the question), emphasize that the constitutional law of the country has guaranteed the base for a comprehensive participation of all people and it is the responsibility of the executive entities of the country to put it in practice. Another group of respondents think that the overall structure of the constitutional law needs to be reformed for paving the ground for public participation. These interviewees emphasize that the constitutional law needs slight reform in some parts. The remaining respondents have an absolute positive viewpoint and believe that the constitutional law of the country has sufficiently provided the ground for political participation of people in the country. Only a small number of interviewees have a mere critical viewpoint in this matter. The proponents of such a viewpoint think that the people did not have participation in the process of drafting and codifying the constitutional law but a small group who were not the real representatives of people had drafted and codified the law. Thus, it is believed that the matter of the public participation has been reflected insufficiently.

The usefulness or uselessness of political participation of people for political stability of the country, with regards to the current situation which is dominant over the social structures of the country, is one of the arguable matters. In relation to this matter, we have asked the interviewees about the impacts (positive and negative) of increasing the political participation of people in political affairs. In general, the research received 41 responses which are focused on three main issues. The first category that is the view of 30

respondents emphasizes in particular that undoubted and unconditional increment of the political participation of people helps the state in increasing the political stability of the country. The second category which is less in number than the proponents of the first idea and only considers views of 4 respondents designate the success key of the political participation of people in political affairs of country to the type and nature of their participation. This is while one third of the responses do not consider the political and social structure and context of the country in a status that may allow a rational and effective participation of people in political affairs.

● Under the assumption that current political parties in Afghanistan have no defined legal identity in elections or the Parliament of the country, we have asked the interviewees what legal frameworks should be created for improvement and efficiency of the roles of political parties. The opinions in this regard are somehow more dispersed than the other questions of the research. Despite the disparities, all the opinions are assessed in four general categories. Among the categories, the discussion has suggested for the improvement of the roles of political parties, the revision of the relevant laws, operational procedures and the roles of political parties in larger political processes. This view is supported by 23 out of 41 responses. The second category which includes one-fourth of all responses has also a similar belief and states that there in the current constitutional law, parties are entitled to sufficient roles and their efficiency relates to the way and quality of their own operations and activities. The third group which is supported 9 interviewees relates the failure in establishing active political parties within the country to the social conditions and states of the country. Some others considered the current government culpable in this regard.

● In response to the question that whether the politics in Afghanistan rotates around political issues or individuals, a considerable number of responses (35 out of 43 responses), consider individuals as the rotating point of politics in Afghanistan. On the contrary, a limited number of interviewees believe that important issues and platforms are the bases for politics in Afghanistan, not groups or individuals. Most interviewees believe that Afghanistan is a country where its social structure and context is defined with existence of several specific group identities. Ethnic, language and religious sect are the obvious group identities. In such structures, some individuals whether by hereditary means or through their charismatic personality or even through force became the leaders of these groups and introduced themselves as the absolute representatives of people. These individuals, with the support of the social situation, influenced over political and economic sections of the country and used their earned privileges for their personal benefit. Six interviewees believed that the politics within Afghanistan moves around political issues and programs. In their opinion, after establishment of a democratic government in 2001 in Afghanistan, the country slowly and gradually has been transitioning from monopoly of power by a single group, family or tribe towards meritocracy. Government's approach against Taliban and insurgent groups, problems of narcotics and related issues are among the pivotal issues focused in making politics in the country.

● It has been asked that whether an alternative political system can bring more public supports or not? In case of a positive response, it is asked from the interviewees to introduce an alternative system that could have utmost support of the public. A considerable number (including 19 out of 43 responses) of interviewees have consensus that decentralization of political system in the country can bring more supports of the public with it. 13 respondents did not show their tendency towards the matter of changing the system fundamentally but their focus of criticism directs to the way of executing the existing system. The third prospective which lays at the last position in numbers that considers views of 11 respondents emphasizes that the current political system have the utmost supports of the public and there doesn't exist any need to change the system.

●The interviewees were questioned whether changing the political system was practically possible or not, and what were the main obstacles in the way of changing the system of the country. They were also questioned if obstacles existed for changing the political system, were these obstacles internal or external. In general 39 respondents reacted to the questions asked. Categorizing of the responses reveal that one-third of the interviewees pointed out to external factors and a two-third of them involved certain internal factors as the obstacles in the way of changing the system. Some comments also emphasized that foreigners should not be blamed for the current political scenario.The first challenge in the path of changing the political system was a lack of an accurate and comprehensive understanding of the alternative options. Most of the people and maybe a large number of those who today claim that alternative political system was beneficial for the country, do not know what are the characteristics and identifiers and possible impacts of an alternative system. Another factor to be considered was the presence of those groups and individuals who had privileges and advantages in the current system. This group would strive with its all powers to prevent changing the system.

● The respondents who were somehow proponents of changing the political system were asked to explain their purposed model or sample of political systems. In this regard, out of the 43 interviewees who responded to the question, 22 referred to the political systems of foreign countries as the alternative models and patterns. While 11 respondents criticized the approach and said that every context requires its own model. The remaining respondents mentioned the previous political systems of Afghanistan as better alternative models. In the opinions of the interviewees, the current political systems of some countries like, Germany, Australia, France, Lebanon, India, Turkey, Pakistan and Britain were appropriate models for Afghanistan. Given that most of these countries have decentralized systems therefore, the responses indicate the tendency towards a political system in which the concentration of powers was less. Some others have also stated the systems of the countries of Central Asia as appropriate models for Afghanistan. The main argument was that the social situation of the country was such that a soft system could not manage it effectively. Therefore, seriousness of government with tendency towards force majeure/forcefulness can manage the Afghan society effectively.

● Another question posed at the interviewees was that if a practical decision was taken for the change of the political system, which approach was the best. For better clarification of the question, four optional assumptions were provided to the interviewees which are mentioned below:

A- Changing the laws for more decentralization with keeping the current Constitution (13 interviewees supported this option)
B- Convention of Constitutional Loya Jirga and amendment of the Constitution and political system (18 interviewees supported this option)
C- Convention of traditional Loya Jirga and change of government leaders (7 interviewees supported this option)
D- Allow the President to continue ruling with issuance of executive order (None of the interviewees supported this option)

● The last question of the research focuses on positive or negative impacts of both centralization and decentralization. In this relation, we have questioned that if it was decided to introduce one of these systems in the country, what impacts would the change have on security, development, economy and eventually the public administration of the country. In this regard, most of the responses (30 out of 40) point to the positive impacts of decentralization. On a different vein, some interviewees have stated their opinions about positive characteristics of centralization. Most of them pointed to the capability of a

centralized system in ensuring security and peace as its positive impacts. Their argument is that with regard to the unfavorable situation of the country, the leadership of all the security forces must be single otherwise, there would emerge anarchy among the security and defense forces of the country.

Preface

Amendment of Constitutional Law

Political governance systems in the modern era are defined in the frame of constitutional laws and the scale of their commitments towards the people's will. Each type of political system is assessed on the basis of its efficiency as an underlying support of the political game. The existing facts and realities of countries are considered during codification of constitutional laws in order to make the political structure and practices of government consistent with each other. In other words, while codifying constitutional laws, two components, "political stability" and "democratic quality"- the commitment towards the people's will, are considered as the main principles.

However, every political system may face contradiction during its application and when people begin to confront different challenges and problems. Thus, all political systems, since they are human made and structured, should be modifiable and flexible and should have the potential to confront internal and external challenges and incidents. In democratic constitutions, the amendment of constitutional law is defined as an integral and significant segment of democratic sovereignty at democratic constitutions. Furthermore, constitutions could be "rigid" or "flexible". While rigid constitutions make the procedure of its amendment very complicated and difficult, whereas flexible ones make the process of amendment easy.In the matter of Afghanistan, the current constitutional law has defined and specified the principles of adherence and prerequisites for possible amendment of the constitutional law.[1] Article 149 of the constitutional law states as follow:

"The principles of adherence to the tenets of the Holy religion of Islam as well as Islamic Republicanism cannot be amended. Amending fundamental rights of the people shall be permitted only to improve them. Amending other articles of this Constitution, with due respect to new experiences and requirements of the time, as well as provisions of Articles 67 and 146 of this Constitution, shall become effective with the proposal of the President or a majority of National Assembly members."[2]

It must be mentioned that due to the complex and centralist nature of the procedure for constitutional amendment, Afghanistan's constitution could be labeled as inflexible.[3] There are also many unsolved

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[1] We discussed different aspects of the constitutional amendment in another report on constitutional amendment; Please refer to "Afghanistan Constitutional Law and the Society in Transition", 2016, Kabul, Afghanistan Institute of Strategic Studies.

[2] Of course, the fact that what matters in the constitution are not amendable is itself questionable; In Article (49) there are statements whose provisions are not quite clear; each matter including the principle of adherence to the sacred religion of Islam and the Islamic Republic Government System are questionable and revisable because their meanings and contexts are dubious. On the other hand, the position of the term "Nationals" in the Constitution is questionable. Does the term "Nationals" indicates a civil nationality or does it include political nationality as well? In democratic political governance systems where laws and regulations move around citizenship values, its people are called "citizens". Citizens are those who in addition to holding civil nationality of the country are able to decide about their political nationality as well. One of the other important matter stipulated in this Article is "submission of the proposal for amendment of Constitution by President", which its purpose can be explicated and interpreted as centralization of powers. In contrast, the National Assembly mainly Wolesi Jirga, as a place of reflecting people's will, shall also have such a power.

[3] Article 150 of the constitution, asserts that "to process the amendment proposals, a commission comprised of members of the Government, National Assembly as well as the Supreme Court shall be formed by presidential decree to prepare the draft proposal. To approve the amendment, the Loya Jirga shall be convened by a Presidential decree in accordance with the provisions of the Chapter on Loya Jirga. If the Loya Jirga approves the amendment with the majority of two thirds of its members, the President shall enforce it after endorsement."

questions about the "democratic quality" of the government under this constitution. In this report we try to shed light on the matter in detail.

A Glance into the Historical Development of Political Systems of Contemporary Afghanistan

Debates over political system in Afghanistan do not have a long history. Within the entire history of Afghanistan the matter of governance, at most times, has not been put in public debates and discussions. For the first time during King Amanullah Khan's reign in 1923, the king decided to establish a constitutional-law-based government.[4] In the frame of the constitutional law of King Amanullah, a governmental council was established in which half of its members were directly appointed by the King, and the second half were introduced by people of different regions.[5]

After the abdication of King Amanullah in 1929, King Nader Khan also named his government a "Constitutional Monarchy". He revised the constitutional law and founded the first two-house National Assembly.[6] Although the constitutional law had introduced Parliamentary elections, most of the MPs were still appointed by the King and thus loyal to him. Indeed, this has been the model that had lasted until the seventh term of the National Assembly (1950-1353) during Mahmood Khan's premiership under Zaher Khan's Kingdom. The seventh term of the Parliament had been established as the result of an equitable Parliamentary election during Mahmood Khan's premiership.[7] Then the government had requested the seventh term of Parliament to vote to the cabinet of government. Likewise, ratification of the first published law by the seventh term of Parliament paved the ground for freedom of speech in the country. However, Shah Mahmood, who was worried about political freedom, made the conditions for the next Parliamentary elections harder. The elections for the eighth term of the National Assembly (1952) were held under strike restrictions and control of the government. It took a decade for the National Assembly to once again get the permission to be part of the political system.[8] After the resignation of the Prime Minister Mohammad Dawoud Khan[9]; at the time of the eleventh term of the Assembly, King Zaher Khan assigned a committee to redraft the constitutional law and after completion and codification of the new constitutional law, the decade named "Democracy" began in Afghanistan. Of course, it shall not be forgotten that the eighth term of the National Assembly, 1961-1964, had not been elected through a democratic process but rather it had been one of the government's appointed assemblies (this characteristic of the eighth term of the National Assembly of 1961-1964 and its impact on the constitution of 1964 is rarely discussed). Article 24 of the 1964 constitutional law had prohibited the appointment of

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[4] This Constitution which was made under the title of "Nezam Nama-e-Dawlat Ulya-e-Afghanistan" was ratified by Loya Jirga of Jalalabad, composed of 872 members; and, another Loya Jirga of Paghman with 1050 participants of military officials, religious leaders and tribes' elders had re-ratified that law. Refer to "Afghanistan Constitutional Law and the Society in Transition."

[5] Partaw Naderi, "History of Parliament (National Assembly) in Afghanistan",
http://old.acsf.af/index.php?option=com_content&view=article&id=43:2011-06-24-08-45-26&catid=17&Itemid=8

[6] The history of National Assembly in Afghanistan. Aama Habib, BBC,
http://www.bbc.com/persian/afghanistan/story/2005/08/050824_s-afghan-parliamnet_bkground.shtml

[7] Ayoub Arwin, *BBC*, "Ups & downs of National Assembly During King Zaher Khan's Kingdom"
http://www.bbc.com/persian/afghanistan/2010/09/100904_k02-pe-afg-parliament-history.shtml

[8] The 8th assembly was not a democratic body as its members were somehow appointees of the government. The undemocratic nature of the 8th assembly and its impact on the 1964 constitution is not discussed well.

[9]Ibid

King's family members and relatives at some high ranked government positions. The King's family was also banned from taking membership of political parties.[10] , *monitor the government and even*

During the Kingdom of Zaher Khan, Afghanistan had a Parliament of two houses with elected MPs that had the authority to ratify laws, oversee and monitor the practices of government and even *question and interpolate the cabinet members*. The constitutional law, however, permitted the establishment of political parties, but the King had not signed the law which recognized the political parties as legal entities and institutions.[11] Hence, in the absence of real political parties, the decade named democracy did not last long and was disbanded through a coup by Daoud Khan who removed King Zaher and proclaimed the "Republic of Afghanistan".

Although, a democratic governance system was stipulated in the Constitution of the Republic Government of Afghanistan[12], Daoud Khan had established a mono-party sovereignty for his administration. As it is stated in Article 49 of the Constitution of Republic of Afghanistan, "members of the National Assembly who are 50 percent farmers and labors are introduced by the party and are then elected by people through a free, general, secret and direct balloting, in accordance to the provisions of the law, for a period of four years."[13]

In 1970, with the emergence of the People's Democractic Party of Afghanistan (Hezb-e-Democractic-e-Khalq-e- Afghanistan) and the following coups, a similar approach was followed towards the Parliament. For a period, during the sovereignty of communist regimes within the country, the Parliament was removed from the political arena of Afghanistan. However, the Prime Minister's position was left unchanged. The re-inauguration of the Parliament during the presidency of Najeebullah, the last President of the Communist regimes (1987-1992), was also symbolic and often represented by the political figures controlled by the government and their allies.[14] Doctor Najeebullah, after losing the support of the USSR and for the survival of his government, offered a national reconciliation program to the Mujahedin which eventually, despite the intermediation of the UN, failed. His government was overthrown by the Jamiyat-e-Islami Party under the leadership of Professor Burhanuddin Rabbani. Later, a proxy war of regional countries for the domination over Kabul led the country into anarchy and chaos. The concluding period of this era was marked by the government of Taliban who ruled over the country in a frame of a totalitarian-autocratic government.[15]

With the downfall of the Islamic Emirate of Taliban, the interim government was established and the new Constitution was ratified. As per the new Constitution, the Parliament was inaugurated in 2005 and the 15th term of the National Assembly was held. The new Constitution recognized and endorsed a two-house Parliament and introduced a mix Presidential system with some traits of Parliamentarian system. (Since

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[10] Article 24 of constitutional law of the year 1964 states that, "King's family members shall not take membership in political parties nor shall they perform the below duties: 1) Premiership or ministry 2) membership of national assembly 3) membership of Supreme Court."

[11] Aziz Hakimi, "New Political System: Three Decades after King Zaher Khan",
http://www.bbc.com/persian/afghanistan/story/2007/07/070725_s-zaherhah-democracy.shtml

[12] Article 20 of Constitution of the Republic of Afghanistan, refer to the full text of the Constitution, Sarwar Danish, Publication of Ibn-e-Sina University, 2016

[13] Ibid

[14] Partaw Naderi, "History of Parliament (National Assembly) in Afghanistan",
http://old.acsf.af/index.php?option=com_content&view=article&id=43:2011-06-24-08-45-26&catid=17&Itemid=8

[15] For further understanding of a Totalitarian System please refer to "theoretical frameworks, political systems based on political culture and the scale of industrialization of countries" in this research.

the President in the current system is the head of Executive Branch and government simultaneously and is not accountable against the Parliament, thus it is a Presidential system.[16] Since the Cabinet requires him to go through the Parliament for approval and both are accountable against the Parliament individually and collectively, as a Cabinet, thus some traits of Parliamentarian system are present in the system.)[17]

The new Constitution recognizes some important elements of democratic sovereignty including the principle of division of powers among three branches of government, freedom of speech and recognition of the role of political parties in political affairs and arena. The Shia minority has gained, for the first time, permission to utilize their own religious jurisprudence in the courts. Further, it is guaranteed that in addition to Pashtu and Farsi, which are the official languages of the country, other important languages are also recognized official for the inhabitants of regions with diverse ethnic backgrounds.[18]

The current Constitution of Afghanistan which has been principally drafted based on the overall structure of King Zaher's Constitution does also introduce some principles for the regulation of local governance. It is stipulated in Article 137 of the law that "The government while preserving the principle of centralism, shall transfer necessary powers, in accordance with the law, to local administrations in order to accelerate and improve economic, social as well as cultural affairs and to foster peoples' participation in development of national life." The Constitution also stipulates that "Councils shall be established to organize activities as well as attain active participation of the people in provincial administrations of districts and in villages, in accordance with the provisions of the law. Members of these councils shall be elected by local residence for 3 years through free, general, secret, as well as direct elections."[19] The Constitution has also recognized the establishment of municipalities and municipal councils for administration of municipal affairs within cities through free, general, secret and direct elections.[20]

Although, the current Constitution recognizes some important elements of democratic sovereignty, according to critics, it introduces an extraordinarily centralized Presidential governance system where the President has plenty of powers and authorities,[21] the provincial administrations are generally dependent upon the central government and the political parties do not have appropriate and proper legal basis for effective activities and participation in the political affairs of the country.[22]

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[16] Refer to Chapter 3 of the Constitutional Law.

[17] Refer to Chapter 5 of Constitutional Law.

[18] Article 16 of Constitutional Law states that, "in the regions where the majority of people speak with any one of the languages, Uzbaki, Turkmani, Pashaie, Noristani, Baluchi and or Pamiri, any of it in addition to Pashtu and Dari shall be the third official language of that region and the usage of it shall be regulated by a separate law. The state shall design and implement effective programs to foster and develop all languages of Afghanistan. Usage of all current languages in the country is free in press publications and mass media…"

[19] Article 140 of the Constitution of Islamic Republic of Afghanistan.

[20] Article 141 of the Constitution of Islamic Republic of Afghanistan.

[21] The President was accused that he monopolized the powers to himself and abused his powers and did not pay respect to the decisions of the Parliament. Abdul Raouf Ibrahimi, the spokesperson of Wolesi Jirga or National Assembly complained that the President did not heed to the decisions taken in Parliament. He said the President hasn't consulted the Parliament regarding establishment of new ministries. A number of MPs purposed to summon the President to the Wolesi Jirga to provide clarifications on his illegal practices.
http://salamwatandar.com/article.aspx?a=31215&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+SalamWatandarFarsiRssFeed+%28SW+New+Farsi+Rss+%29, accessed on April 27, 2017

[22] Absence of an appropriate elections system for active and effective participation of political parties and the government's lack of attention to the political parties are the complaints of the political parties and the political activists. It is further explained in the context of the report.

Assessment of the current Constitution indicates that the criticisms are on the one hand directed towards the performance and practices of government officials and on the other to the law itself. Even after 13 years of ratifying the constitutional law, the elections for provincial and district councils and municipalities have not been held yet. The Constitution does not have any clear and specific provisions on the scale and extent of powers, which are allowed to be delegated to local administrations. The duty of provincial councils on "providing advice and consultation to provincial administrations"[23] is restricted and the roles of district and village councils are also not defined and determined.

Enigma of the Political System Change

After the collapse of the Emirate of Taliban, the foundation of the post-Taliban government was outlined in Bonne Conference in 2001. As per the Bonne Agreement, an interim government had been established which was in turn replaced by a transitional government under the leadership of Hamid Karzai after the convening of the emergency Loya Jirga. The transitional Government was assigned to convene the constitutional Loya Jirga and hold Presidential elections, as the result of which a new Constitution had been ratified for the country and Hamid Karzai had been introduced as the first elected President.[24] Three points were under consideration before convening and during the Constitutional Loya Jirga. First, before convening the Constitutional Loya Jirga, two commissions were established and assigned for "drafting and studying" the draft of Constitution. A part of the duties of these two commissions had been to ask all the people through a referendum about the key issues of the Constitution. At the referendum, 75 percent of people had voted to a Parliamentary system for the country. Second, the members of the two commissions, with regard to the background and efficiency of Parliamentary system in the country, were also proponents of a Parliamentary system. Third, it was the duty of the commission to present different drafts of political systems to the Loya Jirga, but it had not been fulfilled and it presented to the Loya Jirga a draft of the Presidential system only, which was followed by a dissent by 270 members from a total of 500. These members boycotted the voting process.[25] It seems that all the members of the Constitutional Loya Jirga were obviously divided into two categories. The first category was the proponents of a decentralized system and the second category were the supporters of a centralized system. With consideration of the current situation of the country, we can claim that such prospects and attitude towards the governance system still continues today.

The new Constitution had chosen a centralized Presidential system for the country. However, such Presidential system had not been acceptable and satisfactory for all the stakeholders of the state-building after Taliban. This caused the Loya Jirga to be postponed by weeks and put into a stalemate. Eventually, with the intervention of the US Ambassador and delegate and the agility and swiftness of Mr. Hamid Karzai claiming the matter of "Political Stability" within the country, a centralized Presidential system had been approved by the Loya Jirga.[26] In the opinions of Amin Saikal and Professor William Maley, a well-known scholar on Afghanistan at National University of Australia; the current Constitution of Afghanistan is derived from the 1964 Constitution with the shifting of the powers and authorities of King to the

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[23] Article 139 of the constitution.

[24] Thomas H. Johnson, "Afghanistan's Post-Taliban Transition: The Status of State-building After War", Central Asian Survey, 2006

[25] The quoted issues have been discussed in personal interviews with Abdul Hafeez Mansour and Abdul Hai Khurasani, members of the Constitutional Loya Jirga.

[26] Stories of the drafting and ratifying process of the Constitution narrate the direct intervention of Hamid Karzai's Government and his allies for recognition of a Presidential system. Refer to "The Constitution and Society in Transition, 2016", Afghanistan Institute for Strategic Studies.

President.[27] In his recent article, Professor Nazif Shahrani, also acknowledged that " the president of Afghanistan is more powerful than a king."[28]

From the prospective of Constitutional Theory, this approach, on one hand, has sacrificed the "quality of democracy" for "political stability", because a best system among democratic systems is the one that pays equal value and attention to both the above components of democracy. On the other hand, it had made the separation of power and the balance among the three branches of state (Legislative, Executive and Judiciary) practically impossible. (This topic is further detailed below.)

Until the second Presidential elections the alternative viewpoints on the formation of the political system in Afghanistan continued to exist as socio-political demands.

In 2009, Dr. Abdullah (Chief Executive of current National Unity Government) in his electoral campaign during the 2nd term of Presidential elections spoke about a two-phase program for the establishment of a Parliamentarian system within the country.[29] The 2009-elections, however, entered/gone into a crisis and finally Dr. Abdullah withdrew from runoff, claiming that the Independent Elections Commission is biased[30] He has repeated his platform and agenda for changing the political system to a Parliamentarian one at different occasions. Even, at the 13th anniversary of ratification of the new constitutional law of Afghanistan, as the Chief Executive of the National Unity Government Dr. Abdullah discussed about the necessity for establishment and introduction of a Parliamentarian government system.[31]

From among the political parties and movements of recent years, the National Front of Afghanistan (Jabha-e-Melli Afghanistan) has emphasized and strived for changing the current centralized Presidential political system to a decentralized Parliamentary system.[32]For this purpose, General Dostum, the leader

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[27] Amin Saikal and William Maley, "The President Who Would Be King, New York Times, available at: http://nytimes.com/2008/02/06/opinion/06saikal.html

[28] Nazif Shahrani, "The Afghan president has more powers than a king," Al-Jazeera English, 2 January, 2018, available at: < http://www.aljazeera.com/indepth/opinion/afghan-president-powers-king-180103050939230.html>

[29] Abdul Hai Khurasani, a member of the policy making panel of Dr. Abdullah's Electoral Campaign team said that if their candidate won, they will establish a Parliamentary system within two phases. He added, "In the first phase, the President will introduce a Prime Minister from among the political figures of the country to the Parliament and he should not be from among the MPs because in Afghanistan the parties still have not participated in elections absolutely and properly. Probably, for two terms the Prime Minster would be introduced from out of the Parliament and after two terms, the Prime Minster will be chosen and introduced from among the MPs. The Government within the first two terms will support a party electoral system." He further added, "At the second phase, when obstacles and barriers are removed and the party electoral system is institutionalized, we shall introduce a Parliamentary governance system the same as India or Britain." Ayoub Arwin, *BBC*, "The matter of political system in the platforms of candidates", http://www.bbc.com/persian/afghanistan/2009/07/090724_a-af-election-political-system.shtml, accessed on July 18, 2017

[30] Abdullah abstained from going to elections runoff. https://da.azadiradio.com/a/html, accessed on 25 October 2017

[31] The 13th anniversary of ratification of the constitution was celebrated, http://bakhtarnews.com.af/eng/politics/item/26913-13th-ratification-anniversary-of-constitution-.marked.html?tmpl=component&print=1, visited on 16 July 2017,

[32] National Front of Afghanistan NFA .http://www.afghan-bios.info/index.php?option=com_afghanbios&id=2430&task=view&total=3301&start=2067&Itemid=2

of Jumbosh-e-Islami Party, and Abdul Latif Pedram, the leader of National Congressional Party of Afghanistan, continue to demand the establishment of a federal system within the country.[33]

The need for revising the political system has been eventually brought to discussion and considered after the announcement of the challenging and disputing results of the 2014 Presidential elections. Disagreement over the elections results caused the two main contestants come to an agreement with intermediation of John Kerry, the State Secretary of USA, on establishment of national unity government (NUG) and distribution of powers between themselves and signing of an agreement on changing the political system and bringing reforms. But, three years after its establishment, the National Unity Government could not even initiate the smallest step towards changing the system and bringing the necessary reforms as were required by the Agreement of National Unity Government. Hence, the NUG has been faced with serious criticism.[34]

The Serious Challenges before the National Unity Government

With the electoral crisis of 2014 and failure of any specific candidate to win the elections, the National Unity Government has been formed as per a political agreement between the two campaign teams. According to some interviewees, this government does not hold the appropriate political legitimacy. Several consequent incidents occurred that made the fragile legitimacy of the government further instable. For instance, on April 18, 2017, Mr. Ghani dismissed Ahmad Zia Massoud, his special envoy for reform and good governance; Mr. Massoud, immediately through a press conference, proclaimed that he does not accept the decision of the President. He emphasized that the National Unity Government was structured based on a political agreement under which none of the teams shall remove the other team of the political structure. "My only will of the partnership in the elections (Presidential) of the year 2014 was to avoid a civil war and prevent the politics and ethnic divide in our country."[35]

A little while later, at the height of the public outrage for the deadly suicide attack on May 31, 2017 in Kabul,[36] the public protests against government created and flared crucial debates and arguments for radical changes to the political system.[37] At the protests, the people shouted slogans on the streets calling

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[33] Latif Pedram, *BBC*, "The Only Solution for Afghanista, is Federalism",
http://www.bbc.com/persian/iran/۱۰۰۳۳۰/۰۳/۲۰۱۰_۱۱۵_hardtalk_latif_pedram.shtml, accessed on 25 October 2017.

[34] As per the political agreement of the National Unity Government, the CEO's office has been established besides the President's Office and was agreed to amend the constitutional law within the following two years to regulate the new changes in the government structure. From this prospect, establishment of a semi Presidential system with an executive prime minister and a President at the top of government is intended. Refer to appendix one.

[35] Rumi Panjshiri, "An intense warning of Massoud to Ghani: You don't have the right to fire me and please do not pave the ground for another civil war", https://www.youtube.com/watch?v=Naenr3z-6fw .

[36] A massive blast tore through the diplomatic quarter of the Afghan capital on on May 31, 2017, killing at least 150 people and wounding 450 others.

[37] The protestors asked for execution of detainees of the armed rival groups of the government. They accused the government that it does not deal firmly and decisively with the insurgents. According to witnesses, the protests escalated to violent when the protestors were trying to bypass the blockades established by the Police within a few hundred meters around the presidential palace. Finally, for dispersing the protestors, the security forces fired at them and used water cannons and tear smokes. As the result of police firing at crowds, at least five protesters including son of the Deputy of the House of Senates, Salem Ezidyar, were killed and 15 others were injured. Meanwhile, the funeral ceremony of Salem Ezidyar which was attended by several political figures including Doctor Abdullah Abdullah was attacked by several suicide attackers and caused more casualties. Following these incidents,

for debacle and overthrowing of the frail government of President Ashraf Ghani and Doctor Abdullah. Several political leaders including Ahmad Zia Massoud (of Jamiyat-e-Islami Party of Afghanistan), Latif Pedram (leader of National Congress Party of Afghanistan) and Anwarulhaq Ahadi (Chief of Afghanistan's National Front) appreciated the demands of the protestors and asked for the resignation of some high-ranked officials of the National Unity Government[38] and establishment of an interim government instead.[39]

The unlimited powers recognized for the President by the Constitution of the country caused the dissatisfaction to increase dramatically and impressively day-by-day and even made the government officials to raise their dissatisfaction for the government. For instance, General Dostum, the first deputy of the President and the leader of Junbosh-e-Islami Party, claimed his role in the government symbolic and found himself without any authorities. The dissatisfaction of Dostum increased to the extent that it damaged his relationship with a specific group at the Presidential palace and led to his exile from the country to Turkey.[40] With regard to the above issues, the shortcomings and problems affecting the current political system of Afghanistan lies in the potential of monopolizing powers and controlling existing authorities by those who win in the elections. This fact will be further analyzed in the conclusion of this research.

Dissatisfactions and monopoly of power by the central government caused the leaders of three political parties to officially form and establish a new political coalition despite being in charge of some important public offices within the National Unity Government. Salahuddin Rabani, the leader of Jamiyat Islamic party and the current minister of foreign affairs, Ata Mohammad Nur, the chief executive of Jamiyat Islamic party and governor of Balk province, [41] Abdul Rashid Dostum, leader of Junbush-e-Meli Islamic party and the Vice President of Afghanistan and Mohammad Muhaqiq, leader of Wahdat-e-Mardom Afghanistan party and the second deputy of Chief Executive (CE) have declared the establishment of the "Afghanistan's Salvation Coalition" through a gathering in Turkey. The leaders of the political coalition in their manifesto blamed President Ghani for ultra-legal attempts and efforts for monopolization of political powers and asked for reforms.[42]

In another attempt on July 16, 2017, a number of other influential political figures declared the establishment of a political movement named "Mehwar-e-Mardom Afghanistan" as an opposition to

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a group of protesters under a political movement called "Uprising for Change", through setting up several tents around the Kabul city and blockade of the roads, asked for political and security reformation.
Refer to https://twitter.com/afghanawakening

[38] Ahadi recalled the government leaders for abdication, http://avapress.com/vdcdfo0fsyt0of6.em2y.html, accessed on July 4, 2017

[39] Fatima Aman, "The last chance for peace in Afghanistan", https://lobelog.com/a-last-chance-for-peace-for-afghanistan, accessed on June 9, 2017

[40] According to the presidential palace reports, the confrontation of the presidential palace with Dostum is a legal matter for legal investigation and proceedings of Ahmad Eshchi's case, but Dostum and his followers are claiming that it is completely a political case.

[41] In latest development, recently Mr. Nur was sacked by the president; but like Mr. Massoud, he refused to accept the president's decision, calling it unacceptable. See; I'm Still the governor, foreginors should not intervene. http://www.۱tvnews.af/fa/news/afghanistan/۳۳-۲۷-۱۰-۱۹-۱۲-۲۰۱۷-۳۲۶۱۶-, accessed on January 17,2018

[42] The new political coalition at its manifesto stated that it does not want to overthrow the government but wants a systematic reform in security related institutions of government. http://www.tolonews.com/afghanistan/new-alliance-lists-demands-calls-systematic-reforms, accessed on June 30, 2017

government. About 72 people including Rahmatullah Nabil, the former Chief of ANDS, and Rangin Dadfar Espanta, the former National Security Council Advisor, have membership of the leadership committee of this new-founded movement. At its inaugural session, its leaders stated that the National Unity Government has been unsuccessful in management of political, economical, security and other important national affairs of the country. They said, "returning to the Constitution and stabilizing the political legitimacy of government are our two main objectives of establishing the movement." Rahmatullah Nabil said, "Our participation in politics is not for bargaining with the National Unity Government for division of positions and political powers but rather it is to put an end to false politics, deceptions, fraud and the use of governmental facilities and resources for the benefit of a certain totalitarian, repressor of freedom and transgressor to justice group and team."[43]

But, the critiques and protests of people which are reflected through conduction of political movements and establishment of coalitions has yet responded by the government through/as emphasizing on the centralized decision making structure.[44] The promise of the government for bringing some required reforms for settlement and consideration of the demands and inquiries of the protestors has been the only response that has been provided by the government for the intensified and increased dissatisfactions.[45]With regard to the importance of this matter, within the last two years, the Afghanistan Institute for Strategic Studies has conducted a series of researches on political governance system based on the Constitution in order to assess and study the context of these discrepancies and dissatisfactions through an academic and professional approach and make effective solutions outstanding and prominent for politicians and in charges of the affairs. Our first research report which was a survey about the general prospective to amendment of the constitutional law was released and publicized in 2016. According to this research, 51 percent of the population wished the change of government political system and a considerable percentage had stated that they prefer the Parliamentary system instead of the current.[46] This research is in fact a continuation of the previous one. For transparency in the ongoing discussions on alternative governance systems for the current Afghanistan, the five main questions given below are assessed.

1. What are the main arguments for reforming or changing the political system?
2. What are the main arguments for preservation of the current system?
3. What are the alternative systems and what are their privileges over the current system?
4. What are the major challenges and opportunities against the efforts to reforming or changing the political system?
5. What is the mechanism or roadmap for reforming or changing the political system in Afghanistan?

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[43] "Increment of dissatisfaction from the government; «Mehwar-e-Mardom Afghanistan» is entered into the political arena", *Tolonews*, http://www.tolonews.com/fa/afghanistan/, accessed on July 18, 2017

[44] For instance, the presidential palace has reacted to the establishment of "the high council of the coalition for salvation of Afghanistan" announcing that such inter-governmental coalitions and oppositions does not have any political and legal logic. Arg (Presidential palace): Inter-governmental does not have any political or legal logic. https://parstoday.com/dari/news/afghanistan-i41680; accessed on November 17, 2017

[45] Emphasis of President Ghani on necessity for reforms for Security Administrations
http://parstoday.com/dari/news/afghanistan-i41680, accessed on November 17, 2017

[46] AISS, "Constitutional Law of Afghanistan and Society in Transition", 2016, Kabul

Literature Review

A rapid political change and prolonged crisis throughout the contemporary history of Afghanistan, have unfortunately given less opportunity to the enrichment of the political literature in the country. Therefore, debates over alternative political systems are also affected by current prevalent political discussions in the country and around the unresolved historical conflicts. But, in recent years, a significant number of literatures have been produced (most of them by western authors) on the enigmas of politics in Afghanistan, like; "Nation-State Building Process", "the Constitutional Law", "Quality of Democracy" and "Local Governance". The necessity for changing the political system is a topic studied from different perspectives at all these works. Hereinto this part, we categorize and review some of the research and studies around two important enigmas of politics of Afghanistan- "Ethnical Politics" and "Centralization". Few of these studies and research along with endorsing and confirming the current overall frame and structure of the government, suggest bringing some minor reforms and assume it sufficient for solution of governance problems in Afghanistan while most of them, in contrary, represent critical opinions and discuss the demand for an overall change in the political system of the country.

Kawun Kakar, in his investigative report on assessment of the executive branch in Afghanistan[47], measures the performances of the political system based on five criteria; legitimacy, flexibility, accountability, effectiveness and stability. He concludes that the current system has an acceptable and admissible legitimacy, flexibility, effectiveness and stability. In his opinion, the current political system can become responsive and accountable through some minor reforms. In concluding his assessment, he emphasizes preserving the current Presidential system. "A best option for a post-conflict country where its political system is not mature is a system in which there exists a single executive branch with extensive powers at the top." In relation to stabilizing local governance; Kakar says, "gradual and step by step delegation of some powers of the President and stabilizing other public entities in capital and provinces can help to strengthening democracy within the country."[48]

A survey of the Afghanistan Institute for Strategic Studies (2016) about evaluation of acceptability of the current constitution and assessment of the opinions on its amendment[49] indicates that the public opinions about achievements of government in terms of human rights and basic freedoms of people like ensuring freedom of speech, empowering political parties and civil society institutions, guaranteeing women's rights, ensuring people's sovereignty through holding free elections and advocacy based on constitution are positive in general. Meanwhile, the respondents of the survey have rated the achievements of the current government according to its responsiveness towards people, regulation and management of economical and developmental affairs and ensuring equal rights to all ethnical groups and citizens as weak and poor. Some specific and defined suggestions for changing and reforming the political system are discussed through this perspective.

Douglas Salt Marsh and Abhelash Madhi, in an article of the Afghanistan's Research and Evaluation Unit titled "Local Governance in Afghanistan: With an Upward Look", warn that whether the government of Afghanistan is seeking the public support and more unity, it is required to reform and strengthen local governance in the country. "A modern and independent government in Afghanistan requires responsive

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[47] Kawun Kakar, "Assessment of the Executive Branch in Afghanistan: A Look to Past and Suggestions to Future", AREU, 2017.

[48] Ibid.

[49] Mohammad Amin Ahmadi, "Constitution and Afghan Society in Transition: An Evaluation of General Opinions and Suggestion for Amendment of the Constitution", AISS, 2016

and effective governance system. There has been made more investments to establish a powerful centralized government while local governance at provincial and district levels has not been given the same equal attention. At the result of this; i) the division and separation of powers among the executive, legislative and judicial branches at local levels are not defined and clear; ii) the local governance policy on the other hand is much complicated and ambiguous; iii) the donors' policies have also caused a disharmony among governmental structures and establishments."[50]

Jennifer Murtazashvili, in her article titled "Local Governance in Afghanistan" questions the historical model of the centralized governance system in Afghanistan. She argues that non-existence of reforms at local administration has led to continuation of a system where local institutions and entities have no liberty and a meaningful representation of the citizen's interest in it does not exist. The central government strives to expand its powers without ensuring the role of local governance. In her opinion, "Investing on local control systems even in existence of pervasive corruption is better than a centralized governance system. Decentralization and independence can decrease corruption recourse as an approach of lubricating the wheels of bureaucracy."[51] In other terms, the problem lays with the central government that does not consider the local governance as an option or tool for combating local challenges.

Nazif Shahrani, in an article entitled "Afghanistan's Alternatives to Peace, Government and Development; Replacement of "nationals" to "citizens" and "rulers" to "servants",[52] analyses the deficiencies of the political system of Afghanistan and recommends a decentralized governance system based on independence of local societies. He ostracizes the monarchy system and the dominant approach of Pashtun elites simultaneously and says, "The legitimate rights of societies for independence at local, provincial and regional levels all over the country shall be honored. Local societies and communities shall have the permission to elect their political leaders and appoint the practitioners of civil, judicial, security and educational units based on meritocracy and in-line with the national laws. In addition, they shall have the permission to register and keep light weapons to make them capable to organize and manage the society and ensure execution of laws with support of local police and civil defense units." In his opinion, the constitutional law of 2004, in most cases has not considered the historical patrimony of the problematic political culture of Afghanistan and the revised considerable facts after Taliban… a new or amended constitutional law shall reflect these facts and shall be responsive to it."[53]

The necessity for decentralization of power is also discussed and reflected by Professor Thomas Barfield in his article titled "Afghanistan's Ethnical Puzzle, Decentralization of Powers before the US Withdrawal".[54]He argues, "Decentralizing powers, neither brings a balance between the national and local governance, nor does lead to partition and secession of the country but rather is considered as a step for preventing the partitioning and collapse of the country."[55] Barfield, in reviewing the history of governments of the contemporary Afghanistan, identifies the different ethnic groups in this country despite of resistances against the central government, have never been separatists. Strengthening political parties and granting powers and authorities to local administration including appointment of local

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[50] Douglas Salt Marsh and Abhelash Madhi, "Local Governance in Afghanistan: An Upward Look, AREU, 2011

[51] Jennifer Murtazashvili, "Local Governance in Afghanistan", Peace Institute of United States, 2016

[52]Nazif Shahrani, "Afghanistan's Alternatives to Peace, Government and Development: Substitution of Nationals to Citizens and Rulers to Servants of People", CIGI, 2009

[53] Ibid.

[54] Thomas Barfield, "Afghanistan's Ethnical Puzzle, Decentralization of Powers Before the Withdrawal of USA", *Foreign Affairs*, Vol #. 90, number 5, 2011

[55] Ibid.

officials through elections and the ability to impose and collect taxes at local levels are among the main suggestions of Barfield for reforming of the political system of the country. He warns that a non-functioning centralized political system may probably increase the risk of partitioning or division of Afghanistan.

Zoe Bernadette (2016), in his comparative study of Afghanistan's constitutional laws has questioned that "Why Afghanistan, after 83 years of constitutional experience, has not been able to have a system that positively includes the multi-ethnics society in it?"[56] He describes Afghanistan a "tribe-focused and oriented" society urging that all its previous constitutional laws were obviously designed and regulated to support the ruling regimes and they have never addressed the challenge of Afghanistan in term of its disparity of division to "ethnical", linguistic", "familial" and sometimes "religious" segments. But, still it is possible to contemplate alternative political systems like decentralized democracy based on autonomy or consensual democracy to strengthen the democratic elements of the government.

Mohammad Akram Andeshmand has written in his book titled "Nation-State Building in Afghanistan" that the political system of government in the country shall be reformed based on modern components such as "Citizenship "and "National Identity". He criticizes all governments of Afghanistan throughout the history of the country for their efforts in building the national identity based on some hegemonic approaches of an ethnic group against the others and providence of their ideological programs. In his opinion, a same approach of concentration over the ethnic politics and provision of no opportunity for political parties in arena was followed during the Bonn Agreement and subsequently while the constitutional law was ratified. Changing of the current political system to a Parliamentary government and reform of the electoral system to a proportional system are the suggestions that Andeshmand recommends as the prerequisites to political development within Afghanistan.[57]

Alisa Guanche in her article "State Building and Local Conflicts in Afghanistan and Pakistan" argues that "In every country, local identities become political as a result of foreign interventions and unequal access to political power and economical resources."[58] In her opinion, the disparities between the proponents of Parliamentary system and defendants of Presidential system also reflect this matter; "most Pashtuns are proponents of a powerful Presidential system while other ethnics including Tajiks, Uzbeks and Hazaras are scaring that a powerful President may remove them of the power."[59] She recommends that "recognition of each other and integration through legislation and institutional and educational tools could be a key to unity than imposing from up to down." An important issue mentioned in the article is that if we want to integrate local identities into the national political system, all sides shall be committed to the legal rules. All shall be equal before the law in order to be able to play significant roles in the process of state building and national integration.

The necessity of political system reform has also been reflected in a report of United States Institute of Peace (USIP) on "Political Stability in Afghanistan".[60] The report, through identifying several problems of the governance in Afghanistan, emphasizes that the current government shall strive to reforms within the

[56] Zoe Bernadette Sherman, "Afghanistan's Constitutions: A Comparative Study and Assessment of their Impacts for Afghan Democratic Development", Naval Postgraduate School, 2016
[57] Mohammad Akram Andeshmand, Nation-state Building in Afghanistan, Sayed Publications: 2017, p 142
[58] Alisa Guanche, "State Building and Local Conflicts in Afghanistan and Pakistan", ISPI, 2013
[59] Ibid.
[60] Alex Tear and Scot Worden, "Political Stability in Afghanistan, Prospective and Roadmap up to 2020", USIP, July 2017

frame of the constitutional law to resolve its political illegitimacy. "In a profound view, a prolonged competition between elites of central government and local actors over division of powers and resources, in a dispersed and varied society has been disregarded. The current disputes over selections, appointments, revenues and such other issues indicate a prolonged non-confidence and dissatisfaction of local actors, who demand more powers and local independence, to central government. These issues are not effectively paid attention to at the political system of the country and the constitutional law."[61] The report calls on National Unity Government of Afghanistan to practice on its commitments in accordance with the political agreement that facilitated the establishment of the government.

Most of the above articles have discussed and emphasized on two issues for solution of the current problems, ensuring participation of the people, active participation of local administration, prevention of corruption, functionality of the government and strengthening a citizenship and national unity moral. The two possible solutions deal with decentralization of the political system at central level and with granting and delegating socio-political and economical-developmental authorities to local administrations. Some of the scholars might also be proponents of a centralized political system. However, they are less than the number of proponents for a decentralized political system.

Theoretical Framework of Research

Political Systems Based on Political Culture and Scale of Industrialization of Countries

Gabriel A. Almond, in his comparative approach towards political systems, categorizes different political systems based on political culture and the scale of industrialization of countries. From this prospective, we, in one category, have uniformed societies against dispersed, and in another category, the industrialized societies stand against pre-industrialized. In his opinion, industrialized societies with a homogenous political culture are capable to establish a democratic political structure because they are secular in their nature. "The indicator of Anglo-American political systems is their homogenous and secular political culture. My purpose of a secular political culture is a multi-value experimental political culture equipped with logical calculation and arguments. This is a homogenous culture meaning that there exist unity of opinions on political objectives and tools."[62]

The indicator of pre-industrialized or partial-industrialized societies is encompassing a mixed political culture. "Pre-industrialized or partial-industrialized and westernized political systems are well definable with mixed political cultures and political systems... as in such countries, the Parliaments are more than a Parliament, parties and social pressure groups function in an unusual manner, bureaucracies and militaries often under dominate the political systems and an unpredictable atmosphere and gunmanship sieges the political system in whole." In such political systems, for absence of a stable structure that rapidly defines roles, there exists more possibility that roles may substitute with each other. Therefore, it is possible that bureaucracy may substitute with legislative practices and militaries may also have a similar role.[63]

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[61] Ibid

[62] Gabriel, A. Almond, "Comparative Political Systems", *Politics Journal*, Vol. 18, No. 3, August 1956, pp. 391-409, Cambridge University

[63] Ibid

In his theoretical framework Gabriel A. Almond also discusses the totalitarian political system which uses repression as an instrument for unification of society. "The totalitarian political system apparently looks invariant but its invariance is artificial and fictitious. Since there exist no volunteer groups and associations and political relations are controlled by central government thus, it is not possible to judge the admissibility of totalitarian system. We can only say that the totalitarian government system in comparison to other systems is consensual since the society is always controlled with a system of relations and center-dependent organizations and its autarchy and threats are applied in a especial manner."[64]

A Consensual Democracy for Heterogeneous Societies

Arend Lijphart at an article titled "Typology of Political Systems"[65] divides societies into two groups; i) societies with its members having a wider consensus and ii) dispersed societies with intense fractures and gaps; "It is when society members in terms of their membership and loyalty do not have any common relationships but each is particularly and especially focused within separate segments of society." He emphasizes that in societies of the second group, there exists a necessity for all segments of the society to come to an agreement amongst themselves for avoiding social unrests and for political stability. "A comprehensive agreement among all citizens is more democratic than a government of a simple majority. An alternative to a government of majority is a government of minority or at least recognition of the right of veto for minority."[66] Lijphart recommends "consensual democracy" for overcoming the small cultural fractures and tendencies towards instability and for controllability of such societies. (See Table-1)

Lijphart identifies "imparting or allotment of shares" and "joint veto" as two significant rules of consensual democracy and warns that "misuse of these rules can encounter the system with those threats which such democracy has been introduced for abstaining them." The most important rule of the game in consensual democracy is "imparting shares". It can resolve the challenge of allotting resource and recruitments among small cultures but, recruitments in public positions based on membership in a small cultural group instead of considering individual talents may not be worth spoiling the effectiveness of the administration. A more serious risk lays in the other rule of the consensual game: "joint veto, which is required for encouraging all small and minor cultures to take part into bigger coalitions. If these rules are not used carefully and with continence, it can bring to the society instability and blockades which the consensual democracy has been laid down to abstain them."[67]

Table 1: Four Principles of Consensual Democracy
1- Establishment of a bigger coalition to divide the powers within the executive branch
2- A semi or partial independence in a frame of territorial or other types of self-reliance states
3- Imparting of shares within government as a principle of political representation for recruitments and appointments for the public positions and allotment of public budgets
4- Consideration of the right of veto for minorities

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[64] Ibid

[65] Arend Lijphart, Typology of Political Systems,(1968: Apr)

[66] Ibid

[67] Ibid

Comparison of Consensual Democracies and Governments of Majorities

Lijphart at his another article titled "Democratic Political Systems, Types, Instances, Causes and Outputs"[68] provides a comparison of consensual democracies and governments of majority. The difference between these two types of political systems is principally measured with the tendency of the majority system towards centralization of powers.[69] He, through comparing the diverse characteristics of these political systems, deduces that "there exist no satisfactory reason that makes us recognize the consensual democracy valueless than a system of majority; whether in term of its stability or democratic quality of the system. Lijphart discusses two points. First, stability is important therefore, a consensual democracy is appropriate for dispersed societies. Second, the democratic quality of consensual democracy is transcendent for its first dimension in comparison to the first dimension of a democracy of majority."[70]

Types of Political Systems Based on Status of Institutions and Social Groups

J. Blondal in his book "Comparative Governments" (1995) states the point that "political systems distribute and dispense their values through authoritative decision makings", and categorizes the political systems into five groups.[71] In his opinion, all political systems can be categorized based on their responses to three principle questions. The questions are: Who rules, how and for what purpose? Thereupon, groups and institutions also practice within a defined framework depending on the type of a political system. (See Table-2)

Table 2:

Categories of political systems	Status of Political Groups and Institutions
Liberal democracies	• Political parties act as important institutions within the country: Parliament and executive branch are under the oversight and monitor of political parties • All political groups are formed for certain purposes. (However, their purposes could be wider: like trade unions and economical organizations) • Scale of membership into political groups and parties is apparently high, but it is minimum in practice. • The "rules of the game" are accepted as legal principles
Egalitarian authoritarian systems	• Political structure is constituted by official institutions of government: with an emphasis on its bureaucratic aspect

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[68] Arend Lijphart, "Democratic political systems, types, instances, causes and results", *Theoretical Politics Journal,* SAGE, 1:33, 1989

[69] He says that a government of majority prefers centralization of executive powers instead of division of powers. Likewise, a majority government prefers a single central government instead of a decentralized federal government.

[70] Ibid

[71] Jain Blondal, *Comparative Governments*, second edition, European Institute of Florence University, 1995

	• Political institutions and entities are in control of commie party (left winger)
Traditional inegalitarian systems	• Traditional groupings are based on a network of loyalty that emerges of small units (at villages or among groups) and extends to tribes and clans • Political parties and Parliament are mostly non-existing.
Populist systems	• Political structure and mainly parties are established with a known goal of bringing change in society. (tendentious of a mono-party government) • Traditional loyalties are commonly not sufficient and new groupings are formed • Typically, this type of system is a reaction to traditionalism and stands between democracy and monocracy (a centralized government in hands of an individual).
Authoritarian inegalitarian systems	• Strive to reconstruct traditional institutions • Reliance on military power and bureaucracy for control and decision making

Types of Political Systems within Contemporary Afghanistan

Theory of Blondal on categorizing the types of political systems can help us to track the changes of political system during the contemporary history of Afghanistan. Table 3, illustrates the course of political changes and the relevant governments from the Kingdom of Zaher Khan (1933-1973) up to the present times.

Table 3:

Types of political system	Afghanistan governments
Political Egalitarian System	Zaher Khan's Kingdom (1933 to 1973)
Populist System	Republic of Dawoud Khan (1973 to 1978)
Egalitarian authoritarian systems (Communistic Political System)	Communistic Regimes (1978 to 1992)
Authoritarian inegalitarian systems	Government of Mujaheedin and Islamic Emirate of Taliban (1992 to 2001)
Liberal Democracy	Introduced and recognized by current constitutional law (2001 till present)

Traditional Inegalitarian and Emergence of National Identity of Afghanistan

In most of the countries around the globe including Afghanistan the traditional inegalitarian political systems in a frame of monarchy governments are accepted models of governance from ancient times. In contemporary history of Afghanistan, the Kingdom of Zaher Khan was known as the climax of traditional inegalitarian political system. This is because, on one hand the period of his rule encompasses the longest

and the most stable period within the history of political evolutions of contemporary Afghanistan, and on the other hand, the traditional governance system during his Kingdom, for the first time in the history, had been faced with an unprecedented change and was overthrown and replaced with another political system.

As discussed in the Preface, King Zaher Khan in 1964 introduced a new constitutional law and prohibited the King's family from intervening in political affairs of the country. This, on one hand, paved the way for emergence of new political groups and has been a starter for a new era called Democracy. Its other consequence was the reactive attempt of Daoud Khan, Zaher Khan's cousin (former Prime Minister), for overthrowing the King. Political parties during the constitutional kingdom of Zaher had found partial permission to operate within the country. Afghanistan during King Zaher Khan's era also had an elected Parliament and a Cabinet chaired by a Prime Minister but the law on political parties had never come to effect and thus political parties couldn't find the chance to enter as legitimate legal entities into the political scene. During this era, the role of traditional leaders who earlier had power and influence within the country was decreased as a result of the emergence of new political groups.[72] King Zaher, losing the traditional legitimacy of his government, faced with new challenges and political dissatisfactions, was eventually overthrown by a member of his family.

Republic Government of Daoud Khan: A Populist Political System

The traditional inegalitarian political system in Afghanistan crumbled after the bloodless coup of Mohammad Daoud, cousin of the King and former Prime Minister, who declared "Afghanistan's Republic" government. Mohammad Daoud as a resolute and opportunist leader who was thinking of rapid modernization of Afghanistan, established his populist government with two immediate assertions: first, with overthrowing the King, Daoud entitled himself the first President of the Republic of Afghanistan. He, through revision of the constitutional law, announced that the government shall be administered by peoples' will. Second, to tighten the identity of Pashtun ethnic he sought after establishment of "Pashtunistan" which would have contained Pashtun population of both sides of the board between Afghanistan and Pakistan.[73] Mohammad Daoud was pursuing his purposed democratic reforms based on his one-party government system, while in practice he captured all the powers in his hands.[74]

Egalitarian Authoritarian System in Afghanistan

Daoud Khan was overthrown from power by the bloody coup of 1979 by those who had also assisted him in the bloodless coup against King Zaher. Now, it was the leaders of the coup (Noor Mohammad Tarakai

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[72] Hamid Karzai, the former President of Afghanistan, in an article titled "The Prospective of Afghan Tribal/ethnic Leaders towards the Regime from 1953 to 1978", inscribes his narrative of the situation during that era. "All Durani Legislators except elements of leftward party, were postulating the kingdom for territorial integrity and political sovereignty of Afghanistan. They thought that any alternative to kingdom can lead to anarchy. They believed that the kingdom and its institutions were in accordance to social, ethical and religious values of the country and hence it was a proper regime for Afghanistan. When King Zaher has taken the decisions to establish a parliamentary democratic system, the balance of powers collision on the benefit of government, other tribes were not in a position to oppose and question the decisions of the government." Refer to "The Prospective of Afghan Tribal Leaders towards the Regime from 1953 to 1978", Hamid Karzai, Central Asian Survey, 2014

[73] Abdullah Shadan, "Dawoud Khan's Premiership and the Return of Sensor Restriction", BBC, October 20, 2011 http://www.bbc.com/persian/afghanistan/2011/10/110918_mm_century_afghanpress_sh07.shtml

[74] Article 40 of Dawoud Khan's constitutional law states, "For reflection of social wishes and political upbringing of people of Afghanistan, a mono-party government system under the leadership of the Enqelab-e-Meli (National Revolution) Party, which is the founder and front-liner of the people's and advanced revolution of 16/07/1973, shall be kept ruling."

and Hafeezullah Amin) who came out in the name of "Afghanistan's Democratic Party" in pursuit of reforming the political system. The People's Democratic Party as a left winger/leftward party, had established its mono-party communistic dictatorship with a pretense of representing the deprived people of Afghanistan and the proletarians.[75] The Communistic government, through radicalistic territorial reforms, promotion of training programs for ideological guidance of society and repression of its opponents had made the social equality as its watchword. The egalitarian authoritarian system in Afghanistan had experienced four trouble phases under the leadership of four controversial figures.[76] Eventually, Doctor Najeebullah, the last President of the Communist government, after his failure in the reconciliation program with the Mujaheedin, was overthrown by the Mujaheedin who almost simultaneously had rebelled against the intervention of Soviet Union into Afghanistan whilst the Communist government was established.

Inegalitarian Authoritarian Government of Mujaheedin and Taliban

A separate research is required to understand the circumstances that led to the fall of Doctor Najeebullah's government and the entry of the Mujahedin into Kabul. However, it is clear that all groups of Mujahedin were raising a slogan for the establishment of an Islamic state and were struggling for its establishment. The Constitution framed by Professor Burhanuddin Rabbani's government has stipulated this fact. Article 42 of the Mujahedeen's Constitutional Law, although it has never been ratified, stipulates "All Afghans shall fully observe the Islamic principles in their personal and social lives."[77] The efforts of Mujaheedin for establishment of such an Islamic government led to emergence of an inegalitarian authoritarian government system under sovereignty of Taliban. Taliban defeated their rivals and stabilized their military power within the country, inaugurated the Islamic Emirate of Afghanistan and ruled over the country under a direct support of Pakistan between 1996 and 2001

Towards a Liberal Democracy? Selection of an Option for Legitimacy of the System

After the collapse of the Taliban in 2001, the new government of Afghanistan was established with a direct intervention of liberal democratic countries including the United States of America and its allies. In 2004, the new constitution of the country, mostly based on the constitutional law of 1964, was drafted and ratified in order to facilitate the democratic transition after Taliban. The current constitutional law contains some important and significant elements of democratic sovereignty including; division of power among three branches, freedom of speech and recognition of the role of political parties in political arena. For the first time, the Shia minority found the permission to utilize their own jurisprudence at courts. On the other hand, it has been guaranteed that in addition to Pashtu and Dari, as two official languages of

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[75] Article 4 of the constitutional law during Babrak Karmal's tenure states, "The people's democratic party of Afghanistan, a party of proletarians and all hardworking labors of country, shall be the leading force and power of society and government, indicator of the interest and will of labors, farmers, enlightened, all hardworking proletarians and national, democratic, steadfast defenders of the real interests of all inhabitants of a united Afghanistan... until the end".

[76] Noor Mohammad Tarakai, the first leader of the Communistic government was killed by his Prime Minister, Hafeezullah Amin, after two years of what they called the People's Revolution. Within that year, the intervening forces of Soviet Union, murdered Amin for his tendency towards America. Then, Babrak Karmal took over as the third President of the Communistic regime. But in the result of the pressures of a prolonged conflict with Mujaheedin, Karmal was compelled to surrender the power to Doctor Najeebullah, after seven years. The Constitution had been revised twice at two last eras of leftward governments in Afghanistan (During the governments of Karmal and Dr. Najeebullah)

[77] Sarwar Danish, "The full context of Afghanistan's constitutional laws", Ibn-e-Sina Publications, Kabul, 2015

the country, other important languages spoken at native areas of tribes are also recognized as the third official language.[78]

Although, the current constitutional law recognizes some democratic elements, it introduces a much centralized Presidential governance system where the President has plenty of powers and authorities,[79] the local administration is generally dependent to the central government and the political parties do not have appropriate and proper legal basis for effective activities and participation in the politics of the country.[80] In the frame of the current constitution, people appeared for the first time at the polling stations for electing the President and participated in the Parliamentary and provincial council's elections. But, the elections as the spinal cord of the political system couldn't yet bring the proper legitimacy to the Afghan Government. The political crisis that emerged after the challenging and disputing result of the 2014 Presidential elections and the establishment of the National Unity Government as a result of a political agreement between the two campaign teams has indicated the necessity for revising the political system into a new phase. But, now after three years of the establishment of the National Unity Government, the political system is still faced with serious challenges and threats. The liberal democracy in Afghanistan has been suffering specifically from the extreme tendency of the elites of ethnical groups for monopoly of powers and excess centralization.

Analysis of the Current Political System on the Basis of Skinner's Theory

In the next section of this research, we are analyzing the existing opinions about the political structure of Afghanistan which are collected through interviews with experts, university lecturers and political activists. The interviews were conducted to obtain the opinions and viewpoints of individuals on privileges and problems of the current political system and we also asked them about alternative political systems. In this research, we applied Blondal's theory "types of political systems" in order to understand that how and with what tools and objectives does a specific political system forms the political interests, relations and activism of people and states. This approach helped us to clarify the privileges and problems of choosing an alternative (democratic) political system.

We also applied Quintin Skinner's theory[81] for analyzing the values like freedom and recognition of citizen's rights in a political system. Mr. Skinner is among the founders of the "Cambridge" School of the

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[78] Article 16 of the constitutional law states, "In areas where the majority of the inhabitants speak in any one of Uzbeki, Turkmani, Pachaie, Nuristani, Baluchi or Pamiri languages, any of the mentioned languages, in addition to Pashtu and Dari, shall be the third official language and its usage will be regulated by a separate law. The state shall design and implement effective programs to foster and develop all languages of Afghanistan. Usage of all current languages in the country shall be free in press publications and mass media… to end."

[79] The President is accused that he abuses his powers and authorities and does not pay respect to the decisions of Parliament. On February 6, 2017, Abdul Raouf Ibrahimi, the spokesperson of Wolesi Jirga or National Assembly raised his complaints that the President does not heed to the decisions taken in Parliament. He said the President hasn't consulted with the Parliament regarding establishment of new ministries. A number of MPs purposed to summon the President to the Wolesi Jirga to provide clarifications on his illegal practices.
http://salamwatandar.com/article.aspx?a=31215&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+SalamWatandarFarsiRssFeed+%28SW+New+Farsi+Rss+%29, accessed on April 27, 2017

[80] Absence of an appropriate elections system for active and effective participation of the political parties and the government's lack of attention to the political parties are the complaints of the political parties and the political activists discussed. It is further explained in the context of the report.

[81] Regarding the Skinner's theoretical framework we used bellow sources;
- liberty before liberalism, Quentin Skinner, Cambridge University Press, 1998, Preface
- Quentin Skinner (2002), Visions of Politics, Three Volumes, Cambridge: Cambridge University Press.

history of political philosophy. He and his followers believe that with emersion of liberal theories and opinions, the theories and opinions of the period of renaissance within Europe (New-Roman) have been forgotten or fully marginalized. Hence, Skinner struggled to renovate the pre-liberalism concepts. According to Skinner, Niccolo Machiavelli was one of the foremost scholars and thinkers of the New Roman renaissance. Scholars of the renaissance period had further utilized the concepts of ancient Rome that is why they were entitled scholars of new Roman renaissance.

According to Skinner, taking the concept of the "New Roman" serious can somewhat resolve the defects of liberal concept. During the time of ancient Rome, a citizen was defined on the basis of its opposite term, slave. An outstanding specification of "a slave" was his/her dependence to the will (in Latin arbitrium) of others. In contrary, a free human being lived under the laws and principles that he/she had role in their creation and development. According to Skinner, existence of a "free human being" was subject to a free state. In other terms, when a country gets colonized by another country, it not only loses its independence but its citizens lose their free will as well. In Skinner's assumption, even if the lord of a slave does not interfere in his activities and affairs, the slave was still dependent to the will of the lord and lord had domination (called dominos in Latin) over him. It means that a lord can at any time change his behavior with his slave. In addition, the behavior and activities of the slave shall be laden of censorship for his dependency to the lord and shall always strive to make his lord satisfied of his activities. From a political prospective, the meaning of this discussion is that, at any political system where its citizens are dependents to the will of an individual or party, the people will no longer be called citizens but shall decline to the status of being slaves. Proponents of this discussion were mostly defending a "republic" government. Such discussions were flared and intensified during Britain's civil war between 1642 and 1651. Skinner in his book titled Liberty before Liberalism explains that two main discussions, republican and liberal, emerged in political arena.[82] The second representatives were Thomas Hobbes and a group of outstanding and prominent figures like, James Harington and John Melton, a well-known poet. According to Harington, "Anyone who lives under the dominance of a Kingdom or imperial system, is not more than a slave, because, every King has special optional privileges and authorities. To the degree the King's authorities and privileges are more, to that degree his followers are dependent to the arbitrary will of the King. To any extent that a person in any sphere of life is dependent to the arbitrary will of other person, to that extent he shall be unfree and shall not have liberty."

It has been based on such research that Skinner has discussed and presented a new definition of "Liberty" that has been derived of his comprehensive studies and researches about the philosophical thoughts and concepts of the Ancient Rome and New Romans (New Roman). In 1953 AD, Sir Isaiah Berlin released his so famous article titled "Positive Liberty & Negative Liberty" which had been a non-contesting and dominant benchmark of the concept of "liberty or freedom" for half a century at western societies and had been one of the reasons for Mr. Berlin's reputation. But, in contrary to the two concepts of liberty of Berlin, which mostly relay on "conceptual analysis" that had been a dominant method in the field of political philosophy of that era, Mr. Skinner has utilized the "genealogy" method of Nietzsche, which is in fact a critique and a supersede to the "Conceptual Analysis" method, and has presented a third concept

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[82] The discussion which Thomas Hobbes was supporting had been establishment of a modern state that he named it at his book of 1653 as "Leviathan". Hobbes was claiming that in the absence of government, an all-out war will commence and there won't exist any possibility to maintain the order of society. Therefore, there is need for Leviathan to ensure security and move out of such a "natural situation". Hence, all shall grant authorities to the state to ensure and maintain order in society. From the prospective of political concept, Hobbes had been among the first scholars who offered the social contract theory.

of liberty. Although, these topics are much more complicated and obscure, we will endeavor to explain the topics here in the research plainly and simply. As stated above, Isaiah Berlin defines the senses of liberty in two ways, in a positive sense and in a negative sense. In his belief, a negative sense of liberty is non-interference of any man or body of men or entity in personal activities or "non-coercion" (Berlin prefers the use of coercion because it indicates a physical prevention and also a pressure on the "will" of individual). Liberty in its negative sense is non-existence of any obstruction or prevention in the area within which a man can act as he wishes. (in accordance with the "Harm Principle").

On the contrary, the sense of positive liberty or freedom is bit complicated. The prerequisite of such a sense is that liberty is not only necessarily for acting and practicing but it is required for a human to be free as his or her essence of nature. For example, Thomas H. Green, a British Hegelian thinker, believes "being free or liberal is the realization of a phenomenon that we have it in our essence." In his opinion, real freedom is the realization of the essence and nature of human being. There exist two significant prospective about the essence of human beings in the culture of West: A prospective originated from the Christian theory to "serve in the way of God" and a famous Aristotelian theory that describes human being as "zoon politikon" a political mammal. According to this theory, the essence of human being will be realized in serving the people. Skinner, as per his studies of the New Roman concepts, provides, in contrast to Isaiah Berlin, a third definition of liberty or freedom as well. He assumes the third definition of liberty or freedom as "non-dependence" and "non-domination".

Thus, in liberal democracies the citizens do not bear proper and such roles in the process of making laws that may shape their destiny. These laws are designed and regulated by the state in a manner that enable it to direct its citizen's at any time and any manner which it wishes or exploit them. In such a situation, citizens are in fact dependent to the "will" of modern governments. Niccolo Machiavelli had also reflected this concern in his writings and compilations in a different way. He assumed that when a team or group gets the political power, it controls other citizens and applies its domination over the public. Therefore, he considers this approach as the corruption of the political system.

From among the political theorists of the late twentieth century, the discussions presented by Quintin Skinner might be one of the most appropriate theories discussed with regards to establishing a comprehensive democratic, liberal and independent government. He discussed the measures and conditions which should be considered to bring a real democratic political system to a country. Facilitation of citizens' active participation in democratization of the political system, electoral system and introduction and selection of MPs and the MPs operation and performance, and finally distribution of power were the main points of Skinner's discussions. He emphasized that independence and political self-reliance are feasible when the people and the administration of a country become free from internal tyranny and external dependencies in order to formulate a liberal society and make the people participate in the decision-making processes. Along with internal challenges, dependency of the Parliament and its MPs would cause harm to the process of democracy. He also considered centralization of powers within an institution or an individual as a hindrance in the path of liberation and democratic governance. As per Skinner, when powers are centralized within an institution or an individual, all people under that institution or individual become as functioning servants. This meant that all people who worked in lower levels in an individual oriented political system put the satisfaction of the owner of absolute powers at their first priority and their main duties and programs become their second priority. Keeping in mind the main points of Skinner's theories, we made an attempt in this research to analyze the data and information collected to see that how much the present government, in terms of its structure and

functions, has compatibility with or opposition to the democratization process of political system of the country.

Research Methodology

In a research conducted by the Afghan Institute for Strategic Studies the previous year, approximately half of the respondents demanded the changing of the political system.[83] The details regarding the respondents and the methodology used will be clearer below. The current research has been conducted in sequence with the previous research in order to scientifically analyze the viewpoints and opinions on changing the political system in details.

Reform of the political system through changing of the system is one of the demands often discussed but, it became formal after the controversial Presidential elections of 2014 and establishment of the National Unity Government. The purpose of the current research is to highlight all positive and negative viewpoints on changing of the political system and assess the disparities of the viewpoints. It is obvious that application of any democratic reforms within a political system of a country is effective when there exists awareness regarding who had requested the change or reform of the current political system, for what purpose and how should we attempt the reform.

Whereas the question on changing of political system requires a qualitative response thus, our research team, in addition to utilizing library resources, has chosen in-depth interviews with around fifty field experts as data collection tools. Given the varieties of opinions on changing the political system and the division of certain political groups to defendants and opponents on changing the system, the research team strived to make sure that the interviewees including the rival groups in discussions are from different groups, parties, ethnics and regions of the country. The interviews were launched at Kabul and six important provinces including; Mazar-e-Sharif, Jowzjan, Bamiyan, Herat, Kandahar and Nengarhar in order to relatively collect opinions from four corners of the country. In average, there happened five interviews in Herat and twenty interviews in Kabul. A total of 49 individuals were interviewed. In the current research, we have interviewed a group of government officials including governors and district administrators, representatives of people such as, MPs and representatives of provincial councils, representatives of political parties, representatives of civil societies, experts and university lecturers and professors. In order to select the interviewees we decided to approach the political elite community as the main stockholders of the Afghan political system. Then we went through a process of identifying our target groups based on three considerations:

● Gender: To include women's points of view in the report, we approached a group of prominent women with background in politics, academia and civil society organizations. Although we couldn't interview all of them - due to different reasons, a total number of five women - with different backgrounds, haven been interviewed.

● Ethnicity: As Afghanistan is considered to be a multi-ethnic society and ethnic politics is a challenging phenomenon in the country we handpicked some prominent people who are well-known for representing their ethnic community. These include people from Hazara, Tajik, Pashtun, Uzbek, Turkmen and some other ethnic backgrounds.

● Political affiliation: To cover different political thoughts and perspectives with regard to the alternative political systems, we had two considerations in mind; Firstly, we approached people representing different political parties. Secondly we interviewed some important representatives of the main rival

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[83] "Afghanistan's Society in Transition and Amendment of the Constitutional Law", AISS, 2016

groups in the discourse of alternative political systems; namely those in favor of centralization and those campaigning for decentralization.

So, while we are not claiming that this sample group is representative of all the population, it is covering the main characteristics of the political elite community in contemporary Afghanistan.

Interviews were conducted in both Farsi/Dari and Pashtu languages for the purpose of better understanding and mutual comfort. Interviews with Pashtu speakers were conducted in Pashtu language and interviews with all other individuals from different ethnic and linguistic backgrounds were conducted in Farsi/ Dari, as they would understand the language well enough to enter into the discussion and answer the questions.

All interviews were conducted orally and recorded via a sound recorder. Then all recorded interviews were transcribed, categorized and coded through qualitative methodologies applying discourse theory.

In the theoretical part, after assessment of some available theoretical frameworks about the political systems, we utilized Blondal's theory of the types of political systems and Skinner's theory of "liberation before liberalism" as an overall framework for analyzing the discussions in order to make our conclusions of the discussions to have an academic support.

For assessment of the current political system from different prospective and elucidation of the opinions on changing the political system, the research questionnaire has been organized around 6 indicators given below:

1. Effective factors of the crisis of the Presidential elections of the year 2014 and the role of the current political system as a factor of the crisis.
2. Functionality of all three branches of the state against each other based on the principle of division of powers
3. Status of national and local governance
4. Status of electoral system and the role of political parties
5. Efficiency of changing the system on the legitimacy of government
6. Opinions and suggestions for changing of the political system of the country

Then, all the responses to the questionnaire were codified, sorted and analyzed in the report of the research. The current report is the result of teamwork involving the authors of the report and the colleagues, field interviewers, and had taken approximately eight months, from November 2016 to May 2017 to accomplish.

Significant Findings of the Research

First Section

Factors leading to political crisis after the 2014 presidential elections

- The Presidential elections of the year 2014 led to a political crisis at its runoff; in your viewpoint, what were the main factors that caused the crisis?

The political agreement on formation and establishment of the National Unity Government, after a controversial election process of the year 2014, has been the basis for the current framework of discussion over the changing and reforming of the political system. Thus, as the first question of research, it was asked from the interviewees about the main factors that were responsible for the Presidential elections crisis of the year 2014. The responses point out to the role of three factors, structural failures, inappropriate behavior of individuals and intervention of foreigners that led the elections to crisis.

Most of the interviewees (33 out of 49 respondents), believe that the false practices of individuals are considered the main factor for leading the elections to crisis. Some ultra-legal activities of individuals, lack of commitment to the political system and unawareness of people are the substantial instances that indicate the people's role in occurrence of the elections crisis. Sediq Patman, a member of the National Front, says that "the factor of the crisis of the 2014 Presidential elections were top level officials in power. They haven't had loyalty to the system and this caused the elections to go to crisis." [84] In the opinion of Atiqullah Ghafoori, a representative of Afghan Milat Party in Nangarhar, the 2014 elections led to a crisis due to the following two reasons: First, the Commissioners of the independent Elections Commission were dependent to certain individuals who, somehow, took advantage of the elections. The second reason was that while all the candidates had misused their position during the elections process, the two leading candidates had more role to play in such misuses. In addition, some people also focused on a series of linguistic, regional and ethnical scrimmages, which had a negative impact on the result of the elections.[85]

Thus, the role of individuals in the crisis of the elections had structural elements and was impressive of structural situations which directed their behavior. Sadiq Aliyar, the Director of the Peace Committee in Bamiyan Province, believes that the autocratic background of governance in Afghanistan is an effective element in failure of democratic processes. "One of the factors which can be enumerated for this problem is the absence of a democratic governance background in Afghanistan. Unfortunately, the custom of governance in Afghanistan has an authoritarian background that is why I think the government, whether the previous or the current, does not intend to practice democracy and the effectiveness of public votes does not exist. In addition, immaturity of the people, unawareness of the public and weakness of the civil society institutions to the extent that it made them incapable of putting the government under pressure for true reflection of the public votes and opinions were important factors."[86]

Lack of independence of public administration entities, existence of corruption, absence of a national moral and an inappropriate electoral system are considered as the structural factors responsible for the emergence of the elections crisis. Lack of confidence over the Independent Elections Commission is an important matter discussed in the interviews. Basheer Tayanj, the spokesperson of Junbosh-e-Meli Party

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[84] interview with Sediq Patman, member of the National Front, on 16 /5 /2017
[85] interview with Atiqullah Ghafoori, representative of Afghan Milat Party in Nengarhar, on 8 /6 /2017
[86] interview with Sadeq Aliyar, Director of Peace Committee, Bamiyan Province, on 23 /5 /2017

and representative of Faryab at the Parliament of Afghanistan, says, "There didn't exist the sufficient confidence over the entity named Independent Elections Commission. Therefore, all the decisions which were issued by the commission were not acceptable for any party. One of the main challenge was the aforementioned matter which finally caused the world, especially the United States of America, to come to a conclusion that the elections dispute and tumult does not have any output and eventually laid down the formula of a national unity government."[87]

Mrs. Habiba Sarabi, Deputy of the Afghanistan's High Council for Peace relates the elections management problem to non-systemization of the government. "A significant factor of 2014 elections crisis was the governance which has not been systemized and was mostly based on individualistic measures. For example, the guy who was appointed as the Chief of the Elections Commission was not a mighty and competent manager… Unfortunately, the Commission could not keep its independence and had poor management. This made the frauds happen and led the elections to crisis."[88]

A group of interviewees enumerate the insecurity in some parts of the country, no determination of the total eligible voters and lack of electronic national identity cards as factors involved in the crisis. Hayatullah Hayat, Chief of Jowzjan Provincial Council, says, "If the electronic national identity cards were distributed, such crisis would have not happened, thus the main factor of the crisis is absence of an electronic system."[89] In the opinion of Shah Gul Rezai, representative of Ghazni province in Parliament, a collection of structural factors including insecurity and deficiency in technical requirements for holding the elections had been critical. "Existence of instability and insecurity in some parts and regions of the country made it difficult for the national and international monitors and supervisors to go to those locations and thus, for absence of national and international monitors, the transparency of the elections process had not been ensured. The second reason which had role in the crisis was principally the elections system. There existed no elections system or in other terms, the prerequisites that provide the basis for transparency of elections, did not exist. Like, there didn't exist an accurate list of the voters… the polling cards were distributed incorrectly and were collectively, in a great number, accessible to individuals and even were put in sacks. In fact, the fundamental problem not only in the 2014 elections but also in other previous elections has been non-complying the exact definition of a single voting system."[90]

In the opinions of a number of interviewees including Abdul Hafeez Mansour, a representative of the Kabul Province in the Parliament and a member of the Jamiyat Islamic Party of Afghanistan, the hegemony of mono-ethnic approach within the government was the main factor of the elections crisis. "Attainment of the power by Doctor Abdullah through a modern mechanism was problematic for others. The new system however has chosen someone else, (not Ashraf Ghani), to the power but, this result was in contrary to some prevalent traditions of the country. It was not a matter of fraud. Americans clearly said that we want an election which brings stability and Pashtuns bring stability."[91] Amir Sharif, a lecturer at Bamiyan University, says, "a mono ethnic political sovereignty within Afghanistan was the main factor of the 2014 crisis and had carried with it some pretenses like, has not received votes, fraud in elections, …etc. this was proved by Mr. Muhaqiq during the elections by saying that it was Mr. Karzai who encouraged me to join

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[87] interview with Basheer Tayanj, representative of Faryab at the Parliament and the spokesperson of Junbosh-e-Meli Party, on 22 /5 /2017
[88] Interview with Habiba Sarabi, Deputy of the Peace High Council of Afghanistan, on 17 /5 /2017
[89] interview with Hayatullah Hayat, Chief of Jowzjan Provincial Council, on 19 /5 /2017
[90] interview with Shah Gul Rezai, representative of Ghazni Province in Parliament, on 16 /5 /2017
[91] Interview with Hafeez Mansour, representative of Kabul province in the Parliament and a member of Jamiyat Islamic party, on 18 /5 /2017

with Ashraf Ghani's Team in the elections. I asked, why? He said, "because, initially Abdullah's team will not win the elections and secondly, if he wins, no one will let him to take on the presidency."[92]

Article 2 of the Elections law of Afghanistan stipulates, "Elections are held through free, general, secret and direct voting". In concluding the discussion, we can claim that in pervious Presidential elections, all the traits of a democratic election had been somehow or thoroughly breached by a collection of factors, particularly structural.

- In your viewpoint, did the defined political system in the current constitutional law of the country have any role in creation of the crisis? If we recognize the political system as an effective factor in the political crisis of the year 2014, which one of the elements of the current political system had role in creation of the crisis and why?

From among the constitutive elements of a political system, division of powers between the three branches has a special importance. The current political system of the country, in accordance with the current constitutional law of Afghanistan, is a Presidential system[93] wherein the President is simultaneously the head of both the executive branch and the state as a whole.[94] The President within such a system has more powers, and the critics of the current system believe that he has monopolized the power.[95] Some interviewees believe that the Presidential elections are changed to a battlefield of "all or none"/everything or nothing where the winner achieves everything and the loser encounters the risk of removal from the politics.

In response to the question that whether the defined political system at the constitutional law had any role in the crisis of the Presidential elections of the year 2014 or not, the respondents are divided into two groups: Majority of the responses (32 out of 49), emphasized that the type of political system of the country hasn't had a fundamental role in the creation and occurrence of the crisis. The interviewees emphasized on inapplicability of the laws, inappropriate political approaches, insecurity and intervention of foreigners as destructive factors that also question the political system. Kawun Kakar, an advisor to former President of Afghanistan and lawyer, says in this regard, "There are other countries with Presidential political systems that conduct elections and when a party or group wins more than 50% of the total votes, it doesn't mean that the other party with 49% of the votes creates problem. The reason

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[92] interview with Amir Sharif, lecture at Bamiyan University, on 16 /5 /2017
[93] Since the President at current system is the head of executive branch and government simultaneously and is not accountable against the Parliament, thus it is a presidential system.٩٣ Since the Cabinet requires to go through the Parliament for approval and the government is accountable towards the Parliament, thus some traits of parliamentarian system is also exist in the system. As per article 77 of the Constitutional Law, "The ministers shall perform their duties as the heads of administrative units in accordance with conditions of this constitution and other laws. The ministers shall be responsible to the President and Wolesi Jirga for their delineated duties".
[94] As per article 1 of the 3rd chapter of the constitutional law (the President) the President shall be the head state of the IRoA, executing his authorities in the executive, legislative and judiciary filed in accordance with the provision of this constitution. The President shall have two vice-Presidents, first and second. The Presidential candidates shall declare to the nation the names of his/her vice-Presidents simultaneously at the time of candidature. The first vice-President, in case of absence, resignation or death of the President, shall act in accordance with the provision of this constitutional law. In the absence of the first vice-President, the second vice-President shall act in accordance with the provisions of this Law.
[95] Refer to Article 64 of the constitutional law which enumerate the authorities of the President. Please also refer to article "The President Who Would Be King, MIN SAIKAL and WILLIAM MALEYFEB. 6, 2008,"
http://www.nytimes.com/2008/02/06/opinion/06saikal.html?_r=2&scp=1&sq=AMIN+SAIKAL+and+WILLIAM+MALEY&st=nyt&oref=slogin

why our system over values the results of elections is that our public administrative system still encompasses more political positions and there are less professional positions or the opportunity for people to remain in the same positions even after the changes of political sections of the government… it also depends on our economy; that how much is the private sector developed in order to enable individuals to work beyond the government. I think, if all these are widespread in a society and the people could see and secure their futures in other fields rather than government, there won't be as much political conflicts and disputes. Meanwhile, conducting authentic elections in different levels can decrease the conflicts.[96]

It is argued from such a prospect that all the political systems have their own particular virtues and defects but, it is important to focus on the nature of execution of the legal basis and requirements of that particular political system. In the opinion of Doctor Jafar Mahdawi, representative of Kabul in Parliament and Chief of Milat Party of Afghanistan, the problem of current political system is that the social justice is not ensured through a process of political participation. "I do not consider the role of the political system more prominent. The problems are the social gaps and fractures and the foreigners who are not backing a homogeneous and uniformed government… the intricacy of Afghanistan is the nonexistence of social justice."

"Until all the people of Afghanistan do not count themselves factually and not symbolically as the participants in power and political affairs of the country, the symbolic appointments of some individuals within the government, apparently named national unity, will not be effective and the outcome will be political instability."[97]

On the other hand, a noticeable number of respondents (17 out of 49), believe that the type of the current political system had an important role in making the crisis of 2014 elections to happen. In their viewpoint, the current Presidential system has concentrated unlimited powers to the President and has prevented others from participating in political decision makings. Dawoud Najee, a member of the enlightenment movement (Junbush-e-Roshnae) says, "The intense centralization of powers prevented the institutional oversight of the government. Apart from the centralized system, the authorities within the current governmental system are again concentrated on the President himself. For example; you have three figures at the candidates' ticket for elections, a candidate and his/her two vice-Presidents. Legally, the vice-Presidents within the political structure of Afghanistan are ineffective and nothing. It depends on the President that how much of his inclusive authorities and powers does he delegates or grants to his vice-Presidents. The second matter is that in the current political system of Afghanistan the institutional oversight of the government is not possible."[98]

Babrak Miyakhail, the Chancellor of Nengarhar University thinks that the political system had role in creation of the elections crisis because certain high-ranked government officials had been misusing their authorities.[99] In the opinion of Abdul Hafeez Mansour, the Presidential elections in the current political system can be summed up as a game of "everything or nothing" which imposes negative impacts on elections campaign. "the main reason of this matter is that here in Afghanistan the nature of the system

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[96] Interviews with Kawun Kakar, Lawyer and Advisor to former President on 15 /5 /2017
[97] interview with Dr. Jafar Mahdawi, representative of the people of Kabul in the Parliament and chief of Milat Party, on 17 /5 /2017
[98] interview with Dawoud Najee, a leadership member of the enlightenment movement, on 8 /5 /2017

[99] interview with Babrak Miyakhail, Chief of Nengarhar University, on 5 /7 /2017

is Presidential and the President has more authorities… you will reach to Arg (Presidential Palace) and seize everything or you won't reach and will be deprived of everything because, the powers are centralized. If the structure has been more decentralized that would have made other ethnics or candidates interested and fond to the 2nd and 3rd positions, it would have been declined the toughness of the conflicts and competitions."[100]

Altogether, there exist two categories of discussions and viewpoints on the role of the current political system in creation of the crisis of 2014 elections: some of them relate the problem to the functions and practices of individuals and their approach and way of electoral competition and campaign for obtaining the power. Others consider the problem structural and point out to defects of the political system. The type of a political system is recognized as the source and factor of crisis when the oversighting and monitoring mechanisms and procedures over performances and practices of government entities decline to its minimum. The balance of powers between three branches of state is considered and taken into account through such a prospect. It is argued that centralization and monopoly of powers at one point practically puts the independence of public entities and institutions under question. This topic shall be further detailed in next sections of the research.

The quality of powers and independence of three branches of the state

- Did the constitutional law divide the powers equally among the three branches of the state? If not, please provide an example of such inequality and tell us the consequences and results of such inequality of powers among the three branches of the state?

In relation to the question that whether the constitutional law has divided the powers and authorities equally among the three branches of the state or not, there exist different viewpoints. Most of the interviewees (29 out of 49), believe that there exist, in the constitutional law, a relative equality of powers among three branches; the executive, legislative and judicial but, it has faced challenges in practice. Breach of the laws by individuals and entities, weak management, lack of cooperation and coordination among the branches and misuse of legitimate powers and authorities by government officials are among the factors disrupting the power balance of all branches of the state. Sayed Mohammad Afghan, Chief of Afghan Unity Civil Society in Kandahar, says, "The constitutional law has recognized and granted to each of the three branches; Legislative, Executive and Judicial separate powers and authorities. Though they do not cooperate with each other, as defined in the constitutional law, rather they create more obstacles to one another. An obvious example of this matter is the referrals and bribes of the ministers." [101] A number of other interviewees including Zia Rafat, Lecturer at Kabul University and former member of Independent Elections Commission, believe that non-existence of an arbitrary or judgement institution among the three branches is the reason for emergence of conflicts within the state. "In fact, we do not have much problem in the matter of the division of powers from the legal side; but a single problem that has been always causing conflicts on the decisions taken by the Parliament, specifically where they are not pleasant to the executive branch and thereinafter, it is not even clarified that who is righteous, is the nonexistence of an institution capable of judgement over the execution and implementation of the

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[100] interview with Abdul Hafeez Mansour, representative of Kabul at the Parliament and a member of Jamiyat Islamic Party, on 18 /5 /2017

[101] interview with Sayed Mohammad Afghan, Chief of Afghan United Civil Society in Kandahar, on 12 /5 /2017

constitutional law. The Independent Commission for Overseeing the Implementation of the Constitution does not have the executive authorities."[102]

Another group of the interviewees (20 out of 49), believe that the constitutional law has not considered a power balance among the three branches of the state. Most of them emphasize on the fact that the Executive branch, mainly the President, in comparison with the other branches of the state has more power and authority. The respondents have discussed in particular about centralization of decision making power in the executive branch, lack of President's respect and attention to the decisions of Parliament and toughness of the conditions for interpellation and elucidation of President. Regarding this issue, Ramin Armin, a university professor in Jowzjan says "the president holds all the powers and authorities; for example, despite having received the vote of no confidence from the parliament, some of the ministers have been kept in place by the president as supervisors."[103] Some of the interviewees, while stating that as per the Constitution the President is heading all the three branches,[104] believe that the executive branch is more powerful than the two other branches." Mohayudin Mehdi, a representative of Baghlan in the Parliament says, "Since the President himself is at the top of the executive branch, thus the burden of the executive branch is naturally heavier than the two others. You might have remembered the impact of this during Hamid Karzai's presidency that Mr. Salaam Azimi even after completion of his work period under the constitutional law, remained illegally as the Chief of the Supreme Court for more or less than two extra years. It has very negative impacts."[105] Sayed Abdul Qader Rahimi, Chief of Staff at Independent Human Rights Commission of Afghanistan, Herat province, enumerates the authority of the President for influencing and leveraging the judicial branch as an outstanding example of the imbalance of powers among the branches. "In no way does exist balance of powers among the three branches of the state. The President while is the head of the executive branch has also the authority to appoint the chief of judicial branch and is heading all the three branches. He is the executor of elections, because the appointment of its chief is the authority of President so, can have more intervention into the affairs of judicial branch. Although, the chief of supreme court requires the votes of all the members of the high council of the supreme court but since all the members are also appointed by President thus, he may have influence over all the member possibly."[106] Some interviewees while pointing out on the weakness of the Judicial branch over the Executive also believe that the Judicial branch has a weaker position against both the Executive and Legislative branches. Mohammad Nateqi, acting chief of Wahdat-e-Islami party and Director of the Commission for implementation of the bilateral political agreement of the National Unity Government, says, "The judicial branch, in comparison to the executive and legislative, does not have

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[102] interview with Zia Rafat, Kabul University Lecturer and former member of the independent elections commission, on 9 /5 /2017
[103] interview with Ramin Aryan, University Lecturer, on 15 /6 /2017
[104] Ghezal Haris, a member of the independent commission for overseeing the implementation of the constitutional law, has a different opinion in this regard. According to him, "Article 8 of the constitutional law does not recognize the President as the head of all three branches but as a President of the government of Islamic Republic of Afghanistan who executes his authorities in judicial, executive and legislative areas based on the constitutional law." An interview with Miss Haris on amendment of the constitutional law, Afghanistan's Institute for Strategic Studies, 13/4/2016
[105] Interview with Mohayudin Mehdi, a representative of Baghlan province in the Parliament, 20 /5 /2017
[106] Interview with Abdul Qader Rahimi, Chief of Staff at Independent Human Rights Commission of Afghanistan, Herat Province, 10 /6 /2017

sufficient power and authority. When we have an incapable judicial branch which operates under the shadow of the executive branch, it cannot ensure our demands or destinations."[107]

With analysis of all the opinions discussed, it is noticed that the principle of division of powers among three branches of the state has problems in terms of both the statutory framework and the practices of government officials. Imbalance of power among the branches of the state with examples of lack of cooperation between the Parliament and the Executive branch, lack of independence of the Judicial branch and centralization of decision makings within the Executive branch, particularly with the President was highlighted. Accurate definition of the authorities and responsibilities of the branches against each other is considered essential for resolving such a situation and strengthening the morale of cooperation among them.

There are different prospective presented on the methods and approaches for better division and separation of powers.[108] Some people believe that the current political system can be reformed through delineation of exact authorities and responsibilities of the three branches, deduction of certain powers of the President or establishment of a constitutional court, while others pursue the solution in changing the type of political system.[109]

The type of political system and its impact on political participation of ethnic groups

* Some people believe that only a centralized and powerful governance system can keep a multi-ethnic society like Afghanistan united and stable while others, in contrary, believe that for keeping the stability in a multi-ethnic society, the executive branch should become decentralized. Which opinion do you agree with and why?

It is stated therein the Article 4 of the constitutional law of Afghanistan, "National sovereignty in Afghanistan shall belong to the nation, manifested directly or through their elected representatives. The nation of Afghanistan is composed of all individuals who possess the citizenship of Afghanistan. The nation of Afghanistan comprises of Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pashae, Noristani, Aymaq, Arab, Qirghez, Qizilbash, Gujur, Brahawi and other ethnic groups. The word Afghan shall apply to every citizen of Afghanistan. No one of the nation shall be deprived of citizenship."

Nonetheless, with the statements of the constitutional law on principle of equality of ethnical groups before the laws, the impact of the type of the system on the situation of ethnics is still a significant concern discussed in the opposing viewpoints for formation of the political system of Afghanistan. The interviewees in relation to this matter are categorized into two main groups, defendants of a centralized system and defendants of a decentralized one. Almost half of the interviewees (20 out of 47 responses), believe that a centralized and powerful Presidential political system is appropriate for Afghanistan because it can save the country from division and disporting and bring unity among all ethnics. Attaullah Atta, the Secretary of Kandahar Provincial Council, says "we shall become united and a central government shall rule. A united and integrated Afghanistan is for the benefit of all the ethnics. Now that the current central government is faced with an intense crisis and hardship, its main factor is lack of a proper leadership which in turn is also the work of some foreigner groups who has made us divided into

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[107] Interview with Mohammad Nateqi, acting chief of Wahdat Islamic Party and Director of the Commission for Implementation of the Bilateral Political Agreement of the National Unity Government, on 17 /5 /2017
[108] "Constitution and Afghanistan's Society in Transition", Afghanistan Institute for Strategic Studies, 2016
[109] Farid Hamidi and Ghezal Haris, "Division of Powers in Afghanistan's Constitution: A Case Study", AREU, 2015

several groups."[110] Some of them including Kawun Kakar and Jahan Jahani, Chief of the Council for solidarity of ethnics in Nengarhar, said that there doesn't exist sufficient capacity and potential for establishment of a decentralized government within the country and if a decentralized executive branch is established, the local warlords may take over the powers in their hands and the country may be divided. "if we compare our society with others, they are more literate and are familiar with all the systems. They can well distinguish between a Presidential and Parliamentarian system. If the political system in our country, which is a poor and traditional society, changes; it will create a bigger problem because there exists distrust among the ethnics. If, God forbid, a decentralized government is introduced herein the country, the risk of division of the country will increase."[111]

While this group of interviewees emphasized on a centralized governance system, most of them also considered the delegation of executive authorities to local administration by central government and inclusion of all ethnics in administration of the country as a necessity. Ahmad Wazirwal, Co-Chief of People's Council and Chief of Traders' Union of Nangarhar Province, says, "We can develop when we give, in real, the rights of every individual or every ethnic. When such happens, they won't complain. Today's problem in the country is also not conceding absolutely the rights to minorities. My opinion is that all the ethnics shall have participation in the system."[112] In the opinion of Lalai Hamidzai, the representative of Kandahar province at Parliament, the main problem of the current system is lack of granting executive authorities to local administrations. "The central government will never be capable of a proper sovereignty over the country until it delegates or grants authorities to local administrations because, central authorities are only effective in central level. It is required that local administrations, to the extent of their challenges and problems, shall have commensurate authorities and sufficient budget.[113]

Contrarily, about half of the respondents/interviewees (20 out of 47), believe that a powerful centralized governance system is not appropriate for Afghanistan and cannot represent all the ethnics and groups. Tahir Qaderi, director of Mithra television in Mazar-e-Sharif says "it is experienced that a centralized government cannot ensure national participation. I am not opposing that the logic of accepting a centralized government system is justifiable with such a reason of keeping the unity, but the experiences indicate that if the practices and actions of executive branch is not based on the interest of all people and observance of the principle of public participation, the capacity of responsiveness will be very low or even zero. Thus, I am backing a decentralized system for promotion of accountability and transparency."[114] In a similar opinion, Dawoud Najee says that we have experienced more centralized government system within the contemporary history of Afghanistan, but all of them have been failed in practice. "A government can bring a minimum stability in the country in which all people have the confidence that all the opportunities and wealth's of the country are not exclusively in the hands of a specific ethnic or a single group."[115] In the opinions of some respondents including Mohammad Rafiq Shahir, Chief of Herat Experts Association, decentralization of central government of the country is a necessity of today's situation. "While drafting the current constitutional law, the overall situation of the country was requiring

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[110] Interview with Attaullah Atta, Secretary of the Provincial Council of Kandahar, on 19 /5 /2017
[111] Interview with Sayed Jahan Jahani, Chief of the Council for Solidarity of Ethnics in Nengarhar province, on 10 /6 /2017
[112] Interview with Ahmad Wazirwal, Co-chief of People's Council and Chief of Traders' Union of Nengarhar province, on 10 /6 /2017
[113] Interview with Lalai Hamidzai, representative of Kandahar at the Parliament, on 23 /5 /2017
[114] Interview with Tahir Qaderi, Director of Mithra TV in Mazar-e-Sharif, on 15 /6 /2017
[115] Interview with Dawoud Najee, a leadership member of the Enlightenment Movement, on 8 /5 /2017

to choose and define a centralized governance system for the country because, Afghanistan had been suffering from a period of internal crisis and conflicts and the powers of local commanders thus, it was requiring to remove such disruptions with a centralized powerful government. But now, we feel the centralization of more powers within central government created serious problems and we shall step towards a decentralized system."[116]

In addition to these two groups of defendants and opponents of the centralized system, there is another group (6 out of 47 responses), who emphasize that none of the centralized or decentralized systems are good or bad themselves but, it is important that the system go aligned with the demands and wishes of people and operates in compliance with the laws. Sayed Askar Mosawi, university lecturer and researcher in Kabul, says that a political system shall not be imposed on people. "in my opinion, none of these are good or bad themselves. My experience has showed that ninety-nine percent of the issues introduced by upper level officials, since do not have relevance with the lower parts, are rejected by lower parts of society. Like, the People's Democratic Party which in theory has not had problem but had been rejected by the society. The same was the constitution of the democratic decade. When it is not structured and emerged from within the society, means that until we don't contextualize and pave the ground internally for it and do not work among the people, change of the system to federalism or vice-versa is not effective and important… this is a discussion of elites in Afghanistan, not a discussion of government, country or people. People do not have participation in this game."[117]

As considered, the gaps and fractures among ethnical groups and disbelieves on inclusivity of the political system are the important aspects of centralization or decentralization of the political system. Meanwhile, the horror of a hegemonic dominance of the elites of a single ethnic over the governmental affairs and ignoring of the citizenship rights of other subjugated ethnics, complicates the matter of participation of all ethnics in the political system.[118]

- Could the current government ensure the segments of ethnics' representations and different ethnic groups in the executive branch? If not, why the situation is like this and what solutions do you recommend for improvement of the situation?

In the opinions of most of the interviewees (26 out of 47 responses), the current government has been not able to ensure presence of all representatives of all ethnical groups in the executive branch of the country. In their belief, the top level officials within government have been only able to centralize the power, monopolize it and prevent the actual participation of all people at the executive branch through providence of some ethnical and linguistic considerations. Sayed Azizullah Ulfati, a former senator from Jowzjan province, says "you observe practically that the high level positions within government are mostly occupied by individuals of a single ethnic. They are close relatives of the President or the chief executive. The shares which ought to be given to other ethnics are not given to them. Thus, the situation became to

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[116] Interview with Mohammad Rafiq Shahir, Chief of Herat Experts Association, on 15 /5 /2017
[117] Interview with Sayed Askar Musawi, University Lecturer and Researcher in Kabul, on 17 /5 /2017
[118] Concern over the increment of ethnical conflicts is a matter also stated by President Ghani in his speech at the 20th session of JCMB on 18/04/1396. President Ghani, in addition to verifying that the dissatisfactions within Afghanistan are rapidly changing its shape to ethnical, called for ending the "ethnical regimentations" in Afghanistan. In a report of BBC on its Persian webpage, "President Ghani promised that he will carefully assess the strategies, investments and government employees who are under the control of government in order to make himself sure that all the citizens are justly treated and as an equal citizen in comparison to other citizen, which is the legal right of everyone Afghan and has been guaranteed by the constitutional law, we will make their representation". http://www.bbc.com/persian/afghanistan-40547831; accessed on September 9, 2017

a point that high level officials appoint individuals at governmental positions based on their ethnical and linguistic relationships or administrative corruption. The purpose of the top level governmental officials is not more than serving to their own ethnic and repressing others. It is solution is the change of the system that prevents centralization of unlimited powers and provides the opportunity to give some responsibilities to talented individuals from among the people."[119] For the satisfaction of the ethnics, allotting the executive positions to all ethnics within the government is one of the solutions and approach discussed for inclusion of all ethnics in the political system. However, some of the interviewees including Shah Gul Rezai and Bashir Tayanj complained that the presence of ethnics within the executive branch was symbolic. Sorya Kakar, Lecturer at the University of Herat, says in this regard "the government within past 15 years couldn't ensure the portions for the most competent representatives of different ethnics within the executive branch of the state because, at sometimes the portion of an ethnic is more prominent and at other times it is another ethnic that secures most of the chairs."[120]

According to a quarter of interviewees (14 out of 47 responses), despite the existence of problems with regards to political participation of ethnics, the current political system has ensured the portion of ethnics' representatives in the executive branch. This group of interviewees say "there exist enough mechanisms at the current system for ensuring the political participation of different ethnics." Tahir Zahir, Bamiyan Governor, explains the situation as "at the leadership levels within the President's office, you can see representatives of all ethnic groups. You can see representatives of all ethnics in the cabinet as well. The same is in the Parliament of the country which is an elective body within Afghanistan. It is possible that there might exist some problems at mid or lower levels of the government in terms of administrative, social or political justice but, during the dominance of the current President, there also exist a crucial intention on execution of a system and a systematic justice. It means that from one side the system shall be strengthened and from another the appointments of individuals in such a system shall be based on talent, experience and proficiency, even if they are introduced through a channel of ethnics. The appointments shall not be in a way that only the ethnicity is considered but talent and proficiency are ignored."[121] In the opinion of Zia Rafat, the Independent Administrative Reform Commission is one of the mechanisms which can provide the base for recruitment of individuals based on competition and proficiency. In his opinion and in the opinion of some other interviewees including Jamil Karzai, the leader of Etidal Meli Party, the problem is not in the system rather, it is in the practices of individuals and the methods of executing the duties. "The current system is the best, if the authorities are divided."[122] Sayed Jahan Jahani says, "the defect lays with those whose thoughts are not sound and their practices are not sound. The leaders especially those who complain are available in plenty. However, what they think and how they utilize their authorities is not related to system."[123]

Some of the interviewees (8 out of 47 responses), principally ascribe, the portioning of the executive branch out for satisfaction of all ethnics, a mistake and state that there in the executive branch, the attention shall be focused on proficiency, professionally and public service delivery. Gul Ahmad Madadzai, deputy of Afghanistan's Lawyers' Union, says, "The Executive branch within a state is not to act as a representing body for ethnics but it is for delivering public services. We shall recruit those individuals who are more professional in delivering services and provide accurate services. A branch where all ethnics shall be represented in, is the legislative (national assembly). There in the national assembly we are not

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[119] Interview with Sayed Azizullah Ulfati, former Senator of Jowzjan Province, on 16 /6 /2017
[120] Interview with Sorya Kakar, University Lecturer in Herat, on 10 /6 /2017
[121] Interview with Tahir Zahir, Bamiyan Governor, on 25 /5 /2017
[122] Interview with Jamil Karzai, leader of Etidal Meli Party, on 2 /5 /2017
[123] interview with Sayed Jahan Jahani, Chief of Ethnics' Solidarity Council in Nengarhar, on 10 /6 /2017

required to have proficiency but rather we are required to represent people."[124] Doctor Mustafa Mastour, a senior advisor to the Chief Executive, also emphasizes on the necessity for justly distribution of public services instead of allotting specific portions for ethnics in political power. "in my opinion, the constitutional law and the political system shall recognize the parts of ethnics in delivery of public services. It is not important that we must have equal portions for all ethnics at the leadership of country but no actual part in delivery of public services however, the public services shall be equally distributed among all ethnics… some politicians who are not able to attract and collect people in no other ways, are striving to make this matter ethnical."[125] On the other hand, Simeen Barakzai a representative of Herat province at the Parliament warns that the slogan of ethnics participation in the executive branch is a tool for political misuse. "Participation of all ethnics at the political system is however good for combating against historical injustices in the country, but on the other hand it has become an ostensible slogan for continuation of disabilities and misuses against the citizenship values. In first step, the people's participation in democratic processes is important. Participation of all ethnics shall not be in a manner that guarantees participation of incapable individuals or continuation of the dominance of warlords. In my belief, the participation of all ethnic groups in political life of the country shall be interpreted differently. It shall be interpreted as the contribution or participation of individuals who are competent and committed to the sovereignty of people of all ethnic groups of Afghanistan."[126]

Overall, most of the interviewees rated the current political system unsuccessful in ensuring the political inclusion of all ethnical groups in the executive branch. They however, did agree that the system should ensure the political participation and contribution of all people in the power comprehensively. There also exists consensus of the interviewees that meritocracy is a significant approach for ensuring participation of all ethnics in the executive branch of the state. The point of difference among the opinions of the interviewees is that how and under what procedure can we make the executive branch as a source of service delivery to all people. It postulates that the concerns of ethnical groups over lack of their effective presence at the executive branch shall be accurately studied in order to make it clear that how the distinguishing traits of each ethnic and to what extend and why shall be considered while distributing and formulating the executive branch. Changing of the political system for annihilation of centralization of powers and increment of the decision making powers of local administrations is one of the solutions discussed in addition to other reformation approaches in this regard. In this relation, creating and establishing mechanisms that ensure the actual and not symbolic participation of all ethnical groups in power are essential in order to make the decisions of the executive branch to be taken based on the interests of all people of the country and make the balance of interests among the ethnics feasible.

Alternative Political Systems

- In your opinion, does any alternative to the current political system exist? If yes, what system can be the alternative and what privileges, in comparison to the current system, does it have?

As a response to the above question, about half of the interviewees (22 out of 49), believe that currently there doesn't exist any alternative to the existing political system. In their opinions, the existing political system can become responsive through some reforms like, granting executive authorities to local administration, establishment of a constitutional court and enumeration of in fact powers of all the three branches of the state. Abdul Rahman Mahmoodi, Deputy of Jowzjan Province, says "I think by changing

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[124] Interview with Gul Ahmad Madadzai, Deputy of Afghanistan's Lawyers Union, on 15 /5 /2017
[125] Interview with Doctor Mustafa Mastour, senior advisor to the Chief Executive Officer, on 18 /5 /2017
[126] Interview with Simeen Barakzai, representative of Herat province at the Parliament, on 30 /5 /2017

the political system, our problems will not be resolved, our country has been witnessed changes of many systems with different goals and ideologies which none of them have been able to establish a democratic government but has left bitter experiences. Instead of changing the system, all people, political groups and leaders shall put their hand together and strive for political and economic empowerment of Afghanistan."[127]

Some of the interviewees stated that there doesn't exists enough capacity for changing of the political system in Afghanistan, and that changing the system can further destroy the political stability. Absence of political parties with national platforms, nonexistence of a democratic political participation background and inchoate reforming programs of the current political system are the reasons that the defendants of current system state and discuss, in case of changing the system, in opposition to it. Sultan Mohammad Ayel, Dean of political science Faulty of Kandahar University, states, "as per the constitutional law, the current political system is a better system from every aspect. If there exists any problem, it is in practice. We have been not more familiar with the Presidential system nor have executed it properly to know about its goodness or badness. Therefore, experiencing a new system can lead the country towards challenges and problems."[128] Some other interviewees within this group emphasize that political systems are only instruments and any of the systems which is able to ensure the sovereignty of law within a country, is acceptable. Some others warn that alternative political system can weaken the executive branch. "an alternative political system further weakens the executive branch against the legislative. Any system can guarantee a comprehensive participation of people; whether a Parliamentarian or Presidential, unless the people are loyal to the system."[129]

Likewise, some other interviewees including Shah Gul Rezai, Doctor Mohayudin Mehdi, Doctor Jafar Mahdawi and Mohammad Rafiq Shahir who are all advocates for changing the political system in long term, do not consider the changing of the political system as beneficial for the country in the current situation. Mrs. Rezai says in this regard, "In my opinion, the structure for distribution of powers, in long term, shall be a Parliamentary system but now, there doesn't exist the ground for a Parliamentary system in Afghanistan. I believe that still here in Afghanistan do not exist parties with inclusive platforms and policies where the decision-making shall not be based on family or personal orientations. If we go for a Parliamentary system, we indeed are strengthening some Jihadist leaders and warlords in Parliament and are restricting the ground for independent individuals…going for a Parliamentary system without existence of political parties is basically not possible…finally, we divided two branches of powers of the Chief Executive Officer and the President between two ethnics of Afghanistan and other ethnics of Afghanistan have been watching the scene, and this is very difficult."[130]

But, half of the interviewees (22 out of 49), prefer some other alternative political systems like premiership-Presidential consisting of a President and a Prime Minister, a premiership-Parliamentarian and Parliamentarian-federalism form of political system. Decentralization of powers on the benefit of local administrations and guaranteeing of political participation of all ethnics are the two reasons this group of interviewees present as the necessity for the change of the system. Mohammad Afzal Hadid, Chief of Balkh Provincial Council, says, "In my opinion, the alternative for the current political system is a premiership system. By introducing such a system, the government will get out of the restriction and exclusivity of few individuals who are at the top of the power hierarchy. In a premiership system, the

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[127] Interview with Abdul Rahman Mahmoodi Deputy Governor of Jowzjan Province, on 5 /6 /2017
[128] Interview with Sultan Mohammad Ayel, Dean of the Political Science Department of Kandahar University, on 30 /5 /2017
[129] Interview with Sediq Patman, member of Afghanistan's National Front, on 16 /5 /2017
[130] Interview with Shah Gul Rezai, representative of Ghazni in the Parliament, on 16 /5 /2017

powers are divided and all the inhabitant ethnic groups in Afghanistan will see themselves in the mirror of government and none of them will feel humiliated and defected. This itself strengthens the pillars of the political system and improves the governance."[131] Mohammad Nateqi, by reminding that premiership system has historical background in Afghanistan and had good achievements, considers such a system as appropriate for the country. "Alternative might not be a correct interpretation. It means that we shall amend the constitutional law and take the government out of the situation. They specifically purpose the matter of prime minister… we had such an issue in past during Khalq and Parcham parties when the system was Presidential. We, even in the era of King Zaher Khan, had premiership… and by the way, all the democratic achievements like, freedom of speech, freedom for parties to operate and the constitutional law are the products of the democratic decade when we had a prime minister in the structure of the government."[132] Shamsuddin Noori, university lecturer at Jowzjan University; Bashir Tayanj the spokesperson of Junbush-e-Meli Islamic Party of Afghanistan and Sadiq Aliyar the chief of the peace committee at Bamiyan Province are among those who has introduced a federalism system as an alternative. "There exists a good alternative system for replacement of the current system and that is federalism. This system represents the people in a better way, shall be responsive to the public and all people will have significant role in selection of government officials."[133]

In conclusion of opinions about the alternative political systems, an important matter under debate is that whether there exists the required readiness within the country for the change of political system or not? Existence of powerful political parties, admitted elites and sufficient human resources are the prerequisites of stabilizing alternative systems. Some people emphasize that prior to changing a political system, we need some necessary prerequisites, while others basically ascribes changing of the political system itself as a prerequisite for production of a desirable political situation.

- How will be the positions or status of all three branches of the state (executive, legislative, judicial) in your preferred political system?

In response to the question that how will be the status of three branches of government in alternative system, most of the interviewees emphasized that any political system organizes the positions of all the branches in accordance with its particular requirements. Better division of governmental powers and preventing them from intervening in works of each other, deduction of President's powers, strengthening the oversight and decision making role of the Parliament, the government to become responsive to people at local level and strengthening the judicial branch are the indicators stated for determination of the status and positions of the three branches of government within alternative system.

Second Section
The role of the voting system on the functions of Parliament
- In your viewpoint, can we have a Parliament, based on existing elections system (a single non-transferable vote), that actually represents all people? How? If not, why?

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[131] Interview with Mohammad Afzal Hadid, chief of Balkh provincial council, on 10 /6 /2017
[132] Interview with Mohammad Nateqi, acting chief of Wahdat Islamic Party and Director of the Commission for Implementation of the Bilateral Political Agreement of the National Unity Government, on 17 /5 /2017
[133] Interview with Shamsuddin Noori, University Lecturer at Jowzjan Province, on 10 /6 /2017

The system and way of conducting elections and the type of voting system in a country are considered among the important issues of the discussion over the political system change. Hence, the matter has been discussed with the interviewees of the current research as well. Particularly, this question seek to understand what impact the current method of voting (single and nontransferable)[134] in Afghanistan has on the performances and organizational quality of Parliament and the MPs and that is it possible to establish an efficient and functioning Parliament and elect real representatives of people through this way or not.

The received patterns or responses are generally assessable within a frame of three general sections. The first section contains a notable number of responses (16 out 40) in it and emphasizes that with the current approach and procedure we cannot ensure having a functioning Parliament and active MPs in the Parliament. The second section, which in number of responses is half of the first section, has a positive prospect towards the current system. It states that it is possible to have a functioning Parliament and active MPs with the current approach and procedure. The third section of responses which are equal to the first section, accepts the existence of problems within the Parliament and of the current MPs but does not see any effective and operative factors of the current system over these problems rather questions the way of executing and application of the system in the country. The remaining 10 responses were miscellaneous in nature and could not be brought under particular pattern.

An essential and outstanding part of responses is in favor of single and non-transferable voting system. In relation to this matter, Hafeez Mansour, a representative from Kabul at Parliament and a member of Jamiyat Islamic Party, is backing an electoral system in which parties have a pivotal role and control the MPs. "When an MP win votes under such a voting system, a feeling comes to him that his/her power and authorities are slightly lower than God (SWT) and slightly greater than Gabriel. Because, they think that their authorities are guaranteed for five years. No one stops his/her vehicle. No one inquires him/her. He demands from ministers whatever he wishes. The prosecutor does not tell him anything and the media as well. Therefore, such representatives in more cases cannot provide service and do not practice on their commitments. The nature of human being is so. He might always be controlled by an entity or institution; and that controlling institution and factor is a political party"[135] In the opinions of some of the defendants of such a vision, the current voting system is an incorrect system which allows unsuitable and incompetent individuals and warlords to accede to the Parliament. They emphasize that without changing the structure of the method, we cannot expect improvement. A sensible negative effect of this method was the creation of anarchy during the recent elections within the country. Continuation of pursuing this method shall cause the continuation of the unfavourable functional and structural situation within the Parliament. Most

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[134] As per the *single and non-transferable voting system,* every voter has the right to cast his or her vote for a candidate at electoral regions with different candidates. In parliamentary elections, every province is identified and considered as an electoral region and there doesn't exist any restriction for candidacy of individuals. The winners of the elections are who received most of the votes. The number of seats allocated to each province shall be proportionate to the estimated population of that province. Although, the Constitution of Afghanistan does not define the type of electoral system but, it stipulates "there in the elections law, some measures shall be laid down that ensure an electoral system, a general and equitable representation for all people of the country and in proportion to the population of each province an average of at least two female representatives find the membership of the Parliament." (Article 83)

[135] Interview with Hafeez Mansour, MP and member of Jamiyat Islamic Party, Kabul, on 18 /5 /2017

of the interviewees believe that a "proportional voting" system, through indenting the role of political parties and establishment of a party-system Parliament can somewhat resolve the existing problems.

Some of the opinions, which are less in number, have a consensus over the current electoral system. They believe that such a system and approach is being practiced in some countries and it does not create any particular problem.[136] Abdul Rahman Mahmoodi, Deputy Governor of Jowzjan Province, says in this regard "We can practice successfully with this structure as well. In fact, we had elections in the past which had somewhat transparency. If we conducted elections with the same system but reformed by the national unity government, it might be certainly good elections. The matter which is important in this regard is the commitment of the national unity government that strives to do more planning in relation to conducting transparent and fair elections. Certainly, it is only possible when people contribute with the government in elections and cast their votes to those who have competency to represent them."[137] An overall assessment of this opinion conveys a message that with bit more attention in planning and implementation of the plans, it is possible to make with the current method and utilize it effectively and accurately. Some respondents believe that with regards to the reality that Afghanistan has not yet had a long-term experience of democratic processes like elections thus, this system is somewhat problematic.

Another group of interviewees who are almost equal to the number of critics of a single non-transferrable voting system, relates the functionality of a single non-transferrable voting system to the method of its usage. As per their opinions, the current challenges and problems within the elections process relate to those individuals who acceded to the national assembly through this way, and the poor management of its actors/executors. Some proponents of this viewpoint do not accept that the existing system has caused the lack of development of political parties in Afghanistan. If parties bear incentive for development, they can play role through this method as well. A significant barrier to development of parties is inappropriate cultural and social contexts of the country. Doctor Mehdawi, a member of Parliament, while tracking the failures of political parties in Afghanistan, relates this problem to lack of development and institutionalization of a national moral and militarism in the country. In his interpretation "the matter of political parties and promotion of a party system is unfortunately affected by the non-existence of a Nation in Afghanistan. We have nationalities in Afghanistan, but not a nation being united. The parties are mostly formed and focus around ethnics. There exists no party in Afghanistan that has a comprehensive structure composed of all ethnics. Until existence of such a context, going for a party system and highlighting the role of parties in Parliament will still be not more beneficial."[138] Kawun Kakar believes that political parties can mobilize public opinion around their candidates and platforms even by utilizing the current voting system but, the parties themselves are weak. "If you review the history and background of parties, the problems of parties will become clear to you. We cannot bring pressure on people to cast their votes to parties. The parties themselves also have responsibility to collected and obtain the public opinions and votes for themselves. The existing law also permits parties to introduce their candidates, but

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[136] It is mentionable that despite the emphasis of some of the respondents on the matter that many of the countries utilize a single and non-transferable voting system, the overall assessment of the literature of this research shows that a limited number of countries of the world utilize such a system.
[137] Interview with Abdul Rahman Mahmoodi, Deputy Governor of Jowzjan Province, Shiberghan, Jowzjan, on 5 /6 /2017
[138] Interview with Doctor Jafar Mahdawi, Member of Parliament, Kabul, on 17 /5 /2017

I think in the few elections held, even a single candidate hasn't claimed himself a candidate of any party."[139]

On the other hand, it is said that all the crisis and problems of previous elections had been the result of weak planning, oversight and poor practices of the government and elective institutions, not the voting system. Unprofessional and corrupted individuals, groups and institutions have paved the ground for the tumults. In other words, the main problem shall be searched for at around those individuals who had been responsible for management of the elections programs. In existence of such problems we cannot expect that competent and efficient representatives will accede to the Parliament. The corrupt environment within the elections process causes every individual to look for an outlet through which to search and pave the ground for a means for their success in elections. Sayed Askar Mosawi, University Lecturer and former deputy of Ministry of Higher Education of the country, says in this regard that the current political system is introduced through its method of executions. This situation itself shows whether the output of a program is positive or negative, useful or useless; therefore, the system itself does not have any serious problem."[140] Sorya Kakar, university professor from Herat province, has a similar opinion that all political systems require a favorable ground in which to be implemented. Here in Afghanistan, the situation for execution of a system of majorities has been not provided yet and most of those who get to Parliament are not the real representatives of people because, they may purchase votes or entice the employees of elections commission."[141] In addition to other challenges, the low awareness and lack of tendency of among people on democratic processes is considered as an impactful element in failure of elections. As per the sayings of a respondent, "The people haven't yet understood the exact meaning of voting and its importance. People sell their votes or cast their votes based on the orders of their lords or it is the weapons decide. It can't be trusted that whether people introduce or elect their competent representative for Parliament. Some of the regions are under the seizure of gunmen and warlords and people there cannot express their own will and cannot decide to whom they shall vote. Particularly, the votes of females are sold by the will of their husbands or male family members. The fact that a citizen cast his/her vote to all the candidates within a province and province is considered as an electoral region, is problematic. People don't know their MPs. During Zahir Shah's Reign in power, people knew who their MPs are as they used to be elected from each local districts or from cities. Nowadays MPs are representing provinces; you need to know someone in order to seek help from."[142]

In conclusion, the overall assessment of the opinions of the respondents about the functionality of a single and non-transferrable voting system indicates that most of the discussion in this regard became political and general – and a limited number of individuals had researched/construed the vulnerability of the matter with details and professionally. This matter shows that there still exist ambiguities, even among the elites and experts of the political-managerial affairs of the country on elections reform. With existence of such a situation, it is not far the expectations that without fundamental changes and serious reforms in the elections process and electoral commissions, the controversies of elections and Parliamentary

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[139] Interview with Kawun Kakar, Advisor to former President of Afghanistan and Lawyer, on 15 /5 /2017
[140] Interview with Doctor Sayed Askar Mosawi, University Lecturer, Kabul, on 17 /5 /2017
[141] Interview with Sorya Kakar, University Lecturer, Herat, on 10 /6 /2017
[142] Interview with Sayed Abdul Qader Rahimi, Chief of Office of Human Rights Commission of Afghanistan in Herat, on 10 /6 /2017

affairs may continue even in next elections as well because the nature and essence of the challenges discussed by respondents in this research shows that without bringing some serious reforms in the infrastructures like, determination of the voters identities, preparation of a list of eligible voters, establishment of a clear supervision mechanism and … we cannot expect improvement of the electoral system. Since, a larger part of the created problems in the elections had technical aspect a general and pure politics will not be an effective solution. Thus, it is required to focus more on technical aspects and brining transparency into the elections process.

National Assembly vs. Executive Branch

- In your opinion, does the Parliament in the current political system have the ability to control and oversight the executive branch?

The current constitutional law of Afghanistan, identifies the National Assembly of the country as the highest legislative authority (organ) within Afghanistan and entitles the MPs of the Assembly to certain powers. In Article 91 of the constitution, the Wolesi Jirga (House of People) has been given exclusive authority in the law to review and oversight the actions and performances of the executive branch). Article 90 of the constitutional law of Afghanistan entitles the National Assembly the authority to play role in ratification, amendment or revocation of laws and legislative decrees within the country. In addition, the Assembly has the authority to approve or disapprove social, cultural, economic and technological developmental programs of the government of the Islamic Republic of Afghanistan (IRoA). Approval of state budget and permission to obtain or grant loans, ratification of international treaties and agreements and accession to or abrogation of Afghanistan's membership from them, creation, amendment and or abrogation of administrative unites within the country are some other significant authorities of this people's institution within Afghanistan. Nonetheless, the past performances and practices of the National Assembly indicate that exercising all the authorities identified and highlighted in the constitutional law is not as so easy. Given the existence notch between the legitimate powers of the National Assembly and it's in fact performances, we have asked our targeted survey population about the capabilities of the National Assembly of Afghanistan in terms of its control and oversight over the practices of the executive branch. The result of the data analysis shows that the National Assembly of the country has not performed as it may and should and there are seen more failures and shortcomings in terms of the quality of its activities and practices.

One of the main challenge is the inability of the National Assembly to control and oversight the practices of the executive branch of the country. In relation to the question that how much is the oversight of Parliament over the practices of the executive branch, the responses of this research are divided into three main categories. The first category which includes 15 responses relates the existing problems of Parliament in terms of its effective and independent oversight and control over the executive branch to the weakness of the MPs. 13 interviewees consider both the poor structure of the Parliament and weak performance of the MPs in creation of problems; while 10 interviewees point out only to the organizational structure of the Parliament as the factor of problems. 8 interviewees focus on faults in both the structure and in individual MPs. The rest of the interviewees did not give clear answer to the question.

A significant number of responses relate this not to the overall structure but to personal issues and problems of the MPs. "Disqualification and veto to the ministers and approval of state budget are the two strongest regulatory tools in the hand of the National Assembly. The National Assembly has the power to enquire government officials and even Article 69 of the constitutional law recognizes the power of the

National Assembly to initiate the basis for trial of government senior officials. Since there exist no active political parties within the country and also no clear controlling and oversight mechanism for the MPs themselves therefore, the controlling tools of the National Assembly are changed to exaction and corruption tools for the benefit of a certain group and certain individuals and this made the controlling and oversight process of the National Assembly problematic."[143] Most of the MPs do not have expertise and sufficient knowledge to fulfill their legitimate powers and authorities. This problem has reduced the efficiency, seriousness and effectiveness of the National Assembly. This is while most of the powers recognized by the constitutional law to the MPs require expertise and coherent knowledge.

One of the conditions laid down in Article 89 of the constitutional law regarding the authorities of the MPs is that they have the authority to establish a special commission, on the proposal of one-third of its members, to review and study the practices and actions of the executive branch. However, sometimes the gap between the MPs of the National Assembly caused problems in gathering even one-third of the members to establish such a commission. Such gaps become more visible at ethnical, regional, sectarian and other layers and categories. The weak point of Parliament, queuing in different groups, made it vulnerable against the influence of the executive branch and has paved the way for enticement of MPs by government officials. Existence of warlords and bullies in the Parliament is also considered an effective factor at fragmentation and division of MPs in different groups. The criticism on the weak performance of the Parliament in term of its control and oversight in the executive branch is not only narrowed by the shortcomings of MPs individually but a number of the responses to our questionnaire reveals and states this to the frangibility of the structure as well.

The inefficiency of the structure of the Parliament is another challenge that lays a negative impact on functionality of MPs on controlling and assessing of the practices and performances of the executive branch. One of the faulty elements behind this is considered to be the election of MPs via a controversial election mechanism. The worry that most of the MPs got elected to the Parliament through fraud in the election itself is questionable and brings the legitimacy of the MPs under question. *Furthermore, despite the current parliament's mandate being expired in 2015, the incumbent MPs, continued their work through a presidential decree, and that is not lawful.*

"We shall not expect the illegitimate Parliament to have the ability to review and oversight the practices of the executive branch. Since it is an illegitimate Parliament thus, it does not have such an ability as well."[144], "Doesn't matter who an individual is, but his or her activities are affected by the structure when elected or appointed at an institution." a saying that is indicated in a significant number of the responses to analyzing the weaknesses of Parliament in term of its control and oversight over the government.

Centralization of more powers within the executive branch, mainly with the President, is considered the main factor of weakness in efficiency of the Parliament. It is argued that since the President is heading all the tree branches so it put the Parliament in a weaker position. Such weak position caused the Parliament to fail many times in overseeing the practices of the government.[145] Person-centric approach at the Parliament of the country with regard to non-existence of a party system Parliament is another weak point of the Parliament which made its oversight role to face problems. The MPs, since they not represent any parties, cannot establish powerful Parliamentary groups and fractions. As one of the interviewee said,

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[143] Interview with Shah Gul Rezai, representative of Kabul at the Parliament, on 16 /5 /2017
[144] Interview with Jamil Karzai, leader of Etedal Meli Party, Kabul, on 2 /5 /2017
[145] Interview with Muhayudin Mehdi, Member of Parliament, Kabul, on 20 /5 /2017

"The Parliament does not have the ability to control and oversight the practices of government because some of the MPs are the mercenaries of the government and the remaining are in minority and cannot fulfill the legitimate and righteous wishes and demands of the people."[146]

Non-existence of a constitutional court is another structural problem and challenge. Until now, such an institution has not been factually established within the country. The absence of such an institution, in addition to above problems, is considered controversial and challenging.

Some of the interviewees, of course, have the opinion that with regard to the short term experience of Afghanistan in the domain of democratization, such problems and challenges are common and only passing of time and acquisition of more experiences can improve the quality of the performances and competency of the Afghanistan Parliament.

- If you are allowed to bring some changes in the elections system or the authorities of Parliament, what recommendations will you have and what will be your most important recommendation?

As more challenges and problems have been tagged to the structure and functionality of the Parliament in the previous responses, it is understandable that the respondents have presented several proposal packages for improvement of the current situation of Parliament in term of its structure and operations. In this regard, we asked the interviewees a question that if you are given the authority to change the electoral system and the powers of Parliament, what issues will you put in their priorities? All the recommendations are categorized into several groups. Changing of the voting system, turning the Parliament to a party system, laying strict conditions for candidacy to Parliament and ensuring the transparency of the elections process are the important recommendations among the packages. Changing electoral system and arrangement of transparent and trustable election process with aggregate 26 responses were the most dominant recommendations. However, the supporters of remaining suggestions were less than five respondents.

Transparency of the elections process and electoral institutions is a significant recommendation. As per the recommendation, without having transparent elections, it is not possible to attain effective and desirable results of the process. This challenge finally leads to weakness of the Parliament in utilizing its authorities. The first step towards resolving this challenge is establishment of a mechanism that specifies the identities of the voters because, without knowing the identities of voters, it will be difficult to have transparent elections. The problem of the national census and having authentic identity cards are the other challenges that make the process of identifying individuals within Afghanistan ambiguous and problematic. A respondent says about this that having e-tazkira can help to held the elections accurately, modern and electronically.[147] For distribution of such an electronic document, all people shall accurately go through the biometrics in order to avoid fraud in distribution process of tazkira.

Among other controversial and disputing issues in relation to Afghanistan's elections, there is the absence of a specific mechanism for determination of electoral regions. Within all the recent elections have been held since 2001, this problem has been always present as a challenge. Reduction of the electoral regions and conduction of elections at district and village levels of the country are the solutions that can provide a ground for transparency of elections and improvement of authority and functionality of Parliament. On

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[146] Interview with Mohammad Afzal Hadid, Chief of Provincial Council, Balkh Province, on 10 /6 /2017
[147] Interview with Habiba Sarabi, Deputy of the High Peace Council, on 17 /5 /2017

the other hand, we shall not underestimate the negative impacts of prolonged insecurities at different parts of the country. Thus, a main prerequisite for conduction of transparent elections is the provision of ground at different parts of the country.

In relation to Parliaments' authorities in the elections process, the suggestions point out that the members of the independent elections commission shall go through the Parliament and the receive confidence vote. This may make them work independently and do not go under political pressures.[148] Some of the interviewees recommends the changing of the voting system.

In this section, the suggestions emphasize on annihilation of the current voting system (single and nontransferable). In the purposed alternative voting system, it is possible, on one hand, to contextualize for a visible presence of political parties and on the other hand lay some conditions that also enable independent candidates to enter to the Parliament. In addition, changing the system causes the political parties of the country to slightly come out of their locality layer and belongings to a specific social ethnicity and move towards nationalization.[149] Some interviewees have emphasized that for creation of powerful and impactful fractions within the Parliament, the current voting system shall be changed to "a single transferrable voting system". Some of the proposals for the change of the voting system, focus on a point that fundamentally a more principle work is to start moving towards turning the Parliament to a party system. For this purpose, a proportional voting system is considered appropriate.

The most immediate reforms shall be considered in the individual conditions of candidacy/candidates to Parliament. Most of the former representatives of the Parliament in Afghanistan had suffered for lack of knowledge and sufficient expertise in the fields of their works. Sometimes, this problem has damaged severely the effective and professional proposals and recommendations of Parliament. "One of the main duties of the Parliament is legislation and a prerequisite for promotion and development of a country is codifying effective and efficient law."[150] As one of the respondents said, "It won't be bad to consider a series of capacity development and trainings programs for the MPs. There shall become a series of new measures that enable us to never poll for an illiterate candidate to get to Parliament."[151] In this relation, putting the level of higher education as a measure for candidacy is among the recommendations discussed. At the conclusion of this series of suggestions, the matter of the political system change and specifically limiting the powers and authorities of President and its transfer to the entities have been also discussed.

The aforementioned suggestions are discussed in most of the responses while some of the other respondents are conservative on discussing this. They believe that a rapid one-time change of the system which may not be in line with the general situations and structures will only worsen the situation of the country. Abdul Qodous, a defendant of such a prospect says, "I do not see any problem in regards to the structure of the government. The current system requires internal reforms only. In relation to the Parliament, I shall say that if there exists security within the country and we have a real populist Parliament, more authorities should be given to it in order to make it capable of assessing the deficiencies

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[148] Interview with Sorya Kakar, University Lecturer, Herat, on 10 /6 /2017
[149] Interview with Dawoud Najee, Civil Activist, Kabul, on 8 /5 /2017
[150] Interview with Hafeez Mansour, member of Parliament and a member of Jamiyat Islamic Party of Afghanistan, Kabul, on 18 /5 /2017
[151] Interview with Doctor Sayed Askar Mosawi, University Lecturer, Kabul, on 17 /5 /2017

of the executive branch and finds solutions for."[152] Some others assess the existing situation of the country in way that only a Presidential centralized system is capable to manage it. They defend the current approach and method of the elections system and the functionality and structure of the existing Parliament.

Overall, the reformative opinions of the critics over the existing methods of the management of elections and functionality of the Parliament look serious.

Status of the Judicial Branch

- In your viewpoint, does the judicial branch in current political system has independence of the executive branch? If not, is the dependence of the judicial branch related to the structure of the constitution or is it related to practices of the official working within the judicial branch?

There are some provisions determined in the constitutional law on the type and nature of the relationship between the judicial and executive branches of the state, which in the opinions of many people indicates dependency of the judicial branch to the executive. Article 64, clause 12 of the constitutional law of Afghanistan identifies to the President the authority to appoint the Chief Justice of the supreme court, with the endorsement of the house of people. Likewise, as per Article 117, the President has the authority to appoint one of the members of the supreme court as Chief of the entity. Similarly, Article 125 of the constitutional law of Afghanistan has authorized the government to assist the supreme court of country as a consultant in preparation of operational and developmental budget of the entity. With regards to existence of such legal provisions and the controversies of recent years about the functionality of the judicial branch of Afghanistan, the complaints that the judicial branch is under the influence of the executive have been increasing more and more. That is the reason we have put the matter under discussion with the interviewees as that, how much is the independence of the judicial branch of state from the executive branch?

Overall, the attitudes and opinions of the interviewees in relation to the mentioned matter is assessed in a frame of several patterns. Limitation of the independence of the judicial branch with 22 responses; intra-organizational and personal weaknesses of the branch with 19 responses; lack of independence of the judicial branch with 9 responses are respectively of the significant patterns. Some of the interviewees spoke about the full independence of the judicial branch and believe that institutionalizing the independence of the judicial branch, as prescribed in the constitutional law, requires time and cultivation of a general culture within the country rather than a rapid change in the current political structure.

In relation to insufficient independence of the judicial branch, most of the criticisms point out to the legal influence of the President and emphasize that such an influence automatically has been questioning the independence of the judicial branch. The President, as per the constitution, has the authority to introduce all members of the Supreme Court and the Chief Justice of the country. This fact itself positions the President on an upper stair of power and paves the ground for his influence over the entity which has been apparently introduced as independent. In the opinion of a respondent, "The judicial branch for two specific reasons does not have independence. The first reason/problem lays in the structure of the current

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[152] Interview with Abdul Qodous Baes, Committee Secretary of Kandahar City and a member of National United Party of Afghanistan (Mutahid-e-Meli Party), Kandahar, on 19 /5 /2017

government. The President shall not have the authority to appoint or terminate the Chief Justice. The judicial branch shall manage its leadership cycle and rotation internally. It means that the judicial branch shall have a mechanism that makes it enable to decide at its leadership level by itself and the President shall not have any interference is such a process."[153] Some opinions emphasize that the limitation in the independence of the judicial branch will continue until establishment of a specialized constitutional court that will have sufficient freedom and power. Some proponents of this opinion point out to the symbolic status of the independent commission for overseeing the implementation of the constitutional law and its instrumental use by the executive branch. They say that this commission hasn't yet performed any outstanding activity or work during its existence which would help to ascertain its importance as an overseeing organization on the implementation of the constitutional law of the country. In some viewpoints, the limitation on independence of the judicial branch is related to type of the current political system and a traditional process of power superiority of the executive branch of the state. This prospect emphasizes that the current Presidential political system automatically causes centralization of a significant part of powers to the executive branch in order to enable it to subjugate and have the other two branches under its dominance. Since the situation within the modern political history of Afghanistan has been so, therefore the public opinion has also been adjusted somehow in line with such a way of inequality of powers among the three branches.

Some other responses, more relate the limitation of the independence of judicial branch of the country to its incompetent and weak managers. Many of the lawyers of the Supreme Court and its other units at local levels are occupationally and professionally not able to keep the independence of this organization and cannot perform their assigned duties correctly. Doctor Jafar Mehdawi, a member of the National Assembly of Afghanistan has such an opinion, "If a figure who is committed to the constitutional law and the principle of division of powers is appointed at the top of the supreme court, despite that the President is also heading the judicial branch, he will surely be able to save the required distance from the executive branch to keep the independence of judicial branch intact."[154] The incompetence of the management of the judicial branch has caused it to be vulnerable against the influences and leverages of the executive branch and also suffers from a wider corruption within the entity. This is while the privileges of the judicial branch in comparison to other entities of government are in a better situation.

A number of other respondents are agreed with the statement that the judicial branch of the country does not have any certain problems in terms of its independence and relate the current weakness of the judicial branch to other bigger problems of the country. They believe that the social-cultural environment of Afghanistan still has distance from the mentality of the rule of law and obeying laws. Such a distance has created operational problems in all three branches of the state and is does not only depend to the judicial branch.

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[153] Interview with Dawoud Najee, Civil Activist, Kabul, on 8 /5 /2017
[154] Interview with Doctor Jafar Mahdawi, MP, Kabul, on 17 /5 /2017

National Government and the role of local governance

- At current political system, the ministers and governors are appointed by the President. In your view, do they have enough political power or authority to perform their duties effectively? If not, what are the main problems?

Based on analysis of the responses about the question that whether the ministers and governors have enough authority and independence to perform their duties effectively, two outstanding matters reveal. The first pattern which includes responses of 21 out of 49 interviewees, state that the existing laws of the country have not recognized full independence and self-reliance of these officials. Therefore, it is illegal if they perform their assigned duties independently. The other major matter that is supported by 19 interviewees also has a critical aspect and states about ambiguity and no clarity in governors' authorities, particularly in financial and budgeting affairs. Some interviewees have also related the problem to both the structural and personal factors and believe that in addition to some complications in relation to the authorities of the officials, some personal characteristics of individuals also have important impact on their functionality. Some others assessed the overall socio-cultural structure of the country inappropriate and negative and considered this as one of the main obstacles for institutionalizing the enforcement and rule of law in the country.

Providers of the discussion "government officials as per the laws of the country are not allowed to exercise independently" point out to some general arguments. First that there is a Presidential system ruling in the country, such discussions are useless where lack of the independence of officials is considered and argued as their poor management. Shah Gul Rezai, a Member of Parliament of the country, believe that principally it is not possible to consider the administrations of the country as independent. "Such independence of officials is common in most of the countries. Even in the Presidential system of the USA, the ministers are appointed by the President. Ministers shall not be independent. They shall be introduced by a government authority and shall be gone to voting at an entity/shall be polled by an institution; it shall also be responsive. The governors are/have also in a similar status. Unless we change the system to federalism… it is the federalism in which governors have/are entitled more authorities. When our system is not federalism and the type of our political system is defined, then we cannot define independent governors from the body of the current system."[155] Some others considered this matter even more risky and believed that the independence of these officials may possibly create power islands in some parts of the country.

Some interviewees relate the existing apparent challenges before the practices and functions of these incumbents more to their low expertise and knowledge rather than the legal restrictions. They refer the problem to the President to strive to select and appoint competent and suitable figures into these positions. Certainly, this is not the whole adventure; a wider spectrum of patterns, have stated about the limitations over the authorities of ministers and governors as a developmental challenge. The role of the President as a recruiter/employer causes the ministers and governors ethically feel themselves grateful to the President. This mental gratefulness itself causes limitation over their authorities. "Those incumbents who are appointed by the President or other authorities are only loyal to their recruiters and are not loyal to the state and people. In Parliamentarian system, government officials are appointed by people and thus they are responsive to the public and this has a positive impact on the delivery of public

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[155] Interview with Shah Gul Rezai, member of Parliament, Kabul, on 16 /5 /2017

services by the government."[156] With such a situation, the ministers and governors become dependent to the President both functionally and politically. One of the other factors that limit the authorities of the incumbents is; appointment of special representatives in some special units by the President that occasionally stands parallel with or in opposition to the authorities of ministers and governors, and interrupted into their work flow.

Some others, however limited in number, criticize the opinion that ministers and governors do not have appropriate authorities and powers. They belief that as per the law these incumbents have authorities and powers. In relation to the ministers, they are suggested by the President and are endorsed by the Parliament after they present their viewpoints, programs and work plans for the ministries. This process itself shows that they possess their independence both in the recruitment process and continuity of their work. But, the current problems of entities where these incumbents have its leadership responsibilities, further relate to turbulent and fatal situation of the country. The prolonged conflicts and being a traditional society made the dominant culture somehow stranger to the new regulations of governance. Thus, implementation of laws and programs in a society which is yet not ready to coincide with the new laws, is a long-lasting and tedious process and requires more time to improve gradually.

- What are the impacts of a very centralized system of recruitment of government officials within a Presidential political system on delivery of services at local levels?

This question along with the previous one, assess the impacts of a centralized governance system on delivery of public services. From 40 respondents who answered the question, 16 have negative view on the impact of a centralized system on delivery of public services and the activities of government officials. While, 10 responses focus on the point that some of the governmental positions being political, existence of some sidelong and marginal problems like inappropriate social context for implementation of existing laws in the process of recruitment, and imperfect service delivery of governmental entities are the significant criticisms. The remaining interviewees provided their views on the subject within a frame of several proposed packages.

Some of governmental positions becoming political have been impacting negatively on the quality of public service delivery of the state at central and local levels. Existence of ambiguities and problems in recruitment process is also impactful on this matter. Recruitment of some individuals at different governmental positions is carried out based on personal relationship or ties of the President or other influential government officials with them. This problem makes the appointed individuals to struggle more for the satisfaction and consent of their recruiter rather than performing their assigned duties. In the interim, behaving choicely with the recruitment process at times causes to selection of individuals who do not have appropriate work competency and capability. However, since they have strong supporters it is not possible to interrogate them for their weaknesses. In relation to this matter, a respondent indents the problem with stating an example and says, "The governor of our province Baghlan, is an old man who, as per my opinion, might have retired 10 years ago. The President introduced him, as per his own choice, to Baghlan as a governor. He is perfectly a senile and incapable who does not have exact understanding about Baghlan province. When he has no understanding of the province, he will surely not know about its problems. When he does not know the problems then he won't be able to deliver services. He needs a

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[156] Interview with Abdul Jabar Qahraman, MP, Kabul, on 16 /5 /2017

long time to know about the problems and challenges of this province and that what services to provide."[157] In addition, even those entities that are apparently responsible for recruitment became political. An example of this is the Independent Elections Commission which, as per the opinions of some respondents, has been impacted by the political games.

Most of the interviewees considered this problem from its structural prospective and aspect and believe that the current centralized political system has laid negative impacts on local administrations. In this section, they questioned and criticized the authority of the President in direct appointment of the key local government officials and ascribed it as a factor of the low quality of public service delivery at local levels. In addition to the criticisms, they have also mentioned the limitation of the authorities of ministers in terms of recruitment of employees in relevant ministries. Some interviewees ascribe such a structure as a dictatorship-culture within the recruitment process. The restrictions over the authorities of local government officials in allocation of budget is one of the other matters under discussion that has been creating problem to the incumbents in delivering public services. The interviewees rate this process as getting tense. "This year, the President, in contrary to the constitutional law, has expanded his influence and dominance over the National Procurement Authority of the country; by such, all the procurements over 5 million Afs. shall be contracted under the authority of President himself. The second, he has taken all the authorities of construction affairs from the ministries and has transferred them to ministry of urban development. The result of this is even seen now at the half of the fiscal year. For instance, 10% of the developmental budge of most ministers have not been expended. It means that no services have been provided to people."[158] In addition, concentration or engagement of the President in small issues like, recruitments may restricts his chances to address the important and larger issues. These all issues got together and paved the ground for administrative corruption and increment of groupings... with realization of such a situation, some suggestions are arguable in this regard including, that the powers and authorities even the recruitments, shall be devolved to local officials in a defined and specific manner. Additionally, a mechanism shall be developed to give to employees the feeling that their jobs are secured. In the opinions of some interviewees, making a number of governmental positions, like municipalities, elective can be also useful. Some of the interviewees involve a number of side factors like, low working moral of employees and lack of budget, in weak service delivery which may not have direct relation with centralized or decentralized administrative system.

- If, in your viewpoint, the current political system is inefficient, what changes are you suggesting and what impacts will the changes have on performance and functions of the national government and local administrations?

The responses to the question, "in case of inefficiency of the current political system what solutions are available to make the central and local government more operative" can be divided into two larger categories. 26 out of 46 respondents who shared their responses on the question focus on decentralization of authorities and structures. In contrast, a significant number of respondents (16 interviewees) emphasized on strict reforms within the current system with maintaining the existing principles of governance. Other responses suggest working on improving public awareness about national

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[157] Interview with Doctor Muhayudin Mehdi, member of Parliament, Kabul on 20 /5 /2017
[158] Interview with Abdul Hafeez Mansour, member of Parliament and Jamiyat Islamic Party, Kabul, on 18 /5 /2017

administrative and managerial affairs of the country and the Parliament or working on improving the quality of the current political system (governance).

Proponents of the decentralization idea believe that the current political system is much centralized and single-dimensioned and has caused many entities and administrations especially at provincial level to become symbolic. For solution of this problem, some strategies shall be developed and implemented that strengthens the practical role of provincial and districts councils. Additionally, for promoting effectiveness in decision making, the governors and municipals shall be first elected and then ways shall be searched to make it possible to grant more authorities to them. Some other emphasize on introduction of a party system in the Parliament in order to elect a Prime Minister through this way who will undertake the executive sectors of the government and will be responsive to the Parliament at some time. Among these discussions, restriction of President's power and authorities are among the essential measure considered for implementation of these suggestions. Meanwhile, in order to make the Parliament to perform its assigned duties effectively and correctly, some programs shall be developed to move the Parliament towards professionalism, like imposition of regulations to prevent incompetent representatives to accede to the Parliament.

Some interviewees thought that working on improvement of the current political system was more effective than thinking on fundamental change of the system. In the opinion of the proponents of such a prospect, problems currently exist within the executive layers or sections of the system which should be reformed. The first problem is the illegitimacy of the current government that shall be resolved through elections. Some issues like poverty, unemployment, insecurity, weak service delivery and in overall the poor execution and implementation of the current laws are the challenges that took the existing government in its seizure and hosted the existing government. Thus, reforming the current system in a way that resolved the above challenges will make the system more acceptable. In relation to the general acceptability of the government, some of the interviewees consider working on increasing the public awareness and achieving the public confidence two important matter through which we can pave the ground for cooperation and contribution of the nation-state/public to overcome some larger problems of the country.

Third Section

The Role of People's Political Participation

- The constitutional law has been drafted and ratified to encourage people to participate in political affairs of the country. In your viewpoint, is the constitutional law successful in realization of this goal? If not, what important changes and reforms shall be brought?

In Article 4 of the current constitutional law of Afghanistan it is clearly stipulated that the national sovereignty in Afghanistan shall belong to the Nation and the people manifest directly or indirectly in national decision-making processes and apply their viewpoints and ideas. In fact, it is the principle that strengthens the quality of a political system based on democracy. To achieve this goal, there have been regulated several articles in the constitutional law about the role of people in elections of the President, members of Parliament and provincial councils in order to regulate and organize the participation of the people in political affairs of country. We have also discussed with the interviewees of this research the

matter that how much are the provisions of the constitutional law on encouraging the public to political participation are beneficial and effective. The analysis of the responses on this matter focuses on three main pivotal points that are: **The Constitution** has provided a ground for political participation of people and it relates to the executive units of the state to implement it in practice. The second point defines the Constitution a **Comprehensive law** which requires partial modification and the third significant point confirms only the essence of the **Constitution** with entirely a positive outlook and prospective.

An outstanding group of responses (29 out of 42 interviewees who responded to the question) emphasize that the constitutional law of the country has guaranteed the base for a comprehensive participation of all people and it is the responsibility of the executive entities of the country to put it in practice. In the second group which includes the responses of 10 interviewees think that there are responses that do not consider problematic the overall structure of the constitutional law in paving the ground for public participation and emphasize that the constitutional law needs a slight reform at some small parts. The remaining respondents have an absolute positive viewpoint and believe that the constitutional law of the country has sufficiently provided the ground for political participation of people in the country. This is while a small number of interviewees have a mere critical viewpoint in relation to this matter. The proponents of such a viewpoint think that the people did not have participation in the process of drafting and codifying the constitutional law but a small group who were not the real representatives of people had drafted and codified the law. Thus, it is not far from the expectations that the matter of the public participation has been reflected insufficiently. In other words, the interviewees with such discussions indirectly raised their complaints over the way of convening Loya Jirga, its organizational structure and functionality.

Those who believe that the constitutional law has recognized and allowed the participation of people in public affairs and its practicing is the work of the executive branch of the state, present several reasons in support of their statement. Gul Ahmad Madadzai, deputy of the lawyers' union of Afghanistan, says in this regard, "The constitutional law itself is a lifeless paper, it is the law enforcement officials who animates the law and give it spirit… therefore, the problem lays not in the law but in the individuals. If we obey and follow our current constitutional law, our all or at least 80 to 90 percent of the problems that we are faced with will be resolved."[159] Some interviewees, in addition to the constitutional law, also pointed out to other ordinary laws including the elections law and to some special institutions like the independent commission for overseeing the implementation of the constitutional law and have mentioned these as the laws and institutions with their main objectives of paving the ground for political participation of people. "There doesn't exist serious problems within the constitutional law. In relation to public participation, we have at least 7 types of elections that ensure the public participation in political affairs; including the Presidential, Parliamentarian, district councils, provincial councils, village councils and municipalities elections. When for all these governmental entities elections are conducted, it spontaneously provides the ground for public participation… and hopefully there doesn't exist gender related discriminations in none of the electoral institutions, there doesn't exist ethnical and racial discriminations as well."[160] Another point in this regard points out to the weak and questionable practices of some members of the Parliament that indirectly impacted the public participation. The national assembly of the country has been established based on and in line with the provisions of the constitutional law and the MPs have been also elected by people. Since the election of MPs and their practices reflects

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[159] Interview with Gul Ahmad Madadzai, Deputy of the Lawyers' Union of Afghanistan, Kabul, on 15 /5 /2017
[160] Interview with Zia Rafat, Kabul University lecturer, Kabul, on 9 /5 /2017

an indirect participation of people therefore, the MPs for their low performance, absence in sessions of Parliament and concentration over their personal demands and business have in fact somehow made the public participation questionable and have been oppressing with the rights of people. There also exist similar statements on elections problems which emphasize that the theoretical frame of the elections law is not as much controversial as raised during the recent elections but, the process of conducting elections is faced with procurement challenges. Based on this opinion, the conditions of elections as stated/laid down in the elections law of the country do not have any serious problem but lack of modern equipment and accurate information caused the country to face with more challenges and problems during the previous elections. Provision of such equipment and authentic information like, accurate demographic information, is the duty of government which is yet not accomplished. The last discussion on the low participation of people in political affairs of the country points out the finger of criticism to the social context and structure of the country and states that the dominant social customs within the country are the obstacles for public participation in political affairs. Reliance of ethnical groups on individuals, ethnical discriminations and lack of interest to a democratic process of state building are among the problems.

Another important issue highlighted in the statements of the interviewees is that the current constitutional law in general does not have a fundamental problem but reforming some parts of the constitution can be beneficial for better participation of people in political affairs. Improving the situation for lawful presence of political parties, paying more attention in selection of representative for Parliament and conducting elections for regional councils are among the suggestions of the proponents of this opinion. In this regard, an interviewee has such a viewpoint, "The current political system which is based on centralization of powers, couldn't fulfill the wishes and demands of people. It couldn't promote and develop the society. Even, it has been not able to resolve the problems and challenges of recent 15 years with existence of immense political and financial supports of the international community. Unfavorably, the situation is worsening each day. The main reason behind these problems is the dispute or Bozkashi (a game played on horseback and a goat where everyone struggles to pick and carry the goat the target by his own) over obtaining the power. Therefore, the amendment that we purpose is to take out the system from being centralized and amend it to being a federal one in order to distribute the powers into/between national and local levels."[161] A number of interviewees consider the non-conduction of elections for provincial councils and municipalities as an immense problem within the process of political participation, and they believe that successful conduction of such elections which are identified in the law requires slight reforms within the relevant laws. In relation to the importance of such elections in the political participation of people, a district administrator at Kandahar province says, "We launch two weekly meetings at our district level, one with provincial council and another with developmental council. Through such meetings, we cognize and collect information about all the problems and challenges that exist at nearby areas of the district and the villages and suburb areas and search for solutions to the problems in consultation with the members. Sometimes, we also ask the governor's office for cooperation in this regard. Such an approach helps more in effective management and administration of the district."[162] A limited number of interviewees have an adverse viewpoint. They consider the constitutional law a fully appropriate in term of permitting the people to participate in political affairs. Tahir Zaheer, the Governor of Bamiyan, has such an opinion in this regard, "The constitutional law of Afghanistan is one of

[161] Interview with Amir Sharif, University Lecturer and Chief of Academic Research at Bamiyan University and Chief of Bamiyan Provincial Peace Committee, Bamiyan, on 16 /5 /2017
[162] Interview with Jamal Aqa, Administrator of Zhiray District of Kandahar Province, Kandahar, on 27 /5 /2017

the best constitutional laws of the region and among the neighbors. It has identified more citizenship and civil rights to people."[163]

- In your opinion, will increment of people's political participation also increase the stability of the Afghan government or will make if weaker? Why?[164]

The usefulness or uselessness of political participation of people for political stability of the country, with regards to the current situation which is dominant over the social structures of the country, is one of the arguable matters. In relation to this matter, we have asked the interviewees about the impacts (positive and negative) of increasing the political participation of people in political affairs. In general, the research received 41 responses which are focused on three main issues. The first category, which is the view of 30 respondents, emphasize in particular that undoubted and unconditional increment of the political participation of people helps the state in increasing the political stability of the country. The second category who are less in number than proponents of the first idea and only consider views of 4 respondents believe that the success key of the political participation of people in political affairs of country depends on the type and nature of their participation. This is while one-third of the responses do not consider the political and social structure and context of the country in a status that may allow a rational and effective participation of people in political affairs.

The first group, that has an absolute positive prospect towards this matter, believes that depriving people of participating in political affairs of the country causes instability within governmental entities and establishments. Some others consider the establishment of the National Unity Government in 2014 a result of people's political participation and believe that if it wasn't the participation and adaptability of people, the elections crisis and its marginal challenges have been as high as it could direct the country toward an all-out civil war. Some other opinions emphasize that existence of insurgent groups in country can only stay alive and continue its operations in areas where they have social favorable contexts and demands available for them. With regard to this point, some of the interviewees think that providing the ground for political participation of people can weaken the social available contexts for insurgent and terroristic groups. The proponents of this prospective further add/augment that if people are allowed and participated in governance processes, the public agendas and programs for solution of bigger problems of the country like, cultivation of narcotics and opium will have a public support and helps in successful implementation of such programs. In this relation, one of the interviewees narrates a practical experience about the advantages of granting authorities to local administrations and says "if the central government grants and devolve more authorities to local administrations of districts, surely the provincial officials will also consider and grant us some authorities. Given our some relative authorities, we have been able to be very successful in eradication of cultivating narcotics which is in fact considered a good progress at local level."[165]

Certainly, some of the interviewees do not consider only the political participation of people effective and beneficial but they also consider the approaches and strategies through which people participate in political affairs of the country, impactful on usefulness or uselessness of their participation. One of the suggestions of the interviewees of this group is the active participation of the people in the political affairs

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[163] Interview with Tahir Zaheer, Governor of Bamiyan, Bamiyan province, on 25 /5 /2017
[164] For consideration of democratic quality of the constitutional law in comparison to political stability of the government
[165] Interview with Jamal Aqa, Administrator of Zhiray District of Kandahar province, Kandahar, on 27 /5 /2017

of the country through an organized way and in the frame of some specific institutions like, parties. "Although, consultation with people is a good matter but, I think that if government refers to people's vote and opinions on some small issues it will make the governance process in trouble… promotion and development of political parties shall be a responsibility of government. It shall develop parties to make people refer to/accept the political platforms of parties and to save the country of ethnical schisms."[166]

This is while, a limited number of interviewees say that the dominant social mentality and morality in Afghanistan has made a rational and wise political participation of people in political affairs trouble and problematic. Downfall of communistic governments and existence of several decades of internal conflicts and war have involved Afghanistan into social crisis which it still suffers. The biggest legacy of the above problems within the country is creation of deep social gaps and fractures that encountered people with serious problems while taking joint decisions, creating empathy among them and institutionalization of national values. One of these problems is highlighting ethnical identities. Existence of negative and disgusting outlook among individuals of all ethnics against each other has been much prominent and indented that made them simply sacrifices the national and public interests to their ethnical interests and values. It has been causing that if the ground for political participation of people is available, it shall be severely impacted of such ethnical mentality. In this relation, Sayed Jahan Jahani, the chief of council for solidarity of ethnical groups at Nengarhar province, believes that all over the world, there exist the political participation of people in political affairs and its outcome is also somehow good but, here in Afghanistan exists a problem that we have spent forty years in war and conflicts. Before, our society had been also faced with much problems but, other countries have been (were and are) familiar with the principles of democracy and the rule of law. Our people, from young to elders, are not familiar with such principles and issues. Our society is divided into several ethnical groups and we have a tribal and tradition lifestyle. Change of the current living culture to a civil or modern one requires time that enable us to value and respect attitudes and talents of individuals not the ethnicity. We shall accept all ethnics."[167]

The status and role of political parties in political systems

- A- The political parties currently do not have any legal defined identity in elections or Parliament. Do we not require a legal frame that enables the parties to play their roles?

The statements about the roles of political parties and their current status within Afghanistan have been somehow discussed at different sections of studies and researches. Thus, under the assumption that current political parties in Afghanistan have no defined legal identity in elections or the Parliament of the country, we have asked the interviewees that what legal frameworks shall be created for improvement and efficiency of the roles of political parties. The opinions in this regard are somehow more dispersed than the other questions of the research. Despite the disparities, all the opinions are assessed in four general categories. Among the categories, the discussion has that suggests for the improvement of the roles of political parties the revision of the relevant laws, operational procedures and the roles of political parties in larger political processes. This view is supported by 23 out of 41 responses. The second category which includes one-fourth of all responses has also a similar belief and states that there in the current constitutional law, parties are entitled to sufficient roles and their efficiency relates to the way and quality of their own operations and activities. The third group which is supported by 9 interviewees relates the

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[166] Interview with Doctor Mustafa Mastour, Senior Advisor to Chief Executive Officer of IRoA, Kabul, on 18 /5 /2017

[167] Interview with Sayed Jahan Jahani, Chief of the Council for Solidarity of Ethnics at Nengarhar Province, on 10 /6 /2017

failure in establishing active political parties within the country to the social conditions and states of the country. Some others considered the current government culpable in this regard.

In relation to the first opinion, the main suggestion is to pave the ground for lawful operation of political parties to enable them to introduce their representatives into Parliamentary elections. "Legal reforms are strongly required and there to the parties shall be given a stronger role and the electoral system shall be changed to a proportional in order to enable us to have a collective/plural identity instead of individual which is more effective."[168] In this context, the Chief of Herat Provincial Council believes that "An important matter in regards to effective participation of political parties is the change of electoral system of a single non-transferrable voting to a party voting system in long run. This will strengthen the role of political parties and increase the functionality of Parliament."[169] Another matter is the capacity of existing political parties. Some assessments shall be done on this regard and those parties which are in good situation and are politically active and functional shall be paid attention to. In regards to the existing parties "unfortunately, there exist several problems… the establishment of political parties based on the relevant law of elections has been progressing deficiently within the recent 15 years. It means that when anyone who had been able to prepare a list of some individual, have come out for registering the party and it was intentionally for personal benefit but, the ministry of justice, responsible for registration of political parties, has also registered such a party without its accurate assessment…still most of the parties that are registered with Ministry of Justice of Afghanistan have ethnical, regional and … structures, which is not beneficial for the country… there shall be imposed more legal restrictions or better legal measures. If we do not legalize the operations of political parties and do not recognize their role and part in political power, it will create another disaster and tragedy… we are in trouble form both sides. Neither the electoral system in Afghanistan provides a ground for the competition of political parties over the power, nor do the political parties themselves have the capacity to compete. We require legal framework for both sides."[170] Transparency of the financial resources of political parties is also a key matter which, in the opinions of the interviewees, can be beneficial for the efficiency and effectiveness of parties. This shall be assessed at the primary process of registration by relevant government entities.

Some of the responses indicate that the existing political parties are fundamentally in opposition to ideal parties or such structures cannot play effective roles in political stability and development of the country. In fact, the political parties are a reflection of the turbulent and dispersed social situation of Afghanistan which are severely affected of the challenges and problems of recent decades of the country. Currently, most of the political parties have ethnical, regional, linguistic or even religious aspects. With such statuses, their presence in political life of the country can help in deteriorating and worsening the situation. "Although we have the law for political parties but, most of them do not poses the conditions and prerequisites of a national political party. Most of them are ethnical and focus on specific figures. In absence of such a figure, their influences decline. Certainly, we have an urgent need for a legal framework for political parties but until the system is not changed, such a legal framework won't be beneficial because all the powers are concentrated with the ruling group who prevents the improvement and nationalization of political parties."[171] Some other complained the current political system and thinks that

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[168] Interview with Abdul Rahman Pedram, acting deputy of Herat Provincial Council and the chief of the committee for overseeing on implementation of administrative reform law and administrative anti-corruption, Herat, on 24 /5 /2017
[169] Interview with Simeen Barakzai, Representative of Herat in Parliament of Afghanistan, Kabul, on 30 /5 /2017
[170] Interview with Gul Ahmad Madadzai, Deputy of Afghanistan's Lawyer Union, Kabul, on 15 /5 /2017
[171] Interview with Sayed Azizullah Ulfati, former Senator, Jowzjan Province, on 16 /6 /2017

the nature of the current system such that does not allow political parties to improve and flourish. In order to make the political parties to improve it is required to change the political system in a manner that enables the parties to enter to state legally.

- B- In your opinion does politics in our country rotate around the political issues or around the figures and individuals? Please provide examples and explain.

In response to the question that whether the politics in Afghanistan rotates around political issues or individuals, a considerable number of responses (35 out of 43 responses), consider individuals as the rotating point of politics in Afghanistan. In contrary, a limited number of interviewees believe that important issues and platforms are the bases for politics in Afghanistan, not groups or individuals.

Proponents of the perspective that individual figures are the focus and base for politics in Afghanistan explained the matter by bringing an example of the social structure/contexts and its impact on political and economic processes and institutions. Afghanistan is a country where its social structure and context is defined with existence of several specific group identities. Ethnic, language and religious sect are the obvious group identities. In such structures, some individuals whether hereditary or charismatic or through forcing became the leaders of these groups and introduce themselves the absolute representatives of people. These individuals, with the support of the social situation, spread their influence over political and economical sections of the country and used their earned privileges for their personal benefit. "Indeed, the politics is individualistic... the problem which we still have in Afghanistan is that there doesn't exist more chances for the common people to participate in political affairs but, it is an individual who somehow introduces himself as a representative of some people and assumes the parts/shares of a group of people, a province or an ethnic his own and persona share."[172], "In my point of view, the politics moves around individuals today. For instance, Mr. Muhaqiq however has been frequently criticized and several movements have been formed against him but is still known as an identified address and speaks on behalf of a populace. Mr. Hekmatyar, has been appeared among the people after 30 years however he doesn't have a good background but a segment of Pashtun ethnic is supporting him. Thus, we can say that individuals have a higher role than the programs and political platforms."[173] Such individual reliance of political parties has also influence over economical institutions and social-cultural entrenchments. "In some instances, we have seen that the founder of a political party is an illiterate, mindless and rich. He has more money. He gathered some secretaries and they also have created a political party as they have been unemployed. They principally don't know what a political party is. He is illiterate about the basic literature of politics. He doesn't poses the routine daily ethical behaving values because he is rich."[174] Some others consider the structure of political parties a legacy of a specific family or small group who do not allow individuals of other groups and backgrounds to sit at its leadership position. "Unfortunately, the politics move around individuals, to the extent that political parties have become hereditary... its examples are more. If you say about Jamiyat political party, it is Mr. Salahuddin Rabani and if you say about Wahdat-e-Melat Party, they are Mr. Erfani's son-in-law and son who are the responsible members of the party. If you say about people's unity party of Afghanistan, he is Mr. Khalili who strives to introduce his son to the leadership and similarly Mr. Muhaqiq is also investing on his son. Even at our recent negotiations that we had with the Islamic Party of Afghanistan, I was hearing that some

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[172] Interview with Gul Ahmad Madadzai, Deputy of Afghan Lawyers Union, Kabul, on 15 /5 /2017
[173] Interview with Bashir Tayanj, member of Parliament and spokesperson of Junbosh Islamic Party, Faryab, on 22 /5 /2017
[174] Interview with Sayed Askar Musawi, University Lecturer, Kabul, on 17 /5 /2017

members of the party were malcontent of Hekmatyar's presence at every meeting."[175] Not only the political parties and the leaderships of social groups but also the current government structure is severely impacted by such a process. The government in Afghanistan is in fact moving around some specific stereotype figures. This process has been continuing since 2001 onward. "Nowadays, all the politics within Afghanistan move around political figures and individuals. Welcoming Gulbudin Hekmatyar and the politic-ethnical brawls of this program from one side and the controversies and tumults of governmental structures in relation to a number of ministers and the national security directorate and the senior security advisor of the President are its instances."[176]

6 interviewees believed that the politics within Afghanistan moved around political issues and programs. In their opinion, after establishment of a democratic government in 2001 in Afghanistan, the country however slow but has been transitioning from monopoly of power by a single group, family or tribe towards meritocracy. Governments approach against Taliban and insurgent groups, problems of narcotics and … are among the pivotal issues focused in making politics in the country.

- C- What changes will happen if the political parties in country are legalized and play role in elections and the Parliament? Does their lawful participation in elections and the Parliament makes any improvements or will deteriorate the current system?

After establishment of the democratic government in 2001, the total number of political parties that proclaimed existence was more than hundred and given the dominant political environment of the country, it is expected that the number of political parties will increase in coming years. This is while the role of these parties at important and significant political occasions like Presidential and Parliamentary elections is unclear and unorganized. Political parties, in most of the populist governance systems in different countries of the world, play significant and determinant role in formation of political movements and national policy makings. With regard to this function of parties, we have surveyed the interviewees about the role of political parties and the future of these institutions. The responses received are categorized into two main groups. The first group, which includes views of 27 out of 41 interviewees, has an absolute positive opinion and emphasize that entrance of political parties into elections and their participation and inclusion in Parliament of the country are important factors for creation of political stability within the country. Meanwhile, 22 interviewees in addition to confirming the positive role of political parties, by its ideal meaning, questions the situation of existing parties and their organizational contexts and believe that these parties with their present characteristics cannot play beneficial role. Therefore, prior to imparting legal quotas to them, some serious reforms shall be brought in the structures of these political institutions.

The proponents of the first opinion think that entrance of political parties into Parliament can provide the ground for strengthening the Parliament, because that the current Parliament with its members, who are elected individually, is incapable of making decisions especially in some sensitive occasions. This problem can only be removed when some representatives, based on their parties' relationships and belongings, create Parliamentarian groups with a sole entrenchment against the matters and are backed by their relevant parties. It is expected that with this approach, some political parties will factually take national nature in the future and will come out of the local and ethnical status. Perhaps, the minorities and

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[175] Interview with Habiba Sarabi, former governor of Bamiyan and a member of Peace Council, Kabul, on 17 /5 /2017
[176] Interview with Shamsuddin Noori, University Lecturer, Jowzjan, on 10 /6 /2017

marginalized groups will also attain some important privileges through this process, because such groups can back their interests during the national decision-making processes with having membership in any party. With entrance of political parties into the elections process and Parliament, it will be programs and activities in priority, not the individuals and individual wishes and choices because, the parties for entering to the Parliament must achieve the hearts and votes of people through developing and presenting useful programs and platforms and nominating competent candidates. "Parties through their competition can cause electing competent individuals and also avoids the candidacy of anyone from anywhere. Parties will strive to nominate their best figures to be able to have effective role in Presidential office, national assembly including both houses and provincial and district councils."[177] From such prospective, one of the other advantages of entering the parties into elections and Parliament is strengthening and empowering the novel democracy of the country. Additionally, as several decades of war and misfortunes have created some managerial and social problems in Afghanistan, therefore participating political parties into political affairs can also make the negative impacts of such problems decline. In opposition to this opinion, half of the interviewees consider the existing parties as incompetent for participating in the Parliament and elections. They have considered the presence of these political parties with such a situation problematic. One of the indicators which is discussed on the current political parties of the country, is their individual oriented approach. Most of the parties in Afghanistan are engraved with the names of some specific individuals. It means that when a discussion of political parties happens, the thoughts are directed to the matter that who is the owner of the party. In this case, if such parties participate in elections and become success to introduce and nominate some representatives to Parliament of the country, a significant part of such a success will depend to the owner of the party who is an individual. The other problem of current parties is their owners who are Jihadists groups who previously had military branches as well and had played key roles in recent internal conflicts of several decades within the country. Their background may possibly be problematic in future as well.

Empowerment of Jihadist groups, in the opinions of some interviewees, itself carries some challenges along with it. For instance, one of the problems of parties founded on Jihad and resistance is absence of women in their structures. It may be difficult to find a party in the country in which the participations of women are considerable and practical. Ethnocentrism and sectarianism are two other problems of current political parties within the country that challenges the entrance of them into Parliament and elections process. "We haven't seen such a performance of the political parties in Afghanistan that could convince all the people that they are participant/shared with them. We have such parties where only an ethnic are the members. Then, what is the need for party? They shall put the name of that specific ethnic on their party. A real party is a structure and composition where individuals of all ethnics, regions and beliefs have participation in it."[178] Ismael Youn, Chief of National Movement (Tahrik-e-Meli) party says in this regard, "First of all there doesn't exist any powerful party. The existing parties are more ethnocentric, not nationalistic and the people have lost their trust on political parties. At the era of Jihad, some parties were founded which most of them have military structure and formation."[179]

One of the other matters discussed was that Afghan people haven't yet got to enough political maturity to make it possible to emerge authentic/sound and responsive political parties from inside them.

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[177] Interview with Mawlawi Yousof, Bamiyan Provincial Council Chief, on 30 /5 /2017

[178] Interview with Sayed Jahan Jahani, Chief of the Council for Ethnical Solidarity Nengarhar Province, on 10 /6 /2017
[179] Interview with Ismael Youn, the Chief of Tahrik-e-Meli party and founder of Zhwandoon TV, Kabul, on 29 /5 /2017

Legitimacy of the government

- Can an alternative political system bring more public support for the government? If yes, which one of the alternative political systems can ensure utmost support to the government?

The discussions and debates over the challenges of the current political system (centralized system) refer the years 2004 to 2005. It means at a time when Afghans were experiencing the first Presidential and Parliamentarian elections. These discussions intensified over time and different political fronts have included and combined the matter of the change of the system into their platforms and elections campaigns. These discussions peaked at Presidential elections of 2014, as it caused Afghanistan to experience the utmost controversial elections. Change of the current political system was among the key campaign slogans of Doctor Abdullah. But, the elections had resulted in a crisis and eventually the National Unity Government has been structured through a political agreement between two campaign teams under the mediation of the international community. Both campaign teams (Reformation and Convergence team under the leadership of Doctor Abdullah; Revolution and Continuity team under the leadership of Doctor Ghani) promised to reform the political system through amending the constitution. Since no practical steps have been taken to reform the system thus, the public debates over changing the political system and its impact on tense situation of the country are still remained prominent. Therefore, we have asked the interviewee of this research about whether an alternative political system can bring more public supports or not? In case of a positive response, it is asked from the interviewees to introduce an alternative system that could have utmost support of the public.

A considerable number (including 19 out of 43 responses) of interviewees have consensus that decentralization of political system in the country can bring more supports of the public with it. 13 respondents did not show their tendency towards the matter of changing the system fundamentally but their focus of criticism directs to the way of executing the existing system. The third prospective which lays at the last position in numbers that considers views of 11 respondents emphasizes that the current political system have the utmost supports of the public and there doesn't exist any need to change the system.

There are more matters and arguments presented in this regard at the first group of the responses. The first matter is that as far the system is decentralized, to that extent the people will feel contributed and included to it. It is argued in relation to changing the Presidential system to a semi-Presidential that current situation of the country is knotted with chaos and handling of the situation is out of the capability of an individual as the overall leader of the system. "A semi-Presidential system can improve public service delivery. When delivery of public service to people improves, they will certainly support the system. In Afghanistan, a country where exist more instable and insecure areas, a single person is not able to manage it and have all the responsibilities it himself."[180] Among these respondents, some are proponents of a more decentralized system and thus consider the Parliamentarian and federal systems appropriate for attaining the public supports. They believe that as much Afghanistan progresses and steps forward, its people and politicians notice that finally the system shall be decentralized. For gradual change of the system, some of the respondents suggest selecting governors through an elections process and giving some roles to the parties.

Certainly, a significant number of respondents are not proponents of the fundamental change of system and believe that reforming the current system can also help in obtaining more public supports. This

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[180] Interview with Mustafa Mastour, special envoy and advisor to Chief Executive of Afghanistan, on 18 /5 /2017

section of the reformist opinions emphasized on regular and accurate division of powers of the state among the branches and respecting to the powers granted to each branch of the government by two other branches. Respecting to the people's and civil society's opinions and wishes is of the other reformist suggestions. In this relations, Shah Gul Rezai a member of Parliament says, "an alternative political system can bring in the public support in case it signifies the components of a durable and meaningful political participation of people…currently, the participation of people is only and only going to the polls… even in more occasions, a meeting of the leaders of some parties within the President's Office functions in the role and position of Parliament. I think the minimum work we can do, until provision of a ground for political systems like, federalism or at least a Parliamentary system, is to work more on the balance of powers among the three branches, the role of public opinions shall be considered more. This means that the legal mechanisms shall enable the public opinions to bring/cause a series of changes in the structures of governmental organizations.

For instance; in some countries, a number of signatures of the people causes the government to bring some changes in some structures."[181] Non-involvement of the President in small and routine affairs is one of the other important suggestions among the responses.

Some also emphasize that provision of better living facilities and grounds like, good employment and work opportunities will also have the supports of people for the country. in addition, with existence of inappropriate social situation, any rapid change within the structure of the system can create crisis. In fact, the best approach for attain the public support and satisfaction is execution of enacted laws of the country. "Indeed, it's the officials who give a meaning to a system. If administrative corruption still plays a first role in the alternative system, people will not back and support the government. There exist powerful and functioning centralized systems and also decentralized functioning systems around the globe."[182]

- In your opinion, is it practically possible to change the current political system? If not, does the international community prevent changing the system or the main obstacle to changing the system is internal factors?

The discussion and debates of several recent years on changing the political system and also the current situation of the country indicate that implementing such changing is still encountered with immense challenges and problems. The interviewees are questioned that whether changing the political system is practically possible or not, and that what are the main obstacles of changing the system of the country. it is also questioned that if obstacles exist for changing the political system, are they internal or external.

In general 39 respondents reacted to the question and conclusion of categorizing the responses shows that one third of them pointed out to external factors and a two-third of them involves some internal factors as the obstacles for changing the system. Some comments also emphasize that the fault shall not be referred to foreigners. The international community provides the support the people of Afghanistan and its government asks for. All the obstacles are internal/laid within the country. The first challenge and problem is also lack of an accurate and comprehensive understanding of the alternative options. Most of the people and maybe a large number of those who are today claiming that alternative political system is beneficial for the country, do not know what are the characteristics and identifiers and possible impacts

[181] Interview with Shah Gul Rezai, member of Parliament, on 16 /5 /2017
[182] Interview with Sayed Abdul Qader Rahimi, Chief of Office of Independent Human Right Commission of Afghanistan at Herat Province, Herat, on 10 /6 /2017

of an alternative system. Another part is those groups and individuals who have privileges and advantages in the current system. This group strives with its all powers to prevent changing the system. "Changing the governance system based on the existing constitution is very difficult and tough. Even, if the Loya Jirga as stated in the constitution approves such a change, its ratification will be the authority of the President and I don't think that the President will voluntary agree to restrict his authorities. There exist some provisions in the constitution of 1344 [1343] of Afghanistan that can be used for amendment of the current constitution."[183]

The individual privileges that exist in the survival of the current system are somehow reflecting the overall behavior within the country as well. Because of the problems that exist among different social identities in Afghanistan, a group sees its interest and benefit in current political system and the other group in alternative political system. Thus, absence of a national moral among individuals and groups of people is considered one of the important impactful indicators in comparison of opinions about changing the political system.

In the opposition, a group of respondents do not restrict the obstacles for changing the political system to internal factors only but, they involve some external/foreign factors as well. The external factors are categorized into two groups. The first group of external factors include the technical prospective of involved countries in matters of Afghanistan. It means that some powerful and influential countries in Afghanistan have considered the current political system appropriate for the current situation and consider the discussions over the change of the system unnecessary. "One part of changing the political system relates to some world powers. it is reason is that they, as per their studies of the situation of Afghanistan and the experience of their own countries, might have been attentive during the drafting and ratification of the constitution to know that what type of political system suits Afghanistan… in my belief, a centralized system may match more with realities of Afghanistan than the other political systems."[184] Most of the interviewees who consider external factors as the obstacles to changing the political system think that the national interests of those countries involved in the internal politics of Afghanistan are impactful on this regard. Some interviewees say that countries like, Pakistan and Iran want anarchy and chaos in Afghanistan. Thus, they do not wish Afghanistan to have a political system that brings stability to the country. Some others consider the great game of America in the region as the factor of this matter. "At current situation, if we talk about changing the system, it means that we are entering the country into another crisis. Afghanistan at current situation is the Warfield of America. There exist evidences that America on one hand strengthens ISIS and on the other hand have competition with China and Russia and tries to further weaken the government from inside."[185] Finally, the interviewees consider the lack of financial resources that are required for the process of changing or modifying the system as a serious obstacle and barrier for developing the proposal and implementing the changes in the political system. Afghanistan does not have its own financial resources to support and fund such a process and the international community is also not interested to funding such a process because they have already undertaken more expenditure for other projects within several previous years.

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[183] Interview with Simeen Barakzai, representative of Herat at the Parliament, Kabul, on 30 /5 /2017
[184] Interview with Zia Rafat, Kabul university lecturer, Kabul, on 9 /5 /2017
[185] Interview with Jilani Zwak, Chief of Kabul News TV, Kabul, on 25 /5 /2017

The roadmap for changing and reforming the political system

- For the change of the political system, which country is your intended model or sample (or which era in the history of Afghanistan) which can show us the appropriate alternative political system?

This question was posed to those respondents who were somehow proponents of changing the political system to explain their purposed model or sample of political systems. In this section, from 43 interviewees who responded the question, 22 referenced and named the political systems of foreign countries as the alternative models and patterns. While 11 respondents criticized the approach and said that every context requires its own model. The remaining respondents mentioned the previous political systems of Afghanistan as better alternative models.

In the opinions of the interviewees, the current political systems of some countries like, Germany, Australia, France, Lebanon, India, Turkey, Pakistan and Britain are as appropriate models for Afghanistan. Given that most of these countries have decentralized systems therefore, the responses indicate the tendency towards a political system in which the concentration of powers is less. Some others have also stated the systems of the countries of Central Asia as appropriate models for Afghanistan. The main argument was that the social situation of the country is in a sort that soft system cannot manage it effectively. Therefore, seriousness of government with tendency towards force majeure/forcefulness can manage the Afghan society effectively. Specifically, some interviewees named the political system of Lebanon, with regards to its social structure and context and the political controversies it had crossed, as the most appropriate model for Afghanistan. Because, in Lebanon on one hand exist different social identities and on the other hand, the government has been able to keep all the groups together and allow them to participate in the real powers of their country. "Lebanon has a situation similar of Afghanistan. The political system is Parliamentary and even there are three positions above the Parliament which are divided among three ethnics. The presidency relates to Christians. Premiership relates to followers of Sunni sect of Lebanon who forms the maximum of the total population of Lebanon and the presidency of the Parliament relates to Shia sect… Iraq can also be a good model and more other Islamic countries that have Parliamentarian systems can be models for Afghanistan."[186]

A significant number of the respondents have considered copying models of other countries not an appropriate idea and believe that every country shall design its political system in line with its own structure and context in order to be responsive to its necessities. They think that the situation of Afghanistan shall be accurately studied for taking any decision on changing the political system. Some of the respondents considered the decade named "democracy" during Zaher Khan's Kingdom as a notable era. "The democracy decade can be a start but not a model. It shall be the start point… I don't think we can have a model for Afghanistan because there doesn't exist any country like Afghanistan… we shall find the model from inside our experiences and mistakes."[187] In this relation, a member of the Parliament says, "I have never been adherent that we work based on the models of others. I rather say that we shall contemplate the standards of other countries. We shall consider those general standards which are common as joint standards around the world and shall create a model in line with the situations of Afghanistan… A part of the problem of Afghanistan is that laws are ratified and introduced but without being in compliance with the situations of Afghanistan. They are copies of the laws of other countries and are translated by the relevant administrations."[188] In conclusion, some respondents also consider the

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[186] Interview with Doctor Jafar Mahdawi, MP, Kabul, on 17 /5 /2017
[187] Interview with Doctor Sayed Askar Musawi, University Lecturer, Kabul, on 17 /5 /2017
[188] Interview with Shah Gul Rezai, MP, on 16 /5 /2017

political system of the government of Doctor Najeebullah a more appropriate model than the current system and believe that the political system of Doctor Najeebullah were appropriate and in line with the social context of the country. it is said that during Doctor Najeebullah's government most of the social groups of the country were considering themselves a part of the political power.

- If it is decided to change the current political system of the country, what will be the best way and approach for stabilizing an alternative system?

The procedure for changing of political system is described in the existing laws of Afghanistan through amendment of the constitution. It is stated therein the Article 111 of the constitution that Loya Jirga can be convened in different situations. One of the situations is to decide on amending the provisions of constitution. In relation to this, we asked the interviewees the question that if for the change of the political system a practical decision is taken, which approach is the best. For more clarification of the matter, four optional assumptions have been provided which are stated below:

A. Changing the laws for more decentralization with keeping the current constitution
B. Convention of Constitutional Loya Jirga and amendment of the constitution and political system
C. Convention of traditional Loya Jirga and change of government leaders
D. Allow the President to continue ruling with issuance of executive order

Among the options, the B option, convening constitutional Loya Jirga and amendment of constitution and the political system, has the most proponents with 18 out of 42 respondents. 13 respondents have selected the option A., which states the changing the laws for more decentralization of the system and keeping the current constitution that is paid more attention. 7 interviewees support the option C which is convention of tradition Loya Jirga and change of government leaders, is considered as an approach and solution for stabilizing an alternative political system. But, none of the interviewees voted to the D option which is allowing the President to continue ruling through issuing an executive order.

The proponents of convening the constitutional Loya Jirga and amendment of the constitution were complaining more of President's unlimited powers and they emphasized that the powers and authorities of the President shall be declined through this way. They argued that since change of the political system relates to the constitution thus, the Loya Jirga shall be convened.

The other group was proponents of decentralization of the system along with keeping the current constitution. This group has emphasized that the current constitution has some values and principles which shall be preserved. But, it is needed to bring some reforms within current system that decentralize and distributes the current centralized powers. For this purpose, some of them recommend to give more legal and lawful roles to political parties. A small number of respondents suggested to convene traditional Loya Jirga for changing government leaders and bringing changes into the political system of the country. One of the comments in this regard is that at current situations convention of the constitutional Loya Jirga is difficult. "We shall bring the traditional Loya Jirga sooner. It is not possible to convene the constitutional Loya Jirga because we haven't held the district elections yet. We need another traditional Loya Jirga for the amendment of the constitution that the international community supports it. Some other reforms

which are required in cultural and economical sections like, the market economy/lassie faire and the same shall also be brought. The goal shall the future not the past."[189]

Decentralization or Centralization

- What are the impacts of centralization of decentralization on sections given below?
    - a- Security and peace
    - b- Development and economy
    - c- Public administration

The last question of the research focuses on positive or negative impacts of both centralization and decentralization. In this relation, we have questioned that if it is decided to introduce one of these systems in the country, what impacts will it have on security, development, economy and eventually the public administration of the country. In this regard, most of the responses (30 out of 40) points to the positive impacts of decentralization. A limited number of responses fluctuate among the positive and negative impacts of both systems.

"Decentralization has positive impact on all of these sections. It means that decentralization also causes more development and also helps in ensuring security. Centralization, as we are witnessed, deteriorates the situation… for instance, during the elections, Uzbeks who are a massive part of the society strived for this government and its stability, they campaigned and participated in elections but, centralization of the system caused that Uzbeks however are a pillar of the system, hold gatherings against the government every day. They campaign against government with international communities. They travel to USA and campaign against the government. Well, how it can bring peace and stability?[190]

Decentralization can grant more authorities to security forces in order to make them capable to utilize their own initiatives for ensuring security. At public administration, centralization has made the local official become more dependent to central administrations and to be only the executors of central orders and instructions. This takes the analytical and initiative potential from top level local officials and especially, if the officials are conservative, they will never initiate and thus people limits only to their material life. In such situations, all the affairs and programs are delivered as ready made from central administrations and the local officials also do not feel themselves obliged to have opinion on them. They are pure executors only."[191]

On a different vein, some interviewees have stated their opinions about positive characteristics of Centralization. Most of them pointed to the capability of a centralized system in ensuring security and peace as its positive impacts. Their argument is that with regard to the unfavorable situation of the country, the leadership of all the security forces must be single otherwise, there will emerge anarchy among the security and defense forces of the country.

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[189] Interview with Abdul Hafeez Mansour, MP and member of Jamiyat Islamic Party, on 18 /5 /2017
[190] Interview with Dawoud Najee, civil and political activist, Kabul, on 8 /5 /2017
[191] Interview with Sayed Abdul Qahar Rahimi, chief of office at Independent Human Rights Commission of Afghanistan, Herat, on 10 /6 /2017

Conclusion and Suggestions

In consideration of the theoretical framework of Blondal's Types of Political Systems theory and the critiques of Skinner of the Ideology of Liberalism, it seems that the political practitioners in Afghanistan couldn't define or regulate properly the rules of the political game on the basis of the desired goals and a comprehensive system. With recognizing a liberal democracy, the Constitution of Afghanistan has laid the foundation of establishing a political system that its responsiveness from political perspective limits only to a small number of ethnical elites and its public legitimacy is impaired. One of the characteristics defined in a liberal democracy is that the political parties in a democratic country function as the most important institutions in society and the Parliament and the Executive Branch are under their oversight. But, in the current system of Afghanistan, parties do not have any proper and competent role in overseeing the functionality and performances of Parliament and the Executive Branch. Rather their activities are mostly reflected in some unstructured and unofficial competitions. That is why, the political participation of people have not been reflected in a frame of bilateral duties and obligations of citizens and government but are affected by demagogical slogans and routine and temporarily gainful dealings and controversies. Authoritarianism and monopoly of powers by irresponsible individuals, has been identified as the most important rule of the political game that has weaken the role of elites in society and has also damaged the principle of equity before the laws.

Changing of the political system of the country along with some security issues is one of the hottest political discussions of the several recent years within Afghanistan. Various political, economic and security events within recent 15 years in Afghanistan, have severely affected the debates and discussions on the political system of the country. But, the debates and discussions over the type of political system and that what type of system might have the capability to be responsive to the political needs of the

country, dates back to the Bonne Conference. Since then, this topic has always been a main point of discussions in major political events of the country, particularly during the campaigns of presidential and parliamentary elections.

The recent remarks by Mr. Sarwar Danish, the Vice President, on changing of the political system of the country, apart from his individual entrenchment, reflects clearly the matter that discussions and debates over this topic has been getting more serious, systematic and comprehensive every day.[192] These discussions are not only concentrated and focused to political teams and groups within the government but also political experts, civil society activists and representatives, researchers and media have continuously analyzed the matter of preserving or changing the political system of the country. Among these, some individuals and groups have defended the current political system and have been striving to describe the system in compliance with the current situation of the country. This is while the complaints and criticisms in relation to current political system have gotten new foliage and most of the governance issues are now related and attributed to noncompliance of current political system with the internal situations of the country.

With regards to the growing importance of this discussion within the country, we tried in this research to put in discussion the depths and seriousness of the topic of changing the political system with experts, researchers, representatives of civil society, MPs and also government officials and assessed their opinions in this regard. As the conclusion of the research clearly reveals that different dimensions of the current system are under criticism and complaints. Necessity to reform the electoral system, decentralization of power and the importance of effective implementation of the Constitution are the main points of the criticism of the citizens. Apart from these specific issues, we can claim in general that continuation of these discussions reflects their importance to the people and the destiny of the country. For this reason, the Afghan Government and its political practitioners shall not consider this discussion less important and shallow and shall not cross by it inattentive and indifferently because ignoring a national discussion that exists continually and without any stoppage for several years within a country, can create complex political troubles in the future in the country and can worsen the situation.

Experts described the elections processes of previous years as contradictory, ambiguous and problematic that couldn't help to increase the legitimacy of the government. An obvious and prominent example of this can be seen in ultra-legal practices and approaches, offenses and defect structures of the government that led the elections of 2014 to crisis.

With signing of the Political Agreement and structuring of the National Unity Government, it was significantly believed that the political problems might somehow be resolved but the current situation of the National Unity Government and its failure to bring the promised reforms as per the NUG Political Agreement harmed such a believer. For instance, a common belief including the viewpoints of a significant number of respondents of this research carries a message that the centralization process during the National Unity Government has gotten more significant than before. Over the structural modifications and changes in the body of the National Unity government, the traditional organizations and entities of the executive branch like ministries, have transferred their authorities to some new established entities and organizations. From among such new established organizations we can name the High Commissions

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[192] On August 21, 2017, Mr. Danish has proclaimed his opposition to changing the current political system based on parliamentarian, federalist and premiership models, at a ceremony launched by Afghanistan Research and Evaluation Unit (AREU) for unveiling its two investigative reports on judicial assessment and the executive branch, at the Government Media Information Center.

which are established and operate under the presidential palace. Such changes on one hand caused the ministries to move toward being symbolic and on other hand, caused a delay in performances and activities within the government. Another problem of the National Unity Government is its failure to reform the electoral system of the country. After structuring of the National Unity Government, the hopes for reforming the electoral system were strengthened. But, currently there are seen no tangible achievements in this regard even after three years and no worthwhile step has been taken yet. In particular, with continuation of a single and non-transferable voting system, it is expected that the results of next elections will not be better than the previous elections. This is because with existence of such a system no effective parties will develop and responsible representatives will not accede to the Parliament. Meanwhile, the problem of voters' identification, which can be somewhat dealt through distribution of e-tazkira (electronic identity card) and bring some transparency in the elections, is not resolved yet and is not expected to be furnished much sooner. In addition, introduction and application of a voting system of majority (50+1) as the presidential elections system of Afghanistan, a country with different ethnical identities, is controversial and problematic. Turning of the electoral campaigns to a prestigious process and existence of widespread frauds in several terms of previous elections show that the mentioned majority system cannot help in ensure the political legitimacy of the presidency. Since, any team that participates in the electoral campaign for presidential elections believes that acceding to presidency of the country means achieving the real powers in the country that is why the competition for acceding to presidency becomes a prestigious matter among the active political groups and teams. Another challenge which is labeled to this system emphasizes on the matter that the winning team in elections, through granting a symbolic role to the losing teams, strives to settle down the political tumults and turbulences that may possibly be created by the losing teams, without providing any factual ground for their effective participation in the process of political decision-makings. In such a situation and based on the existing system, a specific team or group seizes all the privileges and the other groups are left outside of the compass of the privileges or take symbolic roles.

As per this process, a culture of domination of a particular group or team over other groups or teams is promoted and the losing groups or teams decline to becoming dependant of the governing and dominant group. In long run, accepting such a domination culture causes annihilation the reformation incentive within the political system. The dependents to the dominants commits self-censorship in order to preserve their minimum privileges approved by dominants to them and do not speak about some important political and social issues that are in contrast to interests of the dominants or governing team.

With regards to the above fact and with consideration of the political structures of multi-nationality and multi-cultural societies and countries similar to Afghanistan, it assumes necessary in addition to dividing the powers properly in its traditional form (division of powers among three branches) mainly distribution of political powers within the executive branch, it shall provide a ground for political participation of different groups and teams through distribution of political powers. Since it is not difficult to consider the recommendations and interests of different groups without division of authorities within the executive branch of a government, this is the reason that in countries like Iraq and Lebanon, which socially has traits relatively similar to Afghanistan, the division of powers is even promoted and institutionalized within the executive units and different groups are entitled rights of veto in decision making processes of the executive units.[193] One of the solutions for this problem of the government is establishment of a dual

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[193] Such a suggestion and proposal is analyzable in a frame of a consensual democracy

executive branch through which it is possible to put the interests of the political rival groups in a commensurate balance while partnering in some bigger decision-making processes.

Another matter of deliberation of the findings of the research is the critiques provided about the scale of the independence of governmental entities and establishments. Over several years, different entities and commissions, apparently introduced independent, proved in practice that they are not sufficiently independent in their performances and decision makings as might and should be and are affected by other branches. The Supreme Court and the Elections Commission[194] are obvious patterns of such entities that their decisions even created some larger tumults and controversies in the country and had made the critics to put the independence of these entities or commissions under question. The lack of independence of entities in addition to some immediate problems which it creates to the society has a long term negative effect as well. The historical facts and experience of societies indicates that an excess emphasis of a group or entity for retention and keeping stability itself creates instability within the society. Those who remain outside the circle of the privileges and shares during their efforts for keeping the situation stable, strive to accomplish and achieve their purposes through creation of instability.

The way and public structures for decision-makings over some bigger political issues including changing of political system, has an important effect on the quality of political affairs of a country. This matter has been controversial in Afghanistan. As per the findings of the research, Loya Jirga which is introduced and defined as "the highest manifestation of the will of the people of Afghanistan"[195] has some defects and problems in term of its structure, functions and practices and the scale of being democratic. In the opinions of the critics of Loya Jirga, the dominant and ruling teams, by instrumental use of Loya Jirga, have been trying to obtain an apparent satisfaction of choosing people and selecting its members, while they managed and directed the affairs and activities of the Loya Jirga. This problem has not only been discussed by the interviewees of this research but also other researches and studies conducted in this relation also directed and ascribed such a criticism to Loya Jirga.[196] One of the problems of the Loya Jirga is prolonging and complicating the decision-making process on amendment and modification of the Constitution of the country.[197] Loya Jirga which should provide solutions to enormous problems of the country in some

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[194] Lack of trust on elections commission has a long background. At a recent objection against the electoral commissions, on October 7, 2017 a number of political parties and coalitions came together in Kabul under a council named "Cooperation Council of Political Parties and Coalitions of Afghanistan" and asked for dismissal of the members of the electoral commissions of the country. They claimed that the member of IEC shall be dismissed as they do not have appropriate working capacity and independence. At the manifesto of the Council, it is stated as: "the IEC, for lack of independence in decision makings, non-existence of an impartial moral, non-existence of sufficient and proper managerial capacity, existence of financial corruption and non-transparency in the procurements and purchases and existence of internal discrepancies among the commissioner, does not have the ability to hold transparent and non-fraudulent elections and is not trusted by people and political movements". The IEC of Afghanistan called this complaint "early and illegal", BBC Persian, accessed on October 7, 2017

[195] The Constitution of Afghanistan has defined Loya Jirga as "the highest manifestation of the will of the people of Afghanistan" and has entitled some important missions to it like impeaching the President, amendment of the provision of the constitution and deciding on issues related to supreme national interests. Refer to Article 110 and 111 of the current Constitution of Afghanistan, http://www.bbc.com/persian/afghanistan-41539388

[196] About the status of Loya Jirga over the history of contemporary Afghanistan, please refer to "Editing the Past: Colonial Production of Hegemony through the 'Loya Jirga' in Afghanistan", M. Jamil Hanafi, Translation of Doctor Lal Zad, Khurasanzameen, June 1, 2004, http://www.khorasanzameen.net/php/read.php?id=2053

[197] Article 110 of the Constitution states, "Loya Jirga consists of 1) Members of the National Assembly; 2) Chiefs of the provincial as well as district Councils … until end of article. In the current system, the elections for provincial councils have not been held until now and thus call for and convening the Loya Jirga is not possible yet. Non-

sensitive, important and vital moments has been inapplicable since the ratification of the new Constitution.[198] In fact, Loya Jirga has been imposed on electoral entities as a nondemocratic structure and has prevented the reformative attempts like, amendment of the Constitution. It has been struggled to put the Loya Jirga in a position similar to a Constituent Assembly[199] but as it has been observed, the Loya Jirga itself does not have the required legitimacy.

There is no doubt that the national political structure has a direct impact on the quality of local governance, delivery of services and as whole on political management of rural regions. Political experiences and practices of many countries have shown that the extent of powers, authorities and the scale of independence in decision-making of local administrations impacts directly on the quality of governance at local levels. A uniform administrative system in Afghanistan has granted the authority of taking main decisions on local issues to the central government. Currently, all key officials of local administration are directly appointed by the central government. In most cases, it happened that the appointed officials by the central government in some provinces and districts have demonstrated poor and deficient management as they were not very familiar with the overall structures of the local administration. In addition, the appointed officials by central government have been always worrying about the reaction and behavior of the central government towards them instead of being responsible to the people of the relevant province or district. With a center-oriented and focused administrative system within Afghan government, a number of public institutions like provincial and district councils have not yet got their real positions and their authorities and powers are still in a state of ambiguity. For improving the overall situation of local governance, it is required to grant more powers and authorities to local administrations in decision-making, particularly in term of construction and financial budgeting programs.

In conclusion, it is observed that even some experts and policy-makers of administrative and political spheres of the country have also got a general and shallow prospect about the administrative and political challenges. Thus, it is required, as first steps, to conduct regular studies and researches on the discussed topics in order to assess the demands and hopes of the political change and reformation through a very technical, methodical and academic prospective. With professional and academic rationalizations and justifications, it is possible to decline political sentiments that have turned to prestigious aspect within the country and paved the ground for effective political reforms.

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convention of Loya Jirga is considered a main obstacle to implementing the provisions of the political agreement of the National Unity Government which also include amendment of the Constitution.

[198] For instance, it was not the Loya Jirga as the highest manifestation of the will of people of Afghanistan to resolve the political crisis of the last Presidential elections but rather it was the Secretary of State of USA, John Kerry, who marked the political agreement of the National Unity Government with his mediation.

[199] Constituent Assembly is an assembly convened for drafting and ratifying the constitution of a country or its amendment and modification.

Annexure

Annexure One: Full Text of the Political Agreement on Structure of the National Unity Government

In the name of Allah

Agreement between the Two Campaign Teams Regarding the Structure of the National Unity Government (NUG)
Sept 20, 2014

This period in Afghanistan's history requires a legitimate and functioning government committed to implementing a comprehensive program of reform to empower the Afghan public, thereby making the values of the Constitution a daily reality for the people of Afghanistan. Stability of the country is strengthened by a genuine political partnership between the President and the CEO, under the authority of the President. Dedicated to political consensus, commitment to reforms, and cooperative decision-making, the national unity government will fulfill the aspirations of the Afghan public for peace, stability, security, rule of law, justice, economic growth, and delivery of services, with particular attention to women, youth, Ulema, and vulnerable persons. Further, this agreement is based on the need for genuine and meaningful partnership and effective cooperation in the affairs of government, including design and implementation of reforms.

The relationship between the President and the CEO cannot be described solely and entirely by this agreement, but must be defined by the commitment of both sides to partnership, collegiality, collaboration, and, most importantly, responsibility to the people of Afghanistan. The President and CEO are honor bound to work together in that spirit of partnership.

A. Convening of a Loya Jirga to amend the Constitution and considering the proposal to create the post of executive Prime Minister

On the basis of Article 2 of the Joint Statement of 17 Asad 1393 (August 8, 2014) and its attachment ("… convening of a Loya Jirga in two years to consider the post of an executive prime minister"), the President is committed to convoking a Loya Jirga for the purpose of debate on amending the Constitution and creating a post of executive prime minister. After the inauguration ceremony, the President will appoint in consultation with the CEO by executive order a commission to draft an amendment to the Constitution.

On the basis of Article 140 of the Constitution, the national unity government is committed to holding district council elections as early as possible on the basis of a law in order to create a quorum for the Loya Jirga in accordance with Section 2 of Article 110 of the Constitution.

The national unity government is committed to ratifying and enforcing a law on the organization of the basic organs of the state and determination of the boundaries and limits of local administration by legal means.

The national unity government commits to completing the distribution of electronic/computerized identity cards to all the citizens of the country as quickly as possible.

The above issues and other matters that are agreed to will be implemented on a schedule which is appended to this agreement.

B. The position of the Chief Executive Officer

Until such time as the Constitution is amended and the position of executive prime minister is created, the position of Chief Executive Officer (CEO) will be created by Presidential decree on the basis of Article 50 of the Constitution and Article 2 of the attached Joint Declaration and its annex. The CEO and his deputies will be introduced in the Presidential inauguration ceremony.

The appointment of the CEO with the functions of an executive prime minister will take place through a proposal by the runner-up and the agreement of the President. The CEO will be answerable to the President. A special protocol for the CEO will be authorized in a presidential decree. The President will delegate by a presidential decree specific executive authorities to the CEO with a view to Articles 60, 64, 71, and 77 of the Constitution. Key elements of authorities will include the following:

1. Participation of the CEO with the President in bilateral decision-making meetings.
2. Carrying out administrative affairs and executive affairs of the government as determined by Presidential decree.
3. Implementing the reform program of the National Unity Government.
4. Proposing reforms in all government agencies and decisively combatting official corruption.
5. Exercising specific administrative and financial authorities, which will be determined in a Presidential decree.
6. Establishing working relationships of the executive branch of the government with the legislative and judicial branches within the framework of defined functions and authorities.
7. Implementing, monitoring, and supporting the policies, programs, and budgetary and financial affairs of the government.
8. Submitting necessary reports and proposals to the President.
9. The President, as the head of state and government, leads the Cabinet (Kabina), which meets at his discretion on government policy, strategy, budgeting, resource allocation, and legislation among its other functions and authorities. The Cabinet consists of the President, Vice-Presidents, CEO, Deputy CEOs, the Chief Advisor, and ministers. The CEO will be responsible for managing the Cabinet's implementation of government policies, and will report on progress to the President directly and in the Cabinet. To that end, the CEO will chair regular weekly meetings of the Council of Ministers (Shura-ye Waziran), consisting of the CEO, Deputy CEOs, and all ministers. The Council of Ministers will implement the executive affairs of the government. The CEO will also chair all the sub-committees of the Council of Ministers. Based on this article of the agreement, a Presidential decree will introduce and define the new Council of Ministers as distinct from the Cabinet.
10. Providing advice and proposals to the President for appointment and dismissal of senior government officials and other government affairs.
11. Special representation of the President at the international level as deemed necessary by the President.
12. The CEO is a member of the National Security Council.

13. The CEO will have two deputies, who will be members of meetings of the cabinet and meetings of the National Security Council. The functions, authorities, and responsibilities of the CEO's deputies, in line with the CEO's functions and authorities, as well as an appropriate protocol for them, will be proposed by the CEO and approved by the President through Presidential decree.

C. Appointment of senior officials

On the basis of the principles of national participation, fair representation, merit, honesty, and commitment to the reform programs of the national unity government, the parties are committed to the following:

Parity in the selection of personnel between the President and the CEO at the level of head of key security and economic institutions, and independent directorates. As a consequence of this parity, and the provisions of Sections B(12) and (13) above, the two teams will be equally represented in the National Security Council at the leadership level, and equitably (barabarguna) represented at the membership level.

The President and the CEO will agree upon a specific merit-based mechanism for the appointment of senior officials. The mechanism will provide for the full participation of the CEO in proposing nominees for all applicable positions and for full consideration of all nominations. In conformity with the intent of the Joint Declaration and its annex (Article 5), the President and the CEO will consult intensively on the selection of senior appointees not covered by the Civil Service Commission through the above mechanism, which can lead to equitable (Barabarguna) representation from both parties, and with attention to inclusivity and the political and societal composition of the country, with particular attention to women and youth, and persons with disabilities, for state institutions and agencies, including key judiciary and local administrative posts. The two parties are committed to early reform of the Civil Service Commission, enabling broad participation of meritorious personalities and personnel of the country at various levels of the system, using these opportunities for securing enduring peace and stability and building a healthy administration.

D. Creation of the position of leader of the runner-up team

In line with the Joint Declaration of 17 Asad 1393 (August 8, 2014) and its annex, and with the goal of strengthening and expanding democracy, the position of the leader of the runner-up team, referred to in the mentioned document as the opposition leader, will be created and officially recognized within the framework of the government of the Islamic Republic of Afghanistan on the basis of a presidential decree. The responsibilities, authorities, and honors of this position will be spelled out in the decree. After the formation of the national unity government with the presence of the runner-up team on the basis of this agreement, this position will act as an ally of the national unity government.

E. Electoral reform

To ensure that future elections are fully credible, the electoral system (laws and institutions) requires fundamental changes. Immediately after the establishment of the government of national unity, the President will issue a decree to form a special commission for the reform of the electoral system in accordance with Article 7 of the Political Framework. Members of the special commission will be agreed

between the President and the CEO. The special commission will report to the CEO on its progress and the Cabinet will review its recommendations and take the necessary steps for their implementation. The objective is to implement electoral reform before the 2015 parliamentary elections.

F. Implementation

Any divergence in views or dispute regarding the interpretation or application of this agreement shall be resolved through consultation between the parties. The parties express appreciation for the role played by the international community in facilitating the political and technical agreements, and welcome the assurances the parties have received of its support for the implementation of this agreement and its engagement with the government of national unity.

G. Entry-into-force

Honoring their commitments to the Technical and Political Frameworks of July 12, 2014, and the Joint Declaration of August 8, 2014, as reflected throughout this agreement, the parties reaffirm their commitment regarding the outcome of the election and implementation of this agreement to establish the national unity government, which will enter into force upon signing by the two candidates in the presence of Afghan and international witnesses.

[Signed]

Dr. Mohammad Ashraf Ghani Ahmadzai

Dr. Abdullah Abdullah

H.E. Jan Kubis, Special Representative of the Secretary General of the United Nations

H.E. James B. Cunningham, Ambassador of the United States of America

Annexure Two: Questionnaire

Primary questions:

1- The presidential elections of the year 2014 led to political crisis at its runoff; in your viewpoint, what were the main factors that caused the crisis?

2- In your viewpoint, did the defined political system in the current constitutional law of the country have any role in creation of the crisis? If we recognize the political system as an effective factor in the political crisis of the year 2014, which one of the elements of the current political system had role in creation of the crisis and why?

3- Did the constitutional law divide the powers equally among the three branches of the state? If not, please provide an example of such inequality and tell us what consequences and results the inequality of powers among the three branches of the state has had?

The Status of the Executive Branch:

4- Some people believe that only a centralized and powerful governance system can keep a multi-ethnic society like Afghanistan united and stable while others, in contrary, believe that for keeping the stability in a multi-ethnic society, the executive branch shall become decentralized. Which opinion do you agree with and why?

5- Could the current government ensure the segments of ethnics' representations and different ethnical groups in the executive branch? If not, why the situation is like this and what solutions do you recommend for improvement of the situation?

6- In your opinion, is there any alternative to the current political system? If yes, what system can be the alternative and what privileges, in comparison to the current system, does it have?

7- How will be the positions/status of all three branches of the state (executive, legislative, judicial) in your preferred political system?

The Status of Legislative Branch:

8- In your viewpoint, can we have a Parliament, based on existing elections system (a single nontransferable vote), that actually represents all people? How? If not, why?

9- In your opinion, does the Parliament in the current political system has the ability to control and oversight the executive branch?

10- If you are allowed to bring some changes in the elections system or the authorities of Parliament, what recommendations will you have and what will be your most important recommendation?

The Status of the Judicial Branch:

11- In your viewpoint, does the judicial branch in the current political system have independence of the executive branch? If not, is the dependence of the judicial branch relates to the structure of the constitutional law or it relates to practices of the official working within the judicial branch?

The Status of National and Local Governance:

12- In the current political system, the ministers and governors are appointed by the President. However, do they have enough political independence to perform their duties effectively? If not, what are the main problems?

13- What are the impacts of a very centralized system of recruitment of government officials within a presidential political system on delivery of services at local levels?[200]

14- if, in your viewpoint, the current political system is inefficient, what changes are you suggesting and what impacts will the changes have on performance and functions of the national government and local administrations?

The Status of Electoral System and Political Parties:

15- The constitutional law has been drafted and ratified to encourage people to participate in political affairs of the country. In your viewpoint, is the constitutional law successful in realization of this goal? If not, what important changes and reforms shall be brought?

16- In your opinion, will increment of people's political participation also increase the stability of the Afghan government or will make if weaker? Why?

17- A- The political parties currently do not have any legal defined identity in elections or Parliament. Do we not require a legal frame that enables the parties to play their roles?

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[200] A: Do governors have the required autonomy and authority to perform their duty properly and be responsive to ad hoc administrative situations and local demands? In comparison how would the alternative systems deal with the issue?
B: Doesn't a centralized administration system make the governors too dependent on who happens to be the president rather than local and office demands? (Doesn't it mean domination by a single person?) In comparison how would the alternative systems deal with the issue?
C: If the governors were too dependent on central government and almost all the decisions are made in the capital, doesn't it risk the governor's loyalty to the locals? In comparison how would the alternative systems deal with the issue?
D: Can the current centralized administration system ensure timely local public service delivery and responsiveness to local needs? In comparison how would the alternative systems deal with the issue?

18- B- In your opinion, does politics in our country rotates around the political issues or around the figures and individuals? Please provide examples and explain.

19- C- What changes will happen if the political parties in country are legalized and play role in the elections and the Parliament? Does their lawful participation in elections and the Parliament makes any improvements or will deteriorate the current system?

The Legitimacy of Government:

20- Can an alternative political system bring more public support for the government? If yes, which one of the alternative political systems can ensure utmost support to the government?

Opinions and Suggestions:

21- In your opinion, is it practically possible to change the current political system? If not, does the international community prevent changing the system or the main obstacle to changing the system is internal factors?

22- For the change of political system, which country is your intended model or pattern (or which period in the history of Afghanistan) that can demonstrate the appropriate alternative system?

23- If it is decided to change the current political system of Afghanistan, what is the best way and approach for stabilizing an alternative political system? (<u>The options shall be read to the interviewee. If is can also present, his suggestion.</u>)
   a- Amendment of laws to further decentralize the system with keeping the current constitution.
   b- Convention of Loya Jirga as stated in the Constitution and amendment of the constitution and governance system
   c- Convention of traditional Loya Jirga and change of government leadership
   d- Shall allow the President to rule through issuance of an executive order

24- What/how are the impacts of centralization or decentralization on below sections?
a) Security and peace
b) Development and economy
c) Public administration

Annexure Three: About the Authors

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Mr Zalmai Nishat Darayi is a Research Associate at the Asia Centre of the University of Sussex. He has a BA in Politics from the School of Oriental and African Studies (SOAS), University of London, and an MA in Ideology and Discourse Analysis from the University of Essex. He is interested in the history of Afghanistan, Turkey and the wider region as well as nation-building and nationalism in Afghanistan, and Turkey. He is also interested in post-structuralist political philosophy and the debates on liberal constitutionalism with the aim in particular of using Skinner's pioneering contextualist method to explore Islamic/Persian 'intellectual history' (literary, political and philosophical texts) as well as in the analysis of the contributions that Persian thought has made to modern philosophy. Currently he is the strategic communication advisor in the Office of the Chief Executive of the Islamic Republic of Afghanistan. (zalmai.nishat@gmail.com)

Mohammad Irfani

Mohammad Irfani has graduated from Ibne Sina University (Kabul- 2017) majoring in sociology, currently working with the AISS as a Researcher and Project Coordinator. He used to work as a journalist and media analyst in local and international media agencies. He is one of the founding members of "Afghanistan Sociology Group "which is an independent organization for sociological studies. (Website: Padidarha) During his carrier as a Researcher, he has been working on "Religious Radicalization Trends in Afghanistan", "Peace Process in Afghanistan", "Constitutional system" and "Electoral System of Afghanistan". Beside this research paper, Mohammad Irfani has co-authored two more AISS research papers entitled "Social Media and Articulation of Radical Narratives in Afghanistan" and "Afghanistan's Constitution and Society in Transition". (imerfani@gmail.com)

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Abdul Ahad Mohammadi, (Fellow Researcher at AISS), holds an MA in Sociology from Jawaharlal Nehru University (New Delhi- 2013). He is currently working as technical advisor under the "UN Sustainable Development Program" at Chief Executive Office of Afghan Government. In the past, he had worked with some local and international organizations, including Afghanistan Research and Evaluation Unit (AREU). "Governance in Afghanistan" "Religious Radicalization Trends in Afghanistan" and "Peace Process in Afghanistan" are some of the areas he has been working on. As an independent researcher and advisor, he has experiences working with organizations like UN Development Program (UNDP), Stockholm International Peace Research Institute (SIPRI) and Civil and Liberal Initiative for Peace (CLIP). At the end of 2016, Abdul Ahad Mohammadi worked with the Afghanistan Civil Society Network on an investigative report about torturing prisoners, for UN Convention against torture. The same time, he also worked as a researcher with the Afghan Women Judges Association (AWJA) and UN Women on a report about the statue of implementation of Elimination of Violence Against Women in Afghanistan. (ab.ahad24@gmail.com)

1- Kawun Kakar: Lawyer and Researcher, Interviewer: Mohammad Irfani, Interview date: 17 and 25/2/1396
2- Ahmad Zia Rafat: University Lecturer, Faculty of Journalism of Kabul University, Interviewer: Mohammad Hadi Ayoubi, Interview date: 19/2/1396
3- Dawoud Najee: Civil Activist and a spokesperson of the Enlightment Movement, Interviewer: Mohammad Hadi Ayoubi, Interview date: 18/2/1396
4- Gul Ahmad Madadzai: Deputy of Afghanistan Lawyer Union, Interviewer: Mohammad Hadi Ayoubi, Interview date: 25/2/1396
5- Shah Gul Rezai: MP, Interviewer: Mohammad Hadi Ayoubi, Interview date: 26/2/1396
6- Jamil Karzai: Leader of Etidal-e-Meli Political Party; Interviewer: Fawad Safi, Interview Date: 12/2/1396
7- Sediq Patman: A member of National Front; Interviewer: Fawad Safi, Interview Date: 26/2/1396
8- Sayed Askar Musawi: University Lecturer; Interviewer, Mohammad Hadi Ayoubi, Interview Date: 27/2/1396
9- Mohammad Nateqi: Acting Leader of Islamic Unity Party of Afghanistan, Interviewer, Mohammad Hadi Ayoubi, Interview Date: 27/2/1396
10- Abdul Jabar Qahraman: MP, Interviewer, Farhad Safi, Interview date: 26/2/1396
11- Habiba Sarabi: Deputy of the Peace High Council and former governor of Bamiyan, Interviewer, Mohammad Hadi Ayoubi, Interview date: 26/2/1396
12- Abdul Hafeez Mansour: MP, Interviewer, Mohammad Irfani, Interview date: 28/2/1396
13- Mustafa Mastour: Special envoy and senior advisor to CE, Interviewer, Mohammad Hadi Ayoubi, interview date: 28/2/1396
14- Muhayudin Mehdi: MP, Interviewer, Mohammad Hadi Ayoubi, interview date: 30/2/1396
15- Jafar Mahdawi: MP, Interviewer, Mohammad Hadi Ayoubi, interview date: 30/2/1396
16- Abdul Ghafour Liwal: Acting minister of the Borders and Tribe Affairs, Interviewer: Fawad Saf Safi, Interview date: 4/3/1396
17- Bashir Ahmad Tayenj: MP and spokesperson of Junbush-e-Meli Party of Afghanistan, Interviewer, Mohammad Hadi Ayoubi, Interview date: 1/3/1396
18- Jilani Zwak: Chief of Kabul News TV, Interviewer, Farhad Safi, Interview date: 4/3/1396
19- Ismael Youn: Chief of Tahrik-e-Meli Party, Interviewer, Farhad Safi, Interview date: 8/3/1396
20- Fayz Mohammad Zaland: Kabul University Lecturer, Interviewer, Farhad Safi, Interview date: 11/3/1396
21- Mohammad Rafiq Shaheer: Chief of Herat Experts Council, Interviewer, Basir Muhib, Interview date: 25/2/1396
22- Habiburrahman Pedram: Acting Deputy of Herat provincial council, Interviewer, Basir Muhib, Interview date: 3/3/1396
23- Ataullah Atta: Secretary of Kandahar provincial council, Interviewer, Sardar Mohammad Sangar, Interview date: 29/2/1396
24- Sayed Mohammad Afghan: Chief Civil Society, Kandahar, Interviewer, Sardar Mohammad Sanager, Interview date: 22/2/1396
25- Abdul Qodous Baes: Secretary of the Kandahar City committee & Mutahed-e-Meli Party, Interviewer, Sardar Mohammad Sangar, Interview date: 29/2/1396

26- Lalai Hamidzai: MP, Interviewer, Sardar Mohammad Sangar, Interview date: 2/3/1396
27- Abdul Rahman Mahmoodi: Deputy Governor of Jowzjan Province, Interviewer, Sayed Nabi Danishyar, Interview date: 15/3/1396
28- Hayatullah Hayat: Chief of Jowzjan Provincial Council, Interviewer, Sayed Nabi Danishyar, Interview date: 29/2/1396
29- Jamal Aqa: Administrator of Zhiray District of Kandahar province, Interviewer, Sardar Mohammad Sangar, Interview date: 6/3/1396
30- Simeen Barakzai: MP, Interviewer, Basir Muhib, Interview date: 9/3/1396
31- Sayed Azizullah Ulfati: Former Senator, Interviewer, Sayed Nabi Danishyar, Interview date: 26/3/1396
32- Amir Sharif: University Lecture, Interviewer, Mansour Mehrayen, Interview date: 26/2/1396
33- Mawlawi Yousof: Chief of Bamiyan Provincial Council, Interviewer, Mansour Mehrayen, Interview date: 9/3/1396
34- Tahir Zahir: Bamiyan Governor, Interviewer, Interviewer, Mansour Mehrayen, Interview date: 4/3/1396
35- Sadiq Aliyar: Chief of Peace Committee of Bamiyan, Interviewer, Mansoura Meherayen, Interview Date: 2/3/1396
36- Razia Iqbalzada: Deputy of Wahdat Party in Bamiyan and former member of Bamiyan Provncial Council, Interviewer, Mansoura Meherayen, Interview Date: 10/3/1396
37- Sultan Mohammad Ayel: Dean of Political Science Department of Kandahar University, Interviewer, Sardar Mohammad Sangar, Interview Date: 9/3/1396
38- Shamsuddin Noori: University Lecturer, Interviewer, Sayed Mohammad Danishyar, Interview Date: 20/3/1396
39- Zabihullah Zmarai: Secretary of Nengarhar provincial Council, Interviewer, Ranzour Ahmadzai, Interview Date, 18/3/1396
40- Atiqullah Ghafouri: Provincial Secretary of Afghan Melat Party, Interviewer, Ranzour Ahmadzai, Interview Date: 18/3/1396
41- Sayed Abdul Qader Rahimi: Chief of Office of Human Rights Commission of Afghanistan in Herat, Interviewer, Basir Muhib, Interview Date: 20/3/1396
42- Sorya Kakar: University Lecturer, Interviewer, Basir Muhib, Interview Date: 20/3/1396
43- Ramin Aryan: University Lecturer, Interviewer, Sayed Nabi Danishyar, Interview Date: 25/3/1396
44- Mohammad Afzal Hadid: Chief of Balkh Provincial Council, Interviewer, Bashir Ahmad Usmani, Interview Date: 20/3/1396
45- Tahir Qaderi: Chief of Mithra TV, Interviewer, Bashir Ahmad Usmani, Interview Date: 25/3/1396
46- Babrak Miakhail: Chancellor of Nengarhar University, Interviewer, Ranzour Ahmadzai, Interview Date: 16/4/1396
47- Sayed Jahan Jahani: Chief of the Council for Ethnics Solidarity, Interviewer, Ranzour Ahmadzai, Interview Date: 20/3/1396
48- Ahmad Wazirwal: Chief of Nengarhar Trade Union and Deputy of the People's Council of Nengarhar, Interviewer, Ranzour Ahmadzai, Interview Date: 20/3/1396
49- Mohammad Abdo: MP, Interviewer, Bashir Ahmad Usmani, Interview Date: 11/3/1396

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