Political Order in
Post-Communist
Afghanistan

William Maley & Fazel Haq Saikal

Occasional Paper Series

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POST-COMMUNIST AFGHANISTAN

INTERNATIONAL PEACE ACADEMY

OCCASIONAL PAPER SERIES

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Printed and bound in the United States of America

The paper used in this publication meets the requirements
of the American National Standard for Permanence of
Paper for Printed Library Materials Z39.48-1984.

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In memory of Rahima Saikal

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AFGHANISTAN
— · — · — International boundary (Kashmir is subject to a dispute between India and Pakistan)
———— River
Kabul   City or town
KABUL   Province
Hazarajat Region

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INTRODUCTION

The last few years have been among the most dramatic of a dramatic century. The disintegration of the Soviet Union has assisted a shift from a substantially bipolar international system to one of much greater complexity, marked by the development of a multiplicity of power centers and the reinvigoration of institutions of international mediation (Rosenau, 1990, 1992a, 1992b). The United Nations Security Council, long incapacitated by the reciprocal veto of Cold War rivals, has emerged spectacularly in the post–Cold War era as a key guarantor of international order, authorizing effective resistance to aggression and dispatching peacekeeping forces to limit the inevitable chaos as multiethnic autocracies fall apart. The UN has also sought to foster the development of creative solutions to a number of intractable political disputes.

One of the bitterest of these disputes was the long-standing conflict in Afghanistan between the communist leaders of the People's Democratic Party of Afghanistan, who seized the Afghan capital of Kabul in a coup in April 1978, and a popular resistance movement whose followers adopted the name Mujahideen. In April 1988, a series of agreements known as the Geneva Accords—negotiated under UN auspices over a number of years (Khan, 1991)—provided for the withdrawal of Soviet forces that had originally invaded Afghanistan in December 1979 (see Hammond, 1984; Arnold, 1985); and in May 1991, UN Secretary-General Javier Pérez de Cuéllar launched a five-point plan for an Afghan political settlement, which formed the basis for extensive discussions that his Personal Representative in Afghanistan and Pakistan, Mr. Benon Sevan, carried out with various parties to the Afghan conflict.

The Secretary-General's plan was ultimately overtaken by larger events. On April 16, 1992, as Mujahideen forces moved to surround Kabul, the communist regime finally collapsed, and its leader, Najibullah, went into hiding after a failed attempt to flee the country (Coll, 1992b).

This paved the way for the fall of Kabul on April 25 to resistance forces under the direction of the Security Committee of Kabul City (chaired by the most famous Mujahideen commander, Ahmad Shah Massoud) and the arrival in Kabul on April 28 of a new interim administration headed by Professor Sibghatullah Mojadiddi. However, these developments, while momentous occurrences for most Afghans, constituted only one phase in the emergence of a legitimate political order in Afghanistan, which is vital if peace in a minimalist sense is to be restored (Maley, 1985: 579). The new regime is avowedly transitional, and a number of Afghan political forces now look to popular elections as a mechanism by which to establish a broadly based government.

The UN has valuable experience in the supervision of electoral processes to resolve political conflicts, and it is no surprise that a range of Afghans, including Massoud (BBC *Summary of World Broadcasts* FE/1362/C1/2, April 23, 1992), have identified this as an appropriate task for the UN to undertake in Afghanistan. Nonetheless, it is striking that the difficulties of mounting free and fair elections in Afghanistan have so far received very little attention, either from UN bodies or from academic commentators, even though these difficulties could be very great. There thus seems to be some value in highlighting them, and possible ways of dealing with them, at this early stage. This we propose to do by setting these problems in the context of Afghan history, culture, and religion; the experience of supervising free and fair voting that the UN has obtained in a range of cases; and lessons about the political consequences of electoral laws that have been learned in other political systems.

The first part of the study provides historical background. In examining Afghan political structures, we are concerned with the complex patterns of authority that developed within Afghanistan's many microsocieties and the nature of state-society relationships that produced a relatively stable pattern of politics under the Muhammadzais—whose rule spanned not only the long reign of King Zahir Shah (1933–1973) but also the brief period of republican rule under the cousin who overthrew him, President Daoud (1973–1978). We go on to detail the ways in which this equilibrium was disrupted following both the 1978 coup and the subsequent Soviet invasion. We also note that while the Geneva Accords contained provisions (see Appendix) for a degree of external disengagement from the Afghan conflict, their fatal lacuna was the absence of any mechanism for peaceful transition to a legitimate government, as a result of which they remitted the Afghan conflict to the battlefield. Finally, we examine the main features of Afghan politics following the completion in February 1989 of the withdrawal of Soviet combat forces.

In the second part of the study, we trace the process by which the communist regime progressively unraveled, identifying both domestic and international factors that played a role in Najibullah's downfall. We also examine the reasons why the efforts of Mr. Sevan to arrange a political settlement of the Afghanistan issue proved fruitless. We conclude by offering an assessment of the pattern of power relations within Afghanistan in the wake of the communist regime's demise.

The third part of the study deals more directly with issues the new Islamic interim government needs to confront in the run-up to popular elections. The first relates to the very nature of *UN involvement* from this point, which some Afghan forces appear to regard as essential, but which others view as potentially a threat to the autonomy and authority of the interim government. We suggest that while UN assistance has much to offer, it would need to be provided with great sensitivity. More optimistically, we note that Afghanistan does have previous experience of elections, in 1965 and 1969; and that the presence of substantial weapons caches within a country is not an insuperable barrier to free and fair elections—something the Commonwealth-supervised elections in Zimbabwe demonstrated. The second issue relates to the *purposes an election could serve.* While elections have not typically been used as the means of constituting a legitimate political order in Afghanistan, they may be capable of doing so in the unusual circumstances of the present. The third and fourth issues relate to the *political consequences* of electoral laws; we canvass the advantages and disadvantages of various methods that might be employed in the Afghan context, notably direct versus indirect means of election and single-member versus multiple-member systems. The fifth issue relates to *rights of participation* as candidates and as electors. Even in established liberal democracies, such rights are typically not enjoyed by all members of a population; we examine limitations that might be imposed in the Afghan context. The sixth issue relates to the *logistics* of voter education, voter registration, and the scrutiny of votes. The seventh relates to the need for *mechanisms to protect* an assembly from vote buying and other attempts to corrupt its deliberations.

The fourth part of the study turns briefly to questions relating to the future constitutional structure of Afghanistan. We highlight the value of a norm of constitution making—such as was accepted by the parties to the Namibian election—that encourages consensus between different groups as to the terms of a constitutional document. From this point, we note various means of institutional fragmentation of powers that might resonate with the social separation of powers that undoubtedly exists in Afghanistan.

We conclude the study with some reflections on the role the UN

should play in the broader rebuilding of Afghanistan.

One might quite reasonably react with incredulity to the suggestion that free and fair elections could even be attempted in Afghanistan. Hope, as the ancients warned, is an expensive commodity. Yet, without hope there is room only for despair, and the Afghans have grounds enough for that already. Though elections may offer only a slim chance of restoring a stable political order in Afghanistan, it would be a tragedy if that chance were simply to slip away.

SOCIETY, STATE, AND WAR

Every war, according to conventional wisdom, must end. To the outside observer, there can be few things as hideous as a complete breakdown in political order where innocent civilians appear to be no more than hostages to the whims of rival groups. Yet the problems of rebuilding political order from the ruins left behind by a major war can be profound (Iklé, 1991). This is particularly the case in a country such as Afghanistan, where elites are not well positioned to deliver the support of subordinates for new institutional arrangements, and honor and reputation play a major role in constituting the social identity of the individual. Attempts to craft a solution to the Afghanistan problem are inhibited by a heavy burden of history and culture, and it is necessary to pay due respect to the weight of this burden when assessing the prospects for the regeneration of a stable Afghan political order.

PREWAR AFGHAN POLITICAL STRUCTURES

Afghan *society* has always been remarkably complicated, with a high level of religious, cultural, ethnic, and linguistic diversity. While Islam has for many centuries supplied "the central nerve of Afghan culture" (Barry, 1984: 57), it has not generated cultural homogeneity. A distinct chasm separates the majority Sunni Muslims from the minority Shia; and even among the Sunnis there are appreciable variations in ritual and philosophy (Saikal and Maley, 1991: 62–65), although the political significance of these differences is debatable (Shahrani, 1991: 181–184). The population is divided on ethnic lines, between Durrani and Ghilzai Pushtuns, Tajiks, Uzbeks, Hazaras, and a considerable array of smaller groups (Dupree, 1980: 57–65). A number of ethnic groups, most notably the Pushtuns and the Hazaras, are further divided on tribal lines (Canfield,

1986, 1988, 1989; Poladi, 1989). Although the plasticity of ethnic identity (Tapper, 1988; 1989) means that ethnic boundaries are not always sharp, in Afghanistan they tend to be clearly defined, especially when they are reinforced by linguistic differences. Furthermore, following the modernizing rule of King Amanullah from 1919 to 1929 (Poullada, 1973), an increasingly wide social gulf emerged between Western-oriented urban dwellers and more traditionally oriented inhabitants of rural Afghanistan, who made up nearly 90% of the population and engaged in agricultural activities (Centlivres and Centlivres-Demont, 1988a: 11).

The Afghan *state* emerged in the eighteenth century from a tribal confederation and bore the marks of its lineage well into the present century (Gregorian, 1969; Ghani, 1978, 1987; Kakar, 1979; Roy, 1985; Shahrani, 1986; Rubin, 1988; Farhang, 1988–1990). While the state attained a ubiquitous presence in Afghanistan, it did not build a comparable level of authority; its relationship with the masses remained mechanical rather than organic (Shahrani, 1990a: 48). As one observer commented, to the majority Pushtuns, "it is 'state' and not 'tribe' which occupies the periphery of things, and it is to the state that all the characteristics of the peripheral attach, most especially dissipation" (Anderson, 1983: 121). As a result, except in periods when a ruler combined personal drive with access to effective external patronage, most famously Amir Abd al-Rahman Khan (1880–1901), the Afghan state remained weak in terms of its capacities "to *penetrate* society, *regulate* social relationships, *extract* resources, and *appropriate* resources in determined ways" (Migdal, 1988: 4). This was especially the case during the last years of Zahir Shah (Kakar, 1978).

The most important foci of individual loyalty were lineage, affinity, or clientelist networks, followed by what one can generically label *microsocieties* (Saikal and Maley, 1991: 10). It was at the level of these microsocieties that political integration of a high level was manifested. A common set of rules of behavior was supplied by the Islamic faith, but these took on distinctive forms in the light of other competing traditions and norms arising from ethnic and tribal bases of identity (Roy, 1986). While patterns of authority varied between groups, the phenomenon of reciprocity—articulated in terms of the requirements of honor—was usually central to the integration of these microsocieties. This was noticeably the case where "leadership" was concerned. Frequently those who ostensibly occupied leadership roles were as subject as were their ostensible "followers" to norms of reciprocity, which injected a degree of pluralism into microsocietal politics. The degree of introversion of these social units is a matter of some controversy (Dupree, 1974; Barth, 1987), but while commercialization was undoubtedly affecting Afghan microsocieties in significant ways by 1978 (Anderson, 1978), the tradi-

tional structure of power at the micro-level was still largely intact. In summary, Afghanistan at the time of the 1978 communist coup was no "mass society" (Kornhauser, 1960) and had no "mass" politics. Rather, the link between micropolitics and the politics of the state largely took the form of negotiations and bargaining between a *khan*, *malik*, or co-opted *arbab* on the one hand, and local government officials on the other (Barfield, 1984). The characteristic intermediate institutions of interest articulation in liberal democracies—political parties and interest groups (Almond and Powell, 1966)—had no real analogues in rural Afghanistan, where the bulk of the population was located. A sense of identity with the nation-state was not strongly developed except at the level of the small Westernized elite that took shape during and after Amanullah's reign (Rubin, 1991a, 1992a). It was acute division within this elite—division that flourished during the "New Democracy" period from 1964 to 1973—that helped precipitate the violent coup of 1978. The rule of the Muhammadzais was not in 1978 faced with any threat of popular revolution. It was, however, acutely vulnerable to the threat of a coup in Kabul.

THE IMPACT OF WAR
ON POLITICAL STRUCTURES

Afghanistan's microsocieties were internally robust, but the equilibrium of the entire system was extremely delicate, largely because of the structural vulnerability of the state. This equilibrium was fatally shattered by the communist coup of April 1978. The new People's Democratic Party (PDPA) regime was extremely ill equipped to impose a new pattern of social organization upon Afghanistan's microsocieties (Bradsher, 1987). It suffered from a shortage of skilled cadres, and its crude ideology supplied few insights into the character of Afghanistan's complex socio-political order. The overthrow of the Muhammadzai dynasty meant that the regime was not in a position to exploit the traditional legitimacy that had helped sustain its predecessors, and that in the context of its grossly overambitious program of social transformation—involving assaults on land tenure and the traditional roles of women (Dupree, 1984; Bradsher, 1985)—it was obliged increasingly to resort to coercion to maintain its position. This, however, was a counterproductive strategy, as the microsocieties it targeted proved resilient in the face of attack (Maley, 1991c).

Social instability was mirrored by regime instability. In September 1979, the USSR conspired with President Nur Muhammad Taraki to remove hard-line Prime Minister Hafizullah Amin, but the exercise

miscarried catastrophically, with Amin instead liquidating Taraki and taking over the office of president. The Soviet leadership under General Secretary Brezhnev, with which the regime had signed an ominous Friendship and Cooperation Treaty in December 1978, viewed these developments with extreme alarm. Finally, in December 1979, the Soviets dispatched an invasion force that disposed of Amin and replaced him with Babrak Karmal, a longtime ally who had sought refuge in Moscow after being expelled from the PDPA in a 1978 intraparty dispute between its Khalq and Parcham factions (Arnold, 1983; Bradsher, 1985).

The introduction of Soviet troops set the scene for what we have elsewhere described as "Socialism in One Graveyard" (Saikal and Maley, 1989). Attacks on civilians and other atrocities committed by Soviet forces in cooperation with the Kabul regime—and especially its secret police, KhAD, headed from 1980–1985 by Dr. Najibullah—cost the lives of untold numbers of Afghans (Laber and Rubin, 1988). Resistance attacks on *military* targets usually were met with ferocious reprisals against *civilians*. According to Dr. Andrei Sakharov, 600,000 died in the course of "the war of the villages" (Sakharov, 1988: 136). Former Soviet Foreign Minister Eduard Shevardnadze has gone even further: "The figures of our casualties in Afghanistan are widely known. People often refer to them, but are silent for some reason about another horrifying figure: one and a half million Afghans killed" (Shevardnadze, 1991: 68).

The sheer physical insecurity resulting from the Soviet invasion confronted many Afghans with the classic choices of exit, voice, or loyalty (Hirschman, 1970), and a large number opted for exit—a culturally acceptable step for a Muslim to take (Edwards, 1986a). While a degree of caution is appropriate when discussing Afghan demographic statistics (Dupree, 1987, 1988b), it appears that out of a preinvasion population of approximately 13.05 million (Khalidi, 1989), Afghan refugee populations in the neighboring states of Pakistan and Iran may have reached a total of 5.506 million by 1988 (Sliwinski, 1989b: 67). The exodus was not, of course, uniform. Simplifying considerably, departure in the aftermath of the communist coup from frontier regions near the Afghanistan-Pakistan border was followed by departures from Kabul and its surrounds and then from the north of Afghanistan (Sliwinski, 1989b: 78–85).

Other Afghans threw in their lot with the new regime. While according to Babrak Karmal, Soviet advisers played the dominant role in determining all government decisions (Snegirev, 1991), there was still a demand for functionaries to perform routine duties. Although some Parchamis who had been rescued by the Soviet invasion felt a normative attachment to the regime, many more Afghans who were insulated from the terror in the countryside opted to serve it for prudential reasons. Nonetheless, following the Soviet invasion, the relationship between the

Kabul regime and the bulk of the population rapidly ceased to be even mechanical. In 1991, despite the replacement of Karmal with Dr. Najibullah in May 1986, and the withdrawal of Soviet combat forces by February 1989, 85% of the countryside lay outside the regime's control (Vasil'ev, 1991: 4).

This statistic reflected the emergence of intense popular resistance both to the communist coup leaders, about whose policies the Afghan people were never democratically consulted, and to the Soviet forces that had entered the country at the initiative of the Soviet leadership and with whom the Parchamis then collaborated. The resistance was as complex as the social structures from which it sprang. This frequently led diplomats to bemoan its lack of "unity." Yet, while one can understand the sense of exasperation that occasionally overwhelmed foreigners called upon to deal with the resistance—especially those used to straightforward negotiations with the leaderships of one-party states—this pluralism was only to be expected, given the diversity of Afghan microsocieties. The resistance had a number of different elements.

First, within the Afghan countryside, very complex patterns of leadership emerged. It is dangerous to generalize, but a number of points stand out. While "leadership" is an elusive notion—since it is by no means always clear what distinguishes a leader from a notable (Blondel, 1987: 15)—it is plain that the onset of war gave rise to new leadership roles, which were frequently occupied by figures from outside traditional authority structures (Misdaq, 1990: 111–112). Before 1978, there had broadly been three major categories of leader in rural Afghanistan who held sway in various (and sometimes quite clearly differentiated) social spheres: tribal or village elders forming collective leaderships; religious scholars; and charismatic spiritual figures (see Edwards, 1986b; Aziz, 1987). The outbreak of widespread violence, however, brought other figures to prominence, most importantly Mujahideen commanders. While some of these came from existing tribal or ethnic leaderships (Amin, 1990: 42), others were younger people who had acquired some military skills as conscripts in the precommunist period (Dupree, 1989: 32). These commanders typically had power bases in particular localities.

However, a coordinated regional strategy emerged in the north of Afghanistan when Ahmad Shah Massoud established the Shura-i Nazar (Council of the North), and a number of commanders' meetings were subsequently held to encourage the emergence of unified political and military strategies. These commanders were on occasion labeled *warlords*, but the analogy was a poor one. Warlords, in either the classic Central Asian sense (Hartog, 1989: 45–51; Manz, 1989: 90–106) or as found in republican China (Pye, 1971: 169), had a relationship with civil society that was in essence *predatory*, and dependent upon the capacity to coerce.

This was a reasonable characterization of some of the rural militia the Kabul regime promoted (Dorronsoro and Lobato, 1989), but not of the Mujahideen. The success of a Mujahideen commander depended to a considerable extent upon his ability to build an *organic* relationship with civil society. This was particularly the case with respect to the commanders in the north, who lacked easy access to external support and received little of it.

Second, a number of emigré organizations, all emphasizing a commitment to Islamic faith, came to prominence, some of them with long pedigrees but others in response to the specific circumstances of the communist coup. They played an important role in channeling outside support to commanders within Afghanistan, although many commanders chose to affiliate with particular parties for normative reasons as well. To trace the evolution of these parties is an exacting task, which fortunately has been undertaken by a number of scholars already (see Roy, 1985; Naby, 1985, 1986a, 1986b, 1988; Fuller, 1991).

Seven major parties with leaders from Islam's orthodox Sunni school established headquarters in or near the Pakistani city of Peshawar. The Hezb-i Islami Afghanistan (Islamic Party of Afghanistan), led by Gulbuddin Hekmatyar, was the closest to a hierarchically structured party of the Leninist variety. Despite allegations of a poor human rights record (Helsinki Watch/Asia Watch, 1988: 35–42), Hekmatyar long enjoyed the moral, financial, and military support of senior Pakistani army and political figures, compensating for his lack of substantial normative support within Afghanistan, where few Mujahideen commanders of any note rallied to his banner. Hekmatyar's Hezb was regarded as opportunistic by most other Mujahideen parties. This was especially the case in March 1990, when, to the amazement of many Afghans, Hekmaytar allied himself with the defense minister of the Kabul regime, General Shahnawaz Tanai, who had mounted an unsuccessful coup attempt against Najibullah. Somewhat confusingly, there was a second Peshawar-based party that went under the name of Hezb-i Islami. This party, led by Mawlawi Mohammad Younos Khalis, a traditional theologian, was much less tightly organized than Hekmatyar's Hezb, but had significant Mujahideen commanders on its books: Abdul Haq in the Kabul area and Mawlawi Jalaluddin Haqqani in Paktia Province. It was not as close in outlook to Hekmatyar's Hezb as was the Ittehad-i Islami, led by Professor Abd al-Rab al-Rasul Sayyaf. Except in the Paghman area of Kabul Province, Sayyaf's party enjoyed little support in Afghanistan, and what support it did enjoy was largely purchased with funds donated by Saudi Arabian adherents of the puritanical Wahhabi school of Islamic theology, which has no indigenous following in Afghanistan. These three parties drew their support largely from ethnic Pushtuns.

The Jamiat-i Islami, led by Professor Burhanuddin Rabbani, drew a large part of its support from residents of northern and western Afghanistan, particularly Tajiks and other Persian-speaking ethnic groups, although it was avowedly supraethnic and enjoyed the support of some Pushtun Mujahideen. Its strength derived not from outside patronage, but from the affiliation of some of the best-organized commanders, notably Massoud and, in the vicinity of Herat, Ismail Khan. While the Jamiat, like the first three parties we have mentioned, was frequently labeled *fundamentalist*, this is at any time a misleadingly simplistic label (Saikal and Maley, 1991: 62–65). It is particularly so in the case of the Jamiat, whose leading members, although religiously devout, were far from extremist in either ideology or strategy. Rabbani himself had long sought to maintain a dialogue between different elements of the resistance, and there is no doubt that his adroitness in doing so helped fuse disparate strands of opinion to maintain a cohesive organization.

Three other parties, all strongly Pushtun in membership, were anything but radical. The Harakat-i Inqilab-i Islami, led by Mawlawi Mohammad Nabi Mohammadi, was a large but loosely organized party with particular support from village prayer leaders. The Jabha-i Milli-i Nijat was a small traditionalist party led by Professor Sibghatullah Mojadiddi, former head of the Islamic Centre of Copenhagen and member of one of Afghanistan's most famous religious families. It drew much of its support from the Naqshbandiyya Sufi brotherhood. Finally, the Mahaz-i Milli was a small party led by Pir Sayid Ahmad Gailani that drew support largely from adherents of the Qadiriyya Sufi brotherhood and from former members of Kabul's wealthy elite, of whom Pir Gailani was long a prominent member.

Besides these parties and various Sunni splinter groups—such as those led by Mawlawi Nasrullah Mansur and Qazi Amin Waqad—the resistance included some significant parties of heterodox Shiite confession, with the Hazarajat in central Afghanistan being the geographical center of their activities. While a number of parties, patently at the instigation of the Iranian government, combined in 1991 to form a single party, the Hezb-i Wahdat, there remained other Shia leaders who sought to resist Iran's attempt at domination, notably Sheikh Asif Mohsini, leader of the Harakat-i Islami, who was particularly affronted by Iran's expropriation of his organization's assets. Hekmatyar, Sayyaf, and Khalis at times expressed fierce hostility to Shiite beliefs and practices; by contrast, Rabbani and Mojadiddi sought to accommodate the distinctive concerns of the Shia. Shiite political dissent has a long history in Afghanistan (Edwards, 1986c) and was fueled by the tumultuous events after 1978; it is inconceivable that Afghanistan's Shia will accept a

subordinate position in a future political order. This has implications for long-term political structures to which we will shortly turn.

AFGHAN POLITICS AFTER THE GENEVA ACCORDS

The war in Afghanistan was a tragedy for the Afghan people, but it increasingly became a nightmare for the USSR as well (Bocharov, 1990; Borovik, 1990; Alexievich, 1992). In 1985, the advent of a new Soviet leadership under General Secretary Gorbachev coincided with a renewed push for a military victory, which caused a sharp increase in Afghan casualties (Sliwinski, 1989a: 40; Cordesman and Wagner, 1990: 53–69). This, however, failed—and in the face of mounting losses, the leadership opted to Afghanize the war. Unfortunately, although the April 1988 Geneva Accords, laboriously negotiated by the UN Secretary-General's Personal Representative, Diego Cordovez, provided a cover for the withdrawal of Soviet combat forces from an inglorious theater of operations (McMichael, 1991), they did nothing to assist transition to a broadly acceptable regime in Kabul or to constrain the USSR from continuing massive supplies of civil and military assistance to Najibullah's regime. For this reason, they were denounced by the Afghan resistance, which had been rigorously excluded from the entire sequence of negotiations that led to their adoption.

As the date for the completion of the Soviet troop withdrawal approached, the response of the Pakistani authorities was to pressure the seven major Sunni parties to form an interim government. This they did at a *shura* (council) held near Rawalpindi in February 1989 (Rubin, 1991b). With one exception (which we discuss in the next section) the results were negligible. The *shura*, far from representative, spawned an interim government that was anything but broadly based. Despite a plausible argument that the resistance was engaged in a war of national liberation (Tabibi, 1986; Reisman, 1987) and that the Afghan Interim Government was capable of acquiring international legal personality (Rafiqul Islam, 1990), it failed to do so, largely because those states, such as Pakistan and the United States, that had pressed for its establishment declined to recognize it as a government. And its lack of a broad base prompted even sympathizers to voice the view that it was neither Afghan nor a government (Ghani, 1990: 126).

The political problems of the resistance were mirrored by military setbacks as well. The most serious was the disastrous Pakistan-inspired attempt to take the city of Jalalabad in 1989, but concerted action against the regime in the north was also thwarted by internecine conflict. In July 1989, a large number of Jamiat commanders were massacred by a commander attached to Hekmatyar's Hezb (Asia Watch, 1991: 54–55),

confirming the suspicions of those who saw Hekmatyar as more of a threat to his resistance colleagues than to the Kabul regime. These military setbacks were not, however, the exclusive fault of the Mujahideen. On the one hand, a massive Soviet airlift of military hardware to support the Kabul regime was mounted during and after the retreat of Soviet combat forces (Burns, 1989; Isby, 1991). In particular, Soviet-supplied and -controlled Scud B missiles, which could not be intercepted by the resistance's US-supplied Stinger antiaircraft missiles, were used against resistance targets in vast numbers. The number of Scud launches in Afghanistan after the Geneva Accords were signed exceeded the total of "all ballistic missiles fired in anger since the end of the Second World War" (Bermudez, 1992: 51). On the other hand, in the critical months after the withdrawal, US military support for the Mujahideen dried up altogether (Roy, 1991: 37). These developments substantially vindicated the warnings of those who had pointed to the Geneva Accords' weaknesses (Klass, 1988; Maley, 1989a).

The main effects of these setbacks were not military, however, but psychological. In the period following the withdrawal of Soviet troops, the Kabul regime did little more than survive, despite efforts to improve its image by the appointment of a "non–party member," Fazel Haq Khaleqyar, as prime minister in May 1990, and by the change of name of the ruling party to Hezb-i Watan (Homeland Party) in July of the same year. Militarily, it proved unable to use the huge arsenal it obtained from the Soviet Union to expand its territorial writ or operational capacity, although it managed to purchase the temporary loyalty of various militias with Soviet-supplied resources. Psychologically, however, the regime's mere survival provided a boost to its morale, despite its almost total dependence on external support. This was especially the case given that it was threatened not merely by the resistance, but also by internal divisions of the kind that surfaced with Tanai's March 1990 coup attempt.

In turn, the regime's survival raised troubling questions for the resistance's supporters. Its fall had been widely predicted, even by Najibullah's brother, a supporter of the resistance who denounced him in vitriolic terms (Fineman, 1988). For the United States—always more concerned by the Soviet presence in Afghanistan than by the existence of a communist regime in Kabul—the struggle of the resistance appeared increasingly difficult to fathom. More than anything else, it was this psychological climate that led to the view that only a negotiated settlement could terminate the Afghan conflict. Yet, while international support for the struggle of the Mujahideen fell away, so too did the life-support system that the Soviet Union had supplied to the Kabul regime; and the UN's slowness in adjusting to this new reality proved fatal to its hopes of managing regime change in Afghanistan.
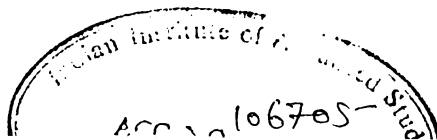
THE FALL OF THE COMMUNIST REGIME

The collapse of Najibullah's regime in April 1992 came as a major shock to a number of prominent observers. As late as April 10, 1992, the commentator Selig Harrison advanced the claim that "President Najibullah could block a settlement if not given a place at the bargaining table" (Harrison, 1992). The Office of the Secretary-General in Afghanistan and Pakistan (OSGAP) was taken equally by surprise (Coll, 1992b). More attention to the structural foundations of political power in Afghanistan might have provided some protection against such misjudgments. It is instructive to explore the rise and fall of the Secretary-General's five-point plan in detail, since in retrospect it is clear that the plan was sabotaged by this oversight.

The completion of the withdrawal of Soviet uniformed forces from Afghanistan did not remove the Afghanistan issue from the international agenda. In November 1989, the UN General Assembly carried a resolution that among other things requested the Secretary-General "to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Accords and of the present resolution." On March 15, 1990, Secretary-General Javier Pérez de Cuéllar established OSGAP and appointed Benon Sevan as its head. Subsequently, from January 1, 1991, he also appointed Mr. Sevan to head the United Nations Office for the Coordination of Humanitarian and Economic Assistance Programmes Relating to Afghanistan (UNOCA).

His most important initiative, however, came on May 21, 1991, when he issued a detailed statement that addressed the ongoing Afghan conflict. The key part of the statement read as follows:

> I believe that the following elements would serve as a good basis for a
> political settlement in Afghanistan, acceptable to the vast majority of

the Afghan people:
1. The necessity of preserving the sovereignty, territorial integrity, political independence and non-aligned and Islamic character of Afghanistan.
2. The recognition of the right of the Afghan people to determine their own form of Government and to choose their economic, political and social system, free from outside intervention, subversion, coercion or constraint of any kind whatsoever.
3. The need for a transition period, details of which have to be worked out and agreed upon through an intra-Afghan dialogue, leading to the establishment of a broad-based Government.
    a. The need, during that period, for transitional arrangements acceptable to the vast majority of the Afghan people, including the establishment of a credible and impartial transition mechanism with appropriate powers and authority (yet to be specified) that would enjoy the confidence of the Afghan people and provide them with the necessary assurances to participate in free and fair elections, taking into account Afghan traditions, for the establishment of a broad-based Government.
    b. The need for cessation of hostilities during the transition period.
    c. The advisability of assistance, as appropriate, of the United Nations and of any other international organization during the transition process and in the electoral process.
4. The necessity of assistance, as appropriate, of the United Nations and of any other international organization during the transition period and in the electoral process.
5. The recognition of the need for adequate financial and material resources to alleviate the hardship of the Afghan refugees and the creation of the necessary conditions for their voluntary repatriation, as well as for the economic and social reconstruction of Afghanistan.

RESPONSES TO THE
SECRETARY-GENERAL'S PLAN

The Kabul regime accepted the Secretary-General's plan very promptly. In a statement broadcast on Radio Afghanistan on May 22, the regime welcomed the plan and declared its full support for it (BBC *Summary of World Broadcasts,* FE/1080/C2/1, May 24, 1991). Najibullah expanded on Kabul's interpretation of the plan in a speech on September 25, 1991 (BBC *Summary of World Broadcasts,* FE/1189/B/2, September 28, 1991), proposing that a

national unity government, which will be based on the government of Khaleqiar, the Prime Minister of the Republic of Afghanistan, the transitional government based in Peshawar, with the participation of the nine-party alliance in Iran, the council of internal commanders, Afghan personalities living in Europe and the USA, associates of Mohammad Zaher, former king of Afghanistan, shall be formed. Such a government, which will be transitional in character, shall have as its priority tasks: A

review of the constitution, the drafting of an election law, the issue of the return of the refugees and their resettlement with the cooperation of the UN. It will supervise the issue of a ceasefire and its observation and supervise with the cooperation of the UN the cessation of entry of weapons into Afghanistan.

The Mujahideen reacted in a much more ambivalent fashion. There were a number of reasons for this, some of which reflected a general wariness about the role of the United Nations in the Afghan conflict, and others of which arose from more specific concerns about the detail of the proposal. The exclusion of the resistance from the Geneva process had created a climate of deep suspicion toward the UN as a whole on the part of both Mujahideen parties and Mujahideen commanders. From their point of view, the UN system had been compromised from the moment the credentials of the Kabul regime's delegates were accepted following the Soviet invasion of Afghanistan. Furthermore, a number of statements by figures associated with the UN had caused particular offense to the Mujahideen—notably remarks made on May 16, 1990, by the then head of UNOCA, Sadruddin Aga Khan, in a speech at the Center for Strategic and International Studies in Washington (Rahman, 1990) and the claim by Mr. Cordovez that Afghans should welcome the award of the Nobel Peace Prize to Gorbachev (see Cordovez, 1990; Es'haq, 1990).

The detail of the proposal also came under critical scrutiny from various Mujahideen groups. A commentary issued by the Information Department of the Afghan Interim Government, noting that the Secretary-General's plan called for "transitional arrangements acceptable to the vast majority of the Afghan people," raised an obvious logical objection: "Before elections, who will determine that the arrangement is acceptable to majority of Afghans?" (*MIDIA Monthly News Bulletin*, no. 19, June 1, 1991, p. 2). It also noted the need to clarify the meaning of terms such as *Afghan traditions*. The cautious tone of the commentary reflected the position of the Jamiat-i Islami, which controlled the Information Department. Yet, it by no means amounted to a wholesale rejection of the plan. Similar caution marked the considered response of the Iranian-based Hezb-i Wahdat, which "called for the speedy amendment of the weak and ambiguous points of the UN Secretary-General's five-point statement" (BBC *Summary of World Broadcasts*, FE/1323/B/1, March 7, 1992). The reaction of Gailani, Mojadiddi, and Mohammadi was positive. In February 1992, they declared "that the UN talks—and not continued military pressure—offered the best way to resolve the conflict" (Coll, 1992a).

Nor did the more important Mujahideen commanders on the ground reject the proposal outright. Ahmad Shah Massoud, in an interview with a French journalist, remarked that "UN efforts to bring peace to Afghan-

istan are appreciable, but as long as Najib is in power or has a share of power, in one form or another, UN efforts will not succeed" (*AFGHANews*, vol. 7, no. 14, July 15, 1991, p. 8). This echoed comments he had made a year earlier: "I do not disagree with the elections to be held under auspices of the United Nations, or the Organization of the Islamic Conference. We consider elections to be a sound method of settling the Afghan issue. But elections will be possible only when the People's Democratic Party steps down and an Interim Government trusted by the Afghan people takes its place" (*AFGHANews*, vol. 6, no. 12, June 15, 1990, p. 7). More obliquely, a gathering of over 500 commanders in Paktia Province in February 1992 released a statement commenting that if the UN plan, after clarification, was "not against the expectations of our jihad (holy war) and national interest and results in the establishment of Islamic government, it will not be opposed" (BBC *Summary of World Broadcasts*, FE/1298/B/1, February 7, 1992).

Other Mujahideen reactions, however, were much starker. Hekmatyar denounced the proposal in acrid terms, describing it as "complicated, ambiguous and impractical." He demanded instead "that Najibullah step down, power be delegated to a regime acceptable to the mojahedin, Zaher Shah remain in exile and elections be held within a year after the formation of the transitional government" (BBC *Summary of World Broadcasts*, FE/1319/B/1, March 3, 1992). His objections were echoed by Sayyaf.

THE EVOLVING STANCES OF
REGIONAL AND INTERNATIONAL ACTORS

Had it not been for regional and global changes, the UN initiative might well have stalled completely. However, international circumstances in some respects proved propitious. As early as February 1990, US Secretary of State James Baker had announced that "it would not be a precondition that Mr. Najibullah step down in advance of beginning discussions on a political settlement or transitional government, provided that everyone was assured that he would leave at the conclusion of any such negotiations or discussions" (United States Information Service, 1990). The crucial changes, however, occurred in the positions of the Soviet Union and Pakistan.

The key trigger for change in Soviet policy toward Afghanistan was the unsuccessful coup attempt in the USSR on August 19–21, 1991 (Maley, 1991b). The failure of the coup resulted in the temporary or permanent disgrace of a number of senior figures suspected of favoring continued Soviet support for the Kabul regime, notably the commander in chief of Soviet ground forces, General Valentin Varennikov, and

General Boris Gromov, the Soviet commander in Afghanistan at the time of the withdrawal. On September 13, 1991, Soviet Foreign Minister Boris Pankin and US Secretary of State Baker announced that with effect from January 1, 1992, their two countries would cease to deliver "lethal materials and supplies" to the warring parties in Afghanistan. Even more remarkably, a delegation from the major parties of the Afghan resistance paid a visit to Moscow in November 1991 and signed a communiqué in which they and the Soviet authorities agreed in principle on the need "to pass all power in Afghanistan to an Islamic interim government" and after a two-year interval to conduct elections "with the assistance of the UN and the Organization of the Islamic Conference" (*TASS*, November 15, 1991).

The disintegration of the Soviet Union in December 1991 helped to prompt a major shift in Pakistan's position. While the Pakistan Foreign Ministry had welcomed the Secretary-General's proposal when it was first put forward (BBC *Summary of World Broadcasts* FE/1080/C2/2, May 24, 1991), the Pakistan Inter-Services Intelligence Directorate (ISI) had continued to provide military assistance to Mujahideen groups—particularly the Hezb-i Islami of Hekmatyar, which it had consistently favored (Weinbaum, 1991: 76–79). However, in January 1992 this "two-track" policy was abandoned. On January 4, Pakistan's army chief of staff, General Asif Nawaz Janjua, met in Rome with Zahir Shah's son-in-law, Sardar Abdul Wali; and on January 27, clearly swayed by the hope of exploiting economic opportunities in the new states of Central Asia, the foreign minister of Pakistan announced that his government had decided "to support the UN Secretary-General's efforts to convene an assembly of Afghan leaders to decide on an interim government acceptable to the Afghans and to facilitate the convening of such an assembly" (BBC *Summary of World Broadcasts* FE/1290/A3/1, January 29, 1992). That this marked a change of policy was confirmed when the ISI head, Major General Asad Durrani, was replaced on March 1 (*The Economist*, March 7, 1992, p. 28). And in a desperate move prompted by Pakistani pressure and a desire to block any significant role for Zahir Shah, Hekmatyar in early April 1992 modified his position, swinging behind the United Nations plan and warning that any delay in accepting it would have serious consequences.

WHY THE PLAN FAILED

The ultimate irony of these international developments was that while they helped to keep the Secretary-General's plan alive, they also contained the seeds of its destruction. The discontinuation of Soviet aid to Kabul shifted the correlation of forces decisively in the Mujahideen's

favor. The regime lost access to the resources it needed to buy the loyalty of a range of militias; and the main resistance commanders, freed of the threat of attack from Scud missiles and manned bombers, were left with no compelling reason to compromise with the regime.

Yet, as long as Najibullah remained in office, this was precisely what in their eyes the UN plan required of them. Selig Harrison, long close to UN circles, argued in April 1992 that the Bush administration "should make it clear that it backs the UN decision to give significant represen- tation in the negotiations to President Najibullah's Homeland Party. General Najibullah is ready to step down when and if a government is formed, but only if his party, a successor to the Communist Party, is part of the peace process and the elections that follow" (Harrison, 1992). Such expectations were entirely unrealistic. There is no doubt that covert discussions between various Mujahideen groups and elements of the Kabul regime had taken place. In October 1990, a meeting reportedly was held in Geneva between Pir Gailani and Najibullah (Hussein, 1991: 143), and in April 1991, there was a further meeting in Geneva that brought together Hekmatyar's son-in-law and the Kabul regime's minis- ter for state security, Ghulam Farouq Yaqubi (*Intelligence Newsletter*, no. 172, June 19, 1991, p. 8). This followed an earlier meeting between PDPA and Hezb-i Islami representatives in Baghdad in 1988 (*AFGHANews*, vol. 6, no. 9, May 1, 1990, p. 5), organized by PLO leader Yasir Arafat, who subsequently described Hekmatyar as the closest to him of all the Mujahideen leaders (Hussein, 1991: 143). However, as a Pushtun once observed in a somewhat different context, a shame which nobody talks about is no shame (see Tapper, 1991: 214). Common to all the Mujahideen parties was a resolute denial of any role for Najibullah in either an intra-Afghan dialogue or transitional mechanism. Najibullah himself had admitted major past failings by the party, including the "policy of oppression, pressure, torture and harassment" (BBC *Summary of World Broadcasts* FE/0808/C1/2, July 5, 1990)—but since he had been a prominent member of the regime for all but eighteen months of its life and had headed the secret police for nearly six years, he was in no position convincingly to distance himself from this dismal record. As Harrison had earlier remarked, Najibullah's KhAD background "inher- ently disqualified him as the architect of national reconciliation" (Tsagolov and Harrison, 1991: 53). The cessation of Soviet assistance made Najibullah's personal position increasingly untenable, and on March 18, 1992, he announced—reportedly following an ultimatum from Mr. Sevan—that he had agreed to resign from the moment a transitional mechanism took over power (Gargan, 1992). Had this occurred six months earlier, it might have led to a quick settlement. But coming in March 1992, it was far too late to save the UN plan.

For by March, the regime was fast heading for collapse. Its long-stand-

ing problems of legitimacy (Maley, 1987) had come to a head. The slide had begun almost a year earlier, on March 31, 1991, when the city of Khost fell to the resistance. This was accentuated on June 21 when the important garrison of Khwaja Ghar was seized by Massoud's forces (*AFGHANews*, vol. 7, no. 16, August 15, 1991, pp. 1, 3). Most dramatically of all, on the day Najibullah announced his intention to resign, Mazar-i-Sharif fell to a coalition of Mujahideen loyal to Massoud, and Uzbek militias affronted by a clumsy attempt by Najibullah in January to replace the commander of the border town of Hairatan (Afghan Information Centre *Monthly Bulletin*, no. 130–131, January–February 1992, pp. 17–20). Once this occurred, the prospects that the Mujahideen would eschew the use of military force—which was advancing their objectives far more effectively than any UN diplomatic activities had ever done—disappeared almost completely. And Mr. Sevan had been too close to Najibullah for too long to enjoy the personal authority that would have been required to rescue the Secretary-General's plan from the avalanche that was engulfing it.

THE EMERGENCE OF POST-COMMUNIST RULE

In 1989, in response to an offer of sanctuary from the Soviet foreign minister, Najibullah's wife made the following spirited comment: "We would prefer to be killed on the doorsteps of this house than die in the eyes of our people by choosing the path of flight from their misfortune" (Shevardnadze, 1991: 69). Najibullah's attempt to flee the country, after transferring his wife and children to New Delhi, therefore led to consternation among his associates and to the suicide of State Security Minister Yaqubi (BBC *Summary of World Broadcasts* FE/1359/C1/2-3, April 20, 1992). With the fall of Kabul plainly only days away, the central aim of key figures in the regime was to ensure the surrender of the capital to moderate forces associated with Massoud before Hekmatyar inevitably made a bid for complete power.

A united resistance takeover of Kabul was never a serious prospect, and differences between Hekmatyar and the other leaders of emigré parties rapidly surfaced. We mentioned earlier that the February 1989 *shura* in Rawalpindi had one positive result. It was this: The Afghan Interim Government provided a rudimentary structure linking the less radical resistance groups, so that when the Kabul regime collapsed, a replacement for it was available at least in skeletal form. Hekmatyar was not a member of the Afghan Interim Government, having resigned in 1989 rather than risk expulsion in the wake of the July 1989 massacre of Jamiat commanders. This considerably eased the process of procuring agreement on the form of mechanism to replace the communists. On

April 24, most leaders of major Sunni parties agreed to form a Jihad Council under Professor Mojadiddi to replace the communist regime (BBC *Summary of World Broadcasts* FE/1365/C1/1, April 27, 1992). Hekmatyar, however, declined to participate.

Some commentators interpreted these differences in religious or ethnic terms, but the reality was simpler. As Hekmatyar's spokesman Nawab Salim candidly admitted, "Hekmatyar can't agree to anything that includes Ahmed Shah Masoud" (*International Herald Tribune*, April 22, 1992, p. 2). This uncompromising stand proved to be Hekmatyar's undoing. On April 25, Hezb-i Islami forces attempted to seize power in Kabul in order to preempt the assumption of office by the transitional council. In response, Mojadiddi issued a communiqué naming Massoud as defense minister of the "Islamic Interim Government of Afghanistan" and requesting that he "urgently begin to work." Massoud received an immediate pledge of loyalty from the former regime's commander of the Kabul City Garrison, General Mohammad Nabi Azimi (BBC *Summary of World Broadcasts* FE/1365/C1/2, April 27, 1992) and was thus able to concentrate on ejecting the Hezb-i Islami insurrectionists. Within three days, his forces succeeded in doing so, paving the way for Mojadiddi's triumphant arrival in Kabul on April 28.

STAGES OF TRANSITIONAL GOVERNMENT

The agreement between the major Sunni parties provided for two months' rule by a Transitional Council (Shura-i Intiqali) under Mojadiddi's chairmanship, to be succeeded by a Leadership Council (Shura-i Qiyadi) under Rabbani's chairmanship which would pave the way for the establishment, after a further four months, of a stable interim government charged with the task of holding elections. However, the specific steps to be undertaken to put electoral mechanisms in place remained to be clarified. The joint Soviet-Mujahideen communiqué issued in Moscow in November 1991 envisaged a two-year transition period. In the light of the difficulties of organizing voting in Afghanistan, which we detail in the next section, the period of two years is best regarded as the absolute minimum in which the preparations for free and fair elections could be accomplished. To address the question of how to ensure the stability of the interim government over a period of at least eighteen months, it is necessary to consider four distinct matters: its *functions*, its *resources*, its *legitimation*, and its *security*.

While the drafting of an election law appears to fall squarely within an interim government's responsibilities, it is far from obvious that more controversial steps such as the design of a constitution either do or should. The design of constitutional structures is a deeply political

exercise, and an interim government that attempted it could rapidly be undermined by conflicts within its own ranks, or between it and important social networks. This is not to suggest, of course, that one can sensibly expect an interim government to escape entanglement in political controversy. For example, to provide the Afghan people with the necessary assurances to participate in free and fair elections, the interim government will need to complete the liquidation of the principal surviving instrumentalities of state coercion from the communist period and, more importantly, address the lingering problem posed by surviving insurrectionists. Failing this, the political climate would almost certainly be inimical to the free exercise of choice by voters. Similarly, preparations for voting will necessarily run parallel with one of the largest refugee repatriations in modern history, and coordination between the interim government and international agencies concerned with refugee relief and postwar reconstruction will be vital to ensure that the achievement of one agency's goals does not hinder the realization of those of another (see Maley, 1989b).

This highlights the fact that the conduct of free and fair elections is a complex and substantial undertaking, and any transitional authority charged with it will need significant resources. There is no doubt that an immediate, substantial injection of emergency aid is required to provide some basis for political stability, especially in the recently freed urban centers. Some argue that to mount elections in Afghanistan, one must establish a powerful interim government by channeling aid through its instrumentalities *alone*—in the expectation that the aid could then be distributed to purchase the cooperation of local powerholders. While there is a certain logic to this argument, it depends on bold assumptions about the likely ability of an interim government's nascent institutions to dispose efficiently of such funds and about the willingness of international donors to supply aid in sufficient volume, and in unearmarked form, at a time when even UN projects are underfunded (Gearing, 1992: 18). More important, purchasing the short-term cooperation of local powerholders does little to promote the long-term objective of an organic relationship between state and society. On the contrary, it could well undermine the legitimation strategies of a future broad-based government by fostering the view that cooperation is a good to be sold in an exchange transaction rather than a mutually beneficial form of behavior (see Maley, 1987). In our view, while effective state institutions need to be developed, emergency aid should be distributed with the explicit approval of the interim government, but largely through organizations and channels that are already in place.

A more appropriate means by which to legitimate the interim government might be through the convocation by the transitional head of state of a Loya Jirgah (Great Assembly). The institution of the Loya

Jirgah, in which co-opted traditional leaderships deliberate on issues of great significance, has a venerable history in Afghanistan (Reshtia, 1988). It was somewhat corrupted during the years of communist rule by the staging in Kabul of blatantly unrepresentative assemblies (Faizzad, 1990), but this is not to say that it has altogether lost its potency. Furthermore, while it is a distinctively Pushtun phenomenon (Dupree, 1989: 46) it may be positively desirable, given the very substantial role of non-Pushtuns in the overthrow of the communist regime, that some symbolic concession be made to Pushtun sensitivities. And although the use of the Loya Jirgah might not be to the taste of the Shia and other minorities, it would certainly be preferable in their eyes to a substantial revival of Hekmatyar's fortunes.

Hekmatyar's ruthless ambition swiftly emerged as a central threat to the *security* of the interim government. While widely despised in Afghanistan, he continued to receive support from extremist circles in Pakistan and the Arab world. Seeking to depict the new government as ruling in the interests of "communists" and "minorities," he launched a ferocious barrage of rockets against Kabul in early August that killed over a thousand civilians, and prompted thousands more to flee the city. Rabbani, who had succeeded Mojadiddi as head of state under the terms of the Peshawar Agreement, reportedly described Hekmatyar as "a dangerous terrorist who should be expelled from Afghanistan" (BBC *Summary of World Broadcasts* FE/1461/B/1, August 17, 1992). This understandably became the immediate objective of the interim government, which launched counterattacks against Hekmatyar's positions. Shaken by the ferocity of Hekmatyar's assault, the United Nations Security Council passed a resolution requesting safe passage from Kabul for staff of foreign missions, and a number of UN offices were evacuated.

Ironically, when Najibullah failed in his attempt to flee Kabul, he sought and obtained asylum in a UN building in the capital. Given that he was widely viewed by Afghans as a fugitive from justice rather than from persecution, Mr. Sevan's subsequent efforts to secure him safe transit from Afghanistan created a lamentable impression of UN priorities in the midst of great events. On April 25, Secretary-General Dr. Boutros Ghali had moved to repair this damage by stating that the peaceful transfer of power in Afghanistan would not end the role of the UN, which would have to continue to play its part in the postwar reconstruction and development of Afghanistan (BBC *Summary of World Broadcasts* FE/1366/C1/5, April 28, 1992). Postwar reconstruction, however, depends crucially on the consolidation of a stable political order, and one mechanism by which this might be pursued, once the immediate problems arising from Hekmatyar's resort to terror are overcome, is popular voting. It is to the complexities of such voting that we must now turn.

4

FREE AND FAIR ELECTIONS

Afghanistan might at first glance appear singularly infertile ground for the conduct of elections. It has had limited experience of democratic elections and is awash with weapons. These are both significant problems, and it may be that they will prove fatal to the developing efforts to restore political order in Afghanistan (see Shugart, 1992). They certainly suggest that a precipitate rush to the polls could result in disaster. However, there are other factors that make elections more promising. As we noted earlier, relatively free parliamentary elections have been held before in Afghanistan, in 1965 and 1969; and even in 1977, somewhat less free elections were held "in the traditional manner" (Dupree, 1980: 763). "Afghans," Professor Barnett Rubin has written, "know the world is passing them by. Tired of being told by everyone but asked by no one who their leaders are, they long for elections" (Rubin, 1992b).

This alone would seem reason enough for a serious effort to mount free and fair elections in Afghanistan, but two further considerations make the argument for elections even more compelling. First, Afghanistan is for the moment wide open to attempts by its neighbors to influence its internal politics, and elections held with the assistance of neutral international bodies may offer a degree of protection against such self-serving manipulation. Second, elections hold out the hope of creating an order from which microsocietal leaderships are no longer alienated (see March and Olsen, 1989: 43). Yet, given that power in Afghanistan, in the words of a former Afghan diplomat, "has broken into very small pieces" (Rubin, 1989–1990: 166), it is vital that the electoral process be designed and conducted with great sensitivity, lest it fail to nurture an integrated political order.

THE NATURE OF UN INVOLVEMENT

A first question to be resolved relates to the appropriate form, if any, of UN involvement in the conduct of elections in Afghanistan. The UN has a long history of involvement in the observation or supervision of elections and plebiscites in trust and non–self-governing territories (Farley, 1986), and its more recent involvement in Nicaragua, Haiti, and Cambodia has extended this experience to cover member states as well. The expanding demand for UN assistance has significant resource implications, and for this reason, various UN bodies have been addressing in some detail the different ways that might be chosen to enhance the effectiveness of the principle of periodic and genuine elections.

In November 1991, the Secretary-General provided a report to the General Assembly that canvassed a range of these questions in detail. In trust and non–self-governing territories, he observed (Pérez de Cuéllar, 1991: 6), the United Nations

> has always insisted on either observing, or in the case of supervision, being closely associated with all phases of the organization and conduct of popular consultations, which involved: definition of a calendar for the various phases of the electoral process; setting up the system of voting; establishing the conditions for registration and registering voters; maintenance of law and order; implementation of a political education programme; monitoring of the political campaign; arrangements for polling day; provision of penalties for offences in connection with the vote; counting and tabulation of the vote; declaration of the results; and arrangements for appeals and review.

To this he added one further observation of great importance. "The maintenance of a peaceful environment, in which public order and the political freedoms of citizens are guaranteed during the whole electoral period, is an essential factor in the credibility of the elections. . . . United Nations assistance in this field can constitute, in certain cases, a fundamental element in achieving free, honest, and credible elections" (Pérez de Cuéllar, 1991: 21).

The bureaucratic agencies of the Afghan state are in no way equipped at present to undertake the kinds of tasks the Secretary-General has identified as central to genuine elections, and very active assistance from the UN and the Organization of the Islamic Conference would be one way to overcome this problem. The only precedent for this kind of UN involvement in a member state is the evolving role of the United Nations Transitional Authority in Cambodia (UNTAC), and even the Cambodian operation does not approach in scale what would be required in Afghanistan. In the Afghan context, following the conclusion

of a Status of Mission agreement between the interim government and the Secretary-General, an enabling resolution of the UN Security Council would be needed to outline the responsibilities of a UN Electoral Assistance Group in Afghanistan, and only then should the Secretary-General appoint a Chief Electoral Adviser to head it.

Given the suspicion of the UN that has developed among potential participants in the electoral process, it would be preferable if the Chief Electoral Adviser were a present or former senior UN officer with no previous involvement in the Afghan issue and no connections with any of the member states with historical or present interests in the election's outcome. The drafting of an election law would be an appropriate responsibility for the Chief Electoral Adviser and his staff—acting, of course, in consultation with the interim government and, if possible, in cooperation with the occupant of the position of UN Coordinator for Electoral Matters, whose appointment was recommended by Pérez de Cuéllar in his report and endorsed by the General Assembly in Resolution 46/137 in December 1991.

It also follows from the Secretary-General's observations that the conduct of a UN-assisted election in Afghanistan could require the deployment of a substantial number of peacekeepers. The Afghan people are now more heavily armed than at any time in their modern history. This certainly creates the potential for catastrophic disruptions to the electoral process, but these should not be regarded as inevitable. The example of Zimbabwe, where independence elections were held from February 28 to March 1, 1980, is in some ways quite encouraging. There, the presence of Commonwealth and independent observers contributed appreciably to the undisturbed conduct of polling (Wiseman and Taylor, 1981: 93–105; Stoneman and Cliff, 1989: 34; James, 1990: 110). As Rikhye has remarked, "in spite of the various difficulties, the ceasefire held, free and fair elections were held, and the road to majority rule was cleared" (Rikhye, 1984: 175). Nonetheless, while the transition to Islamic government in Afghanistan in April 1992 was remarkably free of retributive killings—in sharp contrast, for example, to France in 1944, which witnessed over 4,000 summary executions in the months following liberation (Novick, 1968: 71)—there is no doubt that general disarmament is a matter of great urgency, and peacekeepers can usefully facilitate this process.

In the choice of a commander for peacekeepers in Afghanistan—a particularly sensitive position in any peacekeeping operation (Liu, 1990: 11–16)—an opportunity would exist to give effect to the desire expressed by the Afghan resistance in November 1991 to involve the Organization of the Islamic Conference in the electoral process: the choice of a

national of an OIC member-state would constitute a significant confi-
dence-building measure. Peacekeepers would be required to protect
fixed polling points in cities and to contribute to mobile polling teams
in rural localities. It would be of vital importance that the peacekeepers
adopt a resolutely noncoercive role and rely on patient negotiation with
the interim government and with indigenous local councils (see Carter
and Connor, 1989) to accomplish their objectives. To do otherwise could
prove exceedingly dangerous.

A range of political groups in post-communist Afghanistan could
regard the deployment of peacekeepers as signifying an unacceptable
abrogation of national sovereignty. One way to overcome such objections
might be to charge peacekeepers with the specific tasks of mine clearance
and mine awareness training. Afghanistan is littered with millions of
antipersonnel mines—many with extremely low metallic signatures and
susceptible to detonation through temperature change or through the
application of as little as fifty pounds of pressure—and assistance in
addressing this problem is likely to be warmly welcomed in the country-
side.

THE PURPOSE OF ELECTIONS

Agreement on the *need* for free and fair elections is not the same as
agreement on the *function* of those elections. Here, it is useful to
distinguish between the legitimation of regimes and the legitimation of
the broader political order within which they function. In established
liberal democracies, where the legitimacy of the political order is not in
question, elections serve to legitimate particular regimes (Barker, 1990;
Beetham, 1991). In fractured and traumatized polities, however, the
legitimation of a political order must precede or run parallel with the
choice of a regime to exercise power within the framework of rules that
it imposes. It follows from this that an appropriate purpose of elections
in Afghanistan would be to choose a constituent assembly. On the one
hand, as we argued earlier, the design of a constitution is not an
appropriate task for an interim authority. On the other hand, it is not a
task that should be deferred, since a government unconstrained by law
may be tempted to act autocratically—although it is social rather than
institutional separation of powers that provides the ultimate protection
against the predations of the state (Kukathas, Lovell, and Maley, 1990:
53). This does not mean, however, that the tasks of the assembly need
be exclusively the devising of a constitution. After completing this task,
it could also authorize a regime to govern until the constitution came
into effect.

It is important at this point to consider one significant concern that a number of Afghans have raised: that voting has no particular resonance in Afghan culture and is therefore not a promising approach by which to attempt to legitimate a political order. Institutions, so the argument runs, should be the outgrowth of culture. This is in part recognized by the Secretary-General's reference in his May 1991 plan to "Afghan traditions," and there is no doubt that the concern is a serious one. However, the relationship between culture and institutions is more complex than these concerns would suggest (Maley, 1991a: 62) and traditions are themselves flexible. It would, of course, be a huge mistake to expect too much of electoral processes. A low turnout is likely, especially in the countryside, and the stability of future institutional structures in Afghanistan will depend on a range of factors, of which their mode of origin will be only one. Yet, this should not lead to despair. In many countries, free and fair elections were a novelty when first attempted but have taken root. This may happen in Afghanistan as well.

THE CHOICE OF ELECTORAL MECHANISMS: DIRECT AND INDIRECT ELECTIONS

Electoral mechanisms can be distinguished according to the criterion of whether they provide for *direct* or *indirect* election. Under a system of direct election—such as is used to choose members of the US Congress and the British House of Commons—voters choose directly between candidates for office. Under a system of indirect election, such as is used to elect the US president, voters choose a smaller number of electors, who are then charged with filling the positions in question. Indirect election is classically defended (Hamilton, Madison, and Jay, 1961: 411–415) as a device for insulating the electoral process against the polluting effects of the demagogue, but it may also be relevant to a society where there is no mass politics and where it is unreasonable to expect that ordinary voters will be in a position to make an informed decision about the merits of different candidates and platforms. In Afghanistan, some have argued, the absence of mass politics makes it appropriate to constitute a central authority through a steady process of consolidation from below. Traditional village leaders would be involved in choosing represen- tatives at subdistrict (*alaqadari*) level; these would then choose representa- tives for the district (*woleswali*); who in turn would choose representatives for Afghanistan's twenty-nine provinces; and from these, representatives at the national level would be chosen.

There are, however, numerous problems with such an approach. While there is something to be said for the claim that the "point of voting

is not so much to represent the variety of interests of those who have a vote but to produce a decision that will be accepted by nearly everybody as final" (Burnheim, 1985: 95), a general danger of indirect elections is that beyond some point they "so attenuate popular control that a system would drop below the threshold of polyarchy" (Dahl, 1989: 361). This would seem highly likely in the event that the elaborate system outlined above were implemented. More specifically, while a variant of such a system might be included in the constitutional arrangements upon which a constituent assembly would settle, it would hardly be appropriate for the selection of that assembly in the first instance. There are three reasons why this is the case. First, as villages may vary markedly in population, reliable statistics on the distribution of the adult population would be required in order to prevent particular villages, subdistricts, districts, and provinces from being overrepresented. Second, the length of time that would be required to gather such statistics—given that a massive refugee repatriation would be occurring at the same time, and that in any case the Afghan population contains a significant nomadic element—would in all probability substantially exceed the life span of the interim government. Third, the functioning of a system of this sort would be extremely difficult for neutral observers to monitor, which could well undermine the benefits in terms of legitimation that free and fair elections are aimed at producing.

THE CHOICE OF ELECTORAL
MECHANISMS: PROVINCE VOTING

If, as the above discussion suggests, it may be desirable to attempt to hold *direct* elections in Afghanistan, a range of questions then arise as to the appropriate form of electoral mechanism to use. This is a matter of central importance, since different voting systems can produce radically different outcomes, which in turn can affect the legitimacy or workability of the assembly they are designed to constitute. As Douglas Rae has argued, most "single party parliamentary majorities are 'manufactured' by electoral systems" (Rae, 1971: 74).

Abstractly, one can distinguish between electoral systems according to whether they provide for single-member or multimember electoral districts (Taagepera and Shugart, 1989: 19). In the former case, an assembly consists of members elected from individual districts, typically by either a simple majority, or by an absolute majority through some system of preferential voting. In either case, however, a crucial precondition to the operation of such a system is "fair distribution of electors among the constituencies" (Milnor, 1969: 24). This is an insuperable

obstacle to the use of a single-member constituency system in a free and fair election in Afghanistan. As we noted above, to avoid so-called malapportionment, those who draw constituency boundaries need access to detailed information about population distribution. Such information is simply not available in Afghanistan and will not be for a very long time.

The diametric opposite of this system is one in which the entire nation is treated as a single constituency, electors choose between parties only, and seats are allocated to parties in accordance with the proportion of the vote they obtain in the nation as a whole. This approach was taken in the Namibian elections held November 7–11, 1989. However, in Namibia, there was a well-developed system of political parties, in Sartori's sense of party as a "political group identified by an official label that presents at elections, and is capable of placing through elections (free or non-free), candidates for public office" (Sartori, 1976: 63). The two most important of these parties offered clear policy choices to the electorate and together secured over 85 percent of the vote (Jaster, 1990: 44). By contrast, Afghan political parties have long been organized to meet the specific mobilizational requirements of wartime rather than the interest-aggregating requirements of peace. The prospects that an institutionalized party system will be able to mediate between individuals and the state are poor, and this creates real problems for political reintegration at the national level, since a system in which only parties can compete is likely to be resisted by all powerholders who lack or resent specific party affiliations.

To overcome the problems associated with these two extremes, a system that recognizes the political salience of local powerholders but does not require detailed demographic statistics should be used. We would suggest a system involving the following broad steps. First, an agreement should be reached as to the total number of seats a constituent assembly should contain. Ideally this should be rather large, so that attempts to intimidate or suborn its members would be time-consuming and palpable, and 580 strikes us as a reasonable number. Second, nominations should be called at the province level, either from political parties or from tickets of one or more individual candidates; and voters should be invited to place a mark next to the symbol of the party or ticket they favor. Third, once voting has taken place, seats should be allocated to different provinces in accordance with the proportion of the overall formal votes in the election which were cast in those provinces. Fourth, once the allocation of seats to different provinces has been determined, a standard proportional representation formula, such as the largest remainders formula—which was successfully employed in Namibia and achieves a higher level of proportionality than other formulae that might

be considered (Lijphart, 1986; Lijphart, 1990)—should be used to allocate seats among different parties and tickets. This proposal fosters both campaigning at a regional level and the choice of candidates who enjoy some salience among a province's residents; and it has the virtue of encouraging provincial powerholders to seek as high a turnout of voters as possible in the province, since this will maximize the number of seats the province holds in the constituent assembly.

The proposal promises a high level of proportionality, of a kind that militates against a group's dominating a constituent assembly through a fortuitous quirk of the electoral system. Such proportionality is a vital requirement of a system to elect a constitutional assembly, for as an experienced commentator has argued, a "pre-condition for any politically viable exercise in constitution-making is a prior political consensus— on the part of the society for which the constitutional charter is intended, or at least its dominant political élite—as to the main goal values and policies of that society for the future" (McWhinney, 1981: 134). An electoral system that produces a result that significant social groups can depict as "skewed" will damage and possibly destroy the prospects for political consensus and for this reason should be avoided at all costs.

THE RIGHT TO CONTEST
AND THE RIGHT TO VOTE

The matter of who will have the right to contest an Afghan election promises to be the most contentious issue of all. The UN General Assembly in Resolution 46/137 declared that "determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws." However, while Najibullah's last foreign minister, Abdul Wakil, stated on April 22 that it was "the earnest wish of the Homeland Party to continue cooperating as an Afghan and Muslim group in the peace process with any government that will be formed" (BBC *Summary of World Broadcasts* FE/1363/C1/5, April 24, 1992), most Afghan resistance parties would be resolutely hostile to allowing a revived Hezb-i Watan to participate in elections on the basis that it was not a party but a criminal association. This was formalized in the Interim Government's 1990 electoral law, which provided that a candidate must not be "affiliated to any renegade political group" (Afghan Interim Government, 1990: 15). This should come as no surprise to anyone; in somewhat similar circumstances, the French Resistance in 1944 "directed a worse reproach against those of their compatriots who had served the

Germans than against the Germans themselves" (Farmer, 1955: 317).

In our view, the Hezb-i Watan is effectively dead, and this is not a serious practical problem. A somewhat larger problem, however, relates to individual candidature. To many Afghans, former party notables should be arrested, interrogated, prosecuted, and punished for violations of international humanitarian law, rather than permitted to stand for public office. And even nonparty members may have some explaining to do. For example, before being appointed as Najibullah's last prime minister, Fazel Haq Khaleqyar had served as governor of Herat and had been severely wounded in a Jamiat attack on April 6, 1990, in which General Jalal Razminda, deputy minister of state security, had been killed (*AFGHANews*, vol. 6, no. 8, April 15, 1990, p. 2). In an interview in November 1991, Rabbani adopted a very strong position: "All the Mujahideen parties agree that Khaliqyar cannot play a role in the transitional period because of his past record and current position in the regime" (*AFGHANews*, vol. 7, no. 21, November 1, 1991, p. 8). It seems unlikely that he would be deemed a fit and proper candidate for election to a popular assembly.

To this problem there is no easy solution in principle. On the one hand, the principle of free contestation is an important one. There is obvious substance to the argument that if former Hezb-i Watan members or regime apparatchiki are indeed as contaminated by their past as the new authorities would suggest, their political obliteration can safely be left to the voters. On the other hand, there is a long history in different countries of limitations on rights of contestation, especially in the context of transitions from despotic rule. Parties whose past behavior has been fiercely hostile to democratic culture hardly have standing to protest if others challenge their claim to participate in popular elections (see Pennock, 1979: 244). Nazi organizations were outlawed in the postwar Federal Republic of Germany (Edinger, 1968: 79); and responding to the banning of the Communist Party in Russia following the August 1991 coup attempt, the essayist Tatyana Tolstaya observed pointedly that a "man who watches a wolf devouring his child does not begin a discussion of animal rights. And if he does, he is doing the wolf's work" (Tolstaya, 1991: 24).

The issue of the right to vote gives rise to somewhat different problems. Determining criteria for voter registration is a delicate task, fraught with the danger of political controversy of the kind that occurred in Namibia (Jaster, 1990: 43) and Western Sahara (Hoots, 1991). The risk that those with slender claims to Afghan nationality will be insinuated into the country to vote may not be great. However, at the time of elections, a number of Afghan nationals living abroad may wish to vote, and whether they should be permitted to do so, and mechanisms by

which this could be accomplished, demand careful consideration, especially if a voting system is adopted under which votes are cast and tallied on a provincial basis. The scale of this problem need not be exaggerated. On balance it is unlikely that the governments of Pakistan and Iran would allow polling to take place on their territory, as this could create a disincentive to refugee repatriation and would certainly be opposed by those resistance groups that have accused Pakistani and Iranian circles of favoring Hekmatyar's Hezb and the Hezb-i Wahdat respectively.

While most would accept that only adults should be permitted to vote, the concept of adulthood is culturally structured and needs to be understood in Afghan terms. A threshold age for voter registration of twenty-one or even eighteen years could prompt hostility toward the electoral process by disenfranchising individuals who in their own eyes and in the eyes of their community are already adult. There is also a practical problem in setting a threshold age, namely that few Afghans know their exact age, let alone possess documentary evidence to prove it. A more serious difficulty relates to the position of women voters. Afghan women were enfranchised under the 1964 and 1977 constitutions (Dupree, 1991: 55-56) and in exile have been notable for their determination and resourcefulness. In 1964, according to Louis Dupree, women "although enfranchised by the Constitution and the election law, voted only in the larger urban centers" (Dupree, 1980: 590). Even in urban areas, however, it is likely that ultraconservatives will emerge to oppose votes for women, just as they have resisted an active role for women in exile. In our view, it would be unthinkable to deny women the right to vote; but rather than trying to give substance to this right through political agitation—which is likely to prove ineffective and may even provoke a backlash—one should instead rely on the electoral system to supply incentives for local powerholders to ensure that women can vote freely. The system we proposed above, which rewards high turnout, has exactly this effect.

LOGISTICS

The issues we have discussed so far have been largely political. However, there is an additional category of issues relating to the conduct of free and fair elections that are better classed as logistical. Elections are extremely vulnerable processes, dependent for their integrity on administrative mechanisms that are intrinsically easy to derail or disrupt. This is particularly the case if the infrastructure of the state in which polling takes place is not well developed. Namibia had the advantages of generally excellent roads and airfields and an adequate telecommunications system. Because Afghanistan lacks all three, a considerable infusion of

resources, together with careful planning, will be required if elections are not to degenerate into a costly shambles. While the political complexities of mounting free and fair elections in Afghanistan are considerable, the logistical problems are even more substantial. It is to these that we now must turn.

The Timing of Elections

The timing of Afghan elections is a matter of some sensitivity. Hekmatyar in January 1992 maintained that his party would not observe a cease-fire "unless an interim government having the support of all the Mujahideen organizations replaces the present regime and holds elections within a period of six to 12 months" (*The Muslim*, January 25, 1992, p. 5). Such a time frame is utterly unrealistic. But it is also unrealistic to endorse a relaxed approach to the timing of elections. The danger that the minimum time needed to perfect electoral procedures might exceed the maximum life expectancy of the interim government should be prominent in the minds of those who design an electoral calendar. There are three other constraints that need to be taken into account as well. One relates to resources: UN agencies and the expert staff of a number of member states are now heavily involved in preparing for elections in Cambodia in 1993, and any delays there may have implications for the availability of staff to assist the conduct of Afghan elections at some later date. The second relates to the return of refugees. As we noted earlier, a number of resistance parties would likely oppose polling in Iran and Pakistan, and if their objections were upheld, the electoral timetable would in effect be linked to the pace of voluntary repatriation. The third relates to climate. Just as the wet season in Cambodia reduces the amount of time realistically available in any one year for the conduct of elections, so does winter in Afghanistan.

While some refugees will undoubtedly return to Afghanistan in 1992, the spring of 1993 seems a more likely season in which the bulk of the repatriation will occur. In our view, it would be prudent to plan for elections no earlier than spring and summer 1994, before rural dwellers become preoccupied with the planting of wheat in the fall. However, since both political and logistical factors may disrupt the pace of repatriation, electoral planners must be ready to react flexibly to rapidly changing circumstances.

Security and Transport

We have already noted the need for the deployment of peacekeepers in Afghanistan and suggested that mine clearance should be an important element of their responsibilities. Beyond this, peacekeepers will be

needed to supply specific services to assist both voter registration and polling. Since it is implausible to suggest that Afghans will be able to travel great distances either to register or to vote, transport services will need to be supplied to move registrars and polling teams around the various provinces of the country. Road networks are simply unequal to this task (Ispahani, 1989: 126–137), and helicopters would seem the logical alternative. An election also requires facilities for prompt, secure communication between local, provincial, and national electoral staff. It would be highly desirable for the Executive Office of the Secretary-General to initiate as soon as possible a study of the exact requirements in this respect, drawing on the expertise of the United Nations Development Programme and of experienced Afghan and Western nongovernmental organizations (NGOs), so that member states can be warned, well in advance, about the specific forms of technical assistance they might be requested to supply.

Voter registration

An efficient system of voter registration is necessary if free and fair elections are to be mounted. Such a system ensures that only those who establish that they are entitled to vote actually participate in the election and is essential if polling is not to be disrupted by disputes about eligibility. The scale and complexity of voter registration in Afghanistan should not be underestimated. There are likely to be far more eligible voters in Afghanistan than in Namibia, Cambodia, or Western Sahara. In Namibia, the total of registered voters was only 701,483. By contrast, a demographic study has suggested that in 1990, the number of Afghans within Afghanistan itself stood at 12,363,225 (Eighmy, 1990: 113)—which implies an administrative problem of an entirely different magnitude, even though not all these Afghans would be eligible to vote.

While in established democratic systems the register of voters typically takes the form of an alphabetical list at constituency level, in Afghanistan it would be preferable that registration be signified by issuing a voter a high-integrity voter registration card including a photograph of the bearer and if possible an identifying fingerprint or other distinguishing mark. In order to vote, a potential voter would have to produce the registration card, and multiple voting would be prevented by marking a digit of each voter, once he or she had voted, with a dye sensitive to ultraviolet light. The seclusion of women (*purdah*) would require special arrangements for voter registration as well as polling itself. Trained women staff would need to be supplied in sufficient numbers at all registration points. This is one aspect of the broader problem of staffing, to which we will turn in a moment.

Given the size of the refugee populations in Pakistan and Iran, it would clearly be desirable if voter registration among those Afghans at least could be accomplished while they remain in concentrated groups and readily accessible to international agencies. Some Afghans have protested that refugee camps are not neutral venues for the conduct of such an exercise. Mujahideen parties have established a presence in different refugee villages (Centlivres and Centlivres-Demont, 1988b: 38–42). Furthermore, the party representative in a village typically seeks to combine administrative with ideological-mobilizational functions and thus serves to intensify the politicization of the refugees and to replicate within the broader refugee population the plurality of ideological orientations found among the Mujahideen themselves. This does not strike us, however, as a serious problem. Voter registration is distinct from voting, and it is hard to see much basis for a party to seek to interfere with the registration of those whom it would most likely assume to be its natural supporters. In any case, there is no reason why refugee camps should be the sole venue for the registration of refugee voters, and the availability of alternative registration points in Afghanistan would largely undercut any rationale for intimidation at this stage.

Voting

The conduct of voting is a more exacting exercise than voter registration. It is necessarily concentrated in a shorter time frame, since marker dyes available to prevent multiple voting are not guaranteed to remain salient for more than a week. Specific problems that need to be addressed relate to the recruitment and training of staff, the provision of secure voting premises and the configuration of ballot papers, and the conduct of scrutiny.

Estimates of the number of staff required to conduct the poll depend substantially on the assumptions one makes about the length of the voting period and the likely demand for polling places. There is no doubt that it would be unrealistic to expect most voters to travel great distances to cast votes. However, this does not lead automatically to the view that rural Afghanistan should be saturated with polling places to complement fixed polling places in cities and provincial capitals. To locate a polling place in each of Afghanistan's 20,000 villages would scarcely be feasible. On the assumption that a polling team would at minimum consist of a presiding officer from a UN or OIC member state, four issuing officers (two male and two female), a ballot box supervisor, a guard, and an interpreter, one would need at least 160,000 trained staff for rural areas, of whom the presiding officers and guards would be non-Afghans. The prospects that personnel in such numbers could be recruited, trained,

and supported for the required period are negligible. If polling were spread over a five-day period, with mobile teams visiting two villages a day, the rural staff requirement would be 16,000, of whom 4,000 would be non-Afghans. This is somewhat more realistic but would still impose enormous strains on the human resources of the UN system. An alternative would be notionally to allocate at least three teams (fixed or mobile) to each of Afghanistan's 325 "minor civil districts" (see *Afghan Jehad,* vol. 4, no. 2, January–March 1991, p. 135). Assuming an electorate of 7,800,000 voters, this would accord each team the task of processing 8,000 voters, or 1,600 a day assuming polling over a five-day period. Depending on present population dispersal and the resettlement patterns of returning refugees, in some provinces it might be necessary to locate more than three teams in some districts and only one or two in others, but this kind of decision should be left to election staff at the provincial level.

The legitimacy of the polling process in particular localities would certainly be enhanced by serious efforts to secure the cooperation of local religious scholars, who could be approached through those commanders or *shuras* whose imprimatur would be essential for polling to proceed smoothly. To train the nominees of such scholars as ballot box supervisors would be a tactful move. The need for trained interpreters is a substantial problem that should be addressed immediately. One fruitful source of interpreters may be the files of the International Organization for Migration (IOM), which has gathered information on Afghan professionals living in Western countries who might be equipped to perform these tasks. However, there is no doubt that the bulk of recruitment and training of staff will need to be carried out in Afghanistan itself, and this makes it all the more urgent that a draft electoral law be prepared so that the procedures required to give effect to its provisions can be embodied in training manuals written in Afghanistan's various languages, and training classes for male and female polling staff can be organized.

"Most Afghan villagers," according to Louis Dupree, "are non-literate and believe the secret ballot to be rather sneaky. A man can talk one way in public and vote another in private" (Dupree, 1980: 763). Yet, while the philosophical arguments for open voting are stronger than is often recognized (Brennan and Pettit, 1990), the practical arguments for secret voting in the Afghan case are overwhelming, especially in urban areas. Given the passions that recent years have evoked, the risks of retribution against supporters of unsuccessful parties or tickets would otherwise be far too great. This in turn creates a need for premises that are partitioned so that voters can vote in private and for secure ballot boxes into which ballots can be placed once they have been completed.

Given the high level of nonliteracy among potential voters, it would be necessary for parties and tickets to be identified by some symbol against which a voter's mark could be placed. Such symbols would have to be devised with considerable caution so that no party or ticket would be encumbered by a culturally offensive symbol. It might also be useful to vary the configuration of different ballot papers within a province in order to randomize any "positional advantage" that might otherwise accrue to a particular party or ticket (Darcy and McAllister, 1990). There is always a danger that the number of parties or tickets in a province would prove so large that a ballot paper would be quite bewildering to voters. This could be overcome by requiring that a petition signed or thumbprinted by a certain number of registered voters—perhaps 500—be filed by a party or ticket in a province in order to establish that it enjoyed sufficient support to justify its inclusion on the ballot paper. Such a system is far from foolproof, but does provide some basis for controlling the number of candidates that appear on the ballot. Finally, to prevent forgery, it would be desirable to obtain the services of a firm specializing in secure printing. This was done for of the Namibian election, and the firm produced a ballot form that defied forgery—at least by the parties that might have had an interest in attempting it.

An important guarantor of the fairness of an election is the presence of monitors from different parties and tickets to observe the counting of the ballots. There is much to be said for carrying out counting in provincial capitals. In more remote localities, the security of ballot papers would be difficult to ensure, especially over a number of days. This, however, puts a heavy burden on UN member states to supply the election authorities with adequate means to transport completed ballots to provincial capitals.

Electoral Education

The act of voting involves more than simply marking a ballot. For a vote to be meaningful, voters must have access to information not only about the nature of the voting system they are called upon to use, but also about the different platforms or candidates about which they are required to make an act of choice.

This in turn requires reasonable access to communication media for election authorities. Given the very high level of nonliteracy in Afghanistan, radio broadcasts are an important means of disseminating information about electoral mechanisms, and it would be prudent to make use not only of the facilities of Radio Afghanistan, but also of the BBC and other shortwave broadcasters with established Afghan listening audiences. However, technological changes have opened the possibility of

other forms of electoral education. Registration teams could be equipped with video materials depicting the attributes and advantages of the kind of electoral system to be employed in Afghanistan; and in some urban areas, television transmissions could be used for the same purpose. The use of mass media for campaigning purposes is a rather more controversial issue, as the content of campaign material is likely to be fiercely negative. In urban centers, the circulation of newspapers, anonymous "night letters" (shabnamah), and even rumors are established mechanisms of political agitation and are sure to persist during a campaign. Under such circumstances, it might be otiose to accord contestants a right of access to electronic media. In rural areas, it is likely that most potential voters will follow the lead of local powerholders, irrespective of how different parties might market themselves. For these reasons, we believe that it is not necessary to make special provisions for political as opposed to administrative use of Afghanistan's electronic media.

PROTECTING THE INTEGRITY OF A POST-ELECTION ASSEMBLY

If—and it is a huge if—elections are held successfully in Afghanistan, steps will be required to prevent the purchase of deputies' votes by interested outside parties. In 1985, the Karmal regime paid between 100,000 and 250,000 afghanis per delegate to ensure a reasonable turnout at its Loya Jirgah in Kabul (Maley, 1987: 718). At the time of the February 1989 shura, the Saudi Intelligence Service reportedly spent $26 million per week to secure the votes of participants (Rubin, 1991b: 81). Sums of this order are so vast as to tempt even the high-minded. The problem is an acutely serious one: The promulgation of a constitution that reflected the priorities of Middle East paymasters would simply set the scene for the renewal of state-society conflicts.

We have already suggested that a constituent assembly should be large rather than small, but this alone would not suffice to prevent attempts at bribery on a grand scale. It might be useful if the interim government were to issue a strict code of propriety for deputies and if the proceedings of the assembly were to be bathed in publicity, which is the natural enemy of surreptitious favors. Ultimately, however, as Alatas has put it, corruption can be resisted only "by the effort of a creative moral community of like-minded people" (Alatas, 1990: 193). This provides the best answer to Juvenal's famous question—Quis custodiet ipsos custodes? One would hope that free and fair elections will assist the consolidation of such a community in Afghanistan.

5

APPROPRIATE
CONSTITUTIONAL STRUCTURES

Islamic thought is particularly rich with ideas about political structures (Enayat, 1982: 69–110; Kamali, 1985: 22–27; Lewis, 1988: 24–70; Razi, 1990; Esposito and Piscatori, 1991: 434–440). It is complex and subtle and raises questions well beyond the scope of a short study such as this. Nonetheless, our entire investigation is premised on the view that the lack of an organic relationship between the state and civil society is a serious obstacle to the rebuilding of Afghanistan. It is therefore useful for us to look briefly beyond transition mechanisms and to consider what institutions might best foster such an organic relationship. Our aim in this section is to offer some views, which we believe to be consistent with fundamental Islamic principles, on two matters that may assist the restoration of a stable political order: the mechanics of constitutional design and the structure of political institutions. In doing so, we are fully aware that formal institutions are only one source of political stability and not the most important. But one must begin somewhere.

A NORM FOR CONSTITUTION MAKING

It is often assumed that the support of an absolute majority within a deliberative assembly is all that is required for a proposal to be accepted. This need not, however, be the case. It is often useful to require the support of a so-called supermajority, which is some proportion of an assembly's membership greater than 50 percent. Under Article 27 of the UN Charter, decisions of the fifteen-member Security Council are made by an affirmative vote of nine members, which implies a supermajority requirement of 60 percent. And in Namibia, the parties to the settlement implemented through the 1989 elections had agreed that only with a two-thirds majority in the Constituent Assembly could any single bloc

impose on other parties its views regarding the contents of the new constitution. Since no party obtained such a majority, the drafting of the new Namibian constitution required patient negotiations between different forces represented in the Assembly and meticulous attention to the concerns of a range of social groups. Supermajorities, in other words, can supply a structural incentive for intergroup cooperation.

Whether such a rule would be useful in Afghanistan depends to a considerable extent on one's expectations of the degree of social fractionalization that an election would be likely to reflect. Perhaps no party would come close to securing an absolute majority of seats. If this were the case, the requirement of a large supermajority—for example, 80%— might come close to paralyzing an assembly and give undue weight to intransigent and eccentric splinter groups. On the other hand, a two-thirds supermajority does not seem excessive. It would serve to highlight the importance of consensus in the formulation of constitutional principles and limit the size of any walkouts in protest at the adoption of particular constitutional provisions.

DIVISION OF POWERS

Given the horrors Afghans have recently suffered at the hands of the state, it is unlikely that many would look with favor on any attempt to reconcentrate power in Kabul. For this reason, an avowedly constitutionalist order marked by division of powers has much to commend it (Vile, 1967). "The reason," according to the late F. A. Hayek, "why a division of powers between different authorities always reduces the power that anybody can exercise is not always understood. It is not merely that the separate authorities will, through mutual jealousy, prevent one another from exceeding their authority. More important is the fact that certain kinds of coercion require the joint and coordinated use of different powers or the employment of several means, and, if these means are in separate hands, nobody can exercise those kinds of coercion" (Hayek, 1960: 184–185). Division of powers can take a number of different, although not mutually exclusive, forms.

The emergence of regional leaderships in Afghanistan suggests a separation of powers on federal lines. As Lord Acton once wrote, a *federal* system "limits and restrains the sovereign power by dividing it, and by assigning to Government only certain defined rights. It is the only method of curbing not only the majority but the power of the whole people" (Acton, 1907: 98). Federalism also permits the allocation of responsibilities to agencies that are sufficiently proximate to problems to address them efficiently. Dupree foresaw a system of six to ten

autonomous provinces, defined by reference to major ethnolinguistic concentrations, river patterns, lines of communication and commerce, and natural resources and potential for development (Dupree, 1989: 47). A *functional* division of powers is also highly desirable. There is "no liberty," argued Montesquieu, "if the judicial power be not separated from the legislative and the executive" (Montesquieu, 1949: 152). Islamic law (*Shar'ia*) may provide a code for the resolution of disputes without the need for reference to a central state (Shahrani, 1990b: 197–199), but ultimately the enforcement of law depends upon some sort of institutional framework (Kukathas, Lovell, and Maley, 1990: 44–45), and it is important that the institutions charged with enforcing the law pursue that objective and no other.

CONSOCIATIONALISM AND PARLIAMENTARISM

The division of powers along federal and functional lines would be a significant step toward developing an organic state-society relationship. There are, however, two more institutional devices that at the very least deserve to be discussed in the Afghan context: consociationalism and parliamentarism.

The theory of consociational democracy owes its origins to the work of the Dutch political scientist Arend Lijphart, who has been concerned to identify the structural attributes that have contributed to political stability in a number of deeply divided societies. The consociational model has four major elements. The first and most important is government by a grand coalition of the political leaders of all significant segments of the plural society. The second is the mutual veto which serves as an additional protection of vital minority interests. The third is proportionality as the principal standard of political representation, civil service appointments, and allocation of public funds. The fourth is a high degree of autonomy for each segment to run its own affairs (Lijphart, 1977: 25; see also Saikal and Maley, 1991: 161–165; Saikal, 1992).

Consociationalism at least at the level of the central instrumentalities of the state could serve to make clear to a range of different groups within Afghan society that the new political order had something to offer them. Otherwise one might well find groups such as the Shia for whom the reestablishment of a significant central state could simply amount to a replication of patterns of prejudice by which they felt that they had been disadvantaged in the past.

The consociational model has been the subject of a number of specific criticisms. A first, put forward by Brian Barry, is that societies deeply divided on ethnic lines are unhappy candidates for consociational-

ism: "If there is to be a leadership of an ethnic group that is not in constant danger of being undercut by challengers, it must inevitably be seen to be taking up an extreme position in defence of the group's interests" (Barry, 1990: 135). This, however, assumes a particular kind of mechanism for the acquisition of leadership status, which may not apply in all cases where ethnicity is the basis of deep social divisions, and does not appear directly relevant to collective leaderships of the kind found in a number of Afghan microsocieties. A more serious criticism of consociational democracy is that it seems to presuppose the existence of elites that can form a grand coalition and may not properly address a situation in which significant segments of a plural society are governed not by individual leaders but by collective institutions such as a *shura* or *jirgah*. As Donald L. Horowitz has written, theories "that rest on elite initiative must include variables related to group structure and competition, for these constrain the opportunities for interethnic elite relations" (Horowitz, 1985: 574).

For this and a number of other reasons, Horowitz prefers an approach that establishes incentives for accommodation across group lines (Horowitz, 1991). Given the substantial lack of mass politics in Afghanistan, however, it is difficult to envisage what forms such incentives would take. The lack of mass politics might be thought an obstacle to consociationalism as well, but the dividends from participation in a consociational system are likely to be more immediately obvious to group members than are those from accommodation across group lines. Furthermore, while it could certainly be difficult to sustain a grand coalition of delegates of political leaderships in Afghanistan, it would not be beyond the bounds of possibility—at least if a federal system of separation of powers ensured that the spoils of central politics were not very great.

A new consociational system could not be expected to work if it excluded particular groups from entire institutions. On the other hand if it ensured a reasonable balance of representation of different groups, it could be a significant source of stability. With consociationalism, there is always, of course, a danger that in societies that are in the process of transition from cultural cleavage to mere cultural diversity, the imposition of a consociational model may have the effect of entrenching group identities that might otherwise have been slowly obliterated by a process of cultural homogenization. This is undesirable and has implications for the choice of criteria by which to allocate rights under consociationalism. Societies tend to be stratified in complex, crosscutting ways, and this is particularly the case in Afghanistan. Hard-and-fast rules for identifying "significant segments" of Afghan society cannot readily be set down, but in general, the sharper the dividing lines between politicized social groups, the more plausible it is to base consociational rights upon them.

The case for parliamentarism flows in part from the arguments in support of consociationalism. There are great dangers in trying to link a consociational system with a presidential system, for presidential rule can place a member of one particular group in a privileged power position vis-à-vis other groups, and it is questionable how stabilizing this is likely to be in a deeply divided society (for different perspectives, see Linz, 1990a, 1990b; Horowitz, 1990). Furthermore, there is persuasive (even if less than conclusive) evidence that parliamentary systems—in which a collective or collegial executive emerges from and depends on the confidence of a legislature—have superior records of performance and stability to monocratic systems, both in advanced democracies (Baylis, 1989) and in the Third World (Riggs, 1992).

In our view, there is very little to be gained in hoping for the emergence in Afghanistan of a "Great Leader." Afghanistan had such a leader in Abd al-Rahman Khan, and the human costs of his rule were enormous (Lee, 1991). A Great Leader can all too easily turn into a Führer who leads a society into tragedy of the kind that is the last thing that is needed in Afghanistan at the moment. What one needs is not a political structure that will allow a Great Leader to emerge, but rather one which will ensure that ordinary people rule wisely. In this respect there is much to be said for federalism, consociationalism, and parliamentarism.

6

CONCLUSION

We do not propose in these final remarks to reiterate the detailed arguments of this paper, but rather to conclude on what seems to us an appropriately somber note: that the replacement of war by politics will herald a new era for Afghanistan, but by no means a painless one, and that the UN has a major role to play in ameliorating that pain.

First, politics brings its own perils. It is political culture that guarantees that election results will be respected, and while outside actors can assist the development of such a culture by refraining from supporting disaffected parties, there are many dangers besetting the maintenance of stable political order in Afghanistan. In some cases, ruling elites will quite shamelessly cling to power in the face of repudiation at the ballot box; the recent experience of Algeria comes to mind. The crucial test of whether a democratic political order has taken root in Afghanistan will come on the first occasion when an Afghan government has to choose whether to accept its ejection from below.

Second, Afghanistan has been devastated, and on a staggering scale, by years of war. A visitor to the ravaged countryside some years ago remarked that it was as if a bomb had gone off in the Garden of Eden (Bell, 1987). The Afghan economy, especially the agricultural sector (Yusufi, 1988), has suffered enormously; and the population is profoundly traumatized, both by the experience of exile (Saikal and Maley, 1986), and by the evils inflicted by foreign occupation. While elements of the Afghan population have displayed great resourcefulness and dynamism during the years of struggle, the burden of reconstruction is not one that they alone should bear.

It is vital that the UN system, and more importantly the member states that *fund* it, stand ready to pick up this burden. Until 1988, according to an acute observer, for "fear of offending the Soviet Union, UN agencies that normally are involved in health, education, food, and

economic development programs ignored Afghans in the mujahideen-controlled countryside, even refusing to collect data about their condition" (Weinbaum, 1989: 297). This changed in the wake of the signing of the Geneva Accords in 1988, when the Secretary-General opened a major appeal to raise funds for the reconstruction of Afghanistan and established UNOCA as the agency responsible for the coordination of reconstruction efforts. In October 1988, the UN launched Operation Salam, a cluster of programs UNOCA was charged with administering. Unfortunately, while some of its activities were undoubtedly worthwhile, Operation Salam as a whole has not been especially successful, partly because of indifferent administration (Gearing, 1992: 18) but more importantly because the failure of the Geneva Accords to produce a legitimate Afghan government led rapidly—and predictably—to donor fatigue and a financial crisis. This does not mean, however, that an alternative and potentially more fruitful model of UN involvement cannot be developed. There are two key points we would highlight in this respect.

Political considerations will require the UN system to channel a certain amount of funding to support the instrumentalities of the state, since taxation revenues alone are unlikely to be sufficient to sustain even minimal activities, such as the maintenance of law and order. Some infrastructural development will require substantial financial backing, and complex coordination of the use of human and material resources may be required. One approach to raising funds for these tasks would be a repetition of the 1988 appeal for contributions in unearmarked form. But if the UNOCA experience offers a lesson, it is that this approach can lead to chronic underfunding, as the connection between the contribution of a particular donor and the success or failure of a particular project is too tenuous for any sense of donor responsibility to develop. A more fruitful approach might therefore be for the Secretary-General to use his good offices to seek a commitment from member states or consortia of member states to assume full responsibility for the rehabilitation of particular *sectors* of Afghanistan's infrastructure. These states or consortia could draw on the skills of their own experts in these spheres, while at the same time delegating particular tasks to independent contractors or NGOs—both Afghan and non-Afghan—with established performance records (see Lorentz, 1987; Dupree, 1988a; Rahim, 1992). Prime sectoral targets for this type of assistance would be land and air transport, electricity supply, water supply and sewerage for urban areas, electronic communications, higher education, and sophisticated health care.

Beyond these specific spheres, the temptation to engage in holistic social engineering is one that UN agencies must resist at all costs. Given

the diffusion of social power in Afghanistan through microsocietal leaderships, it would be extremely hazardous to attempt to impose particular forms of aid or models of local reconstruction. The risks of such an approach have been demonstrated as far as both emergency and development assistance are concerned; unforeseen consequences may well confound the good intentions of planners (Harrell-Bond, 1986; Porter, Allen, and Thompson, 1991). Afghanistan provides a unique opportunity for the UN system to demonstrate that it can contribute to microlevel development planning. "Instead of the usual 'top-down' policy," a very experienced practitioner has remarked, "a policy of grassroots, village-level development should be adopted, in phases" (Jawad, 1991: 77; see also Jawad, 1992: 33). One must never lose sight of the reality that Afghans are the ultimate resource for Afghan reconstruction.

That said, the importance of sufficient reconstruction aid to Afghanistan is impossible to overestimate. The pressures on the compassion of the international community are undeniably enormous. But scarcity notoriously inflames the political process, and without generous assistance to recover from the darkest years of Afghan history, Afghan politics will likely prove too ferociously competitive for democratic institutions to survive for very long at all.

APPENDIX:

GENEVA ACCORDS, 1988

Bilateral Agreement Between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in Particular on Non-Interference and Non-Intervention

The Republic of Afghanistan and the Islamic Republic of Pakistan, hereinafter referred to as the High Contracting Parties,

Desiring to normalize relations and promote good-neighbourliness and co-operation as well as to strengthen international peace and security in the region,

Considering that full observance of the principle of non-interference and non-intervention in the international and external affairs of States is of the greatest importance for the maintenance of international peace and security and for the fulfilment of the purpose and principles of the Charter of the United Nations,

Reaffirming the inalienable right of States freely to determine their own political, economic, cultural and social systems in accordance with the will of their peoples without outside intervention, interference, subversion, coercion or threat in any form whatsoever,

Mindful of the provisions of the Charter of the United Nations as well as the resolutions adopted by the United Nations on the principle of noninterference and non-intervention, in particular the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, of 24 October 1970, as well as the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, of 9 December 1981,

Have agreed as follows:

Article I

Relations between the High Contracting Parties shall be conducted in strict compliance with the principle of non-interference and non-intervention by States in the affairs of other States.

Article II

For the purpose of implementing the principles of non-interference and non-intervention each High Contracting Party undertakes to comply with the following obligations:

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(1) to respect the sovereignty, political independence, territorial integrity, national unity, security and non-alignment of the other High Contracting Party, as well as the national identity and cultural heritage of its people;

(2) to respect the sovereign and inalienable right of the other High Contracting Party freely to determine its own political, economic, cultural and social systems, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, and without outside intervention, interference, subversion, coercion or threat in any form whatsoever;

(3) to refrain from the threat or use of force in any form whatsoever so as not to violate the boundaries of each other, to disrupt the political, social or economic order of the other High Contracting Party, to overthrow or change the political system of the other High Contracting Party or its Government, or to cause tension between the High Contracting Parties;

(4) to ensure that its territory is not used in any manner which would violate the sovereignty, political independence, territorial integrity and national unity or disrupt the political, economic and social stability of the other High Contracting Parties;

(5) to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at the other High Contracting Party, or any act of military, political or economic interference in the internal affairs of the other High Contracting Party, including acts of reprisal involving the use of force;

(6) to refrain from any action or attempt in whatever form or under whatever pretext to destabilize or to undermine the stability of the other High Contracting Party or any of its institutions;

(7) to refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities against the other High Contracting Party, under any pretext whatsoever, or from any other action which seeks to disrupt the unity or to undermine or subvert the political order of the other High Contracting Party;

(8) to prevent within its territory the training, equipping, financing and recruitment of mercenaries from whatever origin for the purpose of hostile activities against the other High Contracting Party, or the sending of such mercenaries into the territory of the other High Contracting Party and accordingly to deny facilities, including financing for the training, equipping and transit of such mercenaries;

(9) to refrain from making any agreements or arrangements with other States designed to intervene or interfere in the internal and external affairs of the other High Contracting Party;

(10) to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of the other High Contracting Party;

(11) to prevent any assistance to or use of or tolerance of terrorist groups saboteurs or subversive agents against the other High Contracting Party;

(12) to prevent within its Territory the presence, harbouring, in camps and bases or otherwise, organizing, training, financing, equipping and arming of individuals and political, ethnic and any other groups for the purpose of creating subversion, disorder or unrest in the territory of the other High Contracting Party and accordingly also to prevent the use of mass media and the transportation of arms, ammunition and equipment by such individuals and groups;

(13) not to resort to or to allow any other action that could be considered as interference or intervention.

Article III
The present Agreement shall enter into force on 15 May 1988.

Article IV
Any steps that may be required in order to enable the High Contracting Parties to comply with the provisions of Article II of this Agreement shall be completed by the date on which this Agreement enters into force.

Article V
This Agreement is drawn up in the English, Pashtu and Urdu languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail. Done in five original copies at Geneva this fourteenth day of April 1988.

Signed by Afghanistan and Pakistan

Declaration on International Guarantees

The Governments of the Union of Soviet Socialist Republics and of the United States of America,

Expressing support that the Republic of Afghanistan and the Islamic Republic of Pakistan have concluded a negotiated political settlement designed to normalize relations and promote good-neighbourliness between the two countries as well as to strengthen international peace and security in the region;

Wishing in turn to contribute to the achievement of the objectives that the Republic of Afghanistan and the Islamic Republic of Pakistan have set themselves, and with a view to ensuring respect for their sovereignty, independence, territorial integrity and non-alignment;

Undertake to invariably refrain from any form of interference and intervention in the internal affairs of the Republic of Afghanistan and the Islamic Republic of Pakistan and to respect the commitments contained in the bilateral agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in particular on Non-Interference and Non-Intervention;

Urge all States to act likewise.

The present Declaration shall enter into force on 15 May 1988.

Done at Geneva, this fourteenth day of April 1988 in five original copies, each in the English and Russian languages, both texts being equally authentic.

Signed by the USSR and the USA

Bilateral Agreement Between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees

The Republic of Afghanistan and the Islamic Republic of Pakistan, hereinafter referred to as the High Contracting Parties,

Desiring to normalize relations and promote good-neighbourliness and co-oper-
ation as well as to strengthen international peace and security in the region,
Convinced that voluntary and unimpeded repatriation constitutes the most
appropriate solution for the problem of Afghan refugees present in the
Islamic Republic of Pakistan and having ascertained that the arrangements
for the return of the Afghan refugees are satisfactory to them,
Have agreed as follows:

Article I

All Afghan refugees temporarily present in the territory of the Islamic Republic
of Pakistan shall be given the opportunity to return voluntarily to their
homeland in accordance with the arrangements and conditions set out in the
present Agreement.

Article II

The Government of the Republic of Afghanistan shall take all necessary measures
to ensure the following conditions for the voluntary return of Afghan refugees
to their homeland:
(a) All refugees shall be allowed to return in freedom to their homeland;
(b) All returnees shall enjoy the free choice of domicile and freedom of move-
ment within the Republic of Afghanistan;
(c) All returnees shall enjoy the right to work, to adequate living conditions and
to share in the welfare of the State;
(d) All returnees shall enjoy the right to participation on an equal basis in the
civic affairs of the Republic of Afghanistan. They shall be ensured equal
benefits from the solution of the land question on the basis of the Land and
Water Reform;
(e) All returnees shall enjoy the same rights and privileges, including freedom
of religion, and have the same obligations and responsibilities as any other
citizens of the Republic of Afghanistan without discrimination.
The Government of the Republic of Afghanistan undertakes to implement these
measures and to provide, within its possibilities, all necessary assistance in the
process of repatriation.

Article III

The Government of the Islamic Republic of Pakistan shall facilitate the voluntary,
orderly and peaceful repatriation of all Afghan refugees staying within its
territory and undertakes to provide, within its possibilities, all necessary
assistance in the process of repatriation.

Article IV

For the purpose of organizing, coordinating and supervising the operations
which should effect the voluntary, orderly and peaceful repatriation of Afghan
refugees, there shall be set up mixed commissions in accordance with the
established international practice. For the performance of their functions the
members of the commissions and their staff shall be accorded the necessary
facilities, and have access to the relevant areas within the territories of the
High Contracting Parties.

Article V

With a view to the orderly movement of the returnees, the commissions shall

determine frontier crossing points and establish necessary transit centres. They shall also establish all other modalities for the phased return of refugees, including registration and communication to the country of return of the names of refugees who express the wish to return.

Article VI
At the request of the Governments concerned, the United Nations High Commissioner for Refugees will co-operate and provide assistance in the process of voluntary repatriation of refugees in accordance with the present Agreement. Special agreements may be concluded for this purpose between UNHCR and the High Contracting Parties.

Article VII
The present Agreement shall enter into force on 15 May 1988. At that time the mixed commissions provided in Article IV shall be established and the operations for the voluntary return of refugees under this Agreement shall commence.

The arrangements set out in Articles IV and V above shall remain in effect for a period of eighteen months. After that period the High Contracting Parties shall review the results of the repatriation and, if necessary, consider any further arrangements that may be called for.

Article VIII
This Agreement is drawn up in the English, Pashtu and Urdu languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

Done in five original copies at Geneva this fourteenth day of April 1988.

Signed by Afghanistan and Pakistan

Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan

1. The diplomatic process initiated by the Secretary-General of the United Nations with the support of all Governments concerned and aimed at achieving, through negotiations, a political settlement of the situation relating to Afghanistan has been successfully brought to an end.
2. Having agreed to work towards a comprehensive settlement designed to resolve the various issues involved and to establish a framework for good-neighbourliness and co-operation, the Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan entered into negotiations through the intermediary of the Personal Representative of the Secretary-General at Geneva from 16 to 24 June 1982. Following consultations held by the Personal Representative in Islamabad, Kabul and Teheran from 21 January to 7 February 1983, the negotiations continued at Geneva from 11 to 22 April and from 12 to 24 June 1983. The Personal Representative again visited the area for high-level discussions from 3 to 15 April 1984. It was then agreed to change the format of the negotiations and, in pursuance thereof, proximity talks through the intermediary of the Personal Representative were held at Geneva from 24 to 30 August 1984. Another visit to the

area by the Personal Representative from 25 to 31 May 1985 preceded further rounds of proximity talks held at Geneva from 20 to 25 June, from 27 to 30 August and from 16 to 19 December 1985. The Personal Representative paid an additional visit to the area from 8 to 18 March 1986 for consultations. The final round of negotiations began as proximity talks at Geneva on 5 May 1986, was suspended on 23 May 1986, and was resumed from 31 July to 8 August 1986. The Personal Representative visited the area from 20 November to 3 December 1986 for further consultations and the talks at Geneva were resumed again from 25 February to 9 March 1987, and from 7 to 11 September 1987. The Personal Representative again visited the area from 18 January to 9 February 1988 and the talks resumed at Geneva from 2 March to 8 April 1988. The format of the negotiations was changed on 14 April 1988, when the instruments comprising the settlement were finalized, and, accordingly, direct talks were held at that stage. The Government of the Islamic Republic of Iran was kept informed of the progress of the negotiations throughout the diplomatic process.

3. The Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan took part in the negotiations with the expressed conviction that they were acting in accordance with their rights and obligations under the Charter of the United Nations and agreed that the political settlement should be based on the following principles of international law:
   - The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;
   - The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;
   - The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;
   - The duty of States to co-operate with one another in accordance with the Charter of the United Nations;
   - The principle of equal rights and self-determination of peoples;
   - The principle of sovereign equality of States;
   - The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations.

The two Governments further affirmed the right of the Afghan refugees to return to their homeland in a voluntary and unimpeded manner.

4. The following instruments were concluded on this date as component parts of the political settlement:

A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in Particular on Non-Interference and Non-Intervention;

A Declaration on International Guarantees by the Union of Soviet Socialist Republics and the United States of America;

A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees;

The present Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan.

5. The Bilateral Agreement on the Principles of Mutual Relations, in Particular on Non-Interference and Non-Intervention; the Declaration on International

Guarantees; the Bilateral Agreement on the Voluntary Return of Refugees; and the present Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan will enter into force on 15 May 1988. In accordance with the time-frame agreed upon between the Union of Soviet Socialist Republics and the Republic of Afghanistan there will be a phased withdrawal of the foreign troops which will start on the date of entry into force mentioned above. One half of the troops will be withdrawn by 15 August 1988 and the withdrawal of all troops will be completed within nine months.

6. The interrelationships in paragraph 5 above have been agreed upon in order to achieve effectively the purpose of the political settlement, namely, that as from 15 May 1988, there will be no interference and intervention in any form in the affairs of the Parties; the international guarantees will be in operation; the voluntary return of the refugees to their homeland will start and be completed within the time-frame specified in the agreement on the voluntary return of the refugees; and the phased withdrawal of the foreign troops will start and be completed within the time-frame envisaged in paragraph 5. It is therefore essential that all the obligations deriving from the instruments concluded as component parts of the settlement be strictly fulfilled and that all the steps required to ensure full compliance with all the provisions of the instruments be completed in good faith.

7. To consider alleged violations and to work out prompt and mutually satisfactory solutions to questions that may arise in the implementation of the instruments comprising the settlement representatives of the Republic of Afghanistan and the Islamic Republic of Pakistan shall meet whenever required.

A representative of the Secretary-General of the United Nations shall lend his good offices to the Parties and in that context he will assist in the organization of the meetings and participate in them. He may submit to the Parties for their consideration and approval suggestions and recommendations for prompt, faithful and complete observance of the provisions of the instruments.

In order to enable him to fulfill his tasks, the representative shall be assisted by such personnel under his authority as required. On his own initiative, or at the request of any of the Parties, the personnel shall investigate any possible violations of any of the provisions of the instruments and prepare a report thereon. For that purpose, the representative and his personnel shall receive all the necessary co-operation from the Parties, including all freedom of movement within their respective territories required for effective investigation. Any report submitted by the representative to the two Governments shall be considered in a meeting of the Parties no later than forty-eight hours after it has been submitted.

The modalities and logistical arrangements for the work of the representative and the personnel under his authority as agreed upon with the Parties are set out in the Memorandum of Understanding which is annexed to and is part of this Agreement.

8. The present instrument will be registered with the Secretary-General of the United Nations. It has been examined by the representatives of the Parties to the bilateral agreements and of the States-Guarantors, who have signified their consent with its provisions. The representatives of the Parties, being duly authorized thereto by their respective Governments, have affixed their signatures hereunder. The Secretary-General of the United Nations was present.

Done, at Geneva, this fourteenth day of April 1988, in five original copies each

in the English, Pashtu, Russian and Urdu languages, all being equally authentic. In case of any dispute regarding the interpretation the English text shall prevail.

Signed by Afghanistan and Pakistan

In witness thereof, the representatives of the States-Guarantors affixed their signatures hereunder:

Signed by the USSR and the USA

Annex: Memorandum of Understanding

I. Basic requirements
(a) The Parties will provide full support and co-operation to the Representative of the Secretary-General and to all the personnel assigned to assist him;
(b) The Representative of the Secretary-General and his personnel will be accorded every facility as well as prompt and effective assistance including freedom of movement and communications, accommodation, transportation and other facilities that may be necessary for the performance of their tasks: Afghanistan and Pakistan undertake to grant to the Representative and his staff all the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations.
(c) Afghanistan and Pakistan will be responsible for the safety of the Representative of the Secretary-General and his personnel while operating in their respective countries.
(d) In performing their functions, the Representative of the Secretary-General and his staff will act with complete impartiality. The Representative of the Secretary-General and his personnel must not interfere in the internal affairs of Afghanistan and Pakistan and, in this context, cannot be used to secure advantages for any of the Parties concerned.

II. Mandate
The mandate for the implementation-assistance arrangements envisaged in paragraph 7 derives from the instruments comprising the settlement. All the staff assigned to the Representative of the Secretary-General will accordingly be carefully briefed on the relevant provisions of the instruments and on the procedures that will be used to ascertain violations thereof.

III. Modus operandi and personnel organization
The Secretary-General will appoint a senior military officer as Deputy to the Representative who will be stationed in the area, as head of two small headquarters units, one in Kabul and the other in Islamabad, each comprising five military officers, drawn from existing United Nations operations, and a small civilian auxiliary staff.
The Deputy to the Representative of the Secretary-General will act on behalf of the Representative and be in contact with the Parties through the Liaison Officer each Party will designate for this purpose.
The two headquarters units will be organized into two Inspection Teams to ascertain on the ground any violation of the instruments comprising the

settlement. Whenever considered necessary by the Representative of the Secretary-General or his Deputy, up to 40 additional military officers (some 10 additional Inspection Teams) will be redeployed from existing operations within the shortest possible time (normally around 48 hours).

The nationalities of all the Officers will be determined in consultation with the Parties.

Whenever necessary the Representative of the Secretary-General, who will periodically visit the area for consultations with the Parties and to review the work of his personnel, will also assign to the area members of his own Office and other civilian personnel from the United Nations Secretariat as may be needed. His Deputy will alternate between the two Headquarters units and will remain at all times in close communication with him.

IV. Procedure

(a) Inspections conducted at the request of the Parties

(i) A complaint regarding a violation of the instrument of the settlement lodged by any of the Parties should be submitted in writing, in the English language, to the respective headquarters units and should indicate all relevant information and details.

(ii) Upon receipt of a complaint the Deputy to the Representative of the Secretary-General will immediately inform the other Party of the complaint and undertake an investigation by making on-site inspections, gathering testimony and using any other procedure which he may deem necessary for the investigation of the alleged violation. Such inspection will be conducted using headquarters staff as referred to above, unless the Deputy Representative of the Secretary-General considers that additional teams are needed. In that case, the Parties will, under the principle of freedom of movement, allow immediate access of the additional personnel to their respective territories.

(iii) Reports on investigations will be prepared in English and submitted by the Deputy Representative of the Secretary-General to the two Governments, on a confidential basis. (A third copy of the Report will be simultaneously transmitted, on a confidential basis, to the United Nations Headquarters in New York, exclusively for the information of the Secretary-General and his Representative.) In accordance with paragraph 7 a report on an investigation should be considered in a meeting of the Parties not later than 48 hours after it has been submitted. The Deputy Representative of the Secretary-General will, in the absence of the Representative, lend his good offices to the Parties and in that context he will assist in the organization of the meetings and participate in them. In the context of those meetings the Deputy Representative of the Secretary-General may submit to the Parties for their consideration and approval, suggestions and recommendations for the prompt, faithful and complete observance of the provisions of the instruments. (Such suggestions and recommendations will be, as a matter of course, consulted with, and cleared by, the Representative of the Secretary-General.)

(b) Inspections conducted on the initiative of the Deputy Representative of the Secretary-General

In addition to inspections requested by the Parties, the Deputy Representative of the Secretary-General may carry out on his own initiative and in consultation with the Representative inspections he deems appropriate for the purpose of the implementation of paragraph 7. If it is considered that the conclusions reached in an inspection justify a report to the Parties, the same

procedure used in submitting reports in connection with inspections carried out at the request of the Parties will be followed.

Level of participation in meetings

As indicated above, the Deputy Representative of the Secretary-General will participate at meetings of the Parties convened for the purpose of considering reports on violations. Should the Parties decide to meet for the purpose outlined in paragraph 7 at a high political level, the Representative of the Secretary-General will personally attend such meetings.

V. Duration

The Deputy to the Representative of the Secretary-General and the other personnel will be established in the area not later than twenty days before the entry into force of the instruments. The arrangements will cease to exist two months after the completion of all time-frames envisaged for the implementation of the instruments.

VI. Financing

The cost of all facilities and services to be provided by the Parties will be borne by the respective Governments. The salaries and travel expenses of the personnel to and from the area, as well as the costs of the local personnel assigned to the headquarters units, will be defrayed by the United Nations.

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ABOUT THIS OCCASIONAL PAPER

This tightly argued monograph provides a detailed account of the collapse of the communist regime in Afghanistan and considers steps that can be taken to consolidate post-communist rule.

After outlining the historical evolution of the Afghanistan problem, the authors trace the process by which the communist regime progressively unraveled and show why UN efforts to negotiate an internal settlement between the communists and the resistance proved fruitless. They then examine the issues that will need to be addressed if fair elections—endorsed by a wide range of Afghan political groups—are to be held. A discussion of future constitutional arrangements highlights the potential advantages of federalism, consociationalism, and parliamentarianism.

The authors conclude with a powerful plea for generous reconstruction aid, without which, they assert, Afghan politics will prove too ferociously competitive for democratic institutions to survive.

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