

Government And Politics of Afghanistan



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Overview: The adoption of a new constitution in January 2004 and the election of Hamid Karzai as president in October 2004 were considered major advances in Afghanistan's fragmented political life. However, day-to-day control of the provinces proved difficult both before and after the election, and substantial regional power centers remained in 2008.

After the first National Assembly was seated in December 2005, the balance between the executive and legislative branches was uncertain, and Karzai has been obliged to award cabinet positions to key regional warlords. The role of Islamic precepts in governance remains extremely controversial, particularly in the judicial branch. In March 2008, the United Nations continued its policy of one-year renewals of its Assistance Mission in Afghanistan, designed to coordinate international aid and guide the rebuilding process.

Executive Branch: The president and two vice presidents are elected as a ticket by popular vote to five-year terms. The first such election under the 2004 constitution occurred in October 2004. President Hamid Karzai, who was elected at that time, is both chief of state and head of government.

The president appoints ministers, subject to the approval of the Wolesi Jirga (People's Council), the lower house of the National Assembly. Following a reorganization in early 2006, the government included 25 ministries; appointments to these ministries have been distributed among influential regional and military groups.

The reorganization of 2006 reduced the number of ministries by two and shifted key individuals. One woman headed a ministry in 2008. The national security adviser and the governor of the central bank have ministerial status in the government. The National Defense Commission, headed by Karzai, is a six-member advisory board that includes leaders of the main regional groups. Karzai has attempted to manipulate key regional individuals and groups to maintain a base of power. An example is Karzai's careful treatment of Abdul Rashid Dostum, a powerful Uzbek warlord considered vital in holding northern Afghanistan against the Taliban. That strategy has involved Karzai in complex regional power struggles. He has been accused of supporting certain opium traffickers in exchange for support in southern provinces.

Legislative Branch: The constitution calls for a bicameral legislature, the National Assembly. Members of the lower house, the 249-member Wolesi Jirga (People's Council), are elected directly for five-year terms. The next election is scheduled for 2010. The Wolesi Jirga has 249 seats, whose geographical allocation is determined by population. Some 68 seats are designated for women and 10 for the Kuchis, a large seminomadic group.

The 102 members of the upper house, the Meshrano Jirga (House of Elders), are appointed by provincial councils (one member for each of 34 provinces, serving four-year terms); by district councils (accounting for another 34 members, each serving three-year terms); and the president (34 members who serve five-year terms). The constitution specifies that the presidential appointees be one-half women and include two representatives of the Kuchis and two representatives of the disabled. Members of the Meshrano Jirga are appointed after the elections for the Wolesi Jirga. The government can convene a Loya Jirga (Constituent Assembly) to decide urgent matters of independence, national sovereignty, and territorial integrity. Such an assembly, which can amend the constitution and bring charges against the president, must include members of the National Assembly and

chairpersons of the provincial and district councils. A 1,650-member Loya Jirga chose the transitional government that took office in 2002, and a second such council formulated the 2004 constitution.

Judicial Branch: Afghanistan's judicial branch deteriorated during the Soviet occupation, and justice was administered by strict Islamic law during the Taliban era (1996–2001). To replace the ad hoc system in place under the transitional government, the constitution of 2004 stipulated that the Supreme Court include nine justices appointed by the president, with approval of the Wolesa Jirga, for 10-year terms. Those justices have particular importance because they are responsible for managing the personnel, budgets, and policy decisions of the entire national, regional, and local court system. At the urging of his Western partners in the 2006 Afghanistan Compact, President Karzai replaced several Supreme Court justices in 2006. Also in 2006, the Wolesa Jirga refused the denomination of the ultraconservative Fazel Hadi Shinwari, a staunch advocate of Islamic law, as chief justice.

However, his replacement, Abdul Salam Azimi, proved equally conservative in his first two years on the court. At the level below the Supreme Court are high and appeals courts. A National Security Court handles cases of terrorism and other threats to national security.

Administrative Divisions: The major subnational administrative division is the province (wilayat), numbering 34 in 2008. The two newest provinces were added in 2004. Each province has between five and 15 districts. In 2006 some 361 districts were in existence, but the number changes frequently as districts split or combine. Each province has one designated provincial municipality; some but not all provinces also have a single rural municipality. The municipalities fall under the direct jurisdiction of the Ministry of Interior.

Provincial and Local Government: According to the constitution, provinces, districts, and villages are governed by directly elected councils. The first elections for those councils, which totaled 420 seats, were held concurrently with the national parliamentary elections of September 2005.

The chief executive at the province level is the governor, who is appointed by the president. As is the case with the national cabinet, the president has distributed governorships among influential regional and military groups. Province and district administrations have the same basic structure as the national government. According to the constitution of 2004, the central government, which theoretically stands at the center of a highly centralized system, delegates authority to the subnational jurisdictions in (unspecified) matters where local or regional action is more efficient. In actuality, the structure and government of the provinces have varied greatly; in most cases, provincial governance is based on the financial and military strength of local leaders as well as personal and tribal loyalties. In some southern jurisdictions, the Taliban insurgency has been able to establish parallel governments, including administrators and judges.

Judicial and Legal System: Although every province has a lower and a higher court, judicial procedures are influenced by local authorities and traditions. The supply of trained jurists is very limited. In 2002, the transitional government established an education program run by Italian judicial experts to prepare judges, prosecutors, and defense lawyers.

Although some individuals received secular judicial training in the early 2000s, the majority of local court officials came from Muslim religious schools and lacked judicial skills. The respective roles of Islamic and secular law in

the new national judicial system have not been well established; a large portion of the current law code is based on laws passed under the last king, Mohammad Zahir Shah (ruled 1933–73). In rural areas, where local elders and tribal authorities resolve criminal cases, Taliban laws have remained in effect. According to a 2006 estimate, in all provinces some 90 percent of local cases are based on Islamic and tribal law.

Electoral System: Suffrage is universal for male and female citizens 18 years of age and older. A new electoral and political party law went into effect in May 2004. About 77 percent of registered voters participated in the direct presidential election of 2004, the first since 1969. That election was managed by the Interim Election Commission appointed by Hamid Karzai, then the head of the interim government.

Although some incidents of intimidation were reported in elections for the constitutional Loya Jirga in late 2003, the constitutional referendum of January 2004, and the presidential election of October 2004, monitors found those voting processes to be basically fair. In 2004 Karzai appointed an 11-member Joint Electoral Management Body to permanently oversee election registration and procedures. The first parliamentary and local elections were held in September 2005 after being postponed for nearly a year for security reasons. Although the election commission ostensibly disqualified individuals commanding armed groups from the parliamentary elections, several of the most powerful regional warlords gained seats. The complex voting system for those elections, in which about 50 percent of eligible voters participated, received substantial criticism. Because all candidates ran as individuals and no party representation was allowed, substantial fragmentation of parliamentary coalitions resulted. The next presidential election is scheduled for 2009 and the next parliamentary election for 2010.

Politics and Political Parties: The Political Parties Law of 2003 requires that all political parties be registered with the Ministry of Justice and observe the precepts of Islam. In 2007, some 82 parties had gained such recognition. Because party identification was not allowed for candidates in the 2005 elections, party-based coalitions could not function in parliament. Most political groupings are based on alliances that formed during the military struggles of 1979–2002. The Northern Alliance is an influential loose confederation of several Hazara, Tajik, and Uzbek groups who fought against the Taliban. Factions of the alliance were key forces in the parliament elected in 2005. In 2008 the largest individual parties were the Islamic Party of Afghanistan, the National Congress Party of Afghanistan (represented in the presidential election by fifth-place finisher Abdul Latif Pedram), the National Islamic Movement of Afghanistan (an Uzbek party, represented in the election by fourth-place finisher Abdul Rashid Dostum), the National Movement of Afghanistan (a coalition of 11 parties also known as the Afghan Nationalist Party), the Islamic Society of Afghanistan, the Islamic Unity Party, and the United National Front (founded by members of the Northern Coalition and other leaders after the 2005 elections). United National Front member Yonus Qanooni, the speaker of the Wolesi Jirga, has been a key voice of opposition to the Karzai government and is considered a likely candidate in the 2009 presidential election. President Karzai has declined to form a party to advance his programs. The first parliament featured a broad division between leaders of previous military conflicts and younger “modernists” who emphasized future development of the country. Another important division of political power is between the Pashtun-dominated south and the Tajik- and Uzbek-dominated north.

Mass Media: In 2005, Afghanistan had an estimated 45 FM radio stations and about 10 television stations. Radio is the most widespread source of information. In 2003, an estimated 37 percent of Afghan citizens, mainly in urban centers, had access to a local radio station. A government-run national television station and seven radio stations were located in Kabul, and nine provinces had regional television stations. Most of the electronic news media are government-owned. In the early 2000s, state-owned Radio Television Afghanistan was the most powerful broadcast outlet. Four cable stations appeared after the overthrow of the Taliban, carrying Indian and U.S. programs. By 2005, the private station Tolo TV had achieved great popularity by airing Western-style programs that occasionally ran afoul of Islamic critics. The private radio station Radio Arman followed a similar trajectory. As their public access increased, the broadcast media received increasing pressure from conservative Islamic factions. Prominent media figures were murdered in 2005 and 2007. Some government officials have used their positions to maintain their own communications facilities.

The circulation of independent print publications has been confined to the Kabul region. The 2004 media law requires registration of periodicals with the Ministry of Information and Culture; in 2005 some 250 periodicals were registered. The principal daily newspapers are the state-owned Anis, Eslah, and Kabul Times and the privately owned Arman-e Melli, Eradeh, Hewad, Ittefaq-e Islam, and Shari'at. Because of financial difficulties, all independent print media are dependent on the government or a political faction. Domestic news agencies are the state-owned Bakhtar and the privately owned Hindokosh and Kabul Press.

Foreign Relations: Traditionally a neutral country, Afghanistan mirrored the foreign policy of the Soviet Union during the decade of Soviet occupation (1979–89). Neither the Soviet-supported regimes in Afghanistan nor the Taliban regime (respectively, 1979–89 and 1996–2001) received wide international recognition. After the fall of the Taliban in 2001, Afghanistan established diplomatic relations with most countries of the world. In December 2002, the six nations bordering Afghanistan signed a “Good Neighbor Declaration,” guaranteeing the country’s independence and territorial integrity.

Major International Treaties: Afghanistan is a signatory to the following multilateral agreements: Comprehensive Test Ban Treaty; Convention on Biological Diversity; Convention on the International Trade in Endangered Species of Wild Flora and Fauna; Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques;

conventions prohibiting the development, production, stockpiling, and use of biological and chemical weapons (known, respectively, as the Biological Weapons Convention and the Chemical Weapons Convention); Geneva Conventions; Montreal Protocol on Substances That Deplete the Ozone Layer; Treaty on the Non-Proliferation of Nuclear Weapons; United Nations Convention to Combat Desertification; and United Nations Framework Convention on Climate Change. Afghanistan has signed but not ratified the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Convention on Fishing and Conservation of Living Resources of the High Seas, and United Nations Convention on the Law of the Sea. As of April 2008, Afghanistan had not signed the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

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