

# The Road in Afghanistan Is Still Torturous

by Ramtanu Maitra

On Dec. 14, the much-awaited process began in Kabul to finalize the draft constitution prepared by the interim Afghan government; 502 delegates, including 100 women, assembled to finalize the constitution through a traditional Afghan deliberative process, known as the Loya Jirga (Grand Council of Elders). Observers point out that considering the differences among the delegates, the process may extend to as long as three weeks.

The Loya Jirga is the second milestone set up by the UN-brokered Bonn Agreement of early 2002. The Agreement had set up the framework for an interim Afghan regime and the timeline for Afghanistan's political transition after the Taliban was ousted in late 2001. The country reached one major milestone in November 2003 with the completed draft of a new national constitution to pave the way for popular elections. The adoption of the constitution will set the stage for the country's first direct presidential election—most likely in June—and then formation of a two-house national assembly a year later.

## Kabul-Kandahar Road

Another milestone of sorts was reached on Dec. 16, when the reconstructed road between Kabul and the southern city of Kandahar was formally completed, as President Bush had promised President Hamid Karzai more than a year ago. The resurfacing of the road, which has reduced the travel time for its approximately 300-mile distance, from as much as 30 hours to six or less, has become the most visible sign of Afghanistan's reconstruction, which many Afghans say has otherwise been frustratingly slow. The United States provided \$190 million to complete the highway, the first phase of an effort to rebuild the entire road that circumnavigates Afghanistan, originally built with American financing in the 1960s.

But the dedication of the Kabul-Kandahar road was marred by the fact that not everyone feels secure enough to use it. As construction proceeded, so did attacks by a resurgent Taliban, which killed four Afghans guarding the road and seriously wounded 15 people.

Some delegates to the Loya Jirga who attended the opening said they had been flown to Kabul for the meeting, avoiding the road out of concern for their safety.

Those who oppose President Karzai's interim government in Kabul, and consider it as a U.S. Trojan horse, have

verbally attacked the Loya Jirga as an "American drama" to prolong the "occupation." They have also threatened death to delegates attending the council. Besides the Taliban, the Hizbe Islami group, led by the 1980s American asset against the Soviets, Gulbuddin Hekmatyar, has given a call to disrupt the proceedings. The council is taking place under intense security, with hundreds of soldiers lining the roads and helicopters hovering overhead. Three rockets struck some six miles north of the council site before dawn on Dec. 16, damaging a mud house but causing no injuries.

But beside those Afghans who consider the Karzai regime as a mere extension of the Bush Administration, there are many among the delegates who note the constitution might lack widespread legitimacy because it has been drafted in a secretive and unaccountable manner and therefore, be unacceptable. The Brussels-based International Crisis Group (ICG), in its recent report, highlighted these problems and pointed out that "a unique opportunity to create democratic institutions and ensure the future stability of Afghanistan will be wasted, unless far greater efforts are made to consult with the population on the development of the new constitution."

## Elections in 2004

On the other hand, the objective of both the Karzai and Bush administrations at this point is to push through the constitution and set up a date for general elections in the Summer of 2004. The draft constitution has recommended a strong President elected by the people. Karzai pressed, on the opening day, for a strong presidential system that officials hope will be able to stand up to the resurgent Taliban and make the country safe enough for aid workers and foreign investors. He also made clear that his participation in the presidential elections in the future depends entirely on the endorsement of this clause. Justifying his refusal to share power with a powerful Parliament, Karzai opines that a strong parliament would only interfere in making decisions. The opponents claim that to institutionalize a strong Presidency in Afghanistan through the constitution, would be helping to prepare the breeding ground for dictators.

The concept of a strong President elected by the people will bring into play other complications as well. Since the Pushtuns are in majority, the minority communities like the Tajiks, Uzbeks, Hazaras, and others believe that Afghanistan will have strong Pushtun Presidents—who then would seriously undermine the minority communities' interests.

Since the present interim government, led by the Northern Alliance, heavily represents the Tajiks in particular, it is likely the issue of strong Presidency will be a major sticking point at the Loya Jirga. The Alliance's commander in chief, Mohammed Fahim, is Karzai's deputy and the country's defense minister. But analysts say Alliance leaders are worried they could be marginalized by Karzai, a Pushtun from the south.

In addition, the Loya Jirga will also have to deal with the issue of the rights of women. The opening celebrations over

Afghanistan's constitutional council hit its first controversy on Dec. 15, when female delegates denounced their colleagues for trying to shut them out of leadership positions. After a day of procedural back-and-forth, delegates selected three men—Mirwais Yasini, Mohammed Ahzam Dadfar, and Mawlawi Qiamuddin Kashaf—to fill deputy chairman positions. Another man, moderate former President Sibghatullah Mujaddedi, was selected chairman on the council's opening day.

This pattern of voting produced outrage from many of the women who are delegates. One woman was granted a deputy chairman's position, but some still expressed anger over second-class treatment.

### Fears of More Unrest

But beyond reaching another milestone if it is merely completed and adopts a constitutional draft, the question most Afghans ask is whether the Loya Jirga will be able to usher in peace. It is widely acknowledged that President Karzai's power barely extends beyond the capital because of the power of warlords in the provinces. By many reports, the violence worsened over the course of the year. The London *Times* recently quoted international aid workers as saying at least five of Afghanistan's 32 provinces are now virtually off-limits to foreigners. Since March, 13 aid workers have been killed, hampering the delivery of assistance in some areas.

*Time* magazine, quoting its sources in Pakistan and Afghanistan in its Dec. 15 issue, said the Taliban commander Mullah Shehzada, who was among 16 Afghans freed from the U.S. military base in Guantanamo, Cuba, in July, is reportedly back in Afghanistan and is in charge of attacks against U.S. forces there. He masterminded a jailbreak in Kandahar in liaison with prison guards in October, in which 41 captured Taliban burrowed under prison walls.

Asked why Shehzada had resumed attacks on U.S. forces, Taliban spokesman Hamid Agha said, "Once a Taliban, always a Taliban. Now he wants revenge." The Pentagon declined to comment on the report, the weekly said.

Marina Ottaway of the Carnegie Endowment for International Peace in Washington says the unrest in Afghanistan is in areas where local power holders or the Taliban refuse to accept the authority of the Karzai government. "The problem of insecurity really comes in areas that are contested, and above all, in those areas where the local powers that are trying to assert their hold are not acceptable to the Karzai government and to the United States. That's why you have a lot of problems now in the Pushtun areas, because if there was no outside intervention, the Taliban would reconsolidate its hold over those areas," Ottaway said.

Ottaway says the big challenge in the months ahead will be to cope with a possible further increase in unrest once the country moves toward presidential elections. Regional power brokers intent on protecting their interests are likely to regard a directly-elected government as considerably more threaten-



*Afghan interim President Hamid Karzai (center) told the Loya Jirga he would only accept a new constitution with strong presidential powers. But so far, the power of his presidency has consisted almost entirely of U.S. military and economic support.*

ing than Karzai's current administration, because it will have a stronger popular mandate.

### It's Security, Stupid!

Similar views were heard in June in Kabul when Prof. Kenji Isezaki, Tokyo's special representative in Kabul for Disarmament, Demobilization, and Reintegration (DDR)—a Japanese-sponsored program to disarm former *mujahideen* fighters and reintegrate them into society—spoke at a conference held in Kabul's Inter-Continental Hotel about the planned 2004 elections. "Free elections without disarmament are impossible," Isezaki said. The conference was titled "Elections 2004 and Security" and was organized by the National Democracy Front of Afghanistan (N DFA), an umbrella of almost 50 newly emerged pro-democracy groups established in March this year.

Professor Isezaki was the first official representative of the international community in Afghanistan who hinted at a possible delay or even a cancellation of the 2004 elections. It was also evident that Isezaki is not the only one who thinks along those lines. The United Nations Assistance Mission in Afghanistan (UNAMA), led by special representative Lakhdar Brahimi, a former Algerian foreign minister, seems to recognize now that the warlords in Afghanistan are a part of the problem rather than the solution. "Continued insecurity and the absence of effective judicial institutions remains the rule, rather than the exception," Brahimi told the UN Security Council during a briefing on Afghanistan in early May. "Those conditions not only enable local commanders and government officials to act with impunity, but also threaten to undermine the still-fragile peace process."

Even within the Karzai Administration, there are those who consider the security situation as a definite hindrance to