

## Newsletter, August 10, 2021

Dear friends,

Now we are back home and have time to think about the situation in Afghanistan. This cannot be done in a few lines. My son Jürgen strongly advises me not to write too long newsletters. Well, like many of his generation, he mainly reads comics. But maybe he is right anyway. Therefore, I will divide what I want to say about the situation into weekly portions.

### Why didn't democracy work out?

In 2001, the year the Taliban were ousted, the international community decided to build a democratic state in Afghanistan.

Since 1978, Afghanistan had seen only foreign rule, civil war and destruction. The state administration had traditionally seen itself as the sovereign owner of the state. The fact that it should have been a service provider for the population was alien to it. In 2001, after war, civil war and the rule of communists and the Taliban, it was brutally decimated and barely able to function.

How do you turn a country into a democracy under such circumstances? One meets in a distant place, e.g. in Bonn, and gauges over the thumb what the state of Afghanistan will cost in the foreseeable future if it cannot raise its own funds for its administration and reconstruction. Then one looks around and asks who can contribute how much to this total amount. Enough came together for Afghanistan, even if not everyone later kept their promises.

That's how politicians think. They break down a task at their expense. The decision-maker asks, "How much will it cost?" Experts make a rough guess and come up with a figure. The politician discusses it in the cabinet, especially with the finance minister. Finally, the amount is roughly approved. The decision-maker and the finance minister publicly pat each other on the back. Their job is done. Their administrations do the rest. In the crises that Germany is currently struggling with, it becomes clear that the decision-maker should have paid some attention to the substantive problems of the task. Above all, it is evident at every turn that our administration is never equipped to handle a major task that suddenly comes up. Prior to Corona, our administration had been comfortably managing, with little concern for efficiency and reform.

But in Afghanistan in 2002, only the battered remnants of a bad administration stood before a ruined country. And this administration was supposed to rebuild everything from scratch - health care, transportation, justice, schools, etc., etc., etc.! After all, money was there. But money alone does not rebuild a country.

As a crowning achievement, this hopelessly overburdened Afghan administration was to receive a democratic superstructure. A timetable was set. A traditional tribal assembly appointed a provisional head of state. An elected assembly drafted a constitution that was approved by vote. A head of state and a parliament were elected, as were provincial representatives.

But what do people who have never lived in a democracy associate with the term democracy? For them, democracy means "elections". And such elections, the first in generations, are perceived by people as unique. This is where it is decided who will be in power in the future. The fact that many things can be changed at the next election and that the terms of office of those elected are limited is something no one thinks about during a first election. Nor does anyone think about the fact that those elected cannot do what they want. Their scope is limited by the constitution and the laws.

The fact that even those who win the election are hardly aware of this can be seen in our own neighborhood. Our Hungarian and Polish neighbors, having freed themselves from the fetters of communism, naturally opted for democracy. What else?

Elections were held. The winners formed the government. At last, they were in charge. During the election, some businessmen had strongly supported representatives of the new government. Such friends would now like to be generous in placing business orders. The Communists had promoted an ethnic minority. Their political representation is banned and dissolved. The country's glorious past must be emphasized more in schools and universities. Critical studies of dark times in the national past will be banned.

There was more that the new government wanted to work for. But many things are not progressing. When the state simply awards business contracts, competitors sue against it and the judges prove them right. Contracts must be put out to public tender. The ethnic minority was favored by the Communists. That is true. But their right to their own representation must not be taken away. It is the task of the universities to research the history. The state must not interfere in this.

Many of the government's plans fail. Citizens complain against new laws. Judges agree with them. So what are the elections for? The government is "in power," but has nothing to say. The Polish government assumed that it must be the judges and began to replace them. In doing so, it violated an essential principle that must apply in all constitutional states. Judges must be completely independent in applying the law. The Polish government is painfully learning that its country must be a constitutional state if it is to be a democracy.

It is understandable that it must first learn this. Poland had not been a constitutional state for decades. Those in power had decreed how the courts should rule.

It is striking that functioning democracies have almost always developed out of constitutional states. In states that later became democracies, the coexistence of people was usually already regulated in detail by laws for a long time. Some of these laws no longer correspond to our ideas today. But at that time they helped to make it possible for people to live together. Then the citizens were granted certain rights of co-determination in state affairs. Step by step, these rights were extended. Democracy came into being.

A democracy is an interaction of parliament, judiciary and government within a constitutional state. This interaction is regulated by laws. The parliament is elected. It can amend or abolish some of the laws and replace them with new laws. The government governs and administers the country according to the laws in force. The heads of government are elected directly by the people in some democracies and by parliament in others.

And in Afghanistan? There, the laws of tribal society have applied since time immemorial, with blood feuds, blood money and arbitration by local notables or spiritual dignitaries. Murder and manslaughter were also punished locally. King Amanullah had a code of law created on the Italian model. Legal practice hardly changed. Only a few cases involving prominent individuals are handled under the code.

For the vast majority of the country, the traditional local practice of law has remained in place until now. In addition, during the long period of war and civil strife, there were many brutal abuses beyond the reach of any legal jurisdiction.

Afghanistan was therefore anything but a constitutional state of the old European type, from which the Western democracies developed. It is not proven that only states that were constitutional states in the 19th and 20th centuries, such as Switzerland, Holland or the British colonies in America, can

develop into democracies. But the rule-of-law conditions of Afghanistan were infinitely far from being able to support a democracy.

Even the Afghan administration, with its high-handed conceit and poor quality, offered no prerequisites for a democracy. The conduct of elections alone was always controversial. There was much massive falsification. In most cases, no valid final result could be published. Then the U.S. intervened and mediated joint leadership of the state by the leading candidates. Citizens could choose between presidential candidates. But whom they voted for could not be determined.

In the election of the national parliament and the provincial representations, no lists were allowed to be drawn up, i.e. parties in our sense. It was feared that the lists could be formed according to ethnic viewpoints and thus promote separatism. Thus, it was not possible to choose between political tendencies. In any case, such parties hardly existed. Formally, parliaments consisted of individuals who capitalized on their rights. Every minister proposed by the president had to be confirmed by Parliament before he could be appointed. Such candidacies generated substantial flows of money.

If you think about all this, you can see that the attempt to introduce democracy in Afghanistan never had a chance of success. Many mistakes could have been avoided. But even then, there would have been no conditions for the introduction of democracy. I sincerely wish Afghanistan a democracy. Countries that have much better conditions to form a democracy have great problems with this task. How can Afghanistan become a democracy when Tunisia or Serbia can hardly do it?

The Afghans should not be accused of having failed. The plan to create a democracy in Afghanistan did not come from them, but from the international community. They would have to explain why their plans did not achieve what was expected of them.

The standard accusation: "Nothing works for the Afghans. Once again, we gave them a chance and they didn't take it." is completely wrong. This was not an opportunity. From the very beginning, this was an adventure that was bound to go wrong.

I have experienced many situations in which Afghans have proven themselves, in which they have made a great effort, in which they have worked reliably and in which they have shown public spirit and humanity. I trust them to find their own way to democracy. They don't need anyone to tell them which way to go. But when you're on the road, there are always places where you have to think about how to continue. That's when partners are needed with whom you can think things through together.

So much for my thoughts on the failed attempt at democracy in Afghanistan. The next newsletter will deal with the assumptions about an Afghanistan dominated by the Taliban.

Best regards,

*Peter Schwittek.*