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## Comparative Analysis of Presidential and Prime Ministerial Form of Government: The Case Study of Afghanistan

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### Abstract

Afghanistan is a state which swings in between parliamentary and presidential form of government. This study examines the significance of strengthening presidential system for the betterment of all sections of the society. It discards parliamentary form of government as it failed to maintain peace and stability. The work highlights the debate going in Afghanistan regarding the form of the political system in the country. It discusses the comprehensive intra-Afghan Dialogue and their opinions regarding the best suited form of government in particular from the ground level. At present the country is having Presidential form of Government however, every now and then it is being criticized by Afghanistan National Front (ANF) and some of the national and international intellectuals who have shown keen political interest in Afghanistan. The constant opposition from political parties, the president is not in a position to act freely. It hampers the essence of presidential system in Afghanistan. Therefore, this work grasps the intensity of adopting a strong presidential system is the only solution of all sorts of ethnic and political crisis in Afghanistan. In order to clarify this, the study focuses on the major arguments of contemporary critics against the existing Presidential system in Afghanistan, significance of presidential form of government and prospects of existing presidential system for Afghanistan.

### Introduction

Parliamentary philosophy specifies that the government and the parliament will come together in the popular platform of the Parliament. Another significant historical aspect arises from this theoretical premise that the transformation of the Assembly into a Parliament. The legislature-cum-parliament differs from the independent, unchanged body of the legislature in the presidential structures. As a definition, Parliament is a product of the democratic and constitutional development of European countries over the last several centuries, in which the ever-increasing power of the Council gradually materialized in a new institution that rose to prominence as the Parliament, much to the disadvantage of the monarchy. Thus, the term parliamentary governments was used to describe the merger of powers by which the legislature and the executive jointly rule. This is not the case in the United States. Here, as it is called, the assembly or congress remains true to its original configuration. Presidential theory is related to the democratic restructuring of the Legislature. Instead, it strengthens the division of powers, the principle of having the executive and the legislature apart, and regulated by a system of controls. (Puing, 2002).

## Afghanistan and Transition

The key point is that parliamentary democracy is doomed to failure in the absence of desirable customs, social stability and independence from a prolonged constitutional crisis. The future for liberal institutions in Afghanistan cannot be very bright by this argument. At least 95% of the population is illiterate and international aid is responsible for much of the nation's capital development. Ethnic and tribal loyalties are undermining the development of a clear national identity, while radical students and conservative clergy are challenging the central authority. While the polls are challenging and the parliament is outspoken, organized political organizations, in particular political parties, are not approved. Standing by is a king and an army whose full adherence to the recent constitution remains untested. In addition, Afghanistan's fight against these adverse odds follows a tradition of only brief and abortive experiences with democracy. (Weinbaum, 1972).

Afghanistan is having a discussion about overhauling the form of Democracy that they will incorporate. Till now they have enjoyed Presidential form of government with not much fanfare. Therefore, many have proposed that there should be dialogue and consensus in order to roll out new system that takes every stakeholder on board. There are many modalities and structures that need to be well thought out and brainstormed before this system is put in place in Afghanistan. Parliamentary form of government is not welcomed by hitherto Presidential office who has much stakes in the present system to carry on. Many warlords and corrupt politicians have a stake in present system who enjoy local autonomy and have virtually enjoyed power over small areas of their own without any disturbance or accountability from centre.

### The background for Parliamentary Democracy in Afghanistan

The Afghan Constitution allows the people and opposition to criticize the government, but international organisations (including USA) and countries have no business to offer structural recommendations to the existing framework. There is now a larger controversy looming around the involvement of International community and USA in particular. Afghans argue that any change that comes should be Afghan led rather than imposed from outside agencies. The larger question is what form of government will be better for Afghanistan. Of course, US contingent can offer solutions but the Afghanistan groups and political parties should be the main parties and stakeholders in the discussion. The government system has the potential to address the problems of Afghan society and to serve its people in the best possible way.

It is necessary to have a good understanding of both the institutions and the specific challenges of Afghan society in order to decide which form of government is ideally suited to Afghanistan. The legislative system of government is also called the cabinet or the accountable form of government. This makes the parliament sovereign and accountable to the people of the country. By practice, the leader of the party holding majority seats in the legislature is assigned the portfolio of the Prime Minister. Since the Prime Minister and the Cabinet as a whole are responsible to the legislature, he is often known as the responsible government structure. The Head of State has restricted ceremonial powers in this form of government named for as President in many countries. Executive powers are bestowed on the Cabinet headed by the Prime Minister. United Kingdom and India are some of the countries that practise the best forms of parliamentary form of Government. There is generally close coordination between legislature and executive in this form of Government. The Prime Minister and his Cabinet are collectively responsible to the Legislature.

In the republican system of government, the true executive power is in the possession of an elected official whose term of office is defined by the constitution and is not to the benefit of the legislature. The President is not only the Head of Administration, but also the Head of the National Assembly. He's not liable to anyone. The Head of state and his ministers are not Parliamentarians; as a result, this is sometimes referred to as the imprudent form of government. Parliament's form of government is also known as stable form of government. As the term of office of the President is set, the government may independently follow its policies by refusing to answer the criticism of the opposition. Government's stability depends upon the confidence of the house.

The key challenge to Afghanistan is to ensure stability and security, especially after the withdrawal of foreign troops and in particular after the Doha Deal with Taliban. Political settlement must be achieved with the Taliban. The trust and confidence of various ethnic minorities in the larger political schema must be achieved. There is tremendous diversity and cultural mix in Afghanistan. This can only be protected when each and every stake holder is given representation in the parliament.

Thomas Barfield in his book on, Afghanistan: Political and Cultural History, the Afghanistan Administration has mostly marked by authoritarian rights, and had been very successful when it comes to the implementation of those authority

prudently or in collaboration with local governmental tribal leaders and landlords. Using authoritarian government for democratization can lead to eradicate opposition, as it clear in the government of the Amanullah Khan (1919-1929), who was keen of democratization in the country but later overthrown by alliance of ethnic tribes and extremist mullahs.

### **Feasibility of Parliamentary study in Afghanistan**

Concentrating authority in one man in Afghanistan has been a long experiment. Central authority selects the provincial councils and grants legislative powers to them. They are allowed to levy hefty taxes and dole out informal processes and laws on local population. Considering all the characteristics of the forms of governance, the Afghan population and the challenges it faces, it will be better to provide a representative form of government with a direct transition of authority to the provinces. A stagnant and authoritarian system of government would contribute to further uncertainty within the constitutional framework of Afghanistan and the Afghan population.

For decades, Hamid Karzai has exerted enormous power as Afghanistan's president with strong and powerful central government. After Karzai's reign two potential nominees, Ashraf Ghani and Abdullah Abdullah contested elections for the country's presidency. Both contesters declared victories in 14 June presidential runoff. It created new challenge to the governmental and electoral system of Afghanistan. In order to keep the country from splitting up, delegates from international institutions and both team mediated and lead to new changes in the governmental and electoral systems.

Although there are some efforts to substitute the constitutional structure in the country which is based on the American model by French Model Parliamentary structure in which the more power resides with prime minister than that of the president. Theoretically, the adoption of this kind of model would provide equal distribution of power within different ethnic groups and seems more proper to the country like Afghanistan. But it looks very difficult and time taking process which needs proper situation; which is not currently exist, and even there is not any assurance that if the structure change to the parliamentary form than it would succeed and would has good consequences to the country. Michel Kugelman argues that Global reform is both a "blessing and curse, you risk institutionalizing Afghanistan's divisions by effectively empowering two leaders instead of one," Further he says that "If they have differences, and yet more power, it could be much more difficult for them to govern in a successful and effective way."

Currently the government system in Afghanistan is centralized, and president is the most powerful figure in the country. The senior analyst of the International Crisis Group in Kabul, Graeme Smith beliefs "There has to be some safety net for the loser," he adds. "[You have to make] sure that the losing side doesn't feel disenfranchised and doesn't face a winner-takes all situation."

Mohammad Mohaqeq, Abdullah's prominent team member, had detailed the agreement between both teams. Parliamentary Democracy would be adopted within two years and constitution will change. Mohaqeq was favouring French model where there is division of power between president and prime minister. Ghani's team is strongly against the changes. And if all the challenges are solved still the larger question remains that whether this system is feasible or not. Abdullah faction is quite okay with the reform and he believes that 'autocracy' must end in Afghanistan. The new system that is in tune with parliamentary form of government will bridge the exiting divide between the people and the government. The governance structure will be strengthened.

Michel Kugelman argue that Afghanistan has the building blocks to sustain the parliamentary form of democracy. With every passing day Democracy is getting strengthened and institutions in the country are becoming much more reliable and efficient. "The conditions on the ground are much more conducive to the democratic structure than they should have been years ago, and they are now in countries like Iraq," he points out. President Karzai has been the vehement opponent for any kind of reform in the country as he has enjoyed most of his power under presidential system. He argues that Parliamentary experiment will break the country and it will not uphold to sectarian strife. (Bezhan, 2014). According to Dilawar Sherzai, analysing the characteristics and merits of both forms of government, it must be argued that the difficulties which Afghan society faces in terms of corruption, terrorism, factionalism, nepotism and banditry, it should be feasible for Afghanistan to have a parliamentary system in place. Provinces should enjoy much autonomy under the federal structure. Rigidness and authoritarianism have always brought chaos and confusion in the society.

### **Presidential System in Afghanistan**

The distinguishing characteristic of the political establishment in Afghanistan is their focus on presidentialism. The presidential structure introduced during the Bonn process, partly as a result of a desire to maintain stability and reduce the risk of ethnic conflict, and partly in an effort to emulate the common, stable monarchical regime of Zahir Shah,

delegated most political power to the single individual. In selecting this method, foreign diplomats and technical experts made tacit assumptions about where and how to distribute aid funds, and the course and overall objectives of diplomatic efforts. The argument was that the presidential system would be more vulnerable to foreign interference, and that, perhaps, the ethnic makeup of Afghanistan, and the recent internal conflict, the country was not ready for a more power-devolved political structure.

Once the structure was developed, the Afghan political elite was easily molded and reshaped to support patronage networks that would solidify their own interests. Presidential systems typically seek to personalize leadership and consolidate power and control in one individual's hands. In Afghanistan, beset with numerous shifts in the government over the last half century, the need of the people for stability has been understandably paramount.

The President of Afghanistan is the head of all political system. He/She is elected directly to a term of 5 years. As per the constitutional provisions, the president's post is subject to 2 terms. A presidential nominee has to earn more than 50 per cent of the popular national vote. If no candidate receives more than 50 per cent, a runoff election will be held in the first round between the two candidates with the most votes. Presidential candidates appoint two running mates to serve as their first and second vice-presidents. The first vice president serves as acting president before new elections can be held in the event of death of president, resignation or impeachment.

In addition to naming the vice presidents, Afghanistan's president also has the authority to designate state ministers, the Attorney General (AG), central banker, a national security adviser, ambassadors, judges, and other representatives in the National Assembly's upper house. The preference of the chief executive for cabinet ministers, appointments from the Supreme Court and certain other high-ranking government posts is subject to the approval of the Parliament. The President is armed forces' commander-in-chief and possess the power to declare emergency and war as situations urge but with the permissions of the National Assembly. In the NA the president and his administration have the power to propose legislation. All laws in Afghanistan must be passed by the NA and ratified and verified by the president, and the president has the right to veto any laws that the legislature has adopted. The National Assembly may however circumvent the veto of the president.

The discussion about the shape of the political system in Afghanistan will always end up in more confusions. In Afghanistan's version, the president holds maximum authority which keeps his/her post highly relevant in the national assembly. The other parties and some of the affairs of national and foreign intellectuals say the new presidential structure is not capable of dealing with the basic Afghan issues. So, it has to be converted into a legislative form. The meeting in Afghanistan between the US Congressional Delegation and political parties emphasized that a representative form of government would more be ideal for the nation as it carries enormous number of ethnic varieties. Political analysts opined that the uncontrollable surge of ill-governance, corruption, and rampant deadlock, hartals on the road had already de-rooted the possibilities for a better Afghanistan based on representative democracy. But questions here is how a centralised presidential system can manage all these diversities and ills in the governance system.

Thus, it is suggested that a detailed dialogue between political stakeholders, within the purview of international community, be started immediately to discuss on questions like the introduction of representative democracy by considering all various ethnic demands with the decentralization of maximum power to the provinces with a strong centre. And the Afghan Presidential Office did not warmly accept this idea. Soon after ANF and CODEL's joint statement, the Foreign Affairs Ministry added that any sort of signs to international community to intervene in Afghanistan's domestic affairs is going to hurt its own sovereignty. Yet the constitution of the country provided with right to criticise the government for positive purposes yet foreigners did not have the freedom to make changes to the structure. The topic has now become contentious.

The ANF responses were interesting and it criticised that the administration loses faith and trust in itself. Meanwhile, the U.S. diplomats kept aloof from the discussion and argued that the views expressed in the meeting did not reflect the position taken by the U.S. government. Whether the US delegation is entitled to propose reform in Afghanistan's nature of governance is a separate area of contention, the key point is what would be the exact form of governance structure and system for Afghanistan. It is not only the obligations of political parties but people have to positively intervene into this issue or debates. The government could wage a deliberate step to initiate such kinds of debates to find a better solution. It is important to follow the form of government that is capable of meeting the complications within Afghanistan society.



In order to determine which form of government is ideally suited to Afghanistan, a clear grasping of both the structures of the fundamental problems within Afghanistan's political society is needed. The representative set of governance which stresses on election in regular intervals renders the parliament absolutely responsible and sovereign. Prime Ministership's portfolio is given to the party leader, who gets majority seats in the legislature. Since the parliamentary form of government is entirely responsible to the people, the legislature have to have a big role to play. National head of state has limited ceremonial powers in this form of government. Within the cabinet led by the PM, the true executive powers vest. British and Indian Governments are the finest examples of the democratic system. It is often assumed that there is unity and collaboration between the legislature and the government in the parliamentary system as the PM and his/her cabinet ministers lead the administration, and they are also members of the legislature.

In presidential pattern, the nature of real executive power is really complicated as it vests in a directly or indirectly chosen president whose tenure of office is well marked by the constitutional provisions and it is not at the whims and fancies of the national legislature; because the president is not just the head, but he/she considers as the executive chief. He/she will not keep someone responsible. The president and his ministers, in many of the instances, are not direct legislative or parliamentary members; therefore, sometimes they are also referred as irresponsible form of government. Mostly, this form of government is believed to have a longevity. As the president's office tenure is set, government may follow its strategy by notifying the opposition's criticism and can launch long-term plans.

The fundamental complications for Afghanistan government are to ensure security and there by peace; particularly after international troops' withdrawal. A political agreement and consensus had been geared up by all political, ethnical and civil society actors to push the process of democratic governance. Even the government tried to compromise with Taliban and as no ethnic group holds the decisive majority in the country. However, various parts of the country still enjoy different cultural values and diversities and Afghanistan is unable to subdue them in any conditions and must help them in their preservation. According to the book by Thomas Barfield, *Afghanistan: A Political and Cultural History*, the author stresses that the politician in Afghanistan has always leaned centralized powers, but has been most active in exercising those powers and in collaboration with local ethnic clan leaders.

Devolving power to the administrative structures as per the constitutional provisions, to conduct elections at various provincial levels, to confer power to levy taxes, to lower administrative units to make laws etc. would bring the real sense of government closer to the informal processes worked in the past. It will be safer for Afghan society and the difficulties it has faced to have a democratic system of administration with actual devolving of power to the lower units. But it's a fact that an absolute centralisation of power in one hand particularly in the case of Afghanistan can invite further problems.

### **Significance of Presidential System of Government and Ethnic Clashes**

In presidential elections of June 14, 2014 both candidates Ashraf Ghani and Abdullah Abdullah announced their victory, which lead to rise up the struggle for power between the rivals. The situation was getting worst day by day and even to civil war in the country. The both rivals were able to reach an agreement through which some changes would be adopted in the political system. The result of the changes would transmit the form from American based political model of the country to the French based model in which the elected prime minister would also work along with the president.

The establishment of such a democratic structure would in principle enshrine a more equal distribution of power. Yet it appears to be a difficult and protracted undertaking and even though it is a smooth transition to a parliamentary structure, there is no assurance that it will succeed. A constitutional transition may be a burden and a blessing. The recent presidential election, keeping a Pashtun candidate against one who enjoys broad support from the powerful Tajik group in the country, exposed the difficulties of reaching consensus on a leader for the deeply divided and diverse ethnic nation. The new system suffers from being too concentrated with too much State control left in an individual's hands. Ghani and Abdullah decided in earlier this month to incorporate the reforms. Pressed to work for a government of national unity, Ghani's and Abdullah camps have met periodically to decide whether their dream for a new political system can be achieved.

Abdullah's second running mate, Mohammad Mohaqeq, has released specifics of the candidates' contract break. The Constitution will be changed after two years to allow for the implementation of a parliamentary structure. By that time the new prime minister will essentially become the chief executive officer. The structure outlined by Mohaqeq is similar to the constitutional model used in France, where the presidency and Parliament have dual pole of influence. The

president and the prime minister, who are responsible to Parliament alone, share authority together. Ghani's camp refused to comment on the terms of the agreement, saying there are continuing negotiations.

Speaking of these dramatic changes is one thing; executing them is something else. Numerous steps need to be taken, and it will take patience and determination to see the plan through to its conclusion. Easily enough is achieved to nominate a chief executive to help share power and defuse the current crisis-the president has the constitutional right and the presidential order to nominate and dismiss ministers. But the constitution will need to be amended to create a prime minister's role-one with teeth and which the president cannot abolish. A constitutional loya jirga, a traditional assembly of tribal elders, will have to ratify the amendments for this to happen. Parliament will need to sign off from there.

The new presidential system has great power here, too. The president has the right to handpick the jirga's attendees, possibly influencing the meeting outcome and helping to decide what powers a prime minister is given. Which leaves enough room for potential differences over the position of the prime minister. Complicating matters is that a loya jirga with binding legal authority can only convene if elected councils are in the district. There have been no district council elections, rendering a constitutional loya jirga unlikely for now, although there have been reports that they could be held in conjunction with next year's scheduled parliamentary elections.

The main problem, even though all of the challenges can be resolved, is whether a parliamentary system is a workable long-term solution. Abdullah is hopeful, saying that democratic change is required to put an end to autocracy in the first place. He believes that a revamped system can delegate powers and close the gap between the people and government. Analysts suggest the ingredients are there to work with the new method. Democracy is taking root, government institutions are becoming stronger, ethnic and sectarian tensions are under control, and there is agreement on the matter. Yet there are still opposing voices, maybe none louder than that of the man who was in the presidential office for more than a decade. Dethroned president Karzai strongly opposed transitioning to a parliamentary structure, saying it could split the country apart, and he aptly remarked that Afghanistan was not ready.

### **Why does Afghanistan need a Presidential System?**

Both presidential and prime ministerial forms of governments have their own merits and demerits, but the crucial point in this regard is which form of government suits a country the most. In a country like Afghanistan where there is no stability and security, having diverse ethnic groups, parallel local powers to the government, highest rate of illiteracy, the least public understand of democracy, interference of regional and extra-regional powers and intelligence agencies and their connection with local warlords and parliament members, existence of many terrorist groups, self-interest-based and ethnic-based political parties, the presidential form of government suits the most.

The parliamentary form of government in the current situation in Afghanistan would have bad implications and even possibly would lead to separation in the country. Strong powerful central and stable government to deal with the long term war, instability, challenges and be able to take and implement the decisions and policies quickly is the need of time in the country. In the 1964 constitution, the executive power framework inscribed provided for a constitutional monarchy whereby the king had ultimate executive authority, including the power to declare war and sign treaties. Though it gave power to the king, still such moves reflected a leaning towards presidential system. During those periods, the king had right to command the armed forces. He had the power to convene the Loya Jirga, and dissolve parliament. But giving power to parliament had actually weaken the system. The role of the Shura was strengthened in the 1964 Constitution and it became the pre-eminent law-making and representational body. Making Loya Jirga a powerful body again weaken the Afghan state system. The past decades experiences show that there was no consensus parliamentary form of government could initiate. Such tragedies and political failures had happened as there was no concrete move to make a powerful presidential governance system.

Two major failures parliamentary system faced during these periods. First, legislature has become a puppet in the hands of elected representatives. The obedience and loyalty of representatives can see only in papers but not inside the parliament. Each member attempted to represent their own community/ethnic interests in the parliament. There was no respect and obedience towards the head of the parliament. Clientalism, nepotism, favouritism etc had been institutionalised. Secondly, a weak judiciary. Though the constitution of 1964 provided certain provisions for maintaining accountable and transparent judiciary, but in practice judiciary was not existed. The judiciary was planned to be a fully independent and co-equal branch of government. But it could not be able to trial any national security related

cases as many of the ethnic groups did not identify the Supreme Court. Therefore, this study finds that a powerful presidential system can only stabilise and run the Afghan political system in collaboration with ethnic cooperation.

The presence of ethnic groups is also a factor for favouring presidential system in Afghanistan. Afghanistan is even now an ethnically dominated country with four largest ethnic groups –Pashtun, Tajik, Hazara, and Uzbek. These four communities comprise around ninety percent of the population. The remaining ethnicities make up 10% of the population. The role of them is perhaps more crucial in Afghanistan than anywhere else in the world. Whereas most of the developing countries have a rural-urban dichotomy, Afghanistan adds a third element, the nomad, representing up to 30% of the total population while city dwellers represent only 25%. Change in space is occurring rapidly in the country, however, and over the past five years, Afghanistan has seen a 5% increase in urbanization, the fourth highest in the world.

Lack of ethnic cooperation, consensus and unanimity on several matters derailed the existing governance. Parliamentary system gives chances and spaces to all ethnic identities to share their ideas. But it was misused and mishandled by all ethnic groups. Peculiar ethnic and clan interests and demands at the cost of national interests led to ethnic confrontations. It all happened because of the absence of a powerful presidential system. Today, ethnic challenges are a very big internal problem of Afghan society and they are divided on ethnicity. Since 2001, when Afghanistan adopted electoral politics, ethnic factor has been playing an important role in it. Ethnic division was explicitly visible during the 2004 Presidential elections in Afghanistan. For the unity that could have come from 2001, the election results shattered any hope that the country had overcome its fractures. The winner needed to find a way to unite a country that could not be more divided. The amazing factor of Afghan society is that ninety percent population of one region will vote against the candidate of other ethnicity. However, it reflects the division of Afghan society. During such visible divisions and parochialism on ethnic lines what Afghan needs is a president's post with maximum centralisation powers.

## Conclusion

In conclusion, it could be added that every state must pass through three stages of its life: organic, developmental and critical. Organic state denotes with the initial years of the establishment of a state. Developmental state focuses on major developmental activities of a state after moving from organic stage. Critical stage defines the complications and challenges a state face once it is trying to implement the developmental policies. In the case of Afghanistan, it has not even crossed the organic stage. The state is at its infant stage only as it does not possess any sort of potential to produce a powerful political system. The Afghan story says us that parliamentary form of government is an utter failure. It exposes the Afghan society into its vulnerabilities. It failed to develop a sense of respect and loyalty of different ethnic groups to the national cause. Therefore, the study suggests a strong centre by centralising power in one hand can only find solutions to all socio, political, cultural and economic issues. The recommended presidential system can be characterised with controls; controlling Afghan society from economic derailing, controlling ethnic confrontations and controlling a political system which is more prone to nepotism and corruptions.

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