

Afghanistan Research and Evaluation Unit
Synthesis Paper

Local Governance in Afghanistan

A View from the Ground



June 2011

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and Abhilash Medhi



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About the Afghanistan Research and Evaluation Unit

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Douglas Saltmarshe and Abhilash Medhi
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Glossary

<i>Amlak</i>	landownership department of the Ministry of Agriculture, Irrigation and Livestock; alternatively used for officer based in the department
<i>arbab</i>	village representative, landlord; may be appointed by the community, and liaises in a quasi-official capacity between community or government; may also fulfill an executive role (see <i>malik</i> , <i>qaryadar</i>)
<i>arbaki</i>	local militia
<i>baad</i>	dispute-resolution practice; family of murderer gives either one or two unmarried girls to victim's family
<i>burqa</i>	full-length women's garment covering the entire body including the face and eyes
<i>hajj</i>	pilgrimage to Mecca
<i>hawza</i>	historical term for a military or police organisation
<i>Huqooq</i>	law office, civil cases department of the Ministry of Justice
<i>jihadi</i>	one engaged in holy war; sometimes equivalent to <i>mujahiddin</i>
<i>jirga</i>	council of elders convened on an ad hoc basis to address problems
<i>khan</i>	village leader or landlord
<i>Kuchi</i>	nomadic pastoralists; usually Pashtun
<i>malik</i>	village representative, landlord; may be appointed by the community, and liaises in a quasi-official capacity between community or government; may also fulfill an executive role (see <i>arbab</i> , <i>qaryadar</i>)
<i>madrassa</i>	religious school
<i>manteqa</i>	a variable unit of social allegiance or spatial territory that may unite villages
<i>maraka</i>	gathering
<i>Meshrano Jirga</i>	upper house of parliament
<i>mujahiddin</i>	resistance fighters during the Soviet period
<i>Mustofiat</i>	treasury department of the Ministry of Finance
<i>Pashtunwali</i>	Pashtun code of conduct
<i>qaryadar</i>	village representative; may be appointed by the community, and liaises in a quasi-official capacity between community or government; may also fulfill an executive role (see <i>arbab</i> , <i>malik</i>)
<i>qazi</i>	judge
<i>qawm</i>	unit of social solidarity that can be based on kinship, residence or occupation
<i>saranwal</i>	prosecutor based in the office of the Attorney General
<i>Sayed</i>	descendants of the Prophet Muhammad
<i>seer</i>	unit of weight equivalent to roughly seven kilograms
<i>shura</i>	community council
<i>ulema</i>	educated religious leaders and arbiters of Sharia law
<i>wali</i>	provincial governor
<i>wasita</i>	reciprocal connections to those with power or influence
<i>waqf</i>	land bestowed as a religious or charitable gift (plural <i>awqaf</i>)
<i>Wolesi Jirga</i>	lower house of parliament
<i>woluswal</i>	district governor

Acronyms

AIHRC	Afghanistan Independent Human Rights Commission
AIRD	Afghanistan Institute for Rural Development
ALGAP	Afghanistan Local Government Assistance Program
ANA	Afghanistan National Army
ANDS	Afghanistan National Development Strategy
ANP	Afghanistan National Police
AREDP	Afghanistan Rural Enterprise Development Programme
ARTF	Afghanistan Reconstruction Trust Fund
ASGP	Afghanistan Subnational Governance Program
ASOP	Afghanistan Social Outreach Program
BPHS	Basic Package of Health Services
CBDR	Community-Based Dispute Resolution
CDC	Community Development Council
CERP	Commander's Emergency Response Program
CNTF	Counter Narcotics Trust Fund
COIN	counter-insurgency
CSO	civil society organisation
DDA	District Development Assembly
DCC	District Community Council
DDP	District Delivery Program
DDR	Disarmament, Demobilisation and Reintegration
DIAG	Disarmament of Illegal Armed Groups
FP	Facilitating Partner
GIRoA	Government of the Islamic Republic of Afghanistan
HIA	Hizb-i-Islami Afghanistan
HOO	High Office of Oversight
HRRAC	Human Rights Research and Advocacy Consortium
IARCSC	Independent Administrative Reform and Civil Service Commission
IDLG	Independent Directorate for Local Government
IMF	International Monetary Fund
INGO	international nongovernmental organisation
ISAF	International Security Assistance Force
JCMB	Joint Coordination and Monitoring Board
MAIL	Ministry of Agriculture, Irrigation and Livestock
MoEcon	Ministry of Economy
MoE	Ministry of Education
MoF	Ministry of Finance

Mol	Ministry of Interior
MoPH	Ministry of Public Health
MoPW	Ministry of Public Works
MoWA	Ministry of Women's Affairs
MRRD	Ministry of Rural Rehabilitation and Development
NABDP	National Area Based Development Program
NDI	National Democratic Institute
NDS	National Directorate of Security
NGO	nongovernmental organisation
NRAP	National Rural Access Program
NSP	National Solidarity Program
PAA	Provincial Administrative Assembly
PAD	Provincial Affairs Directorate
PAR	Public Administration Reform
PBGF	Performance Based Governors Fund
PDC	Provincial Development Council
PDP	Provincial Development Plan
PMU	Project Management Unit
PRR	Priority Reform and Restructuring
PRT	Provincial Reconstruction Team
RTA	Radio Television Afghanistan
SNTV	single non-transferable vote
TAF	The Asia Foundation
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAC	United Nations Convention on Corruption
UNODC	United Nations Office on Drugs and Crime
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank
WFP	World Food Programme

Executive Summary

Contemporary Afghanistan is a complex environment characterised by powerful and competing agendas. While there have been development successes, most notably in health and education, the optimism that flourished in the few years after 2001 has much diminished. The country's newly-established democratic process has already been undermined by widespread vote rigging, and conflict is causing increasing numbers of civilian and military deaths each year. Afghanistan remains one of the poorest countries in the world, one that will be dependent on international aid for years to come.

An autonomous and modernising Afghan state requires governance systems that are effective and accountable. While there has been heavy investment in building a strong centralised state, this has not been complemented by commensurate attention to local government at the provincial and district level. As a result of this neglect:

- The separation of powers between the executive, legislature and judiciary is not clear at a local level
- Local governance policy is too complex and confused
- Legislation on local representative bodies fails to devolve power or responsibility in any meaningful way
- Donor policies have contributed to the lack of coordination of government structures

The main objective of this research has been to understand how local government has progressed following the creation of the Independent Directorate of Local Governance (IDLG) and introduction of programmatic interventions such as the National Solidarity Programme (NSP). It also seeks to identify and examine the various formal administrative structures operating at the local level, and explore how they interact with informal governance mechanisms. Finally, it aims to offer a comprehensive overview of local governance in Afghanistan for those who may not be familiar with the sector.

The research was undertaken over a 14 month period finishing in December 2010. It took place in 47 districts of Samangan, Jawzjan, Sar-i-Pul, Laghman, Wardak and Day Kundi Provinces, with additional time spent in two districts of Helmand. Key findings are presented under the following themes:

- Local Government Administration
- Security and Justice
- Service Delivery
- Representation

This executive summary presents certain key policy discussions and recommendations, drawn from the main report, on:

- The Centralised State
- Responsibility for Local Government
- Planning
- The District
- Justice Delivery
- The Voting System
- Donors

Key Research Findings:

Local Government Administration

- Provincial governors have an important coordinating role across the functions of administration, planning and security. However, the position is essentially political in nature. Governors operate through a network of informal actors that are often just as significant as formal office-holders. District governors have a similar coordinating role, but have seen their formal powers reduced in recent years, especially in the field of justice delivery.
- Development planning and budgeting at the provincial level is dysfunctional largely as a result of the highly centralised nature of these processes, which leaves provincial administrations unable to make development decisions in line with local needs.
- Civil Service Commission policies provide a realistic framework for improving public administration through programmes that include recruitment, performance appraisal and supervision of training. However, its initiatives are under-resourced. Training of officials tends to be sporadic and lacks continuity of focus. High levels of malpractice related to the recruitment of civil servants remains the norm rather than the exception.
- The shift of responsibility for local government to IDLG in 2007 has improved communication between the province and the centre and the speed of decision-making. IDLG has fulfilled a valuable role in developing policy, coordinating ministries and providing training. However, its reporting line directly to the president's office has rendered it a highly politicised institution, and its methods tend to reinforce rather than reduce central control.
- Corruption is an ever-present issue that extends throughout local government structures, often to the very highest positions. Rent-taking occurs at every available opportunity, and the influence of powerholders and patronage networks remains pervasive.

Security and Justice

- There was scant evidence of Afghanistan becoming more peaceful, despite increased troop deployment. Disarmament initiatives were only partially successful, and large numbers of weapons remain in every province.
- The International Security Assistance Force (ISAF) and Provincial Reconstruction Teams (PRTs) were playing a significant role in improving Afghan National Army capability. However, coalition forces are viewed at best with ambivalence and often with palpable resentment by the local population, even in the more stable northern provinces.
- Considerable resources are being invested in boosting Afghan National Police numbers and in providing them with training. In most cases however, the police are viewed as corrupt and were little trusted by the general population. That said, some of the more recently-appointed provincial chiefs of police displayed impressive professionalism.
- Formation of state-sponsored militias is reversing the disarmament process. While they have improved daytime security on roads leading to certain provincial centres, such groups are deeply resented by the Taliban and vulnerable to infiltration.
- Widespread corruption in justice departments has resulted in most disputes being resolved at the community level, since doing so is cheaper, faster and more transparent. Community-based dispute resolution is based on customary law intermixed with Sharia law. While questions over human rights and the treatment of women remain, the use of more extreme customary practices, such as *baad*, is declining.
- However, in more stable areas, most of the serious crimes are being referred to the state, indicating that formal justice systems are starting to earn and retain a measure of legitimacy with the population.

- The shortcomings of the formal justice system (time taken, distance, complexity, expense and corruption) were major factors cited for the loss of trust in the government. Significantly, the Taliban seek to control justice mechanisms as their first priority after securing control of an area.

Service Delivery

- Dependence on donor funds is high across all sectors. Since the proposed military withdrawal of 2014 will likely accompany a reduction in aid flows, it may thus render many health, education and rural development programmes unsustainable. To complicate matters further, about half of all external assistance is currently provided outside government budgetary mechanisms.
- The development budget execution rate for 2010 was a meagre 37 percent. Government efficiency as measured by its capacity to disburse and use funds is exceedingly low and demonstrates the centralised system's failure to deliver.
- The quality of service delivery in provinces and districts tends to decline in proportion to their remoteness and levels of lawlessness, highlighting the need for greater attention to be paid to peripheries.
- Coordination among provincial line ministries is difficult to achieve since budgetary flows are controlled by centralised line ministries in Kabul and local planning bodies are essentially symbolic.
- Most delivery processes are plagued by high levels of corruption, though health is generally the best administered. There were repeated reports of World Food Programme (WFP) inputs being diverted by local government, line ministries and police in each of the study provinces.
- Nongovernmental actors have made a substantial contribution to achievements in the health, education, rural development and infrastructure sectors. The commitment of international NGOs is impressive across all sectors, and they pay far greater attention than the government to employing and using the skills of women.
- The NSP has achieved considerable success in bringing development to previously untouched areas. However, its inherent contradictions and weaknesses have left it vulnerable to politicisation and a source for extracting rents. The programme undermines local government by bypassing it. Fragmented and piecemeal development prevents achievement of the synergies that derive from coordinated district planning. CDCs cannot be seen in isolation from the deeper village structures in which they are embedded.
- Although women have a role in the NSP process in respect of deciding upon a project, they remain constrained by low literacy levels and their inability to network effectively.
- As development actors, PRTs operate under a number of constraints. While the military often plays an important humanitarian role, there is a fundamental tension between delivering militarised aid with the aim of winning loyalty and culturally appropriate efforts to deliver development, alleviate poverty and reduce social inequality.

Representation

- The electoral system lacks speed and transparency and has failed to inspire popular confidence. The single non-transferrable vote (SNTV) system undermines the development of party politics and, by requiring relatively few votes to create winners, encourages vote-buying and bribery of election officials.
- The establishment of provincial councils in 2005 was a significant first step in building representative government at a local level. However, they have been set up as participatory institutions and have little scope to perform the vital tasks of representing their constituencies and holding the executive to account.

- While the resourcing of provincial councils is slowly improving, councillors still lack the means to travel and fulfil their responsibilities.
- There is a lack of clear policy on what district-level representation should look like and which authorities are responsible for it. The tensions this has caused are being further exacerbated by a mixture of uncoordinated and competing donor funding.
- The constituency-based model of district representation developed in Helmand lays out an interesting alternative model for local representation. It offers a workable and structured way to bridge the gap between formal government structures and communities.
- There is practical and political tension between IDLG and the Ministry of Rural Rehabilitation and Development (MRRD) over the nature and function of district institutions; the failure to determine effective representative mechanisms at the district level is damaging all concerned.
- The *shura* is a common feature of most Afghan villages and is usually composed of traditional elites like *khans*, *maliks*, *arbabs*, mullahs and jihadi commanders. It embodies and upholds a village's commonly-accepted set of norms and practices and, to varying degrees, deals with disputes and misdemeanours.
- Owing to the pace of social change, customary norms are gradually losing their influence. Increasingly, those with close links to government are commanding more respect than members of the traditional *shura*.
- For most villagers, the mosque and the congregation for prayer provide structured contact and a form of civic space to discuss and organise many joint activities. These include the operation of civil defence militias, CDCs, and school and health committees, along with other forms of collective action.
- Political affiliation is a way of linking to patronage networks rather than a matter of ideology. Though knowledge about the mandate of elected bodies is improving, representatives are still seen by some as direct service providers.

Key Policy Issues

The paper investigates and provides policy options on a number of inter-related policy areas. Some key policy issues are summarised here:

The Centralised State

The creation of IDLG and the 2010 Subnational Governance Policy are key achievements in the development of local government. In practice, however, representative local government has not been given any meaningful power. Provincial governors have wide-ranging powers and are only accountable to the president, while district administrations are in effect sub-offices of the provincial administration. Central line ministries retain substantial control over resources. The power of provincial councils remains restricted and they are initially accountable to the IDLG. Despite these issues, the 2010 Subnational Governance Policy still outlines a strategy for defining local representative bodies and devolving power; achieving this will require both political will and a realistic timetable.

Policy recommendations:

- The draft laws from 2010 affecting local government should be modified to provide meaningful powers to provincial and district representative bodies, giving them clear authority to exercise scrutiny and sanction the executive, and identified powers to act within the provincial development committee.
- The autonomy of provincial councils should be clearly defined in the draft legislation and direct reporting lines should be established between them and the Wolesi Jirga (lower house of the national parliament).

Responsibility for Local Government

While representative bodies exist at provincial, district and village levels, the division of responsibility between them is unclear, a problem that is particularly acute at the district level. In general, donor policy has encouraged an entrepreneurial approach by ministries. Specific to local governance, donor policies have supported competing district representative bodies and fostered inter-ministry rivalry, most notably between MRRD and IDLG. This has contributed to the lack of coordination between Provincial Councils, District Community Councils (under IDLG), District Development Assemblies (under MRRD) and CDCs (also under MRRD). Given this state of affairs, it is unsurprising that a common vision for local government is yet to emerge.

Policy recommendation:

- Responsibility for the administration of all tiers of local government should be allocated to a single executive authority.

Planning

The rate of development and the quality of service delivery have suffered from the government's inability to execute its budgets. This is as much a result of dysfunctional relations and poor coordination between line ministries as it is of the lack of capacity within them. Most planning is undertaken by central ministries with a view to fulfilling their commitments under the Afghanistan National Development Strategy (ANDS) rather than responding to local needs. Provincial and district planning bodies thus have no meaningful planning function. At the village level, the NSP has brought about piecemeal development that cannot take advantage of opportunities for coordination between villages.

Policy recommendations:

- Each provincial development committee should be given an allocation from the central budget which it can use to meet locally defined needs. This should be accompanied by an increase in the committees' powers.
- The government should also draft legislation to allow provincial authorities to raise and retain local taxes.

The District

The district is the lowest level through which administration and services can be realistically delivered in a coordinated manner. Yet until relatively recently it has been slow to receive meaningful attention, other than by the National Area-Based Development Programme (NABDP). The district provides a permanent locus for administration, line ministries and representation. It forms a centre where people in its given area can meet with relative ease. It is usually a focal point for trade as well as administration. The district *shura* and administration also provides a realistic means for administrators, elected officials and informal powerholders in the provincial centre to engage with local populations. Defining responsibilities for district representation have been problematic both in respect of competing bodies and in defining linkages between districts representative bodies and the provincial centre.

Policy recommendations:

- All authority for district representation should be consolidated in a single body.
- Until there are sufficient resources and appropriate mechanisms to mount district elections, consultative mechanisms should be applied as used in the District Delivery Programme's Helmand model.
- An appropriate linkage should be created and formalised between district and provincial councils regarding planning and administrative matters.

Justice Delivery

The main problems associated with formal judicial mechanisms in Afghanistan are cost, inaccessibility of justice agents, corruption, excessive delays and a lack of transparency. Although community-based *shuras* provide solutions, they too have shortcomings, particularly in respect of women's rights. With ongoing changes in Afghan society, there has been a decrease in the ability of local *shuras* to enforce their verdicts. In light of the failure of the state to deliver effective justice, a wide range of actors are active in dispute resolution, causing more confusion in an important but ill-served sector. Ultimately, there is no alternative to a publicly accepted and unified system of state-administered justice. However, this will take time, resources and political will.

Policy recommendations:

- Obligations for justice delivery should be removed from the draft laws for provincial, district and village councils.
- Registration of locally made judgements should be encouraged as a step toward integrating community-based justice delivery into formal justice procedures.
- Over time, the number of non-state actors involved in justice delivery should be reduced.

The Voting System

The international community and many Afghan actors have drawn attention to the multiple problems of using the SNTV system. However, there has so far been no substantial attempt to reform it. SNTV not only hinders the growth of political parties, but also leaves Wolesi Jirga and provincial council members with little reason to be accountable to anybody outside their small support base. It also inhibits the ability of voters to eject an incumbent. This research confirms the negative impact of SNTV and also recognises the positives of a constituency-based approach used in Helmand to select district councils.

Policy recommendations:

- A joint government and international community commission should be established to review alternatives to SNTV.
- The government and civil society actors should initiate an extended dialogue on alternative voting systems.
- The use of SNTV should be discontinued as soon as practicable.

Donors

The shortcomings of Afghanistan's reconstruction process are hindering improvement in state legitimacy. The 2010 London Conference on Afghanistan stressed the importance of increased transparency and accountability in the delivery of development assistance and the need for measured devolution. The responsibility for persistent failures to improve performance in this respect lies jointly with government and donors for reasons outlined in this paper. In addition, reliance on the military for aid delivery has deepened corruption, created regional disparities and deepened ethnic tensions.

Policy recommendations:

- The Joint Coordination and Monitoring Board should intensify its efforts to increase donor coordination in relation to the development of local government.
- Donors should adhere to the Paris Declaration on Aid Effectiveness and use it as a framework to improve alignment with government-led local government initiatives.

- Donors should jointly agree upon a common strategy for local government and take the lead in encouraging the government and civil society to develop a clear and coherent approach on this subject.
- Emphasis should be placed on monitoring and evaluation of programmes—not only of process, but also of outcomes and impact.

Ways Forward

There is firstly a need for much greater attention and realism to be given to the definition and function of local government. The development of viable and reflexive local government will require political will as well as resources, particularly in the building of representative institutions.

Secondly, there is a need to develop public understanding of Afghanistan's evolving state structures. The public are currently caught between the three competing agendas of the international community, the government and the Taliban and are quite rightly unsure of whom they can trust. Many find what is happening not readily comprehensible by virtue of its complexity. Explanations are needed, and for this to take place communication has to be substantially improved.

Thirdly, there is a need for time and patience. If it is to happen, the transformation of local governance will not occur overnight. Crucially, nothing can be achieved at the pace currently being dictated by the West, which is pressing systems beyond their capacity to respond and deliver.

There exists a complex social order in Afghanistan that has shown itself capable of maintaining cohesion through the recent waves of development. Future Afghan governments will require structures that enable them to engage with and serve those whom they have the responsibility to govern. While much has been achieved at a central level, one of the most useful legacies of this present phase of international engagement with Afghanistan will have been to assist its government develop robust, effective and accountable mechanisms for the operation of local government.

1. Introduction

Contemporary Afghanistan is a complex environment characterised by powerful and competing agendas. The post-2001 political environment presents new possibilities, but brings with it new forms of complexity as the country engages with a new government, a new constitution and unparalleled resource flows. In recent years, efforts at state-building and development have been complicated by the emergence of a rejuvenated insurgency and large areas of the country have become less, not more, stable. As numbers of civilian and military deaths increase with each passing year, Afghanistan's externally-supported government is failing to achieve widespread public acceptance. A decade on from the fall of the Taliban, the country remains one of the poorest in the world (ranking 155th on the United Nation's Human Development Index¹) and will be dependent on international aid for years to come.

Despite the increasing level of conflict, major positive changes have happened over the past ten years. A great deal of road construction has taken place across the country and a paved ring road is nearing completion. Airports have been improved. A rudimentary but effective health system has been created from scratch. Every year, more boys and girls are attending schools and more teachers, both male and female, are graduating from training institutes. Even the more remote parts of the country now have access to communications in the form of radio, television and mobile phones. Electrical distribution to the cities has been improving. GDP is expanding rapidly, albeit from a low base.

However, the key issue of sustainability continues to hover over much of the development taking place in post-2001 Afghanistan. The country is dependent on large inflows of development aid and, setting aside opium, on an economy that is largely devoted to serving the substantial foreign military and civilian presence in the country.² In particular, there has been heavy investment in building a strong, centralised system of government focused in Kabul-based institutions. The critical question is whether this approach will ultimately be able to produce a sustainable, effective governance system that can respond to the wishes of its people.

Since it was founded in 2002, the Afghanistan Research and Evaluation Unit (AREU) has maintained a keen research interest in the development of governance in Afghanistan. Produced in conjunction with the World Bank, 2004's *Guide to Government in Afghanistan* primarily focused on the structures and procedures of central government,³ but also provided an assessment and recommendations for the local government structures of the time.⁴ In the following year, Sarah Lister explored the roles, powers and resourcing of local government,⁵ and went on to assess progress in Public Administration Reform (PAR).⁶ Her findings still bear relevance, as does a further paper she wrote with Hamish Nixon highlighting the need for clarity in provincial planning and the nature of provincial governance structures.⁷ This was followed by a six-province study in 2007 that addressed issues including foreign

1 More detail at <http://hdrstats.undp.org/en/countries/profiles/AFG.html> (accessed 9 June 2011).

2 The United States' annual expenditure on service contracts to maintain its presence in Afghanistan is said to be in the region of US\$14 billion per annum, a sum equivalent to that of Afghanistan's GDP. This was confirmed through personal communication with US sources.

3 Anne Evans, Nick Manning, Yasin Osmani, Anne Tully and Andrew Wilder, *A Guide to Government in Afghanistan* (Washington, DC: The World Bank and the Afghanistan Research and Evaluation Unit, 2004).

4 Anne Evans, Nick Manning, Yasin Osmani, Anne Tully and Andrew Wilder, "Subnational Administration in Afghanistan: Assessment and Recommendation for Action" (Kabul: Afghanistan Research and Evaluation Unit, 2004); Anne Evans and Yasin Osmani, "Assessing Progress: Update Report on Subnational Administration in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2005).

5 Sarah Lister, "Caught in Confusion: Local Governance in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2005).

6 Sarah Lister, "Moving Forward? Assessing Public Administration Reform in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2006).

7 Sarah Lister and Hamish Nixon, "Provincial Structures in Afghanistan: From Confusion to Vision" (Kabul: Afghanistan Research and Evaluation Unit, 2006)

aid in state-building⁸ and the role of Community Development Councils (CDCs).⁹ In synthesising the research, Nixon reviewed local government institutions and the nature of Afghanistan's "government of relationships."¹⁰ The present research builds on this work to examine developments that have occurred since then. These have included the formation of the ministry-level Independent Directorate of Local Government (IDLG) in 2007, agreement on a Policy for Subnational Governance in 2010, and drafting of laws related to the operation of provincial, district, village and municipal councils in 2010.

Development in Afghanistan has for a large part been based on the assumption that introducing a public administration and democratic elections based on Western models would allow Afghanistan to move forward as an autonomous and sovereign state able to effectively manage its own affairs. This is not what has happened. Insecurity has increased, as has corruption. The democratic process has been subject to massive vote rigging, and abuses of power are widespread. The relationship between the president and international donors has become increasingly brittle and fractious. The likely decline in aid flows following the proposed international military withdrawal in 2014 raises serious questions about the sustainability of many existing programmes.

While substantial resources and effort have been applied to the development of central government structures, local government has not received nearly the same level of attention. However what goes on at the local level is of vital importance; indeed, in many respects it is the whole point of government since it is where the benefits of security and services provided by the state directly impact on its population. It is through provincial and district organisation that planning, service delivery, security and justice delivery take place. It is also at these tiers that representative bodies have an important role in contributing to the planning process, monitoring activities and ensuring the government is held accountable for its actions. Local government is thus the interface between people and central government.

While it has received a measure of attention, initiatives in support of local government have tended to be piecemeal, lacked universality and been short-term in vision. This paper draws attention to the considerable achievements that have been made as well as some areas of concern. Through the presentation of its evidence, it proposes a cluster of related policy changes that could enhance the effectiveness of local government, improve service delivery and increase the credibility of the state. This paper is structured as follows: Section 2 outlines the methodology and conceptual framework of the research. The four following chapters outline the research findings organised according to themes of Government, Security and Justice, Service Delivery, and Representation. Section 7 examines policy implications of the evidence presented for the centralised state, local government issues, corruption and the role of donors, leading to a summary of policy options. Annex I includes descriptions of the six research provinces.

⁸ Hamish Nixon, "Aiding the State? International Assistance and the Statebuilding Paradox in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2007).

⁹ Hamish Nixon, "The Changing Face of Local Governance? Community Development Councils in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2008).

¹⁰ Hamish Nixon, "Subnational State-Building in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2008).

2. The Research Project

2.1 Research objectives and methodology

Research objectives: The research has been designed, as the title indicates, to examine what is happening on the ground in Afghanistan. Its primary objective is to better understand the progression of local government. In doing so, it examines the nature of formal administrative structures, along with their interactions with informal governance mechanisms at the local level. This analysis then provides the basis for a discussion of policy. At a time when unprecedented levels of resources have been flowing into Afghanistan, the ultimate aim is to contribute information that will help improve the structure and performance of local governance.

Conceptual framework: The IDLG Subnational Governance Policy¹¹ can be interpreted as describing two distinct systems of governance. The first is one of state organisation and administration structured around local government officials and line departments. The second relates to elected bodies at the provincial, district and village levels, the powers and roles of which are yet to be formalised in law. At present these features vary significantly across different provinces and are supplemented by the influence of informal powerholders and local elites. The Policy also demonstrates the government's desire to maintain a strong measure of central influence—firstly, by monopolising control over appointments and, secondly, by ensuring that officials report directly to the central government in the form of line ministries or the president's office. This complex and sometimes inconsistent document is thus caught between a pressure to improve efficiency by decentralising responsibilities on the one hand and fear of the loss of control this might bring on the other.

To investigate the institutional framework of local governance in Afghanistan, the research splits provincial and district institutions into four major vertical lines of control (see Figure I). Vertical I consists of the offices of the provincial governor and the district governor, both of which draw their authority from the office of the president. As heads of the provincial and district administrations, all administrative decisions taken at the provincial and district levels respectively should ideally have the sanction of the provincial and district governors. Vertical II consists of the provincial and district line departments or representatives of central ministries. Line departments have important service and justice delivery functions and, as shall be seen, tend to function as self-contained units with little collaboration between them. It is also worth noting that not all central ministries maintain offices or personnel at the district level.¹² Vertical III is composed of representative institutions including provincial councils, District Development Assemblies under the National Area-Based Development Programme, District Community Councils under the Afghanistan Social Outreach Program (ASOP) and other district *shuras*, Clusters and Community Development Councils (CDCs) formed under the National Solidarity Programme (NSP). The final vertical consists of non-state actors, informal powerholders and other key actors in political and social mobilisation. These include Provincial Reconstruction Teams (PRTs), nongovernmental organisations, political parties, local commanders, members of *ulema shuras* (councils of clerics), *maliks* (community representatives) and *arbabs* (leaders/landlords). This vertical also includes newly emerging civil society organisations and broadcasting institutions that exist mainly in provincial capitals.

The aim of this institutional map is to present a generalised picture of local government at the provincial, district and village levels. The four verticals are not necessarily mutually exclusive and stakeholders may overlap across two or more of them. In each province, responsibilities for planning, budgeting and service and justice delivery may lie with one or more stakeholders represented along each row. The division of responsibility and flow of accountability between the institutions along each vertical are similarly variable, especially among formal government structures. Understanding how these different stakeholders interact therefore forms a central feature of the study.

11 "Executive Summary: Sub-national Governance Policy" (Kabul: Independent Directorate of Local Government, 2010).

12 Line departments commonly present in districts are: Ministry of Interior, Huqooq, Saranwali, Qazi, Ministry of Education, Ministry of Public Health, MRRD, MAIL and Ministry of Finance.

Figure 1: Institutional map

	I	II	III	IV
PROVINCE	PG office	Provincial line departments	Provincial councils	PRT, NGOs, CSOs, political parties
DISTRICT	DG office	District line departments	DDA, district <i>shuras</i>	Commanders, ulema
VILLAGE			CDCs	<i>Maliks, arbabs</i>

Research methodology: The research was designed to gain a qualitative understanding of the various actors and institutions depicted in Figure 1. This determined how respondents were selected at provincial and district levels. In each province, interviews focused on members of provincial administrations, line departments and the provincial council, as well as other key actors such as representatives of civil society, NGOs, political parties and the media. At the district level, key informants included (but were not limited to) the district administration, line departments, members of the DDA and other district *shuras* (where present), local commanders, ulema, heads of CDCs and local elites like *maliks*, *arbabs* and *qaryadars*.

The primary method used for data collection was semi-structured interviews. These covered a series of designated topics for each category of respondent, but were conducted in a flexible manner to allow respondents space to discuss what they deemed important. Researchers eventually contacted almost 800 respondents, only one of which refused to take part in the study. Wherever possible, information from interviews was rigorously triangulated, in some cases involving the limited collection and use of statistical data on health and education. A three-month scoping exercise was conducted in Samangan and completed in January 2010. This exercise helped refine the research methodology, better define research objectives and undertake researcher training.

Research also involved visits to the PRTs operating in the main research provinces as well as in Faryab and Helmand. In most cases these were embedded stays to observe operational activity and conduct formal interviews. Finally, a series of interviews were conducted with relevant Kabul-based actors.

Site selection: As with AREU's previous study on local governance,¹³ provinces were selected to maximise variation, although the need to ensure relatively safe access for the researcher teams was also an important consideration. The research focused on the six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The above provinces were selected for their different ethnic compositions, economic situations and levels of development resource flows and the fact that all provided relatively safe access for researchers. The study covered every district in each province to allow for a better understanding of the dynamics between them. Data from a previous study in 2009 undertaken in northern Faryab informed the research, as did research undertaken in two districts of Helmand to better understand the operation of the District Delivery Programme and the approach used to form district councils.

Limitations: There are problems with this type of research when set within the highly charged environment currently prevailing in Afghanistan. They are symbolised by a tale that has its origins in the Sufi classic "The Walled Garden of Truth" by Hakim Sanai (d. 1150). It was later adapted by his student Jalaluddin Mohammad Balkhi (also known as Rumi) in his parable of "The Blind Ones and the Matter of the Elephant," which is set in the Afghan region of Ghor.

13 Nixon, "Subnational State-Building in Afghanistan," 5.

Box 1: The Blind Ones and the Matter of the Elephant

Beyond Ghor there was a city. All its inhabitants were blind. A king with his army arrived and camped nearby. He had a mighty elephant, which he used in attack and to increase people's awe. The people of the city were curious since they knew nothing about elephants. Some went to find the elephant. When they did, they groped sightlessly, gathering information by touching it. Each thought that he knew something, because he could feel a part. When they returned, their fellow-citizens gathered around them, each anxious to learn the truth about elephants. They asked what it was like. The man whose hand had reached an ear said: "It is a large, rough thing, wide and broad, like a rug." The one who had felt the trunk said: "I have the real facts about it. It is like a straight and hollow pipe, awful and destructive." The one who had felt its feet and legs said: "It is mighty and firm, like a pillar." Each had felt one part out of many. Each had perceived it wrongly. All imagined something incorrect. Because of their blindness, they were astray.

Drawn from Idries Shah's "Tales of the Dervishes" (New York: Dutton, 1969), 25.

Setting aside the mystical dimensions of this story, at a more prosaic level it illustrates the challenges surrounding perception and subjectivity. This is particularly relevant to the current situation in Afghanistan where "blindness" comes in various forms. It has, for example, become increasingly difficult, particularly for foreigners, to gain first-hand experience of what is taking place in locations outside the big cities. Moreover, the important and sensitive issue of local governance is subject to distinctive interpretations from three sides: the international community, the Afghan government and the Taliban. Each has a view on the nature of what it would like the "elephant" to be. Each has a particular agenda. Each is looking for answers tailored to their own perceptual framework, political agenda and constituencies of support.

Researchers seek to be as unbiased as they can. They use methods and frameworks, which can be derived from a variety of disciplinary approaches, that as far as possible enable them to transcend their "blindness." By applying a common research methodology across six contrasting provinces, this research intends to offer a relatively impartial understanding of local governance as it was observed during 2010.

The length of the project also presented its own challenge. Fieldwork for the research was spread over a period of fourteen months from November 2009 to December 2010, a period that saw substantial changes in the spheres of governance, security and development. Finally, of the 48 districts covered, there were three districts—Qush Tepa and Darzab in Jawzjan and Gizab in Day Kundi—that could not be visited due to high levels of insecurity. In the case of Jawzjan, it was possible to interview key actors in Sheberghan, the provincial capital. No data was collected for Gizab, which was controlled by the Taliban at the time of research and is now technically a part of Uruzgan.

2.2 Defining and locating the study

"Governance" is understood here to refer to the values, norms¹⁴ and conventions that different social, political and administrative groupings apply to meet their organisational goals, along with the interaction between them. Governance takes place in the form of action or influence that maintains or modifies these forms of behaviour and occurs at all levels of human organisation. It thus relates to informal practices, religion, and the operation of civil society as well as formal government.

More concretely, the state is understood to be the provider of a wide range of public and semi-public goods, including security, education, macro-economic management, justice and the framework for citizenship. How the state operates does much to determine the nature of governance and the balance between the formal and informal spheres. It is also influenced by the participation and oversight of representative bodies as well as by the activities of a range of actors and institutions

¹⁴ Norms represent the specific manifestations of values and thus bring about conformity in group behaviour and ethical judgments that form the basis for forms of (social) regulation. They may be either formal or informal in nature.

that operate in the non-state realm. In Afghanistan, these are further supplemented by international actors and an armed opposition. The notion of governance thus embraces a web of interacting relationships that includes both formal and informal elements. “Government,” on the other hand, is the action of ruling and the continuous exercise of state authority.¹⁵

There is an emerging literature on local governance in Afghanistan that ranges from general descriptions and comment—which tend to be policy or programme-oriented—to analyses that come with a more focused contribution based on location or sector. A review of the literature is provided in Annex 4. The niche filled by this study is broad, ranging in nature in its examination of structures, the integration of individuals and interest groups in local governance, and issues of service delivery. In particular, AREU’s capacity to undertake extensive field research has provided an opportunity to compare and aggregate information on governance across a number of provinces.

2.3 Local government context

Until the formation of an independent Afghanistan in 1747, the country had been largely governed by Turko-Mongolian rulers. The seizure of power by Pashtun tribal elements at a moment of weakness saw the establishment of an Afghan state based on hierarchical norms that abandoned the common federal institutions in favour of an exclusive elite authority. Foreign invasions in the 19th century led to a period of political turbulence. While Afghanistan’s rulers relied increasingly on armed militias as a way to protect their sovereignty, the amirs’ reluctance to share power or favour among these groups led to a period of continuous revolt. This finally ended during the rule of Abdur Rahman (1880-1901) who ruthlessly ensured that there was no rival to his position or power. The pattern of governance he established has continued through the 20th century with Pashtun leaders exercising almost exclusive authority. The dynastic tradition fell apart as a result of the Soviet invasion, leaving nothing to replace it. With the Soviet departure, Afghanistan was left without an external patron for the first time in 150 years. The ensuing chaos precipitated a civil war and the eventual seizure of power by the Taliban. The decade after 2001 has seen the re-emergence of a centralised regime barely different in essence from its predecessors. The 2004 constitution delegates almost no power to institutions outside of the central government.¹⁶ The international community has thus effectively attempted to restore an autocratic system that may no longer be politically sustainable.

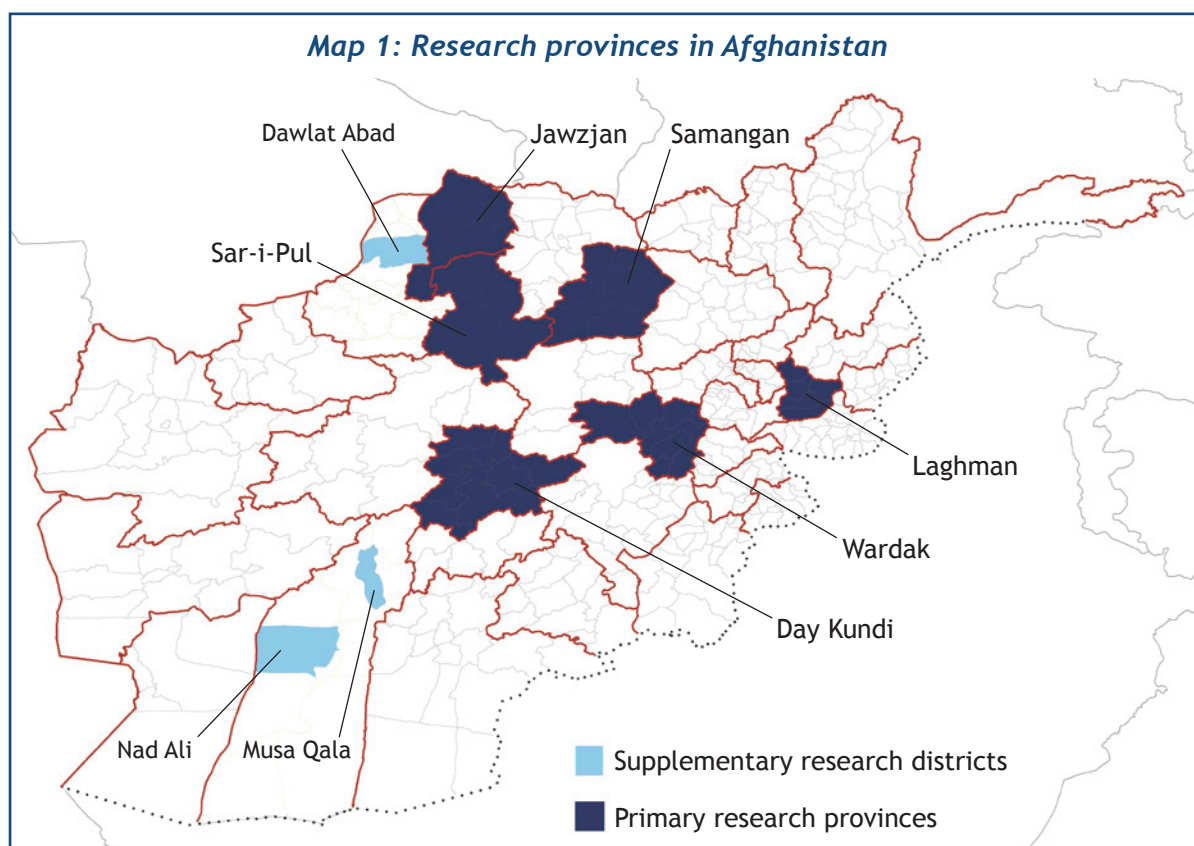
Applying the 2004 constitution to local government is taking time. Although provincial councils were elected in 2005, local government was given little attention in the years following the establishment of the first Karzai administration. In 2007, powers related to local government were transferred from the Ministry of Interior to the newly-created IDLG, which reports directly to the president’s office. IDLG’s head was given ministerial status with a seat in the Cabinet, and the body has since come to provide an important focus for improving the function of local government—helped on by significant external funding. The Policy Paper on Subnational Governance received presidential approval in March 2010 and was accompanied by legislation on the formation of provincial, district, village and municipal councils (yet to be enacted at the time of writing).

A further important actor in local governance is the Ministry of Rural Rehabilitation and Development (MRRD) which has been administering the NSP, implemented through a network of village-level CDCs. This programme represents approximately two thirds of the ministry’s budget.¹⁷ The other MRRD initiative relevant to this study is the NABDP, a key element of which was the formation of District Development Assemblies, now present in most districts of the country.

15 Thomas Barfield and Neamatollah Nojumi, “Bringing More Effective Governance to Afghanistan: 10 Pathways to Stability,” *Middle East Policy* Vol. XVII, No. 4 (2010): 40-52.

16 Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton: Princeton University Press, 2010), 4-8.

17 Based on personal communication with MRRD officials.



3. Local Government Administration

With Afghanistan becoming a centralised buffer state during the 19th century, the receipt of British subsidies tipped the balance of power away from the tribes towards the ruler, paving the way to a more absolutist state with an army and bureaucracy. Court politics were based on kinship and intrigue and formed the basis of a form of governance. Nevertheless, outside of the cities and towns, there was little administrative penetration. Integral to stable governance was the exchange of obligations and service among different clans, tribes and families that followed a set of norms. Governance at the national level in Afghanistan thus primarily consisted of a central power that maintained its position through negotiation with local powerholders by intermediaries.¹⁸ When the realities of contemporary local government are examined, there are some striking similarities with previous practice. This section describes the local government functions of contemporary provincial and district governors and discusses the critical issues of planning and recruitment.

3.1 Provincial government

The key actor in a province is its *wali* (provincial governor),¹⁹ who acts as a representative of the president and has substantial powers in overseeing development, coordination and security. *Walis* supervise *woluswals* (district governors) and, where they are present, ASOP's District Community Councils. Their signature is required on any document of significance. Their position has a political and diplomatic function in promoting the government and gaining the trust of the public. *Walis* also have a role in making recommendations for higher-level appointments and selecting lower grade staff within the province. Other than this, the provincial administration has little independent decision-making power.²⁰

A *wali* has some latitude in how he interprets the responsibilities of the position. This has resulted in a measure of variation across provinces, both in administrative structures and the nature and functioning of committees related to planning, staffing, administration and development. Some have introduced innovations, such as in Wardak where the *wali* instituted meetings in the districts attended by all *woluswals* and sector directors. Similarly, the *wali* of Day Kundi involved political parties, members of the provincial council as well as representatives from the Afghanistan Independent Human Rights Commission (AIHRC) and United Nations Assistance Mission in Afghanistan (UNAMA) in weekly briefings. Some *walis* also held weekly sessions where the public could present complaints. Such initiatives have increased transparency and helped engage prominent provincial actors.

Although *walis* form the focus of provincial management, the nature of their relationship with their deputies is also significant. In most research sites, a tension between the two office holders was observed which—deliberately or otherwise—served as a check on the *wali*. In Samangan, there was a Pashtun deputy, aligned with Hizb-i-Islami Afghanistan (HIA), who was publicly perceived to favour his ethnic group. In Sar-i-Pul there was a tension between a *wali* appointed at the behest of Vice President Abdul Karim Khalili and a deputy who was aligned with his political rival Mohammad Mohaqiq.²¹ By contrast, a much more positive chemistry between *wali* and his deputy was observed in Wardak Province. Despite ethnic tensions between Pashtun and Hazara communities in the province—exacerbated in 2010 by a dispute over grazing rights²²—a Pashtun *wali* and his Hazara deputy appeared to have a good working relationship.

18 Barnett R. Rubin, "The Political Context of Public Administration Reform" (Washington, DC: The World Bank, 2006).

19 The governor of Bamiyan is the only female *wali* in Afghanistan.

20 A recent US-funded initiative has been trialled that provides *walis* a budget of \$25,000 per month, or \$300,000 per annum, to each of the 34 Governors in Afghanistan through the Performance Based Governors Fund (PBGF) administered by The Asia Foundation. See: "The Performance Based Governors Fund: Baseline Assessment Report" (Kabul: The Asia Foundation, 2010).

21 Head of the competing wing of Hizb-i-Wahadat.

22 The Behsud Kuchi/Hazara conflict has a history that goes back to the time of Abdur Rahman in the 1880s. An account of the recent conflict is described by Fabrizio Foschini, "The Kuchi-Hazara Conflict, Again," <http://aan-afghanistan.com/index.asp?id=764>, 27 May 2010 (accessed 9 January 2011).

A provincial government administration is composed of directorates covering administrative, financial and sectoral services along with audit responsibilities. Members of the provincial administration are increasingly being appointed through Priority Reform and Restructuring (PRR—see Section 3.4).²³ The *wali* has authority to hire lower level administrative staff (grades six to eight). Appointments in grades three to five are made by the provincial Civil Service Board and sent to the IDLG. Grades one and two, such as the *walis* and *woluswals*, are political appointments made by the Senior Supervisory Board and approved by the President.²⁴

Within each provincial administration there are IDLG representatives working through the Afghan Stabilisation Programme, a US-funded initiative under which IDLG staff assist the governor in coordinating with line ministries, NGOs and other development actors, as well as contributing to the budgetary process and building capacity among provincial officials. It was observed that this US-funded initiative contributed to improved information flows between province and the centre. The five administrative regions of Afghanistan used by IDLG also form the basis for the formation of a governors' security coordination group.

Provincial Development Committees (PDCs) are another element of provincial administration, meeting monthly under the governor's chairmanship to discuss development related issues. Attendees include line ministry representatives, PRTs, UNAMA, some NGOs and a representative of the provincial council. There is also a Provincial Administrative Assembly²⁵ (PAA) which is charged with administering and overseeing the Provincial Development Plan outlined under the overarching Afghanistan National Development Strategy (ANDS). While PAA meetings are theoretically supposed to take place on a weekly basis, they were seen to operate in a more *ad hoc* manner, and most formal planning discussions took place under the aegis of the PDC. The research found no evidence of citizens exercising their right to address the PAA on provincial affairs, or of the PAA being accountable to provincial councils as originally intended.

Certain common trends were observed across the six research sites. Firstly, the *wali* of every study province was replaced during the research period. In large part this was a result of poor performance and public unpopularity, but the removals were also a way to meet short-term political demands and agreements. As one Wolesi Jirga member put it, "Once a *wali* is appointed, he is expected to support his party and ethnicity." In general, however, respondents felt that such higher-level civil servants should be appointed on grounds of merit and through open selection.²⁶

Secondly, government authority tended to be influenced, if not contested, by influential powerholders, including Engineer Qarar, a HIA commander and Wolesi Jirga member in Laghman; Ahmad Khan, a commander with shifting political allegiances and a former Wolesi Jirga member in Samangan; and General Abdul Rashid Dostum in Jawzjan. These figures sought to influence government resource allocation and appointments as a way to reinforce factional allegiances or personal power.²⁷ While they met with variable success in achieving these ends, the pressure they exerted on local administration and line departments was substantial; the institutions of government were susceptible to such challenges even in relatively stable provinces. However, at other times the government itself used its power of appointment to undercut influential powerholders and set up factional rivalries between them.

23 In Jawzjan, one of the larger provinces of this study, the provincial administration in 2009 had around 170 staff. The total number of number of government employees, including all line ministries, was just under 10,000. This included about 5,000 teachers (MoE). There may be as many as 40 ministries/directorates present in a province.

24 Martine Van Bijlert, "Between Discipline and Discretion: Policies Surrounding Senior Subnational Appointments" (Kabul: Afghanistan Research and Evaluation Unit, 2009).

25 "Provincial Administrative Assembly consists of the Governor as the chair and Heads of the Provincial Line Departments and Agencies, Provincial Prosecutor (Attorney-General Office) as well as Deputy Governors are the members. Provincial Security Chief and Mustafi are also members. District Governors can be invitee members of the Provincial Administrative Assembly." See: IDLG, "Executive Summary," 16.

26 Barfield and Nojumi advocate the election of these officials. See: Barfield and Nojumi, "Bringing More Effective Governance to Afghanistan," 48.

27 See Nixon's comments on the "government of relationships" in "Subnational State Building in Afghanistan," 15.

3.2 District government

The *woluswal* is responsible for coordinating and monitoring district line ministries' efforts to provide service delivery, justice and security. District offices have no budget and work as branches of the provincial administration, which pays salaries, transport and incidentals. The *woluswal* is the government's point of interaction with the public—either formally or via more casual social exchanges—and passes requests and concerns to higher authorities including the *wali*'s office. *Woluswals* chair weekly coordination meetings between line ministries and other development actors present in the district, as well as weekly security meetings with the Afghan National Police (ANP), National Directorate for Security (NDS), Afghan National Army (ANA) and International Security Assistance Force (ISAF), if present. Meetings with the *wali* take place on a monthly basis. It was observed that communication between the two officials has improved with the introduction of a District Affairs Officer in the *wali*'s office.

Despite relatively limited formal powers, the *woluswal* is a pivotal figure and as such serves as a gatekeeper to government services, especially in the field of justice provision.²⁸ However, recent procedural changes have imposed separation between the executive and the judiciary—a reduction in power that *woluswals* have occasionally found difficult to accept. Many people continue to visit them to report disputes or crimes, which are then referred to courts or sent to a local *shura* or *malik/qaryadar* for mediation. In some cases, *woluswals* used this process as a rent taking opportunity.

In addition to the *woluswal*, district administrations include an executive officer²⁹ responsible for administration tasks, a sectoral officer responsible for liaising and coordinating line ministry activity in districts and an officer in charge of finance and administration. There is also a village affairs officer who registers data provided by community leaders such as *qaryadars* or *maliks*, including that on poppy cultivation. Village affairs officers also listen to proposals and complaints from the villages and are in charge of local responses to natural disasters.

The number of line ministries varies in each district. Fewer ministries were seen in remote districts and in those with security problems. Researchers found that even in districts with a supposed ministry presence, few staff were regularly attending to their tasks. This was largely caused by lack of local capacity and an unwillingness of qualified staff to accept the travel and low salaries. District administrations were sometimes rather moribund affairs. In contrast, districts targeted by the District Delivery Programme (see Section 5.6) saw a higher tempo of administration and line ministry activity with better staffing and a higher work rate.

The Taliban have a shadow administration in Wardak and Laghman, including a shadow *woluswal* and chief of police for each district. Taliban control of local governance extends beyond security to cover justice delivery, approval of development projects and the treatment of women and girls. In respect of the latter, they were reported to take a firm line in protecting women in accordance with Islamic rights; certainly this was so in Wardak. In locations with high levels of insecurity, government staff were often confined to their compounds—in Dawlat Shah District (Laghman), district officials employed someone to bring water from a source 200 metres away from their compound. In such districts nothing can be undertaken without Taliban (or HIA) consent. Consequently, *woluswals* in provinces such as Wardak and Helmand work with their lives under constant threat, and many hedge their bets by maintaining links with the armed opposition.

3.3 Planning and resource allocation

Provincial Development Committees in the study provinces include all key development actors: line ministries, PRTs, some NGOs and on most occasions a provincial council representative. Meetings take place every month and are chaired by the provincial governor. Their role was to produce

28 Nixon, "Subnational State Building in Afghanistan," 24.

29 In absence of the *woluswal*, the executive officer functions as the acting governor. His main function is to coordinate activities of other officers in the district administration.

coordinated, prioritised and budgeted plans across the sectors of education, health, agriculture, infrastructure and the economy. Planning was coordinated by the provincial office of the Ministry of Economy (MoEcon). Upon its approval by the Provincial Development Committee, the plan was sent to the MoEcon in Kabul and passed to line ministries for consideration and finally to the Ministry of Finance (MoF) for budget scrutiny and approval.

Provincial Development Committees have been subject to widespread criticism for being unwieldy and slow to produce clear decisions. However, their meetings provide a useful mechanism to share ideas and convey planning-related information. In some provinces, they were the focus of considerable efforts to generate sectoral plans. In Samangan and Jawzjan, for example, delegations of line ministries and the provincial council were sent to the districts to discuss District Development Plans and identify projects as a direct result of PDC discussions. However, the Provincial Development Plans these efforts produced were largely ignored when sent to Kabul, supposedly due to poor quality, inadequate information and a lack of detailed budgets.

In reality, planning and budget preparation is carried out by central line ministries, in part based on the reports and proposals from their provincial line directorates. The ministries in Kabul draft their individual plans and budgets aligned to ANDS sector strategies, and their plans for the country's 34 provinces are then made in accordance with MoF budget guidelines. These are then sent to the MoF for approval and further amendment. Although ministries might incorporate elements of a Provincial Development Plan into their own, in practice this rarely amounts to much. This process often leaves Provincial Development Plan components without the financial and technical resources to enable their implementation.

Respondents in poorer provinces regularly lamented their lack of influential representatives in Kabul who could lobby on their behalf. A similar view was expressed by inhabitants of more peripheral districts, who claimed their lack of representation at the provincial centre was causing them to receive less support than other districts. In the relatively stable northern provinces, people were well aware of the substantial resources being targeted to the volatile South and East, and resented that attention and resources were seemingly bypassing them in favour of less secure areas.

3.4 Priority Reform and Restructuring

Public Administration Reform (PAR), undertaken under the auspices of the Independent Administrative Reform Civil Service Commission (IARCSC), has been designed to achieve a smaller, more efficient and productive civil service through restructuring and the incorporation of initiatives to improve performance. Priority Reform and Restructuring (PRR)—the first phase of PAR—began in 2003 and was completed in 2010. An important aspect of the programme has been the employment of women in the civil service. Pay and Grade reform has been another integral aspect, subjecting civil servants to examination and competitive appointment. Significant numbers of recruits have now been through this process in many of the ministries down to district level. However, although progress is being made, the civil service remains plagued by low capacity, poor salaries, corruption and ethnic preference.³⁰

In each province there is an IARCSC representative responsible for building the capacity of government staff in the areas of management, administration, computer training and recruitment. There is also a Provincial Appointment Committee that supervises Pay and Grade recruitment, composed of a member of IARCSC, a provincial council member, a Ministry of Women's Affairs representative, the Executive Officer and a member of the department undertaking the recruitment. After passing a written exam to an acceptable standard, candidates are interviewed by the panel which then selects on the basis of merit. IARCSC is also responsible for overseeing the annual performance assessment of all civil servants.

³⁰ Abdul Ahad Mohammadi, "PRR and the Hope for Public Administration Reform in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, mimeo 2011).

An increasing number of *woluswals* are going through this process prior to their appointment. ASOP, a primarily US-funded directorate within IDLG, has also begun recruiting and training deputy *woluswals* who have passed through PRR recruitment. However, much of the success of the initiative will ultimately depend upon how technocratic outsiders are able to navigate the web of informal institutions and actors that exist in every district.

In support of this perspective, research respondents frequently discussed the importance of *wasita* (reciprocal connections to those with power or influence)³¹ in the process of appointing local officials. In one province it was reported that a member of IARCSC forced his provincial representative to arrange for the employment of his son, whose only work involved collecting his salary once a month.

While there are no doubt selections made on the basis of genuine merit, the number of reports of malpractice associated with civil service recruitment was disturbing. As one provincial executive officer put it, “It is sad that in Afghanistan no one cares about experience and qualifications. There is no ethnic balance in the line ministries or local government. Nepotism is common. All appointments are by *wasita*.”

3.5 Concluding remarks

Role of the *wali*: Our research has shown that *walis* play an important coordinating role across the functions of administration, planning and security—their character and the tone they set greatly influence the nature of governance in a province. Augmenting their formal role, *walis* also operate through a network of informal actors, such as elders and the ulema that are just as significant as formal office holders. These groups provide information to the *wali* and are able to transmit government views and policy back to their communities. Although they appear before a selection board, the appointments of both *wali* and *woluswal* are essentially political in nature. However, despite this, the newly-appointed *walis* observed during the research were generally (though not universally) of a higher quality and carried greater legitimacy than those they replaced.

Role of the *woluswal*: The *woluswal* has a coordinating role in the district and works closely with the chief of police. The influence of the *woluswal* has been somewhat reduced, especially in the field of justice provision. Nevertheless, as with the *wali*, *woluswals* retain substantial influence within their jurisdictions. The tenor set by the *woluswal* is influential in determining how line ministries deliver, how security issues are addressed and on levels of staff attendance. In practice, there are few checks on the *woluswal* and, as will be described, some have used this to their advantage.

Role of the IDLG: The creation of IDLG in 2007 and the shift of local government responsibilities from the Mol have improved communication and the speed of decision-making. IDLG has provided a valuable role in developing policy, coordinating ministries and the provision of training, and its support to provincial administrations has for the most part improved performance. It has undertaken a thoughtful approach to the division of responsibilities in district administrations where, despite continued challenges, recruitment policies are in some areas producing better qualified staff. However, IDLG’s role in recommending appointments—particularly for the posts of *wali* and *woluswal*—has left it subject to pressure from competing lobbyists. In some instances, undertakings given to secure political support were revoked as more immediate compromises had to be made.³²

Provincial planning processes: As it currently stands, the planning process provides little opportunity for provincial needs to be reflected in centrally-approved plans in Kabul, thus discouraging provincial engagement. Consequently, provincial administrations are left without any meaningful role in addressing development decisions related to specific provincial needs. Especially in the North, this failure to respond to provincial requests was interpreted through the lens of perceived ethnic

31 For more on the background of *wasita* in Afghan administration, see: Barnett R. Rubin, “The Political Context of Public Administration Reform.”

32 One such example was the presidential commitment given to Dostum over the appointment of the provincial governor in Sar-i-Pul being revoked to replace him with a Khalili nominee.

prejudice. To overcome these shortcomings, provincial actors made frequent use of connections to circumvent or modify planning decisions. For instance, one provincial Executive Officer in the North believed that the central government's unwillingness to cede authority was related to the money central ministries were able to make from awarding contracts.

Role of the IARCSC: IARCSC policies provide a realistic framework for improving public administration and the presence of an IARCSC staff member in every province represents an important first step. However, especially in the larger provinces, one person is not enough to cover the substantial duties of the post, which include recruiting, performance appraisal and supervision of training. This was not just a resource issue, and more remote provinces and districts in particular faced considerable problems in recruiting and retaining civil servants. Although IDLG and IARCSC have put considerable efforts into building provincial and district capacity, training has tended to be sporadic and lacked a continuity of focus. Capacity building was further undermined by the different, uncoordinated approaches being used by donor programmes and NGOs seeking to build local capacity.

Corruption: Corruption was an ever present issue. The *walis* of some provinces were reported to be manipulating the sale of public property and land, and one even employed an agent specifically to charge plaintiffs seeking to speak to him. A number of district governors were also engaged in extorting rents by various means. There were reports from every province of bribery and *wasita* undermining the PRR recruitment process, and from the research evidence it was hard to see the Pay and Grade element of PRR as being anything other than institutionalised *wasita*. The influence of powerholders and patronage networks pervaded all levels of local government in the research provinces.

4. Security and Justice

Security and justice are crucial elements of governance. According to The Asia Foundation's 2010 survey on public perceptions in Afghanistan, security ranks as a primary concern for the majority of Afghans.³³ Data from this research echoes these findings and, in fact, respondents placed even greater emphasis on security than the Asia Foundation findings suggest. This section outlines the various actors involved in security provision in the study provinces, moving on to discuss justice delivery, both formal and informal.

4.1 Security context

At a PRT conference in 2010, ISAF's task was stated as being to support the Afghan government in its agenda of extending government sovereignty across the functions of state and across the country. ISAF had also to maintain political support in its member countries. The Senior Civilian Representative noted that security had deteriorated year on year by every statistic.³⁴ There was a need for an emphasis on security and justice. The fundamental cause of the insurgency was stated as being the result of malign actors taking over institutions. ISAF saw it as imperative to prevent the return of what they termed "power brokers" (ie, non-state actors). ISAF strategy was described as being to undertake: regional initiatives against insurgency in 80 districts, reinforce and rebuild Afghan civil and military institutions, and resolve political tensions and grievances that fuel insurgency.

PRTs have both military and developmental roles. The military functions will not be dwelt upon other than to observe that while there have been numerous examples reported of the elimination of anti-government elements and successes reported in the development of the ANA and the ANP, the general trend has not been positive. Commenting on the intensified offensive taking place over 2010/2011, one respondent in the South noted: "The problem is that you do not know that the people you are killing are not those who might be useful to you. Killing also alienates the public." The United States represented the offensive capability of ISAF in each of the study provinces and they were present either within PRTs or forward operating bases.

ISAF and the PRTs were observed to be playing a significant role in improving ANA capability, but the international forces were viewed with ambivalence by a majority of respondents, despite their ability to bring resources. There was also a degree of palpable resentment to their presence, even in the North. The PRT in Aybak (Samangan) withdrew in April 2011 at local request following protests over a Quran burning incident that had taken place in the United States.

While the security situation in all study provinces was fluid during the research period, overall none were changing for the better. At best the *status quo* was being maintained in some areas.³⁵ Despite increasingly forceful ISAF activity,³⁶ armed groups continue to operate in all provinces and where government control is weak, particularly in Laghman, Wardak and Day Kundi. While efforts to reduce the large number of weapons in Afghanistan have been undertaken via the Disarmament Demobilization and Reintegration (DDR) programme and its successor the Disarmament of Illegal Armed Groups (DIAG), these initiatives have had limited impact in the study provinces. DDR/DIAG has not been applied at all in the Hazara districts of Wardak and Samangan, nor in several districts in Day Kundi, where militia groups are still in active combat with the Taliban. In Laghman, weapons remain common once out of proximity of the provincial capital.

33 The Asia Foundation, *Afghanistan in 2010: A Survey for the Afghan People* (Kabul: The Asia Foundation, 2010).

34 Mark Sedwill, "PRT Conference" (presentation, Kabul, 16 March 2010).

35 It should be noted that the ISAF campaign of intensified strikes and night raids initiated in mid-2010 had yet to affect the study provinces while research was ongoing.

36 While the relationship between ISAF and the ANA is beyond the scope of this study, it was noticed that ISAF had a close relationship with the National Directorate of Security (NDS) and a working relationship with the ANP, although ISAF units were markedly reluctant in some provinces to undertake joint patrols with the police.

Several forms of armed anti-government activity were observed in the course of the research. In the northern provinces there were criminal bands, initially small in number, involved in robbery and extortion. As a result of inaction by the government and ISAF, they were able to rapidly grow to take over substantial parts of districts. As they did so, they developed links of convenience with the Taliban and operated to their bidding, for which they were rewarded. Although they use the language of Islam, these groups are more economic in nature. By contrast, the Taliban and the armed wing of HIA are driven more by religion and politics. The armed wing of HIA in particular was operating in Laghman and to a lesser degree in Wardak. In both these provinces, the districts were largely controlled and administered by the Taliban. They use traditional dispute resolution mechanisms to deal with local issues (in a similar manner to the present government), but regularly undertake brutal forms of exemplary justice to ensure local compliance to their rules and norms. Other than in Laghman, where there was an Al Qaeda presence, there were few foreigners reported to be in the Taliban ranks. For a more detailed description of the security situation in each of the six provinces, see the provincial summaries in Annex 2.

4.2 The police

In each of the research districts, the police were organised in the following departments: *Jenaye* (Criminal), concerned with the investigation of murder, rape, theft, etc; *Kashf* (Detection), which is split into *Astekhbarat* (Intelligence), dealing with political and intelligence related issues as well as of police discipline, and *Mavade Mokhader* (Counter Narcotics); and Terrorism, conducting counterinsurgency in cooperation with other law enforcement bodies. In most districts the chief of police and the district governor judged police numbers as inadequate to meet security needs, and it was frequently stated that forces were only operating at 50-60 percent of capacity.

Police reform was undertaken by the Ministry of Interior during 2008-09, with all senior appointments now made through a competitive process. At a provincial level, the chief of police can make recommendations to the five zonal authorities for staff promotion. If approved, applications are then sent to the Ministry of Interior (MoI). Lower-level recruits require references from *qaryadars* or *maliks*, while senior and mid-level ranks require consultation with the *wali*. However, influential figures such as parliamentarians, provincial council members, and other leading figures also frequently apply pressure to appoint their relatives and, as seen elsewhere, relationships with well-placed individuals and the use of *wasita* are essential to secure transfers.

Very few women are employed in the police force and are present only in the provincial centre, if at all. Senior officers drew attention to the need to have women in their service, and district chiefs of police in particular complained frequently about their inability to search for belligerents wearing *burqas*. Safe houses or separate prisons for women are also rare. As in other spheres, these drawbacks demonstrate the problems associated with the lack of female engagement in public life in Afghanistan.

The district chief of police holds weekly meetings with the *woluswal*, NDS, *huqooq* (legal officer based in the justice line department), *saranwal* (prosecutor) and village officials. The police have powers to arrest individuals suspected of criminal activity on the basis of warrants signed by the *saranwal* or *huqooq*, and the right to detain and question suspects for up to 72 hours before they are released or referred to the *saranwal*. Police respondents suggested that this was too short a period of time and that cases were sent to the *saranwal* without adequate investigation. The lack of adequate evidence (often assisted by bribes) then allowed the *saranwal* and *qazi* (judge) to dismiss cases. Also common were complaints about parliamentarians, provincial council members and other influential actors interfering in arrests and investigation. On the other hand, *saranwals* and *qazis* themselves complained about the police releasing suspects on delivery of a payment.

Police reporting lines are often somewhat ambiguous. District chiefs of police submit monthly reports, approved by the *woluswal*, to the provincial police department. At the provincial level, the chief of police consults the *wali* on security matters but is not bound to follow his advice. There is a lack of clarity over who the chief of police is actually responsible to—the Ministry of Interior (MoI) in the

form of the zonal authorities or the representative of the president. In practice, the nature of this important relationship seems to be related to the personalities involved. In terms of supervision, the provincial police headquarters are required to monitor the district police every six months, while the Mol monitors chief of police performances.

The search for employment has driven large numbers to join the ANP, and membership is often relatively easy to obtain through ethnically-based connections. Literacy levels within the police are low and there are problems with substance abuse. These are combined with reported high rates of turnover, absenteeism and lack of discipline. In one district, new recruits (under two years) had their guns removed before going off duty because they had been using them to rob people. There were many instances of police “borrowing” goods from traders and not paying them back, along with reports of sexual assault and the misappropriation of aid by district chiefs of police.

Police were paralysed in Taliban areas. In Chak District (Wardak), for example, the police had not made an arrest for two years since the population were intimidated against reporting misdemeanours to the district police office. Citizens in these areas face high levels of insecurity, crime and violence—during the two month duration of the study in Laghman more than 15 people were killed in personal disputes. The researchers were informed of many instances where district chiefs of police worked in close cooperation with local commanders or *maliks* or at the behest of a dominant party where present. In Laghman, there was clear evidence of relations between the police and the Taliban, whose members were sometimes drawn from the same families.

4.3 National Directorate of Security

The primary role of the NDS is to gather information on anti-government activity and drug trafficking. The Directorate is located in the president’s office and operates covertly. In the districts, the NDS is independent of the *woluswal* and the chief of police, though it works closely and shares much of its information with them, as it does with ISAF. However, in some areas the NDS expressed concerns that police ties to figures it was investigating were undermining its operations and chose not to mount operations with them. The NDS works through a network of paid male and female informers spread across each district and maintains close links with *maliks* and *qaryadars*. District officers reportedly received \$400 a month to pay informants, occasionally supplemented by \$10,000 windfall payments for successful arrests or the discovery of arms caches. The NDS are very well informed as to the composition, location and leadership of armed opposition elements in every district; NDS district officers supply information to their provincial and central commands as well as to the police and the PRTs. “Formerly we used to work for the KGB. Now we work under the CIA,” said one district officer.

4.4 Afghan Public Protection Force

Wardak was the only province of this study that had an *arbaki* (government-supported militia) presence. It was established under the Afghan Public Protection Force programme, which was piloted in the province.³⁷ In this case it was led by a former mujahiddin commander who later joined the Taliban in the 1990s. After two years of detention in Bagram after 2001, he was set free with high-level government guarantees of immunity after pleas from parliamentarians and Wardak citizens. On his release, he was “persuaded” to lead the Wardak *arbaki*, which operates under a department in the Mol. At the time of research, the force was composed of 900 Pashtuns and 300 Tajiks with a further 1,000 in reserve. Recruits were 19-35 year-old males recommended by local *shuras*; after two months training, they were armed and paid a salary of \$200 per month. In Wardak, their primary task is to man check points on key roads and ensure traffic can move freely, at least during daylight hours. Their presence has brought about a significant improvement in security, though they limit their operations to districts close to the provincial centre. Taliban respondents in southern Wardak had a particular hatred for the *arbaki* and its leader, whom they accused of betraying them to line his pocket. Despite this, there were persistent rumours of Taliban penetration of the group. With the

37 For an outline of issues arising from this, see: Mathieu Lefevre, “Local Defence in Afghanistan: A Review of Government Backed Initiatives” (Kabul: Afghanistan Analysts Network, 2010).

failure of government to assert security in the province, it is significant that the commander chose to position himself as a reluctant leader. “I regret doing this [leading the *arbaki*],” he stated in one interview. “Every day I am telling the head of police and the governor that they have blackened by name and shamed me.”³⁸

4.5 Justice

There are three major components to the state justice system in Afghanistan—the Office of the Attorney General, the Judiciary operating under the Supreme Court, and the Ministry of Justice—each of which fulfil differing roles at the local level. There are two forms of justice in Afghanistan. The first is *huqooq-ul-ibad*—rights that are open to human interpretation—and the second is *huqooq-ul-Allah*—religious rights that are non-negotiable and bound to be upheld by the state.³⁹ Non-state justice mechanisms make judgements on the basis of *huqooq-ul-ibad* but may not make any decision on the basis of *huqooq-ul-Allah*, which is the role of state justice mechanisms.

The *saranwal* is located in the Office of the Attorney General and is responsible for processing the details of criminal cases such as acts of violence, theft, adultery and traffic incidents. Narcotic crimes have a dedicated *saranwal* department. On being referred a case, the *saranwal* has 15 days to prepare the documentation and send it to the court through the Ministry of Justice. A trial then has to take place within two months. Cases come before a *qazi* who will make a judgement after hearing the details of the alleged offence and the arguments of the *saranwal* and the defence lawyer. The lack of female representation in the Office of the *Saranwal* was a major problem for women, who found it difficult to share their problems with men.

The degree to which cases were referred to the *saranwal* varied greatly between provinces and was in part influenced by whether judicial authorities were present in more remote or conflict-ridden districts. In the northern three provinces more serious cases were commonly referred to the Office of the Attorney General. In some northern districts mullahs played a role in deciding which cases should be sent to the state. In Laghman more cases were heard before non-state actors. In Wardak the state system was barely in evidence outside the main towns. In 2009, the *saranwal* of Jalrez District received only four cases, with the rest submitted to the Taliban.

Judges operate under the jurisdiction of the Supreme Court, and many are graduates of Sharia (Islamic law). There are three courts or *amiriyats*: *Dewani Jaza* (criminal), *Dewani Madani* (civil) and *Dewani Amniyat Umah* (public order). The judiciary maintains a firm degree of independence relative to other government institutions. All appointments and transfers are made by the president’s office. However, the capacity and reputation of the judiciary is generally poor. One judge said, “When I make a judgement in front of the court, I receive abuse and threats from disputants and criminals.” Justice procedures are slow, record-keeping is inefficient, trials were said to be perfunctory and there is a shortage of defence lawyers.⁴⁰ The prestige of justice institutions was also diminished by the lack of resources for offices and courts—in one province the *qazi* and *saranwal* shared the same office.

The *Huqooq* Department of the Ministry of Justice has the responsibility for dealing with civil disputes and enforcing civil judgments. It has links with other parts of the justice system and traditional justice networks, which it relies on to help resolve cases by mediation or conciliation. If the differences involved are irreconcilable, cases are then referred to the courts. The *Huqooq* is also responsible for enforcing court decisions on civil matters. Its three main areas of focus are property (often land), debt and family matters.⁴¹

38 “Former Taliban chief who became policeman says peace will never come,” <http://www.shebacss.com/en/media-center-47712.html> (accessed 30 November 2010).

39 In the Afghan context, *huqooq-ul-Allah* may be equated to state or Sharia law. *Huqooq-ul-ibad*, though not legal in the conventional sense, refer to how local notions of justice are formalised within disparate communities.

40 Personal communication with Laghman PRT legal specialist.

41 UNDP, “The Huqooq Department: An Analysis of its Procedures, Functions and Needs” (Kabul: UNDP, 2010).

The other important administrative body that has quasi-legal status is the *Amlak* department, located in the Ministry of Agriculture, Irrigation and Livestock (MAIL). *Amlak* is responsible for recording public and private land, leasing government land, collecting revenues and providing a focus for initial negotiations in land disputes. It liaises with the police to summon people infringing upon government land or involved in other disagreements, and also has links with the Mustofiat (treasury department of Ministry of Finance), the Ministry of Hajj and Religious Affairs, the *Huqooq* and *saranwals*. The loss or destruction of land records as a result of the instability in the country over the past 30 years can be a major hindrance to the work of the *amlak* officers, who are often expected to deal with multiple land titles issued by different regimes under various land reform programmes. A few suggested that provincial directorates within MAIL were intentionally not making land records available to district offices, as this would mean losing out on an important source of rent-taking.

Study respondents expressed deep scepticism regarding the legitimacy and accessibility of the judiciary. The research produced consistent evidence of rent-taking and other forms of inducement pervading the activities of most judicial and quasi-judicial actors. According to one Day Kundi resident, “The state is not really a state. It is not concerned with the poor. To get justice you need money or *wasita*.” One woman from Day Kundi stated, “The *saranwal* and judges were effective under Najibullah and few officials took bribes. Everyone respected the constitution. During Karzai’s time criminals are being arrested and then freed through *wasita*. Others remain at liberty. Innocent people are jailed and no one does anything.” These concerns were also seen among employees of the justice system. As one *saranwal* said, “I want to leave my job because my office is well known for its involvement with mafia and for corruption. I cannot do anything. I must be careful because these people are powerful.”

Despite these disturbing observations, people in more developed and peaceful districts and urban centres are increasingly submitting to state-administered justice, especially in more serious cases. However, even in these areas non-state justice is sometimes preferred; this is often encouraged by conscientious state law officers who are well aware of the shortcomings of state justice mechanisms, and instead push litigants toward using community-based resolution.⁴²

4.6 Community-based dispute resolution

There is a distinction between the notions of informal justice and community-based dispute resolution (CBDR) in that “informal justice” implies an *ad hoc* local process, along with a clear split between state and community-based actors. By contrast, the notion of CBDR captures the fact community-based justice functions according to a relatively constant set of principles and procedures which can often involve an interaction between community actors and the state.⁴³

The shortcomings and inaccessibility of the formal justice sector have resulted in a range of actors playing a role in the delivery of justice. These include the ulema, Ministry of Hajj and Religious Affairs, provincial councils, *maliks* and local *shuras* or *jirgas*. The Ministry of Women’s Affairs was also seen to play an active role in supporting women in difficulty, especially those dealing with household violence. Many of these actors attempt to fulfil an initial mediating role that allows complainants or adversaries to settle their disputes without reference to a further body. If the dispute remains unresolved, it is then usually referred to CBDR mechanisms, although a few cases proceed to the formal justice system instead.

Judicial *shuras*, *jirgas* or *marakas* form the mainstay of CBDR processes. These bodies are normally composed of elders, ulema and *jihadi* commanders, but are flexible in their composition depending on the complexity and seriousness of the case. CBDR *shuras* exist at both village and district levels, and the latter often deal with cases that cannot be resolved in the village.

42 For a review of the justice system and recommendations for improvement, see: International Crisis Group, “Reforming Afghanistan’s Broken Judiciary,” in *Asia Report* No. 195 (2010).

43 Rebecca Gang, “Community-Based Dispute Resolution Processes in Balkh Province” (Kabul: Afghanistan Research and Evaluation Unit, 2010).

Box 2: Two cases of community-based dispute resolution

Day Kundi: At the instigation of the government, *shura-i-mardumis* (people's shuras) were formed in 2005 in two southern districts to solve local disputes. One *shura-i-mardumi* in Kiti was composed of 14 members to include Hazara, Tajiks and Sayeds, and included four female members. It worked in a complementary manner with village shuras, had close links with the official justice system, and even managed to resolve a murder case. In most cases, state institutions were very weak with the ulema taking an active role in governance. In some areas of Day Kundi the ulema were also used as a court of appeal in difficult CBDR cases.

Wardak: A *jirga* in a Pashtun community had settled a murder case under *Pashtunwali* (the Pashtun code of conduct). The *jirga* member discussing the matter said if the decision was taken according to Islam, the murderer would have been hanged. However, such an action would have inflamed rather than resolved tensions within the community. He said that despite some negative aspects, the *jirga* could address serious disputes in a way that stopped them continuing.

Although the practice of registering CBDR judgments with state justice authorities is common in the northern provinces, this was by no means universally the case. In Helmand, for example, respondents noted that putting a case on record was frowned upon by the community—as well as being a permanent mark on the record of the offender, it diminished the honour and reputation of the community as a whole. This was echoed by a female respondent in Laghman, who argued that just as a family keeps its problems inside the home, the village should not expose its affairs to outsiders.

Compared with the government system where judges took bribes and there was a focus on conviction and punishment, a *jirga* seeks to take account of everyone's rights (except, it must be said with some emphasis, that of girls who were exchanged to resolve murders in a practice known as *baad*) while at the same time maintaining community stability. The judgments of *jirgas* were less prone to objections by disputants than those delivered through formal mechanisms.⁴⁴ Customary procedures delivered a form of restorative justice that judged in terms of responsibility for an event and determined the appropriate level of reparation.⁴⁵ The process was more transparent and produced agreements rather than verdicts. As opposed to formal justice, it was speedy and not generally subject to corruption.

4.7 Concluding remarks

The research took place at a time when security was deteriorating. Despite the DDR/DIAG initiatives, there were significant amounts of weapons in every province. And while government and international troop levels have increased, there has been no unequivocal evidence on the ground of Afghanistan becoming more peaceful. Instead, levels of violence have escalated, civilian and military casualties are increasing, and movement is becoming more and more difficult for both foreigners and Afghans.

The ANP: Considerable effort has been put into police training by the Mol and PRTs. Nevertheless, chiefs of police emphasised the need for further and enhanced training, an increase in police numbers, stricter regulatory enforcement and improved offices and facilities. In general, there was little public trust in the police, often with good reason. However, district chiefs of police and newly-appointed provincial chiefs of police are making genuine efforts to improve the situation. The new provincial chiefs in particular appear to take their roles extremely seriously and were frank in discussing the problems they faced. In these cases, considerable efforts to improve police capacity appear to be yielding results.

⁴⁴ This is probably due to the lack of official forums for appeal at the local level. It also suggests that because people identify more with the "local" rather than the "national," the idea of confirming to state law is not as appealing as maintaining social relations within communities and accepting their judgements.

⁴⁵ Thomas Barfield, "Afghan Customary Law and Its Relationship to Formal Judicial Institutions" (Washington, DC: United States Institute for Peace, 2003).

Militias: While the presence of the *arbaki* improved security around Wardak's provincial centre, arming such groups is reversing the DDR/DIAG process and potentially has implications for the attainment of longer term peace and security. The *arbaki* there were deeply resented by the Taliban; the *arbaki* leader was uncertain how the conflict would unfold and, like many other actors in such unstable provinces, was doing his best to keep his options open. The potentially unpredictable nature of these groups is therefore particularly significant, since they clash with the Afghan state's aim of establishing rule of law and monopolising means of coercion.

Justice Delivery: Although the formal justice system was seen to be functioning in the northern study provinces, it was viewed with deep mistrust, especially in rural areas. Slow, inaccessible, complex, expensive and corrupt, its failings were contributing substantially to a loss of trust in government as a whole. Law officers thus undertook their responsibilities with varying degrees of integrity. Although statutory law was given priority over Islamic law in the 1964 constitution, there remains a dual system in the 2004 constitution whereby primacy of one over the other rests with interpretation. While customary law was not even mentioned in the 2004 constitution, it remains the most commonly used system in rural areas.

Despite the training provided by the Ministry of Justice, IARCSC and a number of external actors, particularly the United States, there remains a need for capacity building specific to the justice sector. As one *saranwal* noted: "Justice is a complicated subject and it is difficult for NGOs and other non-specialists to help us. We have problems in interpreting aspects of civil law, criminal law and the constitution. We need Afghan experts to explain the law as it applies to the realities we work with."

The difficulties associated with achieving justice were reflected in the number of bodies to which those with unresolved disputes turned. Honour, respect and reputation remain critical to the wellbeing of the individual, family and community. These norms have been encompassed in sets of principles and rules tailored to specific contexts,⁴⁶ and form the basis on which CBDR takes place and why it continues to be used. Citizens require predictability from justice processes and diverse though it is, customary law was providing this. While negative aspects of CBDR, such as *baad*, persist in some areas, attitudes are changing. In Laghman people boasted that *baad* was no longer practiced, while in Wardak the practice was prohibited by the Taliban. However, CBDR practices are not legally recognised under the current Afghan constitution, highlighting a need to understand how the informal and formal systems can cooperate with each other. To this end, the distinction between *huqooq-ul-Allah* and *huqooq-ul-ibad* represents an entry point for more interaction between the two systems.⁴⁷

46 Barfield, "Afghan Customary Law and Its Relationship to Formal Judicial Institutions," 42.

47 Tribal Liaison Office, "Linkages between State and Non-State Justice Systems in Eastern Afghanistan" (Kabul: Tribal Liaison Office, 2009), 26.

5. Service Delivery

The management and delivery of goods and services is critical to any government's ability to achieve and maintain legitimacy. The problem in Afghanistan is that the government cannot be solely held responsible for shortcomings in service delivery since about 90 percent of the national budget is "externally financed" and aid constitutes almost half of the Gross Domestic Product.⁴⁸ Most importantly, however, almost 75 percent of the foreign assistance bypasses government budgetary structures entirely, and a large proportion of the aid that is channelled through the government goes unused due to lack of capacity.

There are considerable problems with underspending of development budgets. According to MoF figures, government execution of the development budget for 2010/11 is a meagre 37 percent.⁴⁹ This presents a major challenge for donors and the government alike. Donors may use the Afghan government's inability to fully execute existing allocations to justify a reduction in development budgets, while the government itself may find it much more convenient to attribute underspending to uncoordinated and unpredictable donor engagement rather than its own administrative inefficiencies. In either case, consistent underspending results in reduced budgetary allocations, as is evident from the table below.

Table 1: Performance and implications of Afghan government development budget execution

Sector	2009/10 Development Budget Execution Rate	2010/11 Development Budget Execution Rate (for first 10 months only)	Reduction in Development Budget Allocation for 2011/12 as proportion of unused budget for 2010/11
Health	40%	43%	21%
Social Protection	46%	25%	33%
Education	40%	44%	48%
Security	63%	27%	50%
Governance, Rule of Law & Human Rights	30%	20%	46%
Agriculture and Rural Development	45%	21.50%	51%
Economic Governance and Private Sector Development	21%	17%	63%
Infrastructure and Natural Resources	30%	28%	72%

Source: The 2009/10 development budget execution rate comes from the October 2010, Pre-Budget Report by the Afghan MoF. The 2010/11 execution rate and proposed change in development budget allocations are from the SY 1390 Afghan government budget.

48 The World Bank and DFiD, "Afghanistan Public Expenditure Review 2010," <http://zunia.org/post/afghanistan-public-expenditure-review-2010-second-generation-of-public-expenditure-reforms/> (accessed 21 May 2011).

49 Ministry of Finance, "Afghanistan's National Budget for 1384-88," available at www.harmonieweb.org (accessed 15 April 2011). Data from 1389 from MoF's 13 March 2011 update on budget execution. Total development budget: \$2,251,000,000.

The following section presents evidence on the delivery of services as carried out by both state and non-state actors. It starts with a brief summary of the key line ministries encountered during the research, followed by findings and comments on NGOs' contribution to delivery. There is then an account of the NSP and observations on its operation. The section concludes with an outline and commentary on three important delivery mechanisms—the District Development Assemblies (DDAs), the District Delivery Programmes (DDPs) and the PRTs.

5.1 Line ministries

In each province there can be as many as 40 or more line ministries and directorates delivering various functions of government. Recruitment to line ministries remains centralised, and new appointments are increasingly made through competition under PRR (see Section 3.4). The line ministries below were covered by the research as they all have key welfare functions.

Ministry of Public Health (MoPH): There have been significant improvements over the past 10 years in health delivery in all six study provinces. This is particularly impressive given that in 2001 virtually no clinics or hospitals were present outside the major cities. For example, maternal and infant mortality rates have decreased and an increasing number of women now opt for ante- and post-natal care,⁵⁰ while free or subsidised medicine is provided and consultation charges are nominal. There has been considerable donor-funded capacity building of medical workers and staff management capacity has improved greatly. In all but the most insecure districts, male and female community health workers working out of village health posts deliver first aid and primary healthcare. At the village level, MoPH workers have been able to persuade key community figures to take the lead in raising awareness on health issues. For instance, mullahs and village elders in Jawzjan have been involved in campaigns to encourage the vaccination of children. Mobile clinics have been established and in Wardak these were able to deliver health services to *Kuchis* (Pashtun nomadic pastoralists).

The Basic Package of Health Services (BPHS) is delivered using NGOs as service providers appointed by a system of competitive bidding for contracts. The policy of outsourcing healthcare had reduced administrative costs and in general the quality of health care was described by respondents as good. Where there was a conscientious and diligent provider, there were no problems and the system worked well. But where a health deliverer was not up to standard the lines of communication, and thus of accountability, between district, province and centre were slow to come into operation, with a consequent impact on patients. However, in one case in Jawzjan, when there were complaints about a service provider that were seen to be justified, action was eventually taken to replace it.

Ministry of Education (MoE): Intensive efforts made to improve education delivery have brought a turnaround in the education sector. New schools have been built and teacher training colleges have been established. Growth in teacher numbers has been matched by an increase in professionalism, and a growing number of teachers interested in the technical development of teaching standards and the curriculum was observed at both provincial and district levels. This has been accompanied by a steady increase in pupil enrolment. As economic situations have improved, families have required less labour, enabling children to go to school. The MoE has involved mullahs, village elders, *maliks* and *qaryadars* in spreading awareness about the benefits of education. Engaging mullahs in primary education programmes has both compensated for the lack of qualified teachers in villages and countered their traditional opposition to mainstream education by involving them in the process. This in turn has achieved a balance between religious and formal education and reportedly softened their stand towards the revision of curricula.⁵¹

⁵⁰ Data provided by the Ministry of Public Health.

⁵¹ The curriculum for *madrassas* and *dar-ul-ulooms* (*madrassa* high school equivalents) are being revised to include general subjects like mathematics, English and social sciences. See: "Draft National Education Strategy Plan for Afghanistan (2010-14)" (Kabul: Department for Planning and Evaluation, 8 March 2010); for more on the involvement of mullahs in state education, see: Antonio Giustozzi, "Nation Building is Not for All: The Politics of Education in Afghanistan" (Kabul: Afghanistan Analysts Network, 2010).

Despite these significant achievements, teachers—especially female ones—remain in short supply. Often students of grades nine and ten were seen teaching their juniors. There still remain many schools without buildings, and education is frequently delivered in tents, houses and mosques. In Khwaja Du Koh District (Jawzjan), for example, there were no primary schools operating from purpose-made buildings. Where new schools were built, they sometimes lacked water and sanitation facilities, preventing some female pupils from attending school. The lack of school buildings also meant that in some provinces the MoE had to return budgets earmarked for furniture, libraries and laboratories. In other cases the security situation also prevented the use of allocated budgets since it was not possible to run schools to capacity. The issue of female education was highly contentious in Taliban-controlled provinces. In some districts, the Taliban allowed girls to attend schools up to twelve years of age, while in others their attendance was completely forbidden.

Ministry of Agriculture, Irrigation and Livestock (MAIL): MAIL is mandated to strengthen the agricultural economy by improving natural resource management, introducing new crops and techniques and encouraging the formation of cooperatives and agri-businesses. MAIL has role in poppy reduction by seeking to generate alternative livelihoods. It is also responsible for maintaining records of land ownership and usage (see Section 3.4). Given that 80 percent of the Afghan population is rural, the success of MAIL policies is central to the sustained development of a substantial part of Afghanistan's economy. However, it was not until 2008 that MAIL managed to attract donor support of any significance.⁵² In all six study provinces, provincial MAIL offices claimed that project funding was insufficient to achieve meaningful results. Many provincial directors claimed they would be fortunate to receive 10 percent of what was requested in their plans. In resource-scarce Day Kundi, MAIL's primary role appeared to be acting as a facilitator and supervisor of rural development NGOs. MAIL was most active in districts where the DDP was in operation, where it was involved in agricultural extension activities such as training and capacity-building, along with the provision of tools, seeds and fertilisers.

Ministry of Rural Rehabilitation and Development (MRRD): MRRD became an independent ministry in 2002 with a mandate to promote poverty reduction and social protection in rural Afghanistan.⁵³ It currently implements the NSP along with five other programmes focusing on rural road construction, water supply, sanitation, irrigation and rural enterprise development.⁵⁴ It also administers a specialised rural development institute. Its activities have been closely integrated into several programmes including the Counter-Narcotics Trust Fund (CNTF) and DIAG, and it is also responsible for implementing the NABDP.⁵⁵ MRRD has attracted strong donor support, and has been able to recruit competent professionals to lead its activities in the provinces.

Partnerships and accountability

Partnerships between state and non-state actors have come to play an increasingly significant role, particularly in the delivery of health services. Public-private partnerships have emerged to compensate for the government's lack of manpower, capacity and resources. The success of these forms of collaboration depends on what they set out to achieve and how the comparative advantages of the public and private stakeholders are used. While these forms of partnership may represent an effective way of delivering certain services, they cannot be seen as an alternative to the decentralisation of powers to provincial and district line departments (further discussed in Section 7.10) since it is important to integrate such initiatives into provincial planning and take local needs into account. Furthermore, such partnerships need to be accompanied by regulations or incentives for non-state actors to address the needs of the poorest and most marginalised.

52 Adam Pain, "Policymaking in Agricultural and Rural Development" (Kabul: Afghanistan Research and Evaluation Unit, 2009).

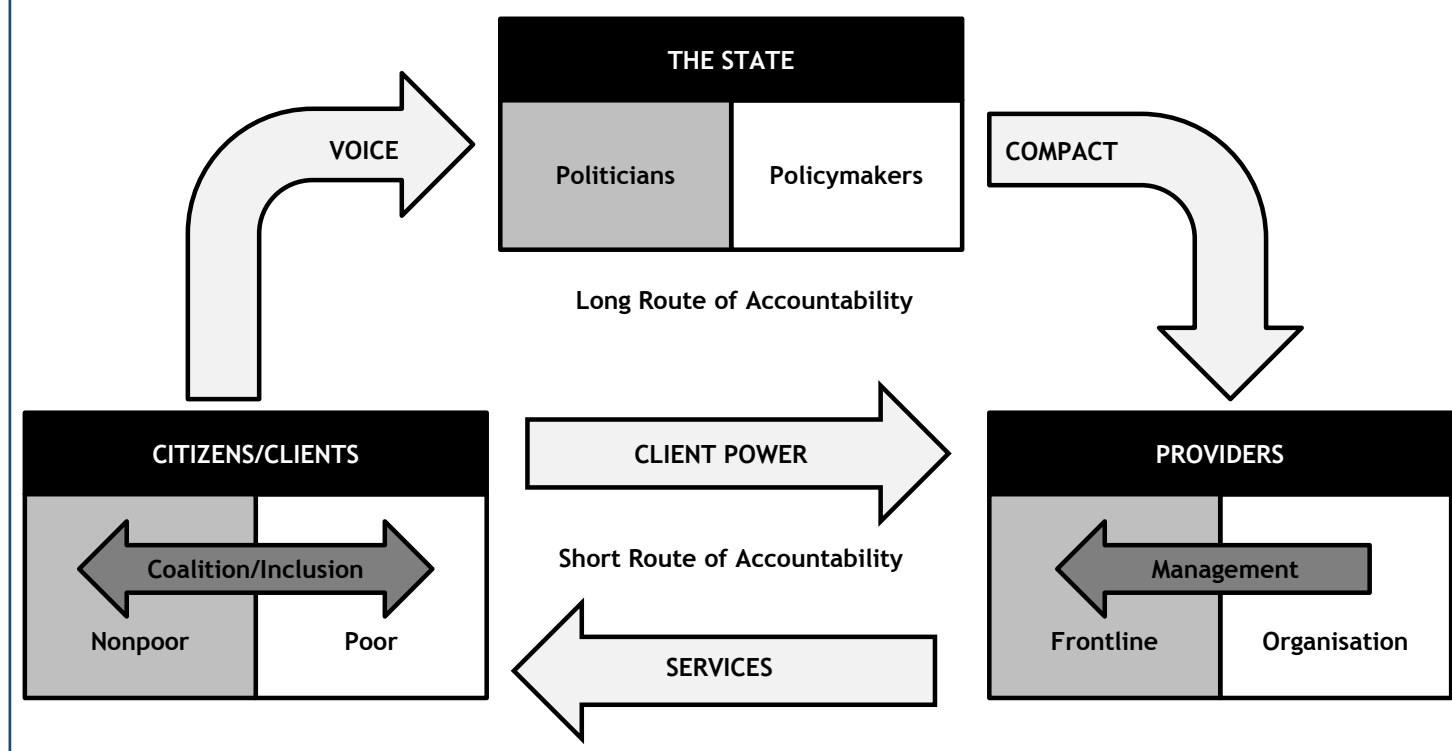
53 Pain, "Policymaking in Agricultural and Rural Development."

54 They are the National Area Based Development Programme (NABDP), National Rural Access Programme (NRAP), Rural Water Supply, Sanitation and Irrigation Programme (Ru-WatSIP), Afghanistan Rural Enterprise Development Programme (AREDP) and Afghanistan Institute for Rural Development (AIRD).

55 The latter is administered via the UN Development Programme and the NSP, which is funded via the World Bank-administered Afghanistan Reconstruction Trust Fund.

Figure 2 illustrates this point. “Voice” here refers to the relationship of accountability between citizens and government. This may be achieved in a variety of ways—through elections, public demonstrations and protests, providing access to information and even through patronage networks. “Compact” is the relationship of accountability between the government and service providers. This may be in the form of contracts. A strong regulatory environment is essential to ensure that these contracts are legally enforceable. Accountability in the “long route,” as is the case in partnerships between a line department and a service provider, can only be ensured if there are mechanisms to ensure that there is no failure of “voice.” This requires effective representative bodies be equipped with appropriate powers. On the supply side, there needs to be agreement between state actors and service providers on the basic principles of their relationship. In the event of weak links between central and provincial line ministries, the latter may not be in a position to hold a service provider appointed by the central ministry to account. Failures of accountability mechanisms coupled with weak representative bodies can result in poor targeting, exclusion of marginalised groups and the capture of resources by elites.

Figure 2: The long and short routes of accountability



Source: Adapted from the World Bank⁵⁶

5.2 World Food Programme (WFP)

WFP delivers basic foodstuffs to those in greatest need. To do this in a country of extreme terrain and considerable insecurity is a substantial achievement. WFP distribution is a low-key operation that provides vital welfare in a number of ways using government delivery mechanisms. The services it provides include emergency relief, food for education, food for the poorest families, food for work and supplementary feeding and nutrition programmes for women and very young children. In Sar-i-Pul, where WFP distribution was being undertaken in a transparent manner, a DDA respondent said, “I think WFP is the most effective and valuable organisation helping the people of this district.”

⁵⁶ The World Bank, *World Development Report 2004: Making Services Work for Poor People* (Washington DC: The World Bank and Oxford University Press, 2003), 49; Available at: http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2003/10/07/000090341_20031007150121/additional/310436360_20050005034404.pdf

Communities greatly appreciated WFP's "Food for Education" programme. It has resulted in increased school enrolment and attendance, particularly of girls. Many said that even if aid were withdrawn, attendance would not be affected since people had come to realise the value of education. The food for training programme has also contributed to the increase of female teachers. More generally, the "Food for Work" programmes have provided a boost to economies in some of the poorest regions of the country. Respondents drew attention to the role of DDAs and others in the distribution and monitoring of inputs. Active DDAs would store aid and make lists of recipients, and distribution often took place in the presence of local government officials.

However, our research evidence indicates that there are also repeated instances of WFP aid being siphoned off by those responsible for its delivery, monitoring and distribution. Those complicit included *woluswals*, MoE officials, chiefs of police, DDAs and even on occasion the NDS. Commonly one third of food, but sometimes more, would be taken and sold in the bazaar to be bought by the very people for whom the food was intended. Other fraudulent practices included generating fake muster rolls for labourers or creating ghost students. Sometimes consignments would be sold and lower-quality wheat bought and distributed. In one instance an entire consignment of milk powder was taken and sold by a *woluswal*. Although these issues were sometimes reported to the *wali*, no action was ever seen to be taken. Since DDA members do not receive salaries, it appears regularly to be the case that leading members were exploiting their positions for personal benefit, either through the sale of food, or diverting aid to their own communities, and sometimes both. It can only be deduced that these opportunities for gain were a reason for the continued operation of rump DDAs where they were not otherwise active.

5.3 Nongovernmental organisations

Nongovernmental actors have made a substantial contribution to the achievements that have taken place since 2002 in respect of health, education, rural development, civil engineering and construction. This includes a number of international NGOs (INGOs) present in Afghanistan during the Taliban period, that have long-standing relations of mutual respect with the communities with whom they work. Where given permission by the Taliban, INGOs have been able to operate in areas not controlled by the government to deliver health, education and support for the NSP.

The commitment, industry and outputs of INGOs are impressive across all sectors. They have combined technical assistance and a wide range of capacity-building activities with the effective use of indigenous knowledge.⁵⁷ The majority of their activities are managed by competent Afghan staff, and it is not uncommon to find INGO-trained staff moving on to apply their skills in government institutions. INGOs paid far more attention than the government to employing and using the skills and abilities of women.

The interaction between NGOs and the state is reflected in how the BPHS has been delivered. Initially, INGO service-providers ran contracts on their own, but then went on to work in partnership with national NGOs. This process of skills-transfer and mentoring has increasingly led to national NGOs developing enough capacity to take over sole responsibility for provincial health delivery. In provinces where there have been shortcomings, INGOs have stepped back in again to assist. INGOs have also historically played an active role in education. While some run schools and provide materials, they have had the most visible and effective impact in the field of teacher training.

INGOs are active in rural development through helping farmers to incorporate new techniques and introducing best practice in water conservation, irrigation, cropping, orchard development and livestock. INGOs and national NGOs also play a crucial role as facilitating partners in NSP, and INGOs in particular have an important function in encouraging female participation in CDC activities. Alongside NSP-related activities there were other examples of INGO innovation, such as the introduction of a human rights-based approach to governance in Samangan. In Laghman, an INGO built upon the NSP by assisting in the development of farmers groups.

57 Elizabeth Winter, "Civil Society Development in Afghanistan" (London: Centre for Civil Society, London School of Economics and Political Science and ESRC Non-Governmental Public Action Programme, 2010), 28.

However, there were some problematic issues. Local government actors complained that NGOs tended to focus their efforts in more favourable districts. This could create crowding and left less accessible districts without development support. There also were complaints, particularly from the MoEcon, that NGOs did not adequately coordinate with the government and from *walis* that NGOs followed their own agendas rather than local priorities. Related to this, a number of government officials voiced concerns over being unable to monitor NGO or PRT projects. A further irritant was the higher salaries paid by INGOs enabling them to recruit the more able individuals. NGOs themselves are also subject to a range of pressures in the field from provincial council members, *woluswals* and others. These actors often push them to favour particular areas as a way to secure support during elections or obtain kick-backs from contractors. One INGO manager also spoke of how *wasita* made life difficult in making appointments when pressure was applied by powerful elders.

The presence of national NGOs formed primarily to be eligible for development projects is also a potentially problematic issue. Although some have good reputations and deliver on their commitments, others signed contracts and either disappeared with the funds or left projects incomplete or poorly implemented. Such NGOs are also involved in regular side-payments to government officials, either in the course of registration or securing contracts.

The disadvantage of NGOs anywhere is the diversity of their approaches, of which some are better than others, and the restricted nature of their spread. Ultimately, nongovernmental activity is no substitute for efficient and effective government services that set uniform standards and have universal coverage.

5.4 National Solidarity Programme

The NSP has been structured in three phases. The first two delivered 52,000 projects to 22,000 villages at a cost of \$1.2 billion. Phase III is now consolidating existing CDCs while extending coverage to a further 16,000 communities (the remaining 40 percent of the country) at a total cost of \$1.4 billion over seven years. Between June 2002 and September 2010 donors have provided \$1.5 billion, mostly through the Afghanistan Reconstruction Trust Fund (ARTF). Of this sum, 72 percent has been used for block grants to finance community development projects, 19 percent has gone to facilitating partners to oversee elections and training of CDCs, and the remaining nine percent has covered administrative costs.⁵⁸

After addressing the problems arising in the early years of the programme, the NSP is now operating quite efficiently in the study provinces, aided greatly by the recent establishment of MRRD Project Management Units in provincial centres. The programme is delivered on the basis of CDC allocations calculated on the basis of \$200 per household or up to \$60,000 per community (with a maximum of 300 households per community). Working in consultation with facilitating partners, a CDC selects and implements a project or series of projects. The tasks of a facilitating partner as they currently stand are to mobilise communities and create CDCs by: (1) supervising CDC elections; (2) building CDC capacity to identify, plan, procure, implement and monitor; (3) help CDCs apply for and administer block grants; (4) ensuring adherence to reporting procedures and help CDCs link with external agents to improve access to services and resources; and (5) liaise with MRRD through its provincial PMUs. INGO facilitating partners have generally been effective in training, providing assistance with bureaucratic procedures and offering technical support.

Such a widely implemented programme was the subject of many comments among respondents, who were generally positive about its role in increasing the welfare of poor communities. Importantly, the NSP was often seen as the only evidence of government activity at the local level. Although NSP projects were limited in duration and sometimes unsustainable, people appreciated resources being channelled directly to the village. Respondents typically described how it had improved lives through basic infrastructure improvement—such as the building of bridges giving easier market access and

58 “Afghanistan’s National Solidarity Programme Has Reached Thousands of Afghan Communities, but Faces Challenges that Could Limit Outcomes,” <http://www.sigar.mil/pdf/audits/SIGARAudit-11-8.pdf>, 22 March 2011 (accessed 12 April 2011).

the construction of retaining walls to prevent flooding—along with improving public health through the provision of clean drinking water. Where CDCs were working at their best, there were often good linkages with district line ministries.

In many of the Taliban-controlled areas CDCs were able to operate but had no contact with district officials. The NSP was viewed with suspicion by the Taliban in Wardak, who were concerned that links with facilitating partners could be used to pass on information about them. However, there were several examples of elders negotiating with the Taliban to persuade them of the programme's benefits. In Laghman the Taliban were quite flexible in the way they permitted NSP to operate. Even in more stable provinces people described how the NSP was initially viewed with suspicion by commanders and mullahs who called it "un-Islamic." However, when they saw how the CDCs received funds and delivered development, they supported and joined them.

An important principle of NSP has been the inclusion of women. In practice this has been through the formation of separate CDCs, although in Day Kundi, Jawzjan and Sar-i-Pul women sometimes participated in the same CDC as the men, and on some occasions there were even female CDC heads. Where this was not the case, facilitating partners paid particular attention to helping female CDCs undertake income generation projects, such as carpet weaving and tailoring, and pushing the boundaries of female participation wherever possible. This was by no means easy since women were often wary of the consequences of provoking male sensibilities. In Day Kundi women were in CDCs because the men had initially not understood the potential of NSP. Nevertheless, it was not unusual to find that allocations intended for women (e.g. livestock) were co-opted by men. In most provinces female CDCs had a restricted level of activity and had no control over budgets and there were many instances, particularly in Laghman and Wardak, of these bodies existing only on paper.

Despite NSP's successes, there remain a number of concerns over its operation:

- The integrity of CDCs is subject to various forms of influence and mediation. Some facilitating partners noted that villagers were coming under increasing pressure from provincial council members and *woluswals* on issues such as elections, contracts and aid distribution. In some villages, CDC members were allied to political parties and the body thus became a space for acting out political rivalries.
- Development projects conceived within the context of the village were piecemeal and failed to generate inter-village or intra-district synergies.
- The NSP's definition of communities and households are potentially problematic. In some instances, the definition of a household was manipulated to double their number in a village. Contrastingly, there were examples of communities being split in order to meet NSP criteria. In one province such a split was the cause of conflict in a formerly unified community over the ownership of a road.
- For the most part, female participation is nominal. Where women are able to engage with NSP-funded projects, they often have little control over resources. Women's participation is heavily dependent on the quality and perseverance of the facilitating partner.
- In certain cases, CDCs may actually increase the likelihood of community-level disputes by combining large infusions of cash with a lack of self-enforcing accountability mechanisms.⁵⁹ Such processes were most apparent where projects raised issues of land ownership or water rights.
- CDC projects are vulnerable to corruption. There were instances of CDC heads colluding with contractors in charging for shadow labour. There was manipulation of receipts resulting in the purchase of sub-specification materials.
- NSP funds are subject to capture by influential people and commanders in control of CDCs. This has led to requests by some *woluswals* for improved monitoring and greater public transparency.

59 Jennifer Brick "The Political Economy of Customary Village Organizations in Rural Afghanistan" (Madison: Department of Political Science, University of Wisconsin, Madison), 27.

Respondents in some areas also expressed concerns about collusion between *woluswals*, DDAs and CDC heads.

- The cost of CDC leadership is high. One respondent stated that his responsibilities prevented him from taking on any other employment and that he was forced to take money from CDC funds to support his family. In other instances, CDC funds paid for telephone credit, transport and ancillary expenses. In addition to the expenses incurred and time taken, the job involves onerous bureaucratic and administrative responsibilities associated with the maintenance of records and reporting. For these reasons many CDC heads and members said they did not want to seek re-election.
- Communities are often unable to contribute cash to NSP projects. An aspect of NSP is that communities should provide 10 percent in cash, in-kind or labour to each project. This was a problem with projects that required regular cash contributions, such as the maintenance of generators, and such projects often ended in failure.
- There are issues of sustainability associated with the functioning of CDCs, most of which are unable to maintain their administration without the support of facilitating partners. CDCs thus were observed to be active while funds were flowing and implementation taking place. After this, they became quiescent, with village governance reverting to traditional institutions.

5.5 National Area Based Development Programme

District Development Assemblies have been established under the NABDP, which is implemented by MRRD and operates from regional offices. The programme was most active in its second phase (2006-09) when most DDAs were elected and is now in its third phase (2009-14). It was designed to (1) institutionalise DDAs, (2) produce sustainable livelihoods through rural infrastructure services, and (3) bring about stabilisation through enhanced economic livelihoods.⁶⁰

UNDP documents describe DDAs as having a catalytic development role at the district level through establishing linkages between CDCs and CDC clusters with stabilisation and governance initiatives. In practice their role appears to be to coordinate district planning through needs assessments and discussions with district bodies, primarily CDCs or clusters. In addition they have a role in implementing and overseeing rural infrastructure projects. Sustainability is stated by UNDP as coming through the DDAs being located within the MRRD's Community-Led Development Department which in turn is located in an "apex body," the Afghanistan Institute for Rural Development (AIRD). AIRD was intended to be the main vehicle for mainstreaming local governance in Afghanistan. There is reference to IDLG's strategic document acknowledging the role of DDAs and it goes on to state, "... as such DDAs will play a crucial role in the dynamic future relations between government and people at the local level."⁶¹

At the time of study, there were 164 permanent DDAs established in Afghanistan and 77 DDAs have been re-elected.⁶² In addition, there are 111 "interim" DDAs established in districts where CDCs cover less than 50 percent of the villages. In the study provinces, all DDAs were permanent with four re-elected in Laghman and one in Wardak. The main problem that DDAs faced was their lack of regular access to funds. In some instances they would receive a small amount (between \$100-150) from the NABDP for operating costs, and in very few other locations some compensation for undertaking oversight. Most DDA members were frustrated in undertaking any activity by a lack of salaries, offices or transport. The most common activity undertaken by DDAs was implementing WFP distributions or food for work projects, as noted in Section 5.2. Nevertheless, they offered an avenue for submitting projects for funding and in some study provinces a few infrastructure projects were being channelled to DDAs via the NABDP.

60 UNDP, "NABDP Annual Progress Report" (Kabul: UNDP, 2009).

61 UNDP, "NABDP Phase III Project Document" (Kabul: UNDP, 2009).

62 UNDP, "NABDP 3rd Quarter Progress Report 2010" (Kabul: UNDP, 2010).

For the most part, respondents described the DDAs as symbolic. Some had received training, some not. Where they were in operation they were being used as a conduit for development, but inspired little public interest since they had no funds. In Laghman they had a coordinating role in the NSP process; in Day Kundi they were moribund; in Helmand their role had been eclipsed by ASOP's District Community Councils; and in Wardak the unstable security situation led DDA members to conceal their identity or flee to Kabul. However, in Samangan DDAs were present in all districts and were used and supported by NGOs who encouraged female participation, though problems of distance and a lack of offices inhibited their operation. They were also active in Sar-i-Pul, but mostly in WFP-related activities. Here, a DDA head complained that MRRD had issued a road contract without informing the DDA, suggesting that MRRD only felt the need to involve the DDA for administrative purposes such as stamping documents. In Jawzjan they were most active and a number of NABDP funds were being disbursed. The Jawzjan MRRD representative observed that if the DDAs were to have credibility, they had to be given more than their current supervisory role and to have some financial responsibility.

Other than in the instances noted above, the research thus found little evidence of DDA involvement in development projects, or of it having a role in representation other than being a channel for requesting projects. Where District Development Plans were produced by DDAs, there was no evidence of donor take-up, although they may have had some influence in the production of Provincial Development Plans. However, as has been discussed, Provincial Development Plans themselves have been largely ignored. Although DDAs maintained links with district administrations, these tended to be for reasons of welfare distribution, such as WFP. Where this was the case and has been noted, there were many allegations of DDA executive committees colluding in corrupt practice—the DDA head in one district was simultaneously the WFP programme cashier.⁶³

As its progress reports show, NABDP is undertaking many development projects across the country. However, while there were no examples of an entire assembly meeting on a regular basis without the help of a facilitating partner, the re-election process that occurs every three years was seen to invigorate the body. The type of DDA development being undertaken by NABDP as described in its reports for Logar and Uruzgan demonstrates a thorough approach that engages and mobilises the DDAs so as to be able to inform provincial councils on development issues.⁶⁴ While a sound idea in principle, the DDAs lacked support, were weakly regulated, not effectively monitored and there were no sanctions for deviant behaviour.

5.6 The District Delivery Programme

The DDP is a multi-donor initiative that links a counterinsurgency strategy with strengthening local government in 80 unstable districts, falling under the jurisdiction of IDLG's US-funded ASOP programme.⁶⁵ The DDP has a secretariat funded by the British and Danish governments. The initial idea was to establish a temporary rapid response programme that could rapidly introduce and support basic government services with the important sub-text of strengthening the legitimacy of the state. As the programme has evolved, two distinct objectives for the DDP have emerged: the first as a counterinsurgency strategy and the second to strengthen government in a fragile state.⁶⁶

Operating under an inter-ministerial working group, the DDP team is composed of DDP staff, line ministries, PRTs and donor agencies, along with specialists who undertake consultative assessments of selected districts to produce a plan that is consistent with District and Provincial Development Plans and

63 This linkage, whereby a politically powerful local figure straddled CDC/DDA leadership and combined it with an administrative function with WFP projects was also seen being undertaken by the Turkmen, Uraz Mohammad Dawood (Uraz Zabit) in Dawlat Abad (Faryab) who was assassinated in 2010.

64 K. C. Nahakul and Zamila Shariq, "Case Study: Enhancing local governance institutions in Logar and Uruzgan Provinces of Afghanistan" (Kabul: National Area Based Development Programme/UNDP, 2010).

65 The DDP secretariat is funded by the British and Danish governments, while funds for individual District Development Plans are provided by the Commander's Emergency Response Program (CERP), PRTs and bilateral donors.

66 Adam Smith International, "Diagnostic of the District Delivery Programme" (Kabul: Adam Smith International, 2010), 17.

responds to local priorities.⁶⁷ Subject to suitable security a budgeted plan is developed that includes the introduction of district line ministry staff to manage the plan and an increased number of police.

The roll out of this programme has required intensive organisation and cooperation between all parties. Two primary difficulties have been the recruitment and retention of suitably qualified civil servants to work in the districts, and establishing mechanisms that allow funds to be delivered through government fiscal systems and operational budgets with sufficient speed to allow the programme to move forward and staff to be paid. Both issues are being addressed; district line ministries are operating with increased coordination and impetus in response to staffing challenges, while efforts to overcome blockages impeding the flow of funds from the Ministry of Finance down through line ministries to province and district level have served to increase system efficiency. A further problem caused by the DDP was the pressure that this rapid injection of resources placed on ministries already hard pressed to meet their national mandate.

Whether the DDP approach is an effective counter-insurgency (COIN) instrument is yet to be demonstrated and is contingent on whether the notion of counter-insurgency provides an appropriate framework within which development can take place. Establishing the mechanisms for good local government in highly insecure areas with poor infrastructure and threats to the lives of officials has been demanding.⁶⁸ As noted, the model is exposing a range of problems within government in respect of recruitment and financial transfers and raises issues surrounding the linkage between provincial planning and the relation between district and provincial councils.

Despite these initial hurdles, the DDP is an acknowledgement of the value of the district as a crucial tier in the coherent and planned delivery of improvements in security, justice, health, education and infrastructure. A further positive contribution of the DPP is evident in Helmand. Here, its application has resulted in fresh insights into how to create district representative institutions that are both more transparent and accountable, and capable of managing responsibilities of planning and resource allocation (see Section 6.2 for more details).

5.7 Provincial Reconstruction Teams

The way PRTs operate is dependent on the policies of the individual countries that run them. The PRTs are generally marked by the diligence and professionalism of their men and women in delivering their mandate. In the provinces of this study, the United States (Laghman and Wardak) and the British (Helmand) used their PRTs for both military and development activities. The Turks had a distinctive development approach in Wardak which built on the country's historic links with Afghanistan. The Swedes and Finns in the North had neither an offensive nor delivery role and were primarily involved in security monitoring, support of the ANA and building police capacity. Their countries' aid budgets were disbursed bilaterally and through the ARTF and NGOs. Many respondents in the north were disappointed with PRTs not delivering aid.

Those PRTs with a delivery mandate are staffed by officers and other ranks who are well-briefed on national frameworks and have sought to align their projects with the ANDS. They reportedly have a total development budget of \$12 billion to spend from January 2010 until June 2011.⁶⁹ PRTs have made strenuous efforts to work closely with government officials at provincial, district and village levels, and undertake planning and implementation of projects in consultation with line ministries. These efforts also represent a more general attempt to build capacity and strengthen the legitimacy of the government. However, there were a number of issues surrounding the awarding of contracts, serial sub-contracting and the quality of contractors' work that caused negative comment. That PRT projects were not allowed to be monitored by government contributed to its unease over PRT implementation practices.

⁶⁷ As of April 2011, the DDP has been implemented in 35 districts.

⁶⁸ Adam Smith International, "Diagnostic of the District Delivery Programme."

⁶⁹ This figure was given in the 2010 PRT conference, although presumably includes overheads. Information has been released by ISAF for 2010-2011 that provides information on some 3,000 projects being implemented at a cost of \$1.5 billion using CERP/PRT funds.

The United States is by far the largest actor. It had various levels of funding authority, but projects up to \$25,000 could be signed off by the PRT commander. The United States integrates staff from the State Department and USAID as well as military and civilian specialists on law, health, education, agriculture and infrastructure. Other PRTs similarly integrate civilian specialists into their activities. In particular, the work undertaken by the American PRT in Laghman since its establishment in 2005 has been remarkable. A province with no paved roads other than the Kabul-Jalalabad Highway is now well served with good arterial networks, along with an increasing array of hospitals, schools, and local government buildings. In 2010 the PRT was delivering on projects to the value \$40 million, though as its commander stated, “funding limitations were more political than developmental.” Although the situation in Laghman is quieter than the more volatile southern provinces such as Helmand, the PRT is still working in an environment where elements opposing the government maintain substantial control of the province.

5.8 Concluding remarks

When looking at government service delivery, the dependence on donor funding is striking, no matter what the sector. Without the present level of resource flows, very few of the efforts described above would be able to take place. The consequence of a military withdrawal in 2014, should it happen, will have a substantial impact on resource availability, particularly with the end of PRT and CERP funds which alone amount to about 20 percent of an \$8 billion development budget.⁷⁰ In addition, the economy will be deprived of the contracts associated with servicing the military presence, amounting to \$14 billion annually for the United States alone (see Footnote 2). While the police and the army will no doubt retain their funding, debates need to take place now as to how the Afghan government can sustainably support health, education and rural development. Apart from rendering many existing development initiatives unsustainable, a reduction in aid flows will also have a significant effect on line ministry operational budgets (currently utilisation rate is 92 percent⁷¹). Many ministries have increased their staff in recent years, but if operational budgets are reduced, there will be a need to downsize. However, if this is too politically sensitive, then development budgets will be further affected.

Core/Periphery dynamics: A consistent dynamic observed in all six study provinces was that quality of service delivery was inversely related to remoteness and levels of lawlessness. This dynamic was at work not just between provinces and the centre, but also within them.⁷² Peripheral provinces such as Day Kundi and Sar-i-Pul were poorly served in respect of administrative services, health, education and infrastructure. Across all study provinces, service delivery in districts closer to the provincial centre was noticeably better than in ones far from it. Even within relatively affluent provinces, there were districts that were very poorly served, such as Roye Doab and Dara-i-Suf Bala (Samangan), Qarqin and Khamyab (Jawzjan), and Dawlat Shah (Laghman). In Balkhab (Sar-i-Pul), line departments also had to deal with pressure from commanders and political parties. This highlights the need for greater attention to be paid to peripheries and suggests that the system as it currently stands is overly network orientated. This is especially important given the fact that, according to this study’s evidence, poverty and lawlessness are closely linked in peripheral areas.

Ministry Coordination: Lack of coordination between line departments both within and between provinces is another area of concern. In some provinces, MRRD employees reported that they had received little support from the Ministry of Public Works (MoPW) in the construction of roads. This lack of collaboration between provincial line ministries is consistent with the “silo” phenomenon described by the World Bank, where each ministry functions as a self-contained unit.⁷³ Coordination among line

70 When considered in addition to traditional overseas development assistance. For more information on the national development budget composition, see the *A to Z Guide to Afghanistan Assistance, Ninth Edition* (Kabul: AREU, 2011), 50.

71 Ministry of Finance, “Afghanistan’s National Budget for 1384-88.”

72 For a discussion on this see: Antonio Giustozzi and Dominic Orsini, “Centre-Periphery Relations in Afghanistan: Badakhshan between Patrimonialism and Institution Building,” *Central Asian Survey*, 28, no 1 (2009), 1-16.

73 The World Bank described ministries in Afghanistan as vertically-confined structures that lack horizontal integration. See: “Service Delivery and Governance at the Sub-National Level in Afghanistan” (Washington, DC: The World Bank, 2007).

ministries at a provincial level was difficult to achieve as their budgetary flows were controlled by central ministries in Kabul and Provincial Development Committees had a largely symbolic role. There has been wrangling between MRRD and IDLG on the issue of district governance that has not been assisted by uncoordinated donor policies and inconsistencies of some donors funding competing bodies.

Corruption: There is unfortunately a constant theme of corruption that runs through this paper. In the context of service delivery, it was omnipresent, especially so where physical resources such as food aid and funds were available. In particular, the diversion of WFP resources was taking place in every province of the study receiving WFP inputs. It was saddening to learn of how government officials and DDAs were consistently and systematically plundering this resource intended for the neediest and of children, especially girls.

The NSP: While the NSP has provided a useful solution to reaching communities in the absence of effective local government and in building confidence in the state, it can be no more than a stop-gap solution. This analysis is not so sanguine as that of the World Bank regarding the nature of gender balance and the representative nature of CDCs.⁷⁴ The inherent contradictions and weaknesses of the programme are starting to come to light. Where there are resources, there is an inevitable political dimension as to how the resources are applied and, of course, who controls them. Some CDCs are already politicised and no doubt this phenomenon will grow. The NSP also undermines the development of local government by bypassing it. By being set apart from district and provincial planning processes, it is producing fragmented and piecemeal development that misses out on the benefits that come with a more coordinated approach. It is also becoming increasingly apparent that it is unrealistic to expect honest and capable individuals to manage a CDC without payment. Finally, the CDC is only viable as long as it has money; the evidence emerging from this research is that it is a transitory institution embedded in deeper village structures.

Although NSP had brought some advantages to some women in some areas, it should be seen alongside many other initiatives that are bringing about a very gradual appreciation of women's worth in a male-dominated society. The research evidence supports Azerbaijani-Moghaddam's assertion that although women may have a role in the NSP process in terms of deciding on projects, they are constrained by low literacy levels and a lack of external links.⁷⁵ They are often passive recipients with little or no access to, and control over outcomes.⁷⁶ While there were varied opinions about female participation amongst male respondents—including mullahs, jihadi commanders and elders—there were a few who spoke in support of women having a greater role in society within an Islamic context. There is thus justification for suggesting that NSP has contributed to the process of changing male attitudes. However, pushing this process too hard risks provoking male resistance, which ultimately is likely to rebound on women. (See Box 3 on Page 41 for a sample from the research data that succinctly and powerfully summarises many issues currently facing women.)

The DDP: The District Delivery Programme is an initiative to kick-start district government by the coordinated injection of funds and staff. It has a dual goal of transforming a district and gaining its allegiance to the government. This type of coordinated focus on a district would benefit from being piloted in more stable areas of the country where organisation, take-up and positive results could be more easily achieved. In so doing, it would more swiftly create an upward development spiral and provide demonstrable evidence to those in less secure areas of the benefits of a more meaningful relationship with government. Starting this programme in the most problematic and conflict-torn districts has not given the initiative the best chance of success. It seems to have been developed as a result of donor pressure to achieve sufficient stability to enable withdrawal rather than to drive forward a model for the development of local government and service delivery.

⁷⁴ World Bank, "World Development Report 2011" (Washington, DC: World Bank, 2011), 133.

⁷⁵ For reasons of space and focus, this paper says little about the role of women. The research found that there was a cohort of young women from about 15-25 years of age who had missed out on education and could not read and write. The accelerated learning courses delivered in some provinces were highly appreciated by this group and were said to be one of the best ways of advancing women's prospects.

⁷⁶ Sippi Azerbaijani-Moghaddam, "A Study of Gender Equity through the National Solidarity Programme's Community Development" (Kabul: DACAAR, 2009), 11.

PRTs: As development actors, PRTs operate under a number of constraints. The first and most obvious is that soldiers are not trained in delivering development. With the military serving tours of between six months and one year, there is little opportunity for them to understand the complexities of the local culture, despite considerable efforts to help them do so prior to entry and subsequent support from others once in country. While the military were unquestionably sincere and industrious in applying their approach, the cultural gulf between foreign military cultures and local norms was ever-present. The divide was illustrated by the way one US Human Terrain Team⁷⁷ sought to translate the indistinct and flexible structures of Afghan governance into identifiable elements, even using biometric measurements to identify district representatives.⁷⁸ Secondly, the difficulties of asking military to undertake development are made clear by the US army manual entitled “Money as a Weapons System” in which aid was defined as “a nonlethal weapon” used to “win the hearts and minds of the indigenous population to facilitate defeating the insurgents.”⁷⁹ This approach highlights a fundamental tension between the approach used to deliver militarised aid designed for the political purpose of winning loyalty⁸⁰ and approaches that focus on culturally appropriate ways of delivering development, alleviating poverty and reducing social inequality.⁸¹

77 A team of social scientists that is embedded in combat brigades and conducts socio-cultural research.

78 Mark Mason, “Local District Governance Mentoring Models and Case Study” (Jalalabad: Human Terrain System, 2009).

79 Commander’s Emergency Response Program, *Money As A Weapons System Afghanistan* (Afghanistan: US Forces-Afghanistan 1 -06), updated February 2011.

80 For a discussion on issues of perverse incentives, see: “The Relationship Between Aid, Insurgency & Security: Part One” (Norfolk, Virginia: Civil-Military Fusion Centre, May 2011), 7-8; the conclusion says “that aid cannot be presumed to improve security in a context of conflict or insurgency.”

81 “Quick Impact, Quick Collapse” (Kabul: Oxfam, Afghanaid, Trocaire, Care, NRC, ActionAid, Christian Aid, Concern, 2010).

Box 3: Laghman focus group: Pashtun female teachers

Participant 1: The mujahiddin killed many educated people. With the coming of the Taliban in 1996 education was completely stopped until 2002. Our big problem is what the mullahs preach to our men. Those that let their daughters or sisters go to school are unable to go to the mosque because mullahs will publicly berate them. However, I go to work despite opposition from my husband and father-in-law

Participant 2: There is antagonism and discrimination against women by those in authority who do not want to see women take leading roles.

Participant 3: Where we do not agree with officials, we will vote against them because they do not do useful things. In the last election we voted blindly but now we have experience. We will vote for good and honest people.

Participant 2: Bashardost¹ is a good person because he came here without gunmen.

Participant 1: We can't do anything against people with power and guns. Those with weapons will win the next election too. It doesn't matter if we vote or not. One of our Wolesi Jirga representatives is Engineer Qarar, a big criminal from HIA. He takes peoples' land by force. He has many agents.

Participant 4: Our school is one of the best in Laghman but we don't have chairs, tables or carpets. All our classes are outside. The consequences of rain are that children do not come to school.

Participant 1: We are working under a lot of pressure from men. There is bigotry in the family and the village but poor security is the worst thing.

Participant 2: Justice is not good. If a woman has a case she will languish in jail. We do not have a safe house. Most issues are solved by the *jirga* in an unjust way.

Participant 3: Most of our problems are caused by our bad and irreligious culture. Our people don't accept human rights principles because they say these are unholy laws coming from the foreigner. But they don't act according to our religion either. I think gender and human rights workshops are more necessary for men than women.

Participant 1: Over the last three years we have an increasing number of female students. Even most *jihadis* send their daughters to school.

Participant 4: The number of women dying at childbirth is high because of male attitudes. Most women are not permitted to visit clinics because their husbands don't want them seen by male doctors. So most deliveries take place at home in an unclean environment.

¹ Ramazan Bashardost was an independent Hazara candidate in the 2009 Presidential elections. He is now a member of the Wolesi Jirga.

6. Representation

This section examines the nature of representation at provincial, district and village levels. It then goes on to look at the role of political parties and concludes with an overview of what is here called the “non-state realm.”

6.1 Provincial councils

The role of the provincial council is outlined in the Subnational Governance Policy Document and the 2010 Draft Local Government Law. The number of its members varies according to the population of the province population, ranging from seven members for populations of 500,000 or less to 31 members for provinces of three million or more. Councillors receive a \$300 monthly salary (\$340 for council heads). In the study provinces, the provincial councils elected in 2009 each had nine members, three of which were women. The duties of a provincial council as outlined in the 2010 Draft Law are to regularly consult with citizens, monitor service delivery and hold the provincial administration to account. In addition, they are charged with ensuring that women and young people have access to the council, listening to complaints and resolving certain civil disputes. These activities serve to meet the objectives of local government, which are described as promoting Islamic values, maintaining order, protecting human rights, contributing to development processes, reducing poverty and disaster management. The Draft Law provides a useful clarification of the Policy Document, which is somewhat sweeping in its demands on the provincial council.

Since the research straddled the second set of provincial council and presidential elections in autumn 2009, it was possible to speak with both newly elected councillors and those from the previous councils. Many of the provincial councils elected in 2005 came into office on the basis of extravagant promises that proved to be unrealistic, in part because the machinery of the new government took time to become established. In 2005, the pressures on government were intense and issues of local government administration and representation were not a main priority. The newly elected councillors found themselves in an unfamiliar situation with little guidance on how they should operate. A member of a 2005 provincial council said: “I did not realise the constraints of the job. I could not do all that I set out to do. We had no authority to work independently and did not have sufficient funds. High levels of administrative corruption made it difficult to do our work.”

According to reports, the 2005 elections were relatively well-conducted. However, this was not the case in 2009. There were many reports of electoral fraud and malpractice for the provincial council elections across all study provinces. The process was characterised by the shifting loyalties of candidates, electoral deals, intimidation and vote buying.⁸² In one province the NDS promoted insecurity in areas known to oppose president Karzai in order to scare voters away from polling stations. While this helped obtain a higher vote for the president, it prevented representation from certain districts on the provincial council and increased local discontent.

One respondent from the Independent Election Commission reported that this was happening across the country, noting that “*zor, zar wa jurrat*” (power, money and courage) were the three keys to success in any Afghan election. While there was considerable idealism among those standing for the 2005 councils, those who stood in 2009 were more hard-headed and pragmatic about their role. In each province it was evident that powerful individuals or members from influential families were seeking representation on provincial councils as a way to reinforce their power and social status. Female members of such families were also standing for the council seats reserved specifically for women. Younger men were being given their first exposure in the political/administrative arena and represented their family and sectional interests. Although the investment required was not commensurate with any great power,⁸³ election to provincial councils had become a means of reinforcing the power and social status of influential families.

82 One Laghman Provincial Council member reported he spent \$20,000 on election expenses.

83 The expenditure of \$2,000 per candidate was considered normal, but some were said to have spent far more than this.

It has taken time for provincial councils and *walis* to establish effective working relations with one another, and the attitude of the *wali* is crucial to the nature of the relationship. Alongside this, there was considerable variation in how provincial councils were perceived by other branches of government. A number of government actors saw them as rivals and rejected their approaches and suggestions. Provincial administrations complained that provincial councils should be more active in reaching out to the people. Line departments tended to view scrutiny by provincial councils as unnecessarily intrusive, while some provincial justice ministries complained that their approach to legal issues created tension between the people and government. In Jawzjan, the then *wali* had little time for the council and made every effort to exclude them, barring them from Provincial Development Committee meetings. Provincial party dynamics could also affect how far they were accepted—in Laghman for example, the provincial council was co-opted by factions opposed to the then *wali*.

The precise nature of provincial council operation thus varied from province to province. Typically they form committees related to dispute resolution, rural development, human rights, *shura* relations, monitoring, rural development and social services (individual members sit on two or three committees each). However, provincial councils are not given information on provincial budgets and thus have little or no influence over resource allocation. One provincial council member complained that their role in planning was essentially symbolic: “Every line ministry makes their own annual plan and budget. They do not even inform the *wali*.” This lack of any substantive involvement in planning and budgeting was stated as being a cause of reduced motivation.

As policy became clearer, and particularly after the formation of IDLG, considerable training and support has been provided by IDLG, the Afghanistan Subnational Governance Programme and NDI. In addition there were several INGO contributions to build local government capacity. While certain basic training components were delivered, capacity building varied greatly with respect to the types of training and with peripheral areas being poorly served. Gradually, provincial council facilities and equipment were being improved and to varying degrees provincial council members were seeking to improve their performance.

There was a gap between the mandate given to provincial councils and the powers provided to them to exercise this mandate. As will be further discussed they have rights to request information and to be consulted but since this was not obligatory, they were often overlooked or ignored by administrations and line ministries. Although the provincial councils were required to hold local administrations and line ministries to account, they had no powers of sanction except in settling certain civil disputes. While people came to councils to seek help on issues of personal concern, it was observed that this could be used to exert rents. It is unclear to what extent this was the norm.

Female councillors regularly reported instances of women bringing them problems. Some took great pains to provide support. However, as noted above, the provincial council was just one of a number of bodies where people would seek help. Provincial council members complained that the failure to give them sufficient powers and resources to exercise those powers was indicative of the value being placed upon them. The public therefore looked to central government rather than the provincial council. *Walis* and *woluswals* paid them little attention, for they had little need to do so.

In general, the provincial councils suffered from a lack of motivation and low morale. Some members noted that the IDLG (to which they report) has restricted their ability to interact with the Wolesi and Meshrano Jirgas. Furthermore, it was all too easy for the distortions caused by Afghanistan’s single non-transferrable vote (SNTV) system (see Section 7.7) and electoral malpractice to produce council leaders whose primary interests were not aligned with enhancing representative governance. The research observed that councillors often felt a sense of responsibility only towards the interest groups that supported them, and there were regular examples of councillors favouring their own villages and ethnicity at the expense of attending to the needs or concerns of other districts and or groups. The observations by the Human Rights Research and Advocacy Consortium that provincial councils either become subsumed within or sidelined from the provincial administration, or alternatively establish a type of parallel government, are well founded.⁸⁴

84 Nasrat Esmaty and Asadullah Ahmadi, “A Broken Relationship: A Study of the provincial councils and their Ability to Serve

The provincial councils have been charged with a responsibility to create a link between government and the people. The research found no evidence of provincial councils having developed communication policies to inform the public about government actions or mobilising responses towards a particular policy. In a number of instances there was evidence of council cooption, not infrequently linked to graft. There was thus a gap between the way that local government policy was being conceived and articulated by IDLG and the way that provincial council members were able to understand their function and duties and thus how they chose to apply them.

6.2 District representation

There is no universally applied system for district representation in Afghanistan. The subnational governance policy paper finalised by IDLG in spring 2010 describes the nature of district governance and provides district councils with similar powers and duties at the district level as provincial councils have at the provincial level.⁸⁵ While the policy paper states that elections will take place in 2010 and that the district councils will receive sufficient funding to undertake their mandated tasks, no elections have yet been organised. Respondents cited the expense and complexity of these elections as a barrier to their implementation, along with the need to identify clear boundaries between certain districts.

Despite the absence of a standardised form of district representation, there were various forms of organisation operating at the district level. The development role of the DDA has been noted in Section 5.5, but it is also intended to take on a growing role in district governance. According to NABDP programme documents, “under the Local Governance and DDA Institutionalization component, the programme hinges upon elevating the capacity of the DDA, as a community-based institution, to play a catalytic development facilitation role at the district level. This will broaden the role of the DDA, from community representative body to a multi-stakeholder coordination and oversight mechanism.”⁸⁶ This is going as close as possible to becoming a district council without actually being one.

The sole formal organisations to fulfil the role of district representation in its fullest sense have been the ASOP-organised District Community Councils (DCCs) of 35-45 members. The first of these was formed in Wardak in 2008 but was shortly suspended as a result of “organisational difficulties,” not the least of which was to do with security.⁸⁷ A second phase of the programme was started in January 2010 to run until June 2012. This phase is to cover 100 districts in 18 provinces located mainly in the South and East of Afghanistan. The ASOP administration has four departments: capacity building, monitoring and evaluation, operations, and central support. It has provincial Project Management Units that facilitate the DCCs and the DDP. The management units have responsibility for *shura* relations, capacity building and monitoring and evaluation, and there is a liaison officer in each district. This support structure is one of the features that distinguish the DCCs from the DDAs. The second difference is that DCCs are salaried, with members receiving \$125 per month. Thirdly, DCCs are directly concerned with political issues, building local government and reintegration. A DCC has three committees concerned with conflict resolution, development, and peace and security.

The DCCs have been created to develop links with communities and build trust and confidence in government. They are also intended to help increase administrative efficiency and reduce the potential for corruption. To achieve this, they are meant to gather information on the concerns and needs of communities and to communicate this information and coordinate activities with government. Further, their presence aims to combat the potential for other elements to assert their authority where there is lack of effective government outreach, hence the programme’s focus on the more insecure districts of the South and East. DCCs are led by the *woluswals* and *walis* and are thus

the Afghan People” (Kabul: Human Rights Research and Advocacy Consortium, 2010).

85 “Executive Summary,” 45.

86 “NABPD 1st Quarter Progress Report-2010,” 5.

87 Mohammed Osman Tariq Elias, “The resurgence of the Taliban in Kabul: Logar and Wardak” in Antonio Giustozzi, *Decoding the New Taliban* (London: Hurst, 2009).

not independent of government, except in the DCC approach used in Helmand where there is a much clearer separation of powers between the executive and the representative bodies.⁸⁸

DCC members are selected by drawing upon existing leadership structures, as noted in the manual: “it would not be appropriate to regulate membership to enforce the inclusion of a specific proportion of members from vulnerable groups including women and Internally Displaced Persons.”⁸⁹ If women candidates are elected, they may be members of the council. The ASOP manual emphasises that councillors should be selected by local criteria and that it is inappropriate for the programme to dictate to communities which members they should select.

The DCCs were observed in Helmand, Wardak and Laghman. In general, they encountered difficulties associated with the lack of clear district structures and some tension between the function of the DCCs (under IDLG) and the DDAs (under MRRD). In Helmand the DCC appeared to have eclipsed DDA operation. In Laghman the DCC model had developed from a previous tribal *shura* and had evolved an approach appropriate to the needs of the US delivery modalities. In Wardak the Taliban had proscribed the DCC. As with the province’s DDA members described in Section 5.5, DCC councillors were under threat of death and did not reveal themselves, while those that were known to the Taliban chose to reside in Kabul. During the period of the study the Wardak DCC programme was thus essentially in hiatus with the exception of DCCs in the Hazara districts of Behsud 1 and 2, which were outside the Taliban sphere of influence.

The DCC model that has emerged in Helmand is distinctively and interestingly different in approach. In each district a council has been established through a process of consultation and election. Initially, this involved discussions between technical advisors, ASOP staff and a range of actors in each district including the *woluswal*, provincial council members and other provincial and district notables, with the aim of carving districts into constituencies. Several hundred men were then gathered from across the district by means of public announcement and registered to nominate and elect candidates for each constituency of the district. By this means a form of constituency-based competitive election took place that resulted in a DCC. After training, it met at least twice monthly and was involved in planning, prioritisation, resource allocation and monitoring of DDP funds (see Section 5.6 for more details) and in oversight of an expanded local civil service. As in other ASOP councils, the DCC had three sub-committees. However, in a reversal of established practice the *woluswal* was accountable to the DCC and reported regularly to it. Decision making and horse trading in the DCC was taking place much as in any other political context.

Significantly, there was also an integrative element to the approach. In Nad Ali District (Helmand) it was noted how several councillors had to receive Taliban permission to stand as representatives and the local Taliban ensured that DCC meetings were being recorded. And in Musa Qala, where the economy is heavily dependent on poppy, it was evident that some of those elected were closely linked to the Taliban.

A further form of district representation was observed in Laghman where the then *wali*, Ghulab Mangal (now *wali* of Helmand), recognised the need for district representation. In 2007, he formed a *qawmi* (tribal) *shura* of 45 to 70 members in each district, composed of *maliks*, ulema, elders, CDC heads and DDA members. These *shuras* played an important role in dispute resolution, and became the body of preference for solving all but the most trivial cases. They were able to communicate with the militant elements in their district and were involved in poppy reduction. They met monthly to discuss security issues and current disputes and cooperated with the *woluswal* and chief of police. However, they were also prepared to complain openly about issues such as corruption. The *shuras* received \$200 per month for expenses paid for by Mangal. Although they have since been absorbed into the ASOP *shuras*, the formation of these *qawmi shuras* was significant since it demonstrates how Afghan administrators are aware of the value and need for district representation.

88 “Field Operations Manual for the implementation of the Afghanistan Social Outreach Programme” (Kabul: IDLG/AECOM/USAID, 2011), 7.

89 “Field Operations Manual,” 13.

Finally, the ulema had forms of district organisation that were seen across all study provinces. While the Shia ulema appeared to be more systematically organised, many predominantly Sunni provinces also had a district ulema *shura* that met periodically. Often the ulema would have a judicial function or serve as a forum to discuss a particular set of problems and approaches to address them. For instance, in Day Kundi, ulema district *shuras* were particularly active in Kiti and Kijran Districts where the government was barely present, and members played an influential role in the *shura-i-mardumi* there (see Section 4.6).

6.3 The village

The institutions and the nature of interactions that take place in Afghan villages are diverse, and are conditioned by history, geography and culture. Common to most are a council (*shura* or *jirga*) and the influence of prominent individuals, such as *khans* (village leaders, often large landholders), *maliks*, *arbabs* and *jihadi* commanders. In addition, there may be other collectives such as CDCs, *itehads* (farmers unions), school committees consisting of both parents and teachers, and even defence committees. The physical focal point of the village is the mosque. It provides a meeting place where matters are discussed, particularly after the Friday prayers. Births, weddings, deaths and religious gatherings are important means for women to meet each other. Villagers achieve status and respect through individual conduct coupled with participation in these functions.

The *shura* plays a dominant role in village life. It is composed of elders—some wealthy, others respected for their character, religious knowledge, generosity or bravery. It may include mullahs or members of the ulema. It embodies and upholds commonly accepted sets of practices and ideals, and to varying degrees deals with disputes or misdemeanours. If there are issues that needed to be addressed with parties such as the government or the Taliban, it would be a group of elders that seeks to mediate or request action on behalf of an individual or the village as a whole. In Wardak, for example, a group of elders persuaded the Taliban to allow the NSP to be implemented in their village. In Baghran District in Helmand, they negotiated with their counterparts from Kiti District to allow their children to attend schools across the border in Day Kundi.

However, the nature and speed of social change in Afghanistan means that customary norms no longer have their former weight. In some instances, *shura*-brokered agreements between parties were broken relatively quickly. Increasing numbers of young people are migrating for work and bring with them knowledge of wider worlds. While elders used to be honoured for their age and status, it is increasingly those with close links to government that command respect.

The NSP has contributed to a change in village life, firstly by bringing funds directly to the village, and secondly by the requirement that *shuras* are elected by secret ballot rather than consensual agreement. While forms of village cooperation are common, the NSP requires communities to organise and implement in a manner and to a schedule determined from outside. In early CDC elections, there thus were examples of powerful actors being disdainful or wary of the CDC (which had the unplanned effect of allowing other individuals, in some cases women, to come to the fore). However, more prominent individuals have become increasingly involved in CDCs as the programme has unfolded. Nevertheless, the study found frequent examples of CDCs intermingling with existing village *shuras*, where decisions made by the CDC were referred to the *shura* for its consent. In the opposite direction, individuals that had risen in status through their work in the CDC were also to obtain *shura* membership.

The *malik* has traditionally played an important role in linking district administrations with localities or villages.⁹⁰ Officially, a *malik* is an individual registered in the district primary court,

⁹⁰ In recent history, maliks were influential during the periods of Zahir Shah and Daoud Khan when many local decisions would be made by them and endorsed by government. With the coming of the Provincial Development Plan, executive power in the villages shifted to the *gharee* (party clerk). As the mujahiddin became ascendant, commanders assumed local control with much variation in management abilities. During the Taliban period mullahs and elements of the ulema were given responsibility over local affairs. As one respondent noted, “they were not selected on ability, rather on the size of the turban.” The current Taliban administrations included a person responsible for the *manteqa* or *hawza*.

which acknowledges his status upon receipt of a letter of support from their community. Once the application is approved, *maliks* are issued with a stamp. Although their position remains subject to the will of the people, *maliks* are commonly hereditary. They are responsible for minor administrative duties such as certifying applications for identity cards, passports or other government documents, as well as identifying those eligible for assistance. In some cases they receive payment in kind from villagers, typically one *seer* (seven kg) of wheat per family per year. They are not paid by government but make up for this by charging to endorse applications. Although their influence has been waning, some maintain their former status and others play a role in the various types of *shura* that exist. The status of the *malik* also varies depending on the local dynamics of a given area. In Taliban-controlled areas their status was much diminished; in Jawzjan the *qaryadar* (the local term for a *malik*) had a formal function in maintaining security; and in neighbouring Sar-i-Pul many government officials distrusted them.

6.4 Political parties

Political parties in Afghanistan, as in most post-conflict states, straddle the divide between the legal and the extra-legal. According to the political scientist James Fearon, political groups suffer from a deficit of trust in an environment of anarchy.⁹¹ Rather than exposing themselves to vulnerability, he suggests they prefer to compete with other political groups—firstly, to protect themselves, and secondly, to access resources for their supporters. Such dynamics assume a significantly different character in Afghanistan where, partly as a result of the deficiencies of SNTV,⁹² political competition is more intense in the non-electoral sphere.⁹³ In provinces and districts, political parties fight—sometimes literally—over appointments to government positions and over the distribution of resources. Antagonisms between political parties in most cases are historical and reflect the circumstances surrounding their evolution from *tanzims* (political organisations) and mujahiddin factions formed in opposition to Soviet occupation and People's Democratic Party of Afghanistan (PDPA) rule. As can be seen from the evidence presented below, such parties aggressively mobilise ethnic, sectarian and tribal identities both within and outside of the electoral arena, and their patrons are driven by the parochialism these identities encourage.⁹⁴ Such behaviour stems more from people making rational choices than from ideological differences between parties.

This dynamic occurs even in provinces with clear ethnic majorities, such as Hazara-majority Day Kundi which mirrors the national level confusion of the Shia political movements.⁹⁵ Hizb-i-Wahadat (Khalili faction), Hizb-i-Wahadat (Mohaqiq faction), Harakat-i-Islami and Insijam-i-Milli are present, each with 5,000 or more registered members.⁹⁶ A member of the provincial council and the provincial head of Hizb-i-Wahadat (Mohaqiq) confessed there was very little difference⁹⁷ between the two Hizb-

91 James D. Fearon, "Commitment Problems and the Spread of Ethnic Conflict," in Lake and Rothchild, (eds.), *The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation* (New York: Princeton University Press, 1998), 108-123.

92 In defence of the SNTV, Karzai has said that political parties reminded people of communist rule and that they should not be revived. See: Barfield, *Afghanistan: A Cultural and Political History*, 301.

93 Barnett Rubin presents a nuanced argument of how rivalries between ethnicities, relationships between political elites, opposition to Soviet control by clerics and the consequent struggle for power between political factions resulted in the collapse of the Afghan state. See: Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (Yale: Yale University Press, 1995).

94 For a description of *qawms* and explanation of how primordial identities take precedence over ethnicity, see: Olivier Roy, "Islamic Militancy: Religion and Conflict in Central Asia," in M. Mekenkamp, P. van Tongeren and H. van de Veen, (eds.), *Searching for Peace in Central and South Asia: An Overview of Conflict Prevention and Peacebuilding Activities* (Boulder/London: Lynne Rienner Publishers, 2002).

95 Niamatullah Ibrahim attributes the unravelling of Hizb-i-Wahadat and the growth of a number of Shia political parties to differences in political strategy and personality-based agendas. For a history of the formation of Hizb-i-Wahadat and its division into several factions, see: Niamatullah Ibrahim, "The Dissipation of Political Capital Among Afghanistan's Hazaras," *Crisis States Working Papers (Series 2)* 51 (London: Crisis States Research Centre, LSE, 2009).

96 The parties had the following leaders: Hizb-i-Wahadat Islami Afghanistan: Kareem Khalili; Hizb-i-Wahadat-i-Islami Mardum-i-Afghanistan: Muhammad Mohaqiq; Harakat-i-Islami Afghanistan: Said Mohammad Ali Jawid; Insijam-i-Milli: Sadiq Mudabeer.

97 For instance, both claimed that the disputed district of Gizab was part of Day Kundi.

i-Wahadat factions, and that both parties were structured around individuals. This fragmentation of political parties around individual leadership was indicative of the fractious nature of Hazara politics. In multi-ethnic provinces such as Samangan, political choices are reflected in shifting allegiances and alliances of convenience. Former *jihadi* commanders have often undergone multiple changes of political allegiance. Though most have now lost their influence, only a few lead sedentary lives as village elders, advising CDCs on development projects or discussing priorities with NSP facilitating partners. Instead, a sizeable number of former commanders now spend of their time looking after their businesses.

Of all the factors that have led to the undermining of political party structures in Afghanistan, SNTV has probably been the most significant. Through inhibiting party formation, it fails to recognise how political parties can be a means to mobilise public action and bring about change. The impact that this power of mobilisation—or its lack—can have is amply demonstrated in political events in Jawzjan province over the past few years. In 2007, a demonstration was organised in Jawzjan against the incumbent *Wali* Juma Khan Hamdard by members of the youth wing of Junbesh-i-Milli. Events took a hostile turn when 10 people were killed and 45 injured in ANP gunfire. In response, the Junbeshi Youth Council registered complaints with ISAF, the PRT and the government and though no formal investigation was carried out, Hamdard was replaced. This was in stark contrast to the muted protests that followed the removal of the Turkmen *Wali* Roz Mohammad Nur in 2005 in what was widely believed to be a deal between Karzai and General Dostum, the *de facto* leader⁹⁸ of Junbesh and the Uzbeks.⁹⁹ Since then, Turkmen have rallied at various times for political power in Jawzjan—first by nominating candidates in the Wolesi Jirga and provincial council elections and then by operating through civil society organisations. However, they have never been able to mobilise themselves to form an effective challenge to Junbesh dominance. The Turkmen vote for both Wolesi Jirga and provincial council elections was diluted when Junbesh cajoled or bribed several Turkmen candidates to stand even though they had no hope of winning. Growing Turkmen resentment has since crept into all aspects of public life. Few Turkmen have been able to enter Jawzjan University, and the Turkmen populations of Qarqin and Khamyab Districts are particularly marginalised. Turkmen in Jawzjan have gravitated towards Jamiat-i-Islami after it opened an office in the provincial capital of Sheberghan in 2009, a development that clearly shows the potentially important role a political party can play in allowing voice to marginalised communities.

The demand for a greater space for political parties to operate in is increasing across the study provinces, despite the limitations of SNTV. Campaigning has become expensive, and the cost of practices such as distributing gifts among supporters is making it harder to seek election without access to substantial financial resources.¹⁰⁰ As such, it is becoming increasingly difficult to gain election to the Wolesi Jirga or provincial councils as an independent candidate. For example, in the 2009 provincial council elections, only two independents were elected in Samangan and in Laghman, with none in Day Kundi. Those who failed to gain re-election in 2009 promptly declared their affiliation and registered with political parties.

While joining political parties may for some be driven by a desire to access power or resources, for women party membership also opened an avenue for greater engagement in public life. In Wardak, a women-centric political group—Milli Khowazakht—has emerged, calling for administrative decentralisation, equal rights for women, and better treatment and opportunities for the families of martyrs. Though parties such as this might seem insignificant in the larger scene, their existence

98 The official leader of Jumbesh-i-Milli Islami Afghanistan is Sayed Noorullah. Abdul Rashid Dostum gave up his leadership to take up the position of Defence Minister of Afghanistan in 2004. Though Dostum now divides his time between Jawzjan and Turkey, he is still very influential and remains popular among the Uzbeks.

99 The removal of the Turkmen provincial governor is one of many examples of the disenfranchisement of the Turkmen and consolidation of power by Junbesh. For an insight into what caused Jumbesh to develop into an almost exclusively Uzbek party, see: Antonio Giustozzi, “The Ethnicisation of an Afghan Faction: Junbesh-i-Milli from its Origins to the Presidential Elections,” *Crisis States Working Papers (Series 1)* 67 (London: Crisis States Research Centre, LSE, 2005).

100 For more on this phenomenon in the context of the Wolesi Jirga see: Noah Coburn, “Political Economy of the Wolesi Jirga: Sources of Finance and their Impact on Representation in Afghanistan’s Parliament” (Kabul: Afghanistan Research and Evaluation Unit, 2011).

draws attention to an emerging dynamic where boundaries between civil society organisations and fringe political groups are becoming blurred.¹⁰¹

The evidence presented suggests that political parties are playing an increasingly significant role in Afghan politics. They have become more organised. Agendas have been articulated in party manifestos and party offices have sprung up in the unlikely places.¹⁰² Nevertheless, there remains a persistent tension between nationally-organised parties and the control exercised by commanders and *khans*. In more stable environments, such as Samangan and Jawzjan, this was reflected in bribery and coercion by these powerholders to achieve desired electoral ends. However, in areas that were more isolated or under the control of independent armed groups, this has resulted in the creation of personal fiefdoms and parallel institutions to replace state functions, as was observed in the west and southwest of Day Kundi.

In Day Kundi, a number of ex-commanders and warlords have joined political parties and gained election to the provincial council, offering them a way to formalise their power and co-opt weak government structures. For political parties, attaching themselves to such informal but significant powerholders likewise provides a means to gain political power and financial resources. In Laghman, heads of certain provincial and district line departments had close links with the moderate wing of HIA,¹⁰³ while others were associated with the nationalist group Afghan Millat. Party priorities led members of line ministries under HIA influence to actively undermine the then *wali*, who was alleged to be using his position to benefit from land deals. This tension was considerably resolved with the appointment of a new *wali*. In Wardak, party influence over government institutions has been coloured by the ethnic split between Pashtun districts and the two Hazara districts in the west. In the Pashtun districts there were HIA commanders engaged in anti-government activity with loose links with the local Taliban.¹⁰⁴ Even in relatively peaceful Samangan, Jamiat and Junbesh commanders in Dara-i-Suf Poyeen District exercised influence and control over government activities and refused to be disarmed.

6.5 Non-state realm

Civil society organisations (CSOs) have become increasingly relevant in the years since 2001. Donor support to CSOs has led to their expansion in the large urban centres. However, few were active in the provinces of this study. The anthropologist Thomas Barfield's reference to the notion of a "civic space" is a more useful starting point to understanding the nature of civic engagement in Afghanistan since it incorporates the wealth of historical, cultural and spiritual traditions that form the basis for people's actions and their engagement with society.¹⁰⁵ Moreover, a more pragmatic approach to understanding the relationship between the state and civil society in Muslim cultures is emerging, which avoids seeing it as a phenomenon embedded in a given history or context.¹⁰⁶ The role of the ulema in particular becomes extremely significant when seen through these perspectives and is a subject for further research.

101 Anna Larson, "Afghanistan's New Democratic Parties: A Means to Democratisation?" (Kabul: Afghanistan Research and Evaluation Unit, 2009).

102 Afghan Millat, a Pashtun nationalist party led by Anwar-ul-Haq Ahady (the current Minister of Transportation and Industries), and Jamiat-i-Islami have been particularly enterprising in this regard. In 2009, Afghan Millat set up a party office in Nili, the provincial capital of Day Kundi.

103 The moderate and militant wings of Hizb-i-Islami Afghanistan are Hizb-i-Islami Arghandiwal (led by Abdul Hadi Arghandiwal, current Minister of Economy) and Hizb-i-Islami Gulbuddin (led by Gulbuddin Hekmatyar), respectively. Despite periodic internal tensions, both the moderate and militant wings of HIA are under the influence of Gulbuddin Hekmatyar.

104 Reported by a representative of Harakat-i-Inqilab-i-Islami Milli Afghanistan, a smaller moderate-traditional political party that enjoys significant support in Wardak. It is led by Ahmad Nabi Mohammadi, son of former vice president and prominent *jihadi* commander Mohammad Nabi Mohammadi. Haji Musa Hotak, a member of the 2005 Wolesi Jirga, was until recently a member of the party. He has had links with the Taliban and is now a member of the High Peace Council.

105 "Bringing More Effective Governance to Afghanistan," 52.

106 Kaja Borchgrevink, "Religious Actors and Civil Society in Post-2001 Afghanistan" (Oslo: International Peace Research Institute, 2007), 18.

Setting aside donor-funded nongovernmental bodies engaged in development activities, relatively few examples of local NGOs active in promoting human rights and the support of women were found in the six study provinces. In Sheberghan, the Afghanistan Human Rights Organisation (AHRO) office provided free legal advice on matters of domestic violence, forced marriages, sexual abuse and land seizure, attracting people from as far afield as Sar-i-Pul, Faryab and Jawzjan. In Wardak, a Pashtun-led NGO claiming national membership found funding for an income generation project and worked for women's rights and their education. In Aybak (the provincial capital of Samangan) there was a branch of a Mazar-i-Sharif-based organisation for women's rights. All of these groups had similarly dynamic female leaderships but they found obtaining funds very difficult.

At village and district levels, more indigenous forms of association and organisation were observed. Traditional elites (*maliks*, *arbabs* and mullahs) and the *shuras* they belonged to played a key role in influencing opinion and mobilising action on issues relevant to their communities. Their role in public action was seen in Kijran District in Day Kundi, where a coalition of government employees, ANP, the ulema and *maliks* had come together to repel Taliban attacks from the south; the district *shura-i-ulema* had taken the lead role in this mobilisation. Employees of government line departments in Kijran also acted as a link between the provincial administration and the district population and sought sponsorship for the formation of local security committees.

The willingness to engage on issues of community concern was evident in most provinces where education *shuras* of elders, mullahs and *maliks* or *qaryadars* assisted in school management, placing requests for new schools and often playing a role in teacher recruitment. Parent-teacher organisations frequently accompanied such bodies. In Fayzabad and Mardyan Districts of Jawzjan, *shuras* were involved in raising awareness on healthcare issues. As mentioned earlier, locally-formed *shura-i-mardumis* in Day Kundi's Kiti District facilitated communication between line departments and communities on development-related issues in the absence of an NSP presence. The common factor between these examples was that citizens were ready to work with each other for the benefit of their communities in practical ways, as well as to protest.

When their interests are threatened, most non-urban Afghans thus resort to collective action instead of more formal procedures associated with political agency. In some instances, this involves actual or threatened public protests orchestrated by leading provincial figures to remove high-level officials, as happened in Jawzjan. However, other examples of public protest demonstrate its use to draw attention to local problems. For example, in Samangan, coal mine owners in Dara-i-Suf Bala District organised demonstrations against the *woluswal* over the imposition of transport taxes. In Samangan again, Uzbeks in Feroz Nakhchir District protested against the failure of their *woluswal* to take action when Hazaras from a neighbouring district were encroaching on their land.¹⁰⁷ More generally, any threat or disrespect to Islam produced emotive responses and demonstrations. Public action is thus a potent political tool used to bring pressure to bear on powerholders.

Finally, it is important to note the impact that developments in communication, particularly broadcast media, have had on the non-state realm. In many district centres there were VHF radio stations (often supported by PRTs), which were used to convey information. In every province there was also a Radio Television Afghanistan (RTA) station broadcasting news, religious and cultural programmes for at least four hours a day. The advent of television has radically changed the way information is disseminated across Afghanistan. However, it is also a space that is contested by various powerholders. While television stations have been used to promote the political agendas of their owners, the government still seeks to maintain control over their contents. In Jawzjan, an RTA employee said that all TV programmes were subject to scrutiny by the *wali*. In Samangan, another RTA employee said that news could only be broadcast with the approval of authorities in Kabul. However, many independent channels were available and the increasing use of satellite dishes meant that entertainment and news could be watched from foreign stations.

¹⁰⁷ The conflict was over the alleged encroachment of land by Hazaras from the neighbouring province of Balkh. There were significant numbers of Pashtuns in Feroz Nakhchir but they did not get involved. For them it was not a common problem, but one confined to the Uzbeks.

6.6 Concluding remarks

Elections: The system of SNTV plays a major role in undermining the development of party politics and, by requiring relatively few votes to create winners, encouraged vote buying and bribing of election officials. The electoral system and the representative bodies that derive from it have not yet inspired the confidence and trust of the people. Speed and transparency are essential to the proper functioning of all electoral processes. There is an absence of both in the present system, where votes go to a central body and results emerge after several months. The system has not inspired a sceptical public. Voters in 2010's Wolesi Jirga election saw the process as being used to legitimise the control of the powerful. The way it was conducted compounded a deep distrust of democratic process and state institutions.¹⁰⁸ Rightly or wrongly, and despite the efforts of the Independent Election Commission, people increasingly assume the worst and perceive elections as a set of negotiated deals.

Provincial councils: The institution of the provincial council represents a significant first step in the establishment of a representative local government. However, the mantra used by provincial councils and others within government is that they should form “a link between the government and the people.” Language such as this overlooks the key functions of representative bodies in the democratic process, which is to hold the executive to account and to represent constituents. The legal framework for local government representative institutions has not provided a meaningful separation of powers and as a consequence there is neither transparency nor accountability.

The resources available to provincial councils are slowly improving, as is their capacity to manage the administrative tasks associated with their mandate. However, any elected body that is representing somewhere in the region of half a million people¹⁰⁹ requires the resources of a secretariat and the means to travel and do its work. It also requires regularly delivered training that is consistent across the country.

Districts: The achievements of the Helmand DCC model illustrate how a constituency-based approach to selecting district councillors can result in the formation of a body that engages in a vigorous debate on planning, prioritisation and resource allocation. What joined these DCCs together was a common interest in the development of their district intermixed with DCC members' individual desires to get the best possible deal for their constituents and themselves. The approach also generated a new relationship with the *woluswal*, who actually reported to the DCC and was subject to its questioning; this represents an important means of accountability. Despite problems such as the relatively high levels of input required, in broad policy terms the approach provides a realistic mechanism for delivering resources and enhancing district level organisational capacity. Secondly, and most significantly, the Helmand model demonstrates the value of representation, transparency and accountability, the key elements of sustainable democratic governance.

However, the study notes the tension between the ASOP/IDLG DCCs and the MRRD DDAs. It is unclear what the MRRD's descriptions of DDAs' “catalytic development facilitation role” and “multi-stakeholder coordination and oversight mechanism” precisely means when set against the role and functions of the DCC.¹¹⁰ In this crucial tier of local government the issue of duplication and areas of responsibility between the two bodies remains unresolved and is not assisted by a lack of clarity in donor policy toward local government.

Villages and *Manteqas*: The changes of recent decades have increased the importance of the village as a place where people locate their identity and sense of belonging. Many groups had traditionally

¹⁰⁸ Noah Coburn and Anna Larson, “Undermining Representative Governance” (Kabul: Afghanistan Research and Evaluation Unit, 2011), 15.

¹⁰⁹ According to CSO Population data 2010-11, excluding provinces with large urban centres, Kunduz has the largest population with 917,900 and Nuristan the smallest with 136,300.

¹¹⁰ “NABDP 1st Quarter Project Progress Report-2010,” 5.

ascribed more value to the *manteqa* or *hawza*¹¹¹—a social and geographic zone such as a group of villages or a side valley—than the individual village unit. While the *manteqa* remains prominent in certain areas, for example in Pashai areas of Laghman, the village is increasing in significance. In large part, this is due to the increase in individual settlement size that has come with a growing population, along with the need for those who have occupied the country in recent years to classify and name.¹¹² The emergence of the NSP has further emphasised the definition of villages. However, the MRRD has also begun grouping CDCs into “clusters” as a way to improve the efficiency of aid delivery and management. In many ways, this intermediary layer between the village and the district equates to the *manteqa*. The notion of the *manteqa* thus provides an intriguing line of enquiry, and may offer a way to turn districts into smaller constituencies of representation in a way that has local meaning.

While the formal aspects of political organisation have been discussed above, this is only one way for people to achieve their collective goals. In many cases, political affiliation is a way of linking to networks rather than just being a matter of ideology. For most villagers it is the mosque and the times of prayer that provide the location for people to gather and talk. It was around the mosque that policies are formed, positions taken or action decided upon. The rituals of Islam thus provide structured contact on a daily basis to allow discussion on matters of joint concern. Emerging from this civic space are a wealth of jointly undertaken activities: civil defence militia, the operation of CDCs, parent-teacher associations, and school and health committees.

111 For more on these terms, see: Raphy Favre, “Interface Between State and Society in Afghanistan: Discussion on Key Social Features affecting Governance Reconciliation and Reconstruction” (Addis Ababa: Aizon, 2005) and Katja Mielke and Conrad Schetter, “Where is the Village? Local Perceptions and Development Approaches in Kunduz Province,” in *Asien* 104 (July 2007), 71-87.

112 Pain and Kantor in their discussions on the village republic offer an alternative view. They see the historical primacy of the village as providing social goods and security from which to establish the wider networks important for survival. See: Adam Pain and Paula Kantor, “Understanding and Addressing Context in Rural Afghanistan” (Kabul: Afghanistan Research and Evaluation Unit, 2010), 14-31.

7. Policy Implications

Afghanistan's economy, government and society have all experienced substantial changes since 2001. This study has sought to explore the various forms of local governance operating in the six study provinces of Day Kuni, Jawzjan, Laghman, Samangan, Sar-i-Pul and Wardak during 2010, a time when resource flows to the country were at their peak. Donor assistance has been particularly critical in supporting programmes orientated toward assisting the Afghan government develop effective governance and economic structures that will provide the basis for the country's future development. However, as the target date for the withdrawal of external military support in 2014 approaches, development funding is likely to decrease.

Initial efforts after 2001 to reform government institutions focused on the development of central structures. More recently, there has been an increasing focus on the need to build local government capacity and reflexive institutions below the central level. However, the process is long overdue, sometimes confused, and appears driven by the desire to gain public trust and support for the government rather than deepen representation and the democratic process. Thus, while there has been an increased momentum in service delivery, the addressing of local governance has been characterised by hesitancy in addressing related structural issues associated with the formation of transparent and accountable institutions. This has resulted in a failure to enact the legislation necessary to define and implement a clear policy towards the status and function of representative bodies.

The aim of this research is to contribute to a better understanding of the nature of local governance through examining the diversity of its operation. To compliment the many sectoral and area-specific studies that have taken place, it has sought to capture something of the geographic diversity as well as the organisational complexity that characterises governance in Afghanistan. More specifically, it has had the opportunity to comparatively examine the nature of administration, the operation of security and justice, issues of service delivery and representation. Together they form the organised whole, or "*gestalt*" of governance. The purpose of this concluding analysis is to draw together and assess particular elements of the research evidence so as to offer observations on policy.

7.1 The centralised state

As was noted in the brief historical background in Section 2.3, the Afghan state is one of the most centralised to claim democratic status, and in many respects has more in common with the monarchies and dictatorships of its past. The drafting of the 2004 constitution and the subsequent establishment of a government has allowed the international community to engage with a single and geographically focused executive and administrative apparatus. However, a centralised system operating in a country like Afghanistan faces problems of geography as well as the diffused nature of power. Given the international community's significant influence over the creation of the constitution, a measure of responsibility for current structural arrangements must rest with them.

It is important to differentiate between the two strands of formal governance that exist in Afghanistan, comprising state organisation and administration on the one hand, and the various tiers of elected bodies on the other. While both are held in check by constitutions and the rule of law, many of the powers and roles of the latter are yet to be formalised in law.

State/administrative structures

The *wali* and the *woluswal* are political appointees. The 2010 Local Government Policy puts the *wali* in a strong position; he is largely responsible for provincial planning and implementation, and district administrations are effectively sub-offices operating under the provincial administration. However, while the *wali* and *woluswal* have considerable responsibilities, these are in several instances overlapping, leading to weak lines of accountability (see the example of dual police reporting lines in Section 4.2). In addition, their influence is often mediated by local powerholders and elites. In a

majority of the provinces of this study central government was seen as weak with limited ability to enforce its diktat. The state, in the person of the president, is clearly anxious to maintain control and avoid the spectre of fragmentation. It is thus probably unrealistic to expect President Karzai and his advisors to allow powers of appointment over key administrative posts—and the allegiances these secure—to slip from their grasp. This is especially the case given continuing instability in the country and the consequent lack of certainty about how government will evolve.

There is a growing recognition of the need for decentralisation, as was noted in one important study:

*Fostering a transparent, purposeful and decentralised public administration—initially to be focused exclusively upon transparent, locally-accountable service delivery in collaboration with CBOs, traditional councils and leaders...will do a great deal to build the State's legitimacy and counter the fragmentation which is currently taking place.*¹¹³

Indeed, the need for a more determined approach to decentralisation was clearly acknowledged by the international community and the current government at the 2010 London Conference: "...in the coming years the government will establish elected village, district and municipality councils, and conduct mayoral elections, which will expand participatory governance at all levels."¹¹⁴ Since the Afghan constitution prevents the incumbent from standing for a third term, there is an opportunity for the government and the international community to use the 2014 presidential elections as an opportunity to push the decentralisation agenda forward. However, this assumes that President Karzai will not want his successor to enjoy his current wide-ranging powers, that the international community and local actors will be able to prevent any amendment to the constitution that extends presidential term limits,¹¹⁵ and that there is the political will among both donors and Afghan constituencies to see a more decentralised state.

Representative bodies

Representative bodies form the second element of formal governance in the country, holding the executive to account and answering to those that elect them. An examination of procedures, policy documents and draft legislation reveals the state is extremely reluctant to devolve powers to such bodies in any meaningful way. The Subnational Governance Policy¹¹⁶ frequently refers to the notion of "participatory" governance, along with "partnership"¹¹⁷ between bodies such as provincial councils and the government; however, "participation" implies neither responsibility nor accountability. It is a notion far removed from scrutiny and oversight. According to the draft Provincial Council Law (the District law is similar), the council has a role of *advising* the provincial administration (Art. 10.1) and must be *informed* and *consulted* on the Provincial Development Plan and budget (Art.10.2), which it may reject giving written reasons. The provincial council may *request* the *wali* and line department heads to attend their meetings to answer questions. The law also states that the provincial council "shall hold the Provincial Administration accountable"¹¹⁸ but provides no mechanism for achieving this. While provincial council reports go to the Wolesi Jirga and Meshrano Jirga, they are first passed through IDLG and, as far as some provincial council members are concerned, this is where the chain of accountability ends. However, other councilors were unhappy with these reporting lines since they prevented them from providing an adequate check upon the executive. The draft legislation only offers provincial councils—and the future district councils—limited rights of oversight and participation in planning. They have no powers other than that of recommendation, and no obligations other than that of dispute resolution (to be discussed below).

113 Sultan Barakat, "Understanding Afghanistan" (York: Post-War Reconstruction & Development Unit, University of York, 2008).

114 "Afghanistan London Conference Communiqué" (Kabul: Government of Afghanistan, 2010), 51.

115 The new Wolesi Jirga elected in 2010 includes a number of Karzai's political rivals, or those linked to them, and this will reduce the likelihood of any constitutional amendment being pushed through the house to allow an incumbent to serve a third term as president.

116 "Executive Summary."

117 "Executive Summary," 6.

118 See Article 12 in the Draft Provincial Council Law (2010).

These newly-formed democratic institutions thus have neither the legal and constitutional framework nor the financial wherewithal to respond to local concerns. Nevertheless, provincial councils have an important role in increasing government visibility in the provinces, communicating public preferences and grievances to government institutions, and scrutinising provincial administrations in their delivery of public goods. The failure to fulfil these criteria not only damages the credibility of provincial councils but also drives the public to gain access to services through traditional and informal networks.¹¹⁹ Ultimately, this emphasises the importance of increased focus on building capacity.

While high levels of central control have constrained the development of local government, the profound inefficiencies of the system have also been a factor in preventing the government achieving the legitimacy it so desperately seeks. The lack of devolved responsibility has disempowered the holders of state offices while the discontinuities in planning, disbursement and implementation have undermined confidence in the government. The establishment of what is in effect a weak centralised state with little reach beyond Kabul has seen power diffused across the country among a range of non-state actors, many of whom are by no means benign. Furthermore, those institutions that could assist government in its outreach efforts, such as line ministries and representative bodies, have been constrained by low local technical capacity in ministries and the vestigial powers of oversight institutions. These shortcomings have been exacerbated by a pervading lack of transparency and weak accountability across all institutions. The result has provided a fertile ground for the misuse of funds, which is taking place on a large scale.

Policy Issues: There needs to be a check on the executive in any system that claims to be democratic. The government has taken the first tentative steps to achieving this at the local level, but these have so far produced little beyond the formation of consultative bodies. While it will undoubtedly take time to build capacity and develop a legal framework to achieve more effective provincial and district councils, the current proposed arrangements provide them with only the very mildest means of holding the executive to account. To meet their responsibility of acting as a check on the executive, provincial council mandates require greater focus and enhanced powers, something that will require significant political determination to achieve.

7.2 Responsibility for local government

Creating the IDLG reduced the politically sensitive responsibilities of the Ministry of Interior. Given the need for a clear focus on local government, this was a constructive move. Shifting responsibility to the president's office has, however, also allowed the president and those close to him to have much greater awareness of and influence over the country's local governance institutions and thus to increase presidential power.

The nature of any ministry is coloured by its minister and its recruitment policy. The present reality is that ministerial positions are allocated on the basis of factional loyalty or election commitments rather than merit, and ministers themselves regularly hire staff along factional, ethnic, regional or tribal lines.¹²⁰ While such behaviours are not in line with the principles of public administration reform, they are understandable within the context of Afghanistan.

The growth of ministries has been very much related to donor priorities since they provide the bulk of funds. The situation can be characterised as one whereby ministries have generated programmes to meet the strategic requirements of donors as well as their own. This has been reasonably straightforward in sectors such as health and education where there are single ministries responsible for the sectors. However, this has not been the case in the rural development and governance sectors. As entrepreneurial ministries have grown and others been created, overlaps have emerged. This is especially so in local government, where the IDLG and MRRD have developed programmes—

¹¹⁹ There is a considerable overlap between the two. Informal powerholders have sought to legitimise their power by seeking election to provincial councils.

¹²⁰ Rubin, *"The Political Context of Public Administration Reform,"* 5.

ASOP and NABDP respectively—which now overlap (see Sections 6.2 and 5.5). There is a further tier of support and policy determination represented by multilateral organisations in the form of the World Bank and UNDP. These institutions are involved in programme design and provide a vehicle for the delivery of funds and accountability to donors. UNDP is the recipient of multi-donor funds for the implementation of the NABDP through the MRRD. The World Bank is concerned with the development and implementation of the multi-donor-funded NSP implemented by MRRD, which receives funds through the World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF). However, despite their strong governance dimensions, these programmes are not synchronised with IDLG policy. This is further complicated by confusing overlaps of donor funding, with some donors supporting both ASOP and NABDP. Donors have created two funding lines, with the US being the major IDLG funder and other donors funding the divergent or competing approaches of the ASGP and NABPD. Inconsistent, competing and short-term donor funding has thus been a major factor contributing to the current confusion in the development and implementation of local government policy.

The consequence of competing donor policies has been reflected in the agendas and programmes of IDLG and MRRD, producing a damaging overlap between the two ministries. In part, this has been an issue of timing. MRRD was established in 2002 and launched the NSP in the same year; as the NSP has evolved, its role in governance has increased in significance. By contrast, IDLG was only mandated to assume responsibility for local government in 2007. As it has done so, the inconsistencies associated with the determination and implementation of local government policy have become increasingly apparent, leading to considerable tension between IDLG and MRRD.

In the current local government institutional landscape, IDLG has responsibility for provincial and district administrative functions and for the support of provincial councils, while MRRD has assumed responsibility for district planning and service delivery through the DDAs. MRRD is also responsible for the CDCs and an increasing number of CDC clusters that now represent an additional governance tier funded through the NSP. The more recent introduction of the ASOP DCCs in 100 districts is an additional complication, since their mandate overlaps with most functions of the DDAs. Matters are further clouded by the remit, either given or assumed, of CDCs, DDAs, DCCs and provincial councils to undertake dispute resolution. The lack of clear lines of responsibility has resulted in a profoundly unhealthy situation.

Whatever may be discussed in Kabul, the realities revealed on the ground and presented in this paper indicate that the formal aspects of representative governance are, to put it mildly, not functioning well. Even when working to the best of their ability, the provincial councils studied under this research were not able to fulfil their mandate effectively; many DDAs appear rudderless and many are corrupt. The MRRD clusters funded through NSP were an additional administrative tier. And while CDCs were enthusiastic and delivered to their development mandate with the help of FPs, a good number were subject to administrative malpractice, frequently in collusion with local administrations and line ministries.

Local governance was further influenced by powerful non-state actors, often located in the Wolesi Jirga and provincial councils. Using *wasita*, they were able to penetrate line ministries and broker government appointments, while their powers of patronage influenced the membership and operation of DDAs and DCCs. At the village level, the institution of the *shura* remains predominant. In most cases, the *shura*'s authority underpins the functioning of the CDC and quickly reasserts itself if the latter becomes defunct.

An Inter-Ministerial Commission on the Status of Village Councils and District Councils was set up in 2010 to clarify lines of responsibility and to address the dysfunctionality of current arrangements. In particular, it was meant to decide on how the overlapping roles and competing status of DDAs (MRRD) and DCCs (ASOP) could be resolved. However, it failed to address this critical issue and in so doing it has done a disservice to the establishment of local government in Afghanistan. However, by it not taking a position on this, both MRRD and IDLG avoided weakening the status of important flagship programmes.

Policy Issues: It is critical to restrict responsibility for local government to a single ministry or directorate. Logically, this should be the IDLG, since it was established for this role. Doing so would not impinge upon the operation of NSP and the delivery of its development goods. While it would deprive the MRRD's DDAs of a role, it is unlikely that this will have a negative impact on the ground since their current levels of operation appear to be minimal. The greatest disservice to the development of local government is to do nothing and maintain duplication and confused lines of responsibility.

7.3 Planning

The way planning takes place is indicative of the status of local government. Despite considerable efforts by provincial administrations to coordinate the production of Provincial Development Plans, the plans they produced were given little attention at the central level. As has been noted, plans and resource allocations are made by central line ministries in accordance with their ANDS commitments. This situation is compounded by the fact that apart from some municipal income, all provincial revenues are sent to Kabul. Deprived of funds, provincial planning aspirations only stand a chance of being fulfilled if they coincided with central ministry intentions.

The mismatch between central and local planning produces discontinuities that result in underspending when centrally-selected projects turn out to be locally inappropriate. Late disbursement of funds is another problem, resulting in delayed project implementation. In provinces isolated by winter, missing the summer window meant projects had to be postponed for a year (observed in Day Kundi), resulting in additional underspending. Since central budgetary allocations are partly based on the previous year's spending, this could result in reductions in budgets for the current year.

Shortcomings in planning, resource allocation and disbursement have caused much frustration and resentment in provincial and district administrations and provincial line ministries. Local officials have found themselves putting a great deal of work into producing provincial and district plans that are largely ignored. They also have to explain and justify the public decisions that are not made with local priorities and realities in mind while the need for essential services remains unmet.

Policy Issues: Improved alignment between central and provincial plans would produce more projects that respond to local needs. Although central line ministries have to operate within certain parameters, there is a need for a budget line that can be applied to locally defined initiatives. This would produce greater engagement with the governance process and give credibility to local institutions. While allocation of funds can take place from central ministries to provincial line departments, decisions on spending need to be coordinated within the province. The Provincial Development Committee has the potential to evolve into an effective platform for provincial planning if sufficient powers are devolved to it. It has also been suggested that local authorities should be able to raise their own taxes.¹²¹ However, the allocation of funds from the central exchequer for locally defined and prioritised projects, particularly rural development projects, as decided by the Provincial Development Committee will be an essential element of decentralisation.

7.4 The district

Although the focus of international donors and the self interest of national powerholders has seen the consolidation of the centralised state, some attention has been paid to provincial structures but little, apart from NABPD, to the district until as late as 2008. Governance below the level of province was largely left to MRRD through the NSP and NABDP. The formation of IDLG's DDP is an acknowledgement of the potential to achieve accelerated service delivery that working directly at the district level offers. While the DDP is not proving the instant solution that was initially envisaged (see Section 5.6), this does not undermine the argument for pressing forward with the district as a unit of local government.

121 "Bringing More Effective Governance to Afghanistan," 49.

This paper argues that the district represents the lowest feasible administrative tier through which administration can realistically take place and services be delivered in a coordinated manner. The prospect of dealing with almost 40,000 village bodies (as opposed to 364 districts), a number incidentally not yet achieved even under present programme arrangements, represents an impossible task. The second reason for a focus on the district is that it allows for coherent and integrated planning that maximises the use and distribution of scarce resources between *manteqas/hawzas* and their villages. Thirdly there is an issue of continuity. On a village level, most CDCs are only active as long as there are funds and projects to be implemented. When these cease, CDCs become redundant and village governance either reverts to traditional institutions or is undertaken by hybrid *shuras* that include, but are not composed exclusively of, CDC members. Establishing accountability and planning capacity at the district would allow for the presence of permanent bodies to fulfil these functions on a continuous basis. As the 2007 formation of successful district-level *shuras* in Laghman by the then-provincial governor shows, there is a clear space and an identified need for representation at this level. The members of this *shura* were of higher status than the DDAs, even though there was and remains some intermingling of membership.

Membership of Afghan institutions at district level and below is extremely flexible and pragmatic, and *shuras* are often adapted for specific purposes. This is particularly the case in dispute resolution where certain members may be more qualified than others. One problem this research has highlighted is the recent proliferation of *shuras* to meet the demands of government and others. Frequently such bodies have several members in common; indeed, it would be surprising were this not the case since in any community leadership tends to be limited to a select few. To fragment this leadership by introducing additional *shuras* risks undermining community cohesion and thus the community itself. It is the community that legitimates its representatives to higher structures, be they clusters, DCCs or DDAs. However, Afghan society at every level, whether it be the village, district or elsewhere, is replete with competing factions, and respondents warned that introducing so many forms of local representation threatened to disturb locally-achieved equilibrium.¹²²

Furthermore, in encouraging or requesting the formation of local institutions by external agents more consideration needs to be given to the motivations of those who spend their time and money participating in *shuras* and more formal councils. While there appears to be an outside assumption that membership of councils such as CDCs and DDAs is driven by a sense of public duty, reasons for participation are often linked to issues of status and personal incentives. The persistence of the unpaid DDAs was not so much to do with the altruistic intentions of their members as the important role they played in the distribution, and diversion, of WFP inputs. The practice of giving a stipend to DCC members reflects a more realistic approach, not just to encourage their participation, but as providing a good reason for their “constituents” to demand that they attend and produce results on their behalf. It encouraged obligation.

Finally, the meso level represented by the district is particularly important in that it represents an arena of manageable dimensions where people can meet with relative ease, even in the most rugged terrain. The district centre has usually been a focal point for trade as well as administration. The district *shura* and district administration also provides a realistic means for administrators, elected officials and informal powerholders in the provincial centre to engage with local populations.

Policy Issues: Following the argument that the district is the lowest feasible organisational tier of government, there is a clear need to establish a single representative body at the district level furnished with appropriate powers. This body needs to be accountable to those it represents and capable of holding others to account for the delivery of services, justice and security. It will also require the capacity and resources to fulfil its responsibilities for planning, monitoring and financial scrutiny. In light of the cost and technical challenge that conducting SNTV-based elections at a district level would represent, it would currently be more practical to select district councillors by more consultative mechanisms following the existing ASOP DCC model as applied in Helmand. Given

122 Noah Coburn, “Many Shuras Do Not a Government Make: International Community Engagement with Local Councils in Afghanistan” (Washington, DC: United States Institute for Peace, 2010).

the complexity of the governance agenda, policymakers need to consider what makes “good enough governance” in the Afghan context;¹²³ further delaying the appointment of this important tier of government until sufficient resources are available to mount a complex electoral process will hamper the development of local government.

7.5 The village

While there are many positive outcomes of the NSP, the programme also has its drawbacks. Although some are technical in nature, others are more systemic. For example, community members are often responsible for matters in which they have little expertise, such as planning, management or reporting. In addition, the pressures placed on CDC leaders are neither realistic nor sustainable. There were indications that too great an emphasis on the village risked undue politicisation as evidenced by CDCs becoming the target of interest of a range of external actors. Moreover, although villages have historically been able to manage their own affairs effectively,¹²⁴ it is demanding a great deal to expect their *shuras* to suddenly become legal agents of government with a formalised obligation to undertake justice delivery.¹²⁵ However, it is still worth building upon existing village institutions by formalising aspects such as their oversight of development projects or support for education and healthcare facilities. This will be of particular value in large districts where district councils are unable to effectively cover remote villages due to difficult terrain. In such cases, village-level representative bodies can act as a link to the district and provide a valuable contribution to making governance more responsive.

Afghan society is often best viewed as a collection of communities rather than a society of individuals. This raises questions about the appropriateness of holding elections at the village level. Firstly, doing so assumes a level of competitive behaviour among villagers that may not actually be present. Secondly, such elections would represent only a periodic means of holding representatives to account. Thirdly, village elections could create conflict where none exists if they should become associated with the type of widespread corruption that plagues other electoral processes in the country. There is also the problem of reverse accountability. Instead of voters holding patrons to account over their performance, powerful individuals—by virtue of their ability to exert patronage through their facilitation of service delivery—demand voter loyalty. On the technical side, holding and monitoring village elections across almost 40,000 villages in Afghanistan represents a daunting challenge. It will provide many reasons for contention and appeals that, given the scale, will be impossible to resolve and risk threatening the cohesion and legitimacy of existing bodies. There is thus an argument for village *shuras* to continue being selected by consultation in accordance with established practice.

Policy Issues: Consideration could be given to modifying the Draft Law on Village Councils to allow them to register as representative bodies selected by consultation. In doing so, they would maintain their links with the police and line ministries. Such an arrangement would not preclude the formation of a group within the village responsible for the implementation of NSP-type projects. Rather, the formalisation of the *shura* in this way would, in effect, simply be a reflection of current power alignments whereby village *shura* approval is commonly required for the formation of CDCs and the projects they propose. The village would have lightly formalised powers of monitoring and of providing support to village institutions.

7.6 Justice delivery

Justice delivery is a difficult task and carries great responsibility. Respondents expressed a general discontent with the justice system, which many described as pervaded by bribery and corruption. Police, *huqooq*, *saranwal* and the courts were regularly reported to take money for the release of individuals

123 Merilee S. Grindle, “Good Enough Governance: Poverty Reduction and Reform in Developing Countries” in *Governance: An International Journal of Policy, Administration, and Institutions* 17, No. 4 (Oxford: Blackwell, 2004): 525-548, 530.

124 See section on village republics in: Pain and Kantor, “Understanding and Addressing Context in Rural Afghanistan,” 14.

125 See Article 17 in the Draft Law on Village Councils (February 2010).

charged with crimes. In cases of civil disputes, judges and other law officers would deliberately delay cases and take money from both sides. Officials openly admitted to such practices, including *amlaks* who claimed it was a necessary way to supplement their low salaries.

As noted in Section 4.6, a large number of institutions currently deliver justice-related functions as a result of the state's failure to do so. It is regressive to address this failure by giving certain legal powers to address civil disputes to yet more bodies, in this case provincial and district councils. It goes against the principle of separation of powers and provides yet another rent taking opportunity. While traditional dispute mechanisms are effective, this research suggests that the respect given to such bodies is changing in line with broader shifts in Afghan society itself. As a consequence, *shuras* are no longer able to enforce their decisions with the same certainty, and complainants often end up exploring one source after another to resolve their problems.

Although traditional mechanisms of justice delivery have many benefits—that they are fast, cheap, accessible and largely free of corruption—the eventual transition to a state system of justice delivery is ultimately essential to the modernisation of the Afghan state and the legitimisation of its government. After security, justice remains the main priority for most people and is an integral feature of social and economic life. The absence of a coherent and transparent system of justice was a constant source of complaint and distress among respondents. While for the most part *shuras* delivered justice with integrity, traditional mechanisms are not in themselves immune from corruption. The research came across several instances of where elders were receiving money from parties to a case or were operating in collusion with a *woluswal*. Though CBDR mechanisms have provided an important means for the delivery of justice in circumstances of a weak state, the existence and concurrent operation of customary law, Sharia and constitutional law is neither desirable nor sustainable. The goal of a publicly accepted, unified system of state administered justice is essential for the social and economic development of Afghanistan. Attention thus needs to be given to developing mechanisms that will gradually permit the issues currently resolved by CBDR to move into the formal sphere. A step in that direction is already taking place with the registration of *shura* decisions with the appropriate authorities.

Policy Issues: Policymakers must work to reduce rather than increase the number of bodies associated with justice delivery, with the eventual goal of producing a professionally administered state justice system that has the confidence of the public. Giving provincial and district councils responsibility and powers to resolve civil disputes as outlined in the Policy Document¹²⁶ and the Draft Laws¹²⁷ is ill-advised, especially since it will result in political actors with little legal training dispensing formal justice. It offers a further rent taking opportunity and promotes use of *wasita*, as well as contravening the principle of separation of powers. In addition, it distracts councillors from addressing their primary tasks of representation, planning and holding the executive to account. Instead, steps need to be taken to explore how current CBDR processes can be further absorbed into the formalised justice system.

7.7 The single non-transferable vote system

SNTV is the voting system that was adopted by the Afghan government. It only elsewhere operates in Japan, Jordan and Vanuatu. It has been used in two rounds of Wolesi Jirga and provincial council elections and entails voters casting their ballots for individual candidates rather than political parties. While each province elects a number of members for the Wolesi Jirga, voters are only able to vote for one candidate. The candidates with the most votes are elected. Thus, even if a political party or other group secures the majority of votes, it does not necessarily win a majority of the seats, or indeed any at all. This was the case in the 2009 provincial council elections in Samangan where too many Jumbesh candidates put themselves up for election, resulting in only one Junbesh councillor in a predominantly Uzbek province.¹²⁸

¹²⁶ “Executive Summary.”

¹²⁷ See Article 17 in the Draft Provincial Council Law (2010); also see Article 17 in the Draft District Council Law (2010).

¹²⁸ This failing was recognised by Junbesh, which took a more disciplined approach in the 2010 Wolesi Jirga election.

The system is therefore one that favours the representation of independents at the expense of promoting or allowing the development of party representation. A candidate only needs to poll a relatively few number of votes to get elected and may garner votes exclusively from a single ethnicity or group. Intimidation, graft and other forms of electoral malpractices can also bring about significant electoral gains. In the 2005 Wolesi Jirga elections, for example, the first seats in each province were won with an average of 11.5 percent of the vote and fourth seats won with an average of 5.7 percent of the vote.¹²⁹

AREU presented a report that highlighted some of the problems associated with SNTV¹³⁰ but in early 2005 the president and his advisors decided that SNTV would best serve their interests. Reynolds describes the deliberations over the voting system during 2003/4 and how and why SNTV was chosen. He concluded that:

*Afghanistan ended up with SNTV not as a result of extensive deliberation and careful evaluation of its pros and cons, but rather by a fairly random process of elimination...It is important to note that Karzai did not choose SNTV with any understanding of its consequences or history.*¹³¹

However, in hindsight this may prove to be a charitable interpretation of how and why the system was adopted. The inhibition of political party formation as occurs through the use of SNTV is in accord with the centrist tendencies to be observed within past and present ruling Afghan elites. This being so, the adoption of SNTV may well have been deliberate and intentional.

Since its adoption in 2005, the system has fostered bribery and coercion. It has promoted fragmentation, slowed down the growth of political parties, favoured sectional interests, and inhibited voters' ability to utilise one of the main functions of a democratic system: their power to eject incumbents. SNTV therefore does little, if anything, to contribute to building the bridge that the government is seeking to create between itself and the people.

While these observations about SNTV are not new, the research confirms its negative influence. Furthermore, the DCC election process observed in Helmand sheds light on how a first-past-the-post, constituency-based electoral process could be applied in Afghanistan. As noted in Section 6.2, districts were divided into constituencies in consultation and agreement with local officials, elders and other interested parties; district council members were then elected for each constituency. DCC members were seen to act as a group on matters of joint concern and in the interest of their constituencies when arguing for resources. At stake was their reputation in the community they represented.

The way democracy has been applied to Afghanistan has been heavily influenced by Western notions of democratic process. While these may be alien to many in Afghanistan, the basic idea of selecting accountable representatives is not. In this respect, Islam and democracy are not opposed to each other, even though fundamentalists might like to suggest so. Representative institutions such as *shuras* and *jirgas* have existed for centuries. They have provided Afghans, from the village to the national level, a platform for consultation and consensus-based decision-making. Historically, however, Afghanistan has been resistant to externally imposed change. Unfortunately, the electoral system and its functioning in 2009 and 2010 have done nothing to inspire confidence in the ideal of democracy. While these failings cannot be blamed on SNTV alone, the use of the system has not contributed to the legitimization of democratic process, but quite the reverse.

Policy Issues: While it is unrealistic to expect any action to be taken on the voting system without considered deliberation, it is important that the issue remains on the agenda. Afghanistan's struggle to generate a functioning democracy has been constrained by many factors, one of which is the

129 Andrew Reynolds, "The Curious Case Of Afghanistan" in *Journal of Democracy National Endowment for Democracy and The Johns Hopkins University Press Volume 17, Number 2* (April 2006), 113.

130 Andrew Reynolds, Lucy Jones and Andrew Wilder, "A Guide to Parliamentary Elections in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2005).

131 Reynolds, "The Curious Case Of Afghanistan," 107.

SNTV voting system. Although it might suit the interests of incumbents, the major problem with the voting system is that it reduces accountability. As has been discussed, the current system means that elected representatives such as provincial councillors have little incentive to respond to anybody but a potentially very small constituency of supporters. The extension of SNTV to district councils (as and when elections take place) is likely to further compound these problems, perhaps more damagingly so since the district is a much more closely-linked group of communities.

7.8 Corruption

The issue of corruption has been a consistent feature throughout this paper. The distorting of well-intentioned programmes into profit-making ventures, collusive links between business groups and government,¹³² the use of influence to gain appointment or election to an office, the misappropriation of state funds by government employees and the extortion of bribes for the delivery of services and justice have all contributed to the malfunction of state structures and damaged its legitimacy. In certain instances, even traditional *shuras* have become corrupt—village elders were sometimes seen to deliver judgements at the direction of government officials and then share bribes with them. Fear of losing their jobs has also compelled honest men to be involved in corruption. The costs of such behaviour are especially high considering that people who are forced to pay bribes often go on to extract them from others to obtain compensation; this places a particular burden on those unfortunate enough to be at the bottom of the chain.¹³³

It was surprising the extent to which the prevalence of these practices, and even the identity of those involved, was common knowledge. The widespread prevalence—and in many cases acceptance—of corruption is indicative of a systemic crisis of accountability in Afghanistan. People have no means to address blatant wrongdoing by those who have a measure of power, and those who speak out are afraid of the consequences. The problem of corruption has been exacerbated by the large amounts of international aid being pushed through programmes run by institutions that lack sufficient capacity to deliver it. The daunting scale of the state-building project, coupled with the uncertain political environment, has thus combined to focus the attention of public servants on short-term gain. Finally, the “*bazaar* economy” that Conrad Schetter¹³⁴ argues began with the decline of state institutions and administrative capacity in the early 1990s has grown into a full-fledged “war economy” under the present regime—one that is almost completely dependent on conflict. As noted in the introduction, the cost of supplying local services to the US military alone is equivalent to Afghanistan’s GDP, while the large amounts of aid made available for time-bound projects have led to profligate expenditure. Business groups with close links to the government have manipulated weak state regulations to take advantage of such opportunities. Lucrative commercial enterprises have been set up with government consent that significantly affect the way governance structures function.¹³⁵

To address corruption, it is important to explore what the term actually means in the Afghan context. According to an AREU study on subnational corruption in Afghanistan, corruption is “a dynamic and adaptive phenomenon in any culture.”¹³⁶ The Afghan government deserves credit for recognising this and enlisting the help of a range of institutions (including Integrity Watch Afghanistan, the

132 For an account of the near-collapse of Kabul Bank, see: Dexter Filkins, “Letter from Kabul: The Great Afghan Bank Heist,” in *The New Yorker*, 31 January 2011.

133 For a description of the various forms of corrupt behaviour, see: Manija Gardizi, Karen Hussmann and Yama Torabi, “Corrupting the State or State-led Corruption? Exploring the Nexus between Corruption and Subnational Governance” (Kabul: Afghanistan Research and Evaluation Unit, 2010).

134 Conrad Schetter, “The Bazaar Economy of Afghanistan: A Comprehensive Approach” in C. Noelle-Karimi, C. Schetter and R. Schlagintweit, (eds.), *Afghanistan - A Country without a State?* (Frankfurt a.M.: IKO Verlag, 2000), 109-128.

135 The Kabul Bank scandal has shed significant light on government relationships with influential private companies. For an analysis see Martine van Bijlert, “The Kabul Bank Investigations; Central Bank Gives Names and Figures,” 2 May 2011, <http://aan-afghanistan.com/index.asp?id=1663> (accessed 12 June 2011).

136 See: Gardizi et al., “*Corrupting the State or State-crafted Corruption?*” This point assumes even greater significance when set against examples of corruption permeating into and becoming institutionalised in traditional structures, through their engagement with the state. Following from this description, as there can be changes in the ways societies perceive corruption, the prevalence of corruption too can induce societal change.

Asian Development Bank, UNDP, the UN Office on Drugs and Crime and the World Bank) in seeking to better define corruption in the Afghan context.¹³⁷ However, there remains a need to complement this understanding with a degree of realism over how far the country can hope to reduce corruption in the foreseeable future. As has been widely acknowledged, gaps exist between international standards¹³⁸ and the institutional realities of Afghanistan. So large are these gaps that it would be naive to expect the complete elimination of corruption. However, the devolution of planning and budgeting presents a realistic opportunity of managing corruption and promoting accountable governance. This would reduce the information asymmetries between the central and local government and promote transparency.

Despite the reforms that have been undertaken, there remain doubts about how enthusiastically the Afghan government is pursuing its anti-corruption agenda. It has established an independent High Office of Oversight and Anti-Corruption (HOO) to oversee a strategy focusing on awareness, prevention, detection and prosecution of corruption.¹³⁹ To produce an impact, this strategy will need to be integrated into administrative reforms and the operation of justice institutions. It will require a renewed emphasis on sharing information and the increased engagement of line departments with the communities to which they deliver services.

Policy Issues: Since the HOO relies on the president's office for budgets and the power of sanction, efforts must be made to ensure the body maintains its independence.¹⁴⁰ Ombudsmen or Public Information Officers representing HOO need to be appointed within all provincial administrations. To ensure checks and balances and that all powers of investigation and prosecution are not solely vested in the HOO, provincial and district councils should also be given rights to hold provincial and district administrations accountable. A third layer of scrutiny should be created by continuing to encourage the involvement of non-state actors via mandatory social audits. Such measures could lay the foundation for giving citizens the right to information.¹⁴¹ In terms of justice delivery, there should be a clear separation of powers between the administration, representative bodies and the judiciary. To contain and constrain abuses of power, there is a need to establish how powers of oversight between these branches can be made more effective.

7.9 Donors

Coordination between donors and the Afghan government has been historically difficult to achieve. The 2010 London Conference on Afghanistan identified the need to channel development assistance more effectively through the government, supported by the reform of government structures and budgeting mechanisms. The conference also highlighted concerns over the need to better align donor efforts with government strategies, and acknowledged that the provision and spending of development assistance in Afghanistan needed to be more transparent and accountable.

While it was hoped that some of these issues could be dealt with through administrative reforms, donor-driven agendas to date have contributed to the duplication of local government structures in Afghanistan. The fragmentation resulting from this duplication has been significant. The high number of donors, the differences between their financial systems and policy and programme priorities, and the variety of delivery mechanisms pose a major challenge for state institutions. In the local government sector, poor donor coordination has resulted in the funding of competing programmes operating to different timetables. A prime example has been the formation of District Development Assemblies under NABDP and District Community Councils under ASOP (Section 5.5, Section 6.2, Section 7.2). In provinces where they co-exist, DDAs and DCCs' responsibilities have overlapped. As has been noted, this has not only created confusion among their constituencies but also inhibited

137 "Draft Anti-Corruption Roadmap for the Islamic Republic of Afghanistan" (2007).

138 As described by the UN Convention Against Corruption.

139 "Draft Anti-Corruption Roadmap for the Islamic Republic of Afghanistan," 13.

140 Law on the Supervision and Implementation of Anti-corruption Strategies (Official Gazette no. 957), 2009 (SY 1387).

141 Under the right to information, a citizen may be able to request information from any government institution.

the development of clear lines of authority and effective communication. More broadly, ministries in particular have struggled to adapt to each donor's monitoring and reporting requirements; it is also difficult for the government to keep track of how much money is available when, and how funds are being contributed. For example, various donors support education in Afghanistan by providing funds to one or, more often, several of the following: the MoF, MoE, a provincial or district education department, a UN agency, an INGO or NGO, a PRT or the ARTEF.

The failure of donors to align their strategies can be linked to ideological positions and domestic political pressures.¹⁴² Though the Afghan government should ideally take ownership of each new initiative,¹⁴³ this has rarely been the case. In the cases where the government was at the head of a programmatic intervention it was observed that it was, for the most part, catering to the strategic intentions of donors. A large proportion of the aid disbursed was hence prescriptive and in many instances the government was an unequal partner.

As noted in Section 3.1 and Section 7.2, donor development budgets have been extremely inconsistent, with considerable differences between amounts pledged, committed and disbursed. Though the government has not been able to use much more than half of its development budget in the last five years, there has been a gradual increase in the amounts it has executed. According to the IMF,¹⁴⁴ the reluctance of donors to commit to multi-year programmes has compelled the government to adopt a focus on material expenditures over long-term capital investments necessary to introduce new services. To further complicate matters, many donors' fiscal years¹⁴⁵ do not match the government's, creating additional pressure in respect of financial reporting. In most parts of the country, donors' tendency to look for quick fixes to complex problems has resulted in grants being awarded to contracting firms willing to spend money quickly, often via a chain of subcontractors, without due acknowledgement of issues of sustainability and local ownership.

The tension between short- and long-term approaches is also reflected in the large proportion of development assistance provided through PRTs. While the military should be responsible for maintaining security and buying "time" by using money as a weapon, they have instead tried to buy "legitimacy" for the Afghan state. The provision of large sums of money under CERP has raised expectations of communities and distorted local economies. In some places, it has also damaged community cohesion by pitting locals against each other to obtain project funding, and paying people to do jobs that were once a voluntary community service.¹⁴⁶ The military, and to a lesser extent civilian, tactic of using money to fight insurgency has created regional disparities and deepened ethnic antagonisms. In the relatively peaceful provinces of the North and the Central Highlands, greater donor engagement with southern and south-eastern provinces was interpreted through the lens of ethnicity and seen as rewarding violence and opposition to the state.

Though much of donors' engagement in Afghanistan remains uncoordinated, measures have been taken to allow the government to take greater ownership of development programmes. In keeping with the priorities of the ANDS, USAID is supporting "Afghanisation" by procuring more goods and services locally and "directing more...assistance through the Afghan government and local Afghan firms."¹⁴⁷ By doing so, it hopes to ensure that a greater proportion of the development aid provided can actually remain in Afghanistan. There has also been an acknowledgment of the need to reduce

142 "Grounding International Engagement in Afghan Realities," in *Speaking from the Evidence: Governance, Justice and Development - Policy Notes for the 2010 Kabul Conference* (Kabul: Afghanistan Research and Evaluation Unit, 2010).

143 Rebecca Roberts, "Reflections on the Paris Declaration and Aid Effectiveness in Afghanistan" (Kabul: Afghanistan Research and Evaluation Unit, 2009).

144 "Afghanistan: Joint Staff Advisory Note" (Washington, DC: International Monetary Fund, 2010).

145 The fiscal year for the US government, Afghanistan's largest donor, begins on 1 October and ends on 30 September each year. The Japanese government's fiscal year is the same as that of Afghanistan, beginning on 1 April and ending on 31 March.

146 Rajeev Chandrasekharan, "In Afghan region, the U.S. spreads the cash to fight the Taliban," in *The Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/30/AR2010053003722.html>, 31 May 2010 (accessed 21 April 2011).

147 USAID, "Aid Effectiveness," http://pdf.usaid.gov/pdf_docs/PDACQ423.pdf, 11 October 2010 (accessed 21 April 2011).

the amount of off-budget allocations. However, with security deteriorating in large parts of the country and public discontent growing, it would be in the interests of both donors and the government to come up with a clearer strategy on how allocations should be made to various sectors and to development programmes. At the same time, a sense of realism needs to prevail over what can be accomplished within given time scales.

Policy Issues: The Joint Coordination and Monitoring Board (JCMB) should intensify its efforts to increase donor and government coordination in the field of local government, placing an emphasis on multi-year funding. For efficient disbursement of funds, sector-specific partnerships could be established at the provincial level between line departments and INGOs/NGOs. Greater emphasis should be placed on monitoring and evaluation—not just of outputs and processes, but also of outcomes and impacts—and the parameters for doing so should be decided on jointly by all stakeholders involved. To avoid further aid dependency, control and management of programmes should lie with government institutions. More responsibilities should be devolved to local government to make development programmes more effective. Development and security dimensions of engagement should be kept separate and aid should not be militarised. It will also be critical to consider how best to manage and coordinate the decline and possible curtailment of funding for many development initiatives that will come with withdrawal of coalition forces.

7.10 Service delivery

Delivery of goods and essential services was probably the biggest challenge for the newly-formed Afghan government after 2001. Administrative structures had been weakened by years of civil war and Taliban rule. The Taliban left behind systems that were grossly inadequate to meet the needs of citizens, particularly those in more isolated communities, who largely had to depend on themselves. The high numbers of refugees returning from Iran and Pakistan in the ensuing years created additional pressures. Despite this, a great deal has been achieved since then. The government has shown commitment to administrative reforms. Provincial and district line departments have been staffed, and the MoPH has made rapid improvements in the health sector via public-private partnerships with NGOs. Most significantly, the NSP has brought development to places previously untouched by the state.

However, service delivery remains a persistent issue for governments, particularly since the Taliban and other armed groups now have effective control over considerable areas of the country. This is significant as the legitimacy of the Afghan state hinges on, among other things, its ability to effectively deliver services to its population. In conflict-affected districts, the research found that movement of government employees was often limited to the immediate vicinity of their offices. Travelling to provincial centres was dangerous and the transportation of goods posed a major risk to the government and public alike. There is therefore a need to devise mechanisms that allow service delivery to take place in insecure areas. While the suggestion may be controversial in some quarters, this could conceivably be achieved through a greater level of negotiation with the armed groups that have *de facto* control in some of these areas.

The difficulties experienced by provincial governments in executing development budgets present a major challenge for service delivery. The MoF reports that only 37 percent of the development budget was disbursed in 2010-11, compared to 92 percent of the operational budget.¹⁴⁸ A primary reason for the low execution rate of development budgets is the lack of coordination between donors and the government, as highlighted above. However, the difference between the execution rates of development and operational budgets also points to the inability of line ministries to deliver services efficiently to local populations through current centralised mechanisms. The existence of well-staffed line departments that are unable to respond to service delivery needs suggests that too much of current planning and budgetary responsibility is confined to central ministries. While local government officials can identify problems and communicate them to authorities in provincial and central offices, they have little control over resources. Furthermore, weak information flows between different tiers of ministries have resulted in significant misappropriation and thus furthers the

148 Steve A. Zyck, “‘Use It or Lose It’: Budget Execution in Afghanistan” (Norfolk, Virginia: Civic-Military Fusion Centre, April 2011).

argument for greater decentralisation. The precise nature of any devolution of powers to provincial and district line departments will need to be sector-specific. While partnerships between provincial line departments and NGOs in the health sector have been largely successful, similar arrangements will not be appropriate in the politically and culturally sensitive area of education, for example.

The lack of coordination between local administrations, line ministries and NGOs was found to be responsible for much inefficiency in service delivery. In some districts, governors complained that many NGOs were working without involving—or sometimes even informing—district administrations. In some provinces, national NGOs with no credentials and dubious motivations had been registered and given permission to operate by the provincial MoEcon office, particularly in the rural development sector. These examples illustrate the need for much greater coordination among such bodies, particularly at district level, but also between province and district.

The NSP further adds to this lack of coordination since it bypasses the provincial and district planning processes. Though common goods like roads, bridges and retaining walls have been designed and delivered through the NSP, they are planned in isolation. Coupled with a lack of technical expertise, prioritisation at the village level without reference to higher level planning strategies has resulted in a number of unsustainable projects. Although the programme has achieved measured success in delivering development goods, it remains heavily dependent on facilitating partners, with consequent doubts as to its sustainability.

As mentioned above, there are significant problems associated with militarised aid delivery. There are circumstances where military support is the only option available, and in areas rendered inaccessible by geography, disaster, insecurity or in the immediate aftermath of conflict, the military have performed a highly beneficial humanitarian role. However, its role in delivering longer-term development is questionable. There is a cultural gulf between the military and local populations and it is doubtful whether the strategy of using service delivery to win hearts and minds actually works. Added to this is the fact that military development delivery cast the PRT in the role of patron. People thus turn to the PRT and not the government, despite the strenuous efforts of PRTs to use aid to support the government and work through government channels.¹⁴⁹ It is thus understandable that President Karzai wishes to see them removed since they represent a very significant funding line outside of the government. Military involvement in aid delivery should be reduced, and greater emphasis placed on tried and tested approaches that focus more on culturally appropriate ways to deliver development, alleviate poverty and reduce social inequality.¹⁵⁰

Policy Issues: Provincial and district line departments should be allowed greater planning and budgetary powers for development programming, while representative bodies should have an increased responsibility and associated powers in planning and monitoring. The establishment of partnerships between ministries and non-state actors in sectors other than health should also be explored. This will compensate for weak local government capacity and at the same time, help improve coordination between NGOs and provincial or district administrations in their areas of responsibility. Capacity building should be an integral component of all such initiatives to ensure that delivery mechanisms remain effective and sustainable as and when NGO support reduces or is withdrawn. Where possible, service delivery should be carried out by civilians.

7.11 Capacity building

Since 2002, a series of administrative reforms have been introduced at the provincial and district levels. As has been noted in Section 3.1, this has involved initiating a system of merit-based appointment and revising the salaries of civil servants through the PRR process. The expectation was that these measures would create an efficient and service-oriented public management system. However, reforms have not been accompanied by a clear strategy on expanding civil servant capacity. Low capacity, among other factors, has also constrained provincial council members from fulfilling their functions.

149 Gen. David Petraeus, “COMISAF’s Counterinsurgency (COIN) Contracting Guidance” (Kabul: ISAF Headquarters, 2010).

150 “Quick Impact, Quick Collapse” (2010).

Both state and non-state institutions have responded to this situation by facilitating and conducting trainings for civil servants and elected representatives. Trainings in management skills, IT and English have been provided to civil servants by ministries in association with a range of agencies and NGOs. Provincial council members have been trained in good governance, liaison, administration and planning skills under the Afghanistan Subnational Governance Program and the USAID-funded Afghanistan Local Governance Assistance Project. The National Democratic Institute has also provided training to provincial councillors to help develop their capacity to participate in provincial development planning exercises, respond to their constituencies, and oversee activities of the provincial administration.

However, a sizeable number of provincial council members are unable to read and write to adequate standards, let alone deal with development terminology and a whole new realm of conceptual complexity related to their mandate. It was observed that some had problems engaging with the technical support provided by government, finding it hard to assimilate concepts often widely removed from their own life experience. This is compounded by the fact that documents explaining local government policy are largely composed by Western-trained minds with little apparent understanding of cultural context. Difficulties of accurately translating legalistic English into Dari or Pashto present a further challenge. There thus remains a pressing need to maintain training momentum, address issues of language and re-evaluate training design and delivery to ensure that the way it is being provided is in line with the needs of the trainee. As one IDLG official suggested, greater effort must be devoted to communicating concepts in ways that can be more easily understood and applied.

The establishment of the Provincial Affairs Directorate (PAD) within IARCSC to recruit and train civil servants in all 34 provinces is a positive step. The PAD has already identified training requirements of civil servants in a pilot conducted in Nangarhar, Kunar and Laghman, and plans to extend training based on its results to a further eight provinces by 2012-13.¹⁵¹ This second phase will focus on mentoring as a training method, prepare standardised training modules according to ministries and grades of employees, and link capacity building initiatives to performance assessment.

Policy Issues: There is an identified need to make more funds available to meet the training needs of civil servants and provincial council members. However, above all, there needs to be a coordinated approach to training, and the different techniques used by the many organisations involved need to be consolidated into a unified approach. The types of training on offer also need to be reassessed, and could be more focused on providing mentoring models that deliver on a regular little-and-often basis. Provincial training facilities run by IARCSC would benefit from further development, and conducting training in provincial centres would help foster a stronger sense of provincial identity among district-level officials. Mentoring needs to be encouraged within provincial and district offices to enable recruits to learn from those with longer service. Capacity building initiatives could also be linked to performance assessment mechanisms and salary upgrades. Given their relatively small numbers and the nature of their tasks, customised training needs to be developed for provincial councillors. This should be developed in line with their capacity, paying adequate attention to training materials, concepts used and issues of translation.

7.12 Summary of policy options

The Centralised State

- Modify the 2010 Draft Legislation on Local Government to provide meaningful powers to provincial and district representative bodies that give them clear authority to exercise scrutiny and sanction the executive, and identified powers to act within the Provincial Development Committee.
- Define in the draft legislation the autonomy of the provincial council and its freedom to report directly to the Wolesi Jirga.

¹⁵¹ "An Organizational Capacity Development Needs Assessment Tool for Subnational Government," <http://www.csc.gov.af/pad/pad-overview-program-%20ocdna.pdf> (accessed 20 April 2011).

Responsibility for Local Government

- Allocate responsibility to a single executive authority for the administration of all tiers of local government.

Planning

- Increase the powers of Provincial Development Committees.
- Provide each province with an allocation from the central budget to be used by the Provincial Development Committee to meet locally defined needs.
- Draft legislation that will allow provincial authorities to raise and retain local taxes.

The District

- Consolidate all authority for district representation in a single body.
- Use consultative mechanisms to select district councillors using DDP mechanisms—preferably those developed in Helmand—until appropriate mechanisms exist and there are sufficient resources for district elections.
- Create and formalise an appropriate linkage with the provincial council regarding planning and administrative matters.

The Village

- Modify the draft law on village councils to allow for their selection in the traditional manner by consultation.
- Consolidate administrative functions in a single village body, but reduce its statutory obligations.

Justice delivery

- Remove the obligations for justice delivery from the draft laws for provincial, district and village councils.
- Encourage the registration of locally-made judgements.
- Reduce the number of non-state actors involved in justice delivery.

The Voting System

- Establish a joint government and international community commission to review the effectiveness of SNTV.
- Avoid any further extension of the use of SNTV.
- Allow civil society actors and international counterparts to join the government in a public debate on alternative voting systems.

Corruption

- Place HOO representatives within provincial administrations to improve the redress of grievances.
- Give provincial and district councils sufficient and meaningful powers to hold provincial and district administrations and line ministries to account over implementation and resource application.
- Establish policies that will permit and encourage the involvement of civil society actors in processes of scrutiny and social audit.

Donors

- The JCMB should intensify its efforts to increase coordination between donors in providing support for the development of local government.
- Donors should adhere to the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action and use it as a framework to improve alignment with government-led local government initiatives.
- Donors should jointly agree upon a common strategy for local government and take the lead in encouraging the government and civil society to develop a clear, coherent and comprehensible approach on this subject.
- Place a great deal more emphasis on monitoring and evaluation, not only of process but of outcomes and impact.

Service Delivery

- Devolve planning and budgetary functions to provincial line departments as a way to improve targeting.
- Address shortcomings in coordination among provincial and district line ministries through strengthening Provincial Development Committee functions.
- Consider establishing sector specific partnerships at the provincial level.
- Reduce the extent of militarised development delivery.

Capacity Building

- Provide IARCSC with increased support to expand its provincial training facilities.
- Devise and fund a programme that improves capacity through a mentoring approach to provincial and district administrations and provincial and district councils.
- Re-evaluate training resources to make them more relevant and easily understood by the target audiences.
- Develop a standardised approach to civil service capacity development to be used by all training providers.

8. Conclusion

The first aspect emerging from this research is the need for much greater realism in the definition and function of local government. Local government is composed of three elements: administration, the judiciary, and representative institutions. The operation of administration and service delivery is highly centralised and subject to a range of distortions. The judiciary suffers from much corruption. The representative institutions have few rights beyond those of consultation and recommendation. The development of viable and reflexive local government will require political will and action in each of these areas. In addition, the building of representative institutions will require resources to build capacity, provide administrative support and supply modest facilities. Furthermore, the Afghan government must address these issues if it is to strengthen public support and cohesion. Failure to do so will continue to undermine its political base and further encourage Taliban recruitment occurring as a result of official malfeasance.¹⁵²

The second important feature is the need to develop public understanding of Afghanistan's evolving state structures and the ideas that underpin them. It is no longer feasible for communities to be as self-contained as they have been in the past. As the state becomes a more established feature, people's lives will be transformed, as is already starting to be the case through education, better health care, improved communication and economic development. However, Afghans are generally cautious and conservative, and with good reason. As noted in Section 2.1, the public are currently caught between the three competing agendas of the international community, the government and the Taliban, and are quite rightly unsure of whom they can trust. This new form of government intrudes upon their lives in novel ways, by no means all of which are seen as positive. The degree of corruption is alienating many. If the public is to engage with government there is a need for better public understanding of what government is, what it seeks to achieve and how. While people are well versed in understanding the interplay of tribal, ethnic, party and personality politics, there is little knowledge about government hierarchies, the notion of democracy, the nature of rights and the way that programmes are selected and organised. Furthermore, when set against a background of corruption, continued insecurity and the influence of foreigners, these features are often seen in negative light. Communication and the development of public understanding is therefore of the utmost importance. The establishment of effective local government structures has the potential to play a part in this, as long as they are given appropriate levels of responsibility and resources. Many found what was happening opaque and not readily understood by virtue of its complexity. Explanations are needed, and for this to take place communication has to be substantially improved.

Thirdly, given levels of political will, resources and public understanding, there is a need for time. If it is to happen, the transformation of local governance will not occur overnight. The initial mapping out of changes to the system will be complex and fraught with the tension arising from competing demands and fear of the loss of central control. There will be many difficulties that will need to be overcome. However, once a clear, consensual and comprehensible strategy is established, then steps can be taken to build greater capacity and responsive structures capable of generating public trust. Crucially, nothing can be achieved at the pace currently being dictated by the West, which is pressing systems beyond their capacity to respond and deliver.

Evidence from this study demonstrates the existence of a complex social order that has shown itself capable of maintaining cohesion through the recent waves of development, whether structured by the PDPA, the Soviets, the Taliban or the present phase of external donor support. While governance remains diffuse, diverse and fragmented, it is by virtue of these features that Afghan society has been able to maintain a measure of stability amid frequent changes in regime and ideology. Nevertheless, society and expectations are changing as a result of the impact of migration, communications, infrastructure development and technology. In the context of a modernising world and whatever the outcomes of the present conflict, future Afghan governments will require structures that enable them

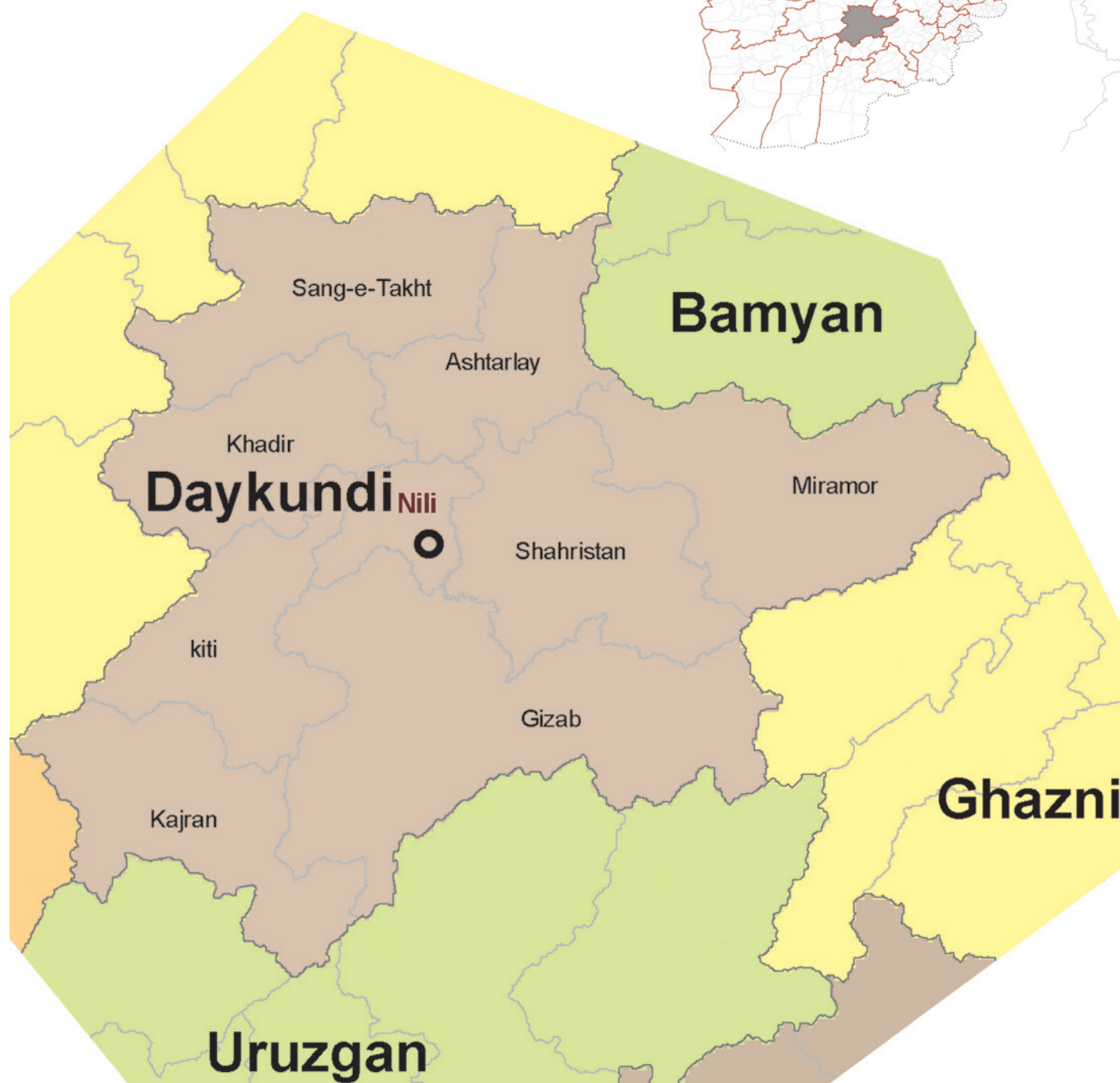
¹⁵² Lakhdar Brahimi and Thomas R. Pickering, *Afghanistan Negotiating Peace: The Report of The Century Foundation International Task Force on Afghanistan in Its Regional and Multilateral Dimensions* (New York: The Century Foundation Press, 2011), 65, 78.

to engage with and serve those whom they have the responsibility to govern. While much has been achieved at a central level, one of the most useful legacies of this present phase of international engagement with Afghanistan will have been to assist its government develop robust, effective, coordinated and accountable mechanisms for the operation of local government.

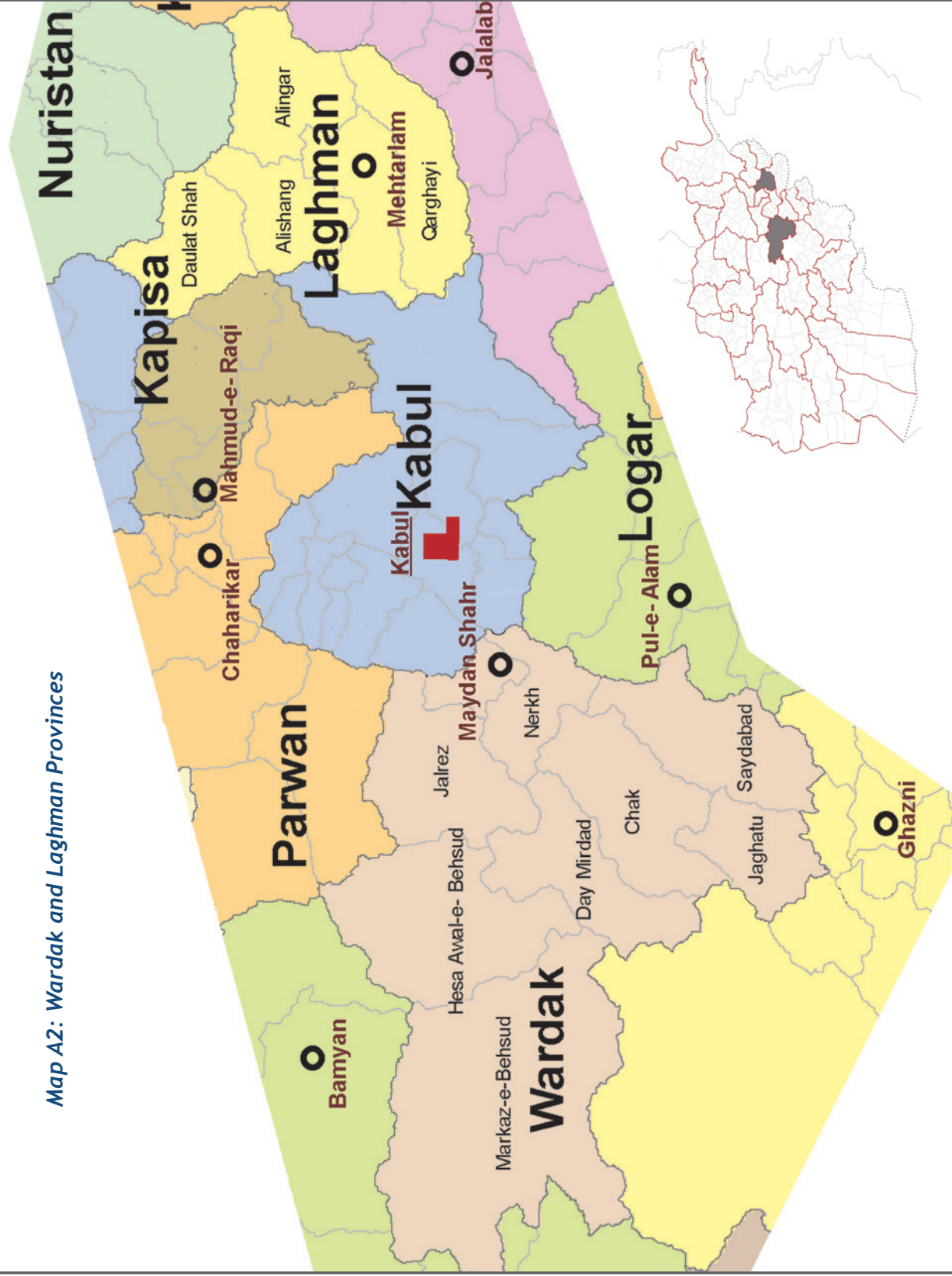
Annex 1: Maps of Research Provinces

The following maps were provided directly to AREU by the Afghanistan Geodesy and Cartography Head Office. Thus, some of the spellings used on the maps differ from those in the main report. The maps are not matching in scale, but their relative sizes can be ascertained through comparison on the Afghanistan map showing their location, which is the same size in each case.

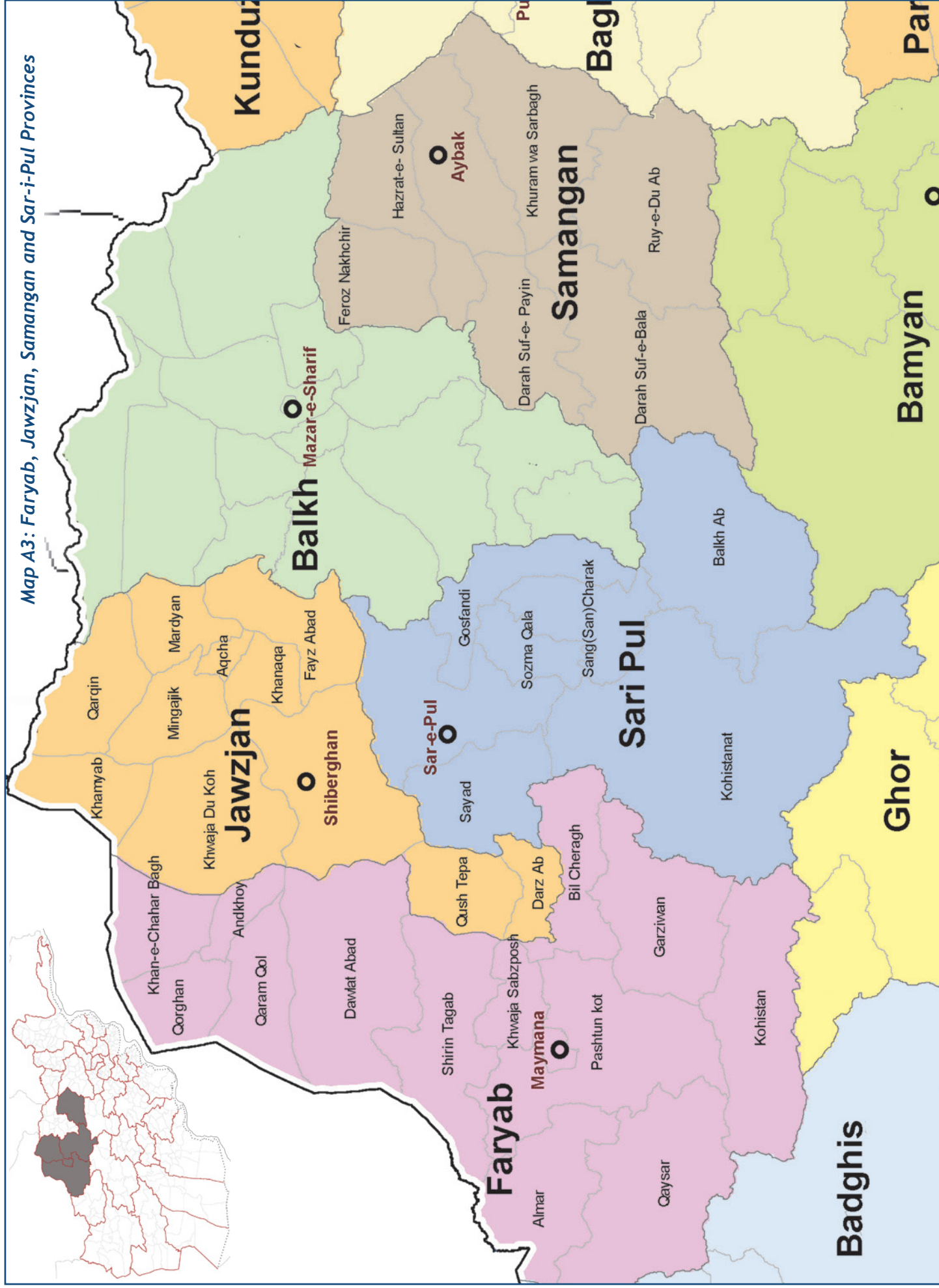
Map A1: Day Kundi Province



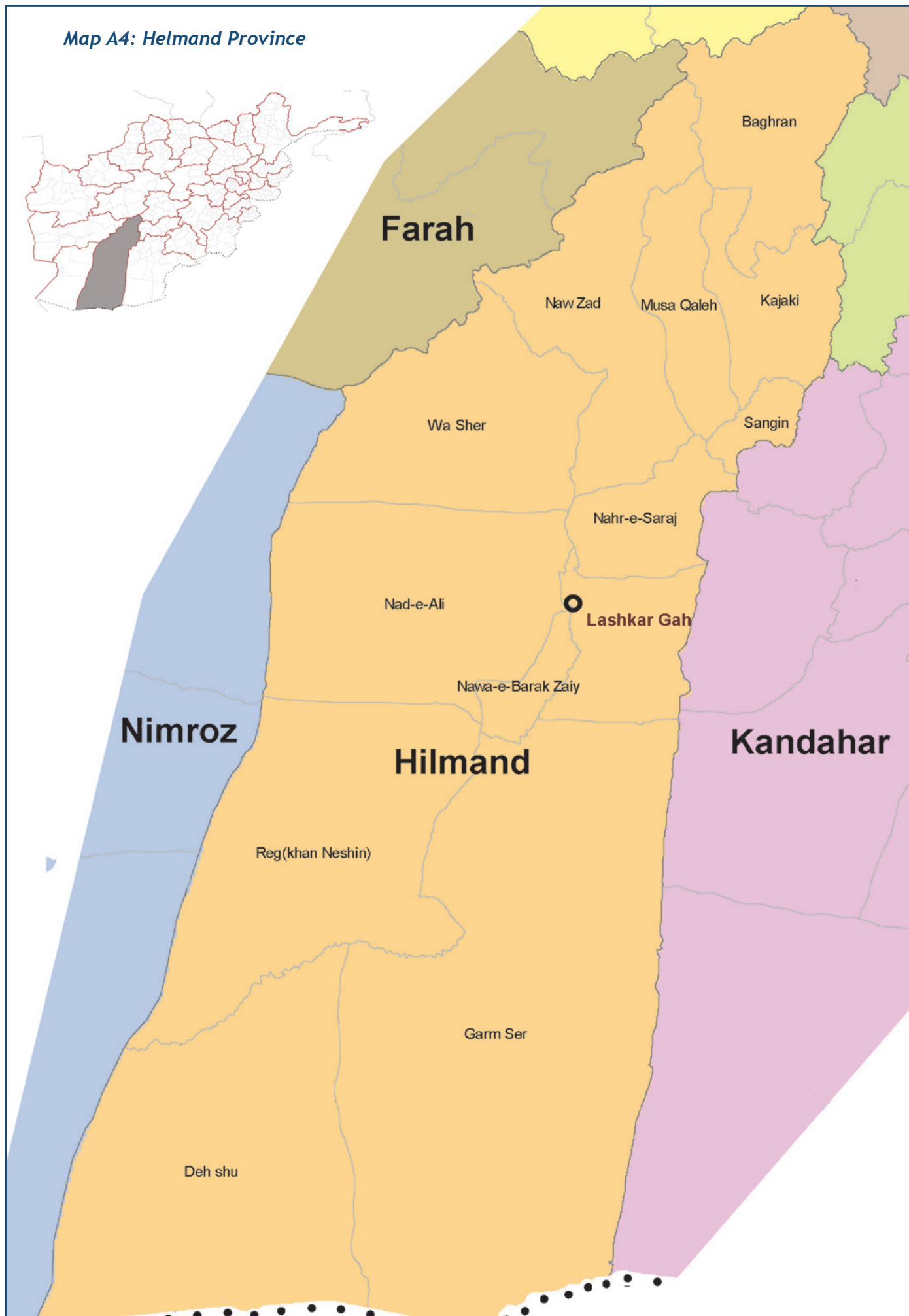
Map A2: Wardak and Laghman Provinces



Map A3: Faryab, Jawzjan, Samangan and Sar-i-Pul Provinces



Map A4: Helmand Province



Annex 2: Profiles of Research Provinces

Day Kundi Province

Geography: Day Kundi is bordered by Bamiyan to the north, Ghor to the north and west, Uruzgan to the south, Helmand to the southwest, and Ghazni to the east. Its seven districts are Ashtarlai, Khedir, Kijran, Kiti, Miramor, Sang-i-Takht and Shahrstan. Nili is the provincial capital.

Population and ethnic composition: The estimated population of Day Kundi is 424,100.¹⁵³ Of these, 38,400 live in Nili. The population is overwhelmingly Hazara. Pashtuns and Baluchis are the two minorities and inhabit the south of the province.

Governance overview: Day Kundi was carved out of Uruzgan and given provincial status in 2004. Gizab, the largest and most populated district of Day Kundi, was awarded to Uruzgan by the government in 2006. The decision was disputed by then provincial governor of Day Kundi, Sultan Ali Uruzgani. The issue remains unresolved. Education and vaccination is provided in Gizab by Uruzgan while provision of other health facilities and arrangements for pilgrims to be sent to Hajj is undertaken by Day Kundi. The district population elects Wolesi Jirga and provincial council members from Day Kundi. Much of it is under Taliban control. Communications from Day Kundi to Kabul is hampered by remoteness, mountainous terrain and cold climate. It has received little attention from the international community, with the exception of two northern districts of Miramor and Shahrstan. A UNAMA sub-office was only opened in 2007. The municipality of Nili is headed by Azra Jafari, the first female mayor in Afghanistan.

Security: There was little evidence of government control except for the two northern districts of Miramor and Shahrstan. In the west and the northwest, disarmament has not taken place under and law and order was observed to be in the hands of commanders—two of whom had their own jails and one of whom was a provincial council member. Communities in the southern districts of Kiti and Kijran had taken charge of their own security and regularly repelled Taliban attacks. Supplements were paid to the ANP to encourage them to fulfil their responsibilities. During recent attacks, militias had restrained them from leaving their posts. The nearest sizeable city to which those in the south of Day Kundi had access was Kandahar. Trucks and vehicles were subject to attack by armed robbers and the Taliban, who controlled the road south through Helmand.

Political parties: Hizb-i-Wahadat (Khalili and Mohaqiq factions), Harakat-i-Islami and Insijam-i-Milli are the major political parties in Day Kundi. Afghan Millat opened a party office in Nili in 2009.

Education: Facility types and number in Day Kundi Province:

Facility Type	Primary	Secondary	High	Teacher Training Institute	Total
Number	96	177	104	1	318

Source: Interviews with Ministry of Education provincial and district line department heads

Health: Facility types and number in Day Kundi Province:

Facility Name	PH	DH	CHC	BHC	SC	MOB	Other	Total
Number	1	2	9	13	13	4	0	42

Source: Ministry of Public Health

Key: PH - Provincial Hospital; DH - District Hospital; CHC - Comprehensive Health Clinic; BHC - Basic Health Clinic; SC - Sub-Centre; MOB - Mobile Clinics.

¹⁵³ Afghanistan CSO Population Data 1389 (2010-11).

Jawzjan Province

Geography: Jawzjan is bordered by Balkh to the east, Sar-i-Pul to the south and Faryab to the south and west. Turkmenistan lies to the north. Its ten districts are Aqcha, Darzab, Fayzabad, Khamyab, Khaniqa, Khwaja Du Koh, Mardyan, Mingajik, Qarqin and Qush Tepa. Sheberghan is the provincial capital.

Population and ethnic composition: The estimated population of Jawzjan is 494,200.¹⁵⁴ Of these, 155,600 people live in Sheberghan. The two major ethnic groups living in Jawzjan are Uzbeks and Turkmen, with smaller numbers of Tajiks and Pashtuns followed by Arabs.

Governance overview: Provincial politics in Jawzjan is dominated by the influence of Junbesh-i-Milli and its leader Abdul Rashid Dostum. The current provincial governor of Jawzjan, Mohammad Aleem Saiee, is a member of Junbesh and a former member of the Wolesi Jirga.

Security: The security situation in Jawzjan has deteriorated over the last two years, particularly in the southern districts of Qush Tepa and Darzab. Criminal activity started spilling over into the two districts from neighbouring Sayyad District of Sar-i-Pul in 2009. Uzbek criminal groups formed links with the Taliban and controlled the area through 2010. In recent times, there has been a spate of insurgent activity along the highway linking Sar-i-Pul to Sheberghan. The Uzbek and Turkmen inhabited areas of Jawzjan provided the best example of security organisation. There was extensive use of a *qaryadar* system, by means of which a member of each village was selected to represent the security interests of the village. The *qaryadar* would attend weekly meetings chaired by the district governor, with the district police chief. This allowed for a two-way flow of information and was an important factor creating a safe security environment. *Qaryadars* were permitted to buy guns and patrolled villages. However, the system was not robust enough to withstand the activities of armed Pashtun groups operating from Chahar Bolak in neighbouring Balkh or to deal with an increasing number of incidents taking place in the western districts of Aqcha, Mardyan and Fayzabad.

Political Parties: Jumbesh-i-Milli is the strongest party in the province. Other parties with influence are Jamiat-i-Islami and HIA.

Education: Facility types and number in Jawzjan Province:

Facility Type	Primary	Secondary	High	Higher Education Institutions	Total
Number	102	111	83	2	298

Source: Interviews with Ministry of Education provincial and district line department heads

Health: Facility types and number in Jawzjan Province:

Facility Name	PH	DH	CHC	BHC	SC	MOB	Other	Total
Number	2	2	7	17	7	1	2	38

Source: Ministry of Public Health

Key: PH - Provincial Hospital; DH - District Hospital; CHC - Comprehensive Health Clinic; BHC - Basic Health Clinic; SC - Sub-Centre; MOB - Mobile Clinics.

¹⁵⁴ Afghanistan CSO Population Data 1389 (2010-11).

Laghman Province

Geography: Laghman is bordered by Kabul and Kapisa to the west, Panjsher and Nuristan to the north, Kunar to the east and Nangarhar to the south. Its four districts are Alingar, Alishing, Dawlat Shah and Qarghayi. Mehterlam is the provincial capital.

Population and ethnic composition: The estimated population of Laghman is 410,300.¹⁵⁵ Of these, 128,800 live in Mehtarlam. The main ethnicities are Pashtun, Pashai and Tajik. In addition, there are small numbers of Nuristanis and some Kuchi. The Pashai inhabit the side valleys along the Alingar and Alishing rivers.

Governance overview: The present provincial governor of Laghman is Mohammad Iqbal Azizi. Previous governors included Gulab Mangal and Lutfullah Mashal. There was a Taliban shadow government in each of the districts. Their consent was required for the appointment of local government officials to take place.

Security: There has been a history of internal strife between powerful commanders representing the Taliban, HIA and Jamiat. Security is reasonably good close to Mehtarlam. Laghman had a strong US PRT presence that with the ANA ensured security in and around the provincial centre of Mehterlam and the main roads leading to Alingar and Alishing. However, the side valleys in those two districts were unsafe and under the influence of Taliban and HIA groups. It was difficult for the military to travel by road to the northern district of Dawlat Shah, which was controlled by the Taliban and HIA. The main road from Kabul to Jalalabad that runs through the southern district of Qarghayi was subject to sporadic Taliban attacks. A large number of Talibs were locals and extended families often had members in both the police and the Taliban. During the last five years none of the police in Qarghayi had been harmed. On occasion the Taliban would inform the police chief of an attack to avoid loss of life. Reciprocal arrangements were in place. There were also reports of an Al Qaeda presence with fighters from Pakistan and other countries. The 2009 assassination of Dr Abdullah Laghmani, deputy head of the NDS, was a significant event. His death by a suicide bomber was said to be because of his violent and cruel behaviour toward captured Talibs. Among the 23 people killed in the incident was HIA member and two-time provincial councillor Emaduddeen Abdulrahimzai.

Political Parties: The main political parties in the province are HIA and Afghan Millat. Other parties with a presence are Jamiat-i-Islami, mainly in the Tajik and Pashai-inhabited north, and Mahaz-i-Milli.

Education: Facility types and number in Laghman Province:

Facility Type	Primary	Secondary	High	Madrassa	Higher Ed. Institutions	Total
Number	68	95	88	12	2	265

Source: Interviews with Ministry of Education provincial and district line department heads

Health: Facility types and number in Laghman Province:

Facility Name	PH	DH	CHC	BHC	SC	MOB	Other	Total
Number	1	0	8	17	14	2	1	43

Source: Ministry of Public Health

Key: PH - Provincial Hospital; DH - District Hospital; CHC - Comprehensive Health Clinic; BHC - Basic Health Clinic; SC - Sub-Centre; MOB - Mobile Clinics.

¹⁵⁵ Afghanistan CSO Population Data 1389 (2010-11).

Samangan Province

Geography: Samangan is bordered by Balkh to the north and west, Sar-i-Pul to the southwest, Bamiyan to the south and Baghlan to the east. Its six districts are Dara-i-Suf Bala, Dara-i-Suf Poyeen, Feroz Nakhchir, Hazrat-i-Sultan, Khorram wa Sarbagh and Roye Doab. Aybak is the provincial capital.

Population and ethnic composition: The estimated population of Samangan is 356,300.¹⁵⁶ Of these, 96,800 live in Aybak. There is a significant degree of geographical polarisation. Uzbeks live in the northeast and centre, Tajiks in the east and Hazaras in the south. The west is more heterogeneous and includes small populations of Pashtuns and Turkmens. Minorities like the Tatars and the Habash inhabit southern areas, along the border with Bamiyan.¹⁵⁷

Governance overview: Samangan has had four governors since 2001—an apt reflection of the extent to which appointments in the province have been influenced by power struggles between national and local powerholders. The incumbent Khairullah Anush is close to Abdul Rashid Dostum. The most influential actor over recent years has been Ahmad Khan, an Uzbek commander who has frequently changed party allegiance. Until 2010 he was a member of the Wolesi Jirga but failed to gain re-election to the new assembly.

Security: At the start of the research, Samangan was relatively stable with limited Taliban presence in villages bordering Baghlan. The southern district of Roye Doab had weak policing and was subject to criminal activity. However, during 2010, lack of attention by government and the military was seen to result in increasing insurgent activity in Dara-i-Suf Poyeen and Dara-i-Suf Bala. Tension was understood to originate from the competition for seats in the Wolesi Jirga election. Dissatisfied elements were turning to the Taliban who were extending their influence by exploiting local grievances. More than two dozen Taliban fighters laid down arms in Dara-i-Suf Poyeen in February 2011. In April 2011, the PRT signed an agreement with the provincial administration and withdrew from the province following protests over the Quran-burning incident in the United States.

Political parties: Junbesh-i-Milli is the major party in the province. Other parties present are Jamiat-i-Islami, Hizb-i-Wahadat (Khalili and Mohaqiq factions), Harakat-i-Islami, HIA and Afghan Millat.

Education: Facility types and number in Samangan Province:

Facility Type	Primary	Secondary	High	Madrassa	Higher Ed. Institutions	Total
Number	89	108	24	7	2	231

Source: Interviews with Ministry of Education provincial and district line department heads

Health: Facility types and number in Samangan Province:

Facility Name	PH	DH	CHC	BHC	SC	MOB	Other	Total
Number	1	2	5	14	11	2	0	35

Source: Ministry of Public Health

Key: PH – Provincial Hospital; DH – District Hospital; CHC – Comprehensive Health Clinic; BHC – Basic Health Clinic; SC – Sub-Centre; MOB – Mobile Clinics.

¹⁵⁶ Afghanistan CSO Population Data 1389 (2010-11).

¹⁵⁷ K. Larsson, “A Provincial Survey of Balkh, Jowzjan, Samangan and Saripul” (Swedish International Development Cooperation Agency, 2008).

Sar-i-Pul Province

Geography: Sar-i-Pul is bordered by Jawzjan to the north and northwest, Faryab to the west, Ghor and Bamiyan to the south and Samangan to the east. Its six districts are Balkhab, Gosfandi, Kohistanat, Sayyad, Sozma Qala, and Sangcharak. Sar-i-Pul Town is the provincial capital.

Population and ethnic composition: The estimated population of Sar-i-Pul is 514,100.¹⁵⁸ Of these, 145,500 live in Sar-i-Pul Town. The largest ethnic group are the Uzbeks, followed by Hazaras, Tajiks, Aimaqs and Pashtuns. Uzbeks and Pashtuns live mainly in the north, Hazaras in the south and southeast, Tajiks in the east and Aimaqs in the south and southwest.

Governance overview: Post-2001, Sar-i-Pul has had five governors. Taj Mohammad Kohi, the first and a Dostum loyalist, was replaced by Karzai in 2004 with Abdul Shafaq. This appointment provoked a strong response from Dostum and Kohi. The current incumbent, Sayyid Anwar Rahmati, has close links with Khalili.

Security: Sar-i-Pul has a history of turbulence, with conflicts between powerful local actors—most notably factional fighting between Dostum and Atta Mohammad Noor in the years following the Taliban. Tensions subsided after 2005. However, along with many other areas of Afghanistan, security in Sar-i-Pul has declined sharply during 2010. A small number of criminals from Sayyad District involved in drug and arms smuggling have been able to rapidly expand their activities to control the greater part of the district and formed links with Taliban. When US-led anti-Taliban operations were instituted in Baghlan in the late spring of 2010, Taliban fighters sought refuge with the renegade group operating from Sayyad District. Thus started a growing number of incidents primarily aimed at disrupting passage on the strategic highway connecting Sheberghan with Sar-i-Pul. The situation was deteriorating in Kohistanat spurred, it was said, by a lack of economic opportunities. There is a small Swedish PRT in the provincial centre.

Political parties: The three main political parties in the province are Junbesh-i-Milli, Jamiat-i-Islami and Hizb-i-Wahadat (Khalili and Mohaqiq factions). Others present are Afghan Millat and Eqtedar-i-Milli.

Education: Facility types and number in Sar-i-Pul Province:

Facility Type	Primary	Secondary	High	Madrassa	Higher Ed. Institutions	Total
Number	143	143	30	10	3	329

Source: Interviews with Ministry of Education provincial and district line department heads

Health: Facility types and number in Sar-i-Pul Province:

Facility Name	PH	DH	CHC	BHC	SC	MOB	Other	Total
Number	1	2	8	17	21	1	0	50

Source: Ministry of Public Health

Key: PH – Provincial Hospital; DH – District Hospital; CHC – Comprehensive Health Clinic; BHC – Basic Health Clinic; SC – Sub-Centre; MOB – Mobile Clinics.

¹⁵⁸ Afghanistan CSO Population Data 1389 (2010-11).

Wardak Province

Geography: Wardak is bordered by Bamiyan to the west and northwest, Parwan and Kabul to the northeast, Logar to the east and Ghazni to the south. Its eight districts are Chak, Dai Mirdad, Hisa-i-Awali Behsud, Jaghatu,¹⁵⁹ Jalrez, Markaz-i-Behsud, Nerkh and Saydabad. Maidan Shahr is the provincial capital.

Population and ethnic composition: The estimated population of Wardak is 549,200.¹⁶⁰ Of these, 37,900 live in Maidan Shahr. The largest ethnic group is the Pashtuns. The second largest ethnic group, the Hazaras, live mainly in Markaz-i-Behsud and Hisa-i-Awali Behsud districts. Tajiks and Qizilbash are present in small numbers.

Governance overview: The present provincial governor of Wardak is Mohammad Haleem Fidai. He replaced Abdul Jabbar Naeemi in 2008.

Security: Setting aside major population centres, the Pashtun districts of Wardak were effectively under Taliban control. Once the Taliban gained control of a district, the first function they sought to command was the justice system. Justice was initially harshly enforced, and then at periodic intervals by further brutal exemplary measures against those believed to have committed crimes. In these areas, government officials were confined to their district centres, which were frequently fired upon. However, security was good in the two Hazara-dominated Behsud districts. These two districts have been the site of clashes between the Hazara inhabitants and Kuchis, who have rights supported by documentary title to land there. The rights were given in the late 19th century by Abdur Rahman as part of his suppression of Hazara resistance. The exercising of grazing rights and the letting of land by Kuchi to Hazaras has continued since but has been the subject of periodic disagreement and conflict. In 2010, the issue flared up again, with some Pashtuns claiming it was at the instigation of Hazara politicians seeking to make political capital and regain former Hazara lands.

Political parties: The main political party in the province is HIA. Hizb-i-Wahadat (Khalili and Mohaqiq factions) has influence in the Hazara-inhabited north.

Education: Facility types and number in Wardak Province:

Facility Type	Primary	Secondary	High	Madrassa	Higher Ed. Institutions	Total
Number	175	95	75	19	6	370

Source: Interviews with Ministry of Education provincial and district line department heads

Health: Facility types and number in Wardak Province:

Facility Type	PH	DH	CHC	BHC	SC	MOB	Other	Total
Number	1	3	9	25	18	1	2	59

Source: Ministry of Public Health

Key: PH – Provincial Hospital; DH – District Hospital; CHC – Comprehensive Health Clinic; BHC – Basic Health Clinic; SC – Sub-Centre; MOB – Mobile Clinics.

¹⁵⁹ Jaghatu, previously a district of Ghazni Province, was made a part of Wardak in 2005.

¹⁶⁰ Afghanistan CSO Population Data 1389 (2010-11).

Annex 3: Division of Line Ministry Responsibilities

	MoPH	MoE	MAIL	MRRD
Central	<ul style="list-style-type: none"> Developing strategies and action plans Appointing service providers 	<ul style="list-style-type: none"> Developing strategies and action plans Appointing staff from grades 1 to 5 Revising curriculum Procuring materials 	<ul style="list-style-type: none"> Developing strategies and action plans Appointing staff from grades 1 to 5 Funding of salaries 	<ul style="list-style-type: none"> Developing strategies and action plans Appointing staff from grades 1 to 5 Funding of salaries
Provincial	<ul style="list-style-type: none"> Developing provincial plan Disbursing salaries Coordinating with service providers Collecting Health Management Information System (HMIS) data from all provincial and district health facilities Evaluating district health facilities 	<ul style="list-style-type: none"> Developing provincial plans Appointing staff lower than grade 6 Disbursing salaries Inspecting schools Distributing materials 	<ul style="list-style-type: none"> Developing provincial plans Appointing staff lower than grade 6 Disbursing salaries Managing activities of MAIL departments in province and districts Managing lease and rent from public and private land Coordinating with INGOs and NGOs working in agricultural sector 	<ul style="list-style-type: none"> Developing provincial plans Appointing staff lower than grade 6 Disbursing salaries Managing MRRD programmes in province and districts Conducting trainings through Afghanistan Institute for Rural Development and in association with NGOs Coordinating with NGO FPs Monitoring and evaluating development projects
District	<ul style="list-style-type: none"> Monitoring health delivery Training of community health workers 	<ul style="list-style-type: none"> Identifying sites for construction of schools Recruiting teachers and evaluating teacher performance Inspecting schools Distributing materials Liaising with education shuras and leading awareness campaigns 	<ul style="list-style-type: none"> Distributing seeds and fertilisers Demonstrating farming techniques Collecting information on annual district produce Publicising lands available for lease and collecting land tax Setting up agricultural cooperatives 	<ul style="list-style-type: none"> Assisting NSP FPs in constitution of CDCs Liaising with CDCs and assisting them in prioritising projects Identification of community demands for NSP projects Monitoring and evaluating NSP projects Managing NABDP

Annex 4: Literature Review

There is an emerging literature on local governance that ranges from general descriptions and comment to analyses that come with a more focused contribution based on location or sector.

Of the literature that takes a wider overview, an early study by the World Bank addresses the key constraints to strengthening local government systems in Afghanistan.¹⁶¹ In the same year, The Asia Foundation undertook an assessment of local governance that provides a good account of the legal background and description of structures.¹⁶² A comparative approach was seen to be emerging in Larson's study that was designed to give SIDA basic political, economic, social, cultural and security information on four northern provinces.¹⁶³ A general assessment of local government and the role of NGOs in supporting the development of sub-national governance capacity that provides an extensive list of recommendations was commissioned by Afghanistan-based INGOs.¹⁶⁴ Also in 2009, UNDP produced a report on local government that drew on drivers of change theory and produced a social capital measurement framework.¹⁶⁵ The Human Rights Research and Advocacy Consortium undertook quality research into local government. Their report on provincial councils is required reading.¹⁶⁶ The National Democratic Institute produce a steady stream of highly informative material related to elections and the electoral process.¹⁶⁷ The Asia Foundation has been a consistent contributor to improving knowledge about local government, not least through its 2007 assessment and subsequent perception surveys.¹⁶⁸ A diverse range of governance-related issues have been covered by the Afghanistan Analysts Network.¹⁶⁹ Rubin has written numerous governance-related articles, and one of particular relevance to this research is his contextualisation of public administrative reform.¹⁷⁰ Barfield and Nojumi have presented a practical and realistic set of suggestions for improving local governance.¹⁷¹

Moving to publications that focus more on specific locations, there are valuable papers by UNAMA on Sar-i-Pul, Jawzjan and Samangan that give a clear and detailed outline of the more formal aspects of local government structures and operation.¹⁷² They are frank in highlighting a number of problems in the operation of local government in the provinces. Papers from the Feinstein International Centre provide a useful description of selected provinces and the specificities of their governance arrangements, particularly as related to aid and security.¹⁷³ There is valuable research evidence presented in a Noragric report on Day Kundi, a poorly served province in every sense.¹⁷⁴ CPAU have

161 The World Bank, "Service Delivery and Governance at the Sub-National Level in Afghanistan" (Washington, DC: The World Bank, 2007).

162 The Asia Foundation, "An Assessment of Sub-National Governance in Afghanistan" (Kabul: The Asia Foundation, 2007).

163 Katarina Larsson, "A Provincial Survey of Balkh, Jowzjan, Samangan and Saripul" (Kabul: SIDA, 2008).

164 David Connolly, "Assessing the status of sub national governance and the role of INGOs in building sub national governance capacities in Afghanistan" (York, UK: Post-War Reconstruction and Development Unit, University of York, 2009).

165 UNDP, "Local Governance and Development" (Kabul: UNDP, 2009).

166 Nasrat Esmaty and Asadullah Ahmadi, "A Broken Relationship: A Study of the Provincial Councils and their Ability to Serve the Afghan People" (Kabul: Human Rights Research and Advocacy Consortium, 2010).

167 <http://www.ndi.org/content/afghanistan>

168 The Asia Foundation, "An Assessment of Sub-National Governance in Afghanistan."

169 <http://aan-afghanistan.com>

170 Barnett R. Rubin, "The Political Context of Public Administration Reform in Afghanistan" (Washington, DC: The World Bank, 2006).

171 Thomas Barfield and Neamatollah Nojumi, "Bringing More Effective Governance to Afghanistan: 10 Pathways to Stability," *Middle East Policy* Vol. XVII, No. 4 (2010): 40-52.

172 UNAMA, "Governance Profile Sari Pul Province" (Kabul: UNAMA, 2010); UNAMA, "Governance Profile Jawzjan Province" (Kabul: UNAMA, 2010); UNAMA, "Governance Profile Samangan Province" (Kabul: UNAMA, 2010).

173 Paul Fishstein, "Winning Hearts and Minds? Examining the Nature of Aid and Security in Afghanistan's Balkh Province" (Medford, Massachusetts, USA: Feinstein International Center, Tufts University, 2010); Geert Gompelman, "Winning Hearts and Minds? Examining the Nature of Aid and Security in Faryab Province" (Medford, Massachusetts, USA: Feinstein International Center, Tufts University, 2011).

174 Ingrid Nyborg, Jalaluddin Akramy and Aslaug Gotehus, "Exploring Rural Livelihoods in Afghanistan: A Study of 10 Villages

done several insightful district conflict analyses with linkages across Afghanistan, one of which has particular relevance to this study.¹⁷⁵ Finally, there are various evaluative studies, such as the refreshingly frank evaluation of the USAID LGCD programme.¹⁷⁶ UN reviews relevant to this enquiry include an assessment of NABDP¹⁷⁷ and a more gnomic commentary on the ASGP.¹⁷⁸ The World Bank has published a profile that provides key poverty, gender, health, education and infrastructure indicators for each province of Afghanistan.¹⁷⁹

With a few exceptions, the more general literature tends to be state or programme orientated. There are also many individual studies that relate to a particular location or that examine cultural practices to good effect.

in Dai Kundi Province” in *Noragric Report 40* (Noragric/Department of International Environment and Development Studies, Norwegian Institute of Life Sciences, January 2008)

175 Sonya Merkova, Christian Dennys and Idrees Zaman, “Conflict Analysis: Chak and Sayedabad Districts, Wardak Province” (Kabul: CPAU, 2009).

176 USAID, “Final Report: Local Governance and Community Development Program (LGCD) Evaluation” (Kabul: USAID, 2009).

177 UNDP, “Mid-term Review of the National Area Based Development Project, Ministry of Rural Rehabilitation and Development” (Kabul: UNDP, 2008).

178 Ernest Leonardo, “Afghanistan Sub-National Governance Program Mid-Term Review” (Kabul: UNDP, 2009).

179 “Afghanistan: Provincial Briefs” (Kabul: Islamic Republic of Afghanistan, Ministry of Economy, June 2011).

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