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services affected by conflict



Politics and Governance in Afghanistan: the Case of Nangarhar Province

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Ashley Jackson

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Secure Livelihoods Research Consortium
Overseas Development Institute
203 Blackfriars Road
London SE1 8NJ, UK

T +44 (0)20 7922 8221
F +44 (0)20 7922 0399
E slrc@odi.org.uk
W www.securelivelihoods.org

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About the author

Ashley Jackson is an independent writer and researcher. She previously worked with the Overseas Development Institute in London as well as with Oxfam and the UN Assistance Mission to Afghanistan in Afghanistan (UNAMA) in Afghanistan.

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Abbreviations and glossary

CDC	Community Development Council
DCC	District Consultative Committee
DDA	District Development Assembly
DDP	District Development Plan
DST	District Support Teams
HIA	Hezb-i-Islami Afghanistan
HIG	Hezb-i-Islami Gulbuddin
HIK	Hezb-i-Islami Kholes
IARCSC	Independent Administrative Reform and Civil Service Commission
IDLG	Independent Directorate of Local Governance
JIA	Jamiat-i-Islami
MRRD	Ministry of Rural Rehabilitation and Development
NATO	North Atlantic Treaty Organization
NDS	National Directorate of Security
NSP	National Solidarity Programme
PAA	Provincial Administrative Assembly
PDC	Provincial Development Committee
PDP	Provincial Development Plan
PRT	Provincial Reconstruction Team
UN	United Nations

Glossary

Afghani	official Afghan currency
jirga	customary council/committee
loya jirga	grand assembly
malik	village leader or notable
Meshrano	House of the Elders, upper house of Parliament
Jirga	
mujahedeen	resistance fighter(s)
osher	harvest tax
shura	customary council/committee
wali	Provincial Governor
Wolesi Jirga	House of the People, lower house of Parliament
woleswal	District Governor

Executive summary

The first of three case studies, this paper seeks to explore regional political dynamics and governance being undertaken by the Afghanistan Research and Evaluation Unit and the Overseas Development Institute as part of the Secure Livelihoods Research Consortium. This research aims to look at subnational governance and access to public goods. It seeks to understand the power relations at play, attempting to separate how government functions in reality from narratives created by the international community about how governance systems *should* function.

The international community's governance agenda has consistently failed to adequately consider or address the more informal, relationship-based reality of how Afghan government institutions function. Informal networks and social links regulate access to state and non-state resources and power. In Nangarhar, this 'government of relationships' continues to be dominated by a cadre of *mujahedeen* commanders. Chief among them are members of the Arsala family whose post-2001 political dominance in the east was consolidated by Gul Agha Sherzai's predecessor as governor, Haji Din Mohammad, alongside parliamentarian Hazrat Ali and others. In the post-Bonn political settlement, these men were able to secure roles in government, through election or appointment, and capture state resources to secure their position within informal access networks.

Gul Agha Sherzai's appointment as governor of Nangarhar in 2005 fundamentally disrupted the existing order, giving rise to new forms of competition and collusion that played out through state institutions, formal and informal regulation of access to resources and political manoeuvring. As an outsider from Kandahar, Sherzai was forced to cultivate local support from scratch. He drew on external resources, including those collected through the 'Sherzai Fund' border tax, to embark on a highly popular public works campaign and make up shortfalls in provincial budgets created by inefficiencies and the over-centralisation of the budgeting process. Relations he cultivated with the rural elite were leveraged to deliver on key international priorities, such as opium eradication, and in turn consolidated US military support. Sherzai was then able to use his US military backing to threaten rivals and profit financially, through aid provided by the Provincial Reconstruction Teams (PRTs) and other sources of security-driven aid.

Sherzai's strategy brings into sharp relief the ways in which the vaguely defined roles of subnational government positions and offices have unwittingly enabled the negotiation of national and subnational bargains. Corruption within the system and the highly centralised control of government budgets and authority has effectively disempowered those who 'play by the rules' relative to those, like Sherzai, who have an external power base and access to resources outside the system. Regardless of the tactics various individuals employed, the provision of public goods was rarely pursued for its own sake in Nangarhar. When there has been some improvement in governance, goods or services spearheaded by hybrid government officials like Sherzai, it has been primarily driven by self-interest and ultimately reinforced the dependence on relationships to the detriment of the development of institutions.

Sherzai's rule in the east also highlights the profound impact of US military presence and the role of the international community in cultivating a 'rentier political marketplace' characterised by pervasive rent seeking and competition among elites for access to the resources provided to bolster security and eradicate opium. The US military, and the massive influx of money it brought, created a system of winners and losers in eastern politics: Sherzai relied on US military backing in the early years of his governorship and other power holders, such as Ali, leveraged US military support to strengthen their position vis-à-vis rivals who received none. Ali in particular has used his influence with US forces to ensure provincial security forces reward men loyal to him with positions in both formal security forces as well as various private security companies.

Sherzai's strategy worked for a time but his hold on power was challenged with the reassertion of the old eastern *mujahedeen* order from 2010 onwards. Sherzai's main rivals were two Arsala brothers: Zahir Qadir, elected to parliament in 2010, and Jamal Qadir, elected to the Provincial Council in 2009. They fought proxy battles against Sherzai through land grabs and other means, and orchestrated ostensibly 'political' protests against the governor in the capital. Jamal and his allies were able to essentially capture the provincial council in order to attack Sherzai and gain a greater hold over the province's resources. These tactics, combined with Nangarhar's growing insecurity and resurgent poppy cultivation, ultimately made Sherzai's position as governor untenable. In October 2013, he resigned to run in the 2014 presidential elections.

While donors have invested attention and money in subnational governance, they have brought little fundamental change. Instead of genuine reform of institutions there has been widespread 'institutional bricolage', or the renegotiation of the existing order through new institutions and practices (Stark and Bruszt, 1998). In Nangarhar, reforms have been allowed to proceed largely only in areas where they pose no threat to the existing order (demonstrated by patterns of district governor appointments). Interventions have often been undermined by power holders who have subverted and co-opted them to their own aims. While some more meritocratic and technocratic appointments have been made, these individuals are often confounded in attempts to fulfil their duties without linkages to informal access networks and power holders.

Despite this recent attention to subnational governance, confusion still persists about the role and mandate of formal institutions. Particularly at district level, the lack of clarity has meant that more informal networks continue to dominate local affairs and access to resources. District bodies (in the case of Nangarhar, District Development Assemblies or DDAs) are a case in point, representative of an existing order but not necessarily leading to governance seen as representative by local populations. The continuing confusion about their formal role has deeply undermined their role in the formal system as advocates for the needs of the population.

The political scene in the east is set to change once again, with Sherzai's recent resignation ahead of the presidential election, Provincial Council elections this spring and declining US military influence. With Sherzai gone and the Arsala hold on the Provincial Council weakened, the old order will – in one form or another – likely endure. This paper seeks to highlight the local context as well as the shortcomings of the development and governance interventions in the east in the hopes of informing future policy and programming that will ultimately have better outcomes for ordinary Afghans.

1 Introduction

1.1 Overview

Afghanistan's government is often described as fragmented and fragile. However, the fact that the central government fails to function effectively in many instances, particularly beyond the capital, does not mean that there is disorder at the regional or provincial level. This paper examines the policies and programmes that seek to bring the international community's ideas of governance and service provision into being through investigating their intersections – and at times collisions – with existing power relationships at the regional and provincial level. Nangarhar was chosen for its centrality to eastern politics, its unique identity as a regional centre of power, its critical geopolitical importance and its close linkages with Pakistan, and in the light of the significant US military presence and aid funding the province has received since 2001. After a brief historical overview of power and politics in Nangarhar, this paper looks at formal governance institutions and politics at the provincial level. It then moves down to the district level to understand how relations and institutions function beyond the provincial centre of power.

1.2 Theoretical framework

This inquiry is driven by three core questions:

- 1 What is the patterning of regional social orders that have emerged in Afghanistan and what are the conditions that have generated them?
- 2 How do these vary in the extent to which they provide core public goods and what are the incentives that drive this?
- 3 How can international actors interact to influence the incentives for such orders to deliver more widely and effectively and limit rent seeking practices?

A broad literature is used to frame this analysis but the following contributions are particularly important. Thomas Barfield's (2010) characterisation of Afghanistan's regional identities has aided in defining the geographical and economic base of elite competition and the framing and understanding of regional social orders. Antonio Giustozzi's (2007; 2009) work on Afghanistan has contributed to understandings of the circumstances that have surrounded the rise of regional power holders and the order that they achieve, alongside broader thinking on the role of warlords and strongmen (Reno, 1998; Marten, 2012). In a less direct but no less significant way, this work owes much to David Edwards' (1996) writings on the moral fault lines within Afghan culture, governance and society.

The work of Douglas North and others on social orders is at the core of this inquiry, applying the concept of a limited or basic access social order to the case of Afghanistan (North, et al., 2009). This is defined as a situation where the political elites maintain an uneasy truce and have divided control of a country and its economy between them, and personal connections are needed to access those resources. By contrast, open access orders more common in Western democracies are characterised by the impersonal and competitive relations where market competition allows greater equality of access. Limited access order models often stubbornly persist and transformations to open access orders are not quick, easy or linear. In Afghanistan, a shift towards a more inclusive and less volatile social access order may be the most desirable and realistic objective, at least in the medium term. Of particular importance is the question of whether strongmen or other powerholders who play such a dominant role in the existing order can be incentivised or compelled to act in the interest of the public good and stable governance, through the provision of public goods and services.

More often than not, international interventions in Afghanistan to reform governance have been characterised by a process of 'institutional bricolage' (Stark and Bruszt, 1998). This institutional bricolage has meant that instead of institutional and social transformation, reforms and policies have merely led to the renegotiation and reconsolidation of the existing order through new institutions and practices. This is not due to lack of ambition. International interventions have often been grandly, if not overly, ambitious in what they can realistically achieve in short time frames. Rather, this failure to bring about change springs from a lack of understanding of the incentives and relationships that drive the existing social order. The vast resources at stake have also created intense competition among elites, fuelling what de Waal (2009) terms a 'rentier political marketplace' wherein elites jockey for favour with international actors. International interventions themselves have also been marked by competition, with overlapping and contradictory reforms implemented by various aid actors (donors, the UN and aid agencies). The continuing lack of clarity, oversight and consistency has unwittingly enabled the capture of state institutions for personal gain, as the discussions here of provincial and district governance seek to illuminate.

1.3 Methodology and approach

Nangarhar was chosen as one of three case studies, based on its economic, political and social distinctiveness and importance but also due to a relative lack of research on the east (particularly as compared to Afghanistan's other regional power centres: Mazar, Kabul, Herat and Kandahar). Nangarhar illustrates perhaps most clearly the ways in which the introduction of an outsider (in this case, Gul Agha Sherzai's appointment as governor) into the existing political order can disrupt and challenge local political dynamics. The case study seeks to examine this in the context of the broader political dynamics of the province, the strategies various other power brokers at multiple levels employed and how this impacted the ways in which ordinary citizens sought to gain access to services and state resources.

This study draws upon approximately 75 interviews conducted in Nangarhar province and Kabul from June through December 2013. The majority of these were semi-structured interviews with key informants including parliamentarians, Provincial Council members, Governors, Ministers, District Governors, civil servants and government employees, youth and human rights activists, broader civil society actors, business people and aid workers. These interviews focused on building understanding of the role of key actors, both within formal government structures and outside of them, and the role of the formal state as well as individual power brokers in limiting or enhancing access to public goods and economic opportunities. Public goods here are less about basic services, as many of these are provided by non-governmental organisations (NGOs) and the UN rather than directly by the government, and more to do with security, dispute resolution and access to livelihoods opportunities.

In addition to interviews in Jalalabad and at Torkham border, three Nangarhar districts were selected for closer examination (Sukhroad, Rodat, and Dari Noor). The aim of research undertaken at the district level was to understand the ways in which the de facto and de jure state functions in the districts. The relations between districts and the provincial government in Jalalabad and their links, through line ministries or other means, to the central government in Kabul were also examined. The security of researchers and those interviewed constrained the choice of districts, regrettably limiting the available options. Ultimately these districts were chosen to represent as broad a spectrum of scenarios as possible, taking geography and location, ethnicity, economy and political factors into consideration. Both semi-structured focus group discussions and interviews were undertaken, with informants both within formal state institutions (i.e. district governors, police, teachers) and as outside of them (i.e. business people, aid workers, farmers, traders, religious figures).

A wide array of secondary data and analysis was drawn upon, including official statistics, news articles, field reports, historical materials and grey literature. However, the lack of reliable data in verifying claims and discrepancies was a major obstacle in pinning down 'facts' pertaining to even the most basic

matters. Without a census, for example, claims of Jalalabad's population range from 180,000 to 1 million (see Giovacchini, 2013 for more detailed figures). When it came to matters of politics and power, this became predictably thornier. To some extent, the accounts produced by interview subjects are reproduced with a view not to determining 'fact' but to understanding the motivations and factors that shaped these occasionally disparate narratives.

Another challenge was terminology. Phrases like 'warlords', 'strongmen' and 'power brokers' pervade the literature on governance and politics perhaps nowhere as much as in the work on Afghanistan. Figures that have been described as such loom large in this analysis, and in Afghan politics as whole. However the frequently imprecise application of these terms has diluted their relevance. With reference to the Afghan context, Giustozzi (2009: 5) defines a warlord as a 'charismatic and patrimonial leader with autonomous control over a military force capable of achieving/maintaining a monopoly of large scale violence over a sizeable territory' and characterises them as having 'little or no political legitimacy' but 'exercising patrimonial political power over such territory where central authority has either collapsed or has weakened or was never there in the first place.'

Giustozzi's definition of warlord does not, at present, apply to any of the figures that dominate the political landscape in the east. There is a case to be made that the evolution of these figures from wartime to the post-2001 period has rendered some of this terminology outdated (or, at least, it has not sufficiently adapted to keep pace with events on the ground). Such terminology has effectively obscured the ways in which they have seized state power, achieved a degree of political legitimacy and play an important role in the formal economy. Many are no longer simply *mujahedeen* or strongmen; they are provincial governors, ministers of state, international businessmen and entrepreneurs. They possess more power than they ever did during the previous wars yet their role in the current government was gained by leveraging stature, power and resources gained through violent conflict. Much has been written in recent years on hybrid governance; if anything, many of the figures that loom large in Nangarhar's provincial politics are its physical embodiment: hybrid government officials.

As a result of this frequently muddled ground, careful attention is paid to the use of this terminology. In agreement with Giustozzi and Ullah (2007), Sherzai is described as a 'strongman' given his past and present inability to mobilise what can be considered a sizeable, autonomous force. Other figures (some of the Arsala brothers and Hazrat Ali, for example) have followed a similar trajectory from gaining stature through war and leveraging it into 'legitimacy' during the post-Taliban period. They are referred to as 'former commanders' where this role is relevant to the narrative.

2 Nangarhar in historical and national context

2.1 Origins and early history

Jalalabad sits at the mouth of the Kunar and Laghman valleys along the Safed Koh Mountains, on the route to Chitral and India north of the Khyber and on the Kabul-Peshawar route. Due to its location, Jalalabad has long held regional commercial, military and political importance. Links with Pakistan are evident in nearly all aspects of life: the most commonly used currency is not the Afghani but the Pakistani rupee, imports from Pakistan dominate local markets and many residents routinely travel to Pakistan for work, to trade, to visit relatives or to seek medical care. In recent years, the US has played a pivotal role in the east with military presence and concentrated efforts to eradicate opium cultivation. Within Afghanistan, Jalalabad has long been seen as little more than a 'secondary centre...sandwiched between the greater urban centres of Kabul and Peshawar' (Barfield, 2010: 104). Despite its historical role as the staging ground for larger battles and the impact of external players on local affairs, Jalalabad and broader Nangarhar is the centre of the eastern region's political, social and economic life.

There are few written histories of Nangarhar and much remains orally transmitted. The first known settlement in the area was Hadda (also known as Nagarahara), 8 km south of modern day Jalalabad. From the second century, Hadda was a prominent centre of Buddhist religion, culture and arts and it attracted many pilgrims. Jalalabad was formally established in 1507 as Adinpura, a trading outpost on the route through the Khyber Pass. It remained part of the Mughal empire until the mid-1700s, when the Persian King Nader Shah conquered the territory. Ahmad Shah Durrani, the founder of the modern Afghan state, took Jalalabad in 1747 and used the city as a base for his military incursions into India.

With little unity across Afghanistan through the 19th century, the broader east was ruled by various strongmen. Internal struggles left the country vulnerable to external forces and Jalalabad's strategic importance grew with the pursuit of the 'Great Game'. British forces invaded Jalalabad in 1838 during the First Anglo-Afghan War but the territory did not remain under their control for long. Growing unrest and resistance to British rule erupted in rebellion in Kabul in November 1841, with the retreat of 4,500 British forces and 12,000 camp followers (few of which survived) towards Jalalabad and on to Peshawar in early 1842 (Hatch-Dupree, 1975). Jalalabad would be the setting for some of the final battles of the war before the British withdrawal through the Khyber Pass.

As with the British defeat, Jalalabad would set the stage for the downfall of King Amanullah in 1929. The King's liberal reforms provoked protest nowhere so much as in the conservative east. The uprising of the Shinwari in Jalalabad in September 1928, springing from the arrest of two men carrying a petition against the King's westernising policies, resulted in hundreds of deaths (undoubtedly many killed by the government's aerial bombardment) and stoked the fire of rebellion. British cables reported that the rebels demanded 'the recall of 15 Afghan girl students recently sent to Turkey and cancellation of orders about female education, wear[ing] European dress [and] abolition of veil' and pronounced that 'nothing short of dethronement of King Amanullah will satisfy the tribes' (UK government cable, 1928). By early December, eastern mullahs declared the King a *kafir* (infidel) and demanded his dethronement (*Times*, 1928). Fighting soon spread from Jalalabad to Charikar, Dakka and, by mid-December, to Kabul. Amanullah abdicated and fled the country weeks later. After his death in Switzerland in 1960, he was laid to rest in a mausoleum in Jalalabad city.

As in previous conflicts, Nangarhar became a staging ground for the resistance during the Russian occupation. The war with the Soviets and subsequent civil war profoundly disrupted existing power structures and radically transformed the political landscape. The old order of the landed elite was

largely displaced and disrupted, with many of these families fleeing to Kabul or Pakistan, as the *mujahedeen* grew in power and strength. These *mujahedeen*, and the alliances fostered through the war, continue to dominate the political, economic and social landscape of the east.

2.2 Russian occupation, civil war and Taliban rule

During the Saur revolution (1978), KHAD (Khadamat-e Aetela'at-e Dawlati, the national security agency) targeted many of Nangarhar's businessmen, educated elite, university students, religious figures and influential families. Significant aerial bombardment of the east started even before the Russian invasion and continued throughout the war, devastating much of the countryside. For the Soviets, the rationale for making the east a military priority was based on its proximity to the border with Pakistan and to Peshawar, where the *mujahedeen* groups were based (Maley, 2002). Figures and records are contested and incomplete but survivor accounts describe brutal massacres and battles that killed untold numbers of civilians: villagers estimate that 180 civilians were killed in a siege on the *mujahedeen* stronghold of Dari Noor in March 1986 and over 500 in neighbouring Laghman province in April 1985 (Laber and Rubin, 1988). Many in Nangarhar fled over the border to Pakistan for safety.

Three brothers – Abdul Haq, Abdul Qadir and Haji Din Mohammad – rose to prominence during this period and were later dubbed 'resistance royalty'. The Arsala brothers descend from an esteemed Pashtun family (the Arsala Khel of the Ghilzai branch, Ahmadzai tribe, Jabbarkhel sub-tribe) that has held government positions dating back over 150 years. However it is through their involvement in the war against the Russians that they were able to leverage significant political and economic influence after the fall of the Taliban government.

The youngest of the three was born Humayoon Arsala in 1958, but adopted the *nom de guerre* Abdul Haq ('servant of justice') during the fight against the Russians. He is described as one of the most charismatic *mujahedeen* commanders, earning him the somewhat derogatory nickname of 'Hollywood Haq'. Haq was arrested and sentenced to death after a failed plot against the government in 1978; his family later reportedly paid a \$7,500 bribe to secure his release (Kaplan, 2001). Hardly dissuaded from the cause, he travelled to Pakistan and then to Paktia to join the forces being led by another emerging *mujahedeen* commander, Jalaladin Haqqani.

He returned to Jalalabad a few months later, just prior to the Russian invasion, to set up his own resistance front and fight alongside his brothers in the east. The eldest of the three brothers, Abdul Qadir, would fight with both Hezb-i-Islami Khales (HIK) in Shinwar district and the Northern Alliance in Kunar province. By the time Haq returned to the east, his other brother Haji Din Mohammad had joined HIK, one of the two most powerful Afghan resistance organisations at the time (the other being Burhanuddin Rabbani's Jamiat-i-Islami). Din Mohammad would serve as deputy of HIK, running the day-to-day operations under the group's spiritual and moral leader, a schoolteacher from Khogyani district named Maulavi Khales.

When Haq announced his plans, Din Mohammad and Khales discouraged him from setting up his own front in the east. Haq left for Kabul, furious, and instead established a front there.¹ Alongside Ahmad Shah Massoud and Jalaladin Haqqani, he became one of the most prominent *mujahedeen* commanders. In the glowing accounts written of him – and there are many – Haq appears as the rebellious outsider (often bristling against the conservatism and self-interest of his brothers), a charismatic and intelligent commander who disdained the self-interest and political machinations of his contemporaries and possessed a reputation as a fearless fighter.

In March 1989, a month after the end of the Soviet withdrawal, Jalalabad was the focus of an ill-advised and poorly planned *mujahedeen* attempt to capture a major Afghan city. Pakistani security forces drew

¹ Phone interview with Afghan politician, November 2013.

up the plan in an attempt to form a power base for a credible alternative government to Mohammad Najibullah's regime in Kabul. The assault and subsequent siege were a prolonged disaster for the *mujahedeen* and contributed to the US disengagement from Afghanistan (Dorransoro, 2005). An estimated 12,000 to 15,000 people were killed in the fighting – including the wholesale massacre of defectors and prisoners of war – and the city was decimated, but the government remained in control (Ahmad, 1989). Jalalabad would not fall until after the collapse of the Soviet-supported national government in 1992.

From 1993, Afghanistan was divided into regional fiefdoms with the east controlled by a loose coalition of *mujahedeen*, the Nangarhar *shura*. The *shura* was led by Haji Abdul Qadir and governed from Jalalabad. The city fared better under the *mujahedeen* government than many other parts of the country in that it enjoyed a modicum of stability. Qadir brought a return to the prosperous cross-border trade as well as support for opium cultivation and the presence of al-Qaeda (he is believed to have personally approved Osama bin Laden's stay after his return from Sudan in the spring of 1996) (Perlez, 2011). Qadir maintained positive relations with Rabbani and Gulbuddin Hekmatyar in the Kabul government and Jalalabad was used as a neutral location for meetings between warring *mujahedeen* factions during civil war, but Qadir remained primarily concerned with local affairs (Gille, 1994).

However the *shura's* remit did not extend much further than the provincial capital. The rest of the province was divided up and ruled by a variety of local commanders. The road to Kabul was plagued with banditry and checkpoints run by myriad local commanders. At one point, the roughly 80 km road from Jalalabad to the Torkham border crossing into Pakistan was controlled by five different commanders, each demanding their own taxes and occasionally going to war with one another. Similarly, line ministries – to the degree that they functioned at provincial level – were divvied up among factions. Military equipment, including tanks and airplanes, was dismantled and sold for scrap or smuggled and sold in Pakistan. Land grabs became rife, with these conflicts acting as a proxy for larger power struggles among the various factions. In the rural territories controlled by various commanders, *mujahedeen* collected *osher* (harvest tax) and other unofficial 'taxes' and compelled villagers to feed their men.

The Taliban captured Jalalabad relatively bloodlessly in September 1996, gaining the support of a number of key local commanders in Hisarak and other strategic districts. Most of the Nangarhar *shura*, including Qadir and Din Mohammad, fled to Pakistan before the Taliban advance. Taliban rule brought freedom from the extortion and crime that was so prevalent under the *mujahedeen* government, yet many bristled under the Taliban's strict rule and migrated to Peshawar. Education and work for women were forbidden, although some NGOs operated secret girls' schools within the city. Hadda and nearby Tora Bora were used as bases for the 'Afghan-Arabs' who fought with the Taliban, many with links to *jihadi* organisations such as al-Qaeda (Rashid, 2000).

2.3 Post-Taliban period

The fall of the Taliban in 2001 provided an opportunity for the Arsalas to reassert their dominance in the east. After 11 September 2001, Abdul Haq returned to Peshawar. Frustrated with *mujahedeen* infighting Haq had left for Pakistan and then for Dubai in 1999, after the Taliban murdered his wife and child. Haq hoped to unite the eastern Pashtuns in a rebellion against the Taliban. Already an enemy of the Pakistan government's Directorate for Inter-Services Intelligence and lacking any western backing (the CIA reportedly considered him 'unruly' and 'unwilling to be directed'), his return to Pakistan and trips to eastern Afghanistan were extraordinarily risky (Rashid, 2009: 88). Legend has it that he entered Afghanistan unarmed on a white horse on 21 October 2001 (Rashid, 2009). Four days later, Haq was captured by the Taliban in Logar province, taken to Kabul, tortured and hanged.

Jalalabad changed hands again in November 2001; Khaled reportedly personally negotiated the peaceful transfer of power from the Taliban governor, bin Laden and others to Abdul Qadir (Weaver,

2005). Taliban officials drove out of Jalalabad soon after and bin Laden fled with his men to the mountains on the border. Qadir allegedly received extensive funding from the CIA to mobilise Pashtun fighters against the Taliban, but the province was anything but secure, exacerbated by the rivalry between two *mujahedeen* commanders: Hazrat Ali and Haji Zaman Ghamsharik. The road between Kabul and Jalalabad was highly insecure and there were frequent attacks on aid convoys along the road between Jalalabad and Peshawar.

Another Arsala brother, Haji Baryalai, also returned to the east and established an organisation in memory of Abdul Haq, to whom he had served as an advisor during the Russian occupation. The Abdul Haq Foundation, together with the People's Advisory *shura*, aimed to mobilise traditional and informal leadership in the east in the spirit of Abdul Haq's hopes for bringing the tribes together and establishing peace in the region. Baryalai's work with the tribal leadership also ensured the alliance of these elders to the Arsalas, which his brothers were then able to leverage to increase their power relative to Kabul.

Qadir, Din Mohammad and others are widely believed to have cultivated extensive links to the drug trade (Shahzad, 2002). By 2004, Nangarhar was a close second to Helmand in extent of poppy cultivation and the source of nearly a quarter of opium poppy cultivated in the country (UNODC and Counternarcotics Directorate, 2004). Yet Qadir had a powerful patron in Hamid Karzai, for whom he was instrumental mobilising the support of rural Pashtun communities in the east during the 2002 Loya Jirga. Following the Loya Jirga, he was named as Minister of Public Works and a Vice President of the interim government. He was assassinated in Kabul less than a month later. After Qadir's death, Din Mohammad was appointed Governor of Nangarhar and another Arsala brother active in the *mujahedeen*, Hedayat Amin, was appointed to the role of Vice President.

Other key eastern *mujahedeen* reasserted themselves. These included Hazrat Ali, who became the quasi-official police chief under the interim government. After the fall of the Taliban, he took control of large swathes of Jalalabad and his men were accused of widespread looting and criminal activity. He was given significant funds from the CIA and US Special Forces in the early post-Taliban years; at its height, his militia was reportedly 18,000 strong.² Haji Zaman Ghamsharik, rival of Ali, assumed the role of provincial defence chief. Ali and Zaman – together with Qadir's son, Haji Zahir Qadir – led the botched operation supported by US Special Forces to find Osama bin Laden at Tora Bora. Both Ali and Zaman are alleged to have committed gross human rights abuses during this period. Ali and Zaman, in several instances, nearly went to war with one another over territory and over who truly controlled 'security' in the province (Baidar, 2005). In many ways, this was a replay of the Nangarhar *shura* period during which they repeatedly challenged one another's authority and territorial control. Ali eventually won. In 2002, Zaman fled to France after being accused of masterminding Qadir's assassination (apparently in retaliation after Qadir's men attempted to run him out of the province). Ali was officially appointed as the Nangarhar police chief the following year. He was removed in 2004 and elected to the Wolesi Jirga in 2005.

In the east, the international community's efforts have prioritised security and poppy eradication. US forces, falling under the command of the NATO-led International Assistance Forces after 2006, have played a pivotal role in Nangarhar, with a heavy presence of US military and Special Forces as well as civilian aid officials. In the early years, US forces provided significant bilateral support to individual commanders (as in the case of Ali). This began to change around 2004, with the establishment of the Nangarhar Provincial Reconstruction Team (PRT). With the PRT, support became more formalised and project-focused; the military began to pursue basic infrastructure and quick impact projects in an attempt to fill the gap in state authority and service provision. Nangarhar's opium problem – particularly from 2004 to 2007 – and declining security have ensured that it received significant amounts of military and non-military aid, relative to more secure provinces (see Hodge, 2012). The Nangarhar PRT

² Interview, Jalalabad, July 2013.

devoted hundreds of million of dollars to stability programmes, concentrated around major roads and populations centre as well as in the more insecure southern loop districts bordering Pakistan (stretching from Hisarak in the southwest to Lal Pura on the eastern side). With the military surge in 2009 and 2010, funding for 'hearts and minds' activities intensified. At least nine District Support Teams (DSTs) were set up, mimicking the PRT structure at district level and aiming to extend the reach of nascent district government, alongside an Agribusiness Development Team to support local agriculture.

The impact of these projects and broader US military presence has gone well beyond building roads and providing security. Across the country, they led to the creation of what de Waal (2009) terms a 'rentier political marketplace' characterised by pervasive rent seeking in both the economy and the political sphere where both sovereign and intermediate elites compete for access to resources supplied by the international community. The access to resources that this massive influx of money has provided has ranged from the establishment of private construction and security firms and rent seeking by government officials and informal power brokers through the project approval and implementation process. It has created a system of winners and losers, with those able to gain US backing able to strengthen their position vis-à-vis their rivals. The lack of coordination among donors and initiatives has worked to their advantage, allowing them greater reign to manipulate international support and capture revenue streams. This is true both among major power holders, such as Sherzai and Ali, as well as at the local level among village rivals or competing tribes.

3 Provincial politics and governance

On paper, the Afghan government is among one of the ‘most centralised in the world’ (Nixon and Ponzio, 2007: 32). In practice, however, important centres of power exist at the regional and provincial level and the central government often finds itself in competition with the regional strongmen. De facto power relationships and systems must be considered together with the de jure government; discussions of ‘formal’ and ‘informal’ governance have a tendency to see them as largely separate systems which can obscure the networked and interdependent relationship between the two.

This section aims to provide a picture of formal government institutions and their mandated role as well as the reality of how they work in Nangarhar, alongside what are often termed ‘informal’ or ‘traditional’ structures. It begins with an outline of the formally mandated institutions, and their roles, at provincial level. It then continues where the preceding chapter left off in exploring the personalities and dynamics that have dominated provincial politics and governance in recent years.

3.1 Provincial government institutions

The provincial governor (*wali*) is appointed by the Independent Directorate of Local Governance (IDLG), a government body tasked with high-level subnational appointments upon the recommendation of the President. The governor is described in Afghan law as the ‘chief executive’ of the province, with the mandate to coordinate line ministries and chair various committees. The governor is responsible for district governors, although they too are technically appointed by IDLG. In theory, governors have no control over appointments to line ministries or other provincial government offices nor do those offices answer in anyway to the governor. The governor is not mandated to create policy and does not have official authority over the revenues collected in the province.

A central figure in subnational governance since the time of Zahir Shah, the provincial governor is responsible for managing the province and representing central state authority beyond Kabul. Nixon (2008) sees the modern iteration of the provincial governor as the ‘subnational locus of a “government of relationships” that reaches to the district and below’ (2008: 15). Then as now, the influence of governors is strongly shaped by their relations with power brokers at national level, within the provincial capital and at district and village level. These relationships depend on local legitimacy (roots within tribal or community structures) and the degree to which they are able to provide for these constituencies through their ability to capture or control resources.

Like governors, Provincial Councils have also long been a feature of subnational governance. They were first given formal recognition in the 1923 Constitution. Members of the Provincial Council are elected – making them the only formal subnational government structure with elected membership – every four years, concurrently with the Presidential elections. The number of council members is determined by provincial population, with a quarter of the seats reserved for women and two members serving in the Meshrano Jirga. The constitution lays out the mandate of Provincial Councils as entailing participation in development activities as well as advising the provincial administration and representing the interests of the population.

The 2005 Provincial Council law was meant to clarify the function of the councils but confusion persists; a new Provincial Council law was approved in January 2014. Both laws articulate their two core objectives as to monitor development activities in the province and provide oversight for the provincial governor’s office. However, they are resourced inadequately for the task, lacking an independent budget, and there is no obligation within the role of governor that corresponds to the council’s oversight role. Consequently, the role of Provincial Councils varies from province to province and is influenced by the degree to which members rely on the governor for resources and support. Activist Provincial Councils with a greater degree of autonomy from the governor can play a powerful role in the affairs of a

province while passive councils do little more than attend the mandated coordination meetings in the capital.

There are various committees and consultative bodies at provincial level, with the two most prominent being the Provincial Development Committee (PDC) and Provincial Administrative Assembly (PAA). The PDC is responsible for creating a provincial development plan (PDP) and comprises the major line ministries, PRTs, the UN, NGOs and Provincial Council members. The PAA, chaired by the governor and comprising the heads of line ministries, is responsible for monitoring the implementation of the PDP. In practice, the priorities and programmes laid out in the PDP rarely synchronise with the allocations made by ministries in Kabul and the impact of the PAA's monitoring role is consequently limited.

Line ministries are represented at provincial level and, to some extent, in the districts.³ The degree to which they are able to meet the needs and expectations of Nangarharis is deeply constrained. In theory, the budget of provincial and district offices depends on requests made by the provincial line ministries. In practice, budgets have often been handed down from Kabul with little consultation or apparent consideration of provincial requests. The diffuse nature of service delivery at the provincial and district level, with each ministry following different processes, further complicates matters. A proposed – but yet to be approved – revision to the provincial budgeting process (which underwent a pilot phase in 2013-2014) would alleviate some of these problems and introduce a more needs-based approach to allocations.⁴ At present, the vast majority – 85% in 2009-2010 – of Nangarhar's provincial government budgets is spent on salaries and operations, leaving little to fund programmes and provide or maintain services (SIGAR, 2010).

The bodies that govern civil service appointments are relatively weak. The Independent Administrative Reform and Civil Service Commission (IARCSC) is responsible for appointing senior-level civil service officials and supervising the appointment of junior-level officials. Donors at the Bonn conference pushed for a merit-based technocratic civil service commission but encountered significant resistance from Afghan factions that wanted a division based on factional allegiances (Parkinson, 2010). The result was a compromise between the two, evident in the mixed outcomes of IARCSC's attempts at reform and merit-based appointment. While the IARCSC administers various tests for positions and oversees vetting for provincial and district civil service positions, these processes exist alongside an informal scale of bribes and a network of relationships that are key to securing government positions.

³ The representation of line ministries at district level is determined by the grade of districts, varying from only a few to around 20. There are three district grades, determined by size and population.

⁴ The development of a provincial budgeting process is also a key indicator agreed by the Afghan government and international community in the Tokyo Mutual Accountability Framework.

Box 1: Nangarhar's political parties

The most influential political parties in the east, both formal and informal, are rooted in the alliances and power bases cultivated during the Russian occupation and civil war.

Hezb-i-Islami Afghanistan (HIA) grew out of a *mujahedeen* party, Hezb-i-Islami (later Hezb-i-Islami Gulbuddin, HIG), founded in 1977 by Gulbuddin Hekmatyar. While HIG continues to fight against the government as part of the insurgency, HIA is a formally registered party with membership that includes numerous high profile politicians (including Din Mohammad and Attaullah Ludin).

Hezb-i-Islami Khaled (HIK) was established in 1979, after Khaled split with the main Hezb-i-Islami faction (which would become HIG). Abdul Qadir was affiliated with the party but its membership has waned with its allegiances lying with the Taliban. Khaled's son, Anwar ul Haq Mujaheed, led a more extreme anti-government faction, the Tora Bora Front, with a power base in Khogyani district.

Naween and *Jamiat-i-Islami Afghanistan* (JIA), the closest formal political parties to what was the Northern Alliance, both back the *United Front*, established in 2007. These parties do not enjoy widespread support in Nangarhar, outside of the Pashayee population Dari Noor and Khewa districts. Hazrat Ali, the leader of the Pashayees, fought with the Northern Alliance during the civil war; until 2004, he was affiliated with JIA but thereafter was allied with *Naween*.

Two other factions enjoy modest support: *Dawat-i-Islami Afghanistan*, led by former *jihadi* Rassoul Sayyaf, and the *Afghan Millat* party, which is a strongly pro-Pashtun party with no explicit *jihadi* links. Leftist parties have a small presence.

Similarly, IDLG, which was created in 2007 and governs provincial and district governors, Provincial Councils and municipalities, has attempted to introduce reform measures. In the process, it has encountered formidable resistance from those power brokers who would use such appointments to strengthen their position. It has only had partial success, largely limited to appointments seen as peripheral or unimportant. As van Bijlert surmises, official 'selection processes are followed until they are interfered with (by those who can), while political and patronage considerations continue to be paramount' (2009: 13).

At the national level, Nangarhar is represented with 14 seats in the Wolesi Jirga ('House of the People', lower house) and five seats in the Meshrano Jirga ('House of the Elders', upper house).⁵ Members of the Wolesi Jirga are elected, while members of the Meshrano Jirga are either appointed by the president or selected through internal elections after being elected to Provincial Council. Alongside Haji Din Mohammad (appointed by Karzai in 2010), Fazil Hadi Muslimyar is the most influential Meshrano Jirga member from Nangarhar and currently speaker of the house. He was elected to the Provincial Council in 2005 and again in 2009 before being selected for the Meshrano Jirga. Muslimyar is from Chaprahar district and a staunch critic of Sherzai. Lutfullah Baba (a wealthy business from Rodat district), Haji Mohammad Essa Shinwari (a respected tribal elder from Shinwar district and ally of Haji Din Mohammad) and Said Ahmed Gailani (the founder of the *Mahaz-i-Mili* party and a former *mujahedeen*) round out the representation for the province.

Wolesi Jirga members have diverse backgrounds and political interests, though Nangarhar's representation is dominated by former *mujahedeen* figures. The most prominent are Hazrat Ali and Haji Zahir, and alongside them are several former HIK or other party-affiliated *mujahedeen* fighters and tribal elders, including Faridoon Mohmand and Amir Jan Dawlatzai. Mohmand and fellow member of Parliament Mirwais Yasini have been particularly outspoken in their attacks on Sherzai. The remainder of Nangarhar's Wolesi Jirga members are a mix of former NGO workers, government employees and businessmen, and the composition of Nangarhar's representation is most notable for the underrepresentation of the chronically marginalised southern loop districts.

⁵ The Meshrano Jirga members are comprised of one-third appointed by the president and two-thirds through indirect elections of Wolesi Jirga and Provincial and District Councils.

With the 2009 Provincial Council and 2010 parliamentary elections, the composition and character of Nangarhar's elected officials changed significantly. This shift followed an overall trend of mainly second tier strongmen and commanders seeking legitimacy and access to resources through government office in this second round of elections. Only two of the members elected to the Nangarhar Provincial Council in 2004 were re-elected in 2009, and a similar trend was evident in Wolesi Jirga elections. A current Provincial Council member described their driving motivation: 'Their interest is not to help people, but to make themselves stronger ... they don't need the Provincial Council – they have guns, they have guards, they have power – but it gives them legitimacy and they can stop anyone who tries to interfere in their business dealings or that of their associates.'⁶

3.2 Provincial governance in Nangarhar

Governor appointments are used by Kabul as a means of co-opting regional strongmen, more often than not consolidating rather than contesting an established order. For the Karzai government, the appointment of provincial governors, ministers and other key positions was from the outset the 'most important tool in the arsenal of the Afghan government' for cultivating the secondary political settlements integral to creating a viable state. Some more technocratic appointments have been made, but this has largely been limited to provinces where there are few resources to capture and where the overriding priorities of the international community (stabilisation, counter-insurgency and counter-narcotics) are less of a concern (Nixon, 2008). While political in nature, 'licit and illicit resources and revenue extractions are central to these bargaining processes' (Goodhand and Mansfield, 2010: 3). There is a significant overlap between the provinces that most strongly exhibit these dynamics and the availability of resources, many of which have been co-opted by strongmen with relative ease. Many of these provinces border Pakistan, with heavy cross-border trade, and had or continue to have high levels of foreign troops has meant a significantly higher distribution of aid money as well as a host of other opportunities for revenue generation, from construction to the outsourcing of security and logistics.

The vaguely defined roles of subnational government positions and offices have unwittingly enabled the negotiation of national and subnational bargains. Corruption within the system and the highly centralised control of government budgets and decision-making power has effectively disempowered those who 'play by the rules' relative to those with an external power base and access to resources outside the system. Though it extends to all levels of government, the role of the provincial governor is a case in point. The governor's remit is extremely limited, reflected not least in the resources officially allocated to the governor's office. Without external relationships and access to resources outside of the formal governance structure, the governor is heavily reliant on line ministries in Kabul and the goodwill of local officials to govern and provide services. Strongmen have consistently sought to work around this system, using their coercive and financial power to compel government employees and institutions to act according to their will. They have used this power to capture resources (with customs revenue often being a critical revenue stream) to build and maintain their authority through patrimonial relationships. The slow pace of highly centralised and bureaucratic government systems, and the frequent corruption within the government, can make a strongman's way of doing things appear responsive and effective by comparison. While official processes may take months for more technocratic actors, for example, to replace an ineffective district governor or receive a long-promised line ministry budget allocation, a strongman can often compel better performance from a civil servant through a phone call or a visit from one of his deputies, or he can distribute cash (often obtained illicitly) to cover the budget shortfalls and fund development projects.

These secondary settlements also play out through elections. Political parties are mainly organised around ethnic lines and have not been able to capture significant political power or influence (Larson, 2009). Although the number has since increased, only five parties were legally registered during the

⁶ Interview with Provincial Council member, July 2013.

September 2010 parliamentary elections. In Nangarhar, as with elsewhere in Afghanistan, political parties play a limited role (see Box 1). For many parliamentary and Provincial Council candidates, being elected depends on power that must be mobilised through informal relationships, either with Karzai or key power brokers. While parliament is given relatively strong powers in the constitution, Karzai has cultivated strong support among its members (using appointments to the Meshrano Jirga to placate adversaries and reward supporters) and it has only rarely contested his authority.

These secondary settlements are volatile. They depend on a central political settlement agreed between the top-tier ruling elites – itself unstable – and Kabul’s relationships with secondary players at the regional level. They are continually contested and reworked; elections and new appointments can dramatically change the composition of bargains at the local level. Through the lens of participation in government, the key struggles at provincial level have often occurred between the provincial governor, members of the Provincial Council and, to some extent, Members of Parliament. Where there is a dominant figure, usually the governor, secondary bargains are often characterised by (temporarily) stable resource-sharing arrangements with local power brokers. Where the governor appears weak or faces competition, the vaguely articulated formal role of the Provincial Council in providing oversight has, as in Nangarhar, provided cover for Provincial Council members to undermine or contest a governor’s power. In a situation where the political settlement is contested, shifting alliances are negotiated and renegotiated on an ongoing basis. When mutually beneficial, rivals cooperate. This takes one of two forms: collusion, generally covert, and alliances which are formed when personal gain is to be had. Both forms of cooperation are highly fluid. Those that ally at opportune moments may just as easily oppose one another in later power struggles, as dynamics in Nangarhar illustrate.

3.3 The ‘Bulldozer’: Gul Agha Sherzai

To understand the tactics and approaches pursued by the most recent governor of Nangarhar, Gul Agha Sherzai, one must begin in Kandahar. Sherzai was born in Kandahar, the son of a minor Mahaz-i-Mili commander and small businessman. During the Najibullah regime, he served a commander for Mahaz-e-Mili and under the *mujahedeen* government, from 1992 through 1994, as Governor of Kandahar. In 2001, he received US military support to unseat the Taliban government in the province. When the city was then handed over to Karzai and Mullah Naqibullah, he threatened to mobilise his forces against them. Karzai acceded to his requests for fear US Special Forces would intervene in support of Sherzai (Giustozzi and Ullah, 2007).

While US funds allowed him to achieve a position of dominance over his rivals while members of his own tribe were elevated to key government positions, he needed alliances beyond his own tribe (the Barakzais). As a result, he sought the allegiances of the Popolzais and Alkozais, as well as the Panjpai tribes, and allies from these tribes to varying extents received government positions. Others, notably the Ghilzais, were marginalised. While he initially took a somewhat conciliatory attitude toward Taliban fighters, his security apparatus became notorious for their abuse, torture and summary execution of former Taliban figures (Gopal, 2010).

Spin Boldak Customs House, where many years prior he had been a Customs Officer, was a main source of revenue. Until his removal in 2003, Sherzai reportedly kept most of Kandahar’s customs revenue (rather than sending it onto Kabul) netting him an estimated \$8 million a month (Forsberg, 2010). He levied taxes on local businesses and traders. He continued to benefit enormously both financially and in terms of political legitimacy from close relations with the Canadian PRT and US Special Forces. Sherzai family members established lucrative businesses in everything from taxi services to construction companies. At one point, the Sherzai family interests ranged from providing the gravel used by the PRT to the leasing of Kandahar airfield to international forces (Forsberg, 2010).

In August 2003, Sherzai was removed as governor and appointed as Minister of Urban Affairs. Kabul was frustrated in its attempts to compel Sherzai to hand over customs revenue and his power had

waned, in large part due to the manoeuvrings of his main rival: Karzai's brother, Ahmed Wali Karzai (Giustozzi and Ullah, 2007). Sherzai's power relative to Karzai and the central government in Kabul has always depended on the magnitude of the threat he has posed to their control (as opposed to the favours he could grant them). With Sherzai's power successfully challenged by Ahmed Wali in Kandahar (who received substantial support from the CIA), he could be safely removed. Sherzai was briefly re-appointed as governor in Kandahar in early 2005 but with the loss of customs revenue and his alliances weakened, his position vis-à-vis Ahmed Wali (who was elected chair of the Provincial Council in 2005) continued to decline.

When Sherzai arrived as governor in Nangarhar in 2005, he lacked the local legitimacy and relationships he relied upon to govern Kandahar. The approaches pursued by the previous governor, Haji Din Mohammad, and those pursued by Sherzai present a study in contrasts. The Arsalas have strong tribal roots in Nangarhar and have held prominent government appointments dating back over a century. As the deputy of HIK during the Russian occupation, Din Mohammad has impeccable *mujahedeen* credentials – much more so than Sherzai. While there was rivalry with lesser warlords, such as Hazrat Ali and Haji Zaman, neither possessed the power or resources to seriously contest Arsala dominance in Nangarhar. Resources among the key power brokers, similar to the Nangarhar *shura* period during the civil war, were distributed in such a way as to enable a fairly stable political settlement. Little development occurred but the province remained relatively secure. This changed in the spring of 2005 with mass protests that erupted in Jalalabad. Some theorise that Din Mohammad masterminded the protests to sideline rivals while others pointed to the Khogyani tribe (Mukhopadhyay, 2014). Regardless, Din Mohammad was subsequently removed as governor of the province.

In Nangarhar, Sherzai was forced to build a network of relationships from scratch. Many of the same tactics he used in Kandahar to undercut the Karzai family were applied to building a power base to rival and disempower the Arsalas. He cultivated relationships with commanders, including Hazrat Ali, as well as elders and tribes, like the Shinwari, that had been excluded by the Arsalas.⁷ He strengthened the position of key *maliks* and created his own system of new *maliks* to oppose ones who would not be co-opted. He in turn boosted the status of these *maliks* with their rural constituencies through development projects and his influence over line ministries.

Sherzai leveraged his relationships with the rural elite to deliver on key priorities of the international community, such as counter-narcotics. Counter-narcotics policies and programmes, in particular, have 'played a pivotal role in the bargains made between the rural population, local elites, and those vying for power in Jalalabad' (Mansfield, 2013: 13). Elders received cash, in-kind goods and development projects in exchange for publicly pledging to eradicate poppy. While eradication was broadly successful it was not as comprehensive as official reports suggest. There is strong indication that local deals were struck: elders negotiated, on behalf of farmers, how much of the crop was to be eradicated and how much the farmers would keep. Nonetheless, there appears to have at least been a significant and rapid reduction in the amount cultivated. In 2008, Nangarhar was declared 'poppy-free' by the UN.

In a bid to win the goodwill of Nangarharis, Sherzai embarked on a series of public works projects. They focused on populated areas, specifically in and around Jalalabad city, and on projects with visible and immediate results, such as asphaltting main roads in the majority of the province's districts. Public parks were constructed or renovated, such as the Youth Park and the Sarajul Emrart Garden, and mosques and landmarks, including the Provincial Palace, refurbished. By contrast, Din Mohammad was seen to have done little to attract development money or make infrastructure improvements. Sherzai regularly saw petitioners at the governor's compound, solving their problems either through mediation or by simply handing out cash. His popularity steadily grew.

⁷ Multiple interviews, Jalalabad, July 2013, October 2013, December 2013.

This strategy meant that significant resources and new revenue streams had to be captured locally. Tactics from Kandahar were adapted to Nangarhar, with the Torkham Border Gate becoming a key source of revenue. An estimated 35,000 vehicles cross Torkham daily, and the vast majority of those that cross the border are Afghan.⁸ According to Afghan government figures, the taxes collected at Torkham netted 10.1 billion Afghanis (roughly \$174 million) between December 2012 and November 2013.⁹ Sherzai's capture of customs regulation was not a monopoly: a variety of informal taxes are levied and bribes demanded through the process, and it is estimated that mid-rank customs officials pay \$10,000 up front to obtain their positions and a cut of the proceeds goes thereafter to various power brokers. Nonetheless, it was a critical element in his strategy to secure revenues and, given that these revenues were claimed to have gone to public works, popular support.

Sherzai was fairly open about levying illegal taxes. He created a rehabilitation fund, commonly known as the Sherzai Fund, and publicly stated that it was financed by customs revenue and 'taxes' levied on local businessmen. He also created the Sherzai Foundation, which later technically assumed control of the fund. The Sherzai Fund has been used for everything from local power supply projects to meeting ad hoc requests from petitioners and shortfalls in the provincial government and line ministry budgets. A confidential US government report leaked to the press estimated that the 'Sherzai tax' at Torkham nets the governor \$1.5 million to \$4 million per month (Hodge, 2012). A local customs official at Torkham estimated that an average of \$30,000 was collected daily for the Sherzai Fund, amounting to approximately \$900,000 per month.¹⁰

The tax was levied in a fairly structured manner. Truck drivers were required to pay between 8,000 Pakistani rupees and 5,000 Afghanis, or roughly \$75-\$87, per truck. Although no official receipts are given upon payment, the Sherzai tax, given its consistency and stated purpose, was seen as relatively legitimate in comparison to the myriad other taxes and bribes demanded. The central government has exerted continuous pressure on Sherzai to disband the fund but collection of the Sherzai tax did not stop until his resignation in October 2013. When questioned about his refusal to remit these funds to Kabul, he has claimed that he did not trust that the revenue would be equitably redistributed to the province (Katzman, 2013). Even retaining these illegal taxes, Nangarhar was able to remit significant customs revenue to the central government (see Table 1).

Table 1: Annual Nangarhar customs revenue remitted to the central government (in millions)

Year	Target (in AFS)	Target (in USD)	Actual (in AFS)	Actual (in USD)
2005	1,500	25.95	1,800	31.14
2006	2,000	34.60	2,700	46.70
2007	3,500	60.54	3,800	65.73
2008	4,200	72.65	4,500	77.84
2009	6,700	115.90	9,600	166.06
2010	11,000	190.28	10,300	178.17
2011	13,300	230.06	8,600	148.76
2012	8,400	145.30	7,800	134.92
2013	11,400	197.20	10,000	172.98

Source: Afghan government

As he did in Kandahar, Sherzai cultivated close relations with international military forces and leveraged this to his financial and political benefit. The US military saw Sherzai as 'a strong local partner' and a pivotal part of their military strategy: a strongman who could create stability and crack down on poppy

⁸ Interview with customs official, Torkham, January 2014; interviews with truck drivers, Torkham, January 2014.

⁹ Interview with customs official, Jalalabad, December 2013.

¹⁰ Interview with customs official, January 2014.

cultivation (Meyerle, et al., 2012: 82). By contrast, the relationship between the Arsalas and US forces has been fairly antagonistic (Morgan Edwards, 2011). US military forces saw Haji Din Mohammad, Zahir and Jamal as part of the problem due to their alleged involvement in the drug trade. The perception of close links with the Special Forces in particular enabled Sherzai to push through unpopular policies. He was able to threaten military action, as well as law enforcement action, when he encountered resistance from individuals that could not be simply bought off. This tactic was deployed to great effect with poppy eradication. He frequently bragged about his relationship with 'Mr. America' and touted the good things that US forces had done in Nangarhar (Mukhopadhyay, 2009).

The Nangarhar PRT, with significant input from Sherzai, spent vast amounts of money on constructing roads, schools and mosques and numerous other projects. No publicly available, complete records of PRT funding and projects in Nangarhar exist, but a US government directory of projects indicates that over 300 projects were funded by the Jalalabad PRT between October 2005 and February 2007 with a value of over \$22 million. Monitoring and oversight of projects, although since modestly improved, was initially minimal and projects focused heavily on infrastructure. Most projects had a three to six month timeframe and received little on-the-ground monitoring or follow up afterwards. The work of the PRT was heavily facilitated by Sherzai.¹¹ While a project approval board comprising various US military and civilian officials selected projects, a US government official has remarked that 'fortunately, in Nangarhar, there was a strong government at the provincial level that would make decisions and gain the proper support inside each ministry' (Parker, 2008: 14).

There are allegations that many of the construction companies used were either directly connected to Sherzai or required to make a contribution to the Sherzai fund in order to operate. This is a tactic he had used in Kandahar but also one that Din Mohammad and undoubtedly others elsewhere in the country (such as Governor Atta in Mazar) have employed to great success. Tracing the nature and extent of these business interests is often difficult, and the desire of these individuals to occupy office means that they actively conceal these conflicts of interest. Many have profited through collusion or 'unofficially' backing the endeavours of fellow commanders or cultivated new associates through investing in their businesses (Giustozzi, 2005). For businessmen, cultivating relations with Sherzai and other key power holders in government is essential to their survival. It allows them privileged access and opportunities to provide services to the government and they are able to draw upon the support of the governor when they encounter difficulties or opposition. Consequently, there is a powerful dependency between local businessmen and Sherzai, who has the backing of the state apparatus to intimidate any business partners who would resist his influence.

Sherzai's other means of consolidating his access network were less popular, namely land grabs. However his involvement in land grabs is not unique among the political players and power brokers in the east. The practice of grabbing land to undercut rivals as well as for personal enrichment and redistribution through patronage networks dates back at least to the civil war. Nonetheless, Sherzai's strategy worked for a time. In fact, Sherzai's strategy was so successful that in 2009 he announced he would run against Karzai in the presidential elections. Whether Sherzai seriously intended to run or whether he announced his candidacy in order to extract concessions from Karzai is unclear. Either way, his links to the Barakzai tribe in the south and his newly established dominance in the east provided him with a great deal of leverage. Sherzai ultimately withdrew and threw his support behind Karzai but his name still appeared on the ballot; he placed seventeenth out of a field of thirty-eight candidates.

Sherzai's fortunes have changed in recent years and his popularity has waned. Whatever promises Karzai made to Sherzai after dropping out of the 2009 elections do appear not to have been delivered upon. Sherzai also suffered mounting health problems, including reports of at least one stroke around

¹¹ Phone interview with former PRT official, August 2013; phone interview with State Department official, January 2014.

2011.¹² He rarely made public appearances, reportedly travelled to Germany frequently for medical treatment and, when in Jalalabad, was largely confined to the governor's compound with few visitors. Stories of the governor's corruption have long circulated, but have abounded in recent years and their tenor has changed. During a trip to Germany in early July 2012, Sherzai was detained for two hours by the German Customs Police as he tried to enter carrying three briefcases packed with undeclared cash (Hodge, 2012). However, the root of Sherzai's troubles can be attributed, just as with Ahmed Wali in Kandahar, to the emergence of formidable political opposition.

3.4 The re-emergence of the 'resistance royalty': the Arsalas

The political resistance that emerged was led by Abdul Qadir's son, Zahir. Since being elected to Parliament in 2010, he has been Sherzai's most outspoken critic and fiercest rival. Zahir is now deputy speaker of the Wolesi Jirga and leader of his own political party, the Peace Caravan. He opposed the Taliban as a commander and helped lead the Tora Bora operations to hunt down bin Laden. Immediately after the fall of the Taliban, he operated a militia in Nangarhar believed to have engaged in extensive criminal activity, including kidnap for ransom, land grabs and extortion (Human Rights Watch, 2004). He then served as the Frontier Force Commander for Nangarhar and later in the northern province of Takhar, where he was dismissed in 2006. Even afterwards he continued to pay his men's salaries, effectively operating a militia of over approximately 1,000 fighters in the north. In 2007, Zahir's cousin and secretary, Bilal Wali Mohammad, and several associates were arrested, charged with transporting over 120 kg of heroin worth approximately \$3 million. The men were jailed but later pardoned by Karzai out of 'respect' to the Arsalas family; at the time, Haji Din Mohammad (an uncle to both Zahir and Bilal) was serving as Karzai's election campaign manager (Stockman, 2009).

Zahir's brother, Jamal, was elected to the Provincial Council in 2009. Jamal served as the Provincial Council's chair in 2010 and 2011, and leveraged this position to support Zahir's challenge to Sherzai's authority. Long plagued by rumours of criminal activity (including land grabs, theft and attacks on the properties of local businessman and close Sherzai associate, Haji Farooq), he was finally arrested in 2012 on charges of corruption but later released (Felbab Brown, 2013; Hashmi, 2012). Rumours circulate of Jamal's drug use, erratic and violent behaviour and his role in an alleged 'honour' killing of a female relative who fell in love with a man she had not been promised to.¹³ Due to his most recent legal troubles, Jamal has been suspended from the Provincial Council but appears to continue to use the stature of that position in pursuit of personal aims. Reliable Qadir allies still on the Provincial Council include Agha Jan, a cousin of Hazrat Ali and the current chair of the council, along with Ibrarullah Murad, a former *jihadi* commander who served with the border police, and Zabiullah Zmarai.

After Karzai's re-election in 2009, Sherzai's predecessor, Haji Din Mohammad, who served on the High Peace Council was nominated by Karzai as Minister of Tribal Affairs. The appointment was rejected by Parliament and Karzai subsequently appointed him as a member of the Meshrano Jirga. His allegiances have not always lain with Zahir, however, and at various times he has thrown his support behind Sherzai. Din Mohammad's son, Haji Nasrat Arsalas, was elected to the Provincial Council and served as its chair in 2009. Seen as more moderate and restrained than his cousins, his relationship with the Qadir brothers appears strained at times. In 2010, he contested Zahir's election as council chair yet has supported Zahir in various efforts to oust Sherzai.

3.5 The ex-commanders

The most powerful of the enduring ex-commanders is Hazrat Ali, who was elected to the Wolesi Jirga in 2005. Ali is Pashayee (an ethnic minority group), with a power base in the north of Nangarhar. He is described in a US Congressional report as having a 'fourth grade education and a reputation as a bully'

¹² Telephone interview with a UN official, January 2014.

¹³ Interview with Provincial Council member, Jalalabad, July 2013; Interview with youth activist, Jalalabad, July 2013.

(US Senate, 2009: 11). As police chief of Nangarhar, he exercised significant influence beyond this role through his close alliance with international forces. His fighters were heavily integrated into US Special Forces-supported militias and have come to play a major role in the provincial security forces as well as in private security companies run by Ali's associates. If Sherzai and the Arsalas constitute two main political factions, Hazrat Ali forms a weaker third. He lacks the power of his rivals but possesses enough influence to make his complicity and support something that both Sherzai and the Arsalas have actively sought at various times.

Sherzai has found allies in the relatives of another powerful commander and sworn enemy of the Qadirs, the late Haji Zaman. After Zaman was accused of murdering Haji Abdul Qadir in 2002 and fled to France, his brother Aman Khairi, a former customs official in Peshawar, was arrested and charged with the crime in 2007. In 2009, Zaman returned ostensibly to support Karzai in his re-election campaign and Khairi was released. Zaman was killed in February 2010, just outside of Jalalabad, in a suicide attack, for which many blame the Qadirs. Zaman's son, Jawed, was elected to the Provincial Council in 2009 and has fairly consistently backed Sherzai. Khairi was appointed head of the Tribal Unity Council and has undertaken various other representative tasks for Sherzai. But the Zaman family's constituency is relatively weak and Sherzai has gained little aside from Jawed's support on the Provincial Council. Even this support is slipping, with Khairi publicly threatening to take up arms against Sherzai after members of the Afghan Local Police shot and killed a relative of his at a checkpoint (Mahbob, 2013).

Not all of the members of the Provincial Council would naturally ally with Sherzai or Qadir, and many privately expressed displeasure with both camps in interviews. Several members take their oversight and monitoring duties seriously, show up regularly to the council office to meet constituents who seek their help and try to resolve their issues. Some, such as Angiza Shinwari, are outspoken on issues of women's rights and, for women in the east, have provided a critical public voice for (of which there are nearly none, particularly among the deeply patriarchal landscape of eastern political and public life). The degree to which they are able to do this is dependent on broader political dynamics, and their ability to help their constituents depends on their relationships with government officials or others who can resolve the issues at hand. When needed, their support has been bought by various camps; those that have resisted being bought off have been physically threatened and their property damaged.

3.6 Sherzai in decline

From 2009 onwards, the Provincial Council was split in its support for Sherzai and Zahir (with a minority aligned to Hazrat Ali). Sherzai faced strong opposition from members of parliament, particularly those in the Wolesi Jirga. His rivals levelled public allegations of corruption against Sherzai and sought to undermine him more generally. The first serious attempt to unseat Sherzai was in 2011. The February 2011 attack on Kabul Bank in Jalalabad City spurred protests, mobilised by the Arsalas, Hazrat Ali and other rivals, calling for Sherzai's resignation. At one point, Jamal Qadir shut down the Provincial Council office. He blocked its members from entering and is described by one of the council members as standing on the top of an armoured vehicle, shouting obscenities and threats through a megaphone at Provincial Council members who attempted to enter the building (telling female Provincial Council members, 'I'll kill you and f*** you').¹⁴

The last round of high profile protests erupted in April 2013 with protestors blocking the major roads. Orchestrated by Zahir and other Sherzai rivals, they accused Sherzai of a veritable laundry list of offenses from land grabbing to embezzlement and allowing the infiltration of Pakistani military into the border districts. These protests were countered with protests against Zahir, centred on accusations that

¹⁴ Interview with Provincial Council member, Kabul, July 2013.

he had illegally sold government land as his own in the Zahir Qadir township in Sukhroad district and that those who bought land were neither provided with the plots nor refunded their money (ATN, 2013).

In both instances, the protests appear to have dissipated as quickly as they appeared without the stated demands of protestors having been met. The broad consensus is that deals were quietly struck. In some cases the disputes appear to have been mediated directly or indirectly by Karzai, and required Sherzai to give a greater share of his resources to Zahir and other competitors. The tactic of sporadic protests has worked well for the Qadirs in particular, raising their profile (and likely increasing their wealth), while significantly damaging Sherzai's reputation and standing.

While the re-emergence of the Arsalas posed considerable problems for Sherzai, other factors also weakened his dominance and enabled his adversaries in the province. Security significantly deteriorated from 2010 onwards and early successes in eradicating opium have been roundly reversed. Insecurity began creeping in from the west and south through Hisarak, Sherzad, Khogyani and Pachir Wa Agam and, from 2009, through the rest of the southern loop districts bordering Pakistan. Between 2012 and 2013, poppy cultivation increased nearly 400% and is now close to 2007 levels (UNODC and the Ministry of Counternarcotics, 2013).

Sherzai's governance strategy created rifts through which the Taliban were able to gain a foothold in the province. The first districts to turn to the Taliban, in particular Sherzad and Khogyani, have actively resisted eradication campaigns in recent years, are underrepresented in national and provincial government and have been largely neglected by Sherzai (beyond what patronage was required to secure their participation in the early eradication drives). They are on the periphery of the province and support for HIK is comparatively strong. The insurgency has increased its power by manipulating tribal divisions, land conflicts (see Box 2) and the growing anger at international forces and opium eradication (Mansfield, 2011). By 2011, Jalalabad was all but encircled by encroaching insurgent presence and facing its own security problems.

His rivals have used the deterioration in security to undermine Sherzai, as with the 2011 protests following the Kabul Bank attack in Jalalabad City. Sherzai's relations with international forces have soured. A confidential US report accused Sherzai of being 'involved in facilitating the insurgency by refusing to detain and prosecute insurgents caught preparing an attack' (Hodge, 2012). Sherzai lobbied for the release of six Afghans arrested in Goshta district for driving trucks carrying about a half-ton of ammonium nitrate hidden in bags of sugar. In another case, Sherzai pressured local officials to release a dozen men detained by Afghan forces for allegedly planting roadside bombs in Khogyani district. As the drawdown of international troops approached, money also dried up, limiting Sherzai's income; as popular opinion turned against international forces in the east this also may have tainted public perceptions of Sherzai. By October 2012, the PRT budget for projects was a mere \$750,000 (Hodge, 2012). When the Jalalabad PRT closed in 2013, Sherzai did not even attend the closing ceremony.¹⁵

In October 2013, Sherzai resigned his post as governor and announced his intention to run as a candidate in the 2014 presidential election. He was replaced by Maulavi Attaullah Ludin, a native of Nangarhar and the former deputy of the High Peace Council. Ludin is generally well-regarded and made combating corruption a priority. He's reportedly refused many of the expensive gifts offered by local businessmen upon his arrival and has successfully sought to eliminate some sources of corruption (for example, the weighing of trucks) at the Torkham crossing. However, the long-term impact of these measures is unclear; Ludin is likely to be replaced when the new president comes into office after the elections in April 2014.

¹⁵ Interview with NGO worker, Jalalabad, July 2013.

4 District politics and governance

District governance is far less well defined than provincial governance and the divisions between formal and informal bodies are less distinct. However, the processes through which institutions have been captured and the importance of relationships are strikingly similar. If a new cadre of strongmen were able to achieve legitimacy and power through provincial government in the post-2001 political settlement, so too were there commanders and associates at district and village level. Mirroring the structure of the preceding chapter, this chapter sets out the formal roles and responsibilities of district-level governance institutions and positions. It then contrasts this with experiences of local politics and governance in practice in three districts.

4.1 District government institutions

Nangarhar is divided into 22 districts, each with a district governor (*woleswal*) acting as the primary representative of the central government. The district governor is appointed by IDLG on the recommendation of the provincial governor. District governors can theoretically access significant resources and influence but, like provincial governors, their formally mandated role is relatively narrow. Their role in arbitrating disputes can be powerful and district governors spend much of their time on hearing the problems of their constituents. Alongside the district governor, there is a district police chief, district judges and various line ministry heads (to the extent that line ministries are present in the districts).

Much like the provincial governor, the district governor is key to the ‘extension of the “government of relationships” to the local levels’, primarily through the influence that the provincial governor has over appointments (Nixon, 2008: 26). While this has diminished slightly in some parts of the country in recent years with enhanced efforts by IDLG to ensure district governors are appointed based on merit, the influence of the provincial governors in the selection process remains strong. In Nangarhar, few district governors appear to have been affected by IDLG’s recent changes in policy and this has been limited to districts that are less strategic in terms of resources and power. District governor appointments have been used as a way of rewarding supporters and occasionally punishing those who challenge authority. In more strategic districts, positions are highly sought after, with reports of some district governors in Nangarhar paying up to \$30,000 to be appointed.¹⁶

The constitution establishes district councils to be elected every three years but no such elections have been held, in part due to the uncertain boundaries of districts and the need to formally define them before elections can be held. Instead, the development of district governance has been fragmented and driven by different and often contradictory donor visions of subnational governance. A number of overlapping piecemeal structures have been established by various Afghan government and international actors in different parts of the country, ranging from Afghan Social Outreach Programme *shuras* and education *shuras* to DDAs. Nonetheless the Subnational Governance Policy officially states that until elections can be held for district councils, DDAs should serve as their substitute. DDAs have been established in 382 of the 402 districts by the Ministry of Rural Rehabilitation and Development (MRRD) under the National Area-Based Development Programme. What distinguishes DDAs from competing structures is that they are one of the few that have a dedicated budget and relatively clear role. However DDAs vary significantly in composition and influence from one district to the next.

Through the drafting of the Provincial Development Plan, the PDC is ideally meant to devise District Development Plans (DDPs). The DDA members interviewed consistently stated that they had not been consulted in the development of their DDP. Instead, each has created their own parallel district plans

¹⁶ Interview with government official, Jalalabad, July 2013; phone interview with UN official, September 2014.

that they feel are more accurately based on the needs of the district. DDAs face interference and challenges to their authority, compounded by the fact that they have no 'official' status within government. DDA members regularly reported interference or pressure from Provincial Council members, district governors and other government officials to change their budget allocations and planned projects. They also frequently complained that NGOs and other external development actors rarely cleared their plans with the DDA, undermining their role in coordinating and monitoring development activities.

The Afghan government recently approved the District Consultative Committee (DCC) Policy to resolve this confusion. The DCC policy brings the various district councils into one administrative body under the control of MRRD and IDLG. The DCCs are mandated to 'ensure equitable development' and 'facilitate effective service delivery through participation in improved planning and resource arrangements' as well as to 'strengthen and promote the presence of Government and public awareness so as to ensure that good governance is measurably improved' (MRRD, 2013). The policy also establishes a clear link between DCCs and the Provincial Council, as well as various other government bodies such as line ministries. DCCs will have between 15 and 45 members, depending on district size, with a quarter of the seats reserved for women. A fundamental difference from DDAs is that DCCs will not be given their own funding to implement development projects, instead assuming a strictly coordinating role. Provincial Establishment and Assessment Committees will oversee this process, with support from UNDP and other stakeholders. A pilot phase is planned for 2014, although full implementation will take significant time, resources and political consensus among the Afghan government and donors.

Particularly after 2010, the US military has also played a role at district level, with the aim of extending the reach of the government. The PRT funded the extension of key roads and various ad hoc projects, with an explicit focus on poppy producing or insecure areas. Nine of Nangarhar's twenty districts (including Sukhroad and Rodat) were targeted by the District Delivery Programme, which was accompanied by the establishment of DSTs comprising US military and civilian personnel. The programme funded small projects, attempted to fill funding gaps for key positions in local government and provided computers, office supplies and other items to the district governor's office and line ministries. Much like PRT projects, funding for DST-led programme was heavily controlled and influenced by the Provincial Governor's office (USAID, 2012).

Elected municipal councils are envisaged in the constitution but, as with district councils, none have been elected and the process of establishing municipalities is not clearly defined. Some municipal councils exist, called Municipal Advisory Boards, but they appear to be largely appointed rather than elected. Mayors are meant to be elected to head the municipalities, but in practice they are appointed by the President. Part of the problem is that IDLG has been slow to define the borders of municipalities.¹⁷ Nonetheless, an estimated 217 have already been established, although according to what criteria it is not always clear. Municipalities are empowered to collect taxes and user fees from citizens (they are the only subnational bodies mandated to collect revenue) and they are expected to provide services such as trash collection and infrastructure improvement in return. They are expected to be self-sufficient but in practice many are simply too small to enable this model to work.¹⁸

At village level, the constitution sets out elected village councils. Again, no elections have been held. In Nangarhar, *maliks*, *mullahs* and others play an important role both inside and beyond the structures that have been established (see Brick, 2009). However both formal and informal village governance structures vary widely across the country in form, function and influence (see Pain and Kantor, 2010; Saltmarshe and Medhi, 2011). Informal structures and Community Development Councils (CDCs, which

¹⁷ Personal communication with UNDP official, January 2014.

¹⁸ Personal communication with UNDP official, January 2014.

likely include many *maliks* and elders prominent within informal structures) established and elected through the National Solidarity Programme (NSP) are the key elements of village governance. Under the NSP, groups of up to ten CDCs make up Cluster CDCs. Where DDAs have been established, their membership is elected through the Cluster CDCs. While the CDC guidelines and NSP programme guidelines strongly encourage gender equity and the participation of women, the DDAs and other formal and informal decision-making structures at village, district and municipal level in the east are almost entirely composed of men.

4.2 Politics and governance in the districts

In order to understand the ways in which informal and formal governance operate at the sub-provincial level, the remainder of this chapter explores local power and politics in three districts: Sukhroad, Rodat and Dari Noor. Sukhroad lies on the edge of Jalalabad City. It benefits from proximity to the provincial centre of power and local political dynamics are largely an extension of those in the provincial capital. Rodat also borders Jalalabad but its residents reap few of the benefits of those from Sukhroad, in part due to a lack of powerful patrons within government and a confrontation with Governor Sherzai. And finally, there is Dari Noor, geographically remote and populated primarily by ethnic minority Pashayee, but politically connected through its most powerful resident, Hazrat Ali.

Sukhroad is a relatively well-off suburb of Jalalabad and has a mixed tribal and ethnic composition, although the majority of natives to Sukhroad are Jabbarkhel. It borders the provincial capital to the east, Laghman province to the north and east and Sherzad, Khogyani and Chaprahar districts to the west and south and is divided by the Toor Ghar mountains. It is peri-urban, relatively wealthy and one of the largest and most densely populated districts in Nangarhar. It lies on a fertile land and is relatively well irrigated by the Sukhroad river, though poor water management and shortages have undermined agricultural production. A paved road runs across the district connecting it to Jalalabad and on to Kabul, but most secondary roads remain unpaved. Security remains relatively good, aside from the areas close to Chaprahar district, where the Taliban has an established presence.

What matters most in Sukhroad is its heavy linkages to Jalalabad both in terms of relationships with key figures as well as access to services, employment and markets. Key sources of livelihoods include agriculture (sugar cane, wheat, maize and some other vegetables, many of which are then sold in Jalalabad's main markets), wage labour and small businesses. In addition, there are several marble and brick factories. Access to ministries, government offices and the services they provide is greater for residents of Sukhroad due to their proximity to Jalalabad. Literacy is high and access to education widespread. Sukhroad's relative accessibility and security has also resulted in a comparatively greater presence of aid agencies and development programming.

The district governor and DDA share power fairly equitably and both institutions appear to function responsively – with two important caveats.¹⁹ First, *maliks* and elders play an important and often complementary role in decision-making and governance. This is more formalised in Sukhroad than in other districts in Nangarhar, through an institution called the *malikan shura*. Some of the members are represented on the DDA, while others are not. The *malikan shura* has formal weekly meetings with the district governor and plays a representative role, particularly for outlying villages, and a stronger role in dispute mediation than the DDA.

Secondly, the authority of the district governor and DDA is secondary to that of key power holders.²⁰ They may also be reliant on these power holders, and so there are limits to what they can achieve. The composition of the population (with many residents non-native and/or working in Jalalabad and playing

¹⁹ Group discussion, Sukhroad, October 2013; interview with line ministry employee, Sukhroad, October 2013; interview with CDC member, Sukhroad, September 2013.

²⁰ Group discussion, Sukhroad, October 2013; interview with CDC member, Sukhroad, September 2013; interview with security official, Sukhroad, October 2013; interview with NGO worker, Jalalabad, July 2013.

a role in government) means that the political connections and links to elites also play a powerful role in local affairs. There are six provincial and parliament members and approximately fifteen high-ranking government officials from the district, including the Qadirs. The presence of such powerful residents has not always improved life for residents. Qadir family members own much of the land, renting it to farmers. Haji Zahir and Jamal, in particular, have been accused of seizing land to establish townships and Aman Khairi has also been accused of land grabbing. As Mansfield points out (2013: 22), 'the state appears to have either allowed land grabs by the provincial elite, or recognised that there was little it could do.' Likewise, the *malikan shura* is beholden to the Qadirs and can do little to intervene against them.²¹

While Rodat's population is comparatively well educated, it is politically marginalised. Rodat is located in the middle of the province, intersected by the Jalalabad-Torkham highway and approximately 20 km from Jalalabad. It is bordered to the east, south and west by Nangarhar's most insecure districts and security within Rodat has deteriorated markedly in recent years. Government officials are nominally in control during daylight hours and along major roads, but the armed opposition moves freely and threatens civilians at night. The district police chief reported having only ten police officers assigned to the district, despite Rodat's designation as a first category district where 150 officers should be deployed. Most roads are unpaved beyond the Jalalabad-Torkham road. There is little water available for irrigation, even though Rodat is relatively fertile, so a great deal of economic activity focuses on trade and small business. There is no central electricity provision and many residents rely on hydropower.

Most of Rodat's population belongs to the Mohmand tribe. Unlike Sukhroad and Dari Noor, Rodat has few strongmen or external patrons situated within the provincial or national government. The district is home to the family of the technocratic Minister of Finance, Omar Zakhilwal, but the Zakhilwals do not play a strong role in local affairs. Senator Lutfullah Baba hails from Dari Noor, born into a working class family before the war. The Babas have come to prominence through oil, and now own a series of petrol stations lining the Kabul-Jalalabad road among other businesses. He has supported the paving of roads and built several madrassas in the district, although these works are mired in accusations of land grabs.²² Mohtarama Amin, a former professor at Nangarhar University, is one of the few women serving on the Provincial Council and is an active advocate for the district. Within the district, power is divided. Prior to Taliban rule, the district was under the control of Fazil Haq Mujahid, an HIG commander. His assassination in 1997 left a void, seemingly unfilled. Haji Ajab, a rival HIK commander, later served as a district governor until his ostensible retirement in 2006. His son, Matin, exerts only minor influence. The Mia family, members of whom have been killed by international forces, have sided with the Taliban and are believed to have enabled insurgent infiltration into the district.²³

The district governor works alongside an influential and respected DDA. The district governor, Hazrat Khan, has served in the district for two years but has been a district governor elsewhere for at least seven years. He is a Pashayee from Dari Noor, the brother of the long-standing Deputy Provincial Chief of Police, Qari Amirkhan, and maintains close links to Hazrat Ali and Gul Karim. His strong network of relationships appears to have ensured his prominence and access to resources: he is the head of the council of District Governors in the Provincial Governor's office and bragged that he was first to receive a pickup truck from the provincial government.²⁴ However he appears to spend little time in his office seeing those who would petition him. In stark contrast to the district governors from Sukhroad and Dari Noor, access to him is regulated by his personal bodyguards. He does play a role in mediating land

²¹ Group discussion, Sukhroad, October 2013; interview with NGO worker, Jalalabad, July 2013.

²² Interview with DDA member, Rodat, with NGO worker, September 2013; interview with aid worker, Jalalabad, July 2013.

²³ Interview with security official, Rodat, July 2013.

²⁴ Interview with district governor, Rodat, October 2013.

disputes, although there are accusations that he receives significant sums of money in the process and his decisions inflame to situation as often as they resolve them.

Elders and other notables from Rodat have come into direct confrontation with Governor Sherzai over his alleged land grabs in an area known as Hesar-i-Shahi. In 2007, a police training academy was built in Hesar-i-Shahi. While concerned, residents did not mount any major opposition given the small size of the land required. But tensions rose in 2008, when Governor Sherzai announced that together with local businessman Najeeb Zarab he would build Sherzai township in Hesar-i-Shahi to provide houses for the police. When a group of *maliks* and other notables from the five tribes living in the area met with Sherzai to express their concern, he assured them they would be allocated half of the plots. As distribution began, individuals close to Sherzai (and not the police) received plots and residents received none. The elders protested, blocking the Jalalabad-Torkham road and attempting to set the police academy on fire. Police trying to quell the demonstrations shot and killed two people. Soon after, residents began grabbing the land for themselves, setting up camp and constructing houses on what they referred to as not Sherzai township but Martyred Township. Sherzai mobilised a group of *maliks* loyal to him to persuade locals not to grab the land but with little effect. The elders of the five tribes formed a commission and began to distribute the land among themselves; the government did not intervene and plot prices skyrocketed. The dispute remains unresolved: the government rejects the five tribes' ownership of the land but they continue to occupy it (Mumtaz, 2013).

Box 2: Land conflict in Nangarhar

Land disputes are more prevalent in eastern Afghanistan than the rest of the country. Part of the problem arises from conflict-driven displacement. During their absence, people's land and property was often occupied, or bought and sold. When the original owners return, they demand restitution. Lack of official documentation hinders resolution; ownership of an estimated 30% of land in the east is documented with the government, as compared to 85% in the south (Murray, 2011).

Yet even with official registration, land ownership remains patchy and governed by a piecemeal system of formal and informal codes including the Civil Code, customary law and statutory law (see Wily, 2012). While numerous efforts have been made at reform and dispute resolution, technical solutions have failed to address the political and economic drivers of the problem. The most notorious and violent example is a land dispute between two branches of the Shinwar tribe, the Alisher Khel and the Sepai. This conflict, which goes back some seventy years, erupted into violence in 2011 after the interventions of US forces, Sherzai and others (see Foschini, 2011).

Within these broader land conflicts, the practice of land grabbing – actively seizing property and occupying or distributing it to others – is particularly widespread. During the civil war, *mujahedeen* factions encouraged members and allies to occupy as much land as possible and establish informal settlements on 'grabbed' land to secure political influence and territorial control (as with the Khales Family Township and Qasimabad). It is in this tradition that contemporary lands grabs must be seen. They are often instrumental, with rival political and informal power brokers either encouraging opposing groups to grab land or backing them in the resulting disputes.

While excluded from much of the governor's goodwill as a result of this conflict, residents of Rodat did benefit from US military support in the form of quick impact projects and other activities aimed at reducing poppy cultivation. The PRT funded the digging of irrigation canals and the paving of the district's main road, alongside support to onion cultivation and trade. The positive impacts of these piecemeal interventions are generally short-lived. While ad hoc projects may result in increased local onion production, and better roads ease their way to market, the lack of water management and agriculture strategies in the province ensures that any positive outcomes are likely to be modest and temporary. The comparative value of opium and the lack of consistent legal enforcement against its cultivation and trade, alongside an end to US troop presence and accompanying funding streams, is

leading many farmers to return to poppy cultivation. Predictably, residents in Rodat reported that they were resuming poppy cultivation within their compounds where it is less likely to be detected.²⁵

Of the three districts, Dari Noor is the most geographically remote. Nangarhar's northern-most district, it is effectively an enclave that juts into Laghman province to the west and Kunar province to the east. The only access to Dari Noor from Jalalabad, roughly 37 km away, is through Khewa district, which it borders to the south. Dari Noor's resource endowment is poor; the land is highly mountainous and little is cultivatable. Dari Noor is in many ways an anomaly. It is comprised largely of Pashayee, a minority ethnic group with their own language and culture. Literacy is believed to be extremely low, with comparatively little school attendance among girls or more generally beyond the primary level. Access to education and health services are limited, with only a very basic government-supported clinic in the district centre. Access to electricity, through hydropower and solar panels, is fairly widespread. There are few jobs in the district itself, aside from a small potato chip factory, with most people relying on livestock and animal husbandry, although access to markets outside the district is limited.

Although spatially remote, Dari Noor is hardly marginalised in political terms due to the presence of Hazrat Ali. Although born in Laghman, Ali has long-standing links with the district. He has used his relationships with US forces to ensure that his fighting forces – comprised of many Dari Noor residents – are well integrated into the provincial security apparatus. These include the formal security forces (primarily the police), semi-sanctioned militias supported by US Special Forces (the Shaheen 'eagle' forces and 'tiger' forces) and private security companies owned by Ali or fellow Pashayee ex-commanders.²⁶ Indeed many powerful individuals within the provincial security apparatus hail from Dari Noor. This includes Gul Karim, a close associate of and former commander under Ali during the *jihad*. Karim served as the Provincial Chief of Police in Nangarhar and Laghman provinces but was removed through the police reform process. He was then allegedly involved in timber smuggling, corruption, land grabbing in Dari Noor and Khewa districts and is accused of the 2009 assassination of the secretary of the Provincial Council, Qazzi Khan Muhammad.²⁷ The long-standing deputy Chief of Police, Qari Amirkhan, who has held the position since 2002, is from Dari Noor and served as a sub-commander under Hazrat Ali during the Taliban regime; Qari Amirkhan's brother is currently the district governor of Rodat. Hazrat Ali's former secretary, Aga Jan, currently serves as the chair of the Provincial Council.

The example from Dari Noor also brings into sharp relief the ways in which the decades of conflict have upended previously existing rural social orders. Prior to the Russian occupation, Dari Noor was largely feudal and local confrontations were primarily over land and between *khans* (Keiser, 1984). Within the social system, prestige was gained through the ability to mediate these disputes and to make peace. Many of the traditional landowning families left during the war and few have returned. Those who hold the greatest influence in Dari Noor gained that influence through their role in the *jihad* and their opportune political manoeuvrings after the fall of the Taliban. Their power derives not necessarily from these traditional structures but from their role in the violence and the access to state resources that this afforded them after 2001.

Dari Noor has a high turnover of district governors and all have been relatively weak. The present de facto district governor passed the IDLG certification test but there is some dispute as to whether he is officially the district governor of Dari Noor or Behsud, which calls his official authority into question. He was reportedly transferred from Behsud to Dari Noor as a punishment, after a falling out with Sherzai.²⁸ Given Dari Noor's minority ethnic population, consolidated political order and geographical remoteness, the move was tantamount to exile. His lack of linkages within Dari Noor or with powerful political

²⁵ Various interviews, Rodat, September 2013.

²⁶ Phone interview with UN official, January 2014.

²⁷ Phone interview with UN official, January 2014.

²⁸ Interview with government official, Dari Noor, October 2013.

patrons means that he – like many of his predecessors – has little influence over district affairs. The DDA consequently plays a greater leadership and decision-making role.²⁹

The present head of the DDA is a former *jihadi* commander with links to Hazrat Ali and Gul Karim, who worked in the National Directorate of Security (NDS) in Jalalabad and, like many men from Dari Noor, worked with US forces stationed at the Jalalabad Airfield. He previously served as the district chief of police and is now the head of the CDC cluster for Almah village.³⁰ Decisions appear to be made and disputes resolved not through formal institutions, but through informal power structures (which, as in the case of the DDA may overlap in membership with formal institutions). Consequently many of those appointed to formal institutions (such as the district governor, police and line ministry officials) see their role not as decision makers – a role clearly occupied by the DDA – but as enforcers. According to the district chief of police, ‘we invite these *shuras*, ask their opinions and suggestions ... we just implement these decisions as required.’³¹

While some broad trends can be discerned, these cases represent just three of Nangarhar’s 22 districts. A similar examination of the southern loop districts of Nangarhar, particularly Hisarak, Sherzad, Khogyani Pachir Wa Agam, Deh Bala and Achin, might very well tell a different story and illustrate the vast disparity in access to power and resources as well as the diversity of political dynamics. The southern loop districts generally have a long history of resisting what they perceive as government interference which has been compounded by and led to continuing neglect from the central or provincial government in meeting their needs. There is a strong history of opium cultivation and tribal networks play a comparatively stronger role than other allegiances and identities. Here the impact of international interference in the existing social order is more strongly felt. Tribal elders who have backed the poppy eradication campaigns have lost legitimacy, a result of falling incomes and quality of life as poppy cultivation declined (Mansfield, 2013). In some of these districts government interference in land or other disputes has been seen as meddling and has ultimately prolonged conflict, most notably in the case of the Sepai-Alisher Khel dispute in Achin district. Poppy cultivation has since returned to levels comparable to 2007 and the insurgency has tracked the gradient of this discontent. The strong support for HIK, particularly in Khogyani, is another – albeit secondary – factor. Night raids and other military operations have further hardened these districts against international forces and the government. Insecurity has exacerbated the lack of functional government and further limited access to basic services that would otherwise be provided by line ministries or aid agencies.

4.3 Implications for governance

In each of the districts, the balance of power and roles of government officials vary widely but some common trends can be discerned. True to North et al.’s (2007) concept of a limited access order, what mattered the most in obtaining access to resources was the ability of individuals to tap into various social power networks. Even where formal institutions played a role, it was relationships that ensured access to resources and services ranging from employment to dispute mediation to infrastructure projects. Government institutions or offices mattered little on their own; it was the individuals that occupied them and the extent of their connectedness within the ‘government of relationships’ that was critical. At times, these access networks worked along ethnic or tribal lines (such as among the Dari Noor Pashayee and the access network fostered by Hazrat Ali) while at other times they fell geographically, with proximity to spatial centres of power (such as Jalalabad) playing a determinant role.

²⁹ Group discussion, Dari Noor, October 2013.

³⁰ Interview with DDA member, Dari Noor, October 2013.

³¹ Interview with district police chief, Dari Noor, October 2013.

The picture painted of formally appointed government positions (such as the district governor, judges or other officials) helps explain why technical reform of subnational governance has not yielded fundamental change. IDLG reforms have done little to strengthen district offices or institutions. The authority of the district governor still derives primarily from the individual that occupies the position and that individual's network. More often than not, the position of district governor appears to be used to curry favour through individual appointments or mete out punishment. For instance, the appointment of the district governor of Rodat (a connected Pashayee from Dari Noor and a minor strongman) was seen by some as a way of rewarding Hazrat Ali and by others as a way of punishing the local population after elders challenged Sherzai's land grabs in the district.

On the periphery, the state – as represented through 'formal' government – has far less influence in Dari Noor than elsewhere. The state is unlikely to be able to assert itself through these government institutions alone, and in the choice of appointments in Dari Noor it is clear that the governor has chosen not to contest Hazrat Ali's effective control over the district, which continues to exist, more or less, as his personal fiefdom. While Hazrat Ali has provided employment and other licit and illicit livelihoods opportunities for men from the district through his hold over provincial security forces, the district continues to stagnate with little incentive for the central state to devote resources to the area. Dari Noor remains deeply poor as a result, with little access to services and low levels of education.

In contrast to the position of district governor, which has existed in some form for centuries, district councils (in this case, DDAs) are a relatively new development. If appointed officials are seen as an extension of the central state (and in some cases the governor), DDAs are seen as the representatives of the people. The evolution of DDAs was characterised by a process of 'institutional bricolage', or the renegotiation of the existing order through new institutions and practices (Stark and Bruszt, 1998). The old social order has been maintained but reconfigured through the creation of the DDAs. Notably, they have more social and cultural legitimacy, for example in dispute resolution, than do appointed positions.

This 'institutional bricolage' has not necessarily resulted in governance that is perceived as poor or unrepresentative. Indeed, where the local political settlement is strong DDAs are seen as effective and fairly representative, particularly given their election through Cluster CDCs – with CDCs themselves being elected through the NSP programme. It is not necessarily that the CDC elections and the consequent Cluster CDC elections of DDA members are free and fair by international standards but these processes are seen as sufficiently consultative as to render a legitimate outcome; ultimately, a large part of the legitimacy of individual DDAs rests on their ability to provide development and support in local affairs.

However, it was the quasi-official nature of DDAs that hindered their ability to represent the needs of their constituents to the state. The position of DDAs vis-à-vis provincial government and their authority to bring complaints or make requests of various government institutions, including the Provincial Council and line ministries, remains unclear. While the dedicated budget provided to DDAs grants them some independence, they must still rely on their relationships with key power holders in government to resolve disputes and mediate access to central government resources. Although the authority of DDAs derives largely from informal, customary or tribal structures, it is precisely their lack of official status that limits their leverage and power within formal government. This in turn encourages them to rely on relationships with key power brokers – the 'government of relationships' – to enable to access to resources and support.

While donors have invested attention and money in subnational governance, their interventions and technical reforms have been challenged by a social order anchored in informal relationships rather than bureaucracies or institutions. Reforms have largely been allowed to proceed only in areas where they pose no threat to the existing order, and interventions have often been undermined by power holders who have effectively subverted and co-opted them to their own aims. At the district level, much can be learned from the success and failures of the myriad – and at times competing – governance

programmes implemented to date. The lack of clarity, competing initiatives and multiple (often ill-coordinated) resource flows – from UN-led programmes to PRT projects – have served the interests of elites in providing them with room to operate and manipulate interventions towards their own objectives.

By the same token, it is unlikely a blanket approach to improving governance and service provision will be effective. Micro-level power dynamics and relationships have a profound influence on the way formal institutions function. This indicates that reform will not only be lengthy but will require intensive on-the-ground monitoring, more effective use of incentives to build institutions and flexibility to adapt to the specific circumstances in each district.

5 Conclusions and policy implications

Just as Bonn can be seen as a grand bargain among those who gained power through the war, these have been replicated by other bargains at the provincial and district levels. To varying degrees across Afghanistan over the past three decades of conflict, many of the old rural elites were effectively displaced and disempowered, leaving a vacuum through which strongmen and ex-commanders have been able to assert their authority. Their monopoly on violence in the early years after the fall of the Taliban allowed them to assert their authority, capture resources and appoint themselves to the de facto government. By the time the first rounds of elections occurred in 2004 and 2005, their role was a fait accompli. In successive Provincial Council and parliamentary elections in 2009 and 2010, many were elected to office and came to dominate provincial politics – as exemplified by Zahir and Jamal Qadir.

The appointment of Gul Agha Sherzai as governor of Nangarhar in 2005 provides a useful contrast in understanding the role that public good provision plays in enabling strongmen to consolidate their base. It is also a special case that shows the tactics an outsider used to prevail over an established local order. Coming from Kandahar and with no local support, Sherzai was forced to cultivate support among the population. Early on, this entailed mediating the problems of all those who would visit his office and through numerous public works projects. The resources he captured at Torkham and through other means were to some degree redistributed. In the post-Bonn rentier political marketplace, Sherzai jockeyed for – and, for a time, won – decisive international support by giving the appearance of providing for the public good through various public works projects and other means. This corruption was only acceptable as long as Sherzai was perceived to be firmly in control. As security began to deteriorate and as public opinion turned against the international forces, opposition to his rule led by Zahir grew and his political power and popularity began to wane.

By contrast, the strongmen and ex-commanders native to the east have seen little value in improving general conditions for Nangarharis. The Arsalas are a case in point, seeming to believe that playing a prominent role in Nangarhar's government is more or less a hereditary right. The provision or redistribution of public goods has played far lesser part in the tactics of Din Mohammad and Zahir. Rather than seeking to cultivate support through public works or 'good' governance to strengthen his position relative to Sherzai, Zahir sought to disrupt government and challenge Sherzai's network of patronage. Where they have done so, it has been driven by self-interest. The most pronounced example is Hazrat Ali, who has all but ensured that any Pashayee fighting age males from Dari Noor can access employment in the state security apparatus or private security firms but has not provided much else for his 'constituents'.

Regardless of the tactics various individuals employed, it is hardly surprising that the provision of public goods was not pursued for its own sake. When there is some improvement to governance, goods or services spearheaded by these hybrid government officials, it is a means to personal gain and is driven by self-interest. At best, these figures intervene on behalf of those loyal to them, either through appointments to government or civil service positions or through intervening on their behalf in disputes. If roads are built, for example, the primary motivating factor is not the roads themselves or the public support they will bring but the contracts for road building and opportunities to access resources that drive such power holders to advocate their construction.

Sherzai was clearly motivated to engage in public works projects and distribute other forms of patronage by the need to gather local support and enhance his image – particularly among US forces – as someone who could exert control over the province. In a similar way, it is clearly in Hazrat Ali's interest to keep security institutions populated with loyal Pashayees – many of whom are poor, barely educated, from marginalised districts and would struggle to access comparable employment through other means. It is unlikely that public welfare or concerns about his popularity drive Hazrat Ali's tactics: instead they give him a strong hold on the security forces, raising serious concerns about the provincial factionalisation of Nangarhar's security forces after US forces drawdown.

This speaks to a broader debate in the literature on warlords and strongmen about whether such individuals can be incentivised, or even coerced, to provide public goods. Reno (1998), for example, asserts they are only loyal to private interests while Marten (2012) argues that they may provide public goods where it benefits their interests. Evidence from Nangarhar's strongmen supports Marten, but just barely, and it does not suggest that such individuals can ever be sufficiently incentivised to play a positive role in state building. Legitimacy and power is almost always and nearly exclusively derived from the coercive control or capture of state and non-state resources. Resorting to tactics that can be construed as public goods provision is limited to instances where the means of providing support is mutually beneficial (as with Hazrat Ali and Pashayee representation in security forces) or where the individual has few other options (as with Sherzai in 2005). In other words, public goods provision was an all-but-unintended side effect. These strongmen and their networks of influence have deeply penetrated the state at all levels, overwhelmingly subverted government institutions and ultimately undermined the ability of nascent institutions to serve the needs of Afghans.

It is not clear that the international community had a coherent strategy for dealing with these figures and their capture of the state. Subnational governance was neglected for far too long in programmatic and policy terms. When it did gain prominence on the international community's agenda, there was no consensus or uniformity of approach. In the east, the international military viewed Sherzai (as well as Ali and the other *ex-mujahedeen* who benefitted from US largesse) as less-than-trustworthy and with an attitude equivalent to 'he's a bad guy, but at least he's our guy.' Driven exclusively by concerns about a Taliban resurgence and with little concern for supporting sustainable, legitimate governance, they backed the strongest, most reliable players they could identify and provided them with extensive resources and control. By contrast, civilian governance programming (as implemented by the UN and others and funded by major donors) focused on institution building, but these efforts – far more lethargic and less well-funded than those of the US military – came into direct conflict with the interests of political players seeking capture state resources. Reforms were allowed to proceed only where they posed no threat, and the international community was able to present the illusion of at least partial success.

The capture of formal institutions for personal gain has been enabled by the lack of clarity regarding subnational governance institutions. At provincial level, the role of the governor and the Provincial Council remain contested and open to interpretation. This has led, in the case of Haji Jamal, to the Provincial Council being used primarily to wage war with Sherzai under the cover of its vaguely mandated oversight role. Over-centralisation and the lack of devolution of financial resources to line ministries has exacerbated a reliance on strongmen governors to subsidise the provision of basic services and, at times, the basic functioning of provincial government institutions. The various (at times competing and rarely coordinated) programmes and resources flows have enabled power brokers to profoundly influence their implementation and use them for personal gain.

State institutions' vulnerability to capture is noticeably greater at district level, and the lack of national consensus on the roles and mandates of district councils has undermined their ability to advocate for the needs of the population. The situation has limited district bodies' ability to access services and influence development outcomes. That such confusion exists with regard to basic district governance is remarkable after so many millions have been spent on governance reform and a decade on from the Bonn conference. New initiatives – including the introduction of DCCs – provide opportunities to critically examine the role of district governing officials and bodies, through the myriad and often conflicting programmes and policies that have been attempted to date.

Much of this confusion could have been avoided through genuine donor coordination but the problem runs much deeper than that. Many of these governance programmes seemed to simply assume that *nothing* existed beyond the provincial capital, when in reality sophisticated systems of local governance have long existed. In the east these customary institutions and the network of relationships are relatively strong and carry legitimacy (particularly as compared to south, where such structures may be more contested and fragmented). Simply imposing structures from the outside on top of these, without sufficient understanding of the local context, is unlikely to work. In order to craft effective governance, such initiatives will have to employ a sophisticated understanding of the processes of 'bricolage' that are likely to occur and ensure DDCs are both representative and sufficiently empowered to fulfil their mandate.

The drawdown of US troops and the decline in the resources they provide is already having an impact on the local economy and political dynamics. This is as true with respect to those power holders who have benefitted from US military support as it is of their rural constituencies. With dwindling international resources and attention, it may be that such power holders are less motivated to provide for the public good. While the rural elite was able to negotiate benefits for themselves through the monetary benefits of opium eradication and 'hearts and minds' projects, the drawdown and consequent disappearance of this funding has weakened their position within their communities. This is evidenced by Sherzai's downfall in the east and the fact that many have already returned to poppy cultivation.

The political landscape in Nangarhar is set to change once again with Sherzai's resignation and the 2014 and 2015 elections. Whether the old social order will be reinvented and reinforced once again through appointments and electoral processes remains to be seen. Nonetheless, transformative moments such as these allow an opportunity to re-examine the ways in which the international community has intervened. Evidence from Nangarhar suggests that a new approach that leads to genuinely improved, sustainable governance outcomes for Afghans is urgently needed.

6 References

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7 Annex: Key figures

Gul Agha Sherzai

Born Shafiq Latif in 1955 in Kandahar, Sherzai is a Barakzai Pashtun. He later changed his name to Haji Abdul when he became a *mujahedeen* and added Sherzai ('son of a lion' in Pashto) after the murder of his father. He graduated from a teacher-training institute and completed his secondary education at Mashreqi high school in Kandahar. He later worked in the Kandahar provincial finance department and the Spin Boldak Customs House before joining the *mujahedeen*. His political affiliation with the *Mahaz-i-Mili* party dates back to the Najibullah regime when he was a commander for their military wing and headed its unit in Kandahar. From 1992 through 1994, he was Governor of Kandahar. He helped capture Kandahar in 2001 and from 2001 until 2003 once again served as governor of the province. He then served as Minister of Urban Affairs and, in 2005, was appointed as Governor of Nangarhar. Sherzai ran for president in 2009 but later withdrew his candidacy. In October 2014, he resigned as governor and announced his candidacy for president in the 2014 elections.

Abdul Haq

Haq was born Humayoon Arsala in 1958, but adopted the *nom de guerre* Abdul Haq ('servant of justice') during the Russian occupation. Haq was arrested and sentenced to death after a failed plot against the government in 1978 but was later released. He joined Jalaladin Haqqani's forces before establishing his own resistance front in Kabul. He was one of the most prominent and charismatic of the *mujahedeen* commanders, earning him the nickname 'Hollywood Haq.' He served in the *mujahedeen* government first as the police chief of Kabul and, briefly, as a cabinet minister before leaving for Pakistan. After the Taliban murdered his wife and child in Peshawar in 1999, he left for Dubai but returned to Pakistan after 11 September 2001 hoping to unite eastern Pashtuns in a rebellion against the Taliban. After entering Afghanistan, he was captured by the Taliban in Logar, taken to Kabul, tortured and hanged along with two of his men. His is the brother of the late Abdul Qadir, Haji Din Mohammad and Haji Baryalai.

Abdul Qadir

Born in 1951, Abdul Qadir gained prominence for his role as a *mujahedeen* commander during the 1980s, fighting with both HIK in Nangarhar and the Northern Alliance in Kunar. Under the *mujahedeen* government, he led the Nangarhar *shura* that governed the east. After the Taliban took control of Jalalabad in 1996, he fled to Pakistan and then on to Germany and Dubai. Qadir returned to Afghanistan in 1999 to join the United Front's resistance efforts. He served as governor of Nangarhar province after the fall of the Taliban in 2001 until 2002. Shortly before his assassination (allegedly at the hands of Haji Zaman Ghamsharik), he was named as Minister of Public Works and a Vice President of the interim government. He is the brother of Haji Din Mohammad, the late Abdul Haq and Haji Baryalai, and the father of Haji Zahir Qadir and Haji Jamal Qadir.

Haji Din Mohammad

Born in 1953, Din Mohammad served as the deputy head of HIK, one of the most powerful Afghan resistance organisations during the war with the Russians. He served as the National Security Advisor for the interim government in exile in the 1990s and as Minister of Education in the *mujahedeen* government, but left the country prior to the Taliban takeover of the east. He was appointed Governor of Nangarhar in 2002 after the assassination of his brother Abdul Qadir by the Taliban, but removed in 2004; he served as Governor of Kabul from 2005-2009. He later served as a campaign manager for Karzai during the 2009 presidential elections and was appointed by Karzai to the Meshrano Jirga, after Parliament rejected his proposed appointment as Minister of Tribal Affairs. He has alternately opposed and supported Sherzai, and maintains an uneasy alliance with his nephew, Zahir Qadir. He is the brother of the late Abdul Haq, the late Abdul Qadir and Haji Baryalai, and the father of Provincial Council member Haji Nasrat Arsala.

Haji Baryalai

Born in 1958 as Nasrullah Arsala, he later adopted Baryalai ('victorious'). He is the brother of the late Abdul Haq, the late Abdul Qadir and Haji Din Mohammad. He was active in the *mujahedeen*, if less

prominent than his elder brothers. He served as a political and cultural advisor to Abdul Haq during the Russian occupation; during the civil war he ran the Liaison Office of Eastern Afghanistan, an aid organisation based in Peshawar, until leaving for Germany in 1994. In 2001, he returned to Nangarhar to set up the Abdul Haq Foundation in his brother's memory and the People's Advisory *shura*. In 2009, he was a candidate in the presidential elections but later withdrew and endorsed Abdullah Abdullah.

Hedayat Amin Arsala

Born in 1942, Arsala is a cousin of the late Abdul Haq, the late Abdul Qadir, Haji Din Mohammad and Haji Baryalai. He worked for the World Bank in Washington, DC for 18 years before leaving to join the resistance against the Russians. He is a founder of National Islamic Front of Afghanistan, led by Pir Sayed Ahmad Gailani, and a member of the Supreme Council of Mujahedeen Unity. He served as the Finance Minister for the Afghan government in exile from 1989 to 1992 and then as Foreign Minister in the *mujahedeen* government. Active in the Bonn process, he assumed the role of Vice President in interim administration after Haji Abdul Qadir's death and later served as an advisor to Karzai and the Minister of Commerce and Industry. He is a candidate for president in the 2014 elections.

Haji Zahir Qadir and Haji Jamal Qadir

In recent years, two of Haji Qadir's sons have loomed largest over eastern politics. Zahir, who was born in 1973 and elected to the Wolesi Jirga in 2010. He currently serves as the first Deputy Speaker of the lower house. Believed to have graduated from high school in Saudi Arabia, he is the leader of the Peace Caravan Movement (a political party) and chairs the Coalition for the Support of Rule of Law. He opposed the Taliban and participated as a commander, at the age of 27, in the Tora Bora operations to hunt down bin Laden. Immediately after the fall of the Taliban, he operated a militia in Nangarhar believed to have engaged in extensive criminal activity, including kidnap for ransom, land grabs and extortion (Human Rights Watch, 2004). He served as the Frontier Force Commander for Nangarhar and later Takhar, where he left his post after several associates were charged with transporting heroin.

His brother, Jamal, was elected to the Provincial Council in 2009 and served as its chair in 2010 and 2011. Long plagued by rumours of criminal activity (including land grabs and kidnapping), he was finally arrested in 2012 on charges of corruption but later released and suspended from the council.

Haji Nasrat Arsala

Son of Haji Din Mohammad, Arsala was born in Nangarhar in 1982. He was elected to the Provincial Council in 2009 and briefly served as its chair. His is a cousin to Zahir and Jamal Qadir.

Haji Hazrat Ali

Born in 1964 in neighbouring Laghman province, Hazrat Ali belongs to the minority Pashayee ethnic group. Ali was *mujahedeen* commander during the Russian occupation, largely fighting with HIK, and continued to fight against the Taliban after they assumed power with the Northern Alliance. He, Zahir and Haji Zaman Ghamsharik led an unsuccessful operation to capture bin Laden at Tora Bora in November 2001. After the fall of the Taliban, he took control of large swathes of Jalalabad and his men are accused of widespread looting, human rights abuses and criminal activity. At least in the early post-Taliban years, his militia was reportedly 18,000-strong; many have since found work in Nangarhar's security forces and private security firms. He served as de facto and official police chief for Nangarhar province from 2001 through 2004. He was elected to parliament in 2006 and re-elected again in 2009. He is accused of land grabs in Behsud district and elsewhere; he has also been accused of taking money from the Iranian government to block parliamentary approval of the Afghan and US strategic partnership agreement (*Pajhwok*, 2012).

Haji Zaman Ghamsharik

Born in 1965 in Chaprahar district, Zaman gained prominence as a *mujahedeen* commander who led some 4,000 men. Under the Taliban he fled to Pakistan and later to France. He was persuaded to return from exile after 2001 to support the operation to capture bin Laden at Tora Bora, and was appointed by Karzai as a military commander for Jalalabad and a large portion of the east. He was believed to have had extensive involvement in smuggling operations. Like Hazrat Ali, he is also frequently blamed for engineering Osama bin Laden's escape from Tora Bora and engineering Haji Qadir's assassination. He returned to France fearing retaliation after Qadir's death in 2002, but returned to Afghanistan in 2009, ostensibly to support Karzai in his re-election campaign. He was killed in February 2010 in a suicide attack near Jalalabad.

Maulavi Attaullah Ludin

Ludin was born in 1951 in Kama district. During the war, Ludin fought with HIG. Prior to being appointed as governor of Nangarhar in December 2013, he served as a member of the Wolesi Jirga from Nangarhar from 2005 until 2009, attorney general of the province, court of appeal chief and head of executive courts. Most recently, he was the deputy of the High Peace Council in Kabul.

Fazil Hadi Muslimyar

Muslimyar was born in 1969 in Chaprahar district. He was a *mujahedeen* commander and chief of staff at the Nangarhar police headquarters during the Russian occupation and worked under the interim administration. He was elected to the Nangarhar Provincial Council in 2005 and served as chair. He was re-elected in 2009 and selected by council members to serve in the Meshrano Jirga, where he was elected speaker in 2011.

Haji Pir Bakhsh Gardiwal

Gardiwal was born in 1964 in Mohmandara district. Under the *mujahedeen* government, he worked in the Nangarhar Transportation Department. From 2002 until 2004 he was the chair of the Nangarhar NDS and subsequently worked at the NDS in Kabul and Logar provinces. He was elected to parliament in 2005 and re-elected in 2010.

Faridoon Mohmand

Mohmand was born in 1968 in Ghosta district and fought with the army under the Soviet occupation. From 2001-2004, he was head of the Department of Tribes and Frontiers in Nangarhar and has served in the Wolesi Jirga since 2005.

Haji Amanullah Khairi

Khairi is politically affiliated with the *Mahaz-i-Mili* party, fought with the *mujahedeen* and served in the *mujahedeen* government before briefly joining the Taliban prior to 2001. He is the elder brother of the late Haji Zaman, and was imprisoned but never tried on charges of assassinating Abdul Qadir.

Haji Gul Karim

Karim is a Pashayee ex-commander and resident of Dari Noor district, linked to Hazrat Ali. He fought during the war with Ali and in 2003 served as the Provincial Chief of Police in Nangarhar and later in Laghman province before being dismissed through the police reform process. He is accused of various illegal activities and of assassinating the secretary of the Nangarhar Provincial Council, Qazzi Khan Muhammad, in July 2009.

Maulavi Younus Kales

Born in 1919 in Khogyani district, Kales died in 2006. Kales founded HIK in 1979 after splitting with the main Hezb-i-Islami faction, which would later become HIG. Senior member of the Nangarhar *shura* during the *mujahedeen* government, Kales later cultivated ties with Osama bin Laden, hosting the al-Qaeda leader when he returned to Afghanistan from Sudan. He negotiated the handover of the Taliban government in the east to Abdul Qadir in later 2001. He supported Qadir but later turned against the government and allied with the insurgency.

Jawed Zaman

Zaman is a Provincial Council member, elected in 2009 and affiliated with the *Mahaz-i-Mili* party and son of Haji Zaman Ghamsharik.



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Secure Livelihoods Research Consortium (SLRC)
Overseas Development Institute (ODI)
111 Westminster Bridge Road, London SE1 7JD
United Kingdom

T +44 (0)20 7922 8249
F +44 (0)20 7922 0399
E slrc@odi.org.uk
www.securelivelihoods.org

