

Afghanistan Research and Evaluation Unit  
Synthesis Paper

# Local Governance in Afghanistan

## A View from the Ground



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## Executive Summary

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

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

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

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

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

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

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

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

## Key Research Findings:

### Local Government Administration

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

### Security and Justice

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

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

### *Service Delivery*

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

### *Representation*

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

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

## Key Policy Issues

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

### *The Centralised State*

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

### Policy recommendations:

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

## **Responsibility for Local Government**

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

### **Policy recommendation:**

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

## **Planning**

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

### **Policy recommendations:**

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

## **The District**

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

### **Policy recommendations:**

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

## Justice Delivery

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

### Policy recommendations:

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

## The Voting System

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

### Policy recommendations:

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

## Donors

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

### Policy recommendations:

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

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

## Ways Forward

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

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

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

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