



# Local Governance for Local Needs

## Key Findings and Policy Options for Afghanistan

July 2011

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This policy note presents key findings and policy options emerging from AREU's local governance research. Future Afghan governments will require structures that enable them to engage with and serve those whom they have the responsibility to govern. One of the most useful legacies of this present phase of international engagement with Afghanistan would be to assist its government develop robust, effective and accountable mechanisms for the operation of local government. However, while there has been heavy investment in building a strong centralised state, this has not been sufficiently matched by attention to local government at the provincial and district level.

## 2. Key Findings from AREU's Local Governance Research

### *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 who 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. This is largely a result of the highly centralised nature of these processes, which leaves provincial administrations unable to make development decisions in line with local needs. The planning functions of Provincial Development Committees' are largely being ignored or underused.
- The policies of the Independent Administrative Reform and Civil Service Commission (IARCSC) 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 the Independent Directorate of Local Governance (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 opportunity, and the influence of powerholders and patronage networks remains pervasive.

### *Security and Justice*

- There was no evidence of Afghanistan becoming a more peaceful state and large numbers of weapons remain in every province.
- The International Security Assistance Force (ISAF) and Provincial Reconstruction Teams (PRTs) are playing a 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.

### About the Research

This policy note is drawn from AREU's June 2011 report *Local Governance in Afghanistan: A View from the Ground* (available at [www.areu.org.af](http://www.areu.org.af)). The research was completed in December 2010 and covered 47 districts in Samangan, Jawzjan, Sar-i-Pul, Laghman, Wardak and Day Kundi Provinces, with additional time spent in two districts of Helmand.

- 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. In Wardak, they have improved daytime security on roads leading to the provincial centre, but were deeply resented by the Taliban and vulnerable to infiltration. This has implications for the ongoing formation of Afghan Local Police (ALP).
- Most disputes are being resolved at the community level, since doing so is cheaper, faster and more transparent than through government justice departments, which suffer widespread corruption. 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. Many health, education and rural development programmes may become unsustainable because a reduction in aid flows will likely accompany the military drawdown toward 2014. To complicate matters further, about half of all external assistance is currently provided outside government budgetary mechanisms.
- 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 development budget execution rate for 2010 was only 37 percent.
- 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.
- 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 National Solidarity Programme (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. Community Development Councils (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 on projects, 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-transferable 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. Subsequently, there is a tension between IDLG and the Ministry of Rural Rehabilitation and Development (MRRD), with each running parallel district-level representative bodies: District Community Councils (DCCs) and District Development Assemblies (DDAs), respectively. This failure to determine effective representative mechanisms at the district level is damaging all concerned. The situation is being further exacerbated by a mixture of uncoordinated and competing donor funding.
- The constituency-based model of district representation developed in Helmand—a DDA under IDLG’s Afghanistan Social Outreach Programme (ASOP)—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.
- 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.

## 2. Summary of Policy Options for Improved Local Governance

While many shortcomings were identified through the research, the silver lining is that focus on local governance in Afghanistan is increasing. There is a growing recognition among national and international stakeholders of how vital it is for security and the enduring legitimacy of the Afghan state, particularly in the context of a gradual transition toward complete responsibility by Afghan authorities for all areas of the country.

There is an opportunity to be seized, and the *View from the Ground* report provides the following policy options. If addressed and enacted meaningfully, these measures would assist in the development of robust, effective and accountable mechanisms for the operation of local government in Afghanistan.

### **The Centralised State**

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

### **Responsibility for Local Government**

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

### **Planning**

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

### **The District**

- Consolidate all authority for district representation in a single body.
- Use consultative mechanisms to select district councillors—preferably those developed by ASOP in Helmand—until appropriate mechanisms exist and there are sufficient resources for district elections.
- Create and formalise appropriate linkages between district actors and provincial councils regarding planning and administrative matters.

***The Village***

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

***Justice delivery***

- Remove the obligations for justice delivery from the draft laws for provincial, district and village councils, as this would further confuse the appropriate separation of powers.
- Encourage the registration of locally made judgements as a step toward integrating community-based justice delivery into formal justice procedures.
- Reduce the number of non-state actors involved in justice delivery.

***The Voting System***

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

***Corruption***

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

***Donors***

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

***Service Delivery***

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

***Capacity Building***

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