

# AN ASSESSMENT OF SUB-NATIONAL GOVERNANCE IN AFGHANISTAN



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## ACRONYMS

<b>ABC</b>	Afghans Building Capacity Project
<b>ACBAR</b>	Agency Coordinating Body for Afghan Relief
<b>ADB</b>	Asian Development Bank
<b>ANA</b>	Afghan National Army
<b>ANDS</b>	Afghanistan National Development Strategy
<b>ALGAP</b>	Afghanistan Local Governance Assistance Project
<b>ARD</b>	Associates in Rural Development, Inc.
<b>AREU</b>	Afghanistan Research and Evaluation Unit
<b>ASP</b>	Afghanistan Stabilization Program
<b>CDC</b>	Community Development Council
<b>CIDA</b>	Canadian International Development Agency
<b>CSO</b>	Central Statistics Office
<b>DDA</b>	District Development Association
<b>DFID</b>	Department for International Development (UK)
<b>DOWA</b>	Department of Women's Affairs
<b>EU</b>	European Union
<b>FP</b>	Facilitating Partners of NSP
<b>GOA</b>	Government of Afghanistan
<b>I-ANDS</b>	Interim Afghanistan National Development Strategy
<b>IARCSC</b>	Independent Administrative Reform and Civil Service Commission
<b>LGCD</b>	Local Governance and Community Development Project
<b>MOE</b>	Ministry of Education
<b>MOF</b>	Ministry of Finance
<b>MOI</b>	Ministry of Interior
<b>MOWA</b>	Ministry of Women's Affairs
<b>MRRD</b>	Ministry of Rural Rehabilitation and Development
<b>NA</b>	National Assembly
<b>NABDP</b>	National Area Based Development Program
<b>NDF</b>	National Development Framework
<b>NSP</b>	National Solidarity Program
<b>OAA</b>	Office of Administrative Affairs
<b>PAR</b>	Public Administration Reform
<b>PC</b>	Provincial Council
<b>PDC</b>	Provincial Development Committee
<b>PDP</b>	Provincial Development Plan
<b>PRR</b>	Priority Reform and Restructuring Program
<b>PRT</b>	Provincial Reconstruction Team
<b>SNG</b>	Sub-National Governance
<b>SNTV</b>	Single Non-Transferable Voting System
<b>TAF</b>	The Asia Foundation
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNDP</b>	United Nations Development Program
<b>USAID</b>	United States Agency for International Development

## EXECUTIVE SUMMARY

The Government of Afghanistan with the support of the international donor community has made great strides toward establishment of a stable, effective, and democratic structure of government for the Islamic State of Afghanistan since the Bonn Conference in December of 2001. The National Government and citizens of Afghanistan have adopted a new Constitution, elected the President, formed a cabinet, elected the National Assembly, and restructured and reformed a number of ministries. With the basic administrative structure of central governance in place, continued efforts are underway to consolidate what has been achieved thus far in laying the groundwork for stability and reconstruction in the country.

As part of the process of building a new Afghan state, the principles for sub-national governance were articulated in several key documents. The Constitution of Afghanistan states that the government must retain strong central authority, while delegating certain roles and authorities to provincial, district, and village levels. Clarity on those roles and authorities awaits development of a legal framework that has yet to be established, and constructing that framework will require better information, more experimentation, and more consultation among Afghans than has taken place thus far. Meanwhile, the Interim Afghan National Development Strategy (I-ANDS), which replaced the NDF, and the Afghanistan Compact of 2006 both highlight the importance of sub-national governance more broadly for the achievement of political and development goals, and both also explicitly recognize the current weakness of public administration, especially at the sub-national level.<sup>1</sup> All of these documents make reference to the establishment and improvement of structures that are to contribute to development planning, coordination and representation at the provincial level.<sup>2</sup> Unfortunately, little attention has been paid to actually establishing or improving these structures.

Local administration is the first and sometimes the only point of contact between the majority of Afghan citizens and their government. As such the performance of local government is a critical factor in public perception of the legitimacy of the state. Yet, in practice, state building efforts have paid limited attention to strengthening the sub-national levels of government. In fact, the efficacy of the sub-national government in delivering services and responding to their constituencies' plays a major role in building confidence among the Afghan public about the government's reform process both at the local and national levels. Currently the basic government structures in place at the sub-national level are a carryover from previous governments and are organized to the provincial level with very little structure below. The need to reform and restructure local administration has been recognized in defining several national priority programs (e.g. public administration reform). Unfortunately, their implementation has been relatively ineffective at the sub-national level partly because there isn't a coherent, common vision for a sub-national government structure and how new institutions will integrate into the existing complex terrain of formal and informal local governance.

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<sup>1</sup> ANDS has "Governance, Rule of Law and Human Rights" as one of the three key pillars (the other two being "security" and "Economic and Social Development")

<sup>2</sup> AREU Sub-national Governance: Confusion to Vision?"

The donor community has focused its effort at the sub-national level on improving infrastructure for services (e.g. schools and clinics) to rapidly address the basic needs of people throughout the country. In most of the projects, attention to participation and strengthening governance structures in the delivery of projects and services has been the exception rather than the rule, since both donors and government were striving to demonstrate a quick impact in a very difficult environment. Many Afghans think of government primarily in how it provides or fails to provide these services at their level. Thus, schools and health clinics that have been built and staffed by NGOs or donors instead of the government demonstrate the weakness of government rather than a government deserving support.

The fundamental challenge to sub-national governance reform is the lack of a coherent vision for practical implementation of a sub-national governance framework within a context where local government efforts are diluted and confounded by local politics with strong war time legacies. Over the last few years, the Afghan government, with the support of the international community, has taken some steps to transform the sub-national governance provisions on paper into reality. Overall, these efforts have been successful in bringing to local communities new institutions that have the potential to improve the responsiveness and accountability of Afghan government. For example, Provincial Councils have been elected and Community Development Councils now function across half the country (although there is a big gap at the district and municipality level). However, these efforts added to a proliferation of entities whose roles are not clearly defined, functions not understood by local communities, and whose prospects for sustainability are not clear.

### *Issues and Opportunities*

An **Afghan formulation of a coherent policy and strategy for sub-national governance**, and its effective communication and implementation is required. The lack of attention to a strategy of reform of sub-national governance has resulted in confusion and uncoordinated initiatives. Provincial Councils were elected in 2005 because they were needed to form the National Assembly, but before any serious deliberation or laws were written to define their roles and authority. Community Development Councils were formed in many villages but some parts of government have seen these as governance institutions and others view these as part of particular rural development programs. Municipal governments, with the authority to collect tax revenues, could play a significant role in establishing effective models of sub-national governance, but they have received very little attention. **Municipal reform** alone is a broad, complicated undertaking, but the constitutional provisions for elected officials, as well as the fiscal autonomy allowed to municipalities by law and tradition, make municipalities a conducive environment for developing and demonstrating the strengths of democratic governance.

Related to the requirement of a coherent, common policy and strategy for sub-national governance is the need for up-to-date understanding of local political and administrative dynamics and variations in economic and social contexts. Layers of government have been imposed on Afghanistan over the last few decades and have taken root differently across regions, resulting in real variations across the country at the local levels. These historical and cultural differences in the development of local governance have resulted in significantly diverse local politics and administration with a range of governance capacities. Further, the government's

failure to develop and articulate policy and a strategy for sub-national governance makes it difficult to communicate what it is trying and doing. The governance objectives and accomplishments of the National Solidarity Program (NSP) supported Community Development Councils (CDCs) are unknown to a large number of senior government officials leave alone the public. A debate between parliament and the president about amending the Provincial Council (PC) law went on for five months; few knew about it until the amendment's recent passage. The CDC Bylaws were signed in November 2006 converting them into more permanent institution of governance but very few in Kabul have seen the Decree or know it was signed. There are some important development innovations taking place and there are some systemic problems in the system but neither can be acted upon as long as they are generally unknown. As sub-national programs are designed and deployed across provinces and their enabling legal/regulatory framework is amended, it is important that **information and insights are collected on a regular basis to inform policy development, learning, and program adjustment** by government and donors.

An important finding of this assessment is that the **effective delivery of services (particularly health and education) and development of local infrastructure** has had more of an impact than any other factor on (a) sub-national governance and (b) people's attitudes toward government. Where the delivery of services is seen as the partial fulfillment of the government's promise to improve services, it had the effect of improving people's opinions of and support for the government. In this way, the legitimacy of the Afghan government is bolstered by the effective and responsive delivery of services. In some provinces, government ministries or the governor have set up consultative citizens' bodies on education and health programs, and this has set the stage for gaining a strategic inroad for addressing SNG reform. The optimal approach for strengthening sub-national government is through the delivery of services that people are most concerned about (health, education, water, electricity, rural development) and thus through their sector-focused ministries at the provincial level. This approach builds on existing programs that have already involved governance institutions at local levels and established mechanisms for consultation and participation of local communities. Also, the sector-led approach to development projects takes into account and builds into the existing budgetary system where budgets are channeled down to the local levels through ministries.

The assessment also identified two major cross-cutting issues that limit development of effective and responsive sub-national government. The first cross-cutting issue is **the lack of effective planning**, which is an area where increased donor and government resources have been directed since 2005. Many rural development professionals advocate for developing a system of bottom-up area-based planning. Others argue for sector-based plans along the outline of the I-ANDS. An Afghan government cabinet decision created Provincial Development Committees (PDCs) to coordinate area-based (provincial) planning with the sector-based ministries, but expected PDCs to function without adding any additional cost or resources. Donors were quick to support the idea of PDCs, hoping to have official development priorities as the basis for their investment decisions. But the weak conceptual approach to planning with sub-minimum resources has only produced a long list of projects (primarily bricks-and-mortar) with no prioritization, no indication of consultation with beneficiaries, and no technical or budget analysis. These "plans" are not satisfying anyone and the lack of response will likely frustrate those who invested time and energy if there is no response to their initiatives. Even if the resources were available for quality

plans, there is no provincial budget and the national budget is determined according to line ministries and sector programs. Finally, it is not clear how horizontal area-based plans would be integrated with the government's vertical budgeting and administrative structure. More focus on budgeting and budget execution by sector at the provincial level would pay much higher returns than any attempt at comprehensive, cross-sectoral provincial planning at this time.

The second cross-cutting issue that limits the development of effective and responsive sub-national government is the **limited human resource capacity** and the inability of government to effectively mobilize resources that exist in the country. Half of the district governors are said to be uneducated but the government has failed to implement the planned civil service reforms that redefine the positions and refill them based on merit appointments. In some provinces 20 percent of the teaching positions are vacant and 75 percent are occupied by teachers with only an elementary education. There is clearly a shortage of trained people but the government cannot mobilize even the trained or experienced personnel that do exist because of low salaries and the weak administrative structure. Donors have recruited NGOs to operate hospitals and health clinics throughout the country but how and when the government plans to take over this system is not decided. A human resource strategy based on a reform of the administrative structure is needed to begin to seriously address the capability issue because only when the positions and roles are defined will it be possible to provide effective targeted assistance. The Public Administration Reform (PAR) and Priority Reform and Restructuring (PRR) process has been a priority for four years but has barely begun to be implemented in the provinces.

In conclusion, the government in Kabul and the international community have officially recognized the need to develop governance at the sub-national level, but have failed to date to invest the resources needed to effectively put **a system** in place. Hundreds of millions of dollars have and continue to be invested in quick impact development activities throughout the country, often with insufficient consideration of how they impact on long-term sustainable development or the people's attitude toward and participation in their governance. It is critical for security and essential services that there is development of a system of government that respects the cultural, linguistic, ethnic, and geophysical reality of Afghanistan. The development of sub-national governance will require a long-term commitment to the articulation and implementation of a strategy for developing an Afghan system of governance that will be supported by nearly all Afghans.

### ***Recommendations***

The recommendations below have been formulated based on the issues and opportunities identified by this sub-national governance assessment, with a view to articulating only those recommendations that can or should be undertaken quickly, encounter relatively less political resistance, and demonstrate results within a three to five-year program of support. They are elaborated in pages 37-44.

1. Establish a coherent, comprehensive policy for sub-national governance in Afghanistan that integrates the roles of sub-national governance institutions into a cohesive structure, through reflection, deliberation, and negotiation among Afghan change agents working on sub-national governance.

2. Pursue a focused sector-led approach to sub-national governance reform and improved services (starting with education, health, electricity distribution, water and other Afghan priorities as indicated by various surveys including TAF's 2006 survey) in tandem with accelerated support for administrative reform and human resource capacity building specifically targeted to the priority areas of this strategy (key sectoral ministries and provincial departments; municipal governments).
3. Improve municipal management and accountability in the short term with a view towards municipal reform in the longer term, including clarification of jurisdiction and accountability, financial administration reform, and voter base.
4. Launch a program of investigation (study) of governance at the sub-national level that combines short and long-term information gathering and analysis, and institutionalizes periodic information sharing, including inputs into donor coordination groups and government coordination mechanisms and public information/awareness of SNG initiatives.

Recommendations One, Two, and Four should be taken up as soon as possible. The U.S. Government and other donors can begin to address the second recommendation immediately by examining how their current programs are impacting SNG, reorienting them as appropriate, and establishing short, intermediate, and long-term objectives. Training and infrastructure development need to support and be brought in line with SNG development, and not be allowed to detract from it. Only the government of Afghanistan can address the policy recommendation, but action could be encouraged and support offered immediately as long as it remains an Afghan policy. Recommendation Four is needed to support and inform the process of implementing the other three recommendations, and to help all understand and adjust to the evolving context in which SNG is developing or not developing.

## 1. INTRODUCTION

The Government of Afghanistan with the support of the international donor community has made great strides toward establishment of a stable, effective, and structure of government for the Islamic State of Afghanistan since the Bonn Conference in December of 2001. The National Government and citizens of Afghanistan have adopted a new Constitution, elected the President, formed a cabinet, elected the National Assembly, and restructured a number of ministries.<sup>3</sup> With the basic components of effective and responsive central democratic governance in place, continued efforts are underway to consolidate what has been achieved thus far in laying the groundwork for stability and reconstruction.

While there has been significant progress in strengthening national government in Afghanistan, there has been only a limited focus on development of effective and responsive sub-national governance. Projects initiated at the local level have primarily addressed basic human needs and have been designed to achieve quick impact through improvement of infrastructure such as schools and clinics. While these initial efforts have clearly played an important role in advancing humanitarian goals, they usually bypass the nascent administrative bureaucracy established at the sub-national level. Such service sector-led initiatives have been implemented partially through the line ministries, driven by donors, and managed by donors or NGOs. The few programs that have been designed specifically to support the development of sub-national governance--the National Solidarity Program (NSP) and the Afghan Stabilization Program (ASP) being among these--have been minimally coordinated and have taken such different approaches (with quite different outcomes) that a challenge is now faced in trying to articulate them into formal governance structures. Despite these various efforts, a coherent strategy for addressing sub-national governance has yet to be developed.

To achieve continued progress toward unity, stability, peace, and reconstruction, the National Government and the international donor community must increase efforts to address the sub-national government and extend the new state down to local levels. For most Afghans, the face of government is local, and thus the legitimacy of the new Afghan government will depend not only on functioning central institutions but also on representative and accountable institutions at the local level. Employment opportunities, service delivery, and the provision of security are identified as the greatest problems facing ordinary Afghans at the local level.<sup>4</sup> Particularly at the provincial and district levels, disaffection of the population and insecurity stem in large measure from the lack of credible Afghan administrative and security institutions to address these problems.

Governance challenges at the sub-national level are manifold. Nearly three decades of war and oppression have critically weakened the structures of local administration, especially because the local units of national government are diluted through local power holders. Basic government institutions in place have either been carried over from previous governments and regimes, or are

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<sup>3</sup> Elsewhere, the report discusses why the only ministry that has really been institutionally strengthened is MRRD, according to many of the respondents interviewed.

<sup>4</sup> Afghanistan in 2006: A Survey of the Afghan People, The Asia Foundation.

newly-established institutions with unclear roles and extremely limited capacity. Where there are institutions, there are also undefined parallel streams of institutional and informal authority that may conflict. Regional power brokers, backed by private militias and in some cases a degree of popular allegiance, now sit in positions of official authority. Resurgent Taliban forces contest certain areas in the south and are increasingly supported or at least tolerated by Afghans frustrated with perceived lack of attention from the center. In addition, a continuing heroin trade feeds off local poverty and government neglect, while corruption is persistent. The government does not currently have the capacity to reach out effectively and provide security and services to citizens through local administrative units.

Furthermore, the constitutional and legal framework provides limited clarity on the roles and responsibilities of the existing and newly-created sub-national governance institutions. For example, although the provincial council law outlines the structure and authorities of provincial councils (PCs), the relationship of the PCs to provincial administration, village-level communities, traditional governance and adjudication bodies (shuras and jirgas), lower level district councils, the National Assembly and the Government in Kabul remain undefined. This problem is being compounded as various donors and government ministries seek to establish yet more village and district shuras and other bodies. There is still a limited understanding of how these diverse initiatives can or cannot fit together in a robust sub-national governance institutional structure. Thus, while there is a growing consensus among donors, government and non-government actors that sub-national governance (SNG) reform should receive priority in terms of policy development and programming, there is a lack of common understanding of how the reform should proceed. As a consequence, some of the efforts appear to be counterproductive.

### ***Assessment Objectives and Methodology***

In this context, and with support from USAID, The Asia Foundation (TAF) undertook this assessment in order to develop a broad understanding of the context, issues, and opportunities surrounding development of sub-national governance in Afghanistan. The objectives of this assessment are as follows:

- 1) To review the current context of sub-national governance in Afghanistan;
- 2) To identify challenges to SNG as well as opportunities for further reform; and
- 3) To present a set of strategic recommendations that could be addressed by USAID and TAF, as well as the donor community in Afghanistan and national government.

The assessment was informed by three key sources of data and information:

- 1) Two surveys of the Afghan people conducted by TAF in 2004 and 2006 that present public perceptions on progress in governance reform, development, and human security.
- 2) Interviews with key representatives of the Afghan government, including governors and provincial directors at the sub-national level, donor organizations, and NGOs operating in Afghanistan. TAF's assessment team interviewed 225 individuals in 70 meetings in Kabul and across five other provinces (Herat, Kandahar, Kapisa, Kunduz, and Parwan). In addition, a purpose-built team of qualitative researchers also collected supplemental information from 77 individual interviews in Balkh, Bamiyan, Faryab, Herat, Kandahar, Kunduz, Nangarhar, and Panjshir. Altogether, 302 interviews were conducted in 150 meetings (see Annexes B, C, D, & E for details of interviews and meetings by province).

- 3) Extensive review of published documents including national strategy documents, briefing papers by the Afghanistan Research and Evaluation Unit (AREU), NGO reports, project monitoring and evaluation reports, the Constitution of Afghanistan, and government decrees.

For the purpose of this assessment, we conceptualize “sub-national governance” as the administrative and political structures, institutions, and processes that exist at all levels below the national. Three key aspects are crucial to sub-national governance: the administrative or executive arm of the government, political representation and oversight, and civil society linkages. At the provincial level, the governance institutions that represent these three key elements are the provincial governors and departments as the *executive*, provincial councils in terms of *political representation*, and NGOs present views of *civil society*. Likewise this assessment explored similar kinds of institutional configurations at the district (Woluswals, District Development Associations, shuras) and village levels (Community Development Councils, shuras).

The report is organized into four key sections. Section Two describes the historical and current context for sub-national governance in Afghanistan. The principles and framework for sub-national government, as articulated in the Constitution of Afghanistan and other key documents, are also outlined. In this section, the sub-national governance processes are also placed in the broader context of the institutional structure of the government and donor initiatives related to sub-national governance. It is shown that the practice of SNG in Afghanistan is mediated by these contextual factors, which need to be taken into account while understanding and reforming the SNG process in Afghanistan.

Section Three critically examines the existing practice of sub-national governance at the provincial, district, and municipal levels. The strengths and weaknesses of these governance institutions are discussed, as well as their interrelationships. This section also examines two major cross-cutting problems that limit development of effective and responsive sub-national government: lack of effective planning and lack of human resource capacity.

Section Four identifies challenges and opportunities, and presents a set of strategic recommendations for improving sub-national governance.

## 2. CONTEXT OF SUB-NATIONAL GOVERNANCE IN AFGHANISTAN

### 2.1 Historical Context

Governance in Afghanistan has always involved an uneasy balance between central authority and local autonomy, a balance in which attempts by the center to impose its authority or its modernizing vision too harshly or rapidly on local communities has nearly always resulted in resistance, and often violence. Still, by the mid-1970s after a half century of slow progress, an effective and expanding system of centrally administered local governance had evolved that was generally accepted as legitimate by most Afghans. The communist coup in early 1978 and the Soviet invasion in late 1979 to save the regime from popular insurrection swept aside much of this system of governance. In areas under direct government control, primarily larger provincial towns, the regime imposed a harsh form of Soviet-inspired socialist administration. But through most of the 1980s, Kabul directly controlled only about a third of the country. Other areas drifted under a combination of traditional local institutions and the remnants of the pre-communist administration overlaid by increasingly assertive publicly supported ethnic/sectarian *mujahideen* commanders (warlords) then battling the communists.

Following the final collapse of the Soviet-backed regime in 1991, and a brief period of relative peace, the *mujahideen* militias turned on each other in a devastating civil war that eventually destroyed significant sections of Kabul. By then local governments under the control of the fractious and increasingly rapacious commanders had become nearly as oppressive as it had been under the former regime. The Taliban movement began in 1994 as a reaction against the deprecations of the commanders, and initially was supported as such by many Afghans. But as the Taliban spread north, they established a new form of centralized authoritarian rule under a narrow and brutal vision of Islamic purity. Stripping the central state of much of its remaining institutional capacities and human resources, the Taliban (and their al Qaeda supporters) ruled through a network of trusted local appointees backed up by fanaticism and fear. The Taliban experiment was ended abruptly in late 2001 with the rapid defeat and collapse of the regime. In the political vacuum that followed, the *mujahideen* commanders returned in force to reoccupy their former regions.

The recent process of democratization of governance in Afghanistan started at the national level with the drafting and ratification of the new constitution followed by the Presidential election followed by the election of the Wolesi Jirga (Lower House of Parliament), but has yet to take root at the sub-national level. Driven by the short-term imperative to oust the Taliban and bring about a cessation of conflict, priority at the political level has focused more on reconciliation of armed rivalries of the past. This is reflected time and again in the inclusion and reshuffling of warlords in the cabinet, as well as in the recent resolution of the Wolesi Jirga members to issue a blanket amnesty to all among their ranks who allegedly committed war crimes.

Furthermore, twenty-five years of war and oppression have critically weakened the structures of administration. The nation remains divided: regional commanders retain *de facto*, and in some cases *de jure*, local authority backed up by private militias and in some cases a degree of popular allegiance that could rise if the government fails to deliver meaningful improvements at the local level. As a result, not only is there weak political will but active resistance to change, sometimes

resulting in the hijacking of the process of sub-national governance by particular individuals or groups among newly-legitimized participants in the political sphere. Moreover, resurgent Taliban forces contest certain areas in the south increasingly supported or at least tolerated by southerners frustrated with the perceived lack of attention from the center. Lastly, a rapidly growing heroin trade feeds off local poverty and government neglect, while corruption is persistent. Given these growing challenges, continuing progress on peace and reconstruction will be strengthened by progress in establishing effective and responsive local government that is strongly supported locally by Afghan citizens.

## 2.2 Service Sector-Led Development

Following the collapse of the Taliban, many donors quickly moved to launch relief and reconstruction programs in Afghanistan, in spite of the continued security risks and severe infrastructure constraints. These early efforts, which focused on roads, schools, health clinics, and access to water, represented the primary mechanism through which donors and the newly-established central government institutions engaged with populations at the sub-national level.

On the one hand, concrete improvements in service delivery have been made. Health services reach villages where there were none before, and new schools provide education to both boys and girls. In addition, local communities have expressed relatively high awareness of foreign-funded development projects. According to The Asia Foundation's 2006 *Survey of the Afghan People*, 59 percent of respondents had heard of the implementation of education projects in their areas, 56 percent had heard of reconstruction projects, 44 percent had heard of health care interventions, and 39 percent had heard of projects for water supply.<sup>5</sup>

On the other hand, local officials have complained about the lack of coordination and communication between the projects. In some instances, PRTs, NGOs, and/or contractors acted independently with the best of intentions and the gifts, while appreciated, did little to support a comprehensive development plan. In addition, goods provided by NGOs or the PRTs instead of by government, was seen to demonstrate the lack of ability and or will of the government to help the people of the countryside. In some cases, especially for the PRTs, the coordination was through the provincial governors and in many of these cases, the governors controlled the message. At times, governors claimed that they were the ones who had secured the resources through the PRTs and that this demonstrated the central governments inability or lack of interest in the people of that province.

The nationwide Package of Basic Health Service (PBHS) delivery program illustrates the advances and limitations that service-sector projects have had on sub-national governance. The PBHS program provides services through a network of hospitals, community health clinics and basic health clinics in areas that five years ago were served by one or two emergency medical clinics.<sup>6</sup> They are not only providing a top-down program, but are also engaging with the community at the provincial level through provincial health development councils, and more recently through the PC and engaging beneficiaries through community health councils. However, it is not clear how this program integrates into the broader structures of sub-national

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<sup>5</sup> *Afghanistan in 2006: A Survey of the Afghan People*, The Asia Foundation.

<sup>6</sup> Interview with Parwan Health Department

governance. The structure of sub-national governance and of the health programs could be mutually strengthened by clarifying roles and relationships among various governance bodies the provincial, district, village, and municipal levels.

Looking at the chronology and sequencing of activities and objectives for programs to meet basic human needs is an important issue that deserves more attention by the donors. No one should doubt the urgency of improving health services and few if any would suggest that the delivery of services should be delayed until the PAR process for the provincial health department has been completed. But, even while less urgent, the question of how the services will continue to be provided over the medium and long term by the Afghan government needs to be addressed. Donors must reconcile the inherent contradiction in supporting the provision of health and other services directly (through nongovernmental organizations and contractors) for quick impact when such support may undermine the credibility of the Afghan government's sectoral ministries at the sub-national level. Supporting the development of the institutions of SNG that will be responsible for provision of services is just as important and must begin to be addressed now by the donors.

An important finding of this assessment is that the development of **local physical infrastructure and delivery of services has had more of an impact than any other factor on (a) sub-national governance and (b) people's attitudes toward government**. When the delivery of services was seen as the partial fulfillment of the government's promise to improve services, it had the effect of improving people's opinions of and support for the government. In this way, the legitimacy of the Afghan government is bolstered by the effective and responsive delivery of services.

For humanitarian, economic, and legitimacy reasons, service delivery clearly needs to continue to improve. The challenge in the Afghan context is that the government levels and institutions typically expected to coordinate service delivery do not at present have the capacity, authority, or mechanisms for consulting with communities and citizens to ensure that this is occurring in an effective and responsive way.

### **2.3 Policy Framework for Sub-National Governance**

In the spirit of decentralization, **The Constitution of Afghanistan 2004** very clearly establishes that, "Government, while preserving the principle of centralism, shall delegate certain authorities to local administration units for the purpose of expediting and promoting economic, social, and cultural affairs, and increasing the participation of people in the development of the nation." The constitution not only calls for the administration to increase participation but also provides a structure for participation in local governance with councils to be elected at the provincial, district, village and municipal level. Article 84 outlines the role of district and provincial councils in electing members of the Meshrano Jirga. Articles 138 and 139 describe the formation, terms, and roles of the Provincial Councils, stipulating that the provincial council "takes part in securing the developmental targets of the state and improving its affairs in a way stated in the law, and gives advice on important issues falling within the domain of the province." Article 140 calls for the formation of councils at the district and village levels with the intent to "organize activities... and provide [people] with the opportunity to actively participate in the local administration." The Constitution also provides that municipal councils and mayors are to be elected, though their functions are not stated. All of the councils are to operate in accordance with law.

The principles of participation and deconcentration of governance are also framed by the following three key policy documents:

- The National Development Framework (NDF)
- The Interim Afghan National Development Strategy (I-ANDS)
- The Afghanistan Compact

These documents inform various elements for a long-term vision of sub-national government and commit the Afghan government and the international donor community to specific aims in support of this vision.

At a practical level, the Afghan government's national development program is composed of twelve National Priority Programs that have been designed in cooperation with the international donors and are under various stages of implementation. Three of the twelve NPPs relate more directly to local governance than the others: the Afghanistan Stabilization Program (ASP), the National Solidarity Program (NSP), and the National Urban Program (NUP). The ASP addresses local administration, both infrastructure and personnel, at the district and provincial level. The NSP enters local governance at the village level, electing village Community Development Councils (CDCs), and helping these to plan and implement development projects. And the NUP involves urban infrastructure, urban services, and administration.

After the Bonn conference, Afghan stakeholders and donors have engaged substantively in developing development policy for Afghanistan. The *National Development Framework* (NDF) was drawn up by the Afghan Interim Authority in early 2002 as a road map for the development and reconstruction of Afghanistan. The **National Development Framework** recognized that:

“People in general and the poor in particular are not passive recipients of development but active engines of change. Sustainable development requires citizen participation and adopting of methods of governance that enable the people to take decisions on issues that affect them and their immediate surroundings.”

NDF was replaced by **Interim Afghanistan National Development Strategy (I-ANDS)** in January 2006, and the **Afghanistan Compact** was also signed between the donors and the GOA then. The I-ANDS<sup>7</sup> and the Afghanistan Compact explicitly recognize the current weakness of public administration, especially at the sub-national level, and highlight the importance of sub-national governance more broadly for the achievement of political and development goals. They make reference to the establishment and improvement of structures that are to contribute to development planning, coordination and representation at the provincial level.<sup>8</sup> I-ANDS does not include a strategy for developing the system of sub-national government.

The **Laws** most directly affecting sub-national government include: the Provincial Council Law of November 2005 (which is being amended); the Local Administration Law of 2000 which

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<sup>7</sup> ANDS has “Governance, Rule of Law and Human Rights” as one of the three key pillars (the other two being “security” and “Economic and Social Development”).

<sup>8</sup> “Sub-national Governance: Confusion to Vision?” May 2006, AREU

defines the Ministry of Interior’s provincial and district structure; and the election laws which enabled the election of Provincial Councils but did not provide for the election of mayors or other councilors. Important presidential decrees and policy statements include the Cabinet decision of November 2005 establishing the Provincial Development Committees and the Decree of November 2006 establishing the CDC bylaws. The MRRD Memorandum of July 2005 provides the guidelines regarding the establishment of the District Development Assembly and the District Development Plan linking these to provincial planning. The Municipal law of 1957 regulates municipalities.

There is still a significant gap between the legal structures called for in the constitution and what has been decided or even considered. Some indication of when and how these might be decided would help to provide direction and set priorities for SNG.

**Table 1: Key Legal Documents related to SNG in Afghanistan**

<b>Legal Documents</b>	<b>Key provisions of Sub-National Governance</b>
The Constitution of the Islamic Republic of Afghanistan 2004	Provision for elected councils at village, district, municipality, and provincial levels
Provincial Council Law of November 2005 (amended March 2007)	Describes Provincial Council functions, including providing consultation (2005) and oversight without veto (2007) to provincial administration
The Local Administration Law of 2000 (passed by Taliban in 1421)	Defines the Ministry of Interior’s provincial and district structure
The MRRD Memorandum of July 2005	Provides the guidelines regarding the establishment of the District Development Assembly and the District Development Plan linking these to provincial planning
Cabinet decision of November 2005	Establishes the Provincial Development Committees
Decree of November 2006 establishing CDC bylaws	Institutionalizes CDC as a local government unit at the village level
The Municipal law of 1957	Provides for the election of municipal assembly, municipal council, mayor and deputy mayors

## 2.4 Institutional Structure of Sub-National Governance

Currently four administrative structures of sub-national government are in place; these include: provinces (34), districts/woluswali (~384), 127 provincial municipalities (sharwali wolayat), and rural municipalities (sharwali woluswali).

**Table 2: Administrative and Political Structure of National and Sub-National Governance**

	<b>Government Administration</b>	<b>Elected and Traditional Citizen Representation</b>
Central Government	<ul style="list-style-type: none"> <li>• President</li> <li>• Ministries</li> </ul>	<ul style="list-style-type: none"> <li>• Parliament</li> </ul>
Provincial Government	<ul style="list-style-type: none"> <li>• Governor</li> <li>• Ministry Departments</li> <li>• Chief of Police</li> </ul>	<ul style="list-style-type: none"> <li>• Provincial Council</li> <li>• Provincial Development Committee</li> <li>• Sectoral Council</li> </ul>
District Government	<ul style="list-style-type: none"> <li>• Woluswal</li> <li>• Ministry Departments</li> <li>• Chief of Police</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional Jirga/Shura</li> <li>• District Development Assembly</li> </ul>
Municipal Government	<ul style="list-style-type: none"> <li>• Mayors</li> </ul>	<ul style="list-style-type: none"> <li>• Elections have not taken place</li> </ul>
Village Government	<ul style="list-style-type: none"> <li>• Schools and Health Clinics</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional Jirga/Shura</li> <li>• CDCs</li> <li>• Sectoral Councils</li> <li>• Malik/Arbab</li> <li>• Mirab</li> <li>• Khans/Nawabs</li> </ul>

The president is the highest authority in the national government, represented by governors in the provinces. However, governors have relatively little formal authority except over the Ministry of Interior, which includes the police. The governor plays a coordination role but wields limited influence unless he/she is able to rely on a personal traditional power base. Government resources flow from the national budget through the line ministries to the province. At the provincial level the funds are administered by the Ministry of Finance officer according to the allotment for each ministry's approved programs and personnel.<sup>9</sup>

The provincial and district municipalities are exceptional in several important ways. They have taxing authority and are allowed to collect, budget, spend and save their own revenue. They now have appointed mayors but the constitution calls for elected mayors and municipal councils.

Good governance would seem to demand effective working relationships between the elected and traditional councils, other civil society organizations, and the government structure.

<sup>9</sup> This was a major problem area in 2003/04 with payments often running six months behind and provincial staffing varying significantly from Kabul's approved lists. Fortunately, this problem has been resolved.

Unfortunately, these relationships are only beginning to develop and there is no known official or unofficial policy or strategy to further develop these relationships.

## 2.5 International Donor Initiatives on Sub-National Governance

The international community consists of many independent organizations that may be classified according to the following four types: 1) UN agencies (UNDP, UNICEF, WFP, WHO led by UNAMA); 2) bilateral donors and other country agencies; 3) Multi-lateral Agencies, including the World Bank, ADB and the EU; 4) Provincial Reconstruction Teams (PRTs), with the greatest presence at the SNG level, are primarily military units provided for security, but also include a humanitarian reconstruction component, and have increasingly worked in governance areas with plans to do more, for example, in the area of “mentoring.” They affect sub-national governance both directly and indirectly with varying degrees of success. Some of the unintended effects seem to both weaken sub-national governance and the people’s respect for the new Afghan government.

**Table 3: A Sample of International Donor SNG Initiatives**

Donor	SNG Activity/Focus	Timeframe	Scale Of Work
UNAMA	Supports PDC as a means of planning and development coordination.	Ongoing since 2005	15 provinces
UNDP (ASGP)	Support to national policy on SNG, PAR reform, elected bodies (mainly PC) and GoA capacity building	Ongoing since June 2006	US\$ 43m for 5 years <sup>10</sup>
UNDP (NABDP)	Combination of economic activities with local governance reform (focusing on DDA)	Ongoing since mid-2005	US\$ 152m <sup>11</sup>
USAID	Support for Provincial Councils and the Municipality of Kabul	2004 - 2007	US\$10.5m
World Bank	Support to second phase NSP	2007-2009	US\$120m; 90% for services; 10% for SNG reform. <sup>12</sup>
EU	Focus on national level justice sector reform, rural development and health services.	2007-2010	EUR 600m
CIDA	NSP, NABDP, and PDC capacity	2006-2007	US\$ 20m

<sup>10</sup> UNDP website [http://www.undp.org.af/about\\_us/overview\\_undp\\_afg/sbgs/prj\\_asgp.htm](http://www.undp.org.af/about_us/overview_undp_afg/sbgs/prj_asgp.htm)

<sup>11</sup> UNDP website [http://www.undp.org.af/about\\_us/overview\\_undp\\_afg/psl/prj\\_nabdp.htm](http://www.undp.org.af/about_us/overview_undp_afg/psl/prj_nabdp.htm)

<sup>12</sup> Emergency National Solidarity Project II  
<http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P102288>.

	building, in Kandahar Province		
DFID	NSP	2004-2007	GBP 17 million
DFID	ASP	2005-2007	GBP 20 million
DFID	NSP + (unspent funds from ASP)	2004-2007	US\$ 10 million
DFID	Provincial Budgeting	2005-2007	Not Available

All of these organizations are well intentioned and they are trying to help the people in the rural areas where SNG should be demonstrating the Afghan government's commitment and ability to provide services. Unfortunately, they have short deadlines to spend the substantial amount of money available and, in the process of doing that, they often violate development lessons learned over the past 40 to 50 years. Further, where donors are perceived to be acting in place of the Afghan state in delivering goods and services, the state becomes weakened in the eyes of the public. This unintended outcome is undesirable from a long-term nation-building perspective. Acting without adequate consultation and without recognizing the role of local institutions often fails to achieve the desired goals and instead rewards contractors and rent-seeking officials who are best placed to benefit from massive, short-term resource flows.

### 3. SUB-NATIONAL GOVERNANCE IN PRACTICE

#### 3.1 Provincial Governance

##### *Roles and Functions*

The **Provincial Governor** is appointed under the Ministry of Interior and is the chief administrative government official in the province and the representative of the President. Provincial governors have a small staff and budget for their offices, significant authority over the national police in their provinces, and direct authority over the district governors. They are expected to oversee the coordination of the work of the line ministries but have no direct authority over personnel or programs outside the Ministry of Interior. This framework of limited authority for Provincial Governors is built on the need for strong administration of the provinces, combined with fear that if their authority and resources are too expansive, it will contribute to a resurgence of problems that grew out of regional autonomy in the past, and could undermine the cohesion in programs, administration, and people's allegiance to the unitary state of Afghanistan.

While official authority to implement programs is thus limited, provincial governors do wield significant power through the budget system and often through their personal status. Provincial governors can block almost any of the programs or activities in their provinces because all expenditures must go through the provincial finance offices and require the signature of the governor in advance. In addition, many provincial governors exercise a great deal of authority because of their personal stature gained as former military commanders, their involvement in the drug trade, or other personal attributes or connections.

Most of the 25 **ministries** are represented at the provincial level. The numbers and capacities of their personnel vary significantly. The Ministry of Rural Rehabilitation and Development (MRRD) is said to have one of the strongest technical staff and the most effective representation down to the district level. MRRD went through the Public Administration Reform (PAR)/Priority Reform and Restructuring (PRR) process and was able to use merit-based recruitment, place staff in well-conceived and managed programs, and provide support to them. The Police and Ministry of Education have the largest numbers of personnel; however, many of those staff do not meet the minimum technical requirements for the positions they occupy. Some ministries have only one technical officer in the province: the department director; and other positions remain vacant for lack of qualified personnel (see Kunduz provincial staff by ministry in Annex F).

The **Provincial Council** (PC) is the first elected body at the provincial level in Afghanistan. The establishment of PCs was largely driven by the process of forming the National Assembly, which began after the presidential election in October 2004. Under the Constitution of Afghanistan, one-third of the Meshrano Jirga (Upper House) of the national legislature must be elected from among the members of PC.<sup>13</sup> Therefore, election of the provincial bodies was essential for the formation of the National Assembly. The PCs are intended to serve as a mechanism for channeling citizen

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<sup>13</sup> One third of the Meshrano Jirga was also to be elected by District Councils, but the government decided to elect two representatives instead of one from each PC when district council elections proved infeasible in 2005. Thus, currently 2/3rds of the Meshrano Jirga are elected from the winners of the PC elections. Upon election to the Meshrano Jirga, they were replaced on the PC.

input into provincial government and addressing problems between the government and the people.

In addition to the Provincial Councils, there are multiple sector-based councils and committees organized by the different ministries or by the governor. Many of these councils have overlapping roles or functions. For example, in one province, there are five provincial-level education councils providing input to the education department.

The government recognized the need to improve planning and project implementation and, on November 7, 2005, created another provincial-level institution to serve this function: **Provincial Development Committee (PDC)**. The PDCs are designed to operate outside of the structure of provincial administrations, and their roles are defined as: “improvement of coordination at the local level, identification of priority projects, controlling and supervision of projects, improving the reporting system, establishment of an efficient mechanism between central government and provinces.”<sup>14</sup> The Government assigned the responsibility for the operation and secretariat of the PDCs to the Ministry of Economy. While the mandates of these committees are fairly broad, to date they have concentrated their efforts on developing **Provincial Development Plans (PDPs)**.

***Issue: Role and Authority of Provincial Councils***

After the election in September 2005, members of PCs across the country have been working towards addressing their constituents’ concerns and channeling them to the provincial government offices (governor and line ministry departments). They have formed sectoral committees in areas such as education and health. In a few cases, the governor, line departments, and donor agencies have requested PCs to identify development issues and compile a list of potential projects.

However, PCs face some challenges as they become operational. The primary challenge to the integration of PCs into the sub-national governance framework is the lack of clarity regarding the role, authority, organizational procedures, and availability of resources of PCs.<sup>15</sup> Several PC members interviewed under this assessment indicated that they face confusion in terms of roles, relations and directions.<sup>16</sup> Some PCs have interpreted their role as supervision of projects currently being undertaken by government departments or NGOs, and have voiced frustration about the lack of response from the government and donors to their demands for development services. With no formal agreement on their role and their limited understanding of the budget process, the expectations of PCs regarding their programming role may be out of line with resource realities.

In addition, as wholly new institutions, with members new to this type of position and the issues faced at the provincial level, many PCs have limited capacity to operate effectively. The lack of clarity regarding their role and the varying levels of capacity among PCs means that PCs do not

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<sup>14</sup> Minutes of Cabinet Meeting, November 7, 2005.

<sup>15</sup> Lister and Nixon (2006) identify similar obstacles – “problems with representative basis of the councils, the vague mechanisms to carry out the council’s stated functions, and the lack of overall framework for provincial planning.

<sup>16</sup> Most of the PCs did not even have basic resources such as office and meeting rooms at the beginning but subsequently they have been able to negotiate with governors, donors and other government offices for office and associated logistics.

operate in a standard way across provinces. Some PCs seem to perform well in addressing concerns of citizens, while others remain confused with how they are to move forward. Channels through which PCs across the nation can augment their voice to national policy arena also remain unclear at present.<sup>17</sup> See Box 1 for a sample of views of PC members, donors, and government staff on the current status of PCs.

### **Box 1. Perceptions of PC among various stakeholders**

- PC members are lost. (*Donor expatriate in Herat*)
- We are being used in the name of consultation. (*PC member in Parwan*)
- I respect PC members as elected representatives of the people and provide support to them. (*Governors of Parwan and Kunduz*)
- There is no doubt that PC has not been able to perform as expected. This is mainly because we do not have authority to get things done through the departments. We try not to push too much. We know there is a problem in recognizing our role. We try to be modest and sometimes even withdraw our concerns. (*PC member in Herat*)
- People do not understand the role of PC well. They ask for our attention to very small issues such as the problem of school children staying in the prayer line. (*PC member in Herat*)
- We do not want a federal system of governance. We are happy with unitary system. What we want is to enhance people's ownership of governance. (*PC member in Herat*)
- If PC is given a supervisory role, 80-85% of the problem of coordination at the provincial level will be solved. (*PC member in Parwan*)
- Consultation should not be optional but should be mandatory. (*PC member in Parwan*)
- PC is for check and balance in provincial governance. (*US PRT Kandahar*)
- PC female members attend women's council meeting. (*Kandahar DoWA Head*)
- PC is good for tribal conflict resolution, while not cooperative and of no use so far. (*Civil society representative from Kandahar*)
- PC has authority, has close relations with people and can do a lot which government doesn't like. (*PC Head in Kandahar*)

The lack of clarity has contributed in some instances to power challenges and conflicts between PCs and governors. The actual power relations between governors and PCs vary from province to province, depending on the extent to which governors and PC members are able to mobilize informal power relations – such as kinship linkages to the president and ministers, and the extent of command over or favor from the local power brokers. The security situation is another factor that influences the dynamics between PCs and provincial governments. Interviews with PC members and NGOs working in one province revealed that there was a significant degree of

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<sup>17</sup> We identify some informal channels that exist – such as groups of PC members coming to talk to members of Wolesi Jirga and Meshrano Jirga and sometimes even the president. Structuring an oversight role for PC in any of the suitable organs of the state is considered essential.

conflict going on between the governor and PC.<sup>18</sup> In other provinces, such as Wardak and Panjshir, the governors and PCs have worked together to develop informal systems of cooperation. Based on research and interviews, it is evident that the need for clarity on the role and authority of PCs is not purely academic, but rather the continued lack of such clarity has a potential de-stabilizing effect.

The existing legislative framework only vaguely addresses the roles and functions of the PCs. The Constitution describes an advisory role for the Council, and an obligation to work in coordination with the provincial administration.<sup>19</sup> The draft Law on Provincial Councils, which was approved by the cabinet on August 15, 2005, and passed in November 2005, assigned the PCs advisory functions related to provincial development planning, some responsibility for oversight of provincial administrations, and a public consultation role. However, political analysts consider this a weak role for an elected council.<sup>20</sup> Moreover, the intent behind and ideas envisaged in the law were not properly communicated to the candidates and voters prior to election.<sup>21</sup>

The new draft law on PCs, which is intended to respond to some of the PC demands for a greater authority, provides for an additional role of “monitoring” the provincial administration. Encouraging PCs to take a political monitoring role over the provincial administration may help strengthen sub-national governance, but further discussion and deliberation are needed. The issues that need closer attention include the exact nature of the monitoring function that would be performed by PCs and the ways and means through which PCs would be able to undertake this responsibility. While there is a fair degree of consensus that possible power sharing arrangements should be explored among PCs, government, and civil society, this assessment did not identify any major efforts that specifically focus on facilitating deliberations to define those parameters.

There are divergent viewpoints on PC empowerment. Some donors and international organizations favor empowering PCs to take political-administrative oversight of the provincial administration. However, the central government and the parliament, in particular the Wolesi Jirga, appear cautious in granting PCs any real power over the political and administrative affairs of the provinces.<sup>22</sup> Some observers—including provincial and Kabul government officials, Kabul-based civil society actors and Wolesi Jirga members—argue that the priority at this stage in Afghanistan’s development should be the strengthening of the national system of governance

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<sup>18</sup> This is also corroborated by a number of donor and project interviewees in Kabul. UNAMA staff views that in some provinces, there is a real conflict between PC and governor (such as in Logar). A focus group discussion with ARD provincial facilitators also revealed the same.

<sup>19</sup> Articles 138 and 139 of Afghanistan Constitution provide for the provision for PC. As the article 139 stipulates “the provincial council takes part in securing the developmental targets of the state and improving its affairs in a way stated in the law, and gives advice on important issues falling within the domain of the province. Provincial councils perform their duties in cooperation with the provincial administration”.

<sup>20</sup> Lister and Nixon (2006) consider it as a “weak advisory functions focused on provincial-level development planning and oversight of administration”. But our interaction with PC members in five provinces indicate that they have no or very limited oversight on the provincial administration.

<sup>21</sup> As a news report comments “draft papers outlining the responsibilities and powers of the provincial councils were circulated among Kabul’s power elite and representatives of donor states through the summer, and the final version was released in August, less than a month before the elections. Most Afghans therefore went to the polls on 18 September and voted for provincial council members with little idea of exactly what those councils would be empowered to do” <http://www.rferl.org/featuresarticle.html>

<sup>22</sup> This is confirmed by a Member of Wolesi Jirga who heads an influential Committee.

within the overarching framework of a unitary state, rather than decentralizing power. Therefore, they advocate that PC empowerment should be a long-term rather than immediate consideration. Other critics argue that granting power to PCs would simply strengthen the power of local elites and warlords, who dominate many PCs.

In the debate over the role of the PCs, legitimate concerns have also been raised as to whether PCs are actually representative of the interests of their provinces. The PC elections were conducted under a provincially-based single non-transferable vote (SNTV) system, as opposed to a district or ward-based system. As a result, a PC may not necessarily have members from all districts in the province. Research indicates that province-wide support is not necessary for candidates to be elected to PCs. This assessment also found that, while PC members are active in seeking input from Afghan citizens, this practice occurs mostly in the districts from which the members draw their support, and not necessarily others, especially small districts.

The USAID-supported Afghanistan Local Governance Assistance Project (ALGAP) provided technical assistance to PCs and PC members by organizing regional and national conferences to discuss the issues and share experiences, as well as assisting site visits of PC members within the province. A major contribution of ALGAP was the facilitation of regional conferences for PC members to build their relationships across PCs and with the government.<sup>23</sup> At a major national conference organized by the government with ALGAP assistance, PC delegates were able to meet with the President, his cabinet, and members of parliament to demand a greater supervisory role and authority.<sup>24</sup> This initiative served as a catalyst for the drafting of a new law on PCs. PCs also highlighted the need for an administrative unit to support their work.<sup>25</sup>

### **3.2 District Governance: Woluswals, Technical offices and Councils**

#### ***Roles and Functions***

There are approximately 400 districts in the country, of which 384 are officially recognized. District-level governance in Afghanistan remains poorly understood, and districts vary greatly from one another in terms of population, geography, government staffing, and other factors.

The **Woluswal (District Governor)** represents the Ministry of Interior at the district level--the lowest level in the formal government structure and the closest to the public. As such, the Woluswals play a critical role as the face of government with which most people come into contact, and their interest in and ability to help people greatly influence people's attitudes toward the government as a whole. Their official role is primarily to coordinate government services of the ministries with a presence in the district, but they have no control over the personnel or budgets of other ministries. They issue official certificates, such as birth, death, marriage certificates. CDCs have recently also been officially given authority to keep such records but they have not yet started to execute such authority, and it is not clear how the district authorities and

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<sup>23</sup> ARD/ALGAP report on Provincial Councils Regional Conferences, 27 June 2006. The reports lists several other topics that were discussed in the regional conferences – role of councils in combating narcotics, strengthening peace and stability, resolution of ethnic conflicts, administrative corruption, national development programs, relationship between councils and non-governmental organizations, and improvement of councils works.

<sup>24</sup> On Feb 28, 2006 PC members met the President and discussed their problems.

<sup>25</sup> ARD/ARLGAP report.

the CDCs will coordinate or how the system will be developed. In cases of disputes, they assist citizens through referral to the police or the local shura. The district police are also part of the Ministry of Interior, but the district governors have very limited influence over them, as district police report primarily to the provincial police chief.

In practice, Woluswals often have much more power than is officially ascribed to their position through the backing of warlords or other powerful persons from the districts. The strength of this power base is such that even though many throughout government and civil society see a real need for reform at this level, nothing significant is happening. The PAR/PRR process was planned for district levels but not implemented when it became obvious that many of the incumbent district governors would be replaced when required to apply through a more transparent merit-based selection process. In that case, Woluswals used their connection to various power brokers to block reforms and keep their positions. Although they maintain a strong degree of power, the technical capacity at the Woluswal level is weak, and an estimated 40 percent of Woluswals have not completed elementary school.

Technical staffing at the district level varies significantly among the districts and is said to be a factor of the size of the district and level of security. The **ministries** most commonly represented are MRRD, Education, Health, and Agriculture, but they individually have minimal authority, and there is minimal coordination among them. In districts where there are no education or health representatives, personnel in the basic health clinics and village schools report directly up to the province. This lack of technical capacity makes it difficult to effectively plan and administer programs at the district level. Furthermore, it may be years before qualified staff can be recruited to fill needed positions, due to scarcity of trained and experienced personnel. Given this weak administrative structure, it is not surprising that there is no forward momentum to elect district councils, which are mandated by the Constitution but have yet to exist in practice.

The **traditional Shura or Jirga** that operate in most districts are the institutions that people have used for decades and continue to use for dispute resolution. Since the fall of the Taliban, there is evidence that these Shura have begun to play more of a role in development activities. In some cases, they are taking the initiative to solicit support for schools, clinics, and roads for their communities. Many donor-sponsored development projects are also consulting and working with the traditional councils to get local consent and support for planned interventions.

### **3.3 Village Governance**

The 30,000+ villages of Afghanistan are the basic community unit of Afghan rural society and of local political organization.

#### **Traditional Village Councils and Powerbrokers**

Malik/Arbabs are the traditional power broker between the community and higher central authorities of the country. It is not clear how the Malik/Arbab earned the power but a prevailing assumption is that they are appointed by the communities because they have resources, spiritual influence, tribal support and skills for dealing with local problems. These are the factors that communities have been counting on for attracting support from the central government. The Malik/Arbab is the community point person for dealing with community problems, which range

from maintenance of the community properties and public goods such as roads, bridges, canals, wells to dealing with inter-relational issues and conflicts. When there is a need to involve more people, the Malik/Arbab can call upon the help of village elders' Shura.<sup>26</sup> Maliks, however, are the day-to-day link between the people and local authority (Woluswal). They are officially recognized by local authorities and authorized to refer people issues to the government.

The old system of Malik/Arbab was replaced with Qaryadar (elected representative of people from Qarya or "village") by the 1964 constitution and then the whole system was replaced by community based councils, by Daud Khan (1973-78). But these councils, rather than being the focal point for people's needs, were politically oriented and primarily functioned as propaganda mechanisms. Large landowners, Sardars, Khans and Zamindars of the region practiced a great deal of power because of their wealth and as they do not have any competitors, they became the virtual rulers of their communities. The disparity between the rich and the poor in these communities is such that only the existing landlords and their sons, all male successors, became the powerbrokers and virtual rulers of the community.

The Mirab are the traditional controllers of water and change annually in some areas.<sup>27</sup> The Mirab is given the responsibility of controlling water through election or appointment based on his reputation and honesty. He is primarily responsible for looking after the water resources and maintenance of the irrigation system in the village while dealing with disputes over water is the responsibility of Shuras. The villagers pay for the Mirab services either in cash or in kind and he helps irrigate their lands on time. He also controls any kinds of misuse, waste and over-consumption of water. In some provinces, the Mirab is directly elected by the people of a village and to insure equity in distribution of the water villagers try to mobilize the entire village to take part in the process of recognition and election of their Mirab.

In Afghanistan, as a country where almost (99%) of the inhabitants are Muslim, religion has been the prevailing factor of unity and integrity for the people. The religious leaders, Mullah, Imam and Ulama, hold power and authority. Unlike the Malik/Arbab who is chosen to represent people because of their wealth, the religious leaders are trusted because they have a high hand on religious deeds and principles of behavior.

### **Traditional Jirga and Shura**

There is a long and rich tradition of local councils in Afghanistan. The term "council" is used here as a loose translation of the terms Jirga (Pashto) and Shura (Arabic). Both terms refer to meetings by lead representatives of factions, clans, families, militias, or other units relevant to resolution of a problem or class of problems. Unless the village is big Jirga/Shura is usually made up of representatives from more than one village (village cluster, district, valley, or tribal segment). These are generally convened for the purpose of discussion and collective decision making most often related to the resolution or management of conflict. They also convene for other purposes related to collective action such as common defense or development. The widespread use of shuras for conflict resolution among local populations is reflected in the findings of The Asia

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<sup>26</sup> L. Dupree, 1966, "Aq Kupurak: A Town in Northern Afghanistan," South Asia Series

<sup>27</sup> A. Pain, 2004, Understanding village institution: case studies on water management in Faryab and Saripul, Kabul: AREU, PP 17-20

Foundation's *Afghanistan in 2006: A Survey of the Afghan People*, in which 44 percent of respondents said that they contact the elders of the local shura for resolution of problems.<sup>28</sup>

Decisions are by consensus, though as in all such traditional institutions, members in a weaker position often tend to go along with the view of the more powerful, unless there are strong reasons to do otherwise. Membership in Jirga/Shura varies by the purpose of the council, but at the village, village cluster, or district level, tend to consist of elders of the community and other local leaders. Because the enforcement of a Jirga/Shura decision is typically handled by the community, or by those in the Jirga/Shura, membership tends to include representation from all groups that could potentially undermine the decision. Marginalized groups with little power, such as the very poor or women, are rarely directly represented and their interests are often not represented at all.

### ***Issue: Traditional Shuras and Jirgas have severe limitations***

While participatory philosophy of development emphasizes working with local institutions, there is growing realization that traditional Shuras and Jirgas have severe limitations in terms of providing a critical institutional base for democratic reform at the local levels. These are primarily Malik-based, are captured by or are loyal to local power elite, and operate in reactive (handling conflicts) rather than pro-active mode.<sup>29</sup> A women's NGO in Parwan confirmed that in order to address gender inequalities in the locality, they did not find the traditional Shuras appropriate. Rather, they created new groups. NSP and facilitating partner NGOs also seem to have the same understanding of traditional Shuras when they created new groups called CDCs throughout the country.<sup>30</sup> If CDCs had to be designed to "challenge Afghan norms of participation in relation to gender...many customs, traditions and power relations in Afghan society...",<sup>31</sup> then any effort to promote civil society actions at different levels should not automatically build on what is existing.

### **Community Development Councils**

The organization and election of CDCs throughout most of Afghanistan (18,000+ villages by end of 2006) under the National Solidarity Program in only three years has been one of the most significant and successful programs undertaken by the Afghan Government with donor assistance. The NSP was designed with two major objectives: "(i) to lay the foundations for strengthening community-level governance, and (ii) to support community managed sub-projects comprising reconstruction and development that improve access of rural communities to social and productive infrastructure and social services."<sup>32</sup> The program is implemented at the village level through NGO facilitating partners (FPs) who assist with the election of CDCs, which form the base of the program. The promise of NSP to provide approx \$200 per household in the community up to \$60,000 per village has generally been sufficient incentive to secure community cooperation with the program with at least minimal adherence to the rules.

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<sup>28</sup> *Afghanistan in 2006: A Survey of the Afghan People*, The Asia Foundation. Thirty-seven percent of respondents stated that they contact the Afghan National Policy, and 14 percent seek help from religious leaders.

<sup>29</sup> Norwegian civil society report 2002.

<sup>30</sup> Elections of Community Development Councils (CDCs) resulted in non-election of traditional power brokers such as Maleks; Kakar, P. (2005). Fine-Tuning the NSP: Discussions of Problems and Solutions with Facilitating Partners. Working Paper Series. Kabul, Afghan Research and Evaluation Unit (AREU). P 13.

<sup>31</sup> Boesen, I. W. (2004). From Subjects to Citizens: Local Participation in the National Solidarity Programme. Working Paper Series. Kabul, Afghanistan Research and Evaluation Unit. P 2.

<sup>32</sup> NPP Strategy Document for the National Solidarity Programme (June 2004) Prepared by the JPU for NSP.

Both males and females participated in the CDC elections to vote and to stand for election as members of the councils. CDCs opened bank accounts and, in the better performing half of the CDCs, multiple projects are being implemented with transparency and accountability mechanisms that are building confidence in the communities. Almost all CDCs are demonstrating that they can plan and implement projects funded by donors and in cooperation with the government. They are also mobilizing some local contributions for the projects. Several evaluations of the program have been undertaken by research organizations such as AREU and York University and have given the program very high marks. Yet, several development practitioners, who have worked with and are committed to the CDC model, admit that only as much as 60 percent of the CDC meet the governance objectives of the program.

CDCs report varying degrees of success depending on the situation and the actors in different regions and individual villages. Problems have included opposition from traditional power structures including the Maliks and traditional Shura, and powerful individuals including the district governors, Nawabs and warlords. Election problems most often were over the role of women. Facilitating partners were authorized to use considerable flexibility and in some cases allowed women to only vote for other women. In such cases the women formed separate councils that either had their own resources or were limited to a minimal advisory role to the men's councils.

***Issue: Future of CDCs***

Unfortunately, in spite of the original objective of establishing CDCs as the foundation of community-level governance and the success of the CDCs as documented in multiple evaluations, there is still confusion in the government and among donor agencies as to the current role and future of CDCs. There are also different opinions about the future relationship between CDCs and local government, making this a political issue as well. Many government officials (outside MRRD) either doubt or deny the legitimacy of the CDC elections and consider them to be temporary in any case, dependent upon the life of the NSP project and the funds that flow through it. Members of the donor community take a more pragmatic view toward the CDCs, working with them where it is convenient and helpful. In other cases, especially where the CDCs are weak or non-existent, they ignore them and look to traditional Shura, Maliks, or form new project or sector councils as the community representatives. In many cases, the donors do not have the resources to program below the provincial level and leave the coordination with the community representatives up to their Afghan partners.

The MRRD and NSP supporters have been consistent from the beginning, striving to develop a new democratic structure of community governance in the rural areas. At the village level, many communities have reported using the CDC for purposes beyond programming the NSP development funds. Some are involved in dispute resolution. Others have organized in the face of disaster to coordinate and facilitate response activities. The 2004 NSP handbook already looked to the CDC playing a larger than village role, calling for multiple CDCs to work together for projects that impact several villages. Under the National Area Based Development Program, CDC representatives from the district have been gathered and organized to plan projects or programs for the district as a District Development Assembly (DDA). This procedure is being replicated and expanded to more provinces as part of the NABDP. There are various other initiatives

underway of different types, to group CDCs at lower levels to plan joint projects, earlier under NSP, but now under other NGO programs and JICA's clustering program.

Recently, the President has signed a decree establishing the official bylaws of the CDCs, which state:

- “The goal is...to draw cooperation and volunteer participation of community members to improve and strengthen local governance....In each community, one Shura can be established by the community inhabitants...composed of an equal number of men and women.
- The responsibilities include ...1) to design and prepare development plans of the community...2) to establish and administer community development funds...3) to maintain linkages and coordinate with government agencies, NGOs aid and development programs... 4) to convene regular community meetings....
- Dispute resolution by the Shura shall be voluntary and based on the concurrence of all involved parties.
- The Shura is obliged to record the number of population including men and women, births, mortality, and marriages...can register and certify for issuing certificates of births, marriages, mortality and ID cards to the related district.”

The bylaws do not reference NSP and so it would seem that when the Decree establishing these becomes law, the CDC will become an official part of the governance structure. Interestingly, there is no reference to the constitutional provision requiring elected councils at the village level and so it is not clear if the CDCs are expected to permanently meet this requirement. In view of the general lack of interest in holding any other form of election at the village level, it seem clear that the CDCs could fulfill the function until some other arrangement can be decided and implemented.

With the bylaws officially approved by decree, it would seem that the governance structure for people's representation at the bottom level is established for now and the principle of support for bottom-up planning and the mechanism for participation as well. But this, like other presidential decrees, must be approved by the National Assembly and it is not clear where it stands in the approval process. Unfortunately, there does not seem to be broad awareness of this Decree in other parts of the government, but they will have to be informed and cooperate with the CDCs if they are to fulfill their planned function.

If CDCs are to continue as an institution of governance, they will need considerable support to fulfill the desired and potential role. There is already evidence that their role in governance is being given less attention by donors and MRRD. Donors are pushing the implementers to measure and report results in terms of number of villages served and number of projects constructed, thus ignoring the real accomplishment, which is the development of a democratic institution of governance. Giving women voice in the councils has been one of the greatest challenges and even where they were successful, there are strong signs that women are being marginalized as soon as the outside facilitators are seen to be gone. It will be a great loss if the investment in organizing elections and forming a democratic council is sacrificed for a speedier investment in rural infrastructure.

There is ad hoc evidence that some CDCs function but there is a lack of systematic analysis that identifies: the percentage of solid CDCs that are capable of following the CDC bylaws signed by the President; how many of the others might be brought up to minimum governance standards and how that could be done; or what is needed to sustain the majority of them if any parts of NSP or all of it is discontinued. In this case where money for service is a catalyst for community organization and the community organization is the service delivery mechanism, it is critical to understand the interrelationship between governance and project delivery. Understanding NSP better is critical for deciding how to use and support it to strengthen sub-national governance.

Government officials and donors outside NSP are often unaware of the governance objectives, the CDC elections, and the president's recent Decree making CDCs official government institutions at the village level. At the same time, NSP management is said to be shifting focus more toward the bricks-and mortar-and away from governance. NABDP is calling on CDCs to support the creation of DDAs for district-level planning and project implementation. Will the young immature institutions embodied in the CDC be supported and allowed to mature as basic units of participatory governance, or will they be distorted and destroyed to meet the government's and donors' urgency for bottom up planning and project implementation?

### 3.4 Municipal Governance

There are 217 provincial and rural municipalities that have a separate government structure from that of provinces and districts and present a unique set of problems and opportunities to develop democratic governance at the sub-national level. According to the Constitution, other than the president, **municipal mayors** are the only elected government executives. The Constitution also calls for elected municipal councils and all the rest of "the affairs related to municipalities are regulated by law."<sup>33</sup>

However, the elections of mayors and municipal councils have not taken place. The succession of elections that have been held since the interim Afghan government was formed by the Loya Jirga in 2002—including the Presidential elections of 2004 and the National Assembly and Provincial Council elections in 2005—brought about relatively sudden and significant change for the Afghan people and the government. So, there has not been the political impetus to undertake elections at the municipal level. In the meantime, municipalities are operating under the Law of Municipalities - 18 Jedi 1336 (1957). Under that law, municipalities are authorized to collect taxes (some 28 different taxes), raising their own revenue over which they have significant autonomy to budget and spend for programs, subject to the oversight of the Ministry of Interior.<sup>34</sup>

There seems to be some confusion as to where municipalities fit into the structure and operation of governance. Kabul, the national capital and largest city, has the rank of a ministry in the government and thus a special status. The provincial municipalities are provincial capitals and come under the influence of the governors, but the governors have no direct authority over them.

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<sup>33</sup> Constitution of Afghanistan, Chapter 8, Article 141

<sup>34</sup> An Assessment of the Existing Municipal Revenue Generation in the Islamic Republic of Afghanistan (2006), by Lito Pardo, UNDP consultant.

There are two ministries that deal with municipalities. The first is the Ministry of Interior which by law has oversight functions through the Municipalities Department. These oversight functions include: 1) management and organization of municipality's affairs; 2) receipt of reports from the municipalities; 3) provision of instructions; 4) approval of municipal budgets; and 5) review of mayors' performance. The Municipalities Department, however, does not have sufficient resources to carry out these authorized functions. To complicate the issue, the Ministry of Housing and Urban Affairs also has significant influence over the municipalities, through the programs it implements. A further complication arises in the management of district or rural municipalities, which by rule report directly to the Ministry of Interior; however, in some provinces, they appear to report to the provincial municipalities, which review their budgets and manage their finances.

When it comes to questions of participation in governance, the municipalities seem to lag behind the rural villages. There have over the years been several projects and programs supported by UN-Habitat and others to organize people into Neighborhood Forums and other types of associations. But none of these have provided the type of elections with equal rights for women and control of resources that the CDCs offer for people in the villages. With the CDCs now being made permanent as a basic unit of governance for rural areas there is a question as to whether or not CDCs should be organized and elected in the urban areas.

From an economic development perspective, there are significant urban issues that would seem to demand attention. The old municipal master plans are all out date and a new approach to urban planning and management is badly needed. Many municipalities have been supporting themselves by selling off land to raise money but it is said that this resource is nearly exhausted and municipalities may be facing a fiscal crisis. Except for Kabul, rural/urban migration has not been an overwhelming problem in recent years, but if the economy begins to grow and if poppy farmers are compelled to give up their crop, there could be a push-pull factor significantly increasing urban growth and demand for low income housing.

Any development of the system of sub-national governance will leave a big gap in the system unless adequate attention is paid to governance in the municipal/urban setting. Currently 20 percent of the population lives in municipalities, but population in these areas is likely to increase rapidly. The problems are also likely to be more acute as the traditional social structures and institutions that have enabled the rural areas to govern themselves do not exist in the same way in urban environments.

### **3.5 Civil Society Participation in Sub-National Governance**

In Afghanistan, civil society must be understood in relation to the emerging state and government apparatus, predominance of international organizations, overarching concerns for security, and a huge donor economy. While some development circles see civil society as the community of organized NGOs engaged in development services delivery, we believe civil society incorporates much more than this. Broadly speaking we include all collective initiatives of people outside of the state that are not primarily motivated by economic profits as civil society.<sup>35</sup>

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<sup>35</sup> While some differentiate civil society from both state and market, some argue that market actors are also part of civil society. We view that while small scale economic activities primarily through collective processes can be treated

In a country like Afghanistan, where the nation state has historically been weak, civil society activities have always been crucial for organizing social and political life, as well as managing social services. Traditional Shuras and Jirgas are the prominent examples. Besides these, formal NGOs have existed over the past two decades, especially in the emergency and relief operations. In the post-Taliban era, there is a proliferation of NGOs as well as networks and unions of people from different walks of life, including farmers, students, and women. Such associational forms and collective actions (including social movements conducted by such groups) of citizen groups outside of the state and not driven by economic profits are critical to social transformation. However, The Asia Foundation Survey in 2006 found the majority of Afghan people are not part of any such associations.<sup>36</sup>

At a time when the state of Afghanistan is still emerging, the role of organized NGOs engaged in service delivery and policy advocacy has to be carefully considered. Limited state capacity has opened opportunities for NGOs to contract with donors to deliver services. Currently NGOs even participate in the establishment of essential state apparatus such as police and health infrastructure. In the transitional period of democratic reform in Afghanistan, the contributions of NGOs enhance the legitimacy of the state. In the long run, however, the state must establish the capacity and credibility for providing services. NGOs also play a role as a watchdog on the state by exposing non-responsiveness, and lack of transparency and corruption. Thus, they further contribute to the democratic quality of government.

Civil society groups also interact with elected political representatives at different levels of government. This appears to be weak in Afghanistan, as elected bodies are yet to be established at municipal levels, and even when the PC exists at the provincial level, lack of clarity on the role of PCs hinders their engagement with local civil society. At the national level, there are some instances of NGOs (primarily international) working together to influence policy with mixed results.<sup>37</sup>

With a resurgence of NGOs and the private sector, worldwide governance reforms focus on less government and more civil society and private sector. However, in Afghanistan the government sector still seeks to increase or retain the burden of consumer service delivery with central government organizations. While availing critical public goods like security should continue to be the responsibility of the state (national or sub-national government), many areas of service delivery may gradually be managed through civil society organizations and private sector. Discussions must take place on how the future relations among state and civil society should look.

The overarching concerns for security also shape the functions of NGOs. International pressure on defeating terrorism remains. With the exception of zones where active security operations are going on, the PRT model of security and development is less amenable to civil society

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as civil society, organized large scale business firms are not part of civil society. And if business groups form association to pursue non-profit actions, this part of their existence may be treated as civil society.

<sup>36</sup> TAF's *Afghanistan in 2006: A Survey of the Afghan People* found that 67 percent of the respondents are not connected to any kind of network or organizations such as NGOs, student associations, women associations, farmers' associations, trade unions (p. 43).

<sup>37</sup> Action Aid International in Afghanistan reported several forums and processes through which I/NGOs are engaged in the process.

cooperation. NGOs have been hesitant to work with the PRTs and have called for their roles to be clarified. Local warlords and a culture of violence constrain critical civil society activity in some parts of the country. An NGO in a provincial city that published corruption figures on government organizations was threatened with death if they continued.<sup>38</sup> There are indeed casualties of NGO workers in Afghanistan today.<sup>39</sup> On the other hand, some NGOs that provided service delivery without challenging the local power structures did not face any security related threats even in the deep interior of the rural areas.<sup>40</sup>

While local NGOs are better positioned to deliver services in remote areas, sometimes international NGOs may be better placed to raise the critical issues of governance reform in terms of potentially low level of security threat from local power centers. But critical policy reform activities are beyond the scope of many international NGOs.

### **3.6 Relationships among Sub-National Government Structures**

#### **Within Government Structures**

The units of government have limited communication, both horizontally (between line ministries) as well as vertically (within the units of each line ministry). At the provincial level, governors are encouraging the line departments to communicate with each other through regular provincial meetings, often with support from a donor agency. The forums bring provincial stakeholders together including PDCs, sectoral committees chaired by governors, and sectoral working groups coordinated by line department directors. In some instances, such as in Parwan, the governor has pooled together engineers from various departments to draft a provincial development plan. However, closer observation of these processes reveals that these mechanisms have limited value. This is partly because there is limited political oversight by the elected political bodies, and partly because there are no concurrent channels of communication through which beneficiary groups can have a say in the planning process.

Within the line ministry, while there are fairly strong ways to control programs and budgets, there are no established channels of communication to enhance the overall responsiveness of the government to people. Due to the lack of central perspectives coming down to the province, the provincial administrators are also in difficult situations. In preparing plans, for instance, provincial groups do not have any idea of how much budget is going to be available, and this inflates plans leading to frustrations when the center cuts down the scale subsequently.

The Ministry of Finance has played an important role in improving sub-national governance. One contribution was clearing up the confusion between the Taskeels held in the ministry and used for budget purposes, and the actual staffing in the provinces. However, the budget execution and approval process still require the governor to approve each payment. Thus, though the governor cannot directly compel departments to act, he can block any action by virtue of his power over disbursements. A recent innovation by the Ministry of Finance has been the piloting of provincial budgets by line ministry. Three provinces and three ministries are participating in the pilot, which

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<sup>38</sup> Personal communication with NGO Staff.

<sup>39</sup> A CARE report says that 12 NGO staff were killed in 2003. The figure increased to 24 in 2004 and 33 in 2005.

<sup>40</sup> An NGO called ECW in Kunduz said that they have never had any security related difficulty in the province for the last 3 years. On the other hand, Medicins Sans Frontieres pulled out because of a direct attack resulting in deaths.

is said to have gone sufficiently well and is being recommended for expansion to all provinces for these three ministries in the next budget cycle. With provincial budgets for these sectors, it will be possible to more effectively plan, program and implement the ministries' core programs, taking into account the specific resources and problems that are only appreciated at the provincial level.

Communication is also lacking between sub-national governance units. This is more visible in the case of Woluswals who are hardly in touch with the provincial governor or the MOI. Physical isolation of district and village level units with limited communication infrastructure further complicates the problem. The issue is how sub-provincial, provincial, and national levels engage in a dialogical process of communication so that realistic targets of development are set and implemented, while ensuring fiscal and administrative coherence nationally.

### **Between Citizens and Government**

The ultimate success of the process of democratization and development of government legitimacy depends on how effectively diverse constituents engage with the government regarding services. One recently initiated mechanism through which people come to know about government activity includes regular meetings held in the majority of provinces between governors and a broad cross section of civil society, including NGOs and business groups working in the provinces. In some instances, provincial government meetings have been telecast live (Kunduz). There was even a practice of public hearings, where people were given an opportunity to demand justification from the government offices (Herat). Line departments have organized sectoral committees. The Department of Women's Affairs of Kunduz has women's Shuras. In several provinces, PCs have taken initiatives to communicate the voice of the people to governors and line departments. But given the unclear status of the fledgling PCs, there is no evidence of effective communication between citizens and government at the provincial level. The media has great potential but is not yet effectively communicating policy or program development issues.

People in general are not aware of government initiatives and reform. This is particularly problematic in the amendment of laws which will impact their lives directly. Legal documents consist of language and terminology either inaccessible to the Afghan public, or subject to various interpretations. For instance, the Provincial Law 2005 mentioned a "consultative" role for the PCs and currently the word "monitoring" is being added, without clearly stating what exactly the change implies. At other times, legal documents are overly structured by foreign experts who take a lead in drafting. The ministerial Decree on DDA stipulates technical terminologies and detailed specification of the process in English, which is hardly understood in English much less translated and understood by the people who are going to apply it.

Communication is critical in the link between elected bodies and people. There is limited communication between PC and the citizens who elected them. The current SNTV model of election does not enable voters to identify leaders of their respective constituencies. Since there are no established and transparent channels and mechanisms of communication, other than traditional structures of patronage, people have limited opportunities to interact with their elected leaders. In some provinces, PC members take tours to constituent districts, which have helped to some extent to establish communication between people and leaders. But our discussions with PC

members indicate that they lack capacity to think and act more strategically to improve communication links between the government and the people they represent.

### **Between International Organizations and Citizens**

Given the strong presence of international experts working with government and non-government sectors in Afghanistan, the nature and degree of communication between these experts and Afghan citizens affect the practice of sub-national governance. There is a feeling that many of the institutional vehicles designed by external organizations appear alien in Afghanistan.<sup>41</sup>

Presumably, there is a difference in underlying mental models or unreflected assumptions of foreigners and locals. There are differences in basic linguistic and cognitive instruments through which both approach governance and development. International experts emphasize written plans and priorities, while Afghans negotiate and move through verbal understanding (as reflected in the culture of communication and deliberation around Shuras and Jirga). International experts emphasize overarching frameworks, but Afghans are wary of foreign solutions that advocate rapid change. They want change to happen step by step. These underlying models distort proper communication and mutual learning among international experts and Afghans. Because of these differences, joint meetings of Afghans and expatriates often fail to maintain a level of communication that is required to develop proper understanding of each other's perspectives.<sup>42</sup>

### **3.7 Cross-Cutting Issue One: Critical Lack of Effective Planning**

One of the most striking features at all levels and across most sectors of SNG in Afghanistan is the absence of effective planning. This problem is a key factor undermining the effectiveness and responsiveness of government service delivery.

One objective of the I-ANDs was to generate broader consultation with Afghan constituents throughout the country, partly to gain their commitment to I-ANDS. As part of this strategy, I-ANDs emphasizes the Provincial Development Plans (PDPs) as a tool for local planning. The Provincial Development Committees (PDCs) were created in November 2005 to serve several functions related to plan monitoring and plan implementation. The public and the government hold a general perception that the Provincial Development Committees' primary function is to prepare the PDP. Concurrent to I-ANDs establishing this top-down planning process, the MRRD was promoting ramping up the relatively successful experience with community based planning by the CDCs to the district level by organizing District Development Assemblies (DDA) with the support of UNDP and the National Area Based Development Program (NABDP). Thus, on paper, there appears to be a rational system with:

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<sup>41</sup> For example, one Afghan national working as senior program officer with an international organization remarked "I have been part of IANDS development process for the past two years and I have not yet understood what it exactly is. Instead, I am getting more confused". He was basically trying to convey that the kind of structure, concepts, and visions propounded by ANDS are not directly communicable to Afghan people. Another Afghan media activist remarked "What we have is all sorts of forced processes at all levels – parliament, presidency, provincial council etc. We are not mature enough to handle these. And of course we are capable of handling if we have organizations developed from our own society. How can the American type of constitution works in Afghanistan? Most people are really confused over these."

<sup>42</sup> An expatriate based in Kunduz.

- Provincial Development Plans (PDPs) coordinated by the PDCs with MoEc support though UNAMA and others
- District Development Plan (DDPs) by the DDA with MRRD/UNDP support through NABDP
- Community Development Plans (CDPs) developed by the CDC with MRRD support through NSP

In practice, however, short-term donor interests have driven development planning rather than a long-term development strategy of the Afghanistan government. Donors seeking guidance on their investments in development funds, particularly the Provincial Reconstruction Teams, solicit PDPs. Thus, these first round PDPs generally include a list of projects organized according to the sector classifications of the I-ANDS, with little to no prioritization or justification within a broader plan. Many of the projects are small school buildings or clinics, small bridges or roads but there are also major dams and irrigation system and power supply projects listed in others. In an environment where donors drive development initiatives, it is not surprising that the planning process focused on infrastructure development projects. There is no indication that the officials in the province intend to implement the plans themselves. Rather, it seems they hoped that these extensive lists would help them to get more donor resources for their area. “Projects” are what donors pay for and the way to get infrastructure, money, and jobs for the community.

## **Box 2. Stakeholder Perceptions on PDC**

- PDC has been useful in coordinated development planning. We educated heads of provincial departments and collected information on development needs from the districts. *(a provincial director of MoEc)*
- PDC is a unique and useful body which brings all stakeholders for coordination. *(ANDS staff in Kabul)*
- I attended 3 meetings of PDC and found it unproductive. The meetings did not reach any meaningful conclusions. *(director of an INGO in Herat)*
- I have reviewed the PDP prepared by PDC. It does not reflect the reality and priority of the province. It is ambitious. It seeks to produce more electricity without looking at how distribution can be improved. We need to finish incomplete projects first. Establishing an industrial district is not a priority. I would have agreed with governor and MoEc if we had got unlimited money at hand. *(member of PC in Herat)*.
- For PDP, directors of Economy and Technical Services (under Governor) come to us and ask for plans in a month or even a week. How can we develop plans in such a short time? More than that, it is almost impossible to understand who is doing what? *(member of PC in Herat)*
- If you conduct a PDC like this, it will be meaningless. *(a Kabul-based expatriate working to support and advise PDC)*
- PDC is a good entity but the work process is very slow. Staff involved in PDC do not know how to plan. Directors are not professional to come up with plans. Today we had a workshop, and UNAMA presented ANDS and Afghanistan Compact. *(Director of Education, a northwestern province)*
- I attended a PDC meeting, it was a disaster. *(PRT political officer, a northwestern*

*province)*

- PDC has no expertise in planning. (*an NGO active in rural development in Kunduz*)
- PDC is another confusing activity of donor (A senior staff of UN Habitat)

This *reactive* approach to planning has contributed to ad hoc and inconsistent processes, often without sufficient or meaningful public participation, and in many cases has resulted in poorly conceived, unrealistic plans. This is partly due to the fact that the donors have pursued an idealistic planning process that has not taken into account the severe human resource capacity constraints in Afghanistan (see Box 2). For example, the MRRD Operational Guidelines for preparation of District Development Plans calls for the following:

“Plans are ‘comprehensive’ and integrated by ensuring: a) all identified/planned projects and activities are firmly located within the appropriate growth/value-creation full process chain and complemented /interlinked with other projects and activities in that process chain; and b) all other projects/activities necessary for creation and or enhancement of the necessary supporting environment and conditions have been identified and included in the plan.”

The Guidelines go on to describe several more criteria and then call for the DDPs to be combined into a Provincial Rural Development Plan and a Provincial Rural Investment Plan and finally into a PDP.

The poor quality of the plans also result from the lack of guidance provided to communities and institutions tasked with producing development plans, as well as the limited capacity and experience in development planning among the responsible officials. The process of formulating development plans attempted to build on community-based development planning. In areas where CDC leaders could be organized into a District Development Assembly, they provided project ideas. In some cases, project ideas were elicited from the community, but that was not in itself meeting requirements of community-based planning. In areas where no CDCs or DDAs could be organized, a core group from the ministry offices in the province prepared a project list for each district and assembled these into the PDP. Two governors reported that they had organized teams from the technical department to go out to the districts and develop project ideas/list to ensure that all districts were represented in the PDP.

At this point, the government and donors must assess the existing plans and decide how to reform the process to produce more meaningful plans in the future. In formulating planning guidelines, it is crucial to determine the objectives as well as the implementing agencies and to take into consideration the limited resources available and determine how much of those resources to allocate to the planning process. Effective plans must influence resource flows and, in the current paradigm, it is not clear how horizontal area based plans will be integrated with vertical ministry programs and budgets. Adequate feedback should be provided to the local planning agencies and groups that have been involved in the process so as not to undermine the efforts made, but to improve and learn from the experiences.

### 3.8 Cross-Cutting Issue Two: Lack of Human Resources and Major Capacity Constraints

A second major cross-cutting problem limited development of effective and responsive sub-national government is severely limited human resource capacity, and the inability of government to mobilize the resources that do exist in the country. The government has failed to implement the planned civil service reforms that redefine the positions and refill them based on merit appointments. The capacity problem exists in all key skills areas—leadership skills, management skills, and technical skills (writing, computing, research, etc.). The impact of human resource shortages on both planning and implementation of government services is predictable and severe. In some provinces, for example, 20 percent of the teaching positions are vacant, and 75 percent of positions that are filled are occupied by teachers with only an elementary education. The problem is even acute at the senior level, and goes all the way to the top: half of the district governors are said to be uneducated.

The government's capacity problems are due to a range of underlying causes, including: fragmented government structures with overlapping functions across ministries; outdated work processes, procedures and systems; patronage and nepotism in appointments; unbalanced gender relations (with an estimated 95-97 percent of the senior civil servants being male); absence of human resource management and performance mechanisms; absence of internal and external consultation mechanisms; and poor facilities and equipment.<sup>43</sup>

Capacity problem results in an inability in key government offices to draft policy and to develop and implement programs. It also results in an inability to “design quality control and follow up regulations, issue normative guidelines, establish appropriate enforcement mechanisms, set up support and control facilities, and analyze the impact of regulations”<sup>44</sup> The absence of higher quality human resources in key leadership positions means that decision-making processes remain highly personalized and discretionary, leaving room for rent-seeking, corruption, and other forms of opportunism.

The lack of Afghan human resources also results in high dependency on foreign experts. Yet, analysts have observed that external consultants have often failed to deliver desired quality and, ultimately damaging in the longer term, PAR project management units led by the foreign experts often undermine the long term capacity building efforts.<sup>45</sup>

While there is wide consensus on the lack of capacity in government as well as non-governmental sectors, the problem of lack of capacity has also been exacerbated by misconceptions in understanding the issue of capacity. First, there seems to be an overemphasis on technical roles and skills even for those who undertake political oversight and monitoring. Second, since the problem is coincident with a prolonged period of massive donor-led development aid and discourse, modern and western worldviews and models mingle with Afghan ways of rationalizing and organizing change. Surely, the capacity to understand and work with the complexities of Afghans and Afghanistan is critical in designing and implementing capacity-building programs.

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<sup>43</sup> Stephan Massing and Abdul Bari (2005).

<sup>44</sup> Massing and Bari (2005)

<sup>45</sup> Lister (2006) Moving Forward.

One reason for the low capacity of staff in the government is inadequate government salaries compared with the salaries offered by foreign contractors, NGOs, and donors for competent staff. For example, in one interview, an IACSRC director mentioned that he did not receive enough applications in response to an advertisement for staff to work in the provinces, while an INGO officer claimed that he reviewed more than 100 applications for one vacancy at the INGO.

In addition to the lack of skills and resources to implement reform programs, government officials also feel threatened by reforms, especially the PRR process.<sup>46</sup> While official policy documents (such as I-ANDS) emphasize the need to undertake PAR, there has been resistance to such change by some high level political leaders in actual practice. Some analysts observe that the system of recruitment has not been primarily merit based.<sup>47</sup>

The IARCSC has completed the PRR process for some ministries but not others. They have piloted the process for the Ministry of Interior in one province and two districts. There is generally a consensus that the efforts have focused on the central government. Governors and other officials have said they are hoping to see PRR implemented systematically across their provinces. Implementing PRR where there is the potential for meaningful planning and budgeting at the provincial level across several ministries, including the offices of the governors and district governors, should create an environment for improved cooperation and efficiency within government. Unfortunately, the PRR process has bogged down in delays, caused most significantly by a shortage of resources. Within government offices, the PRR process is threatening to some because they fear loss of control, or worse, of jobs. So the process needs to move slowly but deliberately, because these reforms are critical to making sub-national governance work.

The difficulties faced in efforts to developing greater capacity may in part be cultural in Afghanistan. A Kabul University lecturer noted that Afghan people do not take risks involving change, which reduces the possibility of getting exposed to new situations and learning through actions. Non-governmental organizations admit that they still lack adequate human capacity to promote civil society activities. While some traditional business sectors (especially horticulture) have survived war<sup>48</sup>, modern business sector is just emerging, with all complexities related to market imperfection and shortage of professional human capacity.

Various solutions to the capacity shortage are being tried. Many reform processes specifically seek to address building human resource capacities. For example, IASCRC established training institutes to train new recruits and IASCRC also recruited and trained significant staff.<sup>49</sup> Attempts are also being made to attract Afghans from abroad, though it is still unclear whether the government system will be able to retain them. Many local Afghans are skeptical about the efficacy of this option. For example, a Herat NGO representative said, "Government in Kabul is full of expatriate Afghans who do not have any knowledge of Afghan complexity."

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<sup>46</sup> Sarah Lister, *Moving Forward*, 2006.

<sup>47</sup> Sarah Lister, September 2006, *Moving Forward? AERU Briefing Paper*.

<sup>48</sup> *Going to Market*, AERU, June 2006.

<sup>49</sup> A senior IACSRC official said they have recruited 1700 Grade 1 and 2 officers, and 7500 staff at Grade 3 and below. They also provided training to high level (500) and middle management (1500) people. They also provided 1500 scholarships for short term training since the establishment of the commission.

There are also some initiatives to enhance capacity in wider civil society. These include efforts of Universities and international organizations. The Purdue-Kabul University initiative is focused on technical dimensions of the problem. The Asia Foundation is working with Kabul University and other institutions of learning around the country by providing tens of thousands of books each year. These efforts are helpful, but the scale of the problem is immense. One contribution that could begin to provide a solution on a scale equal to the immensity of the human resource capacity problem is USAID's Afghan's Building Capacity (ABC) project. Providing over \$200 million in training and education-related assistance of a five-year period, ABC's could be a significant contribution.

#### 4. KEY CHALLENGES, OPPORTUNITIES, AND RECOMMENDATIONS

As a result of this study, a number of key challenges and opportunities in sub-national governance reform have been identified, and building on these challenges and opportunities, a set of recommendations are offered in this section. Given the range and scale of SNG challenges now facing Afghanistan, we underscore the point that sequencing of response is critical. For example, the problems of critical lack of effective planning and shortage of human resource capacity were both noted at the end of the last section. However, without a clear vision and key decisions concerning the appropriate structure of SNG, including clear delineation of responsibilities and authorities at various levels and in various bodies, planning processes cannot be significantly improved. Without clear definition of roles, training resources provided through the new ABC project or UNDP's ASGP project, for example, cannot be effectively and efficiently focused (also see Annex H for a note on chronology and sequencing of activities). With these points in mind, we have identified the following four critical areas of challenge and opportunity for development of SNG in Afghanistan. Specific recommendations for action are inserted within each, based on an appreciation of what is too sensitive or controversial, or may consume scarce political capital, or may undermine the rest of the SNG reform program. The recommendations are developed to address gaps that exist in donor support, and build on what's working and has potential to have impact on legitimacy and credibility of central government.

##### 4.1 DEVELOPING A COHERENT VISION FOR SUB-NATIONAL GOVERNANCE

Although the legal framework for sub-national governance has been established by the Constitution and other key documents, and efforts have been made to put in place the structures called for at the local level, the fundamental challenge to reform is the lack of a coherent vision that addresses: (a) the roles, authority, and functions of sub-national governance institutions, (b) how sub-national government institutions relate to other local institutions and processes, and (c) how sub-national government agencies coordinate with and reinforce governance institutions at the national level. As discussed in Section 3, the roles and responsibilities of newly-established institutions remain undefined and subject to various interpretations. For example, Provincial Councils were elected in 2005 before the law was written to define their roles and authority and before any serious deliberation took place regarding what those roles should be. As a result, PCs are relatively weak institutions without direction and consistent standards of operation. While this assessment found significant debate surrounding the role of the PCs and their relationship to provincial administrations, no major interventions were identified that sought to facilitate deliberations on clarifying these issues.

While some efforts have been made to strengthen PCs, there are divergent viewpoints on the degree to which PCs need to be empowered and on the timing of that empowerment. Some donors and international organizations favor empowering PCs to take political-administrative *oversight* of the provincial administration. Others—including some provincial and Kabul government officials, Kabul-based civil society actors and Wolesi Jirga members—argue that the priority at this stage in Afghanistan's development should be the strengthening of the national system of governance within the overarching framework of unitary nation, rather than decentralizing power. Therefore, they advocate that PC empowerment should be a long-term rather than immediate consideration. Other critics argue that granting power to PCs would simply

strengthen the power of local warlords who dominate many PCs. The issue of representation and accountability of elected PC members is also being raised in the debate over the role of PCs. One role of the PC may be to monitor the provincial administration.

Likewise, Community Development Councils were formed in the villages, but while some sections of the government view them as governance institutions, others consider them to be temporary mechanisms for programming project funds.

At the community level, CDCs must define their relationship to traditional institutions, including the shuras or jirgas, which people currently turn to for resolution of problems. Given the complex political terrain at the local level, any recommendations for new administrative structures must take into account how the agencies will integrate with local organizations. Before it can be determined whether resources should be invested in strengthening newly-established institutions such as Provincial Councils, it will be important to consider whether and what needs of local populations are already being met by other institutions and what governance gaps exist.

Moreover, the current approach to sub-national governance does not provide for clear mechanisms by which local governance institutions fit into central government processes in a systematic and reinforcing way. Without an understanding of the ways in which sub-national governance institutions can impact national-level policies or programs, ad hoc efforts to strengthen sub-national governance may inadvertently undermine central structures.

The lack of clarity and direction regarding these elements of sub-national governance has resulted in confusion among government institutions, donors, and civil society. Without a coherent strategy, donor initiatives towards local governance reform operate at cross-purposes, and ultimately the limited resources available are not used strategically.

**Recommendation 1: Establish a Coherent National Policy and Implementation Strategy for Sub-National Governance Reform**

The Afghan government needs to establish a **coherent policy for sub-national governance and a concrete strategy** for its implementation, as soon as possible. The policy will need to clarify the appropriate roles, authorities, and sequencing of reforms in: (1) local government administration, (2) political institutions and elected bodies, and (3) civil society organizations; as well as the relationship among these three governance institutions. The policy for sub-national governance must provide clarity and direction so that donors, the national government and different units of local governance are not working at cross-purposes, but rather, contributing to the solidification of a unified structure through their various initiatives,. At the same time, the policy should allow sufficient flexibility for planning and implementation that can adjust to reflect the current and future realities of resources, security, climate, regional differences, and other factors.

**A. Establish a Sub-National Governance Policy Group:** The formulation of a policy and strategy for sub-national governance will require the formation of a Sub-National Governance Policy Group, comprised of a core group of senior Afghan change agents committed to addressing governance challenges at the sub-national level. Since no currently existing formal structure has the specialized characteristics required for a group with this mandate, the

Sub-National Governance Policy Group would need to be a newly-formed entity. In forming this group, the following considerations regarding the members must be taken into account: (a) membership should include representation of all major Afghan communities; (b) members must have governance expertise; (c) members should have the seniority and established networks to be in a position to carry the strategy and policy formation process forward. The Policy Group could be appointed jointly by the President and the National Assembly with recognized leaders from the legislature and the administration, or it could be a special, term-limited advisory entity established by the President to advise him on steps that he would take on his authority. The precise nature and composition of the group must be carefully determined on the basis of identified potential candidates.

The Policy Group would be engaged in devising policies that provides the necessary clarity and flexibility to respond to the complex terrain of local governance. The formation of an Afghan-led Policy Group would also allow the discourse of sub-national governance reform to be framed in a way that is meaningful to Afghans.

The Policy Group must be also able to translate the vision for sub-national governance into a practical strategy that takes into account the resource, human capacity, and security constraints; power and political dynamics; and the pace at which change can be introduced in Afghanistan. The strategy must identify institutions and relationships that need to be established or strengthened based on the newly-defined roles and authorities. This includes the identification and endorsement of reform in key sectoral ministries, provinces, and municipalities to spearhead reform. The new institutions of local governance will be positioned within a complex terrain of existing organizations, including the traditional *shura* and *jirga*. In some cases there will be conflicts and trade-offs between relying on the new agencies versus the existing organizations. For example, CDCs may have less power initially, but they require broad-based support for efficacy in the long run. Similarly, CDCs may be more inclusive of women than traditional structures. Therefore, the Policy Group must take into consideration specific short, medium, and long-term steps. At the national level, it will be important for the Policy Group to serve as public advocates of the reforms and to keep the pressure and focus on those issues. As part of implementation of the sub-national governance strategy, champions of change at the local levels should also be identified and engaged in the process.

- B. Facilitate a participatory process in the formulation of the sub-national governance policy and strategy:** The development of a practical policy will require a participatory process involving individuals from a variety of sectors. For the resulting policy to be workable, input will be needed from representatives and practitioners in the fields of public administration, politics, finance, and development. Officials from key institutions at the national and local levels will need to also participate and have ownership of the process and policy in order for the policy to be accepted and implemented. Civil society participation could add an important perspective and may be helpful in engendering broad-based support for the reforms. The effectiveness and acceptance of the resulting policy will depend in large measure on public perception of the process and the authors. Given that it may not be feasible to capture all the relevant interests through representatives to the Policy Group, an important

step in the formulation of sub-national governance policy will be the establishment of a transparent process for engaging participation and input from these sectors and institutions.

**C. Define the role and authority of the Provincial Councils vis-à-vis Governors and Provincial Departments:** As part of the development of a sub-national governance vision, the Policy Group should examine various possible roles of the Provincial Councils and establish a policy that clarifies their role and authority. This review should take into account the current debate and various perspectives, including that of civil society, regarding the future of the PCs.

Four different types of institutional relationships need to be defined for PCs:

- i. Relationship with provincial administrations, including the governor's office. What roles should the PCs have with regard to consultation, advising, and/or monitoring the provincial administrative bureaucracy?
- ii. Interaction with citizens. How should PCs represent and address the needs of their communities? Through what mechanisms should PCs consult with citizens and civil society?
- iii. Linkage to the central government. How can and should PCs raise issues and concerns that affect the province but are beyond provincial control? Should the National Assembly serve as the PCs' institutional linkage to the central government and provide the channel for PCs to express their concerns?<sup>50</sup>
- iv. Communication across PCs. Should a mechanism or coordination entity be established to provide information and experience-sharing across PCs, and if so, in what form?

In the short-term, provincial administration and PCs may require donor support or third party facilitation in working out the four types of institutional relationships described above, as well as member training. Any support provided by donors should be limited by the relatively minor advisory role allowed for PCs in the Constitution.

However, defining the roles of PCs must be addressed in the medium to long-term rather than in the short-term. Given the current lack of clarity on the role of PCs, they do not provide a strategic entry point for sub-national government reform immediately and the required investment of resources would be better spent on other priorities in the short-term. In addition, given the ongoing initiatives at the provincial level, PC reform could complicate rather than complement the current dynamics. Once a policy has been articulated that defines PC roles and relationships, along with a strategy to strengthen their institutional linkages, then the appropriate interventions can be identified. It will be important as part of a medium to long-term strategy to develop plans for the operational and financial sustainability of PCs.

#### **4.2 SERVICE SECTOR-LED SUB-NATIONAL GOVERNANCE DEVELOPMENT**

An important finding of this assessment is that the **development of local infrastructure and delivery of services has had more of an impact than any other factor on (a) sub-national governance and (b) people's attitudes toward government.** When the delivery of services was

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<sup>50</sup> In March 2007, the president signed a decree assigning the Office of Administrative Affairs as the only central government focal point for PCs.

seen as the partial fulfillment of the government's promise to improve services, it had the effect of improving people's opinions of and support for the government. In this way, the legitimacy of the Afghan government is bolstered by the effective and responsive delivery of services.

For humanitarian, economic, and legitimacy reasons, service delivery clearly needs to continue to improve, particularly in the more remote areas of the country. The challenge in the Afghan context is that the government levels and institutions typically expected to coordinate service delivery do not at present have the capacity, authority, or mechanisms for consulting with communities and citizens to ensure that this is occurring in an effective, systematic manner. The central government is currently being strengthened in a variety of ways but will not be in a position to gauge needs and deliver services across Afghanistan in the near term. At the provincial level, governors lack the authority to operate across sectors and are constrained by weak administrative bureaucracies. In addition, given that provincial governors are non-elected officials, often with personal ties to the drug trade or their own power bases as warlords, there are legitimate concerns over granting service delivery authority to provincial governors. The PCs are not fully operational entities, and their role and the degree to which they represent provincial populations are still matters of debate. Thus, the need to strengthen the legitimacy of the Afghan state through rapid and continued improvement of service delivery comes into conflict with the limitations of existing sub-national governance institutions.

### **Recommendation 2: Pursue a Focused Sector-Led Approach to Sub-National Governance Reform**

Improve the system and performance of government by focusing on the key sectors where some improvement in delivery of services is already happening (e.g. education, health, and rural development). Programs in these areas are having and will continue to have more impact on sub-national governance than "governance sector" programs. Donors are already working with the ministries on development projects, and in some provinces the ministries or governor have set up sector-based bodies, this has set the stage as a strategic inroad for addressing SNG reform. Thus, the optimal approach for strengthening sub-national government is through the delivery of services through sector-focused ministries at the provincial level. Key sectors to focus on include health, education, electrification, and water. This approach builds on existing programs that have already involved governance institutions at local levels and established mechanisms for consultation and participation of local communities. Projects in which inputs were provided through government channels helped to develop the systems and capacity of government to provide such services independently in the longer-term. Moreover, many service delivery initiatives are already incorporating mechanisms for consultation and participation of the local community. By informing and gaining the support of the functioning sector-based programs of the emerging policy and strategy for the development of sub-national governance, the first objective is to improve the sustainability of all governance activity by better integration of services with governance.

The second objective of focusing on such programs is to begin to develop the mechanisms for improving center-province relations, facilitating the work at the provincial level by finding the space to make the necessary adjustment to account for the peculiar constraints and resource of each province and enhance provincial oversight. The ethnic and geographical diversity all argue

for flexibility at the provincial level. Provincial level planning needs to start with sector planning, not the nearly impossible comprehensive integrated plans of the “ideal” world. Improving sector planning before trying to integrate plans should produce a useful product for each province and improve communication with the center. Focusing on the sectors should take advantage of and complement the DFID-funded experiment on provincial based budgeting. Planning and budgeting have to be tied together or planning can be meaningless and wasteful. There is almost no interest in allocating resources to provinces directly – the national budget will be divided by central ministries and provincial planning must recognize, support, and complement this process.

The third objective of focusing sub-national governance on a sectoral basis is that it may be possible to accelerate development in other critical sectors such as water and electricity distribution. These activities both require significant local planning and implementation. National policy can provide the guidance, but they require significant local adaptation. There is already evidence of local innovation in these areas and a program that identifies and evaluates such innovations for communication and replication by others would accelerate development that supports economic growth. There is room for private sector investment and management in these areas but citizen input and governance remain an issue no matter what form delivery takes.

The Ministry of Finance has a pilot program for provincial budgeting for three ministries. The development of provincial plans aligned with these budgets would make the planning process more manageable and useful. Defining the policies guiding provincial – ministry relationships for these few ministries could provide an informed basis for the policies affecting all ministries in their dealing with the provinces.

The PAR/PRR process needed to reform administrative structures should also focus on these same sectoral ministries at central, provincial, and lower levels. Some ministry offices such as MRRD have already been through PRR at the provincial level to great benefit and continuing the reform with these few several other key sectors along with the Ministry of Interior in the province would create an atmosphere where cooperation could be enhanced. Some governors’ offices have also begun the PRR process and the feedback on these efforts are positive. Although the role of the police was not considered in this assessment, pursuing reforms in the Afghan National Police was raised by some interviewees and reforms in this area concurrent with improvement in citizen relations with line ministries could significantly improve the atmosphere and quality of local governance. Not only is a policy push required to get this done but the IACSRC and the provincial departments will need support to accelerate the actual implementation.

### **4.3 WORKING WITH MUNICIPAL GOVERNMENT**

Governance at the municipal level requires considerable clarification, with a particular focus on elucidating the relationships between municipal institutions and district, provincial, and central government institutions. Although we could not analyze the municipality issue sufficiently, our impression is that they are operating at levels far below optimal in terms of transparency, efficiency, and equity, and such issues cannot be resolved without having elected bodies and dynamic mechanisms of citizen participation. As the growth centers for education and services from both the government and private sector and as likely centers of investment and population growth, municipalities will play a critical role in economic and political development. Since

municipalities have the authority to independently tax and to provide services across sectors, improving the governance of municipalities to be more effective and responsive is achievable and will make major impacts on sizeable populations. With both elected chief executives and elected councils, they are also potentially the most democratic institutions at the subnational level

Municipalities are facing rapid growth and are confronting a number of unique problems in the reconstruction and development of Afghanistan. Municipal plans are out of date, and existing planning processes are not adequately integrated or coordinated with the district and provincial planning activities that are emerging in the provinces and districts. The relationship of municipal governments to the Ministry of the Interior and the Ministry of Urban Development and Housing is also not clearly defined or understood. Almost all aspects of municipal financial administration need reform, particularly taxation system, budgeting, and disbursement procedures. The management of municipal property assets is another critical area requiring attention as municipalities can and have engaged in the sale of property to raise revenues. Lastly, though the constitution provides for elected mayors and municipal councils, mayors are not currently being elected and municipal councils have not been formed. Absence of an electoral process at the municipal level raises concerns about the perceived legitimacy and accountability of local government, and leaves populations without an important democratic mechanism to effect change in their municipalities. With relatively little attention being paid to governance issues in the provincial and district municipalities, appointed officials are operating without the benefit of consultation and oversight that is provided for in the constitution.

### **Recommendation 3: Improve Municipal Management and Service Delivery and Develop a Framework for Reforms at the Municipal Level**

Municipal reform alone is a broad, complicated undertaking, but the constitutional provisions for elected officials, as well as the fiscal autonomy allowed to municipalities by law and tradition, make municipalities a conducive environment for developing and demonstrating the strengths of democratic governance. Given resource realities and other reconstruction priorities, the first step for sub-national governance reform at this level should be a study to (a) better understand the issues in municipal government administration including the relationship between municipal institutions and other governance institutions and (b) to identify municipalities that are lead by officials who are innovative and development oriented, where there is an openness to citizen participation, and where new approaches and municipal development could be piloted.

Since municipalities have taxing authority, they may be able to raise the revenues to implement plans and projects at the local level. A set of pilot projects could be started in a few municipalities focused on sustainable municipal services delivery and financial management, to learn what works and what does not. Various modes of citizen participation in governance emerging in the communities should be supported. Finally, the municipalities should work to implement new planning processes that will promote investment and manage growth. The number of municipalities could be expanded over two years to include a sufficient sample of municipalities of various sizes and from different regions. This will provide a basis for the formulation of national policy with regard to municipal government and then eventually elections, as constitutionally mandated.

In terms of longer-term municipal reform, the strategy will have to clarify the institutional relationships between municipal government and the Ministry of Interior, which has some supervisory functions, and the Ministry of Urban Development and Housing, which has support functions. Similarly, linkages with provincial and district governments will need to be addressed. The municipal reform strategy should take into account the roles of the administrative bureaucracy and elected bodies, the participation of civil society, and variation across municipalities. The resulting strategy should provide concrete direction for the Afghan government and the donor community.

#### **4.4 CONTEXTUALIZING SUB-NATIONAL GOVERNANCE**

Layers of government have been imposed on Afghanistan over the last 30 years and have taken root differently across regions, resulting in real variations across the country at the local levels. Variations include not only ethnic differences, but also degrees of development and political variations, with greater development activity closer to major cities; communist controlled areas driven in socialist direction; and areas that were under longer and tighter Taliban control. These historical and cultural differences in the development of local governance have resulted in significantly diverse local politics and administration with a range of governance capacities. Currently these discrepancies are not well understood. Thus it is not possible to assess whether particular interventions in one province or region will be effective in another.

There is limited monitoring and evaluation of what initiatives have been pursued and what can be learned to improve future actions. The push for quick impact is crippling the much-needed practice of monitoring, reflection, and learning. Program managers have experience of several pilot and experimental attempts but the results of such innovations are not shared with relevant groups of stakeholders. Even the same program units in government fail to capitalize on these experiments in the subsequent cycles of planning.

The lack of standard practices for information sharing also hinders the development of policies and programs, as information is not fed back to government policymakers, donors, and other development practitioners. The government's failure to develop and articulate policy and a strategy for sub-national government makes it difficult to communicate what it is trying and doing. One governor took personal credit in his speeches for everything the central government was doing and then claimed that his actions were evidence that the Kabul didn't care about them. The governance objectives and accomplishments of the National Solidarity Program supported Community Development Councils are denied by a large number of senior government officials. The Provincial Council law was amended five months ago by parliament and sent to the president, but most people did not know where it was until March 11 when a government newspaper reported that it had been sent back to the Wolesi Jirga.<sup>51</sup> The CDC Bylaws were signed in November 2006 converting them into more permanent institutions of governance but three months later, very few government or donor officials in Kabul have seen the Decree or know it was signed. There are some important development innovations taking place alongside progress in some sectors and there are some systemic problems but neither can be acted upon as long as they are generally unknown. The same affliction explains the general public ignorance of

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<sup>51</sup> *Anis*, a government daily (March 12, 2007).

positive developments in SNG, which also leads to the disconnect and distance between government and people.

**Recommendation 4: Launch a Program of Investigation (study) of Governance at the Sub-National Level and Institutionalize Periodic Information Sharing**

In order to devise effective reform strategies, a mapping and periodic appraisal of governance at the sub-national level must be undertaken to enrich the understanding of local political and administrative dynamics and variations in economic and social contexts. The information obtained from such a program of study and appraisal needs to feed into donor and government coordination mechanism on a periodic basis. Without systematic ways to collect information and generate insights which are not available, policy and programming decisions by government and donors are made primarily on the basis of ad hoc reporting, which is usually negative.

The level and effectiveness of communication and coordination among donors and with government remains variable. Part of the problem is the lack of a coherent sub-national governance policy and master strategy that could provide an organizing framework for donor interventions, as mentioned in Recommendation 1. Another part of the problem is the lack of an institutionalized form of periodic sharing of information with donor and with government coordination mechanisms. The continued lack of a policy and strategy and the inadequacy of information necessary for coordination all around leads to reform efforts that work at cross-purposes.

**A. Mapping, periodic appraisal, and institutionalized information gathering:** Starting with a baseline, mapping of local governance would include an assessment of: quality of service delivery; economic activity; political organizations; security; government institutions; and perceptions about these issues by citizens, officials, and business community. These would then feed into policy and strategy development.

The impact of interventions on the local context and governance needs to be examined. In this context, project evaluations must take place more often than typical, for example, appraisals may take place every six months. This will help to understand real and perceived changes in sub-national governance and to how the regional and historical differences mentioned above impact the effectiveness of interventions. This information will then be available for policy and strategy refinement. This process also allows pilot testing of interventions in different areas.

Part of the appraisal process can involve province-level multi-stakeholder workshops to discuss regional issues of development and governance. This helps promote participation of Afghan civil society in order to understand, adapt, and refine ideas based on their own ideals and local realities. This also helps address the distortion in the entire discourse of change that has been framed in western constructs.

**B. Institutionalized information sharing and inputs into donor coordination groups and government coordination mechanisms** (i.e. SNG Policy Consultative Process and others): Donor coordination in Afghanistan must be recognized as more problematic than most other countries. There needs to be more emphasis on systematically orienting new staff coming into

the program to the coordination issues before they get immersed in the multiple level management problems. The security situation constrains the normal processes of coordination and information sharing, primarily for foreign experts, and needs to be replaced with a more formal mandatory orientation process and that orientation process should include the status of sub-national governance and policies and programs that need to be mutually supported by donors.<sup>52</sup>

Assuming the government can begin to address the policy issues, it will be critical that the donors reach consensus on supporting the policy decisions with appropriate investments and program modifications where conflicts can be resolved. Assuming that policy will evolve over the next several years, it will be important for donors to reaffirm their commitment to the evolving policy on an annual basis. A communication strategy among donors will need to be agreed to and implemented to keep donors apprised of significant issues and progress in the development of sub-national governance.

- C. Information/awareness of SNG initiatives:** Examine ways in which information is shared among provinces and districts and develop appropriate mechanisms for enhanced sharing. Community leaders are continually trying to innovate and some innovations work better than others. Governors benefit from learning what other governors are doing. In time, it may be possible to form associations of provinces and associations of municipalities etc., but these need to be allowed to evolve as deemed desirable by potential members. Donors can initiate the process by sponsoring conferences and workshops on specific topics of interest and developing mechanisms for continuing information flows after and between workshops.

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<sup>52</sup> ISAF's Provincial Reconstruction Team Handbook, edition 3, February 2007, is a good resource for orientation of civilians.

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## 6. ANNEXES

### A. The Assessment Team

The biographical statements of key members of the Foundation team who undertook the assessment are provided below. The Foundation also engaged an expert, nonresident reviewer for drafts of each of its deliverables prior to finalization. Finally, a USAID local governance expert, Dr. Ed Connerley, provided detailed written comments on the penultimate draft.

*Dr. George Varughese, Country Representative, Afghanistan.* Dr. Varughese is a political scientist with theoretical and empirical specialization in local governance. He has over 18 years of experience in Nepal and Afghanistan on governance issues, and directed the recently completed *Afghanistan in 2006: A Survey of the Afghan People* and *State Building, Political Progress, and Human Security in Afghanistan: Reflections on a Survey of the Afghan People* (2007). He led the assessment.

*Mr. Harry Dickherber, Local Government Expert.* Mr. Dickherber is thoroughly familiar with donor approaches to local government. He had a long career in development, and was the USAID Rural Development and Local Government Officer in the Philippines during 1990-1996. Mr. Dickherber was the team leader on an Asia Foundation local governance study in Afghanistan in 2004.

*Dr. Hemant Ojha, Governance Expert.* Dr. Ojha has consulted in Cambodia, Cameroon, Nepal, and the UK for the Asian Development Bank, DFID, IDRC-Canada, and The Asia Foundation. He has analyzed decentralization and local governance policy and traditional practices of communities, and developed policy recommendations for improved learning and adaptive capacity of government and community institutions, combining participatory action research findings with relevant sociological analysis. He has written, presented, and published extensively on deliberative governance..

*Mr. Fazel Rabi Haqbeen, Senior Program Officer and Governance Expert, Afghanistan.* Mr. Haqbeen was a national expert on the Foundation's governance study in 2004. He and Harry Dickherber were a talented and productive team on the 2004 study. Mr. Haqbeen has extensive experience in Afghanistan on governance. He has served for several years as a member of a district council, and he has in-depth knowledge of the needs, opportunities, and challenges facing local government entities. He has an extensive network of people and professionals around the country that will benefit the assessment. He has an MBA (Pakistan).

*Mr. Najibullah Amin, Program Officer and Research Expert, Afghanistan.* Mr. Amin has an interest in the delivery of government services, particularly local-level access to justice. Mr. Amin has an MA in Development Studies (Italy), lectures in law at Kabul University, was the chief rapporteur for the Afghan Constitutional Commission, and played a significant role in managing the Foundation's *Afghanistan in 2006: A Survey of the Afghan People*.

*Dr. William (Bill) Cole, Senior Director for Governance, Law and Civil Society.* Dr. Cole worked for USAID for several years before he joined The Asia Foundation a number of years ago. A political anthropologist, he has extensive experience in Asia. Dr. Cole played a major role in the re-establishment of the Asia Foundation program in Afghanistan in 2002, and was part of a team that studied local governance in Afghanistan in 2004. He is based in San Francisco and provides advice on design and strategic recommendations.

**B. List of Individuals/Meetings (January 17 through February 18, 2007)**

Provinces	Organization and Names	Category	# of Participants	Contacts
Kabul	ACSF, Eng. Azizur Rahman Rafiee - Managing Director	Civil Society	1	Mr. Aziz Rafiee: 0799 337 828 <a href="mailto:azizr@acsf.af">azizr@acsf.af</a>
	ACSOR Qualitative Group	Private Firm	17	Assen Blagoev: 075 202 3432 <a href="mailto:blagoev@gmail.com">blagoev@gmail.com</a>
	ActionAid, Mudasser Hussain policy research and advocacy coordinator	INGO	1	Mudasser, 0799476991 <a href="mailto:mudasser@actionaidafg.org">mudasser@actionaidafg.org</a>
	ANDS/PRSP, Wahidullah Waissi - Development Manager	Gov	3	Wahidullah: 0799 053 657 <a href="mailto:wahid.waissi@ands.gov.af">wahid.waissi@ands.gov.af</a>
	ARD, Douglas Grube - Chief of Party	USAID/Contr	1	Douglas: 0799 273 000 <a href="mailto:dgrube@ard-afghan.org">dgrube@ard-afghan.org</a>
	ARD, Provincial Training Facilitators (Focused Group Discussion)	USAID/Contr	4	Abdul Hadi Ayoubi: 0799 198 270 <a href="mailto:ayoubi_hadi@yahoo.com">ayoubi_hadi@yahoo.com</a>
	ARD, Zachary Alpern - Consultant	USAID/Contr	4	Zachary: 0798 175 702 <a href="mailto:zalpern@ardinc.com.af">zalpern@ardinc.com.af</a>
	AREU Library, Dr. Jamil - librarian and Royce Wiles - coordinator	Mixed	2	Royce Wiles: 0700 242 911 <a href="mailto:royce@areu.org.af">royce@areu.org.af</a>
	AREU, Hamish Nixon researcher	Individual	1	Hamish: <a href="mailto:hamish_nixon@gmail.com">hamish_nixon@gmail.com</a>
	DFID, Sarah Hearn - Governance Advisor	Donor	1	Sarah: 0798 138 233 <a href="mailto:s-hearn@dfid.gov.uk">s-hearn@dfid.gov.uk</a>
	Dutch Embassy, Paul van de Logt - Head of development cooperation	Donor	1	Paul: 0799 715 502 <a href="mailto:Paul-vande.logt@minduza.nl">Paul-vande.logt@minduza.nl</a>
	IARCSC, Rahela Hashim Sidiqi - Sr. Advisor & Head of Experts Program	Gov	2	Rahela Sidiqi: 0799 284 666 <a href="mailto:rahela_h@yahoo.com">rahela_h@yahoo.com</a>
	IARCSC, Wali A. Hamidzada, - Training & Development Director	Gov	2	Wali: 0799 202 168 <a href="mailto:whamidzada@sbcglobal.net">whamidzada@sbcglobal.net</a>
	ISAF HQ Kabul, Gen. Gary Robison (DCOM-Stability), Maj. Macrimmon	Mil	2	Lt. Col. James: 0799511412 <a href="mailto:paul.james@hq.isaf.nato.int">paul.james@hq.isaf.nato.int</a>
	ISAF HQ Kabul, Tim Andrews (Pol. Adviser to COM Gen. McNeill)	USG-NATO	2	
	Killid Media Group, Shahir Ahmad Zahine - Director	NGO	1	Zahine: 077 333 3600 <a href="mailto:shahir.zahine@theklillidgroup.com">shahir.zahine@theklillidgroup.com</a>
	MoF, Jean-Marc Lepain - Provincial Budget Advisor	Gov	1	Jean-Marc, 0700 160 823 <a href="mailto:jlepain@yahoo.com.fr">jlepain@yahoo.com.fr</a>
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	NDI, Allan Freedman - Country Director	NGO	3	Allan Freedman: 0798 137 023 <a href="mailto:afreedman@ndi.org">afreedman@ndi.org</a>
	OAA, Provincial Council Department, Dr. Karim Baz - Director	Gov	2	Karim Baz: 075 200 7917 <a href="mailto:karimbaz@yahoo.com">karimbaz@yahoo.com</a>
Oxfam, Matt Waldman - Policy & Advocacy Advisor	NGO	1	Matt: 0700 278 838 <a href="mailto:mwaldman@oxfan.org.uk">mwaldman@oxfan.org.uk</a>	

Provinces	Organization and Names	Category	# of Participants	Contacts
	Provincial Development Committee, Kabul	Mixed	30	Walizada – secretary Econ Department: 0700 27 46 54
	The World Bank, Asger Christensen - Lead Social Development Specialist	Donor	3	Asger: +1 202 458 8339 <a href="mailto:casger@worldbank.org">casger@worldbank.org</a>
	UN- Habitat, S. Sawayz, Bijay Karmarcharya	UN	3	Abdul Baqi Popal 0799284724 <a href="mailto:abpopal@unhabitat-afg.org">abpopal@unhabitat-afg.org</a>
	UNAMA, Shrikant Deshpande - Governance Officer, Kabul	UN/Donor	3	Shrikant: 0700 282 165 <a href="mailto:deshpande@un.org">deshpande@un.org</a>
	UNDP, Paul Lundberg, Manager Sub-National Government Program	UN	1	Paul: 0799 649 287 <a href="mailto:paul.lundberg@undp.org">paul.lundberg@undp.org</a>
	UNDP, Stephan Massing – Sr. Program Officer	UN/Donor	2	Stephan 0799 023 459 <a href="mailto:Stephan.massing@undp.org">Stephan.massing@undp.org</a>
	US Embassy, Sara Rosenberry - Counselor for Political Affairs	Donor	1	Sara: 0799 079 322 <a href="mailto:rosenberrySA@state.gov">rosenberrySA@state.gov</a>
	US Embassy, Karen Johnson – Counselor State-PRT	Donor	1	<a href="mailto:johnsonke@state.gov">johnsonke@state.gov</a>
	USAID/PRT – Kabul, Dana Stinson	Donor	1	<a href="mailto:dstinson@usaid.gov">dstinson@usaid.gov</a>
	US DoS/PRT- Kabul, Janae Cooley, Van, Dana Stinson	Donor	3	
USAID/DG Bruce Etling, Jene Thomas & Mohamad Zahar	Donor	3	Jene Thomas: 0799 187 524 <a href="mailto:jenethomas@usaid.gov">jenethomas@usaid.gov</a>	
Wolesi Jirga, Daoud Sultanzoy Member & Head of Econ. Committee	Polit. Rep.	1	Daoud, 0799 845 804 and 0700 626 666	
Parwan	AWSDC, Masooma Rahimi – Head	NGO	2	Masooma
	Education Department Parwan, Saamia - Education Director & Member of Wolesi Jirga	Mixed (Polit. & Gov)	7	Saamia:
	Governor of Parwan, A. Jabbar Taqwa - Governor	Gov	4	A. Jabbar, 0799 301 301 <a href="mailto:ajtaqwa@yahoo.com">ajtaqwa@yahoo.com</a>
	Ministry of Rural Rehabilitation and Development of Parwan, Director	Gov	3	
	Provincial Council Parwan, Mr. Shafiq - Head of the Provincial Council	Political Reps	8	M. Shafiq, Head of PC: 07996969690 - 0799007733
Kapisa	Health Department Kapisa, Dr. Shahper - Technical Advisor.	Gov	1	Dr. Shahper: 0799 466 460
	Provincial Council Kapisa, Enayatullah Kuchai – Member	Polit. Reps.	4	Enayatullah Kuchai: 0799 616 231
	Provincial Development Committee, Kapisa	Mixed	30	Faizuddin - Secretary MoEc: 0798 123 233
	RRD Kapisa, Eng. Farhan - Head of RRD	Gov	2	Eng. Farhang: 0799 435 582
Kandahar	ACS, Rangina Hamidi - Director ACS and Group from Women’s Council	NGO/CS	5	Rangina: 0700 303 819 <a href="mailto:o_rangina@yahoo.com">o_rangina@yahoo.com</a>
	DoWA Kandahar, Rona Tarin - Head of DoWA	Gov	1	
	Finance Office - Kandahar, Ghulam Haider - Finance Officer (Mostufi)	Gov	1	
	Medical Mendial, Jamila Stanekzia -Lawyer	NGO	2	

Provinces	Organization and Names	Category	# of Participants	Contacts
	NABDP/UNDP, Stephen F. Maynard - Community Development Advisor	UN/Donor	1	Stephen: 0700 347 744 <a href="mailto:stephen_maynard@mrrd.gov.af">stephen_maynard@mrrd.gov.af</a>
	Provincial Council – Kandahar, Ahmad Wali Karzai - Head of PC	Polit. Rep.	1	
	Sarah Chayes, Head (Writer of <i>The Punishment of Virtue</i> )	NGO	1	Sarah: 0700 302 211
	US PRT – Kandahar, Greg Burton	Donor	1	Greg: 0700 030 709 <a href="mailto:kandaharEnvoy@gmail.co">kandaharEnvoy@gmail.co</a>
	CIDA PRT- Kandahar, Helene Kadi - Development Director	Donor	1	Helene: 0799 594 716 <a href="mailto:helene_kadi@international.gc.ca">helene_kadi@international.gc.ca</a>
	US-PRT – Kandahar, Dorothy Mazaka - Development Advisor	Donor	1	Dorothy: 0799 187 507 <a href="mailto:usaid_south@yahoo.com">usaid_south@yahoo.com</a>
	Wolesi Jirga, Qayoom Karzai Kandahar Rep. Wolesi Jirga.	Polit. Rep.	1	
Herat	ACBAR - Herat, Farid Niazi regional director	NGO	1	Farid Niazi: 0799 346 901 <a href="mailto:Niazi@acbar.org">Niazi@acbar.org</a>
	Department of Economy – Herat, Eng. Sayed Ali Ahmad Mansouri - Head	Gov	1	Mansouri: 0799322322 <a href="mailto:engmasouri@yahoo.com">engmasouri@yahoo.com</a>
	Department of Finance – Herat, Mr. Sakha - Head of department	Gov	2	Mr. Sakha: 070405772 <a href="mailto:Z_sakha@yahoo.com">Z_sakha@yahoo.com</a>
	FCCS – Herat, Avista regional director	NGO	4	Avista: 070464626 - 0799884852 - 0799872222
	Herat Governor Office, Aminudin Jami Administrator	Gov	1	Jami: 0799101610 <a href="mailto:admin@herat.gov.af">admin@herat.gov.af</a>
	Provincial Council of Heart, Prof. Jamshid Azizi, Ms. Nooralsaraj krookhi and Zahra Haqo, members of PC	Polit. Rep.	3	Prof. Azizi: 0799855180
	RRD – Herat, Mr. Mohammad Saddiqi - Head of department	Gov	2	Mr. Saddiqi: 070401071
	USAID PRT – Heart, Tye Ferrell -Development Advisor	Donor	1	Tye Ferrell: 0799794677 <a href="mailto:usaidrcwest@gmail.com">usaidrcwest@gmail.com</a>
Kunduz	DoWA and WAA – Kunduz, Fahima Kakar Director	(Gov & NGO)	3	
	Economic Department – Kunduz, Abdul Jalil Head of Department	Gov	1	
	ECW, Mohad. Zahir Muslih Office Manager and Team	NGO	5	M. Zahir: 0799 206 604 <a href="mailto:ecw_kunduz@yahoo.com">ecw_kunduz@yahoo.com</a>
	Education department Kunduz and Mediotech NGO, S. Farooq Omer Director of Education and Head of Mediotech	Gov and Civil Society	1	
	Finance Officer (Mostufi), Kunduz	Gov	2	
	Governor of Kunduz, Al-haj Eng. M. Omer - Governor	Gov	2	Eng. M. Omer: 0799 448 909 0700 700 003
	Provincial Council- Kunduz,, Mawlawi Abdullah - head of Provincial Council	Polit. Rep.	6	Mawlawi Abdullah: 0799618799
	Rural Rehabilitation Department - Kunduz, Ahmad Nehro Advisor and Acting Director	Gov	1	
	US PRT Kunduz, Trudie E. Thompson - Political Officer for the US Department of State.	Donor	2	Trudie, 0799 290 171 <a href="mailto:kunduzEnvoy@gmail.com">kunduzEnvoy@gmail.com</a>

**C. List of Individuals/Meetings for Supplemental Qualitative Study of Sub-National Governance (February 7- 15, 2007)**

Provinces	Organization and Names	Category	Number of Participants
<b>Kunduz</b>	Department of Haj & Religious Affairs, Qazi Mohamad Nazar - Director	Government	1
	Department of Women Affairs, Abdul Ghafar - Director	Government	1
	Department of Justice, Mohamad Sidiq - Deputy Director	Government	1
	Haji Abdul Qudus - Community Elder/Merchant	Civil Society	1
	Department of Work and Social Affairs, Abdul Basir Yaqin Deputy Director	Government	1
	ADA Organization, Abdul Hamid - General Director	NGO	1
	Department of Education, Abdul Karim Wahdat – Director	Government	1
	Department of Economy, Abdul Jalil Mohamad - Director	Government	1
	Department of Water Resource and Power, Eng. Mohamad. Anwar Deputy Director	Government	1
	Urban Development Department, Sayed Shamssuddin - Director	Government	1
<b>Bamyan</b>	Department of Women Affairs, Mohamad Jwaid Azim - Director	Government	1
	Department of Rural Rehabilitation and Rural Development, Husain Ali Yaqubi - Gen. Manager	Government	1
	Department of Rural Rehabilitation and Rural Development, Mohamad Reza Khair Abadi - Care Taker of RRD Directorate	Government	1
	Department of Women’s Affairs, Amina Hazara - Gen. Manager of Education Department	Government	1
	Damdasht-e-Saidabad District Council, Mohamad Zahir - Director	Civil Society	1
	Security Chief, Abdurahman Shaidayee - Deputy Commander	Government	1
	Department of Agriculture, Mohamad Tahir Atayee - Director	Government	1
	Bamyan Directorate of Documentation and Relation, Sabira - Director	Government	1
	Provincial Council, Mohm. Aihسانی - In charge of Cultural Affairs	Political Rep.	1
	Community Development Council, Rabiha Iqbal - Shibar District's Representative	Civil Society	1
<b>Kandahar</b>	Department of Economy, Ghulam Husain Aziz - Assistant Director	Government	1
	Department of counter narcotics, Gul Muhammad Shukran - Director	Government	1
	Department of Agriculture, Wali Muhammad - Assistant	Government	1
	Department of water and Power, Eng Fazil Ahmad – Director	Government	1
	Department of Rural Rehabilitation and Rural Development, Eng Ahmadshah Sher Ali Director	Government	1
	Department of Education, Hyatullah Rahmani - Director	Government	1

Provinces	Organization and Names	Category	Number of Participants
	Department of transportation tourism, Amnullah – Assistant	Government	1
	Mayor’s Office, Ghoulam Haider hameedi – City Mayor	Government	1
Nangarhar	Department of Rural Rehabilitation and Rural Development, Eng. Abdul Satar Karimi, 50, Gen. Manager of Ministry	Government	1
	Chief of Police Office, Colonel Abdul Ghafoor - Press Officer	Government	1
	Labor Union of Nangarhar, Azizulrahman Arab - Director	Civil society	1
	Department of Education, Muhinuddin Malikzai - Gen. Manager of Supervision Department	Government	1
	Community Development Council, Mohm. Amin Orfulmashal - Finance Officer of Nefrik-Payeen Village CDC	Mixed	1
	Medical Science Institute and Health Supervision Department, Dr. Koshal Tasal - Lecturer and Member	Mixed	1
	Department of Education, Eng. Safiullah - Housekeeping Manager	Government	1
	Shakir Stock Ltd, Eng. Momd Qasim - Director	Private firm	1
	Department of Rural Rehabilitation and Rural Development, Eng. Abdul Hadi - Head of Engineering Department	Government	1
	Health Department, Bostan Wolsyar - Administrative Director	Government	1
	Administrative Reforms of East Zon, Gulalay Jabarkhail - Chairperson	Government	1
Department of Women’s Affairs, Shila Baburi - Director	Government	1	
Herat	Chief of police - Guzra District, Haji Shair Ahmad - General Director	Government	1
	Nematullah Habib	TBD	
	Abdul Hadi	TBD	
	Department of Public Health, Dr. Abdul Hakim Tamana - Director	Government	1
	Etifaq Islam Press, Ubaid Hamid Eahi - Deputy Editor	Government	1
	Department of Martyred and Disabled Labor and social Affairs, Gul - Assistant director	Government	1
	Department of Rural Rehabilitation and Rural Development, Eng. Hammidullah Yallani - Deputy Director	Government	1
	Provincial Council, Dr. Hamyoon Azizi - Chairman	Political Rep	
	Department of Education, Azizulrahman Sarwary - Assistant	Government	1
	District Governor of Kurkh, Dawood - Governor	Government	1
Faryab	Provincial Council, Abdul Ghani Nasrat - Member	Political Rep.	1
	Department of Education, Gulabar Hakimi - Assistant Director	Government	1
	Department of Public Health, Rohullah Mohammadi - Employee	Government	1
	Department of Rural Rehabilitation and Rural Development, Janladof Popal - Director	Government	1
	Department of Rural Rehabilitation and Rural Development, Haji Abdul Momin - Finance Manager	Government	1
	Department of Agriculture, Abdul Manan Jorazada - Assistant Director	Government	1
Municipality, Abdul Wahab Kohi - Assistant of mayor	Government	1	

Provinces	Organization and Names	Category	Number of Participants
	Department of Public Health, Abdul Hakim – Civil servant	Government	1
	Department of Education, Nazeer Mohammad - Manager of Inspection Directorate	Government	1
	Department Public Opinions, Mohamad Azim Khan – Director	Government	1
	Department of Rural Rehabilitation and Rural Development, Mohm Ismayel – Finance Manager	Government	1
Panjsher	Department of Agriculture, Dr. Noor Hadi – Director	Government	1
	Mayor Office, Abdul Kabir Bakhshee - Mayor	Government	1
	Tribal Politician, Abdul Hadi - Community Elder	Mixed	1
	Department of Women’s Affairs, Dr. Suhrab Jannisar – Administrative Director	Government	1
	Tribal Politician, Ustad Abdul Hadi - Community Elder	Mixed	1
	UN-Habitat, Said Ahmad Shikib - Director	UN	1
	Provincial Council, Dr Abdul Wajib Akrami - Member	Political Rep.	1
	Department of Rural Rehabilitation and Rural Development, Sarrajudin Mehraban - Director	Government	1
	Administrative Director, Said Mahmood - Administrative Director	Government	1
Anaba District, Muhammad Urfan - Vaccinator	Government	1	
Mazar (Balkh)	Department of Education, Halimshah - Service Director	Government	1
	Department of Rural Rehabilitation and Rural Development, Eng. Abdul Basit Aieni - Director	Government	1
	Merchant, M. Kazim Nasrat – Merchant	Private	1
	Department of Women’s Affairs, Fraiba Mujahid - Director	Government	1
	Provincial Council, Farhad Azimi - Chairman	Political Rep.	1
	Department of Economy, Abdul Hamid - Economic Expert	Government	1
	Chairman of Commerce Chambers, Haji Ghulam Shah Khulmi – Chairman	Mixed	1
	Provincial Council, Haji Abdul Rawuf - Member	Political Rep.	1
	Department of Public Health, Dr. Ghowsudin - Deputy Director	Government	1

## **D. Guide Issues/Questions for Supplemental Qualitative Study of Sub-National Governance**

General objectives of this study, information gathered in the interviews should shed light on the following areas:

- How are the central, provincial and district authorities interacting at a local level;
- Who are the other local stakeholders and what is their resource base, their potential and current involvement in the local governance;
- To what extent are donors programs helping to build a sound base for local governance

### **1. Relationship between ministries at a local level – MRRD, MOEc, MOF, MPW, MOI**

The main question here is to figure out duplications, competitions, cooperation, synergy in terms of planning, programming and implementing. We are particularly interested in how MRRD activities overlap with other sectoral line ministries.

1.1. Which line ministries have local offices? Are they undertaken projects initiated by their line ministries in Kabul? Is there a project initiated and implemented at a local level and what is the interaction between ministry and province offices in that case? Are there any joint projects implemented by more than one ministry?

1.2. Is there a difference between the current scope of projects and activities of these offices and the ones from three years ago? If yes, is it more or less and what could be the reasons for that?

1.3. Which line ministry offices work close most often, have good coordination? In which areas? And how about the coordination between MRRD and MOI, Ministry of Public Works and Ministry of Health? Which line ministry offices show no signs of cooperation whatsoever? And are there any line ministry offices that in conflict? Over what?

### **2. Involvement of Civil Society in governance dialogue and practices**

2.1. Are there any active business associations in the province? Who are the key business groups? How fair is the game of business generally – level of corruption?

2.2. Were there any formal meetings, gatherings between a provincial/district authorities and the local NGOs, shuras, CDCs ? If yes, who initiated them and on what subject? Was there any project by a provincial/district authority that actually did harm, hurt the local NGOs and other civil society organizations? If yes, were there any protests by the local groups and what was the reaction of authorities to them? Were there any initiatives implemented by a local forum, local community? If yes, what kind of? Did they find a support from the provincial, district authorities? If yes, in what form? Is there any security threat to critical civil society activity?

2.3. Were there any public initiatives promoted by a provincial, district authority, where people were invited to take part voluntarily? If yes, what kind of? And what was the overall response; were they supported by local associations, citizens organizations?

2.4. How often are local media covering the voice of local people? How often are sessions and decisions of the provincial/district governments and councils open for the local media? And how often have the decisions of provincial and district authorities been criticized, scrutinized by the local media? What is the typical reaction of the provincial, district authorities to critics in/from the local media?

### **3. Donor projects and their implementation**

3.1. Generally, which international and local NGO carried out projects in the province, in districts? Were these projects of the NGO itself or they acted as an agent of some other donor or government agency? Which of the donors/INGOs/projects mobilize local resources?. Taken on the overall, did the respective local community benefit from this project? Were there any local authorities who felt bypassed in the implementation of these projects?

3.2. About the local PRT, Are the projects initiated by PRT themselves or by the Governor or by the communities or by the ministry personnel such as dept of education? Were there any local authorities who felt bypassed in the implementation of these projects?

3.3. What are the CDCs currently in charge of? Are there any plans to hold new elections for the 3 year old CDCs? What kind of projects, initiatives and programs they have implemented in the past several years? Did they look help, support from the provincial, district authorities in implementing their programs? Were there any programs proposed by the CDCs to the provincial or districts authorities?

### **4. Which authorities exercise power – areas of control and sticking points**

4.1. What is the structure of central, provincial and district authorities at present? How do the police and security officials fit into this structure? What kind of non-government, non-state authorities exist in the province, district? How they stand to each other?

4.2. Has the police been helped by other institutions in its work? By local communities? In which cases? Were there any areas of contact, points of intersection between the police and CDCs – instances of support, requested help? Were there cases of lack of cooperation between police and other district, provincial authorities?

### **5. Relationship between governor's office, provincial councils and district councils**

5.1. How many sessions have the provincial, district councils had since their formation? What was the subject of these sessions? How many members of the council were present at these sessions? How many times has the provincial, district governor taken part in a session of the council and in which cases? Which are the most important decisions voted by the provincial, district council? Were there cases where the council effectively blocked a decision or initiative of the governor? Or cases where the governor didn't follow, enact a decisions of the council? Do PC review and approve provincial plans?

5.2. Which is more effective or more important to the community, the elected CDC or the traditional Shura at the village or Manteqa level? At provincial level, which is more important or more effective, the traditional Shuras or the elected Provincial Council?

## **6. Relationship between district, provincial and central governments**

6.1 Is there communication between the district, provincial, and central government? Do they consult each other about projects and budgets or are decisions mostly made in Kabul?

6.2 Is it a situation where the district waits for orders from the provincial government, and the provincial government waits for orders from the central government? Or, do you think each operates independently without much interaction at all?

6.3 Do the people who work for district, provincial, and central government behave as though they are working for the same system?

6.4 People in a democracy have to pay taxes to support the work of government. Where do you think Afghans should pay their taxes? To the district, provincial, or central government? To all three separately, to just one? How effective is the municipality in collecting taxes?

6.5. How do local people in your area think about the government? What do they think are the responsibilities of each of the following levels and how is each different?

-district government – what is the purpose and what is their responsibility?

-provincial government – what is the purpose and what is their responsibility?

-central government – what is the purpose and what is their responsibility?

## **E. Summary of Key Findings: Supplemental Qualitative Study of Sub-National Governance**

In addition to the interviews conducted in the six provinces visited by The Asia Foundation Sub-National Governance (Kabul, Parwan, Kapisa, Herat, Kandahar and Kunduz) there were some 80 additional qualitative interview conducted in Kabul, Parwan, Kapisa, Herat, Kandahar, Jalal Abad, Bamyan, Balkh, Faryab, Panjsher and Kunduz) by our implementing partner, The Afghan Center for Socio-Economic and Opinion Research (ACSOR). The following is a sample of views and responses expressed by people, which mirror our findings in the main text.

The findings of this interview should be seen in the context of some of the limitations that the survey had. The interviews were conducted in a speedy manner. There was little time for the interviewers to be trained adequately but because the interviewers were local Afghans they could get sense of what people said quite easily. The interviewers, when in the field, happened to experience unexpected problems like delayed arrival in case of Bamyan. It was even difficult for the team to locate the offices as some of them were in private houses. Despite that fact that some of the department offices were in residential houses there were no civil servants in the offices to interview. High ranking officials such as the heads of departments, and in some other cases the second persons and sometime even low ranking civil servants were refusing to be interviewed. The interview notes were later translated by experienced persons to extract full meaning of the conversation.

### **Key Responses/Findings:**

#### **1. The high-ranking officials of the government are, for unknown reasons, not willing to participate in initiatives which are designed to upgrade their knowledge.**

“It is important to say that lots of directors are not able to write proposals therefore they face problems to receive projects. The government has arranged a six-months training for the directors in fields of English and Computer, but unfortunately only me and the head of Emergency Response Commission participate, while others sent their representatives”.

[Department of Women’s Affairs (DoWA), Nangarhar]

#### **2. The change of personnel through PAR/PRR has been perceived not very efficient.**

“... In fact, there are no big changes in Nangarhar for example with appointment of new minister of Education, people expected a lot but the promises are not met. It is not only education, up to this time I haven’t seen any vital activity from any director, they only pass the time.” [DoWA , Nangarhar]

#### **3. Media is not free and professional**

Media is sensitive towards different women and cultural issues that are prominent:

“Media is free but they don’t judge properly since there is party supporting system. Media wants to support the party that they are supported by. [DoWA, Nangarhar]

“Media criticizes an initiative started by women such as women fashion rooms in Kunduz.....

However, sometimes they do good work of criticizing wrong actions of government authorities” [DoWA Kunduz]

#### **4. CDC performance**

“The office of Rural Development implements its projects through NSP and people decide for their projects. Hence, there are positive changes but not as much as people were expected.... The money spent in Nengarhar was that huge that if one to spend it properly the province would have been like a palace by now”.

“The parliament and traditional councils only waste the time and earn some money. I think the CDCs and elected councils at provincial/district level are effective; they have positive activities since past few years and they use new experiences”. [DoWA, Nangarhar]

“CDCs are Important but it does not prevail over the Traditional shures, each one has it is own value. ...” [Department of Haj & Religious Affairs]

“The elected council of development is very effective but, we can’t forget local council’s role too”. [DoWA, Kunduz]

“...If some people face with problems then they complain to the provincial authority and the authority make sessions to solve people’s problems. And if we have problems in some offices then through councils they want the police head quarter”. [Department of Justice, Kunduz]

“...they discussion are usually on different subjects such as; management problems, municipality’s problems, and security. This type of project that harms the others hasn’t been accommodated yet. Local councils through national solidarity have performed affective and useful works; Roads, bridges, and dams construction. The directorship of Rural Rehabilitation and Development has relation with local councils and the mentioned directorship support and protect local councils. Other offices don’t have any relation with local councils”. [Department of Work and Social Affairs, Kunduz]

“Yes every week the representatives of local offices of ministries have meeting which is called Administrative meeting and also sectorial meeting, NGO meetings and CDCs also have meetings. These gatherings are organized by leading authority of the province and are about social affairs, administrative affairs and implementation of projects... Yes all CDC projects are implemented by local community. Projects which are implemented in the area by CDCs are Electricity Maintenance Project, construction of bridges, water supply projects and construction of school. Yes of course they supported by the provincial and district authorities of BAMIYAN because all these projects were implemented with the help of provincial and district authorities. These supports were in the form of security assistance and sometimes financial assistance”. [RRD, Bamyán]

“Yes, meetings are held in the province by participation of district and provincial governments, NGOs, CDCs and other nongovernmental organizations. These meeting are mostly held by the governor and Human Rights office and are talking on the issues such as people’s problems, checking the work of CDCs local offices and human, women and child rights”. [Bamyán, Provincial Council]

“...there is a meeting once a month among provincial, district level councils, elders and authorities. There hasn’t been any session among local Development council with district authorities; I have participated at provincial level meeting as a representative of SURKHROD council. This session is usually headed by governor and they discuss problems in different aspects

such as Development projects, eradication of poppy cultivation and drug trafficking”. [Finance person of Nefrik-Payeen Village’s CDC, Nangarhar]

“...There are special and fewer people invited to the sessions they aren’t the real representatives of people. Since the NGOs and official offices are working for betterment of society such thing hasn’t happened, but because of some misuse in implementation of projects maybe some social society or NGOs have received harms, sometimes there is harms for local people that their houses are destroyed because of road projects, but less people receive harms, while the benefits go to lots of people. If people do protest no one will pay attention to their voice. When people refer to provincial authority because of their problems with PRT, official office or security sections they only say that we will appoint a commission to investigate this matter but the results don’t proclaim to people. When some individuals are martyred because of airplane bomb they give some money and they don’t think about their families; if these problems continue, people will show bad reactions and there won’t be improvement in Afghanistan. We should inform the authorities about our problems. The authorities only give promises, since they are in fair of losing their income they don’t think about nation”. [Medical Science Institute, Health Supervision Department, Nangarhar]

“...Due to these sessions establish collaboration among offices such as Rural Development, PRT and other NGOs which implement construction projects. Since office of Rural Development implements projects the NGOs may receive harms. Sometime people protest, for example when the government determines to destroy poppy lands people ask for alternative and if they don’t receive aids/ or they receive very less because the major aids are rubbed before distributing to people; they do protests. Also people show negative reaction when the foreigner troops search individual houses, people protest against ISAF searching at nights in the houses; they want that such search should be done in consulting with governor. The work of NGOs in ineffective, for example there was a project/ they wanted to build a school and before the end of the project the roof of school was destroyed because of using low quality materials/ what would happened if there were students. I don’t have information about such project that local groups received harms”. [Administrative Reform of East Zone, Nangarhar]

### **5. Government officials are concerned more with their own NGOs than the government office.**

“People of Nangarhar welcomed the new governor (GULAGHA) and thought he might build this province as he did the Kandahar province but he only supports his own NGO” [DoWA, Nangarhar].

“In my view, there aren’t great achievements; when the new minister is appointed, he makes some plans and regulations that cause some short-term positive changes in the local offices. The employees keep punctuality and conduct activities in fear that the new minister will appoint his relatives. When there is good coordination among offices, there will be positive changes; with appointment of new Minister mostly the changes happen with NGOs, they keep close coordination in order to complete the ongoing projects and receiving new projects...” [DoWA, Bamyan]

### **6. Weak PC and department director relations**

“I haven’t seen any single big achievement from provincial council. I as a head of DoWA requested them several times to coordinate with us on our works but no one came, I don’t know about their relations with our previous director, and they even call us as the office of thieves and robber. I have participated in some of their meeting in the provincial council but I don’t see any activities. I think the head of provincial council doesn’t have good relation with our office”. [DoWA, Nangarhar]

“We meet with provincial council when needed ...we had a session with the PC about Haj process and we tried to prepare more facilities for people...” [DoWA, Kunduz].

### **7. Weak GO-NGO cooperation**

It is reported that Police is effective; it receives support from the society and different organization as they come across. Therefore, security is good to some extent which makes it possible for NGOs to work

“In Nangarhar there are lots of NGOs compared to other provinces they work in different fields including projects for women but I don’t see any cooperation between them”. [DoWA, Nangarhar]

### **8. Police is supported by people and other institution at local level**

It is reported that Police is effective while receiving a lot of support from the societies. The role of police and security staff is perceived to be good but still the lack of capacity and personnel is a major problem for police

“Whenever a woman goes to police they don’t solve their problems. In Kunduz province there should be a court and the judge should be a woman who is educated in law. And she should solve women’s problems..... Police do not solve women’s problems.” [DoWA, Kunduz].

“Security organs cooperate with us... it was decided that each DoWA office should have at least three police guards, now we only have one police who works in our office because the police department doesn’t have more police officers to give...” [DoWA, Kunduz]

### **9. Projects initiated by NGOs are for short impact**

“Some authorities only think about their own benefits; the budget for projects shouldn’t be divided with few people, they should build infrastructures and provide long-term projects (factory, company), so people could feel comfort for ever”. [DoWA, Nangarhar]

“We have seen some improvements in this year there were some educational projects through NGOs and women’s affairs but, they are not fundamental .... They always have short time projects and their result is not clear, it’s dumb and dark for us but they are clear and they know what they do, which is not good for Afghanistan... no one monitor and control their work usually whenever we suggest something for NGOs they don’t accept it and I don’t know why.....The government have to press NGOs to work through the government not, by through themselves. .... Some departments like RRD have good budget they don’t need NGOs to help them. So, NGOs should cooperate with the poor offices like women’s affairs office.” [DoWA, Kunduz]

The local residents claim that the number of projects and activities decreased from the first year of Karzai's presidency; since the NGOs and international community were more interested for reconstruction of Afghanistan on that time. For example WFP had lots of projects (Educational courses, Work for food program and others) which the local residents received lots of benefits, but currently it is more interested in newly formed province (DAIKONDI). [DoWA, Bamyan]

#### **10. No communication or lack of communication between programs**

There is a severe failure in communication between entities and in particular between provincial departments and national/international NGOs.

“...Welfare projects are prominent, plans are discussed with local authorities .... I think PRT works through provincial authority and the governor and they performed lots of useful activities...we don't have information about local or international NGOs” [Department of Haj, Kunduz]

#### **11. Trade**

People think that trade has improved in the last three years and there are some business associations and key business groups active in the provinces but there are corruption problems that cause difficulties.

“We have problems ... corruptions... we don't have control over the traders hence don't know how much the businessman bought a good and how much of interest they charge on us. I think we should have control on businessmen and don't let them do any thing they want they do”. [Mohm. Sidiq]

#### **12. Problem of budgets allocation for the line departments**

“Some of the local offices have implemented their projects such as rural development while most of them did not; the reason is lack of enough budgets. I don't think there was any kind of joint projects in Bamyan province”. [Department of Agriculture, Bamyan]

“The sub offices of every ministry in Bamyan implement the projects that the line ministries located in Kabul has given them but people don't get good benefit from such projects. For instance: the workshop that sub-office of Educational ministries held in Bamyan in order to train the teachers was not so effective because most of the teachers came from far off villages and had no accommodation to stay. They had to rent a room while their economical condition was not good and the allowance they got from workshop was not adequate to cover their accommodation expenses. It would be effective if such workshops are held in their districts. Of course there is cooperation between line ministries and their sub-offices in implementing the projects. For example, I can name the educational workshop held by sub-offices of education ministries in Bamyan that was an example of cooperation. ... Maybe, ministry of Education and MRRD sub-offices participate in those projects implemented by CDC. [Representative of Shibar Community Development Council]

#### **14. Multi-implementer projects**

“Yes, we do have joint projects in here implemented by several organizations. For instance: Rehabilitation of the Band-e-Amir electricity production project is done by Ministry of

Agriculture, Municipality office, Security office and World Bank. But in my opinion it would be better to give the project responsibility to one organization”. [Bamyan Directorate office]

### **15. Changes cause problems**

“With the appointment of new Minister new directors are appointed and this is a change. I think it will have negative impact on other local offices of the ministries because when the new director is appointed it will take a while for him to understand the projects which are in progress or the projects which are about to be started and it is a waste of time and thus it has negative impacts for the other ministries”. [Rural Rehabilitation and Development Department, Bamyan]

“As we see that when a new minister is hired, until he/she is introduced to work and ministry’s local offices in province, enough time is wasted so we can say that after changing of a minister, positive changes do not come in local offices or I must include that maybe after changing of a minister administrative corruption will be reduced and then local offices will be more in touch with main offices in Kabul city. After hiring a new director, no positive changes have emerged in local offices, because most of his/her time is wasted in having introduction and orientations”. [Education Department, Bamyan]

### **16. PRR**

“As I explained no changes has happened in ministries activities in Bamyan. It has no impact on the relationship with other ministry offices because nothing has been changed in the sub-offices of Bamyan province. Since I work in this post, no new office director is appointed in the sub-offices of ministries in Bamyan. In my opinion, all the personnel including office directors should be changed according to their capability then there will be a positive change in every aspect of the offices. If a 6 grade employee gets 8,000 Afs salary and his/her office director gets 3,500 Afs to 4,000 Afs salary it causes the activities to fall behind the schedule such as sub-office of ministry of women in Bamyan. It will be better if the new office director appointment done by the governor of each province because every governor wants the projects completed successfully in his /her area. As I mentioned, none of the directors has been changed so far in Bamyan province and therefore no big change has been seen in the scale of activities”. [Bamyan Directorate office]

### F. Example of Kunduz Provincial Government Staff by Department (Area 8,040 km.; Population 820,000)

No	Provincial Department	Clerk	Contracted	Officer	Soldier	Total	Salary
1	Court	53	17	0		70	231132
2	Finance	45	25			70	254442
3	Customs House	26	8			34	33670
4	Foreign Relation	6	6			12	272574
5	Hajj and Awquaaf	13	93			106	13513
6	Business Permits Sub-Directorate	3	2			5	495555
7	Governor Office	67	52			119	4869208
8	Chief of Police	9	107	564	737	1417	109697
9	Counter Narcotics			30	2	32	16842118
10	Education: 4804/137/4667	4667	811			5615	211894
11	Pedagogy	24	14			38	76088
12	Refugees	18	10			28	16167
13	Industrial Parks	4	2			6	16167
14	Communication	28	17			57	121388
15	Economic	6	6			12	32818
16	Youth Cultural and Information	11	11			22	58448
17	Radio TV	18	3			21	57733
18	Health	185	55			240	770465
19	DoWA	14	4			18	96356
20	Agriculture	112	78			190	524045
21	Irrigation	23	16			39	109504
22	RRD	23	9			32	151632
23	Work and Social Affairs	72	31			103	289828
24	Transport	19	7			26	70383
25	Borders and Triabal Affairs	6	5			11	29278
26	Urban Development	8	7			15	43702
27	Legal Department	18	10			28	86724
28	State Affairs	9	2			11	38854
29	Children Education	23	26			49	135172
30	Prison Depart	1	1	76		78	265991
31	Attorney General	61	18			79	245602
32	Narcotic Depart?	5	4			9	24232
33	Environment	4	2			6	15743
34	Sport	4	1			5	12637
35	Cadaster	8	2			10	38863
36	Central Statistic	5	4			9	24055
37	Provincial Council	15	0			15	227000
38	Agriculture professional H School	42	10			32	95788
39	Nomads	3	1			4	11223
40	National Police Training		16	55		93	337604
41	NDS Attorney General			6			27772
42	Maintenance	9	22			31	87441
43	Military Court			3		3	13700
Total		5667	1515	734	739	8614	27486206

## G. A Note on Chronology and Sequencing of Activities

The Asia Foundation's sub-national governance (SNG) assessment does not deal directly with the chronology and sequencing of activities that may emanate from the strategic recommendations of the assessment. Rather, it is an attempt at a snapshot of the state of SNG in Afghanistan at the beginning of 2007 (1386). Only brief references are provided on how the situation evolved to where it is today and these are provided solely to help clarify the existing situation. From the donor/investor perspective, this assessment needs to be combined with a program design that lays out priority problems or issues and tied to a chronology or sequence for the implementation of the recommendations.

The Asia Foundation assessment team was reluctant to prioritize problems or to get into too much detail as to how and when to implement the recommendations. Rather, the team wished to provide sufficient information for the reader to appreciate the importance of the issues identified. The relative importance of any one issue is not as important as the realization that these are among the critical issues confronting nation building in Afghanistan. If the readers of this assessment recognize the need for a significant coordinated effort among donors and Afghan leaders, and agree to share information and implement complementary programs, then the assessment will have succeeded. There are already multiple donors involved in SNG in Afghanistan who may wish to respond positively to these recommendations.

The four recommendations in the assessment report are viewed as key areas requiring new initiatives in the SNG area of development that will help the Afghan people to form the structure of local government that they need, want, and will defend as their own. Any one of the recommendations could be initiated first and each has value if implemented either alone or in combination with the others, but the Asia Foundation sees them as mutually supportive and believe that at least 1, 2, and 4 should be started as soon as possible. The most important recommendations are the first two, getting the policy and a strategy to implement it right, and developing SNG around service delivery in select key sectors. The second and third recommendations, municipal government and SNG information systems, are more supportive in nature. None of them however is simple or easy. Each requires the sponsors and implementers to have an understanding of the issue and its importance. The programs to be developed will have to be flexible and appropriate for the current environment. The activities will have to be implemented to help the Afghan people who participate to achieve their objectives. The sequencing and chronology of activities can vary as long as all actors are pulling generally in the same direction.

In the sequencing of activities by and among donors, one of the most important areas of immediate attention should be a **review of each of their ongoing programs with regard to how these currently affect sub-national governance**. As noted in the SNG assessment report, activities by donors in the key sectors providing services to people throughout the country are having a greater effect on sub-national government than anything else. The assessment team had neither the time nor the resources to look at specific donor projects to assess their impact on sub-national governance, but it is clear that many are having a positive impact and, it seems, many are having a negative impact.

Donors providing services in place of the government can inadvertently make the government appear weak and uncaring and undercut support for the central government, exactly the opposite of what is needed to build a unified Afghan state. Building a school that can't and won't be staffed for three to five years provides little more than trouble for already overwhelmed officers in the Ministry of Education. Putting X-ray machines in basic health clinics where they can't be supplied or maintained only confounds a barely functioning system. Donors should explicitly recognize that helping to build the system of SNG throughout the country so that people can effectively interact with and support the constitutionally-elected government based in Kabul as represented by government officials in their provinces and villages is the key to a stable, developing Afghanistan. All programs should be reviewed immediately to see whether they support SNG development, are neutral to SNG, or detract from the peoples' impression of and commitment to the government. In some cases it may be impossible to work with the government because of the absence of government staff or interest. Many programs if reviewed, however, might be able to have a much more positive impact on SNG with only minor adjustments in implementation and objectives. One important area for improving programs in this regard would be through improved orientation programs for the international staff that rotate through Afghanistan. It would help if all staff could be made increasingly aware of what is needed and why it is critical to strengthen the government at the provincial district and village levels.<sup>53</sup>

### **A Possible Sequencing and Chronology**

Initial feedback and comments on the draft assessment raised questions as to whether or not some scenarios for sequencing were implied in the recommendations. To try to clarify ideas in this area, the following possible approaches are suggested that we believe would be viable in implementing the recommendations. First, it should be clear that when the assessment talks about subnational development on a sectoral basis, it is referring primarily at this time to **provincial government**. Recommendation Three deals with municipal government and its special characteristics, but these are relatively less important than provincial government, which provides the same basic services in the rural areas and municipalities. Only at the provincial level is there a real structure of government with a chief executive; most ministries represented by a director who supervises programs and staff; a finance officer with funds allocated and disbursement authority; and an elected council. At the district level there is not yet consistency in program management, nor money or disbursement authority, nor elected representatives; and often only a district 'governor' with little authority and a police and security force. At the village level, there are CDCs but no executive and no authority over any programs or resources except the NSP block grants.

Regarding the **Recommendation One for a Policy Group** to be formed to develop policy and provide guidance for SNG administration, some might argue that this has to be done as an essential first step before the SNG policy formulation process can be started. While it would certainly be helpful to have the issues that have been identified clarified immediately, the establishment of the policy group is not necessary to get the process started. The first step in this area is for the donors who are committed to effective and accountable governance to recognize the issue of SNG, and for ambassadors and country directors or aid agencies to raise the issue and offer support to the President and key legislative leaders. This should be orchestrated in a way to

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<sup>53</sup> It was encouraging to note that the International Security Assistance Force has begun to address such issues through their Handbook for Provincial Reconstruction Teams.

demonstrate that the donors are willing to support the development of an Afghan strategy in this area that will be the product of Afghans and supportive of Afghan values while getting things done in a consultative manner. The second step would be to provide minimal logistic support to facilitate the process. The most significant input will probably be the support for studies and analysis, and the formulation of options for consideration by the policy group.

**Recommendations One, Two, and Four** are too important to wait for a policy process to be developed and dialogue and consensus achieved, or for the sub-national governance strategy to be developed and disseminated. The overarching strategy in the ANDS and government structure specified in the Afghan Constitution are consistent in calling for development and services to be provided by and through a centralized **government organized by sector with implementation decentralized to the provinces**. Multiple projects and programs are already being implemented in the sectors recommended. What is important now is to look at each of these sector programs to see how they affect and can be positively affected by improvements in subnational government. Some donors may want to organize their work by province and others may organize by sector. Some of the major donors may have some projects that are sector based and some that are province based. Variations among provinces when combined with the variation among donors could create an overwhelming level of confusion so it will be important in the early stages for core principles and methods to be agreed, especially for those whose primary counterpart is the province and not the ministry.

- First, the national sector strategy to the extent that it has been decided by a ministry, such as the national health program or elementary education policy, will have to be adhered to.
- Administrative Reform and manpower planning will have to be coordinated with the IARCSC and support the PAR/PRR process.
- Program budgeting will have to be consistent and coordinated with the Ministry of Finance's provincial budget activities as recently piloted with DFID support.
- Consultation with beneficiaries and stakeholders will have to be supported consistent with recognized principles of democratic governance.

The reason for developing these centralized programs as a component of subnational government is in recognition of the diversity of Afghan provinces and regions, and the importance of being able to adjust any program so that it can respond effectively to the needs and resources of the area. At times, the governor and other components of government may seem to have little to do with a given sector program but it is important that coordination be effective, even if minimal, to take advantage of limited resources and to provide a consistent message and equitable levels of support to people across the country.

**Recommendation Three on municipal development** and, more generally, urban development and management draws attention to issues that are not among the highest priority issues in Afghanistan today but are likely to become increasingly important. Currently, only 20 percent of the population is estimated to live in urban areas and over half of those are in Kabul. Improving municipal government is included because of the unique opportunity that the constitution offers of having a more democratic institution of subnational government if municipal government can be developed along these potential lines. There should be an elected executive, an elected council, and the authority to raise local revenue and plan and execute programs locally. At this point however, the situation is very different from what it could be. Mayors are not elected at present,

taxes rates are low and there is considerable evidence of corruption in the assessment and collection of taxes. There is an a sense of increasing corruption in securing permits or licenses, particularly those related to real estate and a lack of transparency in the use and expenditure of municipal assets. The recommendation to address municipal government as a part of subnational government development does not include Kabul, which has a unique set of problems resulting from the civil war, migration in and out over 30 years, rapid post-war population growth, the large expatriate community, a unique status in the Afghan national government as a Ministry, and home to over half of the Afghan civil service.

The idea is to work with 15 to 20 municipalities representing different regions and classes and sizes, in order to develop more effective and accountable systems of governance in the delivery of urban services that are the responsibility of municipal governments. This should start with direct assistance to a relatively small, select group of municipalities where (a) the mayors are effective and desire support, (b) there is potential for community participation in setting priorities and in program implementation, and (c) the security situation is adequately stable to proceed with planning and implementing specific projects to improve municipal services. The entry point will have to be with the existing appointed mayors and government employees. The initial activities should include support for PAR/PRR processes and training of staff to help them improve the management of municipal resources and the delivery of services. The selection criteria should include evidence of informal mechanism of civic engagement, which can eventually provide the mechanism for community participation in deciding priorities and implementing programs. Developing participatory processes along with municipal staff development should be among the early activities. The priority issues to be addressed should be tailored to each municipality as decided through some participatory process, but should include improvements in the efficiency and transparency of tax collection, budgeting, and the management of municipal assets.

Municipalities should be phased into the program so the project staff can learn and expand the area of coverage over time. One of the most important tasks of the project implementers will be to provide feedback to the SNG policy formulation effort in both identifying issues and proposing solutions for municipal government based on the experimentation going on in project and non-project municipalities. It should be possible through such an effort to identify and codify the roles, responsibilities, and authorities of the to-be-elected mayors and councilors and communicate these to voters before elections are held. It should be possible to hold elections in each municipality when the municipality is ready in a manner similar to the CDC elections wherein the elections were organized and held when the village was ready. This will be much more manageable and should avoid a lot of problems that will erupt if the municipal elections are held all at one time, especially if it is the same time as national elections.

**Recommendation Four on studies, appraisals, mapping, and information sharing** refers to two sets of actions that need to be carried out immediately. The first is for donors and key government leaders to come to an understanding of what is being tried by whom and where, and what is about to start based on decisions and agreements already made. This is more than a list of projects by donor and province but even that would be a good start. This listing does not need to be comprehensive but will require some dialogue to reach a common understanding as to what people think is important, what is working or not working, and why.

The immediate priority for studies is to conduct those that are required to initiate investment and activities to implement the recommendations above. The same group that forms the common understanding above will be able to provide direction as to what is known and what needs to be studied or mapped out. The donors and their implementing counterparts, however, will have to provide the questions that they need answered as the basis upon which to proceed.

Given the complexities as to what information exists or is available and what is not, the difference from province to province, the difference in security today versus last month, the difficulty of collecting information etc., almost any significant activity will have to be initiated with a minimum prior analysis and designs will have to be flexible. For this reason it will be important to have a system of periodic appraisals that can be used to identify what is working and what is not working so that the problems and opportunities can be addressed before it's too late. This appraisal process will not be able to look at how services are being delivered and where they are not but will need to focus on the governance side of the issues.

The most important client for these studies will be the policy group (see Recommendation One) when it is organized and begins to function. But there are many other relevant parties who need this information anyway, including key staff from the ministries (Interior, Education, Health, Power and Water, Urban Development, Women, and others), the donors, and interested parties from the nongovernmental sector, and the information needs to be shared with them. It is very important that the analysis be focused on finding out what is working and where things are improving. This type of information will be critical for sound implementation policy that includes enabling authority for local officials, encouraging them to be creative and innovative in solving problems and promoting development.