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**UNDERSTANDING STATE-BUILDING AND
LOCAL GOVERNMENT IN AFGHANISTAN**

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Understanding State-Building and Local Government in Afghanistan

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Introduction

The state has been brought back 'in' to development. 'State-building' is big business, as even a cursory review of recent academic literature, as well as donor documents and consultancy reports, will show. 'State-building' is breathing new life into a faltering 'good governance' agenda, despite continued confusion and ambiguity about the term. Indeed, almost every donor has established a 'fragile states' or post-conflict state-building unit. Yet attempts at 'state-building' have been even more unsuccessful than most good governance initiatives – to date most efforts by external agents to 'build states' have been, at best, mixed and in most cases unsuccessful (Fukuyama 2004; Paris 1997; Rondinelli and Montgomery 2005). Indeed, out of sixteen major US-led state-building efforts only in four countries (West Germany, Japan, Grenada and Panama) did the type of state that the US wished to build continue after ten years, and in only five cases were democratic regimes sustained for more than three years after the US withdrew (Pei and Kasper 2003). Similar statistics for other state-building efforts abound (Francois and Sud 2006).

This paper joins the discussion of state-building by looking at how a certain understanding of states is affecting the types of activities emphasised in state-building agendas. It examines this by looking at an area that has been surprisingly neglected in the state-building literature – that of local government. It is, after all, through local government that most citizens in developing countries experience the state. It is usually at the subnational level that people interact with public officials – in receiving or requesting services, or dealing with local disputes, or registering land. It is with local police that they deal. In some places, it is where they pay taxes. While there is plenty of analysis of these state functions at the subnational level, and how best to organise them, there is a surprising dearth of analysis in the literature on the relationship between local government and state-building. This paper therefore attempts to rectify this by looking at initiatives in the re-establishing of local government linked to the central government in Afghanistan since the fall of the Taliban in 2001. It looks at how a neglect of certain types of interventions contributed to the failure of both local government reform and the wider state-building agenda in Afghanistan.

The paper first briefly proposes an approach to understanding states and their roles, drawing on ideas of institutions and their rules as a means of mediating power. After a discussion of power structures at the subnational level in Afghanistan, the paper then moves on to use this approach to explore two 'state-building' initiatives at the subnational level in Afghanistan, showing how attempts to impose 'bureaucratic rules' are being resisted. The final section looks at the implications of the international community's failure to understand the role of

¹ This paper draws on research in Afghanistan from 2003-2006, when the author was Senior Researcher in Governance and Political Economy at the Afghanistan Research and Evaluation Unit in Kabul. It was written while she was a Research Associate at the Crisis States Research Centre, London School of Economics. The author is grateful to Antonio Giustozzi, Hamish Nixon, Louise Perrotta and James Putzel for comments on an earlier draft. Further comments are welcome, to sarah.lister@yahoo.co.uk.

states in mediating power, concluding that a certain understanding of states and state-building has deflected attention away from the very interventions that would have contributed to building a system more dependent on depersonalised and rationalised rules.

Understanding states and ‘state-building’

There is a huge literature on ‘state-building’, ‘state-making’ and ‘governance interventions in failed states’ based on different theoretical traditions and their understanding of the state and its functions (Chesterman et al 2005). For example, a Lockean view sees the state as the vehicle for fulfilling a social contract, hence state failure is understood as the incapacity to deliver on basic public goods and state-making is the building of this capacity. A Weberian approach sees the state as defined by its capacity to exercise a monopoly over the legitimate use of force in its territory, thus state failure occurs when authority structures break down. In practice, most authors combine different theoretical approaches reaching a general consensus that the state has three core functions: providing security, representation and welfare (through providing and/or redistributing wealth) (Crisis States Research Centre 2005; Milliken and Krause 2002; Rubin 2006). Reconstituting or establishing a state’s capacity in these areas is seen to provide a state with legitimacy (Brinkerhoff 2005). If a state is not able to fulfil these functions and has limited legitimacy then it is either ‘fragile’, or has ‘failed’ or ‘collapsed’ (Francois and Sud 2006).

Building on these core functions, others have spelt out in more detail the specific roles a state should play. Ghani, Lockhart and Carnahan (2005), for example, argue that the state has ten primary functions: the legitimate monopoly on the means of violence; administrative control; management of public finances; investment in human capital; delineation of citizenship rights and duties; provision of infrastructure services; formation of the market; management of the state’s assets (including the environment, natural resources, and cultural assets); international relations (including entering into international contracts and public borrowing); and rule of law. The identification of these roles then logically leads them to see a state-building program as:

...a capacity-building program with timelines, benchmarks and indicators that serve both as goals towards which the public can be mobilized, and also as a means of accounting by which the momentum and achievements of the program can be reported to the public. (p9).

Others have similar functional perspectives adapted to specific contexts. For example, one major multilateral donor argues that “the state-building agenda in Afghanistan will depend on solving the central problem of matching expenditures with available revenues over the medium to long term, while also universalizing access to services.”² It assumes that state ‘legitimacy’ will automatically follow from service delivery, entirely ignoring complex issues such as political participation and representation.

An alternative approach, however, considers what states ‘are’ and how they interact with society. It is perhaps most helpful to think of them as ‘bundles of everyday institutions and forms of rule’ (Corbridge et al 2005, p5), which have emerged from society as a result of conflict (Crisis States Research Centre 2005). They not only reflect a certain balance of

² Internal note, multilateral donor, Afghanistan, 2005.

power, but are actually “the medium through which political power is integrated into a comprehensive social order” (Chesterman 2005 et al, p2). Thus states are one of the vehicles through which power is manifested and exercised in society. The international community with its various interventions is trying to build a particular type of bureaucratic state (in the Weberian sense), which is “a manifestation of political power that has been progressively depersonalized, formalized and rationalized” (Chesterman 2005 et al, p2).³

As Harriss-White (2003) comments about markets, states are therefore not just influenced by institutions, they *are* multi-layered institutions, with different rule-systems operating at different levels and in different ways.⁴ This institutional multiplicity creates a situation in which different sets of rules of the game, often contradictory, coexist in the same territory (Crisis States Research Centre 2005). So while policy-makers may see state-building as creating a ‘rule-based’ system, in fact it may be more helpful to think of ‘state-building’ initiatives as attempting to replace one type of rules with another, so that formal bureaucratic rules of a Weberian type take precedence over informal rules rooted in patronage and clientelism. In this way political power can be exercised in a progressively depersonalised, formalised and rationalised way, as considered appropriate for a ‘modern state’. There is, of course, a process of contestation around this, and it often takes a long time, as those who benefited from former power mechanisms and structures seek either to resist the changes, or to co-opt them to maintain continued influence. The result is often the layering of new forms of authority over existing forms, resulting in a hybrid system and institutional multiplicity.

Power Structures and Local Government in Afghanistan

Centralised state institutions in Afghanistan have co-existed uneasily with fragmented, decentralised traditional society since attempts at state-building began there. For centuries, tribal and religious leaders created ‘micro-societies’ that related to central and other powers on the basis of negotiation and patronage (Rubin 1995; Saikal 2005). However, the years of conflict and civil war following the Soviet invasion changed the nature of politics both at the local level and between local and national levels. The co-existence broke down as power became highly decentralised and factional leaders, operating in relatively distinct geographic areas, organised loose alliances to gain control of, or resist, the centre. Hierarchies of ‘commanders’, so-called ‘warlords’, came to dominate large areas, linked in some areas to tribal structures (Giustozzi 2003; Rubin 1995).

These structures then interacted with international interventions, which provided new mechanisms through which some individuals could extend their power. Commanders from the North and West, working together under the umbrella term United Front (known as the Northern Alliance), fought with the US-led coalition forces against the Taliban in 2001, subsequently gaining formal political positions in the interim administration. President Karzai then confirmed this power by appointing them to the transitional administration, after the Emergency Loya Jirga in June 2002. In the South and East, strongmen linked to tribal structures continued to exert political control both locally and nationally, and continued to dominate the local political economy. Thus decentralised power, which had rested largely in the structures of customary institutions, shifted to those who controlled the military and financial resources generated by participation in the conflict and the war economy. In the

³ There is, of course, a whole discussion, beyond the scope of this paper, as to whether a Western form of ‘states’ is ever applicable or possible in non-Western contexts. See, for example, Sorensen (2001).

⁴ For a very helpful review of the literature on different strands of institutional thought see Srivastava (2004).

immediate post-Taliban period, many of these same powerholders also gained formal political power at both the national and subnational levels in the newly emerging 'state' (Cramer and Goodhand 2002; Lister and Wilder 2006; Saikal 2005; Spanta 2005).

Discussion of the formal structures of the new state took place prior to and at the time of the Constitutional Loya Jirga.⁵ Among Afghans there were widely differing answers to the question of how the government should be structured to enable different interests to be incorporated and aggregated. Some minority ethnic leaders, in particular, pushed for either power-sharing within the central state or recognition of their identities through mechanisms of local self-government (Rubin 2004). In the end, the 1382 (2004) Constitution affirmed the nature of Afghanistan as a unitary state, although some still continue to argue that provision for more autonomous regions needs to be made (Saikal 2005). Additionally, some Uzbeks, Hazaras, and Tajiks remain concerned that state centralisation will serve majority Pashtun interests. The perceived dominance of Pashtuns in Cabinet and in the President's inner circle confirms this for them (Rubin et al 2005). The idea of some sort of federal solution has recently emerged once again in relation to the need to deal effectively with the Taliban in the South and Southeast. However, that option is currently not formally a topic for discussion, either among the international community or within the Government.

Regardless of ethnicity, many Afghan politicians and policymakers from across the country favour a strong central state in order to curb powerful local figures, as well as to reduce the danger of criminal influence over the structures of local government. Research has also consistently shown that many Afghan citizens favour a strong central government as a means to undermine the power of local commanders at whose hands they suffered for so many years (Evans et al. 2004). Although there is now growing disillusionment with the corruption and criminalisation of central government, current structures reflect the understanding that a strong central state can act as a countervailing force to local powerholders. One of the ironies of the situation in Afghanistan is that, despite the strong power influences exercised at the local level, the country is not only politically centralised but also, in theory, fiscally and administratively one of the most centralised countries in the world. All budgetary and most staffing decisions are made in Kabul, and provincial departments of line ministries, as well as the governor's office, have virtually no discretionary spending power and limited input into planning. The governor, who is accountable in theory to the Ministry of the Interior, has only a loose coordinating role and formally does not have authority over representatives of other ministries.⁶

Structures of power are dynamic, however, and evidence from Afghanistan suggests that they continue to change, and the complex ways that powerholders interact with the institutions of 'the state' continue to be modified. As observers urged recently, there is the need for up-to-date analysis rather than the stereotyped position that is often presented:

Media reports about Afghanistan continue to present the familiar narrative of a stable Kabul, governed by a beleaguered central government, encircled by a lawless periphery that is dominated by voracious warlords. This picture, perhaps accurate in 2001 and 2002, has given way to a more nuanced situation today. (Sedra and Middlebrook 2005, p3)

⁵ The Constitutional Loya Jirga was the meeting of tribal, ethnic and other leaders to determine the new Constitution, held in Kabul in December 2003-January 2004.

⁶ For a discussion of the structure of the Afghan state see Evans, et al. (2004)

International intervention and ‘state-building’ efforts continue to shift and change power dynamics at the subnational level.⁷ The presence of international military forces, the creation of the Afghan National Army (ANA), and disarmament efforts have made it more difficult for local power holders to assert their power solely through the overt use of military force. While illegal armed militia groups are still influential in the power equation, two other factors are playing an increasingly important role in changing how power is exercised. The first is the entry into the formal political process of former warlords and criminally-linked strongmen. A favored tactic of the Karzai administration has been to avoid confrontation with powerholders by accommodating them with important positions in central and provincial government.⁸ Many of these men⁹ are now eager to distance themselves publicly from illegal aspects of their activities in their past (Shaw 2006), reflecting the tension between rival institutional frameworks that has commonly been seen in processes of state-building in other contexts.¹⁰ However, they undoubtedly retain many of their former connections, and certainly continue to exert influence through a variety of means. These men can be seen to be manipulating both formal and informal rules, as ‘state-building efforts’ change the terrain in this context of institutional multiplicity. The prime example of this is Mohammed Atta, the Governor of Balkh Province. He has become the ‘darling’ of the international community because of his strong support for the public administration reform process, which has meant that his province is one of the only places to show encouraging progress. Yet many senior figures in the international community with access to intelligence reports assert that he maintains ties to his former activities and contacts¹¹ and Balkh is a province where opium poppy cultivation has risen for three consecutive years (Buddenberg and Byrd 2006). Other local power-holders have chosen to assert or legitimise their dominance through the formal state by seeking, and in many cases gaining, election to the Provincial Councils (Wilder 2006).

The second trend changing both subnational power dynamics and the relationship between the central government and local powerholders is the consolidation of organised crime. In particular the processing and trafficking of opium is coalescing into the hands of a few powerful and politically-connected individuals, with the alleged involvement of the Ministry of Interior, the police and other security forces. Research has consistently highlighted the degree to which the appointment of some provincial or district police chiefs has served to facilitate and consolidate criminal activities (Lister and Wilder 2005). Now it seems that the criminal “underworld” is further compromising key state institutions to support criminal activities in a more organised fashion than ever before. As one official stated, the protective network for illicit activities has been “folded into” the formal institutions of the state (Shaw 2006). The rules governing how the state works are therefore being infiltrated and co-opted by criminals and narco-traffickers.

Both these trends suggest that it is not, as is sometimes implied (see, for example, Migdal 2001), that the state is ignored in the ‘real’ power struggles that are taking place in a different arena in ‘society’, but rather that ongoing efforts at state-building and other changes in political economy are changing how power interacts with the structures of the state. As the organisations of the state are ‘built’, the institutions of the state continue to mediate power

⁷ These ideas are also discussed in Wilder and Lister (forthcoming).

⁸ See Giustozzi (2003) for a discussion of the different methods by which commanders have engaged with the state.

⁹ These powerholders are almost entirely men, so will be referred to as such in this paper. To date, for example, there has only been one female provincial governor - Habiba Sorabi who was appointed Governor of Bamian in March 2005.

¹⁰ I am grateful to James Putzel for this point.

¹¹ Personal communication, senior UN official, January 2007.

interests, but in changing ways and with different outcomes. As structures built on bureaucratic rules are created, the mediation of power and the aggregation of interests are conducted through the organisations and institutions of the state, but not necessarily according to these bureaucratic rules. Political power is not exercised in a progressively depersonalised, formalised and rationalised way through agreed ‘rules’. Rather, it continues to be exercised in a personal and patronage-based manner, but within the overall framework of bureaucratic rules. The following section looks at two examples of this in initiatives to reform local government in Afghanistan.

Trying to Change the Rules: Subnational State-building Efforts

Public Administration Reform in the Provinces

The most obvious area in which there has been an attempt to introduce a system at the subnational level that depersonalises, formalises and rationalises power through bureaucratic rules has been that of public administration reform (PAR). The government has publicly committed itself to a PAR strategy consisting of reform of administration; revision of salaries and incentives; the building of civil service management; the introduction of merit-based appointments; and capacity enhancement. The restructuring of departments and changing of recruitment practices was initially piloted under a “priority reform and restructuring” (PRR) process. In return for specifying objectives and functions, some measure of restructuring, and merit-based recruitment, PRR allowed participating ministries and departments to pay higher salaries to qualified staff in selected positions. Although PRR saw some success in some areas, the PRR programme at a national level proved problematic, with concerns raised about the limited nature of genuine organisational restructuring, the extent to which unqualified staff were moved into higher-paid positions, and problems of inequities across and within ministries. The broader PAR programme has now been revised, and activities formerly carried out under PRR have been subsumed into different components of the PAR programme, including a more comprehensive reform of pay and grading. However, a number of reviews by the Independent Administrative Reform and Civil Service Commission (IARCSC) and various donors have also revealed multiple problems with the implementation of PAR. There is also plenty of anecdotal evidence to support the issues raised by these reviews — from tales of IARCSC staff selling test answers to examination candidates, to stories of continued patronage and abuse of appointment mechanisms at all levels (Lister 2006).

There have been some efforts to extend the reform process out of Kabul and establish reform and capacity-building processes at the subnational level. However, these have had mixed results. An early attempt was made through the disastrous Afghanistan Stabilisation Programme (ASP), designed to strengthen subnational governance and develop the capacity of local civil administration. However, it was assailed by multiple political and administrative problems and its infrastructure components were the only ones actively pursued, while reform and restructuring proved much more difficult. Nonetheless, progress has undoubtedly been made in some areas. In particular, there have been significant improvements in financial management at the provincial level (Evans and Osmani 2005). Additionally, in the PRR pilot province of Balkh, there have been signs of administrative reform – for example, there has been a 60 percent change in staff, with the appointment of more qualified individuals. The number of graduates working in the governor’s office has increased from two to 21.¹²

¹² Presentation by Governor Atta, MOI and the IARCSC at the IARCSC, Kabul, 2 May 2006.

However, most reform at the subnational level has proven very hard and progress has been slow or non-existent in restructuring departments,¹³ changing recruitment practices and developing sustainable training programmes. Although PAR at the provincial level is quite new and there is limited evaluation data, initial indications suggest that the process has tended to focus on salary change without corresponding attention to the structural and functional reform of the offices involved. In most provincial departments therefore there has only been the movement of a few key posts (particularly directors) to the new salary scale and not significant reform to the structure or function of the departments. Indeed, PAR in the provinces seems to be encountering the problems encountered by PAR generally, but heightened because of the distance from Kabul, the diverse nature and complexity of local patronage systems, and even lower levels of capacity. A recent review hints at the reasons why:

PRR can be a positive tool if used to help shift the provincial administrations towards a more unified and coordinated entity. But if simply overlaid on the existing structures, in a piecemeal fashion reflecting current vertical lines of authority, PRR is more likely to be counterproductive. (Evans and Osmani 2005, p28)

Of course public administration reform in any context is extremely difficult, and initiatives have been consistently unsuccessful. The plentiful literature on PAR in developed and developing countries chronicles the failures of many PAR programmes (see, for example, Kiggundu 1998; Polidano 2001). Although the World Bank and other agencies that promote such processes highlight the technical aspects, PAR is actually a highly political process and the attempted introduction of bureaucratic rule-based systems threaten patronage networks and the control of resources. For these reasons, it almost inevitably meets strong resistance. Strong political backing is therefore considered the *sine qua non* of PAR programmes (Lucking 2003).

In Afghanistan, the persistent failure to gain strong political backing at the highest levels for the PAR programme has meant that attempts to introduce bureaucratic rules have largely been a failure, except in those ministries where individual leaders have championed the reforms.¹⁴ Thus in the Ministry of Public Health, for example, initial progress was made through the strong support of one of the deputy ministers. However, a change of minister and his deputies in 2005 meant that many of the initial gains in that ministry are starting to be reversed.¹⁵ As one informant noted, “I think in this ministry nobody wants real changes, because even the minister wants to put his own relatives into positions.”

It is unsurprising that the early attempts at PAR at a subnational level are exhibiting the same signs of failure as those at the national level. Both national and subnational powerholders continue to control appointments, and exercise patronage in a variety of ways through acting as ‘gatekeepers’ to the state and its resources. This is immediately obvious when spending time in a provincial or district governor’s office and observing the constant stream of supplicants wanting the personalised attention of the governor to their problems. The flow of international funds to the subnational level, much of it through the hands of the international military, has also served to increase the rewards for those who are able to manipulate the

¹³ Sometimes confusingly, the provincial offices of line ministries are known as departments.

¹⁴ This potentially sheds interesting light on the role of individuals in forcing a change in the rules that dominate, as discussed by Srivastava (2004).

¹⁵ Personal communications from Ministry of Public Health officials April 2006

formal rules in a way that continues to allow them to operate according to the informal ones, while maintaining the appearance of ‘reform’. In this context, the persistent response by the international community in promising to provide ‘capacity-building’ at the subnational level to address the ‘problems of subnational administration’ seems naïve in the extreme.¹⁶

The Establishment of Provincial Development Committees¹⁷

The failure of attempts at public administration reform due to the continued influence of informal rules and patronage networks is a rather obvious example of resistance to attempts to introduce bureaucratic rules and establish a depersonalised exercise of power. The failure to introduce a simple government coordinating mechanism at the provincial level is a rather less obvious example of the same process.

Attempts to establish coordination between different government bodies at the provincial level have been extraordinarily frustrating and fruitless despite several years of effort and various initiatives. From a rational, bureaucratic point of view it is almost impossible to understand why. It is hard to see what is so difficult about establishing a committee of heads of different ministerial departments, chaired by the governor. However, if one analyses how such a structure would affect the exercise of power through state structures at the provincial level then the lack of progress becomes more comprehensible.

Since 2002, a number of different coordinating structures began to be established at the subnational level, driven initially by two main factors. Firstly, there was a desire, especially on the part of many donors, for more effective provincial level reconstruction and development planning. The second, and very significant, factor was the counter-narcotics agenda, and planning for so-called ‘alternative livelihoods’. Attempts to coordinate different ministries and create bodies that could deal with very large sums of provincial level funding to address the drugs problem were pushed forward at break-neck speed, often ignoring existing provincial structures and government approaches. The delays and difficulties encountered in subnational public administration reform at the subnational level, as discussed above, also acted as a spur to these coordination initiatives.

With the recognition of the need for improved coordination of activities at the provincial level, a number of different agencies began parallel initiatives to establish coordination mechanisms. Different bodies with different names emerged across the country – some had their roots in the previously established UN-supported provincial coordination bodies, others were initiated by donors or provincial reconstruction teams (PRTs)¹⁸, and some were begun on the initiative of governors. When the duplication of activities and bodies became clear, a working group was established in Kabul, initially with representation from the Ministries of Interior, Finance, and Rural Rehabilitation and Development (MRRD), and later expanded to include the Civil Service Commission (IARCSC), Ministry of Economy and a number of donors. Indeed, the group became so large, with certain strident donors pushing their particular ideas, that it eventually became unworkable. The large group was then scaled-back

¹⁶ Numerous donor-funded programmes attempt to address capacity issues at the subnational level, including the ASP, the EU-EC Capacity Building Group training programme, and a number of UNAMA and UNDP-funded programmes. A very large forthcoming USAID-funded ‘Afghans Building Capacity’ programme will also address the issue of capacity at the subnational level.

¹⁷ This section draws on Lister (2005) and Lister and Nixon (2006)

¹⁸ Provincial Reconstruction Teams (PRTs) are small joint civil-military teams, which were designed to expand the legitimacy of the central government to the regions and enhance security by supporting security sector reform and facilitating the reconstruction process.

again, and eventually a jointly agreed brief arising from this working group was presented to the Cabinet.¹⁹ However, despite widespread agreement from different ministries, the Ministry of Economy was asked to prepare a new proposal. This was approved by Cabinet in November 2005, and the Ministry of Economy was given the mandate to implement it. Faults with the approved terms of reference include the fact that they assign powers to the PDC, such as supervision of sectoral projects and supervision of counter-narcotics work that should not lie with a coordination body but rather with line ministries. The relationship to the newly elected Provincial Councils is also unclear. Furthermore, the terms of reference give responsibility to the PDC to draft the provincial development budget, when no such budget exists. They also propose costly, unsustainable and duplicative structures.

Following the approval of this proposal by Cabinet, the United Nations Assistance Mission in Afghanistan (UNAMA) asked the Ministry of Economy to present and explain its suggested approach for the implementation of PDCs to other ministries and donors. Unfortunately, these requests were never acted on and there was little response from the Ministry of Economy. At the time of writing, in the period since the establishment of PDCs was mandated by Cabinet, there has been relatively little substantive progress. For a number of months, senior officials in the ministry stated that they expected the ministry to be disbanded in the 2006 Cabinet reshuffle so they were not going to push forward the process.²⁰ Nonetheless, despite the confusion regarding membership, function and relationships, a donor-funded project in MRRD is pushing ahead with training PDCs in so-called ‘generic skills’.

In the meantime, in the absence of a single active process for improved provincial coordination, diverse initiatives continued to proliferate, creating further confusion. In the east and south-east for example, the governors of Paktia, Paktika, Laghman and Khost provinces, with the facilitation of a USAID-funded contractor, developed “provincial development strategies”, establishing so-called ‘Strategic Policy Groups’ and ‘Responsive Working Groups’ in a model which they stated would be rolled out across the country.²¹ In Balkh, the Civil Service Commission and the rest of the provincial administration turned their existing provincial coordination body into a PPDC (provincial planning and development council). They developed guidelines on the functions and relationships of this body and produced a manual, which they thought could be shared nationwide. Learning that it was not in step with the Ministry of Economy approach, they stopped their initiative and withdrew this manual but are now getting frustrated that no progress is being made.²² Elsewhere, ad hoc arrangements continue to function (or not), some of which have now been re-named PDCs in recognition of the central government’s stated commitment to creating these bodies, but they have widely varying structures and ways of working.

The problems with establishing PDCs illustrate how power operates in the Afghan government at national and subnational levels and between the centre and provinces. Certain ambiguities about the role of the governor serve to strengthen his position, providing a perfect example of the way in which bureaucratic structures and informal rules are able to co-exist. The formal role of the governor in relation to ministry officials is, for example, rather unclear and subject to local power dynamics. In theory, employees of ministerial departments report

¹⁹ Ministry of Economy, Proposal for Establishing Provincial Development Committee, undated document, circulated October 2005. See extract of Minutes of Cabinet Meeting, 7 November 2005, No. 30.

²⁰ Personal communication with UNAMA official, February 2006.

²¹ “Provincial Development Strategy” presentation by Al-Haj Mohammad Gulab Mangal, Governor of Laghman Province, ACBAR Open Forum, Sitara Hotel, Kabul, 29 March 2006.

²² Personal communication, governance contractor, Balkh, 23 April 2006.

to their ministries in Kabul. In practice, however, a provincial governor is usually an extremely powerful individual locally, with the opportunity to influence appointments²³, as well as to direct activities at a provincial level. Opportunities for channelling resources towards favoured districts, and keeping them away from others, are plentiful.

Ongoing research on subnational governance suggests, unsurprisingly, that existing government-initiated coordination is highly dependent on the wishes and interests of individual governors.²⁴ In some provinces, such as insurgency-stricken Nuristan, the governor is resisting establishing a PDC as he says he can deal better with the Coalition and NATO forces as an individual. Coordination of the activities of government departments could either threaten or enhance a governor's power, depending how it is organised and whether the governor is both in control of the process, and perceived to be so. Therefore the various initiatives of different governors discussed above could enhance the power of those governors, who are determining when and in what way ministry officials are coming together. They are, in effect, creating a forum where these departmental heads report to them, and they establish the rules of engagement. The Ministry of Economy initiative, however, would not have the same effect, since the Cabinet-approved terms of reference allocated the PDC secretariat and associated funding to the Ministry of Economy, with the responsibility of convening meetings granted to that ministry, under the chairmanship of the governor. Indeed, this process was widely seen as an attempt by the Ministry of Economy to establish itself in the provinces. However, officials of the Ministry of Interior (who are responsible for the governors and subnational administration) have always argued that they are responsible for provincial-level coordination.

Aside from the tension between the Ministries of Economy and Interior over 'ownership' of the provincial level coordination, this example also reveals further inter-ministerial rivalry, particularly between the Ministries of Rural Rehabilitation and Development (MRRD) and other ministries, particularly the Ministry of Interior. MRRD is the most capable ministry at the subnational level, with large programmes, including the relatively successful National Solidarity Programme (NSP), a World Bank-funded 'community-driven development' programme that provides block grants for small-scale rural infrastructure to elected Community Development Committees (CDCs). Many supporters of the NSP, both within government and from the international community, have argued that the NSP CDCs should become the elected village councils mandated in the constitution. This has brought them into sharp disagreement with other ministries who argue that this is far outside the mandate of MRRD. The recent by-law agreed by Cabinet intended to clarify the position of CDCs was carefully worded and retained considerable ambiguity, reflecting different positions among Cabinet members.²⁵ Furthermore, the establishment of these CDCs, and ongoing initiatives in MRRD to link them to higher levels of government in a system of participatory planning, are seen as part of the former Minister's attempts to establish a rural support base for his future presidential aspirations. MRRD's formation of an alliance with the Ministry of Economy to support the establishment and capacity-building of the PDCs is seen by some (especially donors) as a sensible and rational arrangement between one ministry with strong rural presence and capacity, and another with limited capacity but a mandate for a task. It is seen by others, however, as a further example of 'power-grabbing' by MRRD.

²³ See Evans et al 2004 p97-100 for a discussion of the politics of appointments.

²⁴ Conducted by the Afghanistan Research and Evaluation Unit, Kabul.

²⁵ Personal communication, senior government official, January 2007.

While ‘coordination’ can appear to be a rational activity, conducted according to bureaucratic rules, it is actually a highly political activity, which involves both the control of resources and activities, and the possibility of enhancing status and legitimacy by appearing to be both in control and active on behalf of one’s clients. The failure to establish appropriate and simple provincial level coordination mechanisms in Afghanistan, despite attempts for four years, can be attributed to a number of factors, including the failure of the international community to unite behind a single approach. However, ultimately it was the failure of the Afghan government to agree on the way forward, despite successful initiatives on the part of individual governors. PDCs were seen to strike at the heart of the way that politics works and authority is exercised in Afghanistan, and fed into existing inter-ministerial rivalries. The process touched on as yet unresolved questions about how power is to manifest itself through provincial structures and the way in which patronage networks will continue to operate under the new ‘bureaucratic rules’ of a modern state.

Subnational governance and state-building efforts in Afghanistan: failing to change the rules

Both international and Afghan actors have failed to act on the need to change informal rules based on patronage in order to create a state in which power is exercised in a progressively depersonalised and formalised way. This complex process, involving understanding and interacting with political dynamics, requires skills that few agencies prioritise and takes time, which is viewed as a luxury in the rush to show visible results. So simple ‘technocratic’ solutions are put forward for complex political issues and there is a constant emphasis on ‘capacity-building’. Indeed, there have been several critical errors, discussed below, that have seriously undermined ‘state-building’ efforts and have contributed to the current situation in which there is a strong insurgency in some areas, growing disillusionment with the government, and a return in some areas to outbreaks of factional fighting.²⁶

The importance of subnational administration structures and the way in which they functioned was really only viewed as an urgent priority some years after the start of the reconstruction process. Indeed for several years, a contradictory policy was pursued by different parts of the US administration – with some actors actually undermining efforts by others to curb the powers of regional strongmen. As the US General Accounting Office’s 2004 report on the situation in 2002-2003 noted:

..the criminality of the warlords’ private armies continued to destabilize the country and impede reconstruction.. The warlords foster an illegitimate economy fuelled by the smuggling of arms, drugs, and other goods. They also...control private armies of tens of thousands of armed men and illegally withhold hundreds of millions of dollars in customs duties...The situation is further complicated by the fact that the United States uses warlord-commanded militias in its continuing counterinsurgency effort against the Taliban. The militia forces also provide security for PRTs [provincial reconstruction teams]. (p42)

Even those actors who did not actively undermine efforts to ‘change the rules’ in the provinces, did not give sufficient attention to the rebuilding of subnational administration.

²⁶ Aside from the many press reports on the situation in Afghanistan, the United Nations Secretary General’s regular reports to the Security Council provide excellent updated information on the situation in Afghanistan. These can be accessed at <http://www.unama-afg.org/docs/UN-Docs.htm>.

Instead, the near-exclusive focus of efforts during 2002 to 2005 was on strengthening central government organisations in Kabul, on the basis that it was important to start in parent ministries and in recognition that subnational government reform would be very difficult indeed. The one significant attempt to work with subnational government, the Afghanistan Stabilisation Programme, was a disaster from the outset. Although it is still formally operational it is widely considered to be highly corrupt, as well as pursuing parallel and contradictory approaches. Indeed, it was not until 2005 that subnational governance belatedly began to get the serious attention of policy-makers. This was primarily driven by the recognition that stronger subnational governance institutions were needed to fight the dramatic increase in opium poppy cultivation, as well as the need to clarify the functions of the constitutionally mandated provincial councils prior to the October 2005 elections. So it was not until as late as the summer of 2005 that the Secretary General's report to the United Nations Security Council noted that:

.. sufficient resources have not been dedicated to developing effective provincial administrationsWhile the Government has taken important initiatives to reform civil administration at the central level, reforms below that level have proved more difficult. In particular, insufficient resources have been dedicated to developing effective public administration at the provincial and district levels.

This delayed recognition of the importance of subnational government constitutes a major missed opportunity to engage strategically to bring about positive political change. During the four years that it took to recognise the importance of addressing the problems of subnational governance, the problems have become much more complicated and difficult to resolve. Local powerholders have had the time, space and resources (through trading opium poppy and other illegal activities) to adapt the old 'rules of the game' to the new circumstances. As discussed above, the structures through which power manifests itself have shifted and the dynamics continue to change. However, the result has continued to be a state at the subnational level that responds to and is manipulated by local powerholders.

A second critical error was the lack of attention by the biggest players in the international community – particularly the US administration – to those aspects that perpetuated the exercise of power through the state by means of patronage and corruption and a failure to support those initiatives that would have contributed to the establishment of more formal and bureaucratic rules. There was a failure to disarm effectively, inattention to the reform of the judiciary, a failure to support the reform of the police sufficiently, and a lack of attention to the quality of appointments at all levels, but particularly those of provincial governor and provincial chief of police (Lister and Wilder 2005; Rubin et al 2005; Sedra 2003).

The strongest and most consistently articulated issue raised in interviews in provinces during research in 2002-2003 was that if the effectiveness and authority of the central state was to be restored, disarmament of commanders and their armed groups was the top priority (Lister and Wilder 2005). Many provincial- and district-level government staff emphasised that until disarmament put an end to the "rule of the Kalashnikov," the rule of law and authority of the central government could not be restored. While the security sector reform strategy for Afghanistan did have a disarmament, demobilisation and reintegration (DDR) component – the Afghan New Beginnings Program (ANBP) – it was very slow to achieve significant levels of disarmament. The original ANBP plan announced in early 2003 was to disarm and reintegrate an estimated 100,000 members of the Afghan Military Forces (AMF) prior to the elections scheduled for June 2004. By June 2004, however, resistance from the unreformed

Ministry of Defence (MoD) meant that the number of disarmed had just exceeded 10,000. The target figure of disarming 100,000 was subsequently reduced to 40,000, which was partially the result of a reduction of the estimates of those under arms. Another problem was that the DDR programme only sought to disarm AMF members who came under the authority of the MoD, and not other militia forces (Bhatia et al. 2004). At the end of the original DDR programme in July 2005 there were still an estimated 1,800 armed bands consisting of up to 100,000 individuals.²⁷ A subsequent process – the Disbandment of Illegal Armed Groups (DIAG) – was launched to disarm these groups, but by this time the task was much more difficult as they were much more deeply entrenched within the new economic and political power structures of Afghanistan, as discussed above. Fears of destabilisation meant that many candidates affiliated with illegal armed groups made it through the parliamentary election candidate vetting process and some have been elected to both the National Assembly and Provincial Councils (Wilder 2006). Thus individuals with links to armed groups now have formal and electorally legitimated positions.

Closely linked to the issue of disarmament was the need to prioritise strengthening and professionalising the police force to reinforce the control of the central state at local levels.²⁸ Currently, civilian administrators are unable to rely on competent and loyal police forces to maintain security within their provinces. As discussed above, in addition to being poorly paid and ill-equipped, in many cases provincial police chiefs are linked to illegal activities themselves and appoint their local commanders as district police chiefs. These, in turn, accommodate large numbers of their militia members into the police force. As a result, the police are widely perceived to be part of the security problem rather than the solution. A report issued by the US Departments of State and Defense in November 2006 noted that the capabilities of the national police force are "far from adequate," and cited concerns about widespread corruption and lack of accountability. The security sector reform effort of the government and the international community to train the Afghan National Police (ANP) failed to adequately address the local-level power dynamics within which programs were implemented. The practice of incorporating demobilised factional commanders and their armed men into local police forces, who were then selected for training without adequate vetting to determine where their loyalties lay, worked to strengthen not weaken commanders. Rather than de-legitimising their power and authority in the regions, giving militia commanders official positions in their areas of influence legitimised their power (Bhatia et al. 2004). The option of confronting local powerholders and factional commanders would have required a much stronger international military presence – in contradiction to the so-called 'light footprint' approach – and the international community was unwilling to make such a large and sustained commitment. Instead, therefore, the administration was left with little option but to try to incorporate them with appropriate incentives.

A third area to which there was insufficient attention paid was the quality of senior appointments to subnational posts. President Karzai's administration is frequently criticised for the appointment of many unqualified and unpopular individuals to fill key provincial positions, especially those of provincial and district governors and chiefs of police. A graphic illustration of this was provided by the appointment in 2005 of an individual who had served time in a US federal penitentiary for heroin trafficking to be the governor of a province that was an important trafficking route for opium and heroin. While the international community

²⁷ Estimates vary, these figures are suggested by <http://www.globalsecurity.org/military/world/afghanistan/diag.htm> accessed 15 April 2006

²⁸ This section draws on Wilder and Lister (forthcoming), and I am indebted to Andrew Wilder for many of these points.

often tried to pressure the Karzai administration into appointing qualified candidates to key ministerial positions, little pressure was applied to appoint strong candidates to key subnational positions, at least until mid-2005.²⁹ Although mechanisms have now been put in place to establish a more rigorous and transparent process for senior appointments, the Government agreed to these under strong pressure from the international community and with much internal resistance.³⁰ It therefore remains to be seen whether they will play a role in ensuring the appointment of better qualified and less corrupt officials.

Related to all the issues above, the failure to make substantive progress in rule of law reform has meant that there is an inadequate legal framework, the judicial system is weak and corrupt and there is continued widespread impunity.³¹ The international effort to support reform of the judiciary, led by the Italians, has been very slow and made relatively little progress, and the 'lead donor' system has meant that other donors have been reluctant to intervene. There are extremely low levels of education and competency in the judiciary and inadequate salaries. The findings of a Supreme Court report on judicial education issued in May 2006 highlighted the fact that only about a third of the 1,415 judges currently working in Afghanistan have higher education qualifications.³² The physical infrastructure of the judicial system is also highly inadequate. As the Government itself has noted (Islamic Republic of Afghanistan 2006 p58):

Due to the complexity of judicial procedures and the lack of legal reform, corruption within the justice sector is widespread. To supplement their wages, many judges sell access to justice to the highest bidder, excluding all but the wealthy and powerful. Public confidence in the power of the justice sector, and by extension the state, is therefore extremely low...

The failure to make progress in rule of law reform has meant that there have been no legal enforcement mechanisms to back-up the introduction of bureaucratic rules, and no formal legal means of sanctioning individuals who transgress. This has allowed widespread resistance to government initiatives as well as continued criminal behaviour.

Conclusions

The reform of local government so that it is under the control of central government and functions according to bureaucratic rules is now recognised as one of the key challenges in Afghanistan. The Afghanistan Compact, agreed at the London Conference in January 2006 by the Government of Afghanistan, fifty participating countries and fifteen international organisations, marked the first time since the fall of the Taliban that the Government and its

²⁹ There were a few notable exceptions, including the US government's assistance in removing Ismael Khan as Governor of Herat, although that was most likely partly due to concerns about his links with Iran. The flourishing poppy production in Kandahar and Helmand led to pressures to remove Gul Agha Sherzai and Mullah Sher Mohammad as the respective governors of these two provinces. In all three of the cases, however, the officials were not removed from office but transferred or promoted to other important government positions – Ismael Khan was brought into the cabinet as Minister for Energy, Gul Agha Sherzai was appointed governor of Nangahar, and Mullah Sher Mohammad was given a seat in the Meshrano Jirga, the upper house of Parliament.

³⁰ Personal communications from government officials, June-August 2006

³¹ This has also been the subject of numerous press articles. See, for example, Paul Watson "In Afghanistan, Money Tips the Scales of Justice" *The Times* 18 December 2006.

³² "The Situation in Afghanistan and its Implications for Peace and Security" Secretary General's Report to the UN Security Council 11 September 2006. Available at <http://www.unama-afg.org/docs/UN-Docs.htm>. Accessed 23 December 2006

major donors explicitly acknowledged the importance of subnational governance for achieving development and political goals. More importantly, they stated their commitment to address the issue. The Interim Afghanistan National Development Strategy (I-ANDS), which is guiding reconstruction efforts, also explicitly recognises the current weakness of public administration, especially at the subnational level, and highlights the importance of subnational governance more broadly for the achievement of political and development goals.

However, while there is now welcome attention being paid to the issue of subnational government, there is still a limited understanding of the fact that the state plays not just a functional role related to its ability to provide public goods, but also mediates the way power is exercised according to various sets of rules. Resistance to changing these rules has caused the failure to date of interventions to reform local government, including initiatives in the public administration reform programme and attempts to establish provincial coordination mechanisms. In August 2004, UNAMA recognised this issue, acknowledging that:

The state-building process...assumes that the formal institutions of the State will be able to control progressively the informal actors and networks that have characterized the nature of power in Afghanistan in recent years. This is to be achieved through the growing legitimacy of the Government and effectiveness of its organs and institutions, such as the police, courts and armed forces. However, those networks of informal actors, enriched by proceeds from the illegal economy — in particular from drug trafficking, illegal taxation and land appropriation — are resisting the reform process.³³

Despite this understanding, powerful international and domestic actors have tended to see ‘state-building’ as creating organisations and structures and have ignored the very interventions that would have contributed to supporting the introduction and establishment of a different set of rules constraining powerful interests. In this they have contributed to the failure of both local government reform and the wider state-building agenda in Afghanistan.

This understanding also contributes to the broader debates about ‘institution-building’ and the role of external intervention. As Ottaway (2002) has rightly asserted, external intervention can create organisations, but their transformation into legitimate institutions is the result of domestic political processes, which take time. Chesterman et al (2005) have reached the same conclusion:

States cannot be made to work from the outside. International assistance may be necessary but it is never sufficient to establish institutions that are legitimate and sustainable....international action should be seen first and foremost as facilitating local processes, providing resources and creating the space for local actors to start a conversation that will define and consolidate their polity by mediating their vision of a good life into responsive, robust, and resilient institutions. (pii)

However, this review of state-building at the local government level in Afghanistan has shown both, that these ‘local processes’ are often complex and contradictory and that there may be some institutions that are more important than others in creating a bureaucratic rule-based state. Disarmament, the reform of the police, and the judicial sector, and close attention

³³ “The Situation in Afghanistan and its Implications for Peace and Security”, Secretary General’s Report to the Security Council, August 2004. Available at <http://www.unama-afg.org/docs/UN-Docs.htm> Accessed 22 December 2006

to the quality of senior appointments are all measures that would have contributed to shifting 'the rules of the game' in Afghanistan from informal patronage based systems, and towards a more depersonalised, formalised and rationalised exercise of power through the state. Instead their neglect at a critical period has enabled local powerholders to continue to use the state as a means to exercise power, resisting or co-opting attempts to create new structures and impose bureaucratic rules.

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