# ISAS Working Paper

## State Building and Stabilisation in Afghanistan – Design Constraints to Effectiveness[1]

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## Introduction

Afghanistan's failure to stabilise continues to trouble Afghans and non-Afghans alike, since the consequences of earlier efforts led to unimaginable consequences. Researchers of many conflict-ridden societies cite the failure to govern as being 'one of the main reasons for the spread of alienation, militancy and insurgency', and identify the failure to govern to include the failure to provide basic facilities. This paper takes a look at the structure of the government that has emerged in post-Taliban Afghanistan, specifically whether its essential feature, a strong unitary state rooted in an executive presidency and a weak legislature with its unique electoral system, is conducive to establishing peace, stability and inclusive governance in the country. This would be examined with reference to the state- and nation-building experiences of modern Afghanistan, defined as the state which emerged after the second Afghan War (1878-1880), and the effect of the prolonged conflict over the past three decades. The impact of foreign interference, a lot of which has been direct [Russian invasion, Pakistani support for the Mujahideen in the 1980s and the creation of the Taliban later, United Nations' (UN)-sanctioned United States (US)-led effort that overthrew the Taliban and continuing today] and the Afghan reactions to these interferences has had a major impact on the internal dynamics of governance as well as on the credibility of the state, not easily captured in formal structures.[3]

Increasingly, representatives of the Afghanistan government and many European countries involved in Afghanistan, and lately even US President Barack Obama, are talking about the need to go in for a political settlement, particularly as they do not see the 'possibility' of a military victory.[4] This paper looks at whether the present constitutional, legal and fiscal arrangements would allow for a comprehensive political settlement that would satisfactorily involve all major political and military actors in Afghanistan. Or would the process of accommodating one set of actors create a fresh set of discontents who would not allow the state to stabilise itself? In this context, the paper would also examine a proposition recently articulated that the best hope for those who worked to overthrow the Taliban was a return to power of a 'moderate' Taliban 'still based on a strict interpretation of Islam' or of an 'acceptable dictator' who would keep the peace.[5] Such views are based on the premise that the aim of the Western intervention in Afghanistan should be limited to not allowing the problems of a dysfunctional Afghanistan state from spilling over to the Western world rather than hoping to set up a Jeffersonian democracy or what US Secretary of Defense, Robert

Gates, somewhat mischaracterised, a 'Central Asian Valhalla'.[6] This is quite a contrast to the stated goal of the intervention in 2001 that included facilitating the establishment of a functional, multi-ethnic democracy that would give the Afghanistan society hope that its diverse interests are a part of the new system and that it is working in their interest. This paper hopes to add value, from a political and social perspective, to the existing debate on the inability and ineffectiveness of stabilisation efforts in Afghanistan.

## Background

Increased instability in Afghanistan keeps the country in the news and it is a source of concern to policy makers, in not just the US and the European Union (EU) or in troop-contributing countries but also in its wider neighbourhood. The surge in violence seen over the past three years (since 2006) even as the situation in Iraq has progressively stabilised had led to Obama, when he was a US presidential candidate, argue for greater attention to Afghanistan. He has followed up by agreeing to deploy another 17,000 troops even as his administration review of policy options on Afghanistan is underway.[7] This would take the total US troops in Afghanistan to around 55,000, including 12,000 who operate outside the North Atlantic Treaty Organization (NATO) framework. Total foreign troops in Afghanistan number around 70,000. An Iraq-type surge, accompanied either by 'empowering' local tribes/councils so that they are able to maintain local order and security, or by engaging 'moderate' elements of the insurgency, is seen as critical to success in Afghanistan.

The need for more effective counter insurgency tactics is sought to be complemented by an increased focus on the implementation of a broader, integrated and well-coordinated strategy, encompassing security, governance and development – the so-called 'civilian' surge. However, there is little evidence of the key players going beyond the rhetoric of the need to obtain better governance and development outcomes into understanding why, despite the billions poured into the country, 'the progress of reforms has fallen short of Afghanistan expectations'.[8] This is not to suggest that resources going into Afghanistan are excessive. In fact, they are quite low compared to the amounts of aid received by countries and regions in such places as the Balkans and Timor. Most explanations seeking to explore the links between the constitutional and governance arrangements established in the post-Taliban period and the prevalent insecure environment are limited to explaining the inadequate representation of all relevant interests (read Taliban) at the Bonn conference which laid down the political roadmap for Afghanistan which is a half-truth at best. Further, an analysis of how improved security could be utilised to bring about better governance and much needed development is limited to using the language of counter-insurgency and it advocates a policy of sequential action, namely, of 'clear-hold-build', which in other words mean to take over and secure an area, and then roll out governance and development. These explanations and causality are both inadequate and simplistic.

## What went wrong?

The conventional wisdom on why governance and, hence, development outcomes are inadequate or unable to meet expectations have two aspects. One, weak capacities, corruption, crony appointments, lack of administrative restructuring, and an inefficient and corrupt police force  have prevented the emergence of a Weberian state that would be able to deliver.[9] Two, politics of patronage, favouring certain individuals and tribes (including sub-tribes and clans) and the inability of certain tribes who form the backbone of the Taliban (the Ghilzai Confederation of the Southern Pashtuns) to reconcile with the post-2001 ruling elite

(Durrani Pashtuns and their non-Pashtun allies) has meant that the insurgency has an increasingly larger pool of recruits to draw from.[10] And the situation is complicated due to the large role of the drug economy, estimated to be half as large as the licit economy.[11]

These two factors and the negative synergies they have acting in concert are seen as primarily responsible for the current, insecure situation. Consequently, public administration reform, including that of the Afghanistan National Police (ANP), and political outreach to the politically-excluded, as defined above, has become the centre of focus of much of international engagement with the Afghanistan government over the past year.

Public administration reform is a time-consuming, politically sensitive and incremental process. However, looking at the lack of capacity of the Afghanistan public sector and the general lack of credibility of the government, it is an obvious priority. An earlier attempt at public sector reform, the Priority Reform and Restructuring, was an unsatisfying initiative which resulted in the mass migration of government staff to higher salaries with little or no reform and restructuring of line ministries in terms of revised organisational structures. The lack of a merit-based, professional and neutral civil service has definitely affected the government's credibility and ability to deliver services better.

The frustration with the lack of progress on police reforms is running high. The ANP is, in fact, perceived as an important cause of increased insecurity and is identified by many as a part of the problem rather than of the solution.[12] Besides, there is still the lack of clarity about whether the police should predominantly be a counter-insurgency force or should it basically uphold the rule of law and public order. Further, advancing 'reconstruction, development, good governance and counter-narcotics efforts, and building effective police and justice systems in Afghanistan will require many years of relative peace and security'[13] and this is a luxury that the Afghanistan government, the US and its allies are unlikely to obtain. And yet, without a modicum of security, it would be hard to deliver on development and governance.

The other aspect where both sections of the government and the international community are very keen on moving is what is often referred to as 'outreach', basically with the objective of connecting the government to its citizenry, especially those who feel excluded. The most important example of this is the Afghan Social Outreach Programme (ASOP), launched in late 2007 as a pilot in Wardak province by the Independent Directorate of Local Governance, the government entity charged with sub-national governance. The ASOP is based on two fundamental premises. The first is that since Afghanistan has not been able to hold district and village council elections, there should be some way for the citizens at these grassroots levels to communicate with the government. The second is that Afghanistan has a rich history of traditional and customary mechanisms (tribal/elder leadership like *Maliks*, *Arbabs*, etc., and consultative processes such as the *Jirgas* and *Shuras*) and that such mechanism should be utilised to act as a two-way medium between the government and the citizens. The ASOP specifically seeks to create nominated district *Shuras* composed of local notables, religious figures, etc., who are seen as key to stabilisation and for extending the government's authority over the district. In other words, the establishment of these centrally-nominated district *Shuras* is seen by its protagonists as the solution to the governance deficit in the provinces as well as a means of beginning a politically-driven stabilisation process.

The history of the modern Afghanistan state established by Amir Abdul Rahman after his understanding with the British in 1880, followed by subsequent rulers, is one of attempting to centralise the state through various means, for example, internal colonisation by ruthlessly

suppressing traditional systems/ethnic identities/rebellions, by fragmenting tribal structures and reducing them to clan identities so as to prevent powerful challenges to the ruler, using Islam as a political tool, and creating a narrow non-tribal, non-ethnic elite to create and run a 'modern' state.[14] However, such efforts have not been successful in creating a monolithic leviathan. In fact, local communities 'maintained a pragmatic distance to the state, which was regarded as a remote agency which could occasionally be useful'.[15] Therefore, in matters in which they 'could regulate themselves, people preferred to keep the state at arm's length.'[16] However, this was not a smooth process of adjustment and all Afghanistan rulers have faced formidable challenges in their state-building and centralisation efforts.'[17] The state was not above using violence and coercion in enforcing its writ. Amir Abdul Rahman started the process of weakening the tribes 'and institutionalising the bureaucracy and the Afghan army' which he did quite extensively, backed by 'financial support and arms given by England to stabilise Afghanistan as a buffer state'.[18] This on-off struggle resulted in the development of a centralised state that 'coexisted with a fragmented, decentralised traditional society and the interplay between the two has been one of the recurrent themes in modern history'.[19]

Consequently, despite the centralising and modernising efforts of over a hundred years and the present Constitution, Afghanistan is one of the most fragmented states where numerous power entrepreneurs exercise different levels of control over the functioning of the state. The gap between such informal exercise of power and the formal structures weakens the credibility of the state as the sole arbiter of power and justice. While part of the weakness can be explained by the recent conflict (temporary), far more important has been the continued inability of the modern Afghanistan state to obtain adequate revenues to establish a viable state (structural). The latter has forced successive rulers to rely on external patrons – the interaction between the two and the weak position rulers found themselves in has resulted in an incomplete and distorted process of state-building that has prevented the necessary political and economic transformation.

In such circumstances, the question to be addressed is whether, within the present framework, it is possible to work out a viable political solution that would end the insurgency presently raging in large parts of Afghanistan, as many commentators and representatives of troop contributing countries are increasingly arguing for. Or would a dictator acceptable to the West like Shah Shuja or even Amir Abdul Rehman, funded by his external patrons, be able to establish sufficient credibility with the Afghans that would allow foreign troops to withdraw and leave behind a relatively stable and inward-looking Afghanistan state at peace with its neighbours, if not with its citizens? Or is it necessary to substantially revisit the basic premises of the state-citizen relationship, giving the latter a significant say in matters affecting day-to-day existence, recognising that this is required to ensure a solid foundation of a viable Afghanistan state promoting social equity, political stability and economic growth. The persistence of micro-societies that enabled the vast majority of the Afghans to cope with the collapse of the state and larger social fabric over the years of conflict certainly seems to suggest that sovereign functions should be looked at much more broadly than what the present political leadership in Afghanistan and its partners are doing at the moment.

**Developments in Governance**

The issue of governance and the credibility of the government are of critical importance to the success of the stabilisation efforts. The perceived failure of the state to deliver public services, broadly defined, has constrained its abilities at establishing its legitimacy, despite the very high hopes it generated when it was set up as part of the Bonn process. The

unprecedented voter turnout in the Presidential elections of 2004, the significant turnout in the elections to the *Wolesi Jirga* (Lower House of the National Assembly) and the Provincial Councils in 2005 are indicators of the popular enthusiasm generated by the introduction of popular democracy. Most surveys indicate a strong yearning for an effective government on the part of the population. The lack of good governance or mal-governance, as reflected in public perception of increased corruption, is leading to a loss of faith in the government.[20] Increased cynicism and a lowering of expectations is a feature of all surveys carried out by different agencies, including the media and independent entities. There are various reasons for these changed perceptions.

The first limiting factor has been the lack of resources available to the state. This has crippled the government's ability to fund reconstruction and development activities adequately. The country needs substantial resources to even ensure a fairly basic level of services to the people. This shortfall, thus, has serious consequences for the legitimacy of the fledging Afghanistan state. The modern Afghanistan state's ability at raising resources has been a persistent challenge since it was established in the 1870s.[21] Subsidies from the Raj kept it afloat for most of the time in the first 60 years.[22] This was followed in the Cold War era by the competition by the two superpowers eager to bring Afghanistan into their respective camps, with the Soviet Union emerging as its major donor. With the overthrow of the monarchy through the Daud coup, and more specifically after the Red army's invasion, Afghanistan effectively became the Soviet Union's client state.

The post-9/11 regime is critically dependent on external aid and the earliest it can even pay for its recurrent expenses, mostly salaries and office supplies, is 2013/14, a target it was supposed to meet in 2009/10.[23] As of 2008, government revenues are expected to pay for 60 percent of such expenses. The entire development and security budget is externally funded. This strengthens the perception that the writ of the government is limited to Kabul, a factually inaccurate statement but nevertheless reflecting the government's inability to dole out money to the provinces and districts. This problem of resource-scarcity is further compounded by the extremely low level of foreign aid that Afghanistan actually receives compared to other post-conflict fragile states and compared to its own requirements. Afghanistan is the fifth poorest country in the world with social indicators on par with the worst-off sub-Saharan countries. Even prior to the conflict, Afghanistan's economic and social indicators were extremely low. In recent times, the annual aid per capita to Afghanistan is dwarfed by what other more prosperous and less-institution deficit post-conflict territories received immediately after the cessation of conflict. Bosnia tops the list at US$679 per capita. Comparable figures are US$526 for Kosovo, US$290 for Eastern Slavonia, US$233 for East Timor and US$206 for oil rich Iraq. Aid to Afghanistan at US$57 per capita lags behind even post-war Germany at US$129 and peaceful Namibia at US$132. (All figures of year 2000).[24]

In this age of information and globalisation, for a government to be seen as so dependent on the largesse of foreigners is hardly likely to help it be seen as very credible. However, this issue by itself is not as black-and-white as it appears in the Afghanistan context. The ability of a ruler or even a local-level strongman to extract resources from a foreign power is often seen as a virtue as it paradoxically demonstrates his skill at defending the national or tribal/locality interests.[25] What complicates the present circumstances is the knowledge that the survival of the government is contingent on the presence of foreign troops. This dual dependency allows opponents of the regime to portray it as a client state unable to adopt independent policies which, in the absence of adequate mitigating factors, discussed subsequently, substantially weakens its position.

The government's credibility gap is not helped by its extremely low level of ability to deliver. The government was only able to spend 39 percent of its development budget during the Afghanistan year 1384 (year ending 30 March 2006). Its performance has been improving, and, during 1385, as much as 54 percent of a much larger budget could be spent. However, the performance since then has plateaued and even, at present, over 75 percent of the total development expenditure is still being delivered directly by donors. Further the actual mode of delivery of the government budget itself, even while highly effective, does not lend itself easily to increasing the government's profile among the population. This is largely because a lot of aid is delivered bypassing regular government channels or in innovative ways by using non-state actors. This can be seen in the three sectors, namely, health, rural development through the National Solidarity programme and microfinance. These are seen as successes and two of these are discussed below.

In the health sector, recognising that the state system would simply not be able to expand fast enough to cover the country, the government and its international partners invited bids for the participation of non-state actors who actually deliver health services to the population. The result has been a massive expansion in quality healthcare provision that is yielding good results. Health services now cover 82 percent of the districts and it is estimated that over a two-year period, Afghanistan has managed to save the lives of around 80,000 infants due to better health coverage.[26] The government funds and regulates the performance of the service provider without having a direct role in the actual delivery.

In rural development, the Ministry of Rural Rehabilitation and Development (MRRD), a new entity, using non-government actors as facilitating partners, has established over 22,000 community development councils (CDCs) charged with planning and executing community-developed plans funded by block grants released by the government. Close to US$500 million has been disbursed over the last five years, with each CDC getting an average of US$27,000 creating substantial local assets. Here again, the government's role is removed from the direct beneficiaries by at least a couple of degrees. The MRRD contracts out to non-government implementing partners the entire process from mobilisation to implementation. They approach communities, set up CDCs, conduct their elections, prepare community development plans (CDPs), get the CDPs approved by the MRRD, obtain release of block grants, report on implementation, etc. It is these non-government organisations (NGOs) and, sometimes, their individual facilitators that act as the interface between the communities and the government. Also this new ministry is insufficiently hooked into the traditionally accepted governance structure at the sub-national level. It is worth noting that while government systems may have become largely dysfunctional over the extended period of conflict and are unable to deliver even basic services, they remain in place with clearly understood hierarchies and responsibilities.[27]

Further, the extensive direct delivery of aid and development projects by donors using all varieties of non-state actors (for-profit companies, NGOs, UN agencies and community groups) but bypassing government decision-making processes also militates against enhancing the credibility of the government. This is not to argue for the exclusive delivery of development services by the government.[28] Rather, the inability of the government to derive full advantage of the benefits of development efforts because of the reliance both by itself and the donors on delivery through non-state actors is on the account of the absence of institutionalised mechanisms that would facilitate the flow of two-way information between local communities, sub-national authorities and Kabul-based ministries. This could be largely mitigated if, besides the CDCs which work at a very micro level, there were systems in place

that would allow local communities to be involved in articulating their needs and priorities at different levels of geographical aggregations that could feed into decision-making about the choice and location of development projects, or of monitoring the performance of service providers. This will be discussed in more detail in the section on the proposed structure of the government.

The next limiting factor that works against establishing the credibility of the government is one of capacity, an issue with every developing society but much more acute in the Afghanistan situation which has seen almost three decades of conflict. The absence of a professional civil service, inadequately trained and equipped staff, outdated internal systems and over-centralised decision-making processes have limited the effectiveness and efficiency of the government, particularly in the provinces. Traditionally, employment in the government was seen as prestigious and entry was through patronage networks. The salaries of government servants were quite low and compressed, and continue to be so.[29] The absence of systems of analysing issues, delegation of responsibilities and communicating decisions, for example, hampers government functioning. The low level of education among government staff, arbitrary methods of filling senior positions and the lack of merit-based employment that has only partially been addressed till now neither enhances the government's credibility nor enables the state to deliver even basic services.[30] In the circumstances, the government and donors had little option to using innovative measures to deliver services, even without the benefit of experience elsewhere.

In this atmosphere, it would be quite appropriate to come to the conclusion that 'without effective honest administrators, police and judges, the state can do little to provide internal security, and if the government does not provide security, the people will not recognise it as a government.'[31]

**Structure of the State and Lack of Inclusion**

Afghanistan is one of the most centralised and unitary state in the world in terms of its constitutional provisions, governance structures and fiscal systems, much more so than many countries with far smaller population and much greater homogeneity. There is both traditional and recent historical experience that would explain this phenomenon. Historically, the predator nature of the state, in the absence of adequate domestic revenue, made its position always vulnerable to any challenger who could mobilise external support. The history of 19th Century Afghanistan is full of ex-kings, challengers and pretenders who had to locate themselves in British India, Czarist Russia or the remaining Khanates of Central Asia as they plotted their next moves, initiating a tradition of neighbours' involvement in Afghanistan's power politics that continues to this day.[32] Amir Abdul Rahman (1880-1901) used the fiscal space that British assistance gave him to brutally suppress those who posed a challenge to his rule, resettled rebel Pashtun tribes far away from their homes, cruelly crushed rebellions and rigorously enforced his rule, launching a process of consolidation and centralisation that has continued to present times.[33] The resultant effective 'Pashtunisation' of the state to the exclusion of other groups became closely identified with this process of centralisation, creating a somewhat ethnic divide in the discussions of the desirable nature of the state even today.[34] In recent times, the collapse of the Najibullah regime and the failure of the *Jihadi* groups to work together, combined with the easy availability of weapons, led to the breakdown of all attempts to form a functioning government. The resultant civil war and the de-facto partition even of Kabul into different sectors controlled by different groups turned a

lot of opinion makers and people into viewing decentralisation and federalism as the inevitable first steps leading to the eventual break-up of the country.

In a unitary state as Afghanistan, there is only one government with all sub-national offices being inherent components of it with no separate local existence. Provincial authorities play no role in the formulation of their department's national budget and are reliant for their resource allocations on decisions taken by the parent ministry in Kabul. The National Assembly approves the overall budget ceilings for the government and for each line ministry nationally with no provincial breakdown available. In fact, the *Wolesi Jirga* had held up the approval of the 1385 budget in March-April 2006 and again a year later as it was concerned about provincial equity issues. However, it finally relented in the absence of factual information about the quantum of money going to individual provinces. Further, all government employees, including those appointed locally, are employees of the government of Afghanistan.

The President, directly elected by the people for a five-year term, appoints his ministers who, however, need parliamentary approval. The 249-member *Wolesi Jirga* is elected on single non-transferable vote treating the whole province as one electoral district (constituency) but with no party lists. Larger provinces such as Kabul and Kandahar elect 33 and 29 members respectively from a single set of candidates, with each voter having only one vote. This means that not all areas and districts are represented in the *Wolesi Jirga* and an overwhelming number of persons are elected on an extremely small minority of votes.[35] Further, since the political parties are effectively not allowed to participate, all candidates are independents. The lack of effective political organisations and sufficiently localised constituencies mean an obvious disconnect between the elector and the elected – the result is a fragmented legislature, 'disjointed and personality-driven, beholden to regional bases or strongmen rather than national interest'.[36] This deprives the country of the option of developing democratic alternates to illegitimate power brokers.

The Upper House of the National Assembly, the *Meshrano Jirga*, is partly indirectly elected and partly nominated. According to the Constitution, one-third each is to be elected from the provincial and district councils, with the balance being nominees of the President. However, as the district council elections did not take place, the provincial councils landed up electing two-thirds of the *Meshrano Jirga*. Of the two Houses of the National Assembly, the Lower House has more power since it approves the budget, and ministerial and certain other higher level appointments. Legislation is to be approved by both Houses and, in the event of a disagreement, a joint commission of both Houses is set up to resolve them, as happened recently in the case of the media law. The President's veto power can be overridden only by a vote supported by 60 percent of the Lower House. Many important appointments such as those of provincial governors, deputy ministers, and provincial chiefs of police lie within the sole purview of the President. The field of subordinate legislation is also a purely executive function. The National Assembly's supervisory and executive powers over the Executive is extremely limited, though it does summon ministers occasionally for questioning but it cannot enforce either such attendance or take any action to remove them.[37]

**Sub-national Governance Arrangements**

Since most citizens see the state only at the local level, the structures and functioning of sub-national governance arrangements are quite critical in establishing the legitimacy of the state. The *Wali* or the Provincial Governor heads the provincial administration, acting as an agent

of the President. All line departments report to the *Wali* and even though recent legal changes have reduced the *Wali's* discretionary powers, he retains many responsibilities, including the authority to sign-off on expenditures of all provincial departments, participation in procurement and certain powers of appointment. The *Wali* is also the head of all provincial coordination mechanisms such as the Provincial Development Committee (PDC), Provincial Administrative Assembly and others. International military-run Provincial Reconstruction Teams (PRTs) work closely with them.

Elections to the Provincial Councils (PC) were held along with elections to the *Wolesi Jirga* in late 2005, even before there was any legislation on the subject. While the law, as originally promulgated, listed among 'the duties and authorities' of the PC, participation in determining the development objectives of the government and consultation on the effective usage of revenues, it has provided for no mechanisms through which the PCs can actually do so.[38] The PCs' complete lack of leverage with the local authorities led to obvious frustration, and after much effort by PC members and the *Meshrano Jirga*, the law was amended to give them a monitoring role over the Executive. However, again, there is no extant mechanism provided through which the PCs and the executive wing of sub-national governance interact. The participation of PC members in governance mechanisms like the PDC remains dependant on the latitude given to them by the *Wali*. In any case, since PCs lack both legislative and taxation powers, they are highly unlikely to emerge as credible, democratically-elected power centres in the present scheme of things. This means that the pressure on the *Walis* and other sub-national governance functionaries to become accountable to the local people would continue to remain weak, with the *Walis* intent on keeping their patrons in Kabul happy.[39]

Historically, the government's presence below the provincial headquarters level has been extremely thin. In fact, till the Provisional Gazetteer of Afghanistan exercise of the late 1960s, 'the district or *Uluswal*' was defined…only in terms of district centre or *Markaz*.'[40] The *Uluswal* used to manage relations with the local community through the traditional power structures, for example, the *Maliks* and *Arbabs*. Among other functions, it was the latter's responsibility to deliver enough conscripts for the army, ensure tax collection, certify residency status in order to obtain civil registration and to hand over criminals in those cases with larger implications – how local disputes and crimes were solved did not concern the government. At present, though these formal and informal structures are in place, they have often been supplanted by new ones. For example, unless the *Uluswal* is himself a commander or is part of a powerful network, his authority is challenged by armed commanders, acting alone or locally on behalf of some powerful warlord. Similarly, the *Malik* and *Arbab* are challenged by the *Mullah*, local militia leader or by insurgency networks. Often, the parallel systems merge into one which would ensure local stability but not necessarily the writ of the government even if the latter is not directly challenged. Elections to district councils, though mandated by the Constitution, have not been held, as mentioned earlier, and are not likely to be held in the near future. This is on the account of the unclear roles and responsibilities of the district councils, a weak appetite on the part of the Executive towards creating and empowering new elected bodies, fiscal issues and disputes over district boundaries.

**Proposed Solutions**

The changed and still changing situation in Afghanistan demands appropriate institutions more in tune with the present circumstances and the people's expectations. Afghanistan is an extremely poor country with major development challenges. Globalisation and the flow of information has done as much to shape the people's expectations as direct experience to the

world outside, as many as a one-fifth to one-fourth of the Afghanistan population has lived outside the country and has seen the functioning of normal governments. At the same time, tribal and traditional social structures have undergone major changes and distortions as 'the long years of war and violence changed the fabric of the society and upset the traditional alignment of political forces in the country'.[41] On the one hand, in effect, 'the state was destroyed[42] and, on the other, the logic of extensive but low-intensity conflicts led to the emergence of localised power entrepreneurs and Islamic elements, often violently and in conjunction with outside forces. Three key issues have been identified that led to this transformation, namely, 'a crisis of legitimacy, a failure to substitute destroyed state institutions with new ones, and a rise of sub-state powers'.[43] Any solution to the problem of incomplete state building must keep these factors in mind, particularly that the fall of the Najibullah regime lead to a situation where the level of mistrust between the different groups and factions was so high that it proved impossible to demilitarise politics.[44]

In the post-Taliban era, the Afghans have clear expectations of what they want from the state and they are not willing to put up with corruption, brutality or non-performance. Therefore, the old state of affairs, 'a minimum of state and a maximum of autonomy of rural institutions' will not do and that the state has to take on a stronger role.[45] This does not indicate any choice on the form of the government, only what the state is to deliver. However, given the recent history of the past three decades, particularly the decline in the levels of confidence and social capital, efforts should be directed to 'changing the divisive situation rather than adopting solutions solely to accommodate the existing fragmentation. The accommodation of traditional power structures and different ethnic groups has to be sought through democratic participation, political and economic integration, and the development of a civil society and private sector that mitigate the negative impacts of competing group interests'.[46]

The decline in traditional social structures and hierarchies has weakened the efficacy of the policy of co-optation that Afghanistan rulers have applied in the past. It has been argued that the emergent local power holders, often referred to as warlords, have much weaker power-bases, so refusing to accommodate them or dislodging them where they hold formal power would be far less destabilising than imagined.[47] Instead, efforts to create democratic alternatives at different levels would be far more important.

The desire for a strong unitary state, an expression found in the 2004 Constitution, masks the real issue of appropriateness in both what the government should be doing and who should be doing it. Federalism of the sort that the US, Canada or Australia would be impossible to replicate in Afghanistan, due such factors as the differences in their historical experience, the development of the state and the process of institutionalisation. Afghanistan obviously needs an effective national government, even if it did not face insecurity and destabilisation. However, as a perceptive observer noted, Afghanistan has always been 'a territory inhospitable to the formation of states or strong government because it is very expensive to govern. It is hard to rule for the same reason it is hard to conquer – because it does not have many resources, the settlements are far apart, and there is relatively little water'.[48] Therefore, Afghanistan's historical experience and present needs suggest that rather than getting into the unitary versus federal debate, one should look at the goal of establishing 'a balance between creating a strong and effective central government and ensuring a level of decentralisation to secure equal distribution of resources and participation'.[49] In fact, useful guidelines were suggested a few years back.

Given the self-evident historical socio-ethnic fragility of Afghanistan, the fiscal and administrative centralisation of the state has some logic – local and regional elites have to refer to the central government for financing and the authority to deliver public activities. However, the corollary is that the central government should limit itself to a relatively minimal set of activities and functions. …Overall, the ambitions of the sector ministries and their provincial and district departments must continue to be constrained by the vision of a lean, competent bureaucracy in Kabul, supporting a provincial and district administration overseeing the delivery of core services.[50]

This could form the basis for the allocation of responsibilities vertically between Kabul and the sub-national levels. In terms of accountability, there is the need to make the Executive more accountable to elected representatives of the people. The 2004 Constitution created a unitary state with a strong presidency and a weak National Assembly. Constitutional experts have suggested that while a directly-elected strong President satisfies the desires for a strong leader, it is much less likely to deliver in all but the most unique of circumstances.[51] The first-past-the post system, even if qualified by necessitating a second round to ensure the plurality of votes, does not guarantee majority support and, in divided societies, having only one winner as against many potential losers can actually become an impediment to inclusive governance.[52] On the other hand, a parliamentary Executive needs to build alliances to obtain and retain power. While this can slow down decision-making, it has the greater good of participation, buy-in, increased executive accountability and creating many winners.[53] However, this needs to be complemented by other structural changes in the electoral system, at the sub-national levels and in the fiscal system.

The problems with the Afghanistan electoral system have been described earlier. It must be recognised that 'a flawed electoral system can retard the progress of democracy as much as warlords, religious fundamentalists and corrupt business leaders taken together'.[54] The disadvantages of political parties participating in elections are far outweighed by their advantages, particularly their ability to bring diverse interests together for periods longer than single causes. Afghanistan's ethnic mix and the absence an extremely distorted electoral system would force the parties to reach beyond narrow, ethnic or sectarian concerns. The lack of census and political tensions preclude the formation of single-member electoral districts. However, other than in Afghanistan, a closed 'Single Non-Transferable Vote' system has only worked in districts with up to four members, not 33 (Kabul) or Kandahar (29), that too in Vanuatu, Jordan and Japan (now discarded). What Afghanistan needs is an 'appropriately crafted Proportional Representation system – one that both is proportional and allows the Afghans to vote for individual candidates'.[55]

Nationally, the need to increase the Executive's accountability at the provincial level cannot be overemphasised. Besides changes in the electoral system to make the Provincial Councils more representative and less individual-oriented, they must be empowered to exercise much greater control over the provincial-level Executive. At a minimum, the mechanisms for the improved flow of information are required to make the PCs relevant in redressing the citizens' grievances and acting as bridge between the Executive and the citizens. Similarly, legal provisions giving the PCs a role in development decision-making must be given effect to. At a maximum, they can either have a say in making the appointments of *Walis* or in their ability to express their confidence on the *Walis'* performance meaningfully.

A recent study of the World Bank established that fiscal flows to Afghanistan provinces were highly inequitable. Afghanistan could learn from the example of other countries and make

fiscal transfers (allocations in Afghanistan's case) more normative. This is both a technical and political process, requiring both a much stronger bureaucratic system as well as a more developed polity driven much more on ideological than personality lines.

## Conclusion

While the military debate is important, and without minimum security, governance and development are constrained, it is time that we look at other aspects of the situation, namely, how governance arrangements have been organised on the country at the national and lower levels. An inclusive system has many advantages. It better reflects the people's wishes, creates incentives to participation in legitimate political processes and enables the local political systems to take charge of the situation. Unfortunately for Afghanistan, at Bonn and beyond, there 'was little sense in the aid community that the country was embarking on a comprehensive process of social and economic modernisation that was inherently conflictual'.[56] To quote William Maley, the Bonn process had two main weaknesses.[57] One, 'a significant number of powerful actors were unsavoury characters whose past records would not have allowed them to participate in the political process in a less destroyed state,' but who were central to the Bonn process. Two, critically, 'the Bonn process failed to engage in any appraisal of what the structures of the Afghanistan state should be and do.' Instead by concentrating on ministerial appointments, it encouraged action on 'the part of people who controlled ministries to treat them as personal fiefdoms.' Later, the government 'tried to pacify the rural areas by putting spoilers into power which backfired.'

This aversion to a discussion on the systems most suitable to stabilise Afghanistan and the continuous specious debate on who is best placed to lead the country have significantly contributed to the deterioration in the situation, which an increase in troop deployment can temporarily hold, but not roll back substantially.

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## Endnotes

[1] This paper was presented at the MAKA Institute Seminar on "Indigenisation of Afghan Reconstruction: Empowering Grassroots in Post-Conflict Situations" on 18-19 March 2009.

[2] Mr Shakti Sinha is a Research Fellow at the Institute of South Asian Studies, an autonomous research institute at the National University of Singapore. He can be contacted at isassinh@nus.edu.sg.

[3] Barnet Rubin, in his seminal work, *Fragmentation of Afghanistan*, argues quite convincingly that the Afghanistan society and its relations with the state are far from being static that contemporary 'Afghanistan has been thoroughly shaped by its interactions with the modern state system.

[4] See for example, 'President Barack Obama floats the idea of talks with Taliban moderates', The Associated Press Sunday, 8 March 2009. Further, the Financial Times ('Reduced Insurgency best result for Afghanistan', 6 March 2009) quotes the Canadian Prime Minister, Stephen Harper, that '(t)he best that NATO forces can hope for in Afghanistan is to 'push back the insurgency', which can never be wholly defeated'.

[5] See Henning, Ortwin, '*An Alternate Course for Action*', Swiss Federal Institute of Technology Zurich, 8 October 2008 for the former view, and the reported remarks of the British Ambassador, Sherard Cowper-Coles talking to a French diplomat in '*A surge of pessimism*', The Economist, 16 October 2008 for the latter view.

[6] Valhalla in Norse mythology is where the warriors who fell in the battle field went. Presumably he meant 'Utopia'.

[7] This piece was written before President Obama announced his new AfPak policy on 27 March 2009.

[8] Discussions with an international development specialist with extensive experience in Afghanistan.

[9] See for instance, Secretary General's report to the UN Security Council dated 6 March 2008 (A/62/722-S/2008/159).

10  Guistozzi, Antonio (2007), '*Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan*', Hurst & Company, London.

11  World Bank and United Nations Office on Drugs and Crime (2006), '*Afghanistan's Opium Economy*', Washington D. C.

12  AREU (2007), '*Cops or Robbers? Reforming the ANP.*' AREU, Kabul.

13  Barnet Rubin and Ahmad Rashid (2008) '*From Great Game to Grand Bargain: Ending Chaos in Afghanistan and Pakistan*', Foreign Affairs, November-December 2008.

14  See for instance Shahrani, Nazif (2000), "*Resisting the Taliban and Talibanism in Afghanistan: Legacies of A Century of Internal Colonialism and Cold War Politics in A Buffer State*" Perceptions: Journal Of International Affairs, V(4):121-140. Published by the Center for Strategic Research, Ankara, Turkey; Shahrani, Nazif (1998) "The Future of the State and the Structure of Community Governance in Afghanistan". In *Fundamentalism Reborn?: Afghanistan and the Taliban*. William Maley, ed. London & New York: Hurst & Co. and Columbia University Press; pages 212-242; Rubin, Barnett (2002), "*The Fragmentation of Afghanistan: State Formation and Collapse in the International System*", Second Edition, Yale University Press, New Haven and London.

15  Glatzer, Bernt, '*Afghanistan – A State in upheaval*', Agriculture & Rural Development, 2/2006.

16  Ibid.

17  Alfoneh, Ali, '*Hokumat* Versus *Yaghistan*: The Historical Challenge of State/ Tribe Conflict to State Building in Afghanistan', in Bernard, Cheryl et al (ed), '*Afghanistan: State and Society, Great Power Politics, and the Way Ahead*', Center For Middle East Public Policy, Rand, 2007.

18  Ibid.

19  Jalali, Ali, 'Afghanistan: Prospects for nation Building'. In Bernard, Cheryl et al (ed), '*Afghanistan: State and Society, Great Power Politics, and the Way Ahead*', Center for Middle East Public Policy, Rand, 2007.

20  According to a recent BBC poll, 50 percent of the respondents say that corruption amongst government officials and police has increased over the past year. 63 percent now say that corruption is a big issue, compared to 45 percent a year ago. Not surprising, only 40 percent agreed that the country was headed in the right direction, down from 54 percent a year ago and 77 percent in 2005. Other polls indicate similar trends. The BBC story can be accessed at http://www.bbc.co.uk/pressoffice/pressreleases/stories/2009/02_february/09/ afghanistan.shtml.

21  This phenomenon goes back to even earlier times. Ahmad Shah Durrani considered by most to be the first ruler of Afghanistan started off by intercepting a caravan carrying tribute from Delhi, loaded with gold and silver, meant for Nadir Shah, the ruler of Persia who had just died. The historian Jos J. L. Gommans (*The Rise of the Indo-Afghan Empire c.1710-1780*) makes a convincing case that with the collapse of the horse trade to India, the Afghan state lacked adequate domestic resources to support a regular state structure. This, in turn, led to weak taxation policies in Afghanistan with the state and its supporters sustaining themselves by raiding Indian territory. Once this option was denied, it led to the inevitable rise of local strong men who were left pretty free to administer their areas as long as accepted the nominal suzerainty of the Shah ('King') in Kandahar, later in Kabul.

22  Amir Habibullah went from being a hero of the Third Afghan war which gave de jure independence to Afghanistan to being overthrown 10 years later when his (incomplete) modernisation upset many conservatives; the withdrawal of British subsidies meant that he lacked the resources to create a strong army and state structure that could carry out his policies in such circumstances. Other factors for his overthrow included an inability to build a coalition around his ideas, and the unintended consequences of new social forces generated by the reforms themselves.

23  http://www.imf.org/external/pubs/ft/scr/2008/cr08229.pdf, page 18.

24  Hodges, John (2007) quoting '*The UN's Role in Nation Building*', 2005.

25  Chayes, Sarah (2006), '*The Persecution of Virtue: Inside Afghanistan after the Taliban*', The Penguin Press

26  Patel, Praful, Washington Post, April 2007.

27  Afghanistan Research & Evaluation Unit and World Bank (2004), '*A Guide to Government in Afghanistan*', IBRD/ World Bank, Washington D. C.

28  The World Development Report of 2004, '*Making Services Work for Poor People*', presents several ways in which different countries in different circumstances have delivered services using non-state actors, including through the market mechanism. Essentially, the state in many cases may make the citizen better off by redefining its role as a regulator rather than as a service provider itself, something Afghanistan is doing rather well in the health sector.

29  The ratio between the highest and lowest salaries in the civil services is less than 3:1, so as moving up the civil service hierarchy is mostly a matter of prestige than of incentives.

30  An attempt was made in the years immediately after the fall of the Taliban to reform ministries by mandating restructuring as a pre-condition for higher salaries through the Priority Restructuring & Reform

(PRR) program but absent strong commitment to swallow the bitter pill meant that in practice almost wholesale migration to higher pay scales took place with little weeding out the unqualified.

31 Rubin, Barnet (2007), '*Saving Afghanistan*', Foreign Affairs, January/ February 2007.

32 Newsweek (2007), '*Afghanistan's troubled borders*', 1 December 2007.

33 Nazif Shahrani, Barnet Rubin, etc.

34 For different perspectives on this, refer to Ahady (*Decline of the Pashtuns*) and Nazif Shahrani (*The Future of the State and the Structure of Community Governance in Afghanistan*). The recently formed opposition political party/alliance, United National Front, largely comprising components of the erstwhile Northern Alliance and others, is in favour of a parliamentary system of government, with provincial governors being locally elected, instead of being appointees of the President.

35 Reynolds, Andrew (2006), '*Electoral Systems Today: The Curious Case of Afghanistan*', Journal of Democracy, Volume 17, Number 2, April 2006.

36 Ibid.

37 Summoned by the *Wolesi Jirga* in October 2007, the then Attorney General refused to attend on the ground that the former wanted to 'brow beat' him. Earlier in May 2007, the *Wolesi Jirga* passed a vote of no confidence in the Foreign Minister but the President challenged the validity of the vote; a position accepted by the Supreme Court. Similarly, the National Assembly overrode the President's veto on the media law but the Minister refuses to implement the law as the 'President had not signed it.'

38 Lister, Sarah and Hamish Nixon, '*Provincial Governance Structures in Afghanistan: From Confusion to Vision?*', AREU Briefing Paper, May 2006.

39 Traditionally, the Provincial Governors looked to Kabul and often saw the local people through prejudiced eyes as illiterate and uncultured. AREU and World Bank (2003).

40 Favre, Ralph (2005), '*Interface between State and Society in Afghanistan: Discussions on Key Social Features affecting Governance, Reconciliation and Reconstruction*', AIZON, Kebele 16, House 216, Addis Ugebia, Addis Abeba, Ethiopia, also available at www.azion.com.

41 Jalali, op cit.

42 Barnet Rubin's remarks at the Carnegie Council, 25 June 2002, available at http://www.cceia.org.

43 Jalali, op cit.

44 Maley, William, '*Rescuing Afghanistan: A Balance Sheet*', Carnegie Endowment for International Peace, 16 July 2006, accessible at http://www.carnegieendowment.org.

45 Glatzer, op cit.

46 Jalali, op cit.

47 Maley, op cit.

48 Rubin, op cit

49 Jalali, op cit.

50 AREU & World Bank (2003).

51 The Argentinean political scientist Guillermo O'Donnell has made a strong case for why the Presidential system has consistently led to political deadlock in South America and that importing the US model was a mistake. Essentially, it led to political outsiders coming to power due to their ability to excite the traditional 'disenfranchised' but who were unable to deliver as they either got corrupted or failed to build coalitions with powerful, vested interests. This led them to resort to demagogic tactics and a breakdown in governance.

52 Maley, William, 'Executive, Legislative, and Electoral Options for Afghanistan'.

53 Ibid.

54 Reynolds, op cit.

55 Ibid.

56 Suhrke op cit.

57 Maley, '*Rescuing Afghanistan: A Balance Sheet*'.

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