

Local Government in Afghanistan: How it works and main challenges

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Abstract

The communities of post-conflict societies need reconstruction and rehabilitation of the administrative system. Established administrative systems, based on the criteria of democracy and social rights, make progress and prosperity possible. In most post-conflict societies, local governance can be built by creating bureaucracies, which contribute to solve their major problems and establish significant progress. Afghanistan is one of the countries that have experienced many years of war, destruction, lack of good governance and civil service. Thus, creating an experienced bureaucratic system in Afghanistan is essential. The creation of local government can reduce problems of central government and help people to participate in the social, economic and political activities. The aid of the international community was useful after the Bonn Agreement to improve and strengthen local governance in Afghanistan, because the efforts of the Islamic republic of Afghanistan were not able to address all deficiencies. In addition there are still numerous challenges (i.e. corruption, illiteracy, poverty, unemployment, abuse of law, and lack of strategic planning, etc.), which are the comprehensive causes of inefficiencies in local administration and dissatisfaction with local government. This paper addresses the following questions: What are the challenges that impede the progress of local institutions in Afghanistan? How local government works in Afghanistan?

Key words: local government, Province, Districts, villages, Challenges.

1. Introduction

Local government is a form of public administration for a small geographic area, such as a cities or towns. (13) In other words local government is the territorial unit of a country that has jurisdiction within its territory, completely or partially. (12)

A specific territory, population and power or authority to execute the territorial duties circumscribes local government. In addition local government has a double feature: On the one hand it copes with the local affairs for people's satisfaction and law pursuant. On the other hand it is a representative of the central government that must implement the central government policies, plans and programs (ppp) at local level. (13) The system of local government is common in other countries (France, England and United States), but this system is a new

experience in Afghanistan. The existence of autonomic and modern government for Afghanistan requires a system of efficient governance. (9)

Due to the importance of the security sector in Afghanistan the government of Afghanistan does not have the ability to realize Good Governance, and the lack of security caused several problems for local government in Afghanistan. Whatever the internal community (ISAF, UNAMA and other stakeholders) helped, i.e. like the establishment of entities such as the independent directorate of local governance, an improvement of the conditions of local government with modern policies, plans and programs remains difficult. The dilemmatic circumstances in Afghanistan did not permit to realize all of the above-mentioned tasks.

Afghanistan is divided in to 34 provinces. In some of the provinces living conditions, social welfare, security and service delivery are deferent, as a result of a lack of properly management. In some parts of Afghanistan (southern provinces) local government delivers no good services, but some provinces (Northern provinces) perform better.



Figure 1: political division map of Afghanistan (15)

Due to the above reasons I want to assess how local government works in Afghanistan and what the challenges are, the country is faced with.

This paper provides six sections about local government in Afghanistan: first structure of local government in Afghanistan, second about province, provincial council, district, villages, third

roles and responsibilities of local governmental agencies, fourth accountability, fifth main problems and challenges and sixth conclusion and suggestion.

2. Structure of local government in Afghanistan

Every political authority is vested in the government in Kabul; Afghanistan's Constitution outlines a unitary state. In fact, the sub-national government refers to provinces, municipalities, districts, and villages. Besides this, the ministries and the institutions of the central government exercise power over these configurations; mainly they control the budget, which is assigned to the provincial ministries.

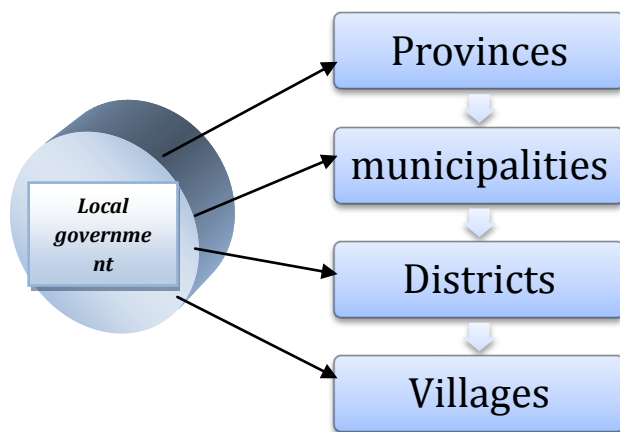


Figure 2: political structure of local government

Afghanistan has 34 provinces that are headed by a governor who is selected by the President. In fact, the provincial government formation underneath the governor is a set of branches of the central government ministries. Similarly, the provinces are sub-divided into districts, and the district employment allocation is verified in the central ministry in Kabul. In addition, the authorities and tasks of the provinces and districts are planned by the central government. In fact, provinces and districts are not independent in their policy decisions, but they are legally known by the central government.

The Constitution of Afghanistan states in the 132th article that the government maintained the centrality, for accelerating and improving economic, social and cultural affairs, but the more people participate in the development of national life, submission are necessary for the establishment and qualification of local offices according to the existing law. (6) According to

this article, the Independent Directorate of Local Governance was established in 2007, to strengthen the relations between central and local government at the center.

The goals of this office include strengthening institutions at the provincial level, improve their accountability, provide opportunities for participation of citizens and ensure that local offices play an active role in facilitating national service programs to enhance the social welfare of the Afghan people.

Peace and stability is closely connected with good governance. Peace, stability and good governance are like three sides of a triangle; they are interrelated and complement each other, because peace without stability, stability without development and development without good governance is not possible. A realization of peace, stability and governance might create a prosperous life. Thus a strengthening of the power base and the enhancement of support of government's plans by the people will presumably prevent them from turning towards approaches of violence, i.e. like practiced by opponents and Taliban. In addition Afghanistan needs good governance, peace and stability that the international community can help to promote positive changes in the country. It is something that would encourage donor countries to their commitments, if the government is able to reform and restructure itself as a powerful, well-organized, efficient, and useful organization, giving priorities to reconstruction and development and addressing the problems and needs of people (strides toward in peace, stability and national security) (4). Opponents were producing instability over the past years and people do not believe in improvements and recent developments. Instability is often the legacy of three decades of conflict in Afghanistan and the opposite of good governance, which creates more corruption at the province or district level.

To solve these problems was an objective of the Independent Directorate of Local Government. Its purpose was to establish provincial, district and village consuls. These consuls paved the way for public people to participate and take part in local decisions. On the one side this helped to increase the efficiency of governance and on the other side it helped to get public people and government closer to each other.

Independent Directorate of Local Governance functions has been classified in four parts:

- a) **Basic function in policy section:** skim of policy, rules and provisions for local government. Independent directorate of local governance in the first time in Afghanistan

has been codified and published the book of Afghan local policy in 600 pages. The Afghan local policy is a new initiative for local government system in Afghanistan. In Afghanistan, local policy specified the goals, strategy and structure of local governance.

- b) **Administrative development:** strengthening, capacity building and support the local offices. One of the basic problems of local governance in Afghanistan is non-development of local offices.
- c) **Broad function of governance:** Establish and support the participation of citizens in local governance. Note that the system of local governance in Afghanistan is a new experience, using from experiences and helps of our partnership countries, which has local governance system, can help us to institutionalization this system.
- d) **Supporting functions:** facilitate the implementation of national programs by local organization. (10)

The Independent Directorate of Local Governance has been started in 2008 to execute the social development program. This is an initiative organization in Afghanistan, which is supported by international community like ISAF, UNAMA and nongovernmental organizations. Anyways the Independent Directorate of Local Governance accepts that every province, districts and society are separate from each other and execution of these programs needs to accept challenges and opportunity in every district. In local administration all staff is related to central government and they are conducted via their ministries. Provincial expenses are also covered by the budget of related ministries. Political authorities for the local administration are appointed via central government.

2.1 Provinces

The governor is the chief executive at the provincial level, who is selected by the President. The governor may be removed or reassigned by the President. However, the Independent Directorate of Local Governance (IDLG) retains the directories of prospective candidates for governor, who are typically from the province. When the governor is voted or selected, a senior appoints the person. The president if accepted will appoint the person. In fact, every decision is made in Kabul by the parent ministry on provincial staffing and the Office of Administrative Affairs will be negotiated with oversight by the head of Independent Administrative Reform and Civil Service Commission (IARCSC). Even though the governor grants junior staff appointments

(grade 6 and lower for permanent staff, grade 3 and below for contract staff) and relocates, mid-level staff appointments (permanent staff grades 3–5) are accepted by the appropriate minister, and senior staff appointments (grade 2 and above) are accepted by the President. Institutions involved in governance at the provincial level are shown below:

Table (1) shows the local institutions at the provincial level

Province-level governance entities					
Provincial council	Provincial courts	Provincial administration	AIHRC provincial office	IARCSC regional office	Private sector
Civil society					
shuras	Assemblies and council	Media		Communities	
Provincial administration					
Provincial governor	Provincial development committee (PAA)	Provincial police chief	Mustofiat	Provincial line department	Provincial prosecution office

2.2 Provincial Councils

The first elected body at the provincial level in Afghanistan is the provincial council (PC). The first elected sub national government institutions were established in 2005, which is called provincial council (Woleyati Shuras). The provincial council consists of 420 members nationally and the proportional to each province’s population. However, a quarter of the provincial councils’ seats are reserved for woman by law because the provincial council wants to assure female participation. At the same time, in order to stand for election, the candidate must live in the province in which they stand for election. In fact, provincial councils are intended to provide as a means for channeling civilian input into government and address difficulties between the government and the public. (5)

2.3 Districts

In fact, the provinces are subdivided into districts. Managerial arrangements between the province and its districts are like to those in the center provincial affairs. In addition, the provincial administrators have comparatively less discretion with regard to districts as the central ministry in Kabul verifies district-staffing allocations. However, the provincial governor mostly nominates the district governor, or the high-ranking persons. IDLG does retain names of potential candidates. When the candidates are nominated and vetted by the Director of IDLG, the candidate names then goes to the President for appointment. (5)

Table (2) shows the local institutions at the ditrict level

District-level governance entities include				
District council	District courts	District administration	Private sector	
Civil society				
Shuras	Assemblies & councils	Media	Communities	
District administration				
District governor	District administrative assembly (DAA)	District police chief	District offices of provincial line department	District prosecution office

2.4 District Councils

The District Councils have approximately 5 to 15 members and it depends on the size of the district's population. In addition, the candidates should live in the district in which they stand for election.

2.5 Municipalities

Municipalities (sharwali) are formed for the purpose to provide the general welfare for citizen. Municipalities are defined as diverse political, administrative, and legal entities with precise

territorial and geographical margin. It is mentioned in the article 141 of the 2004 Constitution of Afghanistan that municipalities are constructed to “administer city affairs”. In the governance and administrative hierarchy, moreover a municipality could both drop below a province and district or between a district and village. In fact, there is no apparent vertical formation in the provincial hierarchy for municipalities.

The Independent Directorate for Local Governance (IDLG) in Kabul supervises municipalities and the governor influences some provinces. Despite municipalities are allowed to accumulate and keep their own taxes, the IDLG accept staffing numbers and budget in each municipality. Even though it is opposite to the established government formation, in Herat and Kandahar, rural municipalities report relationship with provincial municipality.

All provinces possess, in primary, one provincial municipality (sharwali Wolayat). All district possess, the majority one rural municipality (Sharwali Uluswali), although some of the provinces do not have. In fact, at present there are 150 municipalities both rural and provincial in Afghanistan.

Municipalities are run under a mix of the 1957, 2000, and 2003 municipalities’ laws, nevertheless there is a pressure within IDLG and among the international community to write a new Law on Municipalities to illuminate rules and accountability. The new law might modify the parameters for the classification of municipalities that might lead to decrease generally. However, IDLG requested USAID to assist altering this law, which will likely be offered under the next municipal governance program. USAID is in talks with IDLG over the Scope of Work of this program that is estimated to be \$150 million for five years covering almost 40 municipalities plus Kabul.

Municipalities are self-financing entities that are empowered to collect taxes and raise revenue, and have some budget autonomy (Although this differ by municipality), and provide municipal services, for instance, recreation, cleaning parks, sanitation, and garbage collection.

Municipalities do not at present obtain intergovernmental fiscal convey from central government even though this might modify based on the plan Sub-national Governance Policy (SNG Policy). In the current system, municipalities raise revenues from domestic sources and continue their operations/services completely out of such revenues. Sub-national Governance Policy,

municipalities will be begun to get central transfer. This might mean that in the near future, municipalities will increase revenues, which condone for liability in the national budget. Transfers from the central government will in turn fund municipalities. At the same time, this is the way it works for the provinces and districts as well.

At the present, mayors are selected by IDLG usually in consultation with district and provincial governors and assigned by the President. The exclusion is the Mayor of Kabul, who is assigned straight by the President and has a rank of Minster. (7)

2.6 Villages

Villages are local political organization; there are 30,000 villages in Afghanistan. (5) In Afghan rural society, villages are the basic community unit and the structure includes:

Table (3) shows the local institutions at the villages level

Villages-level governance entities						
Villages council			Community development councils			
Civil society						
Shuras and councils			Media			
Informal governance entities						
Malik	Arbab	Qaryadare	Khan	Rishsafid	Malik guzar	Qumandan and communities

3. Roles and responsibilities of governmental agencies in the province, district and villages level according to Afghan local policy

Local government policy in Afghanistan list roles and responsibilities of local authorities that includes the following:

1. Securing, stability and peace
2. Rule of law
3. Protect and promote the human rights of Afghan citizens
4. Development of cultural, social, economy and education affairs
5. Services to people
6. Ensure the implementation of good governance principles

7. Reduce poverty and disease and implementation of the millennium development goals (MDG)
8. Struggle with natural disaster (disaster management)
9. Elimination of poppy cultivation and related issues
10. Preservation of environmental issues
11. Support of Islamic values

4. Accountability:

Governmental organizations and local councils are responsible to the people, because the councils arise via election and direct vote by the people and also these councils must contact with people. But governmental organizations are accountable to the people via the provincial council.

(3)

Table (1) shows the accountability of local institutions to the people

Possession	Accountable to
Provincial authorities	Accountable to people via provincial council
Munisipality authorities	Accountable to people via provincial council
District authorities	Accountable to people via district council
Village authorities	Accountable to people via Village council
Local councils	Accountable direct to people

5. Main problems and challenges

Despite the efforts that have been made in improving local governance in Afghanistan like establishing the Independent Directorate of Local Governance, Afghan local policy and assistance of international community, still there are many challenges and problems that

prevent the strengthening of local governance and service delivery. For this reason local government has not favorably improve.

- According to the central structure, developing planning and budgeting do not exist at the provincial level. Therefore, this problem makes local departments to not take necessary action on the development sections.
- The policy of public services commission is facilitating activities of public departments as follows: making a practical framework including recruitment planning, evaluation and supervision on the process of educational programs. Though, this creativity faces the shortage of resources; on the other hand the educational programs of staff do not have sufficient centralization. Lack of discipline and consideration of law in recruiting staff still has to become a norm not an exception.
- The transition of responsibility from the central government to the local directorate of the government in 2007 establishes an accountability relation between provinces and central government as well as accelerated the process of making decision. In addition, this directorate played a vital role in planning of policies, establishing coordination among ministries and educational service providers. Because this directorate reports directly to the presidential office, it becomes somehow a political organization. It means that instead of decreasing the control of central government, the action of this directorate make the central government to apply its power. Corruption exists as a major problem all over the local government and mainly includes the high officials. Bribery exists in every aspect and influence of powerful people and other supportive networks exist in every part of the country.
- Election process in Afghan does not have transparency that is why people do not usually trust in votes. The single non-transferable voting system has weakened the political development of parties. Therefore this method of voting facilitated the selling of votes among people.
- Establishment of provincial council in 2006 was the first approach in making representative government in the local government, but still this council plays an advisory role and they have limitation in practical areas that they could easily fulfill their responsibilities. Although the facilities and resources of the provincial councils are getting better, but the provincial representatives do not have sufficient facilities while they are travelling and doing their jobs. There is not a specific policy defining the

representation at the district levels and which officials have responsibilities. Lack of coordination among donors and competitive aids create lots of conflicts.

- District representation model in the electoral system, which is used in Helmand province, is a good alternative in local government. This model is a structured and practical approach, which created a good relation between state and local councils. . (11)
- Corruption is one of the important problems that prevent service delivery for citizens in local levels. Corruption is one of the challenges that slow down the process of development and having good governance, also the government authorities accept this ordinance. As Mr. Shamsullah Jawid head of the Anti-Corruption Unit of northern Afghanistan told me: Corruption in local administrations has many faces like delayed job, usurp the people's ownerships, bribe, embezzle, mistreatment with people, low capacity and civil service knowledge. Also he noted the reasons for corruption in local levels like:
 - Low paid employees; it is not enough for their family dependency.
 - Lack of confidence in the country's political future; because of that they want to give benefit from their work place.
 - Lack of job security for employees; they don't have confidence for their future and continue their work.
 - Unemployment; in a beg family just one person work with low money and the others are jobless
- According to Ahmad Zia Feroozpor Expert in public Relations and Media in Balkh Province Office via United Nation Local Governance Program: There are problems in leadership, management, monitoring, reporting, implement projects, dealing with clients on the local levels. The most of policies and programs that have been copied from western ideas are not compatible with social conditions, culture and history of Afghanistan. They can be good experiences for western countries, but it can face implementation problems in Afghanistan. One of the other problems that exist in local governance is that the local staffs have not access to modern possibility and equipment like computer, internet (Electronic governance) and do not know the new technology and this problem causes that the people spend long time to process a petition. The major problem is the system of central governance that causes local agencies has little authority to use the budget, if they are planning to implement a project they must wait months for processing the proposal of budget in the center. This challenge causes that in local

institutions work goes slow and creates distance between people and government. Corruption is another problem facing local government entities cause people do not trust local organizations (in some areas), this is a major crisis. Also the regional president of the local administration reform said: the major challenges that we are facing are: security problems, low interest of a number agencies in implementing the objectives and programs of administrative reform, there was no sense of ownership to implementation of the administrative reform program and minimal intervention by influential people in the competitive hiring process. (8)

6. Conclusion and Suggestion

Afghanistan is a country which has centralized administrative structure, due to a complicated historical process, government agreed that all the political powers are centralized in Kabul; it means that giving and taking authorities and administrative authority in the provincial and district level is initiated from Kabul. But, the new Afghan constitution, which was approved by Loya Jirga in 2004, explicitly admitted the measures of decentralized government. According to provision of article 137 of Afghan constitution "The government, in preserving the principles of centralism, shall transfer necessary powers, in accordance with the law, to local administrations in order to accelerate and improve economic, social as well as cultural matters, and foster peoples' participation in developing national life".

In practical, provinces has very weak role in their internal affairs such as recruitment, planning, load of work, infrastructures and structure. Provincial governors can approve 6th degree employees in the provincial level.

Municipals are the only local administration, which is independent in implementing their budget. The Ministry of the Interior controls the budget and the staff of municipalities. Afghanistan is a country which was victim of three decades of war and conflicts and has been damaged especially in its administrative part which has urgent need for reconstruction.

In order to achieve good local governance, Afghanistan and the international community implemented lots of approaches such as: establishment of independent local administration in 2007 and approval of the Afghanistan local administration policy in 2010. The aim of this

policy was to change the structure of local governance and their services till 2014 but still the initiative could not fulfill the expectation.

Today, local governance in Afghanistan has lots of problems which band the implementation of its programs such as corruption, lack of academic cadre, irresponsibility's of staff and, lack of access of employees to sophisticated equipment. All the above-mentioned problems make local administration not implement their policies and programs in the expected way.

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