

# **Good Governance in Afghanistan: Challenges and Solutions**

*Said Nasim Bahman, Balkh University, Afghanistan*

## **Introduction**

This paper evaluates the good governance, its challenges and possible solutions in Afghanistan. By good governance here I mostly mean the formalization of decision-makings and policy evaluation, and implementation of projects and plans based on democratic principles. Lack of good governance is considered to be one of the major challenges Afghanistan confronts in the early 21<sup>st</sup> century. In addition to other major challenges such as instability; poverty and underdevelopment that threaten the newly established democracy in Afghanistan, the lack of good governance can be considered another major threat which is unfortunately very rarely evaluated in Afghanistan's academic community. To perform good governance, a government as the executive and administrative institution of a nation-state must provide social welfare, security and justice for the citizens; strengthen the national sentiments and solidarity and protect the civil society, individual rights and the rule of law. But in contemporary Afghanistan, the governments have mostly failed to fulfill these essential tasks. Consequently, governance in Afghanistan has not been based on administrative principles; and therefore entirely failed to consolidate and promote the rule of law, transparency, accountability, national solidarity and the human rights values. Considering the definition and indicators of good governance, there are numerous research and analyses conducted on good governance in different countries either by scholars or by governmental and nongovernmental organizations (Kumssa and Isaac M. 2004). Since the Western concept of good governance only entered Afghan political literature after the fall of the Taliban in 2001, there has been no in-depth academic research conducted by Afghans on good governance in Afghanistan. However there have been a few analysis such as the article "Governance in Afghanistan from Bonn1 to Bonn 2" by the Afghan writer Malik Setiz (Setiz, 2011: 1), but such articles rather analyze the issue more from a journalistic perspective than from an academic point of view and thus are not able to explain all aspects of good governance, its challenges and the possible solutions in Afghanistan. Considering the lack of academic research on good governance in Afghanistan, this paper evaluates good governance in Afghanistan based on four indicators: rule of law, transparency, administrative reforms and capacity building. Taking Afghanistan's socioeconomic and politico-cultural structures into account, I believe that good governance in Afghanistan can be described very clearly by these four indicators. So I believe that securing rule of law, extending transparency and administrative reforms and enhancing the capacity of human resources will provide a high quality public administration and enhance the legitimacy of Afghanistan's new-born democracy. In this paper I will investigate what challenges good governance in Afghanistan and its provision face and what are the possible solutions to

cope with the existing challenges. Answering the major research question this paper will develop the hypothesis that “expanding good governance in Afghanistan requires securing the rule of law, transparency, administrative reforms and extensive capacity building.” Since I have mostly access to library database, this paper is mainly a library-based research. The paper consists of two chapters: the first chapter mostly focuses on the definition of good governance and its indicators and components, and the second chapter assesses the challenges and the possible solutions of good governance in Afghanistan.

### **First Part: Origins, Definitions and Indicators of Good Governance**

The origins of good governance can mostly be traced in societies enjoying a democratic background and tradition (HadiAlami, 2012: 7). Western European and Northern American countries with a long history of exercising democracy and good governance, who have been able to successfully demonstrate great experiences of building sustainable democracies and accountable governments, can be called the cradle of good governance and birthplace of the concept. Their experiences indicate that, practically, good governance in these countries was built as a sequence of expanding democratic political parties, transparent elections, free media, independent judiciary systems that observed the rule of law and extension of citizenry values true education and civil movements (Amjad, 2001: 12).

Therefore in comparative studies the Northern American and Western European countries are mostly assessed as successful instances of good governance. In other words, while North America and Western Europe provide examples of good governance, some countries of Eastern Europe and non-developed countries provide the examples of absence of good governance. In Bulgaria; for instance, non-development, lack of democratic experience and consequently lack of democratic infrastructure to perform good governance have confronted the country with plenty of problems. Those factors cause “bad governance” in Bulgaria as well as reliance on utopian and untouchable ideologies against democracy (Alami, 2012: 7). The researchers indicate that since 1998, the governance and management of society in this country was not mostly democratic and the governance patterns were not based on transparency, accountability and rule of law and capacity building of human resources (Alami, 2012: 8). Accordingly, the status of good governance in Afghanistan is more similar to the situation in Bulgaria than in any of the Western European or Northern American countries: good governance and other related concepts such as constitution, rule of law and democracy in Afghanistan is new and the country doesn’t enjoy long historical and practical democratic and good governance experience.

The literature of management and public administration has described and evaluated the concept of good governance from two perspectives: 1. The *general* perspective, which doesn’t restrict the concept only to government, but also includes the private sector, civil

society, and the systems and mechanism which affect the management, planning and governance (Yacubi, 2010: 58). 2. The *specific* perspective, which focuses on government. From this perspective good governance means the transparent execution of duties and responsibilities by a government within the framework of existing laws and principles (Yaqubi, 2010: 115). Since the length of this article doesn't allow me to assess the concept through the general perspective, I will mostly evaluate the good governance in Afghanistan from the specific perspective and focus on the Afghan government, its possibilities and problems of performing good governance.

By choosing the 'special perspective', in this paper I offer four concepts, namely: rule of law, transparency, capacity building and reforms as the major indicators of good governance. Actually these indicators provide the framework of this paper. Through evaluation of these indicators I will conclude to what extent the Afghan government has been able to perform good governance and what are the weak and strong points. I believe this is a proper method to assess good governance not only in Afghanistan but also in other similar non-developed and post-war countries. The reason I select these four indicators not only comes out of my understanding of Afghanistan's socioeconomic and politico-cultural realities as a non-developed post-war country: It also refers to the fact that major international organizations emphasize these concepts as the major indicators of good governance in non-developed countries. For instance the 'United Nations Millennium Declaration' emphasizes these four concepts as the major indicators of good governance in non-developed countries (Millennium Declaration, 2000). In addition the United Nations Development Program (UNDP) introduces these indicators as the 'essential components' of good governance (UNDP Report, 1997: 1) and also the United States African Development Foundation (USADF) focuses on those four concepts as the indicators of good governance in non-developed countries (USADF Report, 1980; 1). Accordingly, I believe that through examining the four indicators we can comprehensively explain good governance challenges and possible solutions in a non-developed and war-torn country such as Afghanistan. I will describe these indicators under four subtitles as follows:

1. **The rule of law:** in public administration and management literature the rule of law, in general, means all public duties to be done under the rule of law rather than the rule of man. In other words, it means that under the rule of law we prevent the rule of man, which in most cases results to authoritarian regimes in which man rules the law, and use it as personal instrument. In such societies law functions against the public, while in a rule of law society it is vice versa. Therefore rule of law means to respect the rights of others regardless of their social, political, economic, ethnic and religious status. In such societies, the laws equally protect the rights of all citizens and define the systems and mechanisms in order to prevent chaos, instability and tyranny (Hussaini, 2009: 27).

**2. Transparency:** Financial and administrative corruption is one of the most negative elements affecting good governance: As the level of corruption in a government increases, the level of good governance decreases. Corruption has its economic, cultural and institutional effects on good governance. It increases the social gap between rich and poor, culturally weakens the moral values of a society and politically decreases the legitimacy of a government and enhances social distrust. Therefore all governments that wish to perform good governance are required: first, to increase the level of accountability and allocate specific budgets to fight against corruption, and second give the full power to the parliament to observe and control the public sector's budget and provide proper financial and administrative codes. The laws drafted by the parliament must specifically describe the administrative and financial corruption and define the boundaries of financial accountability (Salihi, 2009: 13-15). Generally speaking, when the government is democratically accountable to the parliament, the decisions are made based on a law which is democratically drafted and approved, and when any information concerning the governmental affairs are easily accessible for the public and particularly for the media, the level of administrative and financial corruption decreases and automatically the level of transparency increases. Eventually, gaining a transparent government requires four factors:

- Making the governmental related information accessibly for the public is one of the priority duties of the government. These information generally concerns; the reasons of policymaking, its consequences, costs and the mechanisms of decision making and spending the budget.
- All media and individuals are able to directly or indirectly access the data and information concerning the public sector. This access will be available through drafting a freedom of information law, which would require the government to provide any information necessary for the journalists, and for the public through media and opening the governmental archives.
- Legislative and executive sessions including central and provincial governments and other institutions that spend resources from the governmental budget must be accessible for the media and citizens.
- Government must be in continues dialog with scholars and other professionals as well as civil society organisations and interest groups concerning law and policy making through conferences, academic discourse, hearings and other participatory mechanisms.

**3. Capacity building of human resources:** in most of studies and statistics 'human resources' is recognized as a major index to evaluate the level of development in countries. In those studies the quality and quantity of expertise and educated population is specified as an independent variable for development. Governments that lack efficient expertise and educated population are not able to properly use the existing resources implement the governmental projects and achieve governmental and societal goals. Therefore to perform good governance, the

governments must undergo a permanent and continuous capacity building of their human resources. According to the UNDP capacity building is a mechanism by which individuals, groups, communities, institutions and associations increase their capability to:

- Execute the duties, define and resolve the problems and define and achieve the goals.
- To understand the requirements of development (Jazani, 2009: 25).

**4. Reforms in the public sector:** means to provide and motivate the governmental institutions to conduct their duties effectively and achieve the defied goals. For instance, revitalizing the employment and salary mechanisms based on meritocracy, create new governmental structures and rationalizing governmental institutions to keep the public sector lively, and consequently make them capable to specify and conduct the duties and define new duties and goals (ANDS/UNDP, 2008: 7). In general reforming the public sector requires the following circumstances:

- Decentralization of decision making
- Improving the employment mechanisms based on meritocracy
- Evaluation of public sector's performance through user surveys and other mechanism (Ezzat, 2010: 281).

## **Second: Good Governance in Afghanistan**

The concept of good governance in Afghanistan is new and the country lacks a practical background of performing good governance in its contemporary history. As mentioned before, the concept of good governance for the first time entered into Afghan political literature after the fall of the Taliban in. The Bonn Conference's declaration holds the essential components of good governance such as the concepts of democracy, human rights and the rule of law; but the declaration doesn't introduce or describe any kind of structures, mechanisms or ways that would show how it is practically possible to perform good governance in a war-torn country. The Bonn Conference (22 December 2001) was held in Bonn, Germany immediately after the fall of the Taliban. Its main goal was to form the foundations of an inclusive political regime in Afghanistan in which all sides of the 30 years civil war are included. But despite its goal, the conference turned into a scene in which the warlords, forming the majority of the conference, mostly compromised to divide the political power. That's why the conference was rather focussing on political power than on how to build a transparent regime and how to tackle potential challenges for a democratic political system. In this phase the international community playing the key role in funding the post-Taliban government in Afghanistan made two major mistakes. First mistake was to select the wrong partners. The International community, particularly the United States, selected its partners from uneducated war leaders, mostly

involved in war crimes and human rights violation in Afghanistan. Such decisions disappointed the people who had wished a new era, new faces and new political structures, and had accordingly welcomed the international community. Second, the international community ignored the fact that it is not possible to democratize a society and implement democratic values such as human rights, civil rights and rule of law by leaders who don't believe in them and even see them as a threat to their undemocratic factional and sectarian political influence in the Afghan society. Consequently, such an approach by the international community can be considered as an unfavourable beginning for performing good governance in Afghanistan. Historically the post-Taliban governance in Afghanistan can be assessed in three phases as follows:

1. The interim administration (January-June 2002):
2. Transitional government (06/2002-07/2004):
3. Elected government (2004-present):

### **Challenges and solutions of good governance**

Based on the selected criteria (see above) the challenges in this field can be described. The historical review of governance in the last decade in Afghanistan indicates that the war-torn country has failed to perform good governance after the fall of the Taliban. The Interim Administration (January-June 2002) that was agreed upon by the members of the Bonn Conference seriously lacked the values and components of good governance. The factions that did not enjoy any experience or knowledge of performing good governance structurally formed this government. Except a few Western educated technocrats, the war leaders who in the past had never shown any experience or even tendency to govern the country peacefully filled most of the key positions. Also the lower levels of administration and the bureaucracy in general were formed by the figures directly or indirectly linked to the war leaders. In other words, both leadership and bureaucracy were given as political reward to the winners of the war and consequently to the wrong hands. As a result of this trend, the huge amount of international support and resources came under the control of these people who didn't show any level of transparency and accountability with the result that a high level of corruption has evolved. This disappointed the exiled Afghan intellectuals and educated elite who was enthusiastic for returning to Afghanistan after the fall of the Taliban. On the other hand, the continuation of warlordism distrusted the people concerning the new era and establishment of a democratic regime. Accordingly, the other essential component of good governance that is the moral and legal legitimacy of a regime was seriously damaged in the first place.

The Transitional Government (06/2002-07/2004) was not much different than the Interim Administration. It was basically formed through a similar mechanism in

which again the political power was divided through negotiations among the same factions. In these period two major international conferences, the Tokyo Conference (January 2002) and Berlin Conference (Jun 2004) concerning the development, reconstruction and democratization of Afghanistan were held. The declarations of both conferences emphasized an extension of good governance in Afghanistan and recognized the financial and administrative corruption as a major challenge for building a democratic and accountable government in Afghanistan. Both declarations emphasized an extension of international funds in order to develop the Afghan public administration and expand the good governance in this country (Tokyo Declaration, 2002: 6 & Berlin Declaration 2004: 3). But, despite the emphasize in international documents, practically the Transitional Government didn't create any mechanism and strategy to counter the existing corruption, As a result, the two documents didn't have any practical impact on the issue of good governance in Afghanistan. In addition, the level of corruption and organised crimes increased. Jean Mazurelle, the chief executive officer of the World Bank mentioned that he has never seen such a high level of corruption and organised crime during his 30 years of career; neither in Afghanistan nor in any other part of the world (Dailytimes 30/01/2006). The international funds were transferred into corrupt channels and therefore were not as useful as expected.

Also in this period the corrupt political elite strengthened its connection with the drug mafia, so one can assess a direct relation of corruption and drug trafficking. The drug mafia bribed the governmental authorities and in return, the authorities provided them security and judicial exemption (Dailytimes 1/2006 and Goftaman 12/02/2007). Overall, the most important achievement of the transitional government was the approval and publication of the new constitution in January 2004, which emphasized an institutionalization of a democratic government directly elected by the Afghan citizens. But again, constitutional emphasizes on a democratic and legal regime could not take over the corrupt political elite who had already captured the key positions in Afghan central and provincial government. The lack of educated and professional elite in ruling positions, increasing corruption and occupation of high ranking positions by former war leaders strongly challenged good governance in this period of time in Afghanistan.

The elected government constituted by the presidential (2004) and parliamentary elections (2005) was the first experience of exercising democracy following the three decades of war. But problems were obvious from the beginning: extensive corruption in elections, particularly the parliamentary election, and consequently the dominance of warlords in most of the constituencies again violated the trust of people in the elections and the new way of governance (Arwen/BBC, 2005). Since the inauguration of the elected government, weakness in both leadership and public management was visible. Accordingly, corruption grew very rapidly and reached the highest level ever assessed in Afghanistan (AHOOAC 09/02/2013). For that reason, the international conferences held on Afghanistan took the issue very

seriously. For instance, at the Paris Conference (June 2008) the donor countries defined transparency as a key element for building a sustainable and stable democracy in Afghanistan. In the conference declaration, donors emphasized that international funds in the future will depend on the level of transparency and accountability of the Afghan government. But at the end of the day, except some presidential statement against corruption, practically nothing changed. As far as good governance is concerned, this period's main achievement was the creation of the 'Afghanistan National Development Strategy' in 2008. This strategy highlights three major components of good governance: rule of law, security and socioeconomic development with a special emphasis on the elimination of poverty (ANDS, 2008: 10). According to this strategy, some control units formed by Afghan and international professionals and experts must be constructed within the different levels of Afghan government in order to observe and provide expertise and advice for the Afghan governmental institutions. Although the strategy is a very professional and great document for the state building of Afghanistan, the implementation of this strategy was confronted with serious challenges. Due to a lack of professional knowledge and expertise, even some governmental authorities, administrators and employees at different levels and different institutions have not been able to understand the meaning of most of the key concepts mentioned in the strategy (La'li, 2009: 18). Even though based on the strategy, some anti-corruption institutions were established by the government, we have not seen any high-ranking authorities to be punished for committing corruption. Lack of coordination among the three bodies of the state (executive, legislative and judicial) in this period also threatened the performance of good governance in Afghanistan. Government is monopolized by an unaccountable executive team in the palace to an extent that all other institutions - legislative, judiciary and civil society – seem to be reduced to mere symbolic functions. The government is almost accountable to no one. Government's authoritarianism performance is a paradoxical in a country where constitutional documents and spirit clearly emphasize democracy. To explain the reasons why this failure happened, it is required to conceptualize and operationalize the main indicators of good governance and then separately examine the possible solutions to these challenges.

- 1. Lack of capacity:** most of the international institutions have considered the level of education, skills and expertise of a nation as the main factor of development and prosperity. Therefore, I claim that a lack of efficient educated, skilled and technocrat personnel in the Afghan public sectors are one of the major challenges for good governance and development. The mechanisms of employment and management are based on nepotism rather than meritocracy. Accordingly, these mechanisms prevent skilled and merit people without direct or indirect political connections to the management bodies and political leaders to enter the governmental system. Under such circumstances, human resources are managed more by personal taste rather than by principles. Lack of capacity and growing



nepotism in Afghanistan has resulted in a low degree of services and consequently decreased the efficiency of the public sector. In terms of human development, the UNDP ranks Afghanistan 173 out of 178 countries; lower than most of the African countries (UNDP/Afghanistan, 2004: 11). The commission of 'administrative reforms' established through a presidential decree in order to enhance the capacity of human resources in Afghanistan's public sector and to improve the administrative management, has failed to conduct its duties. Even in appointing the commission's personnel, nepotism played its role and prevented the educated, skilled and consequently the right people to rule and manage the commission.

To solve this specific challenge requires a capacity building program. Generally speaking, capacity building means enhancing the capabilities and skills of personnel, institutions and communities in order to enable them to conduct their duties, resolve the potential problems and define and achieve the goals (Abbaspoor, 2010: 53). Considering this definition, educated, skilled and professional personnel able to employ appropriate and merit individuals for Afghan governmental institutions and to train young cadres for the future must form the Afghan Administrative Reforms Commission. Also, the employment process must be professionalized and based on diversity. Including different social, political and cultural groups and individuals in an administration diversifies the administrative experiences and makes the institution more lively and dynamic by bringing new experiences into the institution. No one must be discriminated because of gender, age, ethnicity, and religion or in general because of identity, and the employment must merely be based on professionalism.

The capacity of public administration not only depends on skills and profession of its personnel but also on updating those professions. The Afghan government must provide a mechanism, which incites employees to update their knowledge and skills to tackle the new challenges and define new objectives.

Since May 2005, the UNDP directly finances and supports the Afghanistan's Commission of Administrative Reforms (ACAR). The main objective of this project is to enhance the capacity of leadership and management of the Afghan public sector and to improve the Afghan public services. Since the beginning of this project about 600 employees of the Afghan public service have been trained with international management and administration standards and have learned about the modern ways of management and public services. Such attempts are visible in the last years but are not enough! On the other hand, despite the Afghan and international attempts to improve the capacity of the Afghan public sector, the capacity building projects lack a national and broad strategic vision and fail to define long term and short term goals. Specifically speaking, the Afghan and the international organizations involved in capacity building projects fail to clarify what kind of government or public sector they can imagine for Afghanistan, for instance in 20 years. As we know today, without having a strategic vision for the future of an administration, it fails. In addition to the other conditions of capacity

building for the Afghan public sector, both Afghan society and its donors must think of formulating a long-term strategic vision for the Afghan public sector.

- 2. Corruption:** corruption means deviation from legal approaches in administration and generally is a kind of ‘illegitimate usage of power’ in favour of personal interests. Many factors, including complexity and inefficiency of laws, unaccountable bureaucracy, lack of awareness among the citizens regarding their individual rights, lack of access to governmental information, lack of accountability culture and social irresponsibility regarding good governance can be considered as the reasons of growing corruption in Afghanistan. According to the Transparency International Report of 2009, the Afghan people have paid bribes as high as 650 million to 1 billion dollars to the Afghan public service only in 2009. According to this report around 265 cases of corruption have been sent to the Afghan Attorney General, amongst them cases involving some high-ranking authorities (Payame-e-Aftab, 01/05/2010; 12508). Despite this high number of reported cases, no high-ranking Afghan authority has been convicted to corruption in the last ten years. Consequently, according to the latest Transparency International Report Afghanistan ranks the fourth most corrupt country in the world. In 2010, one out of seven Afghans has paid a bribe to the Afghan public service (Payame-e-Aftab, 01/05/2010; 12508).

Corruption is a serious challenge to good governance in Afghanistan. To cope with this challenge, the Afghan government must expand and develop transparency in different levels of administration. **Transparency** means revealing any financial information and the mechanisms of budget expenditure on time as well as making them accessible to the public and the media (Faramarz, 2010). Considering this definition, first of all public service employees and managers must have detailed knowledge about transparency and corruption. It means that they must be professionally trained and educated. Second they must have the knowledge to make their decisions, reports and information easily understandable for the public. They also should know that they are responsible to explain their responsibilities and duties as well as citizens rights to their clients. Eventually they must know that they are doing a job to serve the people, not to rule them. So they must be accountable for any decisions they make or any services they provide. Since revealing the information regarding governmental decision-making is the essential requirement of transparency, new laws that compel the governmental institutions to reveal information and be open to the public must be released by the parliament. Also the decision-making and project implementation must be clearly described and understandable for the public service’s employees and for all the people. When the decision-making is clearly described, easily understandable and the information is accessible, the observation of governmental project and plan will be very easy. When the control units can easily observe the projects and evaluate them, the level

of transparency automatically increases. Since transparency and accountability are correlated to one another, enhancing transparency in Afghanistan also requires that the Afghan government as defined in the new Afghan constitution must become accountable to the people. According to the constitution all levels of government is responsible to be accountable to the people and to the control units. The constitutional responsibilities of different levels of Afghan government for being accountable can be seen as follows:

<b>Possession</b>	<b>Accountable to</b>
President	Accountable to People (article 69) Accountable to Parliament (69) Accountable to the Nation (66)
Legislature	Accountable to People (81) Accountable to the Lower House (101)
Government (Executive Body)	Accountable to the Lower House (75) Accountable to the Judiciary (75)
The Judiciary	Accountable to the Parliament Accountable to the President (133)

This table indicates that the Afghan constitution has very seriously emphasized on the accountability of different governmental bodies on different levels. Therefore, the rule and practical implementation of the constitution and other codes can be very helpful for providing accountability, transparency and consequently could improve good governance.

As a first step towards applying the law, governments will need to set in place the infrastructure necessary to facilitate information access. This will include establishing rules and procedures within each governmental department to receive and process applications and appeals, as well as guidance on how to interpret the exemption clauses under the law. In order to interpret and apply different aspects of the law, departments may want to consider issuing guidance notes, procedures manuals and user's guides for public authorities. Secondly, the government should teach people and aware the citizens about the laws and their rights, since awareness of people can also facilitate the implementation of laws.

**3. Lack of the rule of law:** lack of rule of law is not only restricted to Afghanistan, but also is seen in most of the non-developed or developing countries as a serious challenge to good governance. Afghanistan as a non-developed country also suffers from a lack of the rule of law (Beham and Bowel, 2000: 59). In Afghanistan, particularly culturally rooted beliefs challenge the rule of law: believes that the “victor is the right”; the religious interpretation of law as well as the traditional belief that “the status quo is eternally out of our control”. Finally the domination of warlords that prefer the rule of ethnicity to the rule of law and a historic lack of law oriented regimes and experiences has seriously damaged the rule of law in Afghanistan (Husaini, 2010: 43).

The rule of law requires that first, the law must be executed neutrally and just and second that the law must protect the vulnerable groups and visible minorities and respect the human rights. To enjoy a rule of law government, a country must have democratic and democratically approved laws, an independent judiciary and neutral and lawful police. To provide a rule of law government, taking the three following steps in Afghanistan is crucial:

- ***Improving the capacity of the Afghan judiciary:*** the judiciary institutions must be reformed and to some extent restructured. The law education system must be improved and the government must show a zero tolerance to corruption in the judiciary and courts. Furthermore, the judiciary services must be expanded and be accessible to all citizens.
- ***Improving the coordination of judiciary with other governmental bodies:*** judiciary must be coordinated with other governmental and civil society groups and work together to provide a rule of law government. The civil society groups and legal experts must have the opportunity to share their expertise, analysis and knowledge in drafting the legal policies and decision-makings and consequently during the law making. The government must extend the judicial services all over the country to ensure the people that the country is ruled by a single judiciary and ruled by law.
- ***Improving the quality of justice:*** the existence of an independent and neutral judiciary not ruled by the government or any specific political vision improves the capacity of justice in a country. The government must protect the human rights, citizenry rights and other constitutional rights, and make the justice equally accessible for its all citizens. These all cannot be done if the justice departments and courts are not efficiently constructed. Accordingly the Afghan government to increase the quality of justice requires improving the quantity and physical structures of the Afghan justice and judiciary system.

**4. Failure in administrative reforms:** the conservative and traditional culture of administration does not welcome any kind of reforms in Afghan society and politics. The struggle between tradition and modernity has always been expressed as the struggle between the groups who support the status quo and the groups who

favour reforms. In Afghan history the winner of this struggle has always been the group who favour the tradition and status quo. Since the beginning of the 20<sup>th</sup> century, in different periods, always the traditionalists took over. King Amanullah's reform projects in 1920s stopped and the religious groups who interpreted the King's programs as anti-Islamic overthrew the king. Also the 1960s' democratization and reformation programs were stopped by the religious and ideological extremist groups and after the fall of the Taliban, democratization and reformation of the Afghan state have been favouring the fundamentalist ex-Mujahidin groups; playing ethnic cards that are now dominating the overall state. In this case, reforms traditionally and historically are a vulnerable phenomenon in Afghanistan. On the other hand, lack of efficient experts and modern personnel in the Afghan public sector has favoured the traditionalists who stand against any kind of reforms. Based on this background and culture, the mechanisms of employment and management have been influenced by the ethnic, religious and political leaders who perform as parliamentarians or ministers and prefer political and ethnical ties to professionalism. Consequently, the traditional culture of administration and management, which is based on political and identity-based values, dominate the Afghan public sector, which prevents any type of reforms. Eventually the public sector rules the citizens instead of providing services for the citizens.

The Afghanistan's Commission of Administrative Reforms (ACAR) administers the reform projects in Afghanistan. According to ACAR's new report, it has been able to reform the codes and principles and the legal structures concerning the management of human resources in Afghanistan as a first step. Through its employment system, it has directly employed around 80 percent of the high-ranking officials and observed the employment of lower ranking employees including the schoolteachers. The ACAR has also arranged and revised the vision, strategies, duties and structures of the Afghan public services during the last decade (ACAR report: 2011).

But despite the activities of ACAR, the Afghan people still don't have access to high quality services. The high degrees of discrimination in the Afghan public sector are very visible and it is influenced mostly by political and ethnical tendencies. Therefore, the Afghan public sector must be reformed. The Afghan government as it constitutional responsibility (Constitution, 2004: 50) first must establish a sound administration and must be committed to continuous reforms in the future. Administrative reforms in Afghanistan, as it is described in the Afghan National Development Strategy and the Civil Services' Employees Law, must be based on meritocracy and build a sound and accountable administration, which are not affected by political, or identity-based influences. Accordingly, to materialize the administrative reforms described in Afghanistan constitution and other national documents the government must take the following steps:

- Employment must be based only on professionalism

- Reforms must be done in different levels of administration: ministries, provinces and other levels of government
- An observation system must be created, through which the reforms and also the quality of services should be observed

## **Conclusion**

Good governance is a new concept in Afghan political literature and the country lacks any historical experience of performing good governance. But performing good governance in a war-torn country is crucial for building a sustainable democracy. On one hand, it enhances the legitimacy of the newly established democracy and on the other hand it increases the trust of the Afghan citizens in their government. This paper basically examines the state of good governance in Afghanistan through evaluating four indicators in detail (rule of law, reforms, capacity building and transparency). The initial examinations in this paper indicate that the lack of good governance in Afghanistan is caused by failures in all four sectors: lack of rule of law, mismanagement of human resources, low administrative capacity and financial and administrative corruption. Accordingly the problems in the four named sectors can be considered as serious challenges to good governance in Afghanistan. Consequently the paper suggests that performing good governance in Afghanistan requires extensive improvement in these sectors. Eventually, if the Afghan government doesn't attempt to provide good governance to its citizens, it will risk the sustainability of democracy in this country.

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Annex: World wide Governance Indicators

**AFGHANISTAN**

Governance Indicator	Sources	Year	Percentile Rank (0-100)	Governance Score (-2.5 to +2.5)	Standard Error
<b><u>Voice and Accountability</u></b>	9	2011	7.5	-1.49	0.15
	8	2006	13.9	-1.20	0.16
	5	2002	6.7	-1.57	0.20
<b><u>Political Stability/Absence of Violence</u></b>	4	2011	1.4	-2.51	0.28
	4	2006	1.4	-2.23	0.29
	2	2002	1.4	-2.19	0.45
<b><u>Government Effectiveness</u></b>	7	2011	5.2	-1.46	0.23
	6	2006	4.4	-1.49	0.24
	2	2002	2.0	-1.64	0.28
<b><u>Regulatory Quality</u></b>	6	2011	4.7	-1.54	0.18
	5	2006	2.9	-1.67	0.22
	2	2002	2.9	-1.87	0.31
<b><u>Rule of Law</u></b>	9	2011	0.5	-1.94	0.17
	8	2006	0.5	-1.96	0.20
	3	2002	1.4	-1.77	0.31
<b><u>Control of Corruption</u></b>	8	2011	1.4	-1.55	0.21
	7	2006	3.4	-1.44	0.21
	1	2002	0.5	-1.43	0.47

 90th-100th Percentile	 50th-75th Percentile	 10th-25th Percentile
 75th-90th Percentile	 25th-50th Percentile	 0th-10th Percentile