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Local Governance Reform in Afghanistan and the 2018 Elections

Summary

- Improving Afghanistan's local governance is a critical step toward a stable, legitimate state capable of overcoming conflict and insurgency.
- International and Afghan officials have expressed hope that electing district councils next year will upgrade subnational governance by transferring more accountability and responsiveness to lower levels of government.
- But without broader reform, electing district councils will not achieve these objectives, will exacerbate the already pronounced confusion on Afghan subnational systems, and may prove destabilizing.
- In the short term, officials should instead focus on clarifying the roles and improving the performance of provincial-level structures.
- In the medium term, Afghan stakeholders must assess what role is feasible for district councils within the context of broader constitutional reform.
- Once elected, district councils should have clear authorities and responsibilities and be aligned with ongoing programs.

“Pushing for district council elections in 2018 risks perpetuating the long-standing fallacy in Afghan statebuilding: if subnational structures are built on paper, state legitimacy will follow.”

This summer, Afghanistan's Independent Electoral Commission announced that its long-delayed elections to launch district councils and elect a new class of parliamentarians will be held in July 2018. The international community formally welcomed the statement, noting that launching district councils is a long-overdue step toward improving local governance and a manifestation of the National Unity Government's stated commitment to democratic reform.

In contrast to the contentious debates that mark many Afghan policy issues, rhetorical unanimity over the past sixteen years on the subnational governance agenda has been remarkable. Afghan and international officials have long stated that government systems must reform to better represent local citizens' interests, increase local government accountability and responsiveness, and improve subnational service delivery. Against Afghanistan's history of highly centralized formal state structures, most also advocate for some degree of decentralization or deconcentration of the executive to better serve the dispersed, diverse population.

Given this widespread rhetorical consensus, how should the international community engage on district council elections, and subnational democratic statebuilding more broadly, over the

next year? This Brief argues that internationals should recalibrate their approach to reflect political realities, limited bandwidth, the challenges of the ongoing insurgency, and the imperative for a credible 2019 presidential election. Elite negotiations, not paper proclamations, will dictate how much subnational autonomy is feasible. Implementing provincial-level reforms to modestly yet meaningfully increase subnational accountability, inclusion, and authority should take precedence over ambitious new structures at the district level.

Will District Councils Solve Any Problems?

As currently conceived in the context of 2018 elections, district councils would achieve few of these widely invoked objectives—greater local accountability, responsiveness, or effectiveness. The councils would be electorally accountable to voters, and their launch would demonstrate progress from earlier quasi-district councils established by donors as stopgaps. But under the current legal structure, the councils would not have the authority they would need to exercise this accountability. Service delivery remains centralized in line ministry headquarters. The government has for years stated its intention to devolve budgetary discretion downward, but progress has been halting at the provincial level (Afghanistan has thirty-four provinces), and to systemically devolve budgetary authority still further to the nearly four hundred districts remains beyond any current plans.

Even without budgetary devolution, district councils could potentially provide a formal consultative body to vet donor-funded programs and reflect local citizen priorities. But international engagement in districts has waned considerably in recent years. The advent of the World Bank's Citizens' Charter Afghanistan Project (CCAP) will likely further dampen any hopes of channeling donor interventions through district councils. Currently projected at \$628 million, CCAP aims for an ultimately nationwide reach.¹ The program enjoys presidential support and a "whole of government" mandate combining services from several ministries, and plans to form District Citizens' Charter management committees to oversee projects. Once established, these committees and district councils would likely end up as overlapping, competing structures. Experience suggests that district councils, despite their nominal "governance" mandate, will likely lose out in popular perception to the better-funded CCAP committees that can actually deliver projects. Further, the confusion caused by the multiple bodies may increase potential for corruption, undermining rather than augmenting state legitimacy.

Another hope for the councils is that they will provide an accountability check on the local executive, the district governor. Here again, the Afghan state structure suggests otherwise. Governors remain accountable to Kabul, and no mechanism exists by which district councils would necessarily be a meaningful counterweight to them. Afghanistan's provincial councils are a useful illustration: twelve years into their mandate, they still lack agenda-setting or veto authority vis-à-vis provincial governors. More broadly, expansion of representative government to districts could very well "greatly magnify and make more complex the problem of controlling patronage, predation or rent-seeking."²

An alternative prospect is that formal district councils would channel local concerns into Kabul-based debates, given that they are slated to make up roughly one-third of Meshrano Jirga membership and nearly half of any Constitutional Loya Jirga. This could represent significant headway for local representation. But the upward of three thousand district council members would inevitably be a fractured lot, most drawn from provincial elites; it is uncertain whether their participation will increase government accountability overall to local interests, or provide yet another venue for the "elite deal-making and squabbling" that currently undermine Afghans' perceptions of government legitimacy.³

The final argument for district councils is that donors could focus on them for capacity building. But because any training would not reflect actual council authorities, these efforts would be more romantic than strategic.⁴ Donor bandwidth also falls short of the ability to meaningfully engage roughly four hundred councils—particularly with the Citizens' Charter commanding attention from all sides.

Getting to the Polls

Without broader reform and clear authorities, launching district councils in 2018 would yield only limited improvements in local governance; furthermore, even getting them elected presents considerable risks. To start, all the usual Afghan election challenges will apply: executing nation-wide voting registration, distributing identification credentials, clearing rolls of ghost voters, and reviewing an estimated seven thousand polling stations.⁵ The significant territory outside Afghan state control means that the elections might disenfranchise citizens in areas where government legitimacy most needs to be demonstrated. Fraud is likely.⁶ Weak infrastructure and tenuous security will bedevil implementers. The entire enterprise will be expensive.⁷

These obstacles are a traditional, albeit daunting rite of passage for every round of Afghan elections. Implementing the district council vote will also be unhappy in its own unique way. The number of districts remains disputed, with various stakeholders citing numbers from 364 to 401. Whatever the number, boundaries of a large subset are contested, exacerbating the challenges to voter rolls. Further, after the 2016 passage of a new electoral law, the number of district councilors in each district is up for revision, based on population size—and the most recent census is from 1979.

In an ideal scenario, resolving each of these challenges would require sustained technical expertise and enough time to secure buy-in from key stakeholders. In the realistic Afghanistan 2017 scenario, these rules will be contested politically, within the context of the fractious National Unity Government, and further complicated by the multiple government entities with resources or mandate at stake in district-level elections. At worst, the wrangling would produce a government less rather than more legitimate in the eyes of the population; at best, it would distract attention from tackling other urgent governance and security priorities.

The Way Ahead

In short, pushing for district council elections in 2018 risks perpetuating the long-standing fallacy in Afghan statebuilding: if subnational structures are built on paper, state legitimacy will follow. District councils would achieve some political decentralization, but absent broader reform, the outcome will likely be yet another in a long pattern of missteps in the Afghan democratic project. Acute voting problems would end up prompting politically expedient compromises that dash expectations and lead to further destabilization.⁸

A more promising approach would be district council elections in 2019 alongside the slated presidential round, and using the intervening time to assess what local autonomy is politically and technically viable. To that end, the international community should push for reforms to incrementally increase the accountability and authority of local structures. Donors should embrace three principles:

- **Recasting local governance policy discourse to reflect actual political and social order.** Donor distinctions between subnational governance and development projects or security initiatives contradict the experience of rural populations, for whom issues of justice, resource allocation, politics, and security are intertwined. Afghanistan's nominal lead ministry on local governance, the Independent Directorate of Local Governance, offers neither services

nor resources other than purported good governance. In the medium term, the directorate may codify its role under its new leadership; in the immediate term, however, ministries with resources to disburse will continue to represent the dominant local governance players on the ground. The Citizens' Charter—which lays out guiding principles of “accountability, transparency, responsiveness, participation, and inclusion”—seems to anticipate the program's de facto governance function.⁹ Rather than perpetuating a putative role for district councils that denies this reality, donors should focus on ensuring that district council plans and CCAP design reinforce rather than compete with each other.

- **Acknowledging the centrality of Kabul-based politics.** The past decade's parade of donor-funded local governance programs have not altered the basic dynamic of center-periphery relations. Kabul-based actors are always happy to accept another donor resource pot in the name of local governance, but remain reluctant to delegate meaningful authority. The resultant symbiotic political economy has satiated both the revolving donor cohort and many Afghan elites. But this perpetual Kabuli Kabuki dance of “progress” has obscured the urgent need for a genuine debate on how much decentralization is even advisable or viable in Afghanistan. This Afghan-led negotiation, in the context of broader constitutional reform, should precede any further push to establish district councils. If a Loya Jirga is held prior to elections, the slots reserved for district council representatives should be drawn from the best approximation of council composition—the Ministry of Rural Rehabilitation and Development's previous district development assemblies.
- **Executing gradual, realistic goals for devolution.** Relatedly, incongruity between Kabul's paper-based local governance proclamations and Afghan political reality has long existed. Per tradition, donors are currently funding the roughly fourth wholesale attempt at a subnational governance policy document. In the immediate term, focus should be on gradual steps toward greater accountability and authority within existing structures at the local level. Emphasis over the next year should be on resolving the long-standing challenges within provincial councils, with which Afghanistan has far more institutional experience. Priorities should include agenda-setting and veto authority, and moving ahead on executing provincial budgeting initiatives. Traction on these issues would also be an important template for the far more numerous district councils.

Sixteen years into Afghanistan's democratic statebuilding project, donors have had to repeatedly relearn two lessons: first, local governance issues are usually not simple, and, second, foreigners' ability to durably and positively influence Afghan politics is limited.¹⁰ These dynamics are now pronounced on subnational governance issues, given that donors' bandwidth and resources have contracted and Afghan leaders are preoccupied with national-level negotiations and the constant insurgent threat. In the immediate term, modestly transferring greater authority and accountability to the provincial level should be the collective goal. This recalibrated approach offers the best chance of giving more Afghans a stake in the democratic game.

Notes

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2. Peter Blunt and Saeed Khamoosh, “Vexatious Voice: The Politics of Downward Accountability and Subnational Governance Reform in Afghanistan,” *Progress in Development Studies* 16, no. 1 (January 2016).
3. Anna Larson and Noah Coburn, “Afghan Views of Government and Elections: Legitimacy Pending,” USIP Special Report no. 409, July 2017, 14.

ABOUT THIS BRIEF

This Peace Brief examines Afghanistan's 2018 scheduled elections for district councils and recommends how donors could refocus their overall subnational statebuilding efforts to that end. Frances Brown is a fellow at the Carnegie Endowment for International Peace and doctoral candidate in international relations at Oxford. She previously served as director for democracy at the National Security Council, and worked as a USAID and NGO staffer in Afghanistan beginning in 2004.

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5. Anisa Shaheed, "IEC to Review 7,000 Polling Stations Nationwide," *TOLONews*, July 30, 2017.
6. Scott Seward Smith, "Elections and Democratization in Afghanistan," in *State Strengthening in Afghanistan: Lessons Learned, 2001-14*, ed. Scott Smith and Colin Cookman, USIP Peaceworks Report no. 116, May 2016, 41.
7. Jawed Ziaratjaye, "IEC Starts Nationwide Assessment of Polling Centers," *TOLONews*, August 7, 2017.
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9. Smith, "Elections and Democratization in Afghanistan," 44.
10. Dipali Mukhopadhyay and Omar Sharifi, "The State of State-Building in Afghanistan," *Lawfare*, August 9, 2017, <https://lawfareblog.com/state-state-building-afghanistan>.



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