



The Afghan War in 2013

Meeting the Challenges of Transition

VOLUME I The Challenges of Leadership and Governance

AUTHOR

Anthony H. Cordesman

with assistance from Bryan Gold and Ashley Hess

A Report of the CSIS Burke Chair in Strategy
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Executive Summary

Who Will Gain Power and Will Afghans Prove Capable of Taking the Lead?

Much will depend on the future of Afghan politics. The more one looks at Afghanistan today, the more possible it seems that Transition will occur at a time that the 2014 election could produce three outcomes, a weak and divided state, a state that either devolves into regions controlled by power brokers or warlords, or one that comes under at least partial Taliban and extremist control.

More than a decade of Western intervention has not produced a strong and viable central government, an economy that can function without massive outside aid, or effective Afghan security forces. There are few signs that insurgents are being pushed towards defeat or will lose their sanctuaries in Pakistan. Outside aid efforts have generally produced limited benefits, and the World Bank estimates such efforts have reached only a small percentage of Afghans - many of which will not be sustainable once Transition occurs and aid levels are cut.

Yet the combination of Afghan problems and uncertain outside support does not mean that the Taliban and other insurgents will win. The insurgents have been weakened by ISAF and ANSF attacks; they are relatively limited in number and in areas of influence; and they too have many weaknesses, divisions, and problems in winning public support. The end result of the present Transition effort may be an Afghanistan that muddles through, even if it divides along ethnic, sectarian, and tribal lines.

Even a bad election that weakens the authority of the central government would still be a good outcome if it were composed of a mix of national and local power blocs that are able to contain the Taliban and other insurgents. It may be some mixture of a new form of Northern Alliance; the remnants of “Kabulstan,” other Pashtun elements, and outside aid may be able to replace the current regime without ceding power to the insurgents.

What is clear is that much depends on Afghan actions before and after the end of 2014. A detailed analysis of recent US Government, ISAF, and World Bank reporting on the current level of progress in Afghanistan makes it clear that Afghans must do far more to assume responsibility for their own future and make things work on Afghan terms. As a result, the hardest choices have to be made by Afghans. They have to make changes in leadership, governance, economics, and the ANSF to show there is a real incentive for the US and its allies to support and fund a real Transition strategy.

Uncertain Outside Support and US and Afghan Tensions

Much also depends on the politics of US, other ISAF states, aid, and donor support for Government of the Islamic Republic of Afghanistan (GIROA) and the ANSF. There has been a steady erosion of outside support for the war - first in Europe and increasingly in the US, where some 60% of Americans no longer see a prospect of victory or any reason to stay.¹

¹ An ABC poll in March 2013 found that, “Ten years after U.S. airstrikes on Baghdad punctuated the start of the Iraq war, nearly six in 10 Americans say the war was not worth fighting – a judgment shared by

While the US and other ISAF and donor governments talk about enduring efforts, each time the US and its allies have reviewed their Afghan policy since 2010, they have cut some aspect of their commitments. Moreover, other new uncertainties have arisen - including growing tensions between President Karzai and the US.

Things have not improved in the spring of 2013. US Secretary of Defense Hagel had to cancel a press conference with President Karzai after Karzai accused the US of aligning itself with the Taliban and Pakistan. Karzai has steadily increased the restraints on US air and night operations, has demanded the transfer of detention facilities under US control where it was not clear that key suspects would not be released, and has demanded that US Special Forces leave Warwick Province.² It is far from clear that US and Afghan relations will ease before the spring 2014 election and there is no way to determine whether a stronger and more favorable leadership will emerge after (and if) the election is held.

majorities steadily since initial success gave way to years of continued conflict... Nearly as many in the latest ABC News/Washington Post poll say the same about the war in Afghanistan. And while criticisms of both wars are down from their peaks, the intensity of sentiment remains high, with strong critics far outweighing strong supporters... These results are dramatically different than they were when the wars began long ago. The war in Iraq, a few weeks after its start on March 20, 2003, was supported by 80 percent of Americans; in Afghanistan, in late 2001, support exceeded 90 percent.”

<http://abcnews.go.com/blogs/politics/2013/03/a-decade-on-most-are-critical-of-the-u-s-led-war-in-iraq/>.

² Azam Ahmed, “Afghans Compromise Over Ban on Elite US Troops,” *New York Times*, March 21, 2013, p. A4; Mark Mazetti, “US and Afghans Reach deal on Bagam Prison Transfer,” *New York Times*, March 24, 2013, p. A8.

Introduction

Transition in Afghanistan is already underway. Outside spending is being cut, US and allied forces are being withdrawn, Provincial Reconstruction Teams (PRTs) and aid activities in the field are being withdrawn. A new political push is underway for peace negotiation with the insurgents, and plans for continuing troop presence and aid after the end of 2014 are becoming increasingly uncertain. Moreover, the US - which dominated aid to Afghanistan - faces a financial crisis over Sequestration and has only two fiscal years in which to shape Afghanistan.

If Transition is to avoid the implosion that took place in Iraq, and have a serious chance of success, the US, its allies, and the Afghan government need to work together to address the problems Afghanistan faces as honestly and objectively as possible. They need to admit how serious these problems are and how limited progress has been to date in many areas.

They need to focus on creating effective leadership and a functional degree of national unity after President Karzai steps down in the spring of 2014. They need to look beyond “Kabulstan” and accept the fact Afghanistan may develop deeper ethnic, sectarian, and regional divisions within its government. They must seek to coopt insurgents into some form of stable relationship where possible, and focus on building popular support for stability and security at the district and local level.

They need to stop exaggerating economic progress and Afghanistan’s need for aid to help it deal with cuts in outside spending and external military force during the months to come. They need to avoid ambitious and unrealistic development schemes and focus on the near-term opportunities that can actually help the Afghan people. They need to stop treating the economics of Afghanistan as if there are reliable data on the challenges involved, or even reliable data on basic economic measures like population and GDP.

There is only limited time for the US, its allies, and the Afghan government to deal with the economic problems the Afghan government faces in funding the Afghan civil sector and in creating Afghan National Security Forces (ANSF) that can provide the level of security necessary for a successful Transition. As of May 2013, there were only 20 months before virtually all US and allied forces withdraw along with most PRTs, as well as other civilian governmental and NGO groups in the field. Moreover, there are only two more US fiscal years - FY2013 and FY2014 - in which the US as the key aid donor, could allocate aid in ways that would produce disbursements during the most critical phase of Transition.

They need to refocus planning of the development of the ANSF on the basis of how well given elements of Afghan forces can actually fight, and concentrate on honest metrics and assessment of how well Afghan forces actually affect the security situation relative to both the insurgent threat and limits in Afghan governance and the Afghan justice system. Planning must concentrate on the art of the possible in terms of defining military and civil aid. They must develop plans that examine what can realistically be done to achieve stability and security between 2013 and 2020. They must look far enough beyond 2014 to

see what may be needed to ensure some form of stability, and to create an integrated civil-military approach that deals as honestly with the challenges involved as possible.

Leadership, Central Government, Corruption, Rule of Law, and Popular Support

It is time to take a hard look at the current situation, the problems that remain, and what level of progress is readily credible. Unfortunately, the most important challenge is probably in the area where the US and outside powers can at best exert limited influence and success is largely dependent on the Afghans. Given current real-world trends, Afghanistan now seems likely to become a weak and divided failed state, and outside military and civil aid will more likely phase down to the point where it ends with a whimper rather than a bang.

The withdrawal of US and ISAF forces, and aid teams in the field, has highlighted the problems in trying to propel Transition by funneling aid through a corrupt central government with limited capability to spend its budget, much less develop effective programs, implement them without massive waste and corruption, control contractors, and measure the effectiveness of the project as distinguished from how much money has been spent on it.

As noted in the executive summary, no Transition can succeed without leadership, a reasonable degree of unity, public support, and a real-world balance of political power that reflects the different interests of key powerbrokers and warlords, ethnic and sectarian factions, and tribal and regional divisions.

It is far from clear that the Afghan central government will have the combination of capacity and integrity it needs before well beyond 2020, if at any time in the near and mid-term. Its current level of corruption is a massive impediment, it lacks capacity at every level, its planning and spending efforts are grossly over-centralized, and its provincial and district governments often have only a tenuous capacity to absorb and use money effectively.

Most of Afghanistan's most critical problems in becoming "Afghanistan good enough" are a function of its politics, history, ethnic and sectarian divisions, tribal infighting, and endemic corruption. With these problems, it is pointless to talk about aid efforts and reform plans that will somehow change the situation in spite of the fact that the country has made remarkably little progress to date, constant media reports that corruption and failed governance are as much the rule as the exception, and detailed official reports that make the same points. The real-world issue is whether a combination of self-directed Afghan actions and credible levels of outside aid can still make enough difference to matter.

The Problem of Leadership

The most serious single problem Afghanistan faces now seems to be leadership - both now and after the new election in April 2014. It is whether President Karzai will actually move towards enough of the political, economic, and governance reforms the Afghan government promised at Tokyo in the summer of 2012 to offer hope for Transition. It is whether he and Afghan politics will allow an election that Afghans trust and above all, it

is whether an effective leader will emerge that can bring together Afghanistan's key factions to form some sort of national government and consensus.

Today, no one can predict whether President Karzai will make some final effort to stay in office, whether the Taliban will try to use peace negotiations to gain power, who the next leader of Afghanistan will be if real elections do take place in the spring of 2014, or how the Tajik-led ANSF will react if they feel their survival is threatened. What is clear is that no one has yet identified a strong, popular replacement for Karzai, a clear path towards forging as much of a national consensus as possible, or a proven leader who can quickly take control of Transition during the most critical period where outside forces are being withdrawn and aid workers and funds are being cut.

Karzai's views and discontent with the US and allies' Transition, rebuilding efforts, aid efforts, and security have been regularly voiced in public. Throughout his more than 10 years as the leader of Afghanistan condemnation or accusations of the US and its allies has become a regular occurrence, as has been his unilateral decrees against US forces or security methods, in addition to his odd claims of conspiracy theories. This history includes statements such as:

- “The Taliban talk to the United States every day, but they detonate bombs in Kabul and Khost to show their force to the Americans...No, these bombs that went off in Khost and Kabul yesterday, this wasn't showing force to America...in reality, it was a service to the foreigners so their presence remains in Afghanistan.” March 10, 2013. <http://world.time.com/2013/03/11/hamid-karzai-welcomes-chuck-hagel-to-kabul-his-own-way/>
- “On the one hand, the Taliban are talking with the Americans, but on the other hand, they carry out a bombing in Kabul...Yesterday's bombings in Kabul and Khost didn't aim to show Taliban's strength — indeed, they served America. By those bombings they served the 2014 negative slogan...These bombings aimed to prolong the presence of the American forces in Afghanistan.” March 10, 2013. http://www.nytimes.com/2013/03/11/world/asia/karzai-accuses-us-and-taliban-of-colluding-in-afghanistan.html?ref=asia&_r=0
- “Not only have foreigners tormented and punished Afghans, but our people have been terrorized and punished by our own sons too...The U.N. report showed that even after 10 years, our people are tortured and mistreated in prisons.” February 17, 2013. <http://www.nytimes.com/2013/02/17/world/asia/karzai-to-forbid-his-forces-from-requesting-foreign-airstrikes.html?ref=hamidkarzai>
- “[The US] interference in the election process is a violation of Afghanistan's national sovereignty...Afghanistan is not interfering in [the US's] election, and we are hoping they don't interfere in our election.” October 17, 2012. <http://www.nytimes.com/2012/10/19/world/asia/afghan-officials-spar-over-2014-vote.html?ref=hamidkarzai>
- “NATO and Afghanistan should fight this war where terrorism stems from. But the United States is not ready to go and fight the terrorists there. This shows a double game. They say one thing and do something else...If this war is against insurgency, then it is an Afghan and internal issue, then why are you here? Let us take care of it...But if you are here to fight terrorism, then you should go to where their safe havens are and where terrorism is financed and manufactured.” October 4, 2012. <http://www.nytimes.com/2012/10/05/world/asia/karzai-accuses-us-of-duplicity-in-fighting-afghan-enemies.html?ref=hamidkarzai>
- “[A]n agreement has been reached clearly with NATO that no bombardment of civilian homes is allowed for any reason... as an absolutely disproportionate use of force and an illegitimate use of force... We have considered it so in the past, we still consider it so, and we have brought an end to it by having this agreement with NATO. Have I made myself clear? Airstrikes are not used in civilian areas. If they don't want to do it in their own country, why do they do it in Afghanistan?”

- June 13, 2012. <http://www.nytimes.com/2012/06/13/world/asia/afghan-president-karzai-calls-for-an-end-to-airstrikes.html?ref=hamidkarzai>
- “We called in Fitrat and asked him and said we are hearing that there is something going wrong, but he said no. The Americans never told us about this. The bank didn't tell us... We believed a certain embassy was trying to create financial trouble for us. We felt the whole bank scam was created by foreign hands.” December 5, 2011. <http://www.spiegel.de/international/world/spiegel-interview-with-hamid-karzai-the-efforts-in-afghanistan-are-a-shared-responsibility-a-801774-2.html>
 - “God forbid, if there is ever a war between Pakistan and America, then we will side with Pakistan...If Pakistan is attacked, and if the people of Pakistan need help, Afghanistan will be there with you, Afghanistan is a brother... But, we know that we all share common goals and need to work together to resolve common problems. This is not about war with each other, this is about a joint approach to a threat to all three of our countries: insurgents and terrorists who attack Afghans, Pakistanis and Americans.” October 23, 2011. <http://www.nytimes.com/2011/10/24/world/asia/karzai-says-afghanistan-would-back-pakistan-in-a-conflict-with-us.html?ref=hamidkarzai>
 - “If they [NATO] continue their attacks on our houses, then their presence will change from a force that is fighting against terrorism to a force that is fighting against the people of Afghanistan...And in that case, history shows what Afghans do with trespassers and with occupiers.” May 31, 2011. <http://www.nytimes.com/2011/06/01/world/asia/01afghanistan.html?ref=hamidkarzai>
 - “International organizations and foreign entities, who have been recruited and paid hundreds of millions of dollars of Afghanistan’s money to improve Afghanistan’s banking system, perform strong audits, and improve and build capacity for us, have not done their job...They provided the Central Bank with inaccurate information, they deceived Afghanistan’s government and its economic and financial regulatory bodies.” April 11, 2011. <http://www.nytimes.com/2011/04/12/world/asia/12afghanistan.html?ref=hamidkarzai>

These comments and problems reached a new crisis level during Secretary Hagel’s visit in March 2013, when Karzai effectively accused the US of being allied with Pakistan against Afghanistan and turning towards the Taliban. While the crisis was partly defused, it was all too clear that the most the US and its allies could hope for through the election in 2014 was to keep tensions from exploding into an actual crisis. It was also clear that almost regardless of the reality and timing of the 2014 election, and public perceptions of its legitimacy, there would be major problems in finding an effective leader and creating the level of nation consensus needed for reform and effective action.

What is all too likely is that the next “leader” of Afghanistan will be at least as dependent as Karzai is currently on the weaker aspects of Afghanistan’s real-world power structure. Rather than having some form of broad mandate and mix of support that cuts across ethnic, regional, sectarian, and tribal lines, the future leader will depend on his ability to win the support of a faction of power brokers and warlords, likely becoming steadily more dependent on them as outside forces leave. He will have to try to govern in an Afghanistan where criminal networks and narcotics traffickers assume an increasingly more important economic role.

The end result may be some new form of regional, ethnic, and sectarian splits that create a new Northern Alliance and new local and regional Pashtun factions. The wild cards could be a form of takeover by the ANSF outside Kabul or a political implosion so serious that insurgents threaten to take over the whole country rather than the small areas they currently dominate.

No future government can avoid a significant degree of dependence on Afghanistan's current power structure. While outsiders call it "corruption," Karzai's focus on balancing power brokers - some with ties to insurgents and others to criminal elements - is a balancing act that any future leader must also undertake when dealing with the political realities of power.

"Kabulstan" does not control the rest of the country because of elections. The Afghan legislature is too weak and corrupt and there is little real representative government at the provincial and local levels. The President must use his extraordinary level of control over national and aid funds as well as the ability to appoint governors and direct leaders in order to balance one faction against another while trying to increase the power of the central government.

Elections still matter, but largely to the extent they show the Afghan people that there is a new leader who is at least willing to try to moderate and change the current system, that he will break up the current factional structure of power, and that he has the support of a broad range of Afghan factions. In fact, it is the willingness of these factions to come together before or after the election that will probably be far more important than the election itself. Real-world political legitimacy is always a function of how well and how popular governance is, not how or whether it is elected.

The Problem of Governance

Leadership and unity will become steadily more important as aid funds are cut, patronage decreases, and the president becomes more dependent on local and regional leaders while having less money to spend. Moreover, the quality of regional leadership and the willingness of regional leaders to work together and meet popular needs and expectations will become equally critical. The key political question that will determine the success of Transition after 2014 will not simply be the leader in "Kabulstan," it will be who remains in actual power in the rest of the country, how well they can actually counter the Taliban and other insurgents, and how well they cooperate with other power brokers.

Unless a very strong new leader emerges as president and can lead with something approaching a national consensus, the previous analysis of the problems in Afghan governance in the field warns that the country may well be better off if the end result is much stronger local leaders who are popular and effective, complemented by a president willing to deal with them. This may mean ceding some areas to the insurgents, but it may also mean keeping control of most population centers and balancing the different sectarian, ethnic, regional, and tribal factions in ways the formal structure of the Afghan government cannot accomplish.

A Najibullah-like success in "Kabulstan" and following power struggles and competition for limited funds may well be the fastest route to repeating the Soviet form of failed Transition. To put it bluntly, the case for both continuing outside aid and a continuing US presence should depend on how successful Afghans are in creating a consensus and stronger pattern of leadership. If they fail, neither the US nor its allies have any obligation or strategic rationale to stay.

Leadership, however, is meaningless without governance. Part of the problem in dealing with Transition is that so much attention is given to the quality of elections and the

structure of the central government, and so little to the actual quality of governance, how well it functions and meets popular demands in any given area, and how well it competes with the Taliban.

It is scarcely reassuring in this regard that unclassified official reporting has gradually eliminated all of the detailed maps and progress reports that gave some hint of the quality of governance by district, that reporting on the progress of the campaign in critical districts and districts of interest has stopped, and that the transfers of power to date have not been related to any meaningful public assessment of the capacity of local governments.

A more realistic official discussion of the current situation in Afghanistan comes from sources like the US Department of Defense's (DoD) semi-annual report to Congress for December 2012. These assessments at least qualify the positive generalizations (and promises that the next aid and reform program will actually work) that come out of far too many high-level meetings:³

...the long-term sustainability of the Afghan Government is challenged by corruption, ineffective program monitoring, sub-national government budget funding shortfalls, an inability to generate revenues sufficient to cover the cost of government operations, and limited public financial management capacity. Furthermore, poor linkages between the national and sub-national levels of governance and an imbalance in the distribution of power between the three branches of government, with power concentrated in the executive branch, continue to limit effectiveness and legitimacy. Limited human capacity and a lack of appropriate formal training and education within the civil service and Afghan populace also impede the development of stable and sustainable government across Afghanistan.

On June 21, 2012, Karzai called a special session of Parliament to solicit legislative support for carrying out measures to fight corruption and reform civil governance and law enforcement. In July, he issued a 23-page presidential decree, detailing a list of government reforms. The decree has been met with skepticism, since demands and timelines were not combined with a comprehensive financial implementation plan or enforcement mechanisms.

...Additionally, in a shakeup of provincial governors, President Karzai announced on September 20 that he would change the heads of 10 of Afghanistan's 34 provinces, purportedly as a result of a review carried out by the Independent Directorate for Local Governance (IDLG). These changes involved a few prominent officials that had worked closely with the Coalition, such as Helmand Governor Mangal.

...The judicial branch, with the assistance of the international community, has made increasing progress with regard to training and staffing sub-national judicial positions, and held more public trials this reporting period than during the previous reporting period. Improvements in the reach and function of sub-national governance are being made as the Afghan government develops opportunities for both traditional and formal modes of conflict resolution.

...However, constrained freedom of movement due to security concerns impedes the expansion of rule of law, especially at the district level. The time required to resolve disputes through the formal system exacerbates the separation between the formal and traditional rule of law systems, and contributes to the perception that the Afghan government is ineffective and inaccessible to many rural Afghans.

...The Afghan government remains highly centralized, with budgeting and spending authority held primarily by the Ministry of Finance and other central ministries in Kabul. Service delivery is implemented by central ministries. Sub-national administrations do, however, continue to engage

³ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 102-106.

in limited coordination, planning, and service-monitoring roles, and there are multiple institutional and operational programs in place aimed at improving sub-national governance, including the Afghanistan Sub-National Governance Program (ASGP II), and the Performance-Based Governor's Fund (PBGF II).

...Sub-national governance structures currently operate to varying degrees of effectiveness at provincial, district, and village levels, and are overseen by the Independent Directorate for Local Governance (IDLG), and the Ministry of Rural Rehabilitation and Development (MRRD). Coordination and cooperation between these two organizations has historically been poor, but recent developments on District Representation...has improved this situation.

IDLG...faces a number of challenges as it takes this work forward, including insufficient operations and maintenance (O&M) funds for sub-national structures, lack of authority over line ministries on recruitment issues, accusations of politicization in the appointment process, and extensive dependency on donor funding and parallel structures. The total governance budget is very low, at just five percent (i.e., \$720M) of the overall Afghan budget. Budget execution rates also remain low for two reasons: first, delays in budget approval and disbursements from Kabul ministries, and second, the lack of human capacity at the provincial and district levels to execute the funds.

Provincial councils are elected bodies with oversight but no legislative authority. Provincial Governors are appointed by the President in coordination with the IDLG...There is, however, generally poor coordination between councils, governors, and the provincial line departments of central line ministries, with the latter still determining for the most part how resources are allocated at the provincial level with little regard for local priorities.

This problem is compounded by poor coordination and communications between the Afghan provinces and Kabul. The Provincial Budget Pilot Program (PBPP), introduced last year by the Afghan Ministry of Finance (MoF), sought to improve budgetary planning and communication between the provincial and national levels, by including provincial authorities to a limited degree in the budget planning process for Solar Year SY1392. After a promising start, the program stalled due to funding difficulties, but efforts are underway to address these difficulties and include some PBPP projects in the SY 1392 budget. The World Bank has been helpful to this end. Budgets aside, civil service capabilities continue to be a concern across the country.

The World Bank provided similar warnings in its May 2012 and 2013 studies of Transition:⁴

Technocratic approaches to state building in Afghanistan have historically had to contend with the nature of politics in the country, where formal office and position are used as resources to balance competing elite interests. The Afghan state—while having a highly centralized, unitary character as embodied in successive Constitutions—has always had weak central control and has needed to build coalitions of common interest with a strong periphery. The use of state position and office as bargaining tools in the wider political process has a long history, ensuring that attempts to introduce modern, merit-based public sector reforms face an uphill struggle...In the future, the importance of capturing formal office and position as a tool for accumulating wealth, and hence more political power, may intensify in the face of reduced western patronage and a shrinking war and aid economy (Surhkeand Hakimi 2011).

The tensions between a highly centralized de jure state and a strong de facto periphery, and between patronage and merit-based models, lie at the heart of public administration reform in Afghanistan. Progress in building at least the outward signs of a modern bureaucracy has been striking, but these reforms have failed to closely link nascent institutional developments to improvements in state capability and legitimacy. A critical aspect of building this capability in the

⁴ Richard Hogg, Claudia Nassif, Camilo Osorio, William Byrd, and Andrew Beath, *Afghanistan in Transition: Looking Beyond 2014*, The World Bank, 2013, p. 95-97. Also see the Afghan view of the need for reform in *Towards a Self-Sustaining Afghanistan, An Economic Transition Strategy*, Government of the Islamic Republic of Afghanistan, November 29, 2011, p. 67-68.

future will be, i) to delegate greater budget authority and accountability to sub-national units of government, and ii) to develop core civil service capacity both at the centre and at sub-national levels to achieve better service delivery and budget execution outcomes in an increasingly tight fiscal environment.

...The policy and programmatic decisions that have sought to strengthen the link between the central Government and the provinces have created an increasingly uncoordinated and complex web of formal government structures, locally elected bodies, donor-conceived and funded initiatives, and formal and informal local institutions of service delivery and accountability... This has often meant competing institutional agendas and lack of an overall strategic framework for addressing accountability and planning issues at local level. The sub-national administrative bureaucracy (especially the provincial departments of line ministries but also the Governors' offices) remains poorly resourced and under-skilled to fulfill many of the planning, monitoring and reporting functions being suggested for it. Most significantly, there remains minimal linkage between local planning systems, budgetary resources and decision-making processes, rendering largely theoretical much of the exercise to extend the state down to the local level.

...Subnational administration in Afghanistan is characterized by the preceding tensions and weaknesses in capacity. Direct formal functional and budget authority for the delivery of most key services in the provinces—such as education, health, water, and roads—is held by central line ministries that work in vertically integrated silos with relatively weak links between them. However, this system coexists with—and is cut across by—the provincial governor system, which allows provincial governors, who are political appointees, to intervene (albeit sometimes unofficially) in the affairs of the line ministries and other agencies

...In the traditional bureaucratic structure, provincial governors were midlevel Ministry of Interior appointees who were mainly responsible for police and security matters. After 2005, however, and with the expansion of the Taliban insurgency in the south of the country, key donors started to emphasize building up the authority of provincial and district administration, in particular the authority of governors' offices. This effort was driven largely by security and stabilization considerations in conflict-affected areas and by recognition of the limited capacity of the center to deliver services to outlying areas.

The creation of the Independent Directorate of Local Governance in 2007 consolidated this trend, with work beginning on a subnational governance policy in the middle of 2008. This policy was eventually endorsed by the cabinet in 2010. Despite this endorsement, government generally appears to take little ownership of the policy, and uncertainty continues about the exact roles and relationships of the different key subnational bodies, including provincial and district governors, line departments, and local councils, to each other.

Current efforts to increase provincial participation in budgeting and to adopt a more equitable basis for allocations to provincial line departments are taking place without a wider debate about what is a fiscally sustainable model for sub-national governance in Afghanistan. With some 364 districts in the country the ability of government to maintain and fully staff its districts as well as resource thousands of future village councils is heavily constrained. Currently, most financial flows to provinces and districts are outside the budget and have been heavily skewed toward conflict affected provinces that have received the bulk of donor aid flows.

In 2010/11, for example, Helmand Province received over three times the resources “off budget” that it received through the government's core budget. This is all set to change. Transition will reduce the flow of these “off budget” resources, which is likely in turn to reduce the levels of current service delivery in these provinces... This may well undermine the gains to state legitimacy that have been made in recent years in some of these areas, as well as the patronage of local Governors that has been built up on the basis of direct access to donor and PRT, resources.

...The challenge for government will be to try, within a much more constrained resource environment, to ensure a more participatory and accountable budget process that does not raise unnecessary expectations, while at the same time improving the efficiency of service delivery.

Donor nations, and the way military spending has been managed, have clearly been part of the problem. The World Bank also notes that:⁵

Since 2001, the international community has invested greatly in reconstructing the Afghan state, but progress in building capacity in government institutions has been slow, and much of this investment has bypassed the civil service. Most capacity has been built among contracted staff of donor-funded projects. A 2006 review of World Bank support to fragile states noted the following of Afghanistan: “The ‘buying of capacity’ through massive technical assistance has not delivered capacity development, and some evidence suggests that it detracted from this objective.

The amount of technical assistance provided to date is well beyond the country’s absorptive capacity” (World Bank 2006, 23). Writing in 2007, Serge Michailof observed, “There is a widespread dissatisfaction in Afghanistan with the high cost of technical assistance and its limited impact in terms of capacity building” (Michailof 2007, 1). A 2009 report by the Organization for Economic Co-operation and Development (OECD) expressed similar views.

... Since 2009, the United States in particular has greatly raised the number of its civilian advisers in the country, responding to President Obama’s 2009 Afghanistan strategy, which announced a new civilian as well as a military surge. Despite this and other international efforts, little indication exists that longer- term capacity-building objectives are much nearer to being achieved.

According to a 2010 report, “donor practices, including paying significantly higher salaries than the Afghan government can sustain and providing salary support outside Afghan planning and budget processes, distort the local labor market and undermine long-term goals of building government capacity and fiscal sustainability” (SIGAR 2010, 7). A recent U.S. Senate Foreign Relations Committee Report noted that U.S. overreliance on international technical advisers to build Afghan capacity could actually undermine these efforts: “Our aid projects need to focus more on sustainability so that Afghans can absorb our programs when donor funds recede” (U.S. Senate Foreign Relations Committee 2011, 3).

The next three years offer an opportunity for both the government and the international community to develop a more strategic and sustainable approach to rebuilding public capacity. The transition provides an opportunity to rethink how capacity is delivered and to reduce the dependency of government on ad hoc and often fragmented technical assistance interventions. Less aid in this instance may provide an opportunity to achieve better and more coordinated assistance in developing critical government capacity.

The fact remains, however, that more than a decade of outside aid and Afghan promises of change and reform have left the structure of the central government weak and unable to function when the president and/or strong provincial governors interfere, with almost all funds under the direct control of the president. While some ministries are still effective, corruption is a problem at every level and the overall structure of governance becomes dependent on given provincial and district leaders.

In far too many areas, the Taliban and other insurgents compete against weak government officials in the field. In those cases where governance does exist in the field, much is dependent on the use of aid funds and support from the ANSF forces that are equally dependent on aid.

Once again, however, this is an area where Afghans will have to solve their own problems. President Karzai and his successor must be willing to choose governance over power broker support where provincial and local leaders push self-interest and corruption beyond the limits acceptable to the local population.

⁵ Richard Hogg, Claudia Nassif, Camilo Osorio, William Byrd, and Andrew Beath, *Afghanistan in Transition: Looking Beyond 2014*, The World Bank, 2013, p. 93-94.

There needs to be more fundamental reforms that give the national, provincial, and district legislature control over significant amounts of national funds and make them truly representative. The grossly over-centralized control of funds needs to end, along with the inability to spend money when and where it is needed. This progress will have to be erratic and evolutionary, but without such progress, both leadership and containing insurgents as well as the more extreme ethnic and sectarian power brokers may become impossible.

The Impact of Leadership, Political Alignments, and Corruption on the ANSF

It is not clear that there is an effective replacement for Karzai and this has already emerged as a high-risk area for Transition and for the future of the ANSF. Creating honest and effective provincial and district governance remains a critical problem and one where recent Special Inspector General for Afghanistan Reconstruction (SIGAR) studies and DoD reports indicate limited progress has been made and little additional progress is likely as aid efforts are cut and withdrawn from the field during 2013-2014.

The leadership qualities of next Afghan leader and the unity of the various ethnic and sectarian power brokers will be critical. The real effectiveness of the ANSF depends upon how the next leader manages and uses the ANSF. His willingness to commit forces where they are most needed, manage and promote on the basis of merit, keep corruption to limited and popularly acceptable levels, and make effective use of tactics like night raids, air strikes, detentions, and other measures require a careful balance between military effectiveness and the political and popular impact of the tactics involved. They depend on allocating resources for governance and the rest of the legal system in ways that build an effective mix of popular support and security, and on the willingness to both use and support the use of US and other ISAF forces where they are needed.

These are all areas where Karzai showed limited leadership ability, a tendency to focus on power brokering and winning short-term popular support, and created growing constraints on the effectiveness of US, other ISAF, and ANSF forces over time. They are also areas where Karzai's lack of support for other US and ISAF forces may have helped create serious problems in terms of "green on blue" attacks and popular resentment of foreign forces. They are all areas where Karzai made many promises to deal with corruption and either found symbolic scapegoats or used anti-corruption efforts to enhance his own power.

As is discussed later, the polling data on corruption in the latest SIGAR report track closely with reports of groups like Transparency International that warn every element of Afghan governance - including the Ministry of Defense (MoD), Ministry of the Interior (MoI), and most elements of the ANSF - is corrupt and perceived as corrupt by the Afghan people.

In December 2012, Transparency International's Corruption Perception Index again rated Afghanistan with Somalia and North Korea as the most corrupt countries in the world. Afghanistan was ranked 174th out of 176 countries:⁶

Countries at the bottom of our corruption indices remain largely failed states with repression of human rights, social chaos and continued poverty. Afghanistan is one such country. Sufficient evidence suggests that corruption in Afghanistan is getting rampant. According to President Karzai himself, the phenomenon is now at a level 'never before seen'...corruption manifests itself in Afghan society: widespread charges of fraud and election-rigging; a judiciary subservient to the government and officials engaging in arbitrary arrest and detention, torture, extortion, and extrajudicial killings...Corruption is also present in daily life and stands out in public surveys. According to Integrity Watch Afghanistan, one Afghan in seven paid a bribe in 2010 and the average bribe is equal to one third of the average Afghan salary...Corruption in Afghanistan also impacts the international community, who need to start thinking long-term. According to an article from Huguette earlier this year, as much as \$1 billion of the \$8 billion donated in the past eight years has been lost to corruption. As much as US\$ 60 billion of military contracts have been lost to fraud and waste. The country receives \$70 billion in foreign military assistance and development aid annually. Afghan government revenue was \$1.3 billion in 2009.

As bad as this current situation is, it is far from clear that the next leader will be able to balance various factions as well as Karzai, and the reemergence of a Northern Alliance is only one warning signal of the fact that the leadership that emerges out of the 2014 election will be critical to the future of both the ANSF and the ability of the US and outside powers to support it.

The February 2013 Quarterly Report by SIGAR, and work by Catherine Dale and Ken Katzman of the Congressional Research Service (CRS), warn that key elements of leadership and governance will be missing through at least 2014.⁷ Effective governance is still lacking at the provincial, district, and local level in many areas, and so are the civil elements of a rule of law necessary to allow a police force to work and maintain their integrity. The ANSF cannot operate in a vacuum, and weak local governance can ensure its ineffectiveness, reinforce its corruption, and either empowers power brokers or the insurgents.

Some senior Afghans have privately made it clear that they believe success will not depend on the election but on some new agreement among power brokers to make it through Transition. Others have made it clear that there is a real risk of Transition producing a mix of a weak "Kabulstan" and regions under power broker control, or even some form of coup within the Afghan National Army (ANA).

⁶ Srirak Plipat, *Corruption Perceptions Index 2012 demands a new tack in Afghanistan*, Transparency International, December 3, 2012. <http://blog.transparency.org/2012/12/03/corruption-perceptions-index-2012-will-demand-a-new-tack-in-afghanistan/>.

⁷ Special Inspector General for Afghanistan Reconstruction, *Quarterly Report to the United States Congress*, January 30, 2013, p. 99-120. Also see Catherine Dale, *Next Steps in the War in Afghanistan? Issues for Congress*, Congressional Research Service; Ken Katzman, *Afghanistan: Post Taliban Governance, Security, and US Policy*, Congressional Research Service, January 4, 2013, CRS RL30588, p. 9-13, 21-32, 62-67; and *Afghanistan: Politics, Elections, and Government Performance*, Congressional Research Service, November 30, 2012, CRS21922, especially p. 36-52. Key issues in governance are also raised in Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 103-129.

It is all too clear from examples like Iraq that there is a risk of an ethnic leader effectively taking control of the military, a quick breakup of the police into local ethnic and sectarian factions, and divisions within the ANA along ethnic lines. The basic ethnic divisions in Afghanistan are shown in **Figure 1** and **Figure 2**, although the map does not distinguish important differences within the Pashtuns, and does not reflect critical tribal and geographic divisions within the structure of Afghan politics and power brokers. Much of the real-world future of Transition will depend on the post-2014 alignment of tribal factions in the east and south both in terms of limiting insurgent influence in the border and less populated areas, and in determining to what level key power brokers in populated areas will align with the central government.

There are no metrics that make it possible to estimate the probabilities involved in some form of factional division of the country and ANSF, but it is striking that the Office of the Secretary of Defense (OSD) reported in December 2012 that Tajiks made up some 40% of the officer and 41% of the NCO corps, while Tajiks only make up roughly 27% of the population according to the CIA.⁸ Uzbeks, Hazara, and other ethnic/sectarian groups are badly underrepresented at the top while the Pashtuns are also over-represented.

This mix of weak central governance, weaker and divided governance in the field, real rule by local power brokers and tribal factions, and corruption does not mean Afghanistan cannot function after Transition, but it does mean that the ANSF will be under intense, and potentially divisive political pressure. Key elements may divide along regional, ethnic, and power broker lines and the relative influence in Pashtun areas will be critical in checking the insurgents. The next president risks becoming steadily more isolated in Kabul, tied to regional and ethnic factions, and/or forced to try to use the ANSF to preserve personal power. Saigon and Baghdad are practical examples of the potential extremes.

⁸ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 58.

Figure 1: The Ethnic Structure of the ANA Q4 2012

	Pashtun	Tajik	Hazara	Uzbek	Others
Officer	43.1%	39.5%	7.4%	4.3%	5.8%
Officer Delta	-0.9%	14.5%	-2.6%	-3.7%	-7.2%
NCO	49.6%	41.3%	5.6%	2.0%	1.4%
Soldier	42.6%	30.9%	11.7%	8.2%	6.6%
Total Force	44.8%	35.2%	9.3%	5.8%	4.9%
Delta	0.8%	10.2%	-0.7%	-2.2%	-8.1%
ANA Ethnic Breakout Requirement	44%	25%	10%	8%	13%

Source: *Office of the Secretary of Defense, Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 58.

Ethnic, Sectarian, Tribal, and Linguistic Divisions

The estimates of the ethnic, sectarian, tribal, and linguistic divisions further complicate the impact of demographic pressures at every level from the farm and village to the national level. There is, however, no doubt that sources like the CIA are broadly valid in estimating the levels of division that Afghan leadership, governance, and economics must deal with:⁹

- Pashtun 42%, Tajik 27%, Hazara 9%, Uzbek 9%, Aimak 4%, Turkmen 3%, Baloch 2%, other 4%.
- Sunni Muslim 80%, Shia Muslim 19%, other 1%
- Afghan Persian or Dari (official) 50%, Pashto (official) 35%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%, much bilingualism, but Dari functions as the lingua franca

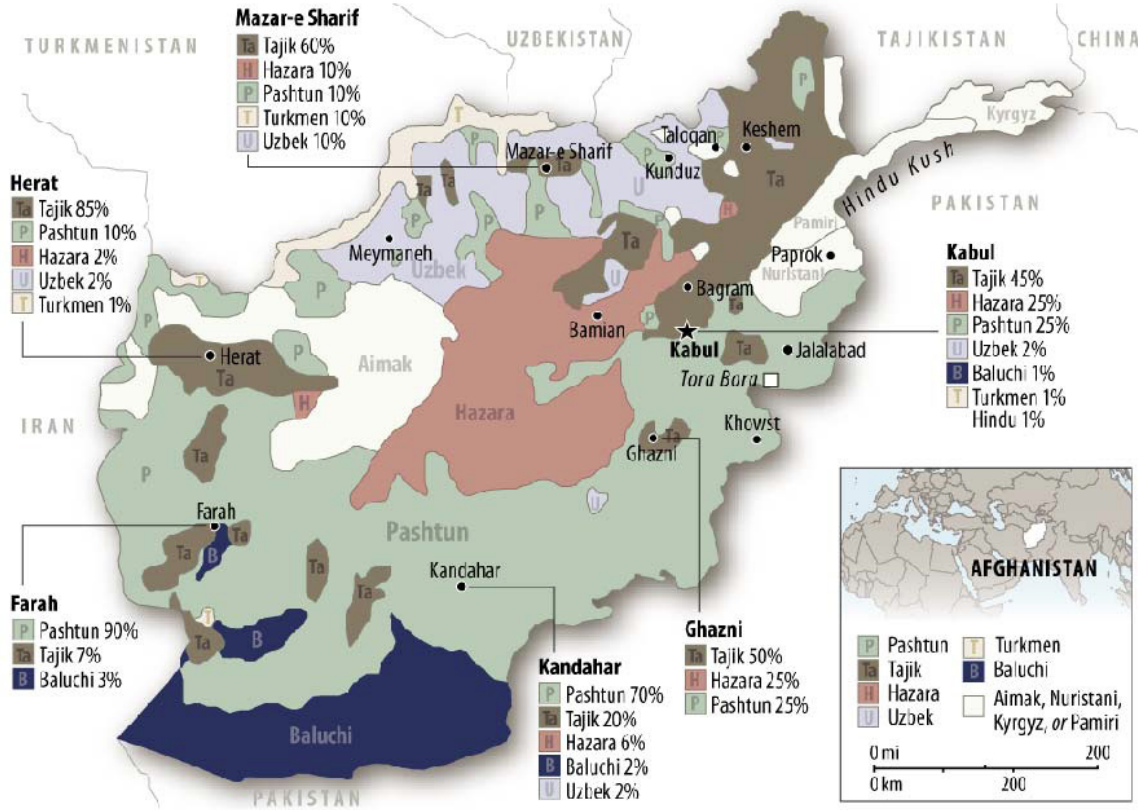
Figure 2 provides two maps showing different estimates of the major ethnic concentrations by region in Afghanistan. According to the CRS, it is likely that as the number of post-2014 international forces decreases, local militias will re-form in order to prevent the Taliban from returning. However, this could lead to ethnic and communal conflict, potentially resulting in a reversion to rule by faction leaders and a countrywide struggle for power - as opposed to a democratically elected government.¹⁰

⁹ *The World Factbook [Afghanistan]*, Central Intelligence Agency, updated January 3, 2013, accessed January 14, 2013. <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

¹⁰ Kenneth Katzman, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, Congressional Research Service 7-5700, January 4, 2013, p. 29.

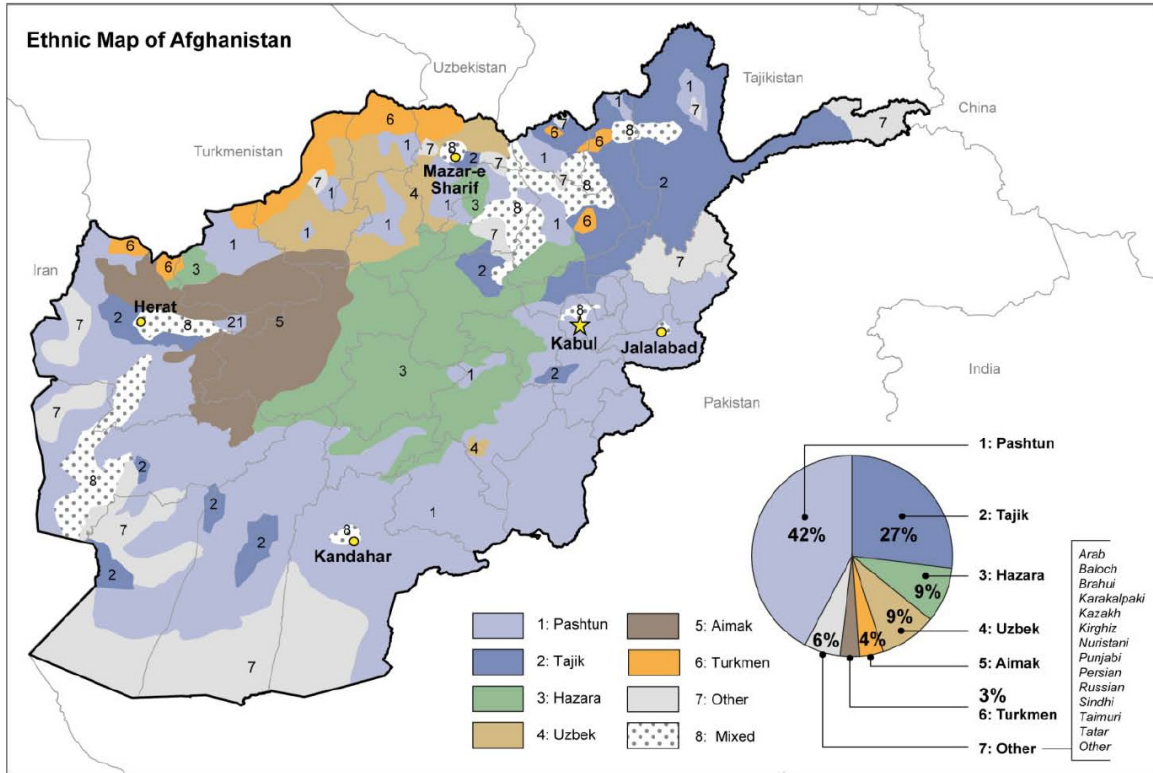
While the details of the two maps differ - along with all other data on Afghanistan - it is clear that the divisions, and further regional and tribal divisions, shape and divide much of Afghanistan. Karzai's political juggling act has won him temporary support - much of it financed with foreign aid - that will only last as long as the central government can both threaten and bribe.

Figure 2: CRS Estimates of Major Ethnic Concentrations by Region—Part One



Source: Kenneth Katzman, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, Congressional Research Service 7-5700, January 4, 2013, p. 89.

Figure 2: CRS Estimates of Major Ethnic Concentrations by Region—Part Two



Source: GAO analysis of Central Intelligence Agency and National Geospatial-Intelligence Agency data. National Geospatial-Intelligence Agency and Map Resources (maps).

Source: *Afghanistan: Key Oversight Issues*, Government Accountability Office, GAO-13-218SP, February 2013, p. 36.

The Problem of the Rule of Law

Governance is equally dependent on the rule of law - especially in areas where tribal, sectarian, and ethnic tensions require the rapid resolution of civil and criminal cases. Once again, there are no unclassified maps showing the trends in actually enforcing a meaningful rule of law and partnering it with effective security and governance. The end result is simply too embarrassing to make public.

Moreover, because the various elements of the police are lumped together with the Afghan Army, virtually all reporting on the police force ignores the massive problems in their civil effectiveness, corruption, and lack of ties to the rest of the justice system.

The World Bank provided detailed graphic estimates of a decline in the rule of law, government effectiveness, and political stability indicators in a report in early 2013.¹¹ The DoD summarized these problems as follows as of the end of 2012:¹²

Widespread corruption and insufficient transparency remain the main challenges with respect to establishing a self-sustaining rule-of-law system in Afghanistan. The country's principal anticorruption institutions, the High Office of Oversight and Anti-Corruption (HOOAC) and the Attorney General's Office (AGO), have minimal political support in encouraging and enforcing transparency and accountability measures within the Afghan government.

Weaknesses within both the formal and traditional Afghan justice systems, and the link between the two, ensure the Taliban system of dispute resolution remains a viable option for segments of the Afghan population because the Taliban process is rapid, enforced, and often considered less corrupt than that of the formal Afghan justice system. Although traditional dispute resolution is often touted as more developed in parts of Afghanistan not under central control, some dispute resolution processes, such as the practice of *baad*...are inconsistent with international human rights principles.

Overall, progress in rule of law promotion and implementation continue to be mixed. The main challenges include access to the formal justice system, poor enforcement of human rights protections guaranteed by the Afghan constitution, corruption, insufficient transparency, and inadequate security for justice facilities and personnel. The shortage of human capital and the Afghan government's insufficient political will to operate and maintain justice programs and facilities are key impediments.

To fulfill the requirements of security and sustainability, security transition must include the transition of rule of law activities and assistance from military to civilian support, with an end state of full ownership of all aspects of the justice sector—police, courts, and prisons—by local, provincial, and national Afghan stakeholders.

...Successful rule of law efforts are more likely to be found in transitional areas where Afghan governance followed ISAF-supported stability. Expanding the reach of the rule of law into remaining areas, where the transition from an ISAF security lead to an Afghan lead has not yet occurred, poses a greater challenge as the Afghan government works to stabilize areas simultaneously with building capacity, effective governance processes, and personnel.

At best, it seems likely that most of the real-world rule of law after the end of 2014 will revert to something close to Afghan standards before Western intervention, and many areas will have “prompt justice” on traditional terms, through power brokers and warlords or through insurgents like the Taliban. If Afghanistan follows the pattern of past

¹¹ Richard Hogg, Claudia Nassif, Camilo Osorio, William Byrd, and Andrew Beath, *Afghanistan in Transition: Looking Beyond 2014*, The World Bank, 2013, p. 38-40.

¹² Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 111-112.

cases like the US withdrawal from Iraq, the rule of law that outside advisors have sought over the last decade will at best extend to a few urban areas, and even then be both corrupt and tied to local power brokers

This will not be a bad thing if it is carried out in ways that meet popular needs and expectations, although much of the image of progress in human rights will revert to the grim existing realities in the process. It does, however, mean a steady shift towards meeting the actual needs and expectations of the people. It means limiting graft and corruption to Afghan norms and removing the most egregious figures in the justice system. Again, progress will be erratic and evolutionary and will have to be internally driven on Afghan terms and in the Afghan way, but without such progress both Transition and the rationale for continuing outside support will be gravely weakened.

Corruption, Capital Flight, and Power Brokers

As the UN reporting for August 2012 cited earlier notes, corruption is a crippling problem that affects both every aspect of Transition, and the ability of the Afghan government to win popular support as outside forces and money leave. Corruption is a critical problem.

In a joint report of the United Nations Office on Drugs and Crime (UNODC) and the Afghan government's anti-corruption unit, the total cost of corruption was reported to be \$3.9 billion in 2012, 40% larger than in 2009 and roughly equivalent to twice Afghanistan's GDP. The total number of people paying bribes dropped from 58% in 2009 to 40% in 2012, but those who were paying bribes did so more often. The education sector became particularly corrupt, with 16% of Afghans bribing teachers in 2009 and 51% in 2012. The report also indicated that more people find it acceptable to accept bribes; in 2012, 68% agreed that a civil servant could accept small bribes, while only 42% found this to be acceptable in 2009.¹³

Transparency International ranks Afghanistan 174th in a survey of perceptions of corruption, tied with North Korea and Somalia as the worst countries in the ranking (Pakistan ranked 139th).¹⁴ Along with the Konrad Adenauer Stiftung and the Royal United Services Institute (RUSI), Transparency International issued the following warning in May 2011:¹⁵

Many major international organizations have been witnessing and helping shape the Transition to Afghan Leadership since 2009, when President Obama announced a new strategy for Afghanistan. Konrad Adenauer Stiftung, the Royal United Services Institute (RUSI), and the Defense and Security Programme at Transparency International UK believe the Afghan Transition can be successful. After a round of seminars with over sixty experts and officials from the Governments of Afghanistan, the UK, Germany, NATO, the UN, and other experts on governance and development, they put together the 28 detailed recommendations in the report *Afghanistan in*

¹³ *Afghanistan bribery cost 'increases sharply'*, BBC, February 7, 2013. <http://www.bbc.co.uk/news/world-asia-21364557/>.

¹⁴ *Corruption Perceptions Index 2012*, Transparency International. <http://cpi.transparency.org/cpi2012/results/>.

¹⁵ *Corruption Threatens the Success of the International Mission in Afghanistan*, Transparency International, May 13, 2011. http://www.transparency.org/news/pressrelease/20110513_corruption_afghanistan.

Transition: Re-Shaping Priorities for 2015 and Beyond, which will be launched on May 13th in Berlin.

Besides other important issues, the report makes 3 key recommendations regarding corruption which are interlinked:

- First, corruption threatens the success of the international Mission in Afghanistan. The vast public anger against corruption and the damage that it is doing to Afghan society need to be harnessed and channeled into a force for change. Afghan citizens are well aware of many of the current injustices and would be ready to participate in efforts to promote change. Leadership from the Afghan Government would catalyze this process.
- Second, the President of Afghanistan must embrace these recommendations as his own mission. The Afghan Government must also make counter corruption work a centerpiece of its Transition strategy. Measures to reform Afghanistan institutions, build integrity, and curtail corruption need to be scaled up immediately and dramatically, to halt the current decline.
- Third, the international community contributes to the problem. It must radically and urgently change the way it handles its financial flows, especially the money associated with massive security operations and the way it offers contracts for goods and services. In particular, it must direct more effort into contracting with Afghan companies, and it must do so in ways that improve national economic capacity.

Corruption, weak institutions and a lack of economic development pose a fatal threat to the viability of Afghanistan. “It is increasingly becoming part of the political dynamic of the country and entwined with organized crime. This threat has been consistently and seriously underestimated, both by the Afghan government and the International Community,” stresses Mark Pyman, Director of the Defense and Security Programme at Transparency International UK. At the same time, weak and dysfunctional political institutions, lack of respect for the Afghan constitution and a slow economic process are posing major risks for Afghanistan’s future development.

Reporting by the SIGAR noted that,¹⁶

Corruption is one of the most persistent and significant problems facing Afghanistan. This quarter, efforts to conduct effective investigations and prosecutions related to corruption and fraud continued to face many of the same problems that have plagued the country throughout its reconstruction. However, the Afghan government did show some signs of progress, such as moving forward with a long-stalled high-profile case, an increased willingness to adopt anti-corruption recommendations, and more aggressive ANSF anti-corruption measures.

...USAID’s Assistance to Anti-Corruption Authority (4A) program aims to mitigate corruption by working to help develop a well-functioning HOO and a robust civil society. As of June 28, 2012, USAID had obligated \$6 million for the project, \$5 million of which had been expended.

...A number of challenges continue to hamper USAID-funded anti-corruption efforts. They include a persistent lack of political will and a legal department with insufficient and unqualified staff. Inadequate support from counterpart ministries like the AGO and the MoJ have also thwarted anti-corruption efforts. At the end of the quarter, USAID was considering funding the second option year of the program, with a shift to focus more focus on civil-society engagement and further engagement of the MEC.

The updated January 30, 2013, report echoes many of the earlier report’s concerns:¹⁷

¹⁶ *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, July 30, 2012, p. 101, 104-105.

¹⁷ *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, January 30, 2013, p. 116-119.

This quarter, Transparency International released its latest corruption-perception report indicating that Afghanistan's public-sector corruption continues to be a major problem. Last year Afghanistan was ranked as the third-most-corrupt country. This year Afghanistan was tied with Somalia and North Korea to be perceived by corruption experts as the most corrupt country in the world. In a separate survey conducted in Afghanistan by the Asia Foundation, almost 80% of the Afghan public views corruption as a major problem in their national government, as shown in Figure 3.30.

According to the Afghan Coalition of Transparency and Accountability, the budget submitted by the MoF this quarter contained no allocations for combating corruption despite the international community's demand that the MoF make governmental integrity a priority. The Coalition said the document indicated no clear intent to fight corruption and fulfill Afghan government commitments made at the Tokyo Conference in July 2012. Some Afghan lawmakers criticized the Coalition's findings as inaccurate.

...Despite the importance the United States and the international community place on progress in punishing high-level officials guilty of corruption, the Afghan Attorney General Office (AGO) made no significant anti-corruption indictments or prosecutions this quarter. Afghan prosecutors continued to complain that they lack supervisors' support for prosecutions.

...Nearly a year after its creation, the Special Cases Committee (SCC) has made no significant progress in prosecuting major corruption cases...

...The High Office of Oversight and Anti-Corruption (HOO) has the capacity to fulfill its mandate, but admits to making little progress in fighting corruption, according to USAID. The Director General of the HOO has publicly stated that the HOO's ability to fight corruption is hampered by a lack of cooperation from responsible ministries, especially the AGO. The HOO has published a list of corruption cases it forwarded to the AGO, and on which the HOO Director General has repeatedly alleged the AGO has taken no action, according to USAID. However, even in areas where the HOO can take the initiative and has more control over the process, such as with asset registration, publication, and verification, the HOO has not evidenced much commitment, so results have been poor.

A 2011 Asia Foundation study of Afghan survey responses also found broad patterns of corruption in terms of bribes, the police, courts, and education.¹⁸

Corruption in Afghanistan is of growing concern both to the Afghan people and the international community. In opinion surveys of Afghans, corruption is consistently singled out as a problem. In international rankings measuring corruption, Afghanistan has remained stubbornly at the bottom of the pile over the past several years. Corruption is now widely acknowledged as having a significant impact on state building, development, and private sector growth in policy documents, and both the Afghan government and the international community have made fighting corruption a stated priority, especially in the current context of Transition.

...Anti-corruption efforts of the last three years have recorded more failures than successes. The Economic Transition Strategy of the Afghan government, presented to the Joint Coordination and Monitoring Board (JCMB) on November 29, 2011, committed to increase Afghanistan's ranking in Transparency International's Corruption Perceptions Index from 176th country to 150th. Two days later, however, it became known that Afghanistan's ranking in that Index had dropped to 182nd country.¹⁹

The 2012 report found that Afghans assessed that corruption remained a large problem in the country. **Figure 3** details the results of a recent survey.²⁰

¹⁸ *Afghanistan in 2011: A Survey of the Afghan People*, Asia Foundation, October 2011, p. 99.

¹⁹ *The Growing Challenge of Corruption in Afghanistan: Reflections on a Survey of the Afghan People, Part 3 of 4*, Asia Foundation, July 2012, p. 1.

²⁰ *Afghanistan in 2012: A Survey of the Afghan People*, Asia Foundation, October 2012, p. 97-114.

In all regions, more than 50% of respondents say that they think corruption is a major problem in local authorities...In 2012, perceptions of corruption as a major problem are higher in all facets and levels than in 2011 with the exception of the area of daily life, where it stayed at the same level as last year. In fact, analysis of the trend suggests that the perception that corruption is a major problem in all facets and levels has been rising over the years, and that it registers the highest level increase in 2012.

The perception that corruption is a major problem in Afghanistan as a whole is at its highest point in 2012 (79%) since the first survey in 2006. This is also true for the perception of corruption as a major problem at the provincial government level, where the figure is at its highest (70%) this year. The proportion of respondents who say corruption is a major problem at the level of local authorities and the neighborhood, too, has been steadily rising; these perceptions are at their highest levels of 60% and 52%, respectively, in 2012. However, the proportion of those who hold the view that corruption is a major problem in their daily life has been stable since 2010, but still evinces a significant increase when compared from 2006 onwards (42% in 2006 to 56% in 2012)...The survey sought to explore what respondents think about the government's efforts to fight corruption, in terms of whether the government is doing too much, about right or not enough. Only 14% of respondents say the government is doing too much in fighting corruption, while 43% say it is doing about right. Four out of 10 of respondents (40%) say it is not doing enough to fight corruption.

...When examining people's actual experiences of corruption-related incidences, what becomes evident is that the levels for 2012 are slightly lower compared to 2011. Paired with the finding that a substantial number of people believe that the government is doing about right in fighting corruption, it is possible to infer that the government's anti-corruption drive is yielding some results: due to the government's efforts, levels of corruption have been reduced and the trends are declining.

A December 2012 UNODC report echoed the concerns of the SIGAR and DoD 1230 Reports, although it does state that there has been some progress in combatting corruption since 2009,²¹

The large-scale population survey on the extent of bribery and four sector-specific integrity surveys of public officials undertaken by UNODC and the Government of Afghanistan in 2011/2012 reveal that the delivery of public services remains severely affected by bribery in Afghanistan and that bribery has a major impact on the country's economy. In 2012, half of Afghan citizens paid a bribe while requesting a public service and the total cost of bribes paid to public officials amounted to US\$ 3.9 billion. This corresponds to an increase of 40 per cent in real terms between 2009 and 2012, while the ratio of bribery cost to GDP remained relatively constant (23 per cent in 2009; 20 per cent in 2012).

...Since 2009 Afghanistan has made some tangible progress in reducing the level of corruption in the public sector. While 59 per cent of the adult population had to pay at least one bribe to a public official in 2009, 50 per cent had to do so in 2012, and whereas 52 per cent of the population paid a bribe to a police officer in 2009, 42 per cent did so in 2012.

However, worrying trends have also emerged in the past three years: the frequency of bribery has increased from 4.7 bribes to 5.6 bribes per bribe-payer and the average cost of a bribe has risen from US \$158 to US \$214, a 29 per cent increase in real terms. Education has emerged as one of the sectors most vulnerable to corruption, with the percentage of those paying a bribe to a teacher jumping from 16 per cent in 2009 to 51 percent in 2012. In general, there has been no major change in the level of corruption observed in the judiciary, customs service and local authorities, which remained high in 2012, as in 2009.

²¹ *Corruption in Afghanistan: Recent Patterns and Trends*, UN Office on Drugs and Crime, p. 5, <http://reliefweb.int/sites/reliefweb.int/files/resources/Corruption%20in%20Afghanistan%20Recent%20patterns%20and%20trends%20Summary%20-%20Findings.pdf> (© 2012 United Nations; reprinted with permission).

At the Tokyo Development Cooperation Conference in July 2012, President Karzai addressed the issue of corruption within the country,

...Nonetheless, on our part, we will be extremely vigorous in our pursuit of good governance priorities, including the rule of law and the fight against corruption. We will also accelerate the process of institution building and reform, including reform in the electoral process so that the upcoming elections are transparent, credible and free from any internal or external interference.

Corruption, in particular, is a menace that has undermined the effectiveness, cohesion, and legitimacy of our institutions. We will fight corruption with strong resolve, wherever it occurs, and I ask the same of our international partners. Together, we must stop the practices that feed corruption or undermine the legitimacy and effectiveness of national institutions. I also ask of our international partners to do what is required to improve aid effectiveness, channel development assistance through national institutions, and work with us as we expand our capacity to assume the legitimate and sovereign functions of state. In this respect, I welcome the initiative to establish a mutual accountability framework that will be at the heart of our partnership throughout the Transformation Decade.²²

More than a decade of promises to fight corruption and reform have so far produced little more than scapegoats, new investigative bodies, and the systematic suppression of any real effort to deal with the problem. As noted earlier, a corrupting flood of unaudited and poorly controlled outside aid and military spending has continued with only limited checks and balances, and real reform of the contracting system was not even attempted until 2011. Given the timing of Transition, such efforts are certain to be too late and too little, and interact with a massive lack of Afghan government capacity - or even meaningful government presence in the field.

Many government officials heavily rely on corruption to fund patronage networks. These networks in many cases have actually become essential to the operation of government authority at the national, provincial, and district levels. If powerbrokers are frozen out of these networks, they can easily turn against the government, particularly once Western forces have Transitioned out of the picture. While corruption has pervasive long-term negative effects for the country, cracking down on corruption can also be dangerous, particularly in the short-term. For better or worse, however, no such crackdown appears likely in the coming years.

During summer of 2012, for example, President Karzai announced that a number of high-level ministers were being replaced, including the Ministers of Interior, Defense, Finance, and the National Directorate of Security. The Finance minister, Hazrat Omar Zakhilwal, was investigated for corruption, which centered on large deposits made into his bank accounts in Dubai.²³ Zakhilwal was seen by many in the West as a reformer, and it seems unlikely that he will be replaced by a more capable successor. In September 2012, Karzai also replaced 10 provincial governors, including one who had the support of the US.²⁴

²² Hamid Karzai, *Statement by His Excellency Hamid Karzai President of the Islamic Republic of Afghanistan*, Tokyo Development Cooperation Conference on Afghanistan, July 8, 2012. <http://unama.unmissions.org/LinkClick.aspx?fileticket=hGPemuN1dOM%3D&tabid=12254&language=en-US>.

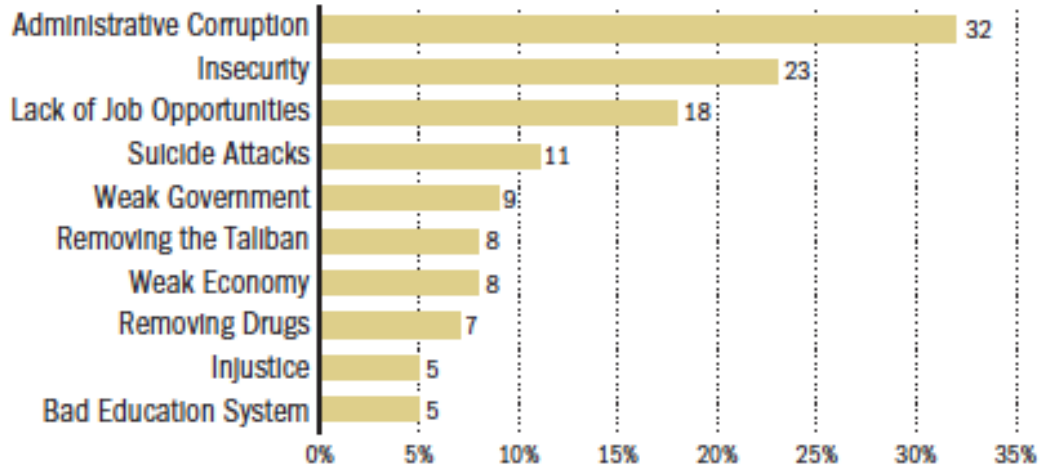
²³ Emma Graham-Harrison, "Afghan finance minister breaks down in tears as he denies corruption," *The Guardian*, August 9, 2012. <http://www.guardian.co.uk/world/2012/aug/09/afghan-minister-tears-denies-corruption>.

²⁴ *Afghan president appoints 10 new governors*, Al Jazeera, September 21, 2012. <http://www.aljazeera.com/news/asia/2012/09/2012920184255109884.html>.

While Karzai's motivations for firing many of his top ministers and a quarter of the governors remain, as always, opaque, the moves have done little to shore up confidence in the Afghan government's ability to take over responsibility as ISAF leaves the country.

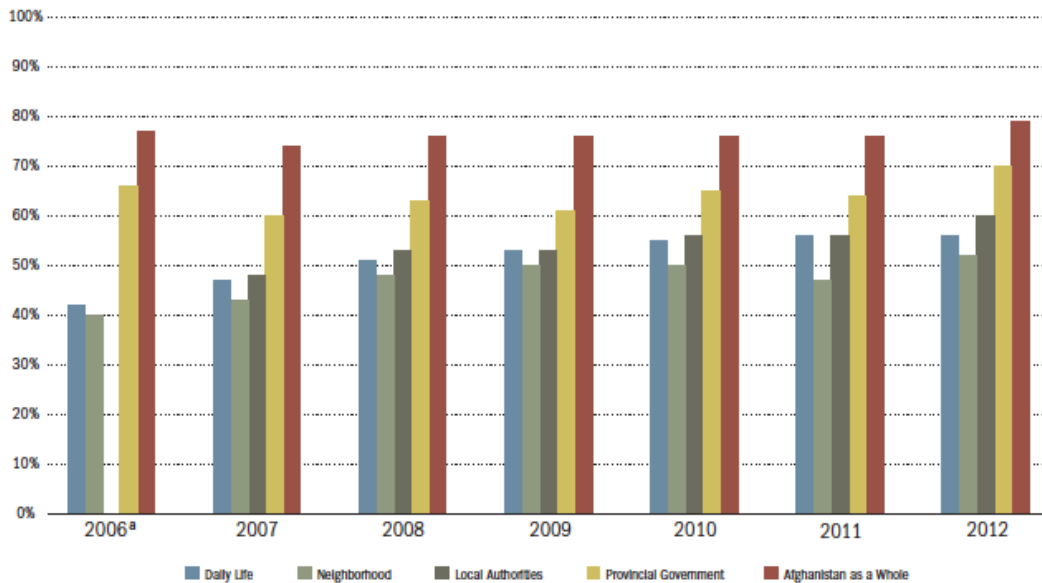
Figure 3: Afghani Perceptions of Corruption and the Role of Governance

Afghan Public’s Views on the Central Government’s Most Important Failings



Notes: Numbers have been rounded. Margin of error is plus or minus 5.1%.

Percentage of Afghans Who Think Corruption Is a Major Problem in Various Facets of Afghanistan



Notes: Numbers have been rounded. Survey margin of error is plus or minus 5.1%.
^a In 2006, respondents were not asked about corruption by local authorities.

Source: *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, January 30, 2013, p. 99, 116.

An Afghan Government That Cannot Manage Transition Effectively or Honestly Without Outside Aid

The World Bank is normally polite about the limits to Afghan central government capacity to use outside funds and aid, but its November 2011 report noted that,²⁵

- To maintain and increase on-budget spending and service delivery, urgent action is needed to build the core capacity of line ministries, and ensure that skilled staff can be recruited and retained by the government in the medium term.
- While large amounts have been spent on capacity building, it has created a fragmented “second civil service” of an estimated 7,000 skilled Afghan consultants managing projects, without building sufficient government capacity.
- In nine ministries, externally funded staff (EFS) makes up only 5% of positions but 40% of payroll costs. Reductions in EFS positions in Transition would compromise service delivery as the burdens on government increase.
- Donors should support efforts to reduce inflated salary scales and build government capacity in a strategic and targeted manner by transferring capacity from the second civil service to the core civil service. This would be more cost-effective and provide greater stability.
- Development budget execution increased in absolute terms, but flattened out at below \$1 billion over the last four years, largely due to capacity constraints, unrealistic budget formulation, and donor earmarking and funding delays.
- While the execution of the operational budget has been historically high, Afghanistan does not have capacity to handle large O&M expenditures (O&M only accounts for roughly \$335 million, or 10% of total core expenditure), which are expected to increase to \$4.8 billion by 2015/16.
- There are problems with efficiently allocating funds from the center to provinces/districts and considerable weaknesses in government capacity at sub-national levels.
- Investing in government capacity in budget management therefore remains an important priority.

Similarly, the DoD 1230 Report to Congress for April 2012 noted that a combination of outside aid and improvements in central government activity has had a major impact in improving health and education, but that,²⁶

Although the Afghan Government continued to make progress in revenue generation from customs, border management, and the growing mining industry, the rate of expenditure will continue to far exceed government revenue in the near- to medium-term. The World Bank estimates that in 2021-22, the financing gap between government expenditures and domestic revenues will be approximately 25 percent of GDP, or \$7.2B in 2011 dollars. This gap may diminish somewhat as the size and cost of the ANSF is finalized; however, a significant fiscal gap is expected to remain. As Afghanistan gradually develops its natural resources, royalties and taxes on the export of materials, along with taxation on wealth generated as a result of these industries, may help close the budgetary gap.

Domestic revenues reached 74.6 percent of the goal for SY1390 and covered 71.6 percent of total operating expenditures in the first nine months of the solar year (March – December 2011), including a 10 percent share for security forces in the first six months of the year, but are expected to only cover 65 percent of the total operating expenditures by the end of the Solar Year (March 2012). Continued improvements in customs revenue, the introduction of a value added tax, and the development of agricultural and mineral sectors are expected to increase government revenues.

²⁵ *Transition in Afghanistan Looking Beyond 2014*, World Bank, November 21, 2011, p. 14.

²⁶ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, April 2012, p. 89-90.

However, Afghanistan demonstrates an overreliance on customs, mining, and overflight for revenue generation, and needs to diversify. Additional taxation could provide the government with much-needed revenue. Over the reporting period, the Large Taxpayer Office saw progress with a pilot project in three provinces; however, corporate tax collection is almost exclusively confined to Kabul.

Budget execution continues to be a serious obstacle for the Afghan Government, which remains incapable of effectively executing the budgets of large-scale donor development projects. In the last three years, the Afghan government has been able to execute only 40 percent of its total development budget each year. For the first six months of SY1389 (March – September 2010), the Afghan government had spent 25.3 percent of its development budget. For the same period this year, development budget execution increased to 31.5 percent. These incremental gains, aided by technical assistance from USAID, the World Bank, and the Department for International Development, are positive steps. However, poor budget execution is endemic and will require generational change.

The DoD 1230 Report in December 2012 repeated many of these same concerns:²⁷

Despite measured progress in revenue generation, Afghanistan's fiscal sustainability ratio (a measure of domestic revenues to operating expenses) is still one of the worst in the world. Projected revenue for 2012 is expected to cover about 2/3 of the central government's operating expenditures yet provide less than 20 percent of the total estimated public expenditures budget. In the first quarter of CY 2012, the fiscal sustainability ratio dropped below 60 percent, due to proportionally higher increases in operating expenses, but rebounded in the second quarter to approximately 80 percent. Despite the improved fiscal sustainability ratio, economists remain concerned about Afghanistan's fiscal sustainability as revenues are slightly below projections and government expenditures continue to increase.

As Transition continues, the necessity to absorb additional expenditures for operations and maintenance (O&M) costs – as reconstruction/infrastructure projects are transferred to the Afghan government - will further strain the ability of government revenues to cover fixed operating costs. However, some of these additional O&M costs are expected to be offset by anticipated savings from Civil Service reforms. Additional efficiencies are expected to produce cost saving results in contracting, financial systems management, increased budget planning, formulation, implementation, and monitoring, as well as more effective prioritization of spending. Capacity-development programs have been in place and continue to increase the capabilities of the government in these areas. As economic and infrastructure development and an improved business environment enable private sector industries to grow, a stable tax base will enable the government to become increasingly self-supporting.

...Revenue generation will only be beneficial in so far as the Afghan government has the capacity to spend its budget in prioritized areas effectively. Budget execution, while showing improvement from SY1389 to SY1390, continues to struggle to meet donor expectations, especially with regards to the development budget. For SY1390 (March 2011 – March 2012), the Afghan government executed 94 percent of its operating budget while the execution rate for the development budget rose from 39 percent in SY1389 to about 52 percent in SY1390. The development budget execution rate through July was 9.9 percent, two percentage points higher than last year; and the expenditure rate continued to increase slowly over the second quarter. The operating budget execution rate was 10.6 percent in the first month of the Afghan fiscal year, 31.1 percent as of July, and remained slightly higher through the second quarter. Under the Tokyo Mutual Accountability Framework, the Afghan government is expected to improve its development budget execution rate to 75 percent by 2017. As donors look to increase on-budget funding to at least 50 percent, in accordance with pledges, the amount of funding that must be utilized will increase substantially over a short period and require the Afghan government to significantly, and potentially unsustainably, accelerate its spend rate.

²⁷ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 109-110.

Limited public financial management capacity remains one of the primary challenges hindering public sector program implementation and public service delivery. More specifically, the Afghan government cites capacity constraints at the national and sub-national levels; weak planning and budget formulation; donor earmarking of funds and funding delays; and communication challenges across ministries, donors, and sub-national entities as key challenges.

An additional long-term concern is the retention and integration of the externally funded Afghan “second civil service,” a cadre of skilled civil servants funded by international donors at a higher rate than the regular service in order to expand technical assistance and capacity in line ministries and, in some cases, to help execute donor-funded projects. Although the externally funded Afghan staff represents only roughly 3.9 percent of the total workforce, they account for an estimated 31.9 percent of total payroll costs, according to 2011 World Bank survey of eight key ministries and one agency. The Afghan government has little ability to absorb the cost of these higher salaries, which may jeopardize the transfer of valuable program management and service delivery competencies into the regular service.

The Good News About Afghan Pledges That Can Set Benchmarks for Conditional Aid and Assistance

The good news is that the Afghan government publicly acknowledged the scale of its problems at the Bonn Conference in late 2011 - issues it then pledged to deal with (albeit in somewhat vague terms) at the Tokyo Conference in July 2012,²⁸

The Government of Afghanistan is committed to building a secure, prosperous, democratic Afghanistan based on fiscally sustainable private sector-led economic growth, well-governed and transparent government institutions, and mutually beneficial regional economic cooperation. We will set priorities and take difficult decisions to embrace reform and make effective use of international assistance, in accordance with the following objectives:

- Increasing Government capacity and building on structural reforms to improve public service delivery;
- Strengthening public financial management systems, improving budget execution, and increasing revenue collection, including phased implementation of a value-added tax;
- Increasing transparency and accountability to prevent corruption;
- Creating a strong enabling environment for private sector investment, including public-private partnerships in social and economic development, supported by adequate regulatory and institutional reforms and a robust financial sector; and – working closely with the International Community to develop strategies to reduce overall security costs.

Progress towards the achievement of these objectives is vital. They will help us to reach shared goals for improved security, governance, and development. The Government believes that clear, mutually agreed targets, pursued with the International Community, are the best means for monitoring our joint performance. For these reasons, and with the support of the International Community, the Government commits to:

- Improve Afghanistan’s ranking in the Transparency International’s Corruption Perception Index, moving from a current rank of 176 [in 2011] to a rank of 150 within three years,
- Improve by 15 positions on the IFC’s [International Finance Corporation] Doing Business Survey within three years, and maintain or improve our ranking on each of the ten indicators,
- Grow the ratio of revenue collection to GDP from 11% to 15% within four years, and to 20% by 2025,

²⁸ *Towards a Self-Sustaining Afghanistan, An Economic Transition Strategy*, Government of the Islamic Republic of Afghanistan, November 29, 2011.

- Within five years: to improve the management of public funds as measured by the PEFA [Public Expenditure and Financial Accountability] assessment by 20%, to improve transparent accountable use of public funds measured by the Open Budget Index to 40% and to improve budget execution to 75%, and
- Improve our score in the UNDP human development index by 25% in the next three years; and by 50% in the next ten years.

The Government of Afghanistan believes that with the support of the International Community these commitments are realistic and achievable...The Kabul Process, initiated at the London Conference January 2010 and formalized at the Kabul Conference July 2010, provides the framework for partnership and mutual accountability for the Afghan Government to assume full responsibility for security, development and governance and the realization of a secure country with a sustainable economy...The Government will continue to employ the Kabul Process including increased donor engagement to channel international support for the specific activities that can further these overarching objectives. These activities will support the Government of Afghanistan to develop policies and undertake programs aimed at: (a) achieving financial sustainability through future revenue streams by creating critical infrastructure that is sustainable and can be supported by Afghanistan's budget, (b) reforming and creating critical institutions for effective governance, (c) increasing productivity in agriculture and rural areas for growth, poverty reduction and increased food security, (d) strengthening rule of law, and continuing improvement to Afghanistan's legal framework, (e) establishing an enabling environment for private sector-led growth and private investment, including a strong financial sector, secure access to capital and transparent responsible regulatory environments, (f) building skilled human capital, (g) achieving economic and social stability through increased access to improved job opportunities, (h) strengthening regional economic integration through initiatives such as the New Silk Road vision and the Central Asia Regional Economic Cooperation (CAREC) Program to promote trade, facilitate transit, expand market access and support economic growth.

Successful implementation of this strategy will be a gradual process and the Government of Afghanistan seeks continued support from the International Community – in both security and non-security assistance – to achieve shared objectives in governance and development. This will involve implementing existing commitments and directing diminishing international resources towards the most effective and efficient channels for expenditure of aid funds. The Government, therefore, urges the International Community to fully implement best practices in aid effectiveness as agreed at the London and Kabul Conferences.

The Bad News About Afghan Realities

The bad news is that the Afghan government has pledged such reforms for well over half a decade and nothing to date indicates that the Afghan government's ability to make promises and show its good intentions matches its ability to implement said pledges.

As a wide range of reporting in 2011 and 2012 showed, no progress was yet being made. Senior Afghan officials ranging from key anti-corruption officials to the head of Afghanistan's orphanages see critical problems in government behavior, leadership, and handling of human rights. It is all too clear that reform of the Afghan central government's contracting effort may be impossible or only be possible with different leadership and long after 2014.²⁹ More than a decade of anti-corruption efforts has

²⁹ See David Alexander, *Afghan security contractor oversight poor: Senate report*, Reuters, October 8, 2010; Ray Rivera, "Obstacles Hinder Formation of Afghan Security Force, Report Says," *New York Times*, November 1, 2011; and Moshe Schwartz, *Wartime Contracting in Afghanistan: Analysis and Issues for Congress*, Congressional Research Service, November 14, 2011. <http://www.scribd.com/doc/73041739/Wartime-Contracting-in-Afghanistan-11142011>; Rod Norland, "Orphans' Defender Jostles With Afghan Corruption," *New York Times*, December 31, 2011; Justin Elliot, "Corruption in Afghanistan: Worse than you thought; A new report suggests up to 30 percent of U.S.

produced little more than the occasional scapegoat and a constant reshuffling of positions for corrupt and incompetent officials and police officers that have political influence.

DoD Updated Assessments in 2012

The DoD 1230 Report of April 2012 noted that a new round of efforts to improve Afghan governance were underway, but also noted that,³⁰

The Afghan Constitution, the extant Local Government Law, the Sub-National Governance Policy, Public Financial Management Laws and the organizational and administrative structure of the Independent Directorate provide the institutional structure of sub-national governance in Afghanistan for Local Governance (which includes Provincial Governors' Offices, District Governors' Offices, and provincial municipalities as structures).

The result is a highly centralized structure for sub-national governance in which budgeting is done by central Ministries and the Ministry of Finance. Provincial and district administrations, under the provincial and district governor, provide coordination, planning inputs, and monitoring of services delivered by Ministries. Implementation of services is primarily done by central ministries, which are expected, over time, to delegate more implementation responsibilities to the provincial level, increasing the scope for sub-national planning and accountability.

Sub-national bodies at provincial and district levels have established structures in most regions but remain unable to provide many basic government services. The Afghan Government remains highly centralized, with all decision-making and service delivery provided by Line Ministries in Kabul. As distance increases from provincial capitals and the Ring Road, the provision of government services, local preference for the Afghan Government, *tashkil* fills of critical positions, and effectiveness of the rule of law all decline.

Afghan support for the government varies by region and is related to the level of basic service delivery and security the government is able to provide. Corruption, patronage systems, and a lack of substantive representation dilute popular support for municipal, district, and provincial government initiatives. Furthermore, sub-national policies have limited impact on sub-national governance structures in the short term due to limited communication and coordination of planning between Kabul and regional and local levels. Communication and coordination between the provincial governments and Kabul constituted the area of least improvement during the reporting period.

The development of effective district governance made measured progress during the reporting period. Notably, the Afghan Government has agreed in principle to a roadmap leading to a single district-level representative body. This roadmap, likely to be endorsed as a plan by the summer of 2012, addresses the multiple district representative bodies established by donors – a critical requirement for the approval of the NPP on Local Governance. However, district governance remains limited by the centralized Line Ministry system, which depends on functioning provincial line ministries to move funds to the district level.

Despite the identified challenges, sub-national governance structures witnessed limited improvement in stability, effectiveness, and representation during the reporting period. Several programs have been developed to enhance sub-national governance capacity, including the Provincial Budget Pilot Program (PBPP), the Afghanistan Sub-National Governance Program (ASGP II), the Performance-Based Governor's Fund (PBGF II), and the District Delivery Program (DDP). In general, these programs are dependent on international funding, and their successful

taxpayer money spent on certain aid projects is stolen," *Salon*, November 19, 2011; Julian Borger, "Afghan anti-corruption watchdog threatens to quit; Hamid Karzai warned corrupt senior officials must be prosecuted to end stalemate in battle with Taliban," *The Guardian*, December 4, 2011; Patricia Grossman, "Kabul's Stealth Attack on Human Rights," *New York Times*, December 26, 2011.

³⁰ *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, April 2012, p. 70-72.

implementation relies on a favorable security situation and adequate human resources. Sub-National Governance (SNG) policy has left many critical issues unresolved or blurred, particularly in relation to the competencies and roles of different critical actors at the sub-national level.

Overall, sub-national governance programs are a critical element to developing and improving the effective extension of governance from Kabul to the provincial, district, and village level throughout Afghanistan. The cumulative effect of these programs will improve the ability of the Afghan Government to respond to the needs of the local population, and increase support for and the credibility of the Afghan Government.

SNG programs continue to face challenges, however, including funding, procedures, and coordination of activities to enhance governance in the medium and long term through capacity building at the sub-national level. The practice of donors' geographically ear-marking funds remains prevalent, causing spending to be highly uneven across provinces. Years of limited discretionary funding at the central government level and plentiful donor funding at the provincial level has distorted the budget formulation process. The operational and management (O&M) budget is not proportional to the development budget, and this imbalance is amplified by off-budget infrastructure projects that do not account for future O&M.

The situation had not improved significantly by the December 2012 DoD 1230 Report:³¹

The Afghan Government continues to develop its capacity to provide stable, effective, and responsive governance to the Afghan population. However, the long-term sustainability of the Afghan Government is challenged by corruption, ineffective program monitoring, sub-national government budget funding shortfalls, an inability to generate revenues sufficient to cover the cost of government operations, and limited public financial management capacity. Furthermore, poor linkages between the national and sub-national levels of governance and an imbalance in the distribution of power between the three branches of government, with power concentrated in the executive branch, continue to limit effectiveness and legitimacy. Limited human capacity and a lack of appropriate formal training and education within the civil service and Afghan populace also impede the development of stable and sustainable government across Afghanistan.

During the reporting period, the executive, legislative, and judicial branches of the Afghan government demonstrated mixed progress in meeting their respective responsibilities and making gains toward long-term sustainability. Although some progress was made in national-level governance policy this reporting period, efforts to build a solid sub-national governance foundation still have room for improvement. The executive and legislative branches were focused on a series of international conferences - the May Chicago NATO Summit, the June Heart of Asia Conference, and the July Tokyo Donors Conference - and finalizing bilateral/multilateral agreements and other arrangements securing pledges of long-term support and financial assistance from the international community.

...The Afghan government remains highly centralized, with budgeting and spending authority held primarily by the Ministry of Finance and other central ministries in Kabul. Service delivery is implemented by central ministries. Sub-national administrations do, however, continue to engage in limited coordination, planning, and service-monitoring roles, and there are multiple institutional and operational programs in place aimed at improving sub-national governance, including the Afghanistan Sub-National Governance Program (ASGP II), and the Performance Based Governor's Fund (PBGF II). Over time, and if properly coupled with the MAF commitments noted above, these programs aim to increase the levels of delegation, accountability, and effectiveness at sub-national level, particularly in areas of budget planning and execution. Sub-national governance structures currently operate to varying degrees of effectiveness at provincial, district, and village levels, and are overseen by the Independent Directorate for Local Governance (IDLG), and the Ministry of Rural Rehabilitation and Development (MRRD). Coordination and

³¹ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 103-106.

cooperation between these two organizations has historically been poor, but recent developments on District Representation (see below) has improved this situation.

IDLG continues to support development of sub-national government structures in keeping with National Priority Program for Sub-National Governance (NPP4) and through policy and planning, capacity development, contract management, and coordination and facilitation. The directorate faces a number of challenges as it takes this work forward, including insufficient operations and maintenance (O&M) funds for sub-national structures, lack of authority over line ministries on recruitment issues, accusations of politicization in the appointment process, and extensive dependency on donor funding and parallel structures. The total governance budget is very low, at just five percent (i.e., \$720M) of the overall Afghan budget. Budget execution rates also remain low for two reasons: first, delays in budget approval and disbursements from Kabul ministries, and second, the lack of human capacity at the provincial and district levels to execute the funds.

MRRD sub-national programs are focused on the district and village levels. The ministry's two largest programs, the National Solidarity Program (NSP), in support of District Development Assemblies (DDA) in districts and Community Development Councils (CDCs) in villages, and the National Area-Based Development Program (NABDP), represent 95 percent of MRRD's program funding.

Reading between the polite lines of the US report, any major progress that can properly support Transition is still to come. Moreover, the situation in the field remains at the near-crisis levels. The only way the Afghan government could even partially staff the civil governance it introduced into the field in Helmand and Kandahar Provinces after the surge would to virtually waive the qualification for most of the Afghan personnel deployed.

The Corrupting Effect of Military and Aid Spending Without Proper Planning and Controls

The Afghan government needs to be held accountable for its failure to bring corruption down to more reasonable levels. The DoD report to Congress for April 2012 listed yet another long list of possible reforms that might actually be implemented at some unstated point in the future, but also made it clear that,³²

Corruption undermines the effectiveness, cohesion, and legitimacy of the Afghan Government; it alienates elements of the population and generates popular discontent; it deters investment, encourages the diversion of international assistance, and impedes licit economic growth; it enables criminal networks to influence important state institutions and functions; and it facilitates the narcotics trade and other transnational threats emerging from Afghanistan. Counter-corruption efforts are essential to strengthening critical Afghan institutions, consolidating gains in the wake of improved security, and they will grow in importance as the process of Transition continues.

...Corruption also extends beyond Afghanistan's borders, and addressing this transnational element is equally critical as eliminating domestic corruption. The transnational dimensions of the flows of money, narcotics, precursor chemicals, and weapons across Afghanistan's criminal networks have become increasingly apparent. Key figures within Afghan criminal networks are dependent on their links to the international financial system, their capacity to invest the proceeds of their illicit activities abroad, and their ability to travel freely outside of Afghanistan.

...Despite an expansive counter-corruption campaign led by CJIATF-*Shafafiyat* and ISAF in close cooperation with the Afghan Government, counter-corruption efforts rely heavily on the capacity and political will of the Afghan Government. During the reporting period, Afghan leaders –

³² Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, April 2012, p. 78-80.

including President Karzai – made limited progress in addressing corruption and instituting reforms in cooperation with the international community.

...Afghanistan's principal anti-corruption institutions, the HOOAC and the Attorney General's Office (AGO), continue to have only minimal political support for enforcing transparency and accountability within the Afghan Government. In response to sustained ISAF and interagency engagement and influence, however, the Office of the Attorney General created a joint Afghan-international Special Cases Committee (SCC) designed to initiate and monitor the progress of long-stalled, high-profile cases of corruption and organized crime. A HOOAC-led inter-ministerial investigative team, overseen by the SCC, is now making progress in the case of the criminal network that operated in the Dawood National Military Hospital and Office of the ANA Surgeon General from 2008 to 2010. The work of the SCC and its inter-ministerial partners represents a promising means of achieving progress on reversing the prevailing "culture of impunity," but it remains a developing institution with only limited political support.

The December 2012 updated report noted that,³³

The United States and coalition partners conduct a broad range of programs that promote the rule of law (RoL) in Afghanistan. The Department of Defense's rule of law efforts include field support to civilian rule of law teams; training for judges, prosecutors, defense counsel, and corrections officials; providing necessary infrastructure for courts and prisons; and training Ministry of Interior police forces in aspects of law enforcement from investigations to community policing.

The U.S. Agency for International Development's (USAID) rule of law program has three main components: building the capacity of the formal justice and traditional dispute-resolution systems; promoting governmental and civil society anti-corruption measures; and promoting human rights. The rule of law portfolio has both national and sub-national impact and promotes rule of law institutionally and at the grassroots level. Key successes and achievements include increasing the number of female graduates by 20 percent from the Supreme Court's two-year training program for judges, the establishment of several legal clinics in law and Islamic faculties, the acceptance of curriculum reform in law and Islamic faculties, and condemnation of baad, the practice of using women as compensation to settle disputes among practitioners of traditional dispute resolution.

The Department of State funds projects to modernize court administration, build the capacity of investigators and prosecutors, support small-scale informal justice program, reform the corrections system, provide support to law schools and legal academia, and develop transparency in the prosecutorial process. The Department of Justice provides subject matter experts to provide advice and train key members of Afghanistan's justice system.

...Widespread corruption and insufficient transparency remain the main challenges with respect to establishing a self-sustaining rule-of-law system in Afghanistan. The country's principal anticorruption institutions, the High Office of Oversight and Anti-Corruption (HOOAC) and the Attorney General's Office (AGO), have minimal political support in encouraging and enforcing transparency and accountability measures within the Afghan government. Weaknesses within both the formal and traditional Afghan justice systems, and the link between the two, ensure the Taliban system of dispute resolution remains a viable option for segments of the Afghan population because the Taliban process is rapid, enforced, and often considered less corrupt than that of the formal Afghan justice system. Although traditional dispute resolution is often touted as more developed in parts of Afghanistan not under central control, some dispute resolution processes, such as the practice of baad, are inconsistent with international human rights principles.

Overall, progress in rule of law promotion and implementation continue to be mixed. The main challenges include access to the formal justice system, poor enforcement of human rights protections guaranteed by the Afghan constitution, corruption, insufficient transparency, and inadequate security for justice facilities and personnel. The shortage of human capital and the

³³ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 110-112.

Afghan government's insufficient political will to operate and maintain justice programs and facilities are key impediments. To fulfill the requirements of security and sustainability, security transition must include the transition of rule of law activities and assistance from military to civilian support, with an end state of full ownership of all aspects of the justice sector—police, courts, and prisons—by local, provincial, and national Afghan stakeholders. Successful rule of law efforts are more likely to be found in transitional areas where Afghan governance followed ISAF-supported stability. Expanding the reach of the rule of law into remaining areas, where the transition from an ISAF security lead to an Afghan lead has not yet occurred, poses a greater challenge as the Afghan government works to stabilize areas simultaneously with building capacity, effective governance processes, and personnel.

This scarcely guarantees that the Afghan government pledges for reform made at the Tokyo Conference will make much difference during the most critical periods of Transition. At the same time, however, US, European, and other donors have not shown that they can convincingly substitute for the Afghan government's lack of capacity and have not really attempt to hold the Afghan government accountable.

They have consistently thrown money at various aid tasks without adequate analysis of requirements, planning, coordination, and measures of effectiveness that go beyond the ability to throw money at a project. A decade of anti-corruption efforts has produced little more than the occasional scapegoat and a constant reshuffling of positions for corrupt and incompetent officials and police officers that have political influence.

A 2010-2011 ISAF task force led by Brigadier General H. R. McMasters found this lack of management had led to massive contractor waste and fraud, and had an equally massive corrupting and inflationary impact on Afghans and outside contractors who took money that was never properly controlled. These conclusions have been confirmed by a variety of audits by SIGAR, other US inspector generals, the GAO, and a number of in-house reviews by European governments.

It is all too clear that US, NATO/ISAF military spending, and aid donors have operated in ways that were intensely corrupting and must take at least as much of the blame as the Afghans. What is not clear is that any effective reform will be possible as the US, NATO/ISAF, and donors cut both their spending and presence in the field, and many Afghans come to fear Transition so much that their main goal becomes leaving the country.

This raises a whole new set of questions about how to manage Transition during 2012-2014, and when and whether any effective Afghan and international program can be developed to deal with the post 2014 Transition period.

A major cutback in the size of civil aid efforts seems inevitable, but so far, the emphasis seems to be on cuts and not finding some functional approach to phasing the civil efforts down that offers a reasonable path toward a stable Transition. The civilian surge is on a path where it will be replaced by a rush to the exits.

Influencing Afghanistan to Become as Good as It Can Actually Get by Doing Things the Afghan Way

Afghan political stability, and the quality and nature of Afghan governance outside Kabul, will be largely determined by Afghans. Outsiders can influence the process, but the honesty of the coming elections is still going to be determined by Afghans, and the real

issue - leadership and some form of working consensus and national unity among Afghan factions and power brokers - must come from within.

Western efforts to reform Afghan governance can still have marginal impact, but every passing month will see Afghans increasingly assert their sovereignty and “do it their way.” Any peace settlement that works and actually has meaning will do so on Afghan terms, regardless of the formal agreement. The same is true of any strategic agreement between the Afghan, the US, and other outside powers.

What the US, its allies, and other donor countries can do, however, is make it firmly but politely clear that,

- US and other allied strategic interest in Afghanistan are limited, there are many other priorities, and the US and other states can and will leave if Afghans fail to help themselves.
- Afghanistan must demonstrate it has an effective enough president and structure of governance after the 2014 election to earn US and allied support, or see aid and support cut or shifted in part to regional centers of power.
- Corruption and power brokering needs to be sharply reduced and far more emphasis needs to be placed on effective governance.
- The pledges the Afghan government made for reform at the Tokyo conference will actually need to be kept.
- Aid will be cut or not go through GIRoA if GIRoA cannot use it effectively and with reasonable levels of integrity.
- The military aid, advisory, and enabling effort will be dependent on Afghan’s action and agreement to an effective Bilateral Security Agreement and implementation of a broader Strategic Partnership.
- Grossly corrupt officials and officers that threaten Afghan security and stability during Transition will not be tolerated after the 2014 election, and aid will be halted or reduced to force such changes.

In the case of the ANSF, the US and its allies should make it clear that they are prepared to cut support and funding for force elements that remain grossly corrupt and serve power brokers in ways that do not provide stability or assist the people. If the effort to create “Afghanistan good enough” results in failed Afghan leadership, governance, or ANSF development, the US and its allies should regard an exit from Afghanistan as mandatory.

Development and Governance at the Regional, Provincial, District, and Local Levels

These problems in Afghan leadership, politics, corruption, and the rule of law interact directly with governance, security, economic progress, and public perceptions at the provincial, district, and local levels.

Problems in the Political, Governance, Security, and Economic Aspects of the Build Effort

The challenges to the US and Europe go beyond providing aid. They involve major problems in security, Afghan governance and society, and in structuring, funding, and training effective Afghan national security forces to replace US and allied forces.

The DoD April 2012 report on progress in the war describes a wide range of ongoing aid efforts - as well as presents the tenth annual set of new concepts and future good intentions for reshaping future aid on the part of State and USAID.

Figure 4 shows that the DoD and ISAF reported that the Afghan government was expanding its capacity at the provincial and district levels in some areas, although others were less capable and the overall rate of progress is far too slow to guarantee a successful Transition. Once again, public reporting has since halted because of the political embarrassment of having to report metrics that show so little progress.

At the same time, passages throughout the DoD report warned how many aspects of the “build” effort are already in trouble, that making enough progress for a stable Transition by 2014 was unlikely, and that future outside aid will have to be carefully targeted and limited to match Afghanistan’s ability to absorb aid effectively on its own terms.

SIGAR reporting in July 2012 gave much the same message:³⁴

Careful evaluation of an area’s security, governance, and development environment is conducted when considering eligibility for Transition. After an area has been selected, the Afghan Government, NATO, and ISAF develop Transition implementation plans to be approved by the JANIB. Upon entry of an area into the Transition implementation process, NATO and ISAF support continues through four broad stages, progressing from local support to strategic support. The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of Transition implementation.

A critical component of the Transition process is the gradual evolution of Provincial Reconstruction Teams (PRTs). In recognition of Afghan concerns regarding parallel structures, and as part of the effort to promote Afghan capacity, PRTs are Transitioning from service delivery to capacity building, and will either be disbanded or form part of individual countries’ ongoing commitments to Afghanistan.

...the capacity of the Afghan Government and the extension of effective governance and rule of law have been limited by multiple factors, including widespread corruption, limited human capacity, and uneven concentration of power among the judicial, legislative, and executive branches. Setbacks in governance and development continue to slow the reinforcement of security gains and threaten the legitimacy and long-term viability of the Afghan Government. The Ministry of Defense (MoD) and Ministry of Interior (MoI) are working closely with ISAF to develop and

³⁴ *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, July 30, 2012, p. 86-87.

implement initiatives to combat corruption. Minister of Defense Wardak has personally taken ownership of anti-corruption reforms within the Ministry of Defense and is fighting to make the MoD an example for the rest of Afghanistan. The United States and the international community will continue to work closely with their Afghan partners to address these challenges.

...parliamentary authority and independence remains subjugated to the executive and judiciary branches. This imbalance was evidenced by the National Assembly's approval of President Karzai's nine cabinet nominees in March 2012. According to the procedures of the Afghan National Assembly, resubmitting nominees for consideration is illegal; this, however, did not prevent President Karzai from resubmitting seven candidates whose appointments were previously rejected. After questioning only two and altering National Assembly procedures to allow the candidates to be resubmitted, the National Assembly approved all nine candidates. This incident exposed the weakness of the National Assembly in relation to the President, while also demonstrating the absence of a clear authority to interpret the Afghan Constitution and regulate Afghan law.

...progress in rule of law continues to be mixed. The main challenges include a lack of access to the formal justice system, poor enforcement of the human rights protections guaranteed by the Afghan constitution, pervasive corruption, insufficient transparency, and unsatisfactory protection of justice facilities and personnel. The shortage of human capital and lack of political will on the part of the Afghan Government to continue to sustain programs and facilities which have been put in place to maintain security and stability as coalition forces draw down is also a key challenge going forward.

Afghanistan still faces a host of challenges, including systemic corruption and inadequate coordination between the formal and customary justice systems. Afghan ownership of further development efforts is critical, as efforts aim to put in place the minimum conditions necessary to enable formal local authorities, institutions, and the wider public to sustain the rule of law.

Despite an expansive counter-corruption campaign led by CJIATF-Shafafiyat and ISAF in close cooperation with the Afghan Government, counter-corruption efforts rely heavily on the capacity and political will of the Afghan Government. During the reporting period, Afghan leaders – including President Karzai – made limited progress in addressing corruption and instituting reforms in cooperation with the international community.

Afghanistan's principal anti-corruption institutions, the HOOAC and the Attorney General's Office (AGO), continue to have only minimal political support for enforcing transparency and accountability within the Afghan Government.

Despite the identified challenges, sub-national governance structures witnessed limited improvement in stability, effectiveness, and representation during the reporting period...Sub-National Governance (SNG) policy has left many critical issues unresolved or blurred, particularly in relation to the competencies and roles of different critical actors at the sub-national level.

SIGAR reporting in January 2013 rehashed similar arguments. The updated report described the following issues that still remain in Afghani governance:³⁵

The National Assembly continues to be a fairly weak institution with no solid role in the Afghan government, according to an evaluation conducted for USAID by Democracy International. The evaluation noted institutional progress over the Parliament's eight years in an environment fraught with political violence and national and personal insecurity. However, the evaluation also found a number of problems with the Assembly and its place in the overall government:

- The Assembly has little to no financial or administrative independence.
- Its rules of procedures are a mix of practices borrowed from multiple sources that have not yet been vetted through trial and error.

³⁵ *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, January 30, 2013, p. 100-116.

- The body is extremely understaffed, and its staff is significantly underpaid.
- There are numerous internal divisions within the Parliament that track along religious, ethnic, and geographic lines.
- Charges of fraud and corruption are constantly leveled at members. The National Assembly established an internal ad hoc commission to explore corruption within the body, according to State. The Assembly also established a commission on nationwide corruption, with a particular emphasis on illegal land grabs.

...The Afghan government's capacity to effectively manage its public finances remains strained. According to DoD, the lack of sufficient capacity to plan, budget, and execute programs continues to be one of the greatest hindrances to effective public-sector program implementation and service delivery. These financial management issues included the following:

- capacity constraints at the national and sub-national levels
- weak planning and budget formulation
- donor earmarking of funds and funding delays
- communication challenges across ministries, donors, and sub-national entities

...DoD noted a longer-term concern is that international donors have created what is basically a parallel civil service, comprising skilled civil servants paid by international donors at higher rates than the regular service. This externally funded civil service makes up only 3.9% of the total workforce, but accounts for an estimated 31.9% of total payroll costs, according to a 2011 World Bank survey of eight key ministries and one agency. According to DoD, the Afghan government cannot fully absorb the cost of these higher salaries, and this fiscal reality may jeopardize transfer of valuable program-management and service-delivery competencies into the regular service.

...Although international partners have long worked toward making the Afghan government less centralized, the government structure continues to concentrate power in Kabul, according to DoD. Budgeting and spending authority is still primarily held by the MoF and other central ministries, and service delivery is still mostly implemented by central ministries. There are limited coordination, planning, and service-monitoring roles through the sub-national administrations.

...Provincial line departments of central line ministries continue to have primary responsibility in deciding how resources are allocated at the provincial level, with little regard for local priorities. Poor coordination and communication between the provinces and Kabul compound this problem. The Provincial Budget Pilot Program, created in 2011 by the MoF, was supposed to improve budgetary planning and communication between the levels of government, but has stalled due to funding difficulties.

...District governors continue to have difficulty coordinating and communicating with provincial authorities, limiting their involvement in strategic planning and budgeting for their districts. District governors depend on the international community for their programmatic funding and are hampered by the same problems with centralized line-ministry control of the budget that affect provincial governments.

...Insecurity has continued to impede expansion of rule of law, especially at the district level. Prolonged dispute resolutions in the formal justice system have led many rural Afghans to view it as ineffective and inaccessible. In addition, widespread corruption and inadequate transparency continue to stifle development of a self-sustaining rule of law system. Furthermore, DoD noted that the Afghan government's lack of political will to operate and maintain justice programs and facilities has hindered justice development. USAID noted that the judiciary has also not had sufficient political will to establish genuine independence from the executive branch. Rule of law activities will need to be included in the overall transition effort and will be most successful in the areas where capable governance has followed stabilization, according to DoD.

...Weaknesses within both the formal and informal justice systems, along with ineffective linkages between the two systems, continue to lead many Afghans to go to the Taliban for dispute

resolution. The Taliban process is based on stern religious precepts, but is also rapid, enforced, and often considered by Afghans as less corrupt than the formal system.

This quarter, Transparency International released its latest corruption-perception report indicating that Afghanistan's public-sector corruption continues to be a major problem. Last year Afghanistan was ranked as the third-most-corrupt country. This year Afghanistan was tied with Somalia and North Korea to be perceived by corruption experts as the most corrupt country in the world. In a separate survey conducted in Afghanistan by the Asia Foundation, almost 80% of the Afghan public views corruption as a major problem in their national government...

According to the Afghan Coalition of Transparency and Accountability, the budget submitted by the MoF this quarter contained no allocations for combating corruption despite the international community's demand that the MoF make governmental integrity a priority. The Coalition said the document indicated no clear intent to fight corruption and fulfill Afghan government commitments made at the Tokyo Conference in July 2012. Some Afghan lawmakers criticized the Coalition's findings as inaccurate.

...Despite the importance the United States and the international community place on progress in punishing high-level officials guilty of corruption, the Afghan Attorney General Office (AGO) made no significant anti-corruption indictments or prosecutions this quarter. Afghan prosecutors continued to complain that they lack supervisors' support for prosecutions.

Many of these assessments track closely with other reporting and conversations with United Nations Assistance Mission in Afghanistan (UNAMA) personnel and aid experts from other countries, and the World Bank analyses cited earlier. They also track with the many NGO and international estimates on the ongoing impact of corruption, power brokers, criminal networks, as well as the lack of supervision by donors and ISAF military forces over how contract and aid money are used.

One key warning came in SIGAR's July 2012 report, reporting that has since not been followed up.³⁶ SIGAR stated that according to United States Agency for International Development (USAID),³⁷

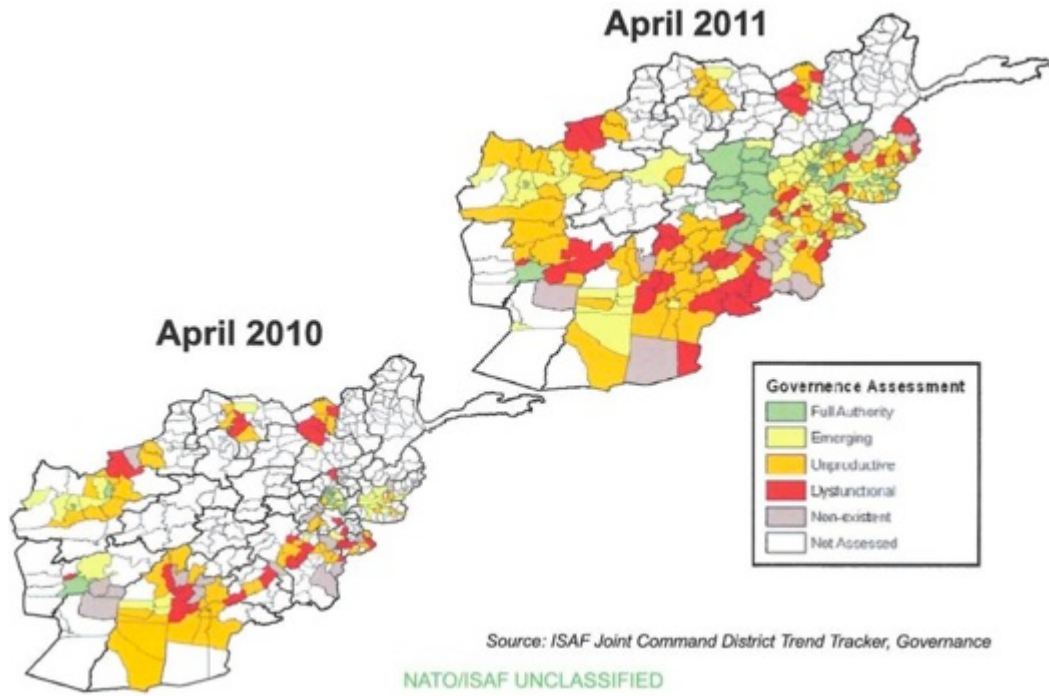
60% of civil servant positions were filled in the 14 most insecure provinces, according to USAID. Southern and eastern provinces faced the most difficulties in staffing, as shown in [Figure 5]. This is an improvement from April 2011, when 50% of positions were filled. Lack of security and candidates' lack of experience and education continued to pose challenges in filling local positions.

Other sources indicate that these challenges were so severe that all normal qualifications were waived in recruiting and placing new personnel during the "surge" in Helmand and Kandahar in 2012.

³⁶ *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, July 30, 2012, pp. 86-87

³⁷ *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, October 30, 2011, pp. 89

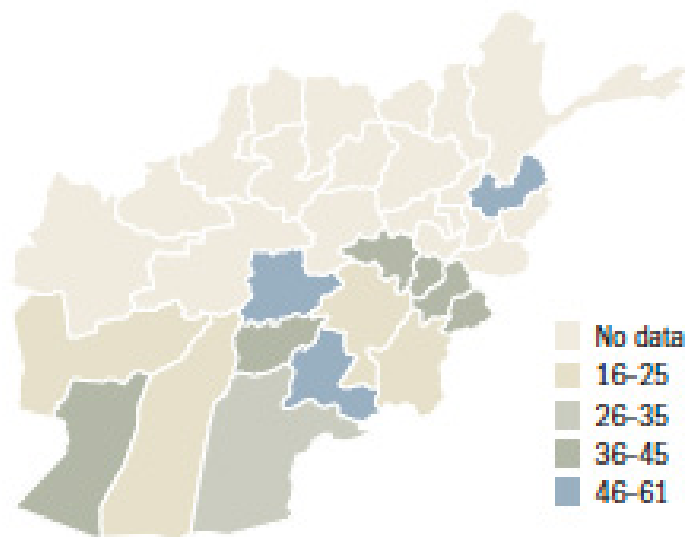
Figure 4: Uncertain Progress in District Governance: 2010-2011



Source: ISAF Joint Command District Trend Tracker, Governance

Source: *Joint Command District Trend Tracker*, International Security Assistance Force, May, 2011.

Figure 5: Proportion of Afghan Civil Service Positions Vacant in Selected Provinces (in Percent)



Source: *Quarterly Report to the United States Congress*, Special Inspector General for Afghanistan Reconstruction, October 30, 2011, p. 89.

The politics of not being able to show further progress, and the embarrassing nature of Afghan governance in many districts - even if the report only mentioned governance in a small part of the report and ignored waste, corruption, and power brokering - ended such reporting by district after April 2012. However, the UN put these issues in the broader context of the overall course of the war and Transition in an August 2012 report on casualties in the Afghan conflict.³⁸

UNAMA's discussions with Afghans in rural communities across the country reflected a common perception that Anti-Government elements exercise de facto control of areas or entire districts in many regions of Afghanistan. Despite the Government of Afghanistan control over the majority of the country, communities consistently expressed that Anti-Government Elements present themselves to the local population as an alternative to the Government. People informed UNAMA consistently that Anti-Government Elements abused human rights with impunity, including killings, amputations, abductions and beatings, which served to impede the enjoyment of human rights such as freedom of movement, access to education, freedom of expression and the right to effective remedy in areas where there was limited government control or presence.

As many of those areas have been under the partial control of Anti-Government Elements, including the Taliban, in recent years, the human rights and protection issues reviewed in this section do not necessarily reflect new trends. Rather the views expressed may present a picture of the conditions under which those local communities interviewed have lived over an extended period.

Many community members interviewed by UNAMA reported a direct correlation between insecurity and the absence of a government in their communities. Communities from the more insecure areas, particularly those under the effective control of Anti-Government Elements, reported a lack of Pro-Government Forces in their villages. In many districts, interviewees noted that the ANSF presence primarily focused on protecting district centers.

... In the southern, southeast and eastern regions of Afghanistan, entire districts and in some cases, almost entire provinces are, to varying extents, controlled Anti-Government Elements. Local residents informed UNAMA that large portions of Paktika and Khost provinces in the southeast are considered as being almost completely controlled by Anti-Government Elements, with the exception of the district and provincial capitals. In the northern provinces of Balkh, Sari Pul, Faryab and Jawzjan communities described pockets or areas within specific districts. A similar situation was noted in specific districts in the central region provinces of Kabul (only in Surobi district), Kapisa, and Parwan and in large areas of Logar and Maidan Wardak. Communities in the western provinces of Herat, Badghis, Ghor and Farah reported that Anti-Government Elements maintain a presence in some areas outside of the district centres. Interlocutors reported the presence of Anti-Government Elements in the northeastern provinces of Baghlan, Badakhshan, Kunduz and Takhar. In the central highlands region, there are no areas under the control of Anti-Government Elements. Civilians living in border areas with other provinces, however, are impacted by the presence of Anti-Government Elements along those borders.

As the presence of ANSF and government authorities in many places is limited to district centres, Anti-Government Elements continue to move within areas either in order to assume effective control of communities or to harass and intimidate local residents into supporting them. Many members of these affected communities also consistently voiced dissatisfaction with the Government and in some areas expressed ideological support to Anti-Government Elements groups who they viewed as an alternative to the government which they often characterized as corrupt.

Communities interviewed also noted that ISAF and ANSF often conduct operations in known Anti-Government Elements controlled areas, and then immediately withdraw back to district

³⁸ *Afghanistan Mid-year Report on Protection of Civilians in Armed Conflict: 2012*, UN Assistance Mission in Afghanistan, p. 19 (© 2012 United Nations; reprinted with permission).

centres, thus allowing Anti-Government Elements to maintain a presence. UNAMA has received numerous reports of night patrols and mobile checkpoints set up by Anti-Government Elements on rural roads. UNAMA has also received reports that in some areas controlled by Anti-Government Elements, operations by Pro-Government Forces have decreased in the last six months, such as Jawand district of Badghis province. In Passaband district, Ghor province, the community reported that no international military or ANSF operations have taken place in the last six months, raising concerns within the community that the resulting security vacuum will eventually be exploited by Anti-Government Elements.

In locations where the Taliban or other Anti-Government groups have been unable to win public support, harassment and punishment of local population has often followed. For example in Andar district of Ghazni province, following local communities' opposition to Taliban actions, on 20 and 23 June, 2012, Taliban forces burned down four local houses.

Areas under the effective control of Anti-Government Elements often have very limited access to governmental justice mechanisms or services. Anti-Government Elements are taking advantage of this rule of law vacuum to enforce their own parallel judicial structures in many affected areas to take decisions in criminal cases, disputes and, in some cases, to try and/ or punish persons suspected of collaborating with Pro-Government Forces. These judicial structures are illegal and have no legitimacy under the laws of Afghanistan. The severe punishments meted out by these structures amount to criminal acts under the laws of Afghanistan, and in some circumstances, war crimes. Due to the inherent illegality of these mechanisms, UNAMA views the existence of these structures and resulting punishments as abuses of human rights. Thus UNAMA's analysis does not evaluate the procedural elements reported by communities according to recognized international human rights standards, for example, fair trial standards. UNAMA has documented many cases of Anti-Government Elements murdering or mutilating persons suspected of collaborating with Pro-Government Forces after carrying out a 'public hearing'.

...Compounding the absence of functioning and transparent lawful judicial proceedings is the absence of government redress mechanisms for victims of human rights abuses carried out by parallel judicial structures run by Anti-Government Elements.

Government-appointed judges and prosecutors are often unable to remain in communities described by local residents as under the effective control of the Taliban, due to insecurity. Such officials are at a particular risk of being assassinated by Anti-Government Elements...For example in the eastern region, UNAMA documented targeted killings of judges in Bishud district of Nangarhar province and Qarghayi district of Laghman province and the abduction of a district prosecutor in Dara-i-Pech, Kunar province. In many districts in Uruzgan province, there are currently no officially appointed judges and prosecutors present in their districts largely due to insecurity and threats.

...Targeted killings, abduction and intimidations have created a climate of fear among officials and deter them from taking up positions and working in these areas. Access to justice is further impeded by large gaps in the rule of law. Anti-Government Elements have been able to exert influence most readily in remote areas of districts where communities are not able to easily access the official justice institutions in the district centres. Many community members interviewed by UNAMA also expressed reservations about the ability of the official justice system to resolve cases in a fair, timely or transparent manner, citing corruption and incompetence as key factors for their doubts. Moreover, many interviewees reported that Anti-Government Elements exert significant pressure and intimidation on local populations to force them to comply with their parallel judicial structures.

UNAMA has reviewed the proceedings from several hearings and observed a few common factors. Whereas some judicial mechanisms are convened on an ad hoc basis when members of the Taliban attend local *shurah* and jirga meetings and intervene in those proceedings, other structures are more regular and functional.

...Even when a more regular parallel structure is in place, however, it is usually mobile. In some areas, communities reported that more serious criminal cases are handled by a Taliban operated

court in Quetta, Pakistan. For example, community members in Ghazni province reported that the local Taliban judicial commissions deal with smaller criminal cases, but refer more serious cases (that involve death penalties) to Quetta. Similarly, in Uruzgan province, a local primary court judge and a Provincial Council member reported that a Taliban judicial structure is in place and adjudicates criminal cases locally, while serious cases are referred to a Taliban court in Quetta.

...In practice, parallel judicial structures sometimes operate in a 'complementary' manner to local informal judicial mechanisms led by tribal elders and local *shurahs*. Communities in certain parts of Jawzjan province reported that the Taliban allows the local informal judicial mechanisms to resolve social and family disputes, but reserves the right to resolve criminal cases through their own courts. In other areas, Anti-Government Elements appoint shadow prosecutors and judges to deal with criminal cases. These shadow officials maintain a regular presence, adjudicate cases and pass verdicts. For example, in Tirin Kot district of Uruzgan province, ANP and NDS sources confirmed that a Taliban shadow judge actively adjudicates cases.

UNAMA documented procedural details of a Taliban parallel judicial structure in Paktika province, following the arrest of a suspected Taliban judge by ANSF and International Military on 8 March, 2012. The ANSF investigation and subsequent NDS indictment indicated that the suspect had been appointed by the Taliban to lead a local Taliban judicial commission. The commission was composed of five persons led by the suspect, with criminal and civil proceeding being adjudicated in a village madrassa. The suspect was accused of murdering four persons, through sentencing them to death, including a past governor of Ghazni province...

...Anti-Government Elements routinely limit the freedom of movement of civilians in areas they operate and effectively control, either through controlling mobile or permanent checkpoints, enforcing explicit restrictions on movement, or imposing taxes on travelers. Additionally, many community members expressed that they do not move freely due to fears of being targeted or attacked by Anti-Government Elements operating along public roads or due to the prominent planting of IEDs on access roads. Individuals interviewed from most regions complained of harassment at ad hoc checkpoints by groups of armed men stopping vehicles, interrogating passengers, confiscating property and in some cases checking mobile phones in order to find evidence of links with Pro-Government Forces. Since very often the roads controlled by Anti-Government Elements are the only means to access district centres, the existence of mobile or permanent checkpoints infringes the right to freedom of movement, considerably impacting on civilian livelihoods and their right to employment. This impacts farmers in particular when they cannot travel to the district centres to sell their produce. For example, in a district in Balkh province, community members reported that due to the existence of Taliban checkpoints and insecurity on the roads to the district capital, many farmers have been forced to sell their produce in the local villages. This has resulted in loss of income and rise in poverty especially among farmers.

...UNAMA received reports of Anti-Government Elements imposing illegal taxes in almost all areas under their partial or full control. Most commonly, Anti-Government Elements operated checkpoints to extort money from civilian travelers. Many interviewees throughout the country told UNAMA that Anti-Government Elements justified the taxes as necessary to apply and pay for permits to travel out of the region. UNAMA also received reports in some areas that Anti-Government Elements imposed taxes on teachers in local schools.

In some parts of the eastern region, Anti-Government Elements extort ushar (10 percent on agriculture produce) and Zakat (2.5 percent on savings) from community members. In the eastern region, these taxes are largely collected in practice through the village Imam, who acts as a proxy for the Taliban for these purposes.

UNAMA also received reports, particularly from areas where the local population relies on poppy cultivation, that Anti-Government Elements specifically imposed taxes on poppy farmers, sometimes in exchange for protection services against drug eradication campaigns. This was reported to be the case in Shindand district of Herat province and with poppy farmers in eastern Afghanistan.

The ability of Anti-Government Elements to freely extort taxes from local populations reflects the limited degree of governance over these areas. Contrary to the aims of a government run system of tax collection, however, these illegal taxes are not intended to fund public services or other forms of benefit to local communities, and are most likely used to support self-sustainability of Anti-Government Elements and insurgency operations.

...Some community residents interviewed indicated that Anti-Government Elements expect them to house fighters or to allow them to use their property for their operations. Housing fighters can extend to providing either accommodation for a few nights or shelter from Pro-Government Forces during clearing or search operations. In areas of Baghlan province controlled by Anti-Government Elements, locals received night letters ordering them to keep the doors to their houses open at night to accommodate members of the Taliban. In some areas of Nangarhar province, Anti-Government Elements used local farmlands as hiding places or bases to launch attacks against Pro-Government Forces.

Communities in Faryab province reported to UNAMA that during the day, Anti-Government Elements confiscate motorcycles from the communities, using them to 'patrol' the area, and often hide inside local houses for protection from Afghan National Security Forces.

Use of civilian houses and farms for protection of Anti-Government Elements, or as staging grounds for their attacks, heightens the vulnerability of civilians and clearly risks implicating them in anti-government activities in the eyes of international military forces and Afghan National Security Forces. Contrary to international humanitarian law, which explicitly prohibits the use of civilians as human shields, such actions are intended to blur the distinction between combatants and non-combatants, broadening the scope for civilian casualties.

The UN also reported insurgent pressure on freedom of expression, education, and access to medical services. It is difficult to see how the ISAF governments and military forces fighting an insurgency - and dealing with a political war of attrition - can credibly talk about patterns in the war, its momentum, and plans for Transition without explicitly addressing these issues in detail.

The UN did not update its assessment in its February 2013 report. However, the DoD reported at the end of 2012 that:³⁹

Overall weaknesses of Central Government

...the long-term sustainability of the Afghan Government is challenged by corruption, ineffective program monitoring, sub-national government budget funding shortfalls, an inability to generate revenues sufficient to cover the cost of government operations, and limited public financial management capacity. Furthermore, poor linkages between the national and sub-national levels of governance and an imbalance in the distribution of power between the three branches of government, with power concentrated in the executive branch, continue to limit effectiveness and legitimacy. Limited human capacity and a lack of appropriate formal training and education within the civil service and Afghan populace also impede the development of stable and sustainable government across Afghanistan.

During the reporting period, the executive, legislative, and judicial branches of the Afghan government demonstrated mixed progress in meeting their respective responsibilities and making gains toward long-term sustainability. Although some progress was made in national-level governance policy this reporting period, efforts to build a solid sub-national governance foundation still have room for improvement. The executive and legislative branches were focused on a series of international conferences - the May Chicago NATO Summit, the June Heart of Asia Conference, and the July Tokyo Donors Conference - and finalizing bilateral/multilateral

³⁹ Office of the Secretary of Defense, *Report on Progress Toward Security and Stability in Afghanistan*, Department of Defense, December 2012, p. 103-104, 106-109.

agreements and other arrangements securing pledges of long-term support and financial assistance from the international community.

During the reporting period, President Karzai took a number of actions supporting his latest pledge to tackle corruption in the Afghan government. On June 21, 2012, Karzai called a special session of Parliament to solicit legislative support for carrying out measures to fight corruption and reform civil governance and law enforcement. In July, he issued a 23-page presidential decree, detailing a list of government reforms.

The decree has been met with skepticism, since demands and timelines were not combined with a comprehensive financial implementation plan or enforcement mechanisms. Additionally, in a shakeup of provincial governors, President Karzai announced on September 20 that he would change the heads of 10 of Afghanistan's 34 provinces, purportedly as a result of a review carried out by the Independent Directorate for Local Governance (IDLG). These changes involved a few prominent officials that had worked closely with the Coalition, such as Helmand Governor Mangal.

The judicial branch, with the assistance of the international community, has made increasing progress with regard to training and staffing sub-national judicial positions, and held more public trials this reporting period than during the previous reporting period. Improvements in the reach and function of sub-national governance are being made as the Afghan government develops opportunities for both traditional and formal modes of conflict resolution. However, constrained freedom of movement due to security concerns impedes the expansion of rule of law, especially at the district level. The time required to resolve disputes through the formal system exacerbates the separation between the formal and traditional rule of law systems, and contributes to the perception that the Afghan government is ineffective and inaccessible to many rural Afghans.

In the legislative realm, the Afghan government's legislative agenda, based upon its 2010 Kabul Conference Commitments, other international commitments, and other domestic priorities, is moving slowly. The Sub-National Governance Law, the Civil Service Law, and the Municipality Law remain blocked at the Ministry of Justice or Council of Ministers level. The National Assembly did demonstrate parliamentary authority with its vote of no-confidence action against former Minister of Defense Wardak and former Minister of Interior Mohammedi amid allegations of corruption and reported dissatisfaction with the handling of cross-border violence emanating from Pakistan. However, Mohammedi was later appointed as the new Minister of Defense.

Overcentralization

The Afghan government remains highly centralized, with budgeting and spending authority held primarily by the Ministry of Finance and other central ministries in Kabul. Service delivery is implemented by central ministries. Sub-national administrations do, however, continue to engage in limited coordination, planning, and service-monitoring roles, and there are multiple institutional and operational programs in place aimed at improving sub-national governance, including the Afghanistan Sub-National Governance Program (ASGP II), and the Performance-Based Governor's Fund (PBGF II). Over time, and if properly coupled with the MAF commitments noted above, these programs aim to increase the levels of delegation, accountability, and effectiveness at sub-national level, particularly in areas of budget planning and execution. Sub-national governance structures currently operate to varying degrees of effectiveness at provincial, district, and village levels, and are overseen by the Independent Directorate for Local Governance (IDLG), and the Ministry of Rural Rehabilitation and Development (MRRD). Coordination and cooperation between these two organizations has historically been poor, but recent developments on District Representation (see below) has improved this situation.

Provincial Governance

...The Afghan constitution defines provinces as administrative units of the central government. The provincial tier includes provincial directorates of central ministries, provincial governor's offices, and provincial councils. Provincial councils are elected bodies with oversight but no legislative authority. Provincial Governors are appointed by the President in coordination with the IDLG. They lead planning, budgeting, and coordination, and they oversee and monitor the

activities of provincial line directorates to ensure the directorates implement programs in accordance with provincial plans. Directors of provincial departments report to their respective central line ministries.

There is, however, generally poor coordination between councils, governors, and the provincial line departments of central line ministries, with the latter still determining for the most part how resources are allocated at the provincial level with little regard for local priorities. This problem is compounded by poor coordination and communications between the Afghan provinces and Kabul.

The Provincial Budget Pilot Program (PBPP), introduced last year by the Afghan Ministry of Finance (MoF), sought to improve budgetary planning and communication between the provincial and national levels, by including provincial authorities to a limited degree in the budget planning process for Solar Year SY 1391. After a promising start, the program stalled due to funding difficulties, but efforts are underway to address these difficulties and include some PBPP projects in the SY 1392 budget. The World Bank has been helpful to this end. Budgets aside, civil service capabilities continue to be a concern across the country.

District Governance

...District Governors (DGs) are appointed through a merit-based civil service recruitment process. Once installed, DGs generally face poor levels of coordination and communication with provincial authorities, resulting in limited engagement in strategic planning and budgetary processes. District governors are dependent on the international community for programmatic funding, and district governance remains limited by the centralized line ministry system highlighted above.

...The development of effective district governance has, however, made some progress during the reporting period, with endorsement by the Afghan government of the district representation roadmap, which was a pre-condition for international community approval of NPP four for local governance. Under the roadmap, Interim District Coordination Councils (DCCs) will be created to replace the multiple forms of currently existing district representative bodies established by donors. These interim DCCs will be voluntary unpaid bodies, led by IDLG and with MRRD in support for development issues. These efforts are meant to rationalize the existing, and often conflicting, sub-national structures and balance the division of power between nominated district officials and Afghan citizens. DCCs will serve mainly as a conflict resolution structure and prepare development plans without implementing them. Precise roles and responsibilities will be more clearly defined and endorsed by the Afghan government by end of 2012, and DCCs will be operational by end of 2013. Thereafter, a District Council roadmap in line with the Afghan Constitution will be finalized, paving the way for formal and constitutional District Council elections that should be held in 2015 according to the Afghan constitution.

Local Governance

With no formal/constitutional village/community council elections scheduled in the foreseeable future, villages are represented through elected and donor-sponsored MRRD Community Development Councils (CDCs), which have had a long-standing presence since 2003. CDCs are elected by local *shuras*, led by elders, or via a democratic voting process, and are primarily engaged in development decisions. There are some 28,000 CDCs across Afghanistan at present, but expansion of the program has stalled due to security concerns in the remaining uncovered areas.

...Recruitment and retention of competent Afghan government staff remains a problem at both provincial and district levels, although the extent of, and reasons for, the problem varies across the country. The World Bank's "Capacity Building for Results" program, recently launched in May, seeks to address some of the issues underpinning this problem, and the Independent Administrative Reform and Civil Service Commission is also addressing the issue through implementation of merit-based hiring, recruitment events at the provincial level, and a uniform curriculum for all civil servants.

Financial Management

...Limited public financial management capacity remains one of the primary challenges hindering public sector program implementation and public service delivery. More specifically, the Afghan government cites capacity constraints at the national and sub-national levels; weak planning and budget formulation; donor earmarking of funds and funding delays; and communication challenges across ministries, donors, and sub-national entities as key challenges. An additional long-term concern is the retention and integration of the externally funded Afghan “second civil service,” a cadre of skilled civil servants funded by international donors at a higher rate than the regular service in order to expand technical assistance and capacity in line ministries and, in some cases, to help execute donor-funded projects. Although the externally funded Afghan staff represents only roughly 3.9 percent of the total workforce, they account for an estimated 31.9 percent of total payroll costs, according to 2011 World Bank survey of eight key ministries and one agency. The Afghan government has little ability to absorb the cost of these higher salaries, which may jeopardize the transfer of valuable program management and service delivery competencies into the regular service.

Negative as many of these comments are, they still ignore many critical problems. First, many ignore the fact that the promised improvement has failed to take place in spite of half a decade of similar promises and much of their aid effort in the field will be gone by the fall of 2013. They ignore security and most rule-of-law issues, narcotics, criminal networks, the sharp differences by province and district that generally make things worse in high-risk or threat areas, and Afghan popular perceptions of governance and integrity which are discussed later in the broader analysis of corruption.

Failing to Tie Development and Economic Aid to Progress at the Provincial, District, and Local Levels

The problems in making effective assessments of governance are matched by the fact that it is now the eleventh year of the war. Thus far the UN, the State Department, USAID, other donor nations, the World Bank, and the government of Afghanistan have failed to publish meaningful assessments of how the flow of aid to Afghanistan, the impact of civilian and security aid programs, and outside spending have impacted on the trends in the Afghan economy and how to develop credible measures of the effectiveness aid efforts.

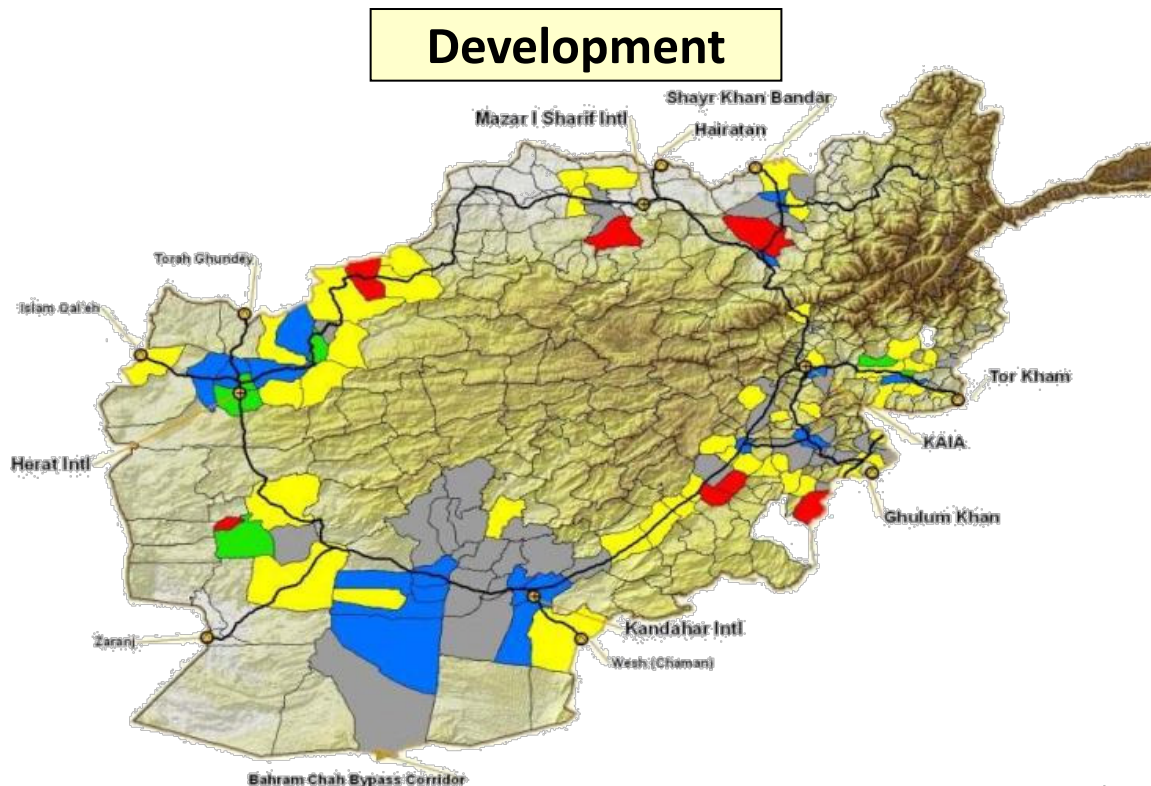
The US SIGAR had made some assessments of US effectiveness. Unlike its Iraqi counterpart Special Inspector General for Iraqi Reconstruction (SIGIR), however, SIGAR focuses almost exclusively on US spending and makes little effort to validate plans and requirements for civil and security aid efforts versus traditional audits which can do little more than document past failures.

The previous figures have shown just how massively the flow of new aid pledges, commitments, and disbursements increased up through FY2012 have served to also increase Afghan dependence on aid and the problems in Transition with each year's increase. These data - *which only cover US spending* - provide a grim warning of the sheer scale of the spending, the erratic funding patterns that have taken place in the past, and how drastic the impact could be if sudden funding cuts to the ANSF and civil sector aid programs begin before Afghanistan can adapt to their loss. This loss can amount to some nine to 14 times its current revenue earnings and spending on military operations inside Afghanistan - which is at least another 20 to 30 times the revenue earnings of the Afghan government.

Moreover, while ISAF stopped reporting progress in development by Afghan districts in 2012 - evidently because the lack of progress became a serious political embarrassment - **Figure 6** shows that the trends through the spring of 2012 were anything but reassuring. UN reporting also indicates that security for both aid activity and Afghan governance is still lacking in many of Afghanistan's 403 districts, and the aid reporting that does come from individual districts is often based on the success of limited projects in a small part of the district or city - grossly exaggerating the impact of aid.

It is far from clear how the withdrawal of US and ISAF forces and aid teams in the field will impact security in many Pashtun and border areas, as well as key urban complexes and key lines of communication like the Afghan ring road. Many current development models tacitly assume that Afghanistan will be secure on a nationwide basis by the end of 2014, that the impact of criminal networks and power brokers will not place critical limits on governance and development, and that Pakistan will be a willing and secure economic partner.

Figure 6: Little or No Progress in Development in Many Areas Through 2012



04-Feb-10	29-Apr-10	Governance Assessment
6	7	Sustainable Growth
16	19	Dependent Growth
47	46	Minimal Growth
40	41	Stalled Growth
10	7	Population at Risk
3	2	Not Assessed

Source: United States Agency for International Development and International Security Assistance Force, April 2012.

About the Author

Anthony H. Cordesman holds the Arleigh A. Burke Chair in Strategy at CSIS. During his 20-plus years at CSIS, he has completed a wide variety of studies on energy, U.S. strategy and defense plans, the lessons of modern war, defense programming and budgeting, NATO modernization, Chinese military power, proliferation, counterterrorism, armed nation building, the security of the Middle East, and the Afghan and Iraq conflicts. He has traveled frequently to Afghanistan and Iraq to consult for MNF-I, ISAF, U.S. commands, and U.S. embassies on the wars in those countries, and he was a member of the Strategic Assessment Group that assisted General Stanley McChrystal in developing a new strategy for Afghanistan in 2009. He frequently acts as a consultant to the State Department, Defense Department, and intelligence community and has worked with U.S. officials on counterterrorism and security in a number of Middle East countries. He has worked extensively in Saudi Arabia and the Gulf.

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Cover photo: Pfc. Steven Johnston of Bravo Company, 3rd Battalion, 4th Infantry Regiment, 170th Infantry Brigade, provides security outside an Afghan National Police Headquarters in Nili, May 3, in Daykundi province, Afghanistan. Photo by Tech. Sgt. Adrienne Brammer.

