

## **Building Capacity to Build Dependency? Institutional Paradoxes in Post 2001 State Building in Afghanistan**

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### **Abstract**

*Beginning in the closing months of 2001, Afghanistan witnessed an international intervention, which started off as a reaction to the security threats from transnational extremist groups and, afterwards blossomed into a full fledged state building exercise. The international state building practice in Afghanistan is guided by the Western notion of a centralized, bureaucratized Weberian state that exercises a monopoly of power over violence within its territory. This conventional top down understanding of state building is in turn, manifested in attempts at constructing security sector apparatuses, a centralized bureaucracy for tax collection and service provision, a robust judiciary patterned on Western lines and political institutions based on liberal democratic model, including a constitution, elections, a civil society and a liberal market economy. The more than a decade long state building intervention has however, failed to improve Afghan state's coercive capacity, its functional competence in extending services beyond a few urban centres and its democratic legitimacy. Violence, conflict and insurgency have become common place in today's Afghanistan. This paper argues that the international state building practice is generating institutional paradoxes in Afghanistan and such paradoxes are hampering the attainment of desired state building goals. These paradoxes can be studied within a framework of tribulations in recruitment, training, retention, inadequacy of resources and infrastructural deficiencies, over-centralization without any meaningful devolution or decentralization of authority and finances, coordination dilemmas resulting from multiplicity of actors and agendas, overlapping of functions and responsibilities of state structures and donor assistance to the growth of a second civil service. Such dilemmas are generating institutional paradoxes: international efforts at 'capacity building' of formal state institutions are instead generating 'dependency' among the state structures. State institutions in post 2001 Afghanistan have grown to become actually more dependent on outside support and funding, carry weak operational capacity, are poorly coordinated, less decentralized and suffer from issues of long term sustainability.*

**Key words:** Afghanistan, post 2001 state building, institutional paradoxes, Afghan National Security Forces (ANSC), judiciary, public administration

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## **Introduction**

September 11, 2001 changed Afghanistan's plight. The long neglect of Afghan civil war as a domestic development not worthy of international attention and humanitarian intervention suddenly seemed alive and worthy of notice. Security challenges arising out of the so called 'ungoverned spaces' in failed states finally knocked at the Super powers door and its reverberations were felt all across the European continent. All of a sudden the international enthusiasm for capturing perpetrators of 9/11 brought the long evaded issue of intervention for state building to the Afghan land. It is been more than a decade since November 2001, when a multilateral force, headed by the US, invaded Afghanistan and ousted the Taliban Regime. The avowed objective of preventing Afghanistan from becoming a terrorist safe heaven is near fruition. Bin Laden is dead and al Qaeeda is presumably weakened and unable to strike at vital US strategic interests. What about the Afghan state? Is Afghanistan today an empirically strong state, where the Weberian monopoly over force is adequately achieved? If there are questions over the viability of a stronger Afghanistan, than why the state building practice since post 2001 period could not deliver? Can Afghan state building failures since 2001 be explored within the paradigm of state building paradoxes? And in what manner, institutional paradoxes constrain the state building performance in Afghanistan? This paper makes an attempt to investigate these questions in order to help understand why state building practice in post 2001 Afghanistan has achieved unsatisfactory results in building state capacity.

The international environment at the end of the Cold War era encouraged international community to militarily intervene in the so-called failed states for humanitarian reasons and under a nuanced understanding of the concept of 'sovereignty as responsibility.' A large volume of literature in the post Cold War era emphasized a re-orientation of the inviolable concept of state sovereignty (Deng et al., 1996; Lund, 1996; United Nations, 2004; ICISS, 2001; Krasner, 2004). This concept postulated that a state's failure to protect its population from violence, war, hunger and misery were reasons strong enough for external intervention in rebuilding the fractured institutions of the failed state. A considerable number of such states resultantly, got intervened into militarily for reconstructing state structures, including Somalia, Liberia, Burundi, the Balkans, East Timor, Afghanistan and others. Such state building interventions have produced less than satisfying and in many cases disappointing results. Scholarship on such interventions, point to mixed or less successful results of these state building intrusions (Paris & Sisk, 2008; Call & Cousens, 2008). A majority of intervened states exhibit, either, precarious peace or an active insurgency, violence, low state capacity, international presence and a prolongation of internal conflict. These state building

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interventions in some cases have been followed by re-intervention in the wake of failures in initial one. With more than 40% intervened states relapsing into violence, redecivist operations have been launched in the Democratic Republic (DR) of Congo, Liberia and Haiti (Rondinelli and Montgomery, 2005; Debiel and Lambach, 2010). The failure of previous interventions to restore peace and build states resulted in renewed interventions for state and peace building.

Afghanistan is a classic case of a weak state that had to endure a long protracted civil war, unabated violence, and erosion of state capacity and strength, elevating its status to the so called failed state. The international intervention in Afghanistan began in the closing months of 2001, and with a transitional government coming into power in December, Afghanistan formally kick-started the complex process of re-building state institutions. Today, after a passage of more than a decade, the Afghan state building exercise is by no means complete. Its formal state structures, including the Afghan National Security Forces (ANSF), its judiciary and bureaucracy are still a far cry from effectiveness in monopoly over coercion and service delivery. Major parts of Afghanistan are reeling under the burden of insurgency and violence, making the state and peace building goals elusive (Grissom, 2010; Guistozzi, 2009). This is not to suggest that positive developments have not accompanied intervention and reconstruction. It is reported that since 2001, per capita income grew at 9 % per annum, GDP grew from \$ 130 million (2002) to almost \$ 2 billion (2011), 8000 km of road infrastructure was laid, number of school going kids increased and 38 % of the 8 million school going kids are girls and almost 60 % population has today access to basic health services (Ministry of Finance Report, 2012).

By investigating the capacity building of formal state structures of the security institutions, the bureaucracy and judiciary, this paper argues that Afghan state building exercise suffers from the notion of 'institutional paradox'. Capacity building exercise in state institutions is producing dependency and such dilemmas in these sectors are best understood in relation to the problems in training, recruitment and retentions, inadequate resources and infrastructure, over centralization of authority, multiplicity creating coherence issues and financing the growth of a second civil service. Commensurate with the above framework, the paper after introduction takes up the debate on institutional paradoxes in relation to capacity building exercise in Afghan National Security Forces, its judiciary and the bureaucracy. The last section provides the conclusions.

**Afghanistan Profile<sup>1</sup>**

Population	23,565,200 (80.60 % is rural and 119.40 % is urban)	Agriculture's contribution to GDP (2011-12)	26.74%
Male/ female ratio (2011-12)	Out of 26.5 million, 51% male and 49% female	Services sector contribution to GDP (2011-12)	48.27% <sup>2</sup>
Total rural population	18,985,200	GDP growth rate (2003-2012)	9.2%
Area	652,230 sq km	Inflation (2012-2013)	6.4%
Provinces	34	Population with access to safe drinking water	27%
Districts	364 rural and 29 provincial centre districts (with villages in their jurisdictions), 399	Population with access to sanitation	5%
Villages	40,020	Access to health services (2012)	60% <sup>3</sup>
Per capita income	\$ 1000 (HDI 2012); \$ 715 (Afghan statistical year book 2011-12)	GDP value (2011-12)	Afs 903990 million
Population	2.22 % per annum;	Infant mortality	111 per 1000

<sup>1</sup> Sources include: UNDP. About Afghanistan; 'Sub-national Governance Policy', Islamic Republic of Afghanistan, Independent Directorate of Local Governance IDLG, (Spring 2010), 149 and 181-182. Retrieved March 7, 2011, from <http://jawzjan.gov.af/Content/Media/Documents/SNGP-English-Afghanistan307201192625245553325325.pdf>; Shurkin, M. *Subnational Government in Afghanistan*, (RAND National Defense Research Institute: Santa Monica CA., 2011), 5; UNDP. Human Development Index and its Components. Retrieved March 6, 2012, from <https://data.undp.org/dataset/Table-1-Human-Development-Index-and-its-components/wxub-qc5k>; "The World Bank Afghanistan Overview", [www.worldbank.org/en/country/afghanistan/overview.print](http://www.worldbank.org/en/country/afghanistan/overview.print) (Retrieved March 1, 2013); "Afghanistan Statistical Yearbook 2011-12," (Central Statistics Organization, IRA, 255), 133. Retrieved March 2, 2013, from <http://csc.gov.af/en/page/7102>.

<sup>2</sup> For sectoral contribution data, see "Afghanistan Statistical Yearbook 2011-12," (Central Statistics Organization, IRA, 255), 133. Retrieved March 2, 2013, from <http://csc.gov.af/en/page/7102>.

<sup>3</sup> It rose from 9 % in 2003. See "The World Bank Afghanistan Overview." Retrieved March 1, 2013, from [www.worldbank.org/en/country/afghanistan/overview.print](http://www.worldbank.org/en/country/afghanistan/overview.print).

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growth rate	2.03 % (Afghan statistical year book 2011-12)		births
Literacy ratio (2011-12)	28.1%	Financial investment in health	\$ 2, 1 per capita per year (continued)
Life expectancy at birth (2012)	49.1	National budget for health (2011-12)	Afs 154063
Primary school dropout rate	54.6%	Total number of schools	14394
% age of population with access to electricity	30% (from grid based power, micro hydro, solar panel stations) <sup>4</sup>	Total students	7861988 (female 3013009)
Industrial sector contribution to GDP (2011-12)	21.3%	Total government and private universities	69
Population's dependence on agricultural livelihood (2011-12)	59.1%	% of population living in rural/urban areas	19.1 million rural/ 5.9 million urban/1.5 million nomadic
Land features	12% arable, 3% under forests, 39% mountainous and habitable, 46 % under permanent pasture	% of population under 15 years	46.1 % <sup>5</sup>

**Building Capacity to Build Dependency: Institutional Paradoxes and the case of Afghan National Security Forces (ANSF), Judiciary and Bureaucracy**

The broad contours for Afghan state building were provided in the Bonn Agreement of December 2001, penned down by Clare Lockhart and Ashraf Ghani, the current President of Afghanistan (Edwards, 2010, 4). This agreement not only outlined the framework of an interim authority in

<sup>4</sup> It rose from 7 % in 2001. See UNDP, About Afghanistan. Retrieved March 1, 2013, from <http://www.undp.org/content/afghanistan/en/home/countryinfo/>.

<sup>5</sup> The data on health, education and population division is taken from “Afghanistan Statistical Yearbook 2011-12.” (Central Statistics Organization, IRA, 255), 6, 53, 107-108, and 126. Retrieved March 2, 2013, from <http://csc.gov.af/en/page/7102>.

Afghanistan, but also provided for the convening of an Emergency Loya Jirga (ELJ) to decide upon an Afghanistan Transitional Authority (ATA), a Constitutional Loya Jirga (CLJ) in 18 months for adopting a new constitution and elections within a year of the ELJ (The Bonn Agreement 2001, n.d.). It further reiterated international community's commitment to building Afghan security and armed forces and till the creation of such forces, a UN mandated security force was to assist in providing security to Kabul and adjoining areas. External troops that maintained security comprised of the US military troops and UN mandated International Security Assistance Force (ISAF), which came under NATO command in April 2003, with an estimated 135,000 troops from more than 40 countries (Grissom, 2010: 502).

The building of a security apparatus, disarming militias, establishing functional judiciary and bureaucracy were important institutional goals of post 2001 state building exercise in Afghanistan. War and conflict had eroded the concept and existence of a unified national army despite a history of military being one of the strongest centralized institutions of the state. Security sector institutional goals included creating a national army, police and judiciary that could uphold the rule of law and demobilizing, disarming and reintegrating hundreds of militia groups that posed immediate threats to restoring state's coercive authority. Security institutions were to be complemented with building an efficient and effective civil service for carrying out service provision related tasks.

All international agreements signed in the wake of Bonn Agreement recognize construction of formal effective state structures as indispensable goals of state building in Afghanistan. The Afghanistan Compact, for example signed after the London conference in February 2006, sets up as its goal the creation by 2010, of a professionally trained, ethnically balanced Afghan National Army (ANA), Afghan National Police (ANP) and Afghan Border Police (ABP) and disbandment of all illegal armed groups in the provinces by the end of 2007. The other two goals included benchmarks for governance, rule of law and human rights and economic and social development (The London Conference on Afghanistan, 2006). A fiscally sustainable public administration and a legal framework as well as fully operational justice institutions in all provinces are other prominent goals (The Afghanistan Compact, Official texts from 2001-2011). The London Conference of January 2010 and the Kabul Conference of July 2010 gave ambitious targets for raising Afghan National Security Forces (ANSF), reiterated transferring security responsibilities to ANSF and building its capacity to conduct and lead operations in all provinces by the end of 2014 (Kabul Conference Communique, 2010). Since this proved to be an overly ambitious target for a newly created army, therefore, the Bonn Conference (December 2011) did not endorse the benchmark for a phased transition of

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security in provinces to Afghan security forces, instead, provided for a sustained international involvement in training, financing and developing the capabilities of the ANSF beyond 2014 as well (Bonn Conference Communiqué, 2011). The following sub-sections highlight the paradoxes in formal institutional building in relation to ANSF, DDR processes, judiciary and public administration. Emphasis is placed on exploring such paradoxes through issues in recruitment, training and retentions, inadequacy of resources, over centralization, multiplicity and building of a second bureaucracy.

#### **Problems in Recruitment, Training and Retentions**

The Petersburg Conference of December 2002 outlined the framework of security sector reforms through a 'lead nation approach.' Whereas ANA was given under the domain of US, ANP was put under German training. Judicial field was taken up by Italy, counter narcotics by UK and Disarmament Demobilization and Reintegration (DDR) by Japan (Wentzell, 2012: 32). The US which initially took upon itself to train and equip the ANA, was within a lapse of three years entrusted with the task of training and manning the police too, which it organized under its Combined Security Transition Command CSTC-A (ICG Asia Report No. 190, 2010: 8). To expedite the process of training, a Kabul Military Training Centre (KMTC) was created and remote Basic Warrior Training Sites also propped up at Gardez, Mazar-e-Sharif and Herat (Younossi et al., 2009: 14 and 32-33). By 2005, 22000 ANA forces were assuming responsibilities for domestic security in collaboration with 10500 ISAF troops and 20000 US coalition forces, primarily targeting al-Qaeda and the Taliban (Wienbaum, 2006: 129).

The problems in capacity building of ANA and ANP have been numerous. To begin with, the institutional growth targets have been very (over) ambitious for both ANA and ANP, but the proposed growth plans have been unmatched by corresponding construction and provision of infrastructure. The plan to increase ANA size to 240000 (by 2014), placed considerable strain on the existing training facilities. The KMTC, has resultantly suffered from over-stretched capacity and slow deployments. The ambitious expansion plans sans facilities has resulted in curtailment of training period and stuffing of classrooms with more trainees than the actual capacity. By Autumn 2010, there was a shortfall of 2,504 trainers to meet the training goal of 134,000 troops. The lagging of infrastructure growth behind recruitment and training is evidenced by the fact that only 40 % of the requisite military bases had been constructed by May 2010 (ICG Asia Report No. 190, 2010: 9 and 17). One reason why such ambitious targets are set is because Afghan input donor decisions on expanding the numbers, equipment and infrastructure of ANA and ANP is very scant. The Organization of National Security Council

(ONSC), the government's constitutionally mandated body entrusted with the task of laying broad framework of national security policy through Afghan participation, is hardly taken into confidence while deciding on security forces expansion and lies dormant due to administrative incapacity in terms of lacking trained staff, and bureaucratic resistance to change (ICG Asia Report No. 190, 2010: 24-25). Such external control over decision on institution building sacrifices local capacity building and ownership of the state building process and leads to a culture of dependency on external benefactors.

Limitations in capacity building of security institutions have emerged on both sides-international and Afghan. On the international side, ANP training confronted lack of professional trainers, non-conversance in local languages with very few translators (Perito, 2009: 5). In ANA training, international capacity builders are blamed for an overemphasized approach on infantry training and combat operations and sidelining of its logistics capabilities, including accounting systems. Infantry centric approach is developing an army that lacks officers specializing in logistics (ICG Asia Report No. 190, 2010: 21). Some reports cite lack of counter-insurgency training as another area of weakness for the ANA (Younossi et al., 2009: 45). On the Afghan front, low or no literacy, not only compounds ANA and ANP rank and file but also their official corps. One account cites the illiteracy ratio in the ANA to be 90 % and among the literate, 10 % to possess just primary education. Among the officer corps, a literacy ratio of 50 % makes the requirement of operational planning on officers' part problematic. Alcohol and drug addiction is also widespread-in some ANA units, the figure goes up to 80-85 % (Guistozzi, 2010: 37-38). 16 % of the ANP tested positive for narcotics use in 2008 (Perito, 2011: 8). These problems complicate capacity building of military and police structures. First, it affects the operational preparedness of both the ANA and ANP. Only one battalion of ANA by May 2008 had achieved the Combat Milestone 1 (CM1) status, which is a proficiency form to determine the operational preparedness of each battalion. The dismal ratings forced the trainers to lower the standards for CM1, resultantly, their number rose to 46 by spring of 2009, but these were mostly confined to successful patrolling, not active combat (Guistozzi, 2010: 4; ICG Asia Report No. 190, 2010: 24-25). NATO sources (2008) report a majority of combat operations participated in by the coalition forces (Younossi et al., 2009: 45, 48). As for the ANP, its strength had risen to 70,000 by June 2008, but CSTC-A ratings gave none of its units the status to conduct its mission independently (Perito, 2011: 9).

The failure to achieve operational preparedness brings us to the second effect of capacity building issues in security sector institutions. There are high combat losses and casualties suffered by both ANA and ANP in operations against militants and insurgents. Lack of counter-insurgency training worsens



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the casualty ratios among forces men. One account cites 3400 ANP men losing their lives to insurgency related incidents between January 2007 and March 2009 (Perito, 2011: 10). Other figures cite 1200 police to have lost their lives in 2007 and 2008. Third, these high casualty figures are correlated to the increasing number of attrition (desertion) rates that are estimated to be 21 % for the ANP (ICG Asia Briefing No. 85, 2008: 3). For the ANA, attrition ratios were 40 % in 2003, which were brought down through enhanced incentives to 19 % and re-enlistments upto 40-60 % in 2009. Guistozzi (2010: 40), notes that attrition ratios combined with yearly combat losses raise the figures to 22-23 %, high enough to compromise the efficiency of some battalions. High attrition ratios in ANP have compromised the training of district police under Focused District Development programme. In some areas, within a year, the trained units were left with little capacity because of high desertion rates (Kelly et al., 2011: 9). Lastly, capacity related problems have accentuated the issue of overall expansion of security forces especially the ANP beyond the urban centers, including logistic delays in timely payment of salaries (Perito, 2011: 6).

Capacity building of Afghan judicial system in post 2001 period has suffered from critical shortages in numbers (judicial personnel) and in qualification. The simple number anomaly is reflected in vacant judicial positions and fewer qualified judge's availability for larger populations. This deficiency was acute in the beginning, for example, half of the 1350 judges positions listed in the Court System's Official 2004 Staffing Scheme were un-occupied, with one-third of the sitting judges lacking advanced degrees (Rule of Law in Afghanistan, 2011: 3). It is endemic at the sub-national provincial and district level, where there are serious shortages of judges and other staff including the prosecutors. A direct result of staff shortages is non-operating courts. One estimate cites almost half of the courts in Wardak province to be inoperable because of deficit in judges' numbers. The shortfall of judges is not only attributed to a lack of security but also to that of low salaries and facilities, especially in the peripheral areas, around 30-40 judicial personnel (including 15 judges) were killed during 2002-2010 (ICG Asia Report No. 195: 23-24). The second issue in capacity building is lack of qualified staff. For the external state builders, Afghanistan has a serious dearth of qualified judges with formal and legal education - in 2007, 47 % of the judges did not hold bachelors or equivalent degree (ICG Asia Report No. 195: 23). Barfield et al (2006: 20), note only a third of the 50% occupied SC official judges' positions to be educated to a university standard. It is because for the international state builders, lack of secular education and non-conversance with Western laws is a disqualification for a potential judge to hold public office, which complicates the issue of legal and judicial training. To make up for this shortage, a National Legal Training Centre was established in Kabul University (2004) by Italian

and US help, for imparting Western legal training and for ultimately integrating Afghanistan into liberal international economic and political order(Suhrke & Borchgrevink, 2009: 10-11).

A third problem in capacity building is recurrent shortages in legal infrastructure, including court houses. Lack of access by judges and prosecutors to copies of laws makes it difficult to analyze the complexities of intersection and divergence of laws. Other problems, such as lack of transportation and private attorneys further delays provision of legal aid (ICG Asia Report No. 195, 2010: 26-28). The judges often lack access, even to the new decrees issued by the presidency, or passed by the parliament and end up applying Sharia law to many disputes (Barfield et al., 2006: 20). A last but not the least is the issue of corruption in formal judiciary in Afghanistan. Low salaries, insecurity, slow progress of pay and rank reforms, lack of resources and political will and insufficient accountability mechanisms are cited as issues contributing to judge's indulgence in unfair practices. The Afghan government on its part tried to control corruption through a 2004 General Independent Administration for Anti-Corruption and Bribery (GIAAC) institution, which was replaced in 2008 by the High Office of Oversight (HOO). But this institution has also suffered problems relating to inexperienced and fewer staff, vaguely defined relations with the prosecutors' office and political manipulation by powerful individuals (ICG Asia Report No. 195, 2010: 26-28).

Capacity building in the public administration began with Public Administration Reforms (PAR) as part of the Afghanistan National Development Strategy (I-ANDS) in mid 2002. The PAR goals included, creating a 'rationalized fiscally sustainable public administration by 2010', through amending appointments mechanisms, capacity building and promotion on performance based reviews. It comprised 26 projects with an estimated cost of US \$ 143,782,000, to be delivered in three years time (Lister, 2006: 6). This programme suffered from structural deficiencies from the beginning, which resulted from late establishment of Independent Administrative Reform and Civil Service Commission (IARCSC) and capacity issues in terms of low technical proficiency among the Afghan civil servants. Such problems led to redesigning of the programme in 2005 into Priority Restructuring and Reform (PRR), divided into five categories of administrative reform, salaries and incentives, civil service management, merit based appointment, and capacity building (Lister, 2006: 7). An essential component of PRR included devising a system of competitive examination for official appointments down to the district level. Some progress, including competitive examination for district governors was initiated, but inadequate staff training, including coordination problems between donors and NGO programmes hampered reform efforts. Resultantly, patronage appointments are widespread. The extensive use of patronage

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networks and rent seeking has made scholars term the PRR as nothing better than an institutionalized *wasita* (relation based) system (Saltmarsh & Medhi, 2011: 20). Improvements were also made in government salaries, but minus organizational restructuring of line ministries (Sinha, 2009: 3). Other issues that affected capacity building include deficiencies in human resource managers, lack of commitment to merit displayed in continuous patronage based appointments and uncoordinated and poor quality training within ministries (Lister, 2006: 9-10).

The financial sustainability of Afghan Security Forces especially the ANA is a hugely debated issue. It is the US, which stands out as the major donor of the ANA- out of a total investment of \$ 25.2 billion in the Afghan Security Forces Fund (upto April 2010), half have been spent on ANA. By 2010, 46 NATO and non-NATO nations donated \$ 822 in equipment to the ANSF (ICG Asia Report No. 190, 2010: 2). With a GDP of \$ 11 billion and an annual federal budget of \$ 4 billion, mostly sponsored by foreign aid, the issue of sustaining a big ANA assumes serious proportions, especially in the wake of reduction in foreign aid and subsidy (Younossi et al., 2009: 26). Other figures note security sector expansion equaling 500 % of domestic revenues in fiscal year 2004-05, raising serious concerns about its financial sustainability. Goodhand and Sedra, rightly express fears about the danger of state collapsing in the face of external budgetary support to the Security Sector Reforms declining after foreign state builders exit. They give a historical pattern of Afghan state's patronage networks decline associated with waning discipline and integrity in the armed forces and resultant vulnerability to internal political pressures (Goodhand & Sedra, 2010: 88). This financial dependence unfortunately is universally common to other institutions. Suhrke and Borchgrevink (2009: 3) note an overwhelming dependence of the judicial sector on foreign assistance to the tune of almost 90 % of the official funds (in 2007) coming from foreign sources.

### **Building a Second Civil Service? But Draining Resources out of Formal Institutions?**

Public administration capacity building is hampered by another issue of by passing of state institutions by foreign agencies in support of the non-governmental sector (NGOs). In the beginning phase, Wimmer and Schetter (2003) noted only 7 % of the whole aid planned for the support of the government and administration. The rest of donor funding went to NGO's provision of services. Resultantly by 2008, two-thirds of the services provided to the population in Afghanistan derived not from the government, but from donor agencies (Call, 2008: 70). Another figure cites 75 % of the total development expenditure being spent outside the formal channels by the

donors (Sinha, 2009: 6). The problem is compounded due to state agency's possessing low capacity to absorb donor funding, which conversely encourages donors to channel funds through NGOs in delivering services. It also constrains the full utilization of funding, already at the disposal of the state agencies. In 2007, for example, only 54 % of development budget was spent by the state due to lack of capacity. On a positive note, NGO participation in health provision has extended health services to 82 % of the Afghanistan's districts (Sinha, 2009: 6). But donor approach of creating a parallel civil service affects the legitimacy of state institutions in public eyes and serves to diminish their capacity rather than build it. Bypassing of Afghan government in aid distribution is even stark in the case of US as the single largest donor to Afghan reconstruction-a sum of \$ 51 billion by January 2010. Out of this amount, only 10 % had passed through the government's budgetary process (Cookman & Wadhams, 2010: 23). And more recently (2011), of the \$ 16 billion committed and \$ 13 billion distributed, just \$ 2.3 billion was utilized through government budget, going mostly to security sector (\$ 8.8 billion) and next (\$ 4.1 billion) to development sector, including governance, infrastructure, Agriculture and rural development, health, education, private sector and social protection (Ministry of Finance, Development Cooperation Report, 2012). The paradox is if funding bypasses the government, it creates capacity building issues, and if it passes through the government, it stands a chance of getting wasted (again because of lack of capacity).

Scarcity of resources works to complicate institutional paradoxes in the Afghan state building process. In terms of per capita, Afghanistan is the least funded of all state building interventions. The initial estimates by World Bank and Asian Development Bank for reconstruction in Afghanistan amounted at \$ 28 billion (in foreign loans and grants through 2011). But the January 2002 Tokyo conference promised to provide only a paltry sum of \$ 4.5 billion. The April 2004 Berlin conference promised \$ 8.2 in non-military aid over 2004-07 (Wienbaum, 2006: 131), but even these low funding pledges were difficult to keep for many donors. By July 2009, only about half of donor pledged funding -\$ 35 billion out of \$ 62 billion had been disbursed and out of the disbursed amount, again just half went directly to the Afghan government (Cookman & Wadhams, 2010: 21). More recent government figures in 2011-12, cite aid disbursement of \$ 6.011 billion out of the total committed \$ 9.206 billion (Afghanistan Statistical Yearbook 2011-12: 236). Institutional capacity building is directly affected by the lack of resources issues. Inadequate funding for training of ANP (CST-A) created (despite a commitment of \$ 1.1 billion) poor supervision and ineffectiveness (Perito, 2011: 5). Similar funding requirements affected the Disarmament Demobilization and Reintegration (DDR) programme. Low funding translated into very few weapons being

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handed over to the concerned authorities amounting to around just 21,000 (by September 2007) and constituting just 10 % of the presumed total (Guistozi, 2008: 178).

Another aspect of this issue is the discrepancy between resources spent on institution building and those on insurgency related military operations. The US was reportedly spending over \$ 900 million a month on its military operations (Wienbaum, 2006: 143), which is very high as compared to the funding allocated in support of institutional reforms. In the judicial sector rule of law programme (2002-07), the US investment was just 1 % of a total of 64 million (ICG Asia Report No. 195, 2010: 12). Between 2002-07, most of the USAID civilian funding (44%) went to reconstruction of infrastructure and 24 % to democracy, governance and economic development (USAID Afghanistan Obligations, FY 2002-2007). A further figure shows the security sector wage bill of \$ 1.6 billion to be double the non security wage bill of \$ 765 million in 2011 (Hogg, 2012: 98-99). The only social sector to have a considerable budget besides security sectors is education. In 2011-12, Ministry of Interior (MoI), Ministry of Defense (MoD) and Ministry of Education (MoE), combined had the highest operating budget accounting for 65.8 % of the total operating budget for the year (Afghanistan Statistical Year Book 2011-12: 236). The rest of the including judicial ones are at the lower end of receiving. Low funding has complicated security guarantees for the judicial staff and therefore, acted adversely to affect judicial sector performance, particularly afflicting the functioning of primary courts. Out of the 364 primary courts, 64 were non-functional owing to lack of security reasons (ICG Report No. 195, 2010: 18).

#### **Lack of Decentralization**

The post 2001 institutional capacity building practice has another retrogressive aspect of creating highly centralized formal state institutions, lacking meaningful devolution in administrative and financial matters. Over centralization in appointments, sackings, resource allocation and legal structures afflicts not only the army and police, but also the judiciary and public administration. Historically, such centralized administrative practices were inherited from the Soviets; the philosophy was averting centrifugal powers from disintegrating Afghanistan (Mukhopadhyay, 2009). Lack of decentralization is common in all central structures, including security agencies. ANA is functioning under Ministry of Defense (MoD), and this ministry is said to possess over arching controlling powers in not only resource allocation, but also tactical prowess of unit reproduction to the smallest size. In the ANA, which is organizationally composed of 6 corps, 16 brigades and 99 kandaks or battalions, even the Corps Commanders are devoid of powers to sack non-commissioned officers and unit commanders of

reassigning or punishing subordinates (Grisson, 2010: 502). Lack of devolution is closely connected to that of contradictory and overlapping administrative and legal structures in the military. ANA's overlapping legal structures are attributed to the late passage of the law on military recruitment, hiring and retirement benefits by the two houses of Afghan Parliament, which encouraged political appointments and non-clarity of authority among army officers. The law got delayed because of differences between the President and the houses over devolution of rank and promotions issue and government's ability to fund the new administrative scheme (ICG Asia Report No. 190, 2010": 15).

The ANP functioning under Ministry of Interior (MoI) is also credited as a highly centralized institution, where decisions on appointments, promotions, training, equipments and operations are concentrated in the said Ministry (Grisson, 2010: 501). In 2006, attempts were made to introduce reforms in rank and pay structure of the ANP for making it less top heavy, by introducing rules for merit based recruitment and promotion system, raising pay scales and salary payments through electronic transfers. Irrespective of reforms, Perito (2011: 14) reports the presence of corruption, tribalism, factionalism and gender underrepresentation still compounding the ANP. In the judicial sector, the Supreme Court has been entrusted with the responsibility of overall budgeting and administration of all the judicial staff (Barfield et al., 2006: 20). There is lack of devolution to the provincial courts, which are devoid of budgetary powers. As these sub-national courts are getting few resources from the centre, complications emerge in handling co-ordination between the different levels of court hierarchy and resultantly, there is poor communication, corruption and inefficient case management by lower courts (Rule of Law in Afghanistan, 2011). Over centralization as a problem afflicts the domain of public administration as well. Central government exercises a prerogative over budgeting and staffing decisions with very little leverage (discretionary spending powers and planning input) to the provincial departments and line ministries.

### **Multiplicity of Actors and Coordination Paradoxes**

The multitude of actors participating in Afghan state building exercise include UN and 16 agencies, a large number of donor states and multilateral institutions and more than 3000 NGOs (Goodson, 2006: 154). Multiplicity causes coordination problems among governments, agencies and donors in training, funding and effective implementation of institutional reforms in the security, DDR and judicial institutions. In the formative years, coordination problems emerged among the various US government agencies, which were tackled in post 2004 period by bringing the various agencies' working under

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President's special envoy for Afghanistan (Starr, 2006, 107-10). Multiplicity has raised serious issues in training, for example, ANP training was bifurcated between Germany (with a prior history of training Afghan police in 1960s and 70s), and the US, which was supposedly expected to train police personnel already serving the centre. This bifurcation not only raised problems over consensus on objectives of training programmes, but also funding issues. The UN Law and Order Trust Fund for Afghanistan, which coordinated donor funding for police salaries received only \$ 11 million out of a total of the promised \$ 65 million (Perito, 2011: 5). The problem of coordination did not resolve with the handing over by Germany of police training programme to the European Union Police Mission to Afghanistan (EUPOL). EUPOL found it problematic to establish working relations with NATO led ISAF and also among the EU member countries, who had differing goals in the programme (Perito, 2011: 6-11). Multiplicity has raised problems in funding of police forces among the European Commission (EC), European Union Special Representative, European Union Police Mission, NATO, ISAF, UNAMA and CST-A, who are all members of the International Policing Coordination Board-IPCB (ICG Asia Briefing No. 85, 2008: 10). These coordination problems among donors have resulted in duplication of programmes and ensuing wastage has evolved into donor fatigue (Wienbaum, 2006).

Coordination problems have afflicted the embedded training and mentoring programmes for the ANA and ANP. The ISAF Joint Command (IJC) was entrusted the responsibility of commanding the embedded teams-the army Operational Mentoring and Liaison Teams (OMLTs) and the Police Operational Mentoring and Liaison Teams (POMLTs). It immediately suffered low commitment problems by NATO countries in volunteering to fill the vacant and unmanned OMLT positions, adaptability in supporting the 9 month training cycles of the ANA and a simple lack of cohesion in command between MoD, ISAF and the US forces (Younossi et al., 2009: 41-42). DDR reforms suffered similar coordination fate because of involvement by Afghan National Development Programme (ANDP), UNICEF, Japan International Cooperation Agency (JICA) and the Japanese Embassy DDR Unit (Guistozzi, 2008: 173-74). The effect was two fold: first, very few militia members could be demobilized-only 10,000 out of a total of 100,000 (Lister & Wilder, 2005: 43) under the Afghan New Beginnings Programme –ANBP (Edwards, 2010: 979); and second, the Disarmament of Illegal Armed Groups (DIAG) had either very limited impact in Laghman, Wardak and Daykundi, or no effect at all in some Hazara districts of Wardak and Samangan and in several districts of DayKundi, where militia groups were active against the Taliban (Saltmarshe & Medhi, 2011: 22). The limited applicability of DDR especially stood out in the Re-integration phase because of lack of feasibility studies in counseling combatants on the selection of jobs, lack of market analysis, rural livelihoods

or labour market assessments and ineffective implementation of vocational training programmes (Guistozzi, 2008: 173-74).

To sum up, for understanding the working of institutional paradoxes in Afghan state building experience, international strategies to develop central coercive institutions, including ANP and ANA, Afghan judiciary, and public administration were analyzed. The findings suggest that capacity building exercises are working against the avowed objectives and goals of state building in Afghanistan. The rationale for state building intervention is restoration of effective statehood. The paradox is that international efforts to raise the so-called capacity of state institutions is conversely making them dependent on Western and donor agencies support for functioning. Capacity building of institutions suffers from over ambitious targets in relation to state resources, low levels of infrastructure, lack of professional trainers, meager capacity on Afghan side, financial constraints and greater funding going to the second civil service (NGOs). These dilemmas have not only affected the operational preparedness of institutions, but also resulted in high combat losses, desertions, non-performing structures, corruption and appointments on patronage basis. Over centralization in appointments, sackings, resource allocation, and planning adversely impacts the performance of army, police, judiciary and public administration. The involvement of multiple actors and agencies in building of institutions not only impacts institutional effectiveness adversely, but also hampers efficient planning and implementation of DDR reforms. These paradoxes are complicated by resource scarcity dilemmas. Low funding has stunted the growth of judicial and other formal state institutions.

### **Conclusion**

This paper analyzed the state building paradoxes in Afghanistan in its institutional variant. The institutional paradoxes were extolled through an analysis of major reform efforts in Afghan National Security Forces (both ANA and ANP), the DDR process, capacity building in judiciary and public administration. Capacity building of institutions in Afghanistan suffer from problems in recruitment, training and retention issues, over ambitious targets in relation to state resources, inadequacies of infrastructure, lack of professional trainers, meager capacity on Afghan side, greater funding going to the second civil service (NGOs), coherence and coordination of projects and funding among multiple donors and over centralization, meaning lack of meaningful devolution in administrative and financial authority.

The institutional growth targets for the Afghan National Security Forces (ANSF) have been very ambitious sans the adequate recruitment and training



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facilities. The programmes have lacked trainers, infrastructure, language experts, low capacity on Afghan side and other issues, which delayed capacity building. It has created institutions that lack operational preparedness, are not capable of countering insurgency and sustain heavy losses, when put into the field to fight. Other sectors, such as the judiciary and bureaucracy face shortages of personnel and more so, qualified ones to undertake service provision tasks. They also suffer from low pays, corruption, patronage based appointments and low technical proficiency as a result of late or lackluster implementation of pay and structure reforms.

Additionally, there is donor funding bypassing the government agencies. This is so stark that estimates cite two-third of services in Afghanistan deriving from the NGOs, rather than the state. It creates a crisis of legitimacy for the state and voids it of manpower as well as precious funds. Resource inadequacy badly affects institution building, especially the civil institutions, such as bureaucracy and the judiciary. It has complicated achievement of disarmament goals for the state institutions. There is also a discrepancy on the funding spent on coercive institutions and the one reserved for civilian sectors. Another retrogressive capacity building practice is involving a large number of actors and agencies in institutional reconstruction. Multiplicity has raised serious issues in training and funding of military and police and has also harmed the DDR objectives. The state building practice has created highly centralized state institutions in administrative and fiscal matters. This over-centralization afflicts the military and police, the judiciary and public administration. Devolution issue is compounded by contradictory and overlapping administrative and legal structures. These issues compound the dependency paradox among central state institutions. These dilemmas have not only affected the operational preparedness of institutions, but also damaged their capacity to provide services and created legitimacy dilemma for the state. The paradox is then evident; international efforts to raise the so-called capacity of state institutions is conversely making them more dependent on Western and donor agencies support for functioning and survival.

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