

Addressing the Accountability Gap in Statebuilding: The Case of Afghanistan

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Over the past two years, tensions have risen between the Karzai government and its international backers. From the international perspective, a corruption scandal at the Kabul Bank, the government's attempt to reduce the independence of electoral bodies, and the impunity with which powerbrokers violate the rule of law in many provinces all suggest that accountability has broken down in Afghanistan. From the Karzai government's perspective, the urging of international partners to spend large sums of aid in preparation for an imminent departure makes it very difficult to exercise authority, let alone to subject that authority to public scrutiny.

On February 25th and 26th, practitioners of statebuilding gathered at Stanford University to grapple with the problem of accountability in Afghanistan. When a state must rely on a huge international presence to govern a country recovering from conflict, where does responsibility lie? When citizens are confronted by abuses of power, who do they hold to account?



Ahmed Wali Karzai at a shura in Kandahar

Far away from the disputes engrossing Afghan and international officials in Kabul and the tight deadlines driving capitals, Stanford's Encina Hall provided a safe environment to

exchange frank views on the challenges confronting the statebuilding effort in Afghanistan.

How to Think About Accountability in Statebuilding

Accountability is a relationship between those who exercise power and those over whom it is wielded.¹ In its most basic form, it operates in two dimensions. First, the government is answerable to the population, informing them of its decisions and providing justification for them. Second, if the population judges that these actions are not in the public interest, it can enforce its will on the government.

In statebuilding contexts, accountability is weak because the government does not fully wield power over the population. It relies on international support, which makes it more difficult for the population to know who decides what and who to punish when the public interest is not served. In Afghanistan, the lack of accountability has bred anger and alienation, driving many into the hands of the insurgency.

How then can the international community strengthen accountability and restore stability to Afghanistan? The Stanford research team proposed a simple accountability framework for participants at the symposium to consider.

First and foremost, the international community should accept that the government must be accountable to its own people, not the outside world. The international community can reinforce that relationship by engaging directly with the Afghan population, fostering ongoing dialogue between the government and the population, and assisting the population to enforce its will, particularly through horizontal

means of accountability that allow different parts of the Afghan state to hold one another in check.

The practitioners gathered for the symposium readily agreed that the Afghan government's legitimacy suffers from a lack of accountability, and that this represents a threat to the success of the statebuilding effort. They did raise three general concerns, however.

First, some argued that in the unique political and social context of Afghanistan, clientelism may in fact be entirely appropriate. Even Western democratic political systems have gone through phases where ethnic groups or other "clients" support political leaders in return for advancing their private interests. If clientelism is open to all groups and reinforces support for the state, it may actually contribute to stability.

When it goes too far, however, clientelism exacerbates divisions in society and breeds cynicism about government. A viable accountability framework for Afghanistan would have to allow for some clientelism, while giving the population the means to say when enough is enough. The key here is that the judgement about what is acceptable must be left to Afghans, not by international actors imagining what Afghans would consider appropriate.

Second, many lamented the short timeframe available to the international community to encourage meaningful political change in Afghanistan. NATO has committed to transferring security responsibility by 2014. We must be humble about the positive change outsiders can effect. Yet as one participant noted, given the change outsiders already effect by their very presence, the international community needs "something more proactive than humility." Neither extreme of pursuing deep structural change or abandoning all hope of accountability are viable; instead participants agreed to set principled goals and

then exercise patience in working toward them.



Ashraf Ghani, former Presidential candidate (2009) and Minister of Finance (2002-04)

The third concern found an eloquent voice in the keynote speaker, Dr. Ashraf Ghani. He contended that the international community bears an equal degree of responsibility for the lack of accountability in Afghanistan. The structure of the statebuilding effort itself has created an uneven playing field. Reconstruction assistance disbursed on a massive scale through non-transparent contracting procedures against short timelines makes it virtually impossible for the Afghan government to assert control over public finances.

Dr. Ghani reminded participants that the Afghan government is not the only disappointing partner in the statebuilding relationship. The international community has little credibility when it calls on the Afghan government to improve accountability. The pattern of mutual recriminations that now dominate the relationship will only end when both sides agree on a common vision for the future of Afghanistan. Only a vision for tomorrow that both find compelling is likely to induce the painful adjustments required today.

He outlined a vision of Afghanistan as an economic crossroads at the heart of a resurgent Asia, driven by a mineral and rare earths sector that is just beginning to emerge and which could serve as a prototype for new rules

of public finance management and transparency.

A Political Strategy for Afghanistan's Future

With these concerns in mind, can the statebuilding effort produce a government that is more accountable to the Afghan people? The discussion among practitioners gathered at Stanford suggested it can, as long as the drive for greater accountability:

- ✓ places the judgment for what is acceptable use of power in the hands of Afghans, to judge in their own terms;
- ✓ takes into account the responsibilities of the international community as well as the Afghan government; and
- ✓ is embedded in a broader political strategy to align actors around objectives beyond the coming transition.

The discussion that ensued generated an alternative political strategy to the one proposed by Dr. Ghani. This strategy would focus on the political change that the Afghan constitution foresees for 2014: the end of President Karzai's term in office. The year 2014 will mark not only the transition date for security responsibilities, but the date in which term limits require the election of a new president.

A long-term strategy of preparing for a post-Karzai Afghanistan would offer several advantages. It would:

- 1) signal to the Afghan people that the international community stands by the constitution and the constraints on executive power that it lays out;
- 2) generate a new narrative for the statebuilding effort, in which success could be measured by whether 2014 provides a peaceful and legal transfer of power; and

3) open the door to discussions among a broad range of Afghans about changes the political system requires between now and 2014 to ensure a successful transition, and the support this requires from the international community.

Attacking the Toughest Issues of Accountability

No new strategy will be credible unless it offers some prospect of addressing the issues that have proved most problematic in Afghanistan. Three issues have consistently thrown up obstacles between the population and its ability to hold those in power to account.

How to Deal With Electoral Fraud

As daunting a task as they are, elections remain the irreplaceable mechanism for a population to hold a government to account. If a government is immune to any peaceful means to remove it from power, it cannot be said to be accountable to its population.

That is why the response to the flawed elections of 2009 and 2010 raised alarms. The government's moves to restrict the independence of electoral administration institutions threaten accountability.

The international community did weigh in to preserve the credibility of both elections, but one participant described this as "winning the battle but losing the war" because of subsequent amendments to the electoral law that place the credibility of future elections in question. The Electoral Complaints Commission (ECC) is now less independent, and the establishment of a "special court" to challenge the ECC and the Independent Election Commission (IEC) places the President above both.

As part of a strategy to strengthen to prepare Afghanistan for a transfer of power in 2014, the coming three years should be used to:

- ✓ conduct a comprehensive audit of the 2009 and 2010 elections to generate lessons for strengthening the electoral system;
- ✓ replace the Single Non-Transferable Vote system (“the worst electoral system in existence” according to one expert) with one less prone to domination by informal powerbrokers; and
- ✓ launch a sustained campaign of civic education not only for voters, but for public officials and security officers as well.

How to Deal With Powerbrokers

The Afghan political system is dominated by regional powerbrokers who exercise influence over and remain largely immune from formal government control.

To shore up his power base over the past five years, President Karzai has crafted a parallel system of informal, or “traditional” governance in which powerbrokers provide support to the President in exchange for impunity from the rule of law. This was not always the case, however. From 2002 to 2004 the international community helped the Afghan government co-opt powerbrokers into formal governance structures. A more effective strategy could be derived from measures that enjoyed success in this earlier period, including:

- ✓ reducing the external financial sources from which powerbrokers draw revenue to maintain bases of support outside the state (for example: smuggling, land seizures, and the proceeds of the narcotics trade);

- ✓ increasing penalties for powerbrokers that insist on operating outside the law, as President Karzai did when he removed Ismail Khan as Governor of Herat in 2004. These could be identified by what one participant described as “measures of malignancy,” including gross human rights violations, clear ties to criminal activities and cooperation with insurgent forces; and
- ✓ reasserting the primacy of formal governance by backing representatives when they are threatened by powerbrokers, as the UK government has consistently done with the Governor of Helmand.

How to Deal with Corruption

Dr. Ghani claimed that corruption was no longer a threat to the system in Afghanistan, it *was* the system. Participants pointed to a failure of international coordination on anti-corruption efforts, the perverse incentives created by the massive influx of outside resources, and the diminishing appetite for reform on the part of Afghan political elites, to explain this negative trend.

Corruption generated perhaps the most pessimistic discussions of the symposium, given the scale of the challenge and the growing atmosphere of mutual recrimination between the Afghan government and its international partners. Participants did make a number of concrete recommendations, however, including:

- ✓ tying the government’s requests for on-budget development assistance with fulfillment of IMF obligations for transparent public finance management;
- ✓ cleaning up international contracting procedures by expanding randomized audits, opening pre-qualification

procedures to increase competition and reducing opportunities for collusion; and

- ✓ reducing the volume of international aid to reduce perverse incentives to spend quickly to fit the deadlines of international partners rather than the Afghan people.

Conclusion

Is it all too late? The years spent bringing stability to Afghanistan and the huge costs in lives and resources sacrificed to the effort have bred fatigue. The symposium generated proposals that will help place accountability at the centre of future statebuilding exercises, but some participants questioned whether they would have an impact at this late stage in Afghanistan.

Dr. Ghani was perhaps most emphatic on this point. He reminded participants that the U.S. and its allies are in Afghanistan, first and foremost, to head off a threat to international peace and security. The international presence is driven by necessity, not idealism. It will continue as long as the international community believes that its security is at risk.

Fatigue may lead some to question whether the international community has the ability to change political dynamics in Afghanistan. But this question is misleading: the international community shapes these dynamics by its very presence. The real question is whether it will use its influence to strengthen accountability and thus shore up the legitimacy of the Afghan government before a skeptical population.

The Stanford symposium generated concrete ideas for accomplishing this. By launching a political strategy to help Afghans prepare for a peaceful and legal transfer of power in 2014, the international community would have three years to engage a wide range of Afghans on changes to the political system and to the international presence that could create a

genuine relationship of accountability between the people and their rulers.

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ⁱ Andreas Schedler, 'Conceptualizing Accountability' in Andreas Schedler, Larry Diamond and Marc F. Plattner, The Self-Restraining State: Power and Accountability in New Democracies, Lynne Rienner Publishers, Boulder, 1999