

## Social order within and beyond the shadows of hierarchy. Governance-patchworks in Afghanistan

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Is there governance without statehood? If “governance” is defined as *institutionalized forms of social coordination producing and implementing collectively binding rules, or providing collective goods* and “statehood” refers to a very specific form of formal institutionalized hierarchal power, namely *the ability of the state [or an alternative actor] to enforce collectively binding decisions, ultimately through coercive means which are guaranteed by the legitimate monopoly over the means of violence*<sup>1</sup> this question does not seem to pose much of an empirical puzzle. Social order based on institutions, clearly predates the state in its capacity of supporting institutions and sanctioning those who break the rules of institutions. In other words statehood is just a specific state of aggregation of governance-facilitation.

However, if the definition of “governance” includes an explicit reference to a “ruling organization” (*Herrschaftsverband*) intentionally acting in order to produce binding rules and public goods, then *statehood* is part of the definition and the question posed above becomes tautological.

The term “governance” as is commonly used in contemporary social sciences implicitly link the concept to modern, state-bound society. Thus, in order to avoid a tautology, these assumptions need to be purged from the concept of governance before we can attempt to answer the question whether governance without statehood can exist in areas of limited statehood.<sup>2</sup> In order to strip governance of its modernist bias we need to refer the term back to the basic sociological categories of social order, institutions and power.

First, enduring association (*Vergesellschaftung*) is the process that forms social order. Societies that follow from enduring association of people do not necessarily require a political framework that identifies as society.<sup>3</sup> Hence, *social coordination producing binding rules and collective goods* can refer to social units of very different size and making. The state and its hierarchical modes of delivery (statehood) are only one possible solution for the challenge of providing coordination, binding rules and collective goods.

Second, we need to emphasise that *collective goods* are distinct from *public goods*. Public goods rely on the differentiation between public and private spaces of social interaction. This is a principal dichotomy in modern state-based societies but does not exist in all societies and is often a rather weak concept in areas of limited statehood. When considering the provision of collective goods in areas of limited, defunct or otherwise non-Westphalian statehood we must also carefully consider which social collectives benefit from governance outputs.

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<sup>1</sup> The definition follows the SFB discourse on these concepts; the SFB definition, however, stresses the aspect of institutionalized **intentional** social coordination in order to produce rather than just happening to produce collectively binding rules and collective goods.

<sup>2</sup> Cf. Risse 2007

<sup>3</sup> Though it helps in order to identify the confines of meaningful boundaries of society. A degree of shared institutional architecture and shared interpretations of itself (sense) is usually seen as defining aspects or core functions of society (Elias, Durkheim, Weber, Simmel). Hence, while society does not necessarily require political representation, it does require a degree of self-consciousness or identity as one society.

Third, it is often very difficult to define the quality of the “binding-power” upon which institutions rest, and that sets institutions and proper norms apart from pre-conscious structures of orientation such as customs, routines or habits.<sup>4</sup> The binding power of rules is relative, situative and never total; and it is different for different groups in a society. In order to identify social order as a result of governance, the definition requires rules and regulations to be collectively binding. But this is a question of degree. How binding and encompassing must institutions be, in order to refer to their establishment and enforcement as a governance-output, is an open question. The question of degree and extent is a principle problem of governance definitions that rely on ideal types rather than the shades of grey of real world social phenomena and processes.

The question as to what makes institutions stick is linked to one principle debate of the early political anthropology in the 1940s and 50s: namely the puzzle of social organization and political order in segmentary tribal, i.e. acephalous societies.<sup>5</sup> Anthropologists of this period produced substantial empirical evidence that *institutionalized forms of social coordination producing collectively binding rules, or providing collective goods* are not, in principle, confined to societies possessing some form of central authority.<sup>6</sup> Two critical questions emerged in the debate, which were typical of the then prevailing functionalist understanding of social order. The first was the issue of institutional change in the context of self-enforcing institutions (equilibrium outcome with no endogenous incentives to challenge the institutional rules).<sup>7</sup> The second debate centred around the binding power of informal institutions: how can institutions be protected against rule breaking, avoidance and strategic action by parts of society with the capacity and will to challenge the rules of the game?<sup>8</sup>

There are principle constraints compelling individual actors to conform to society’s notion of the “common good” that can be found in all societies, including segmentary ones. The organizational form, relevance and impact of these constraints varies, however, from society to society. Social order is based on enforced or self-enforcing institutions and, where institutional rules do not stick (where there is a breakdown of such rules), at minimum on constellation of actors and their relative power vis-à-vis each other (e.g. material constraints that shape interaction).<sup>9</sup> In societies without central enforcement capacities (acephalous societies) the binding power of collective rules is ensured against deviant behaviour by institutionalized forms of social control.

Vertical power – manifest or projected – may work as a sustainable solution to the problem of binding power of rules versus the potentially destructive competition between self-interested actors. If vertical power takes the form of a hierarchal political organization that lays claim to legitimate authority and a monopoly of violence, we speak of statehood. As mentioned already, statehood is, however, not a principle pre-condition for sustainable, rule-based social order.<sup>10</sup>

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<sup>4</sup> Cf. Elwert 2002

<sup>5</sup> Middleton, Tait 1958; Fortes, Evans-Pritchard 1940; Schapera 1967 (1956); Evans-Pritchard 1940

<sup>6</sup> The argument has been made, however, that the empirical assessment of such societies did take place during high colonialism and statehood contaminating the acephalous sample with hierarchal effects cannot be ruled out.

<sup>7</sup> Cf. Greif, Laitin 19.08.2004

<sup>8</sup> Cf. Gluckman 1965

<sup>9</sup> Elias 1970; Roberts 1994

<sup>10</sup> In this point we depart from Tanja Börzels claim according to which “[...] we hardly ever find societal self-coordination without the involvement of state actors that have the capacity for taking and enforcing unilateral decisions”. Forms of societal self-coordination leading to institutionalized forms of social order in the absence

Vertical power is also no guarantee that rule-based coordination of social action prevails over strategic action of self-interested actors. As in the case of modernizing statehood central authority itself can be a powerful force in the intentional or unintentional destruction of pre-existing institutionalized social order.<sup>11</sup> In other cases vertical power itself can destroy the institutional foundation of statehood and turn governance-outputs into arbitrarily and selectively distributed goods (the most prominent example would be the destruction of the institutional order of the soviet state and communist party during Stalin's reign of terror).<sup>12</sup>

Following the above considerations we can now reframe the question of governance without statehood in basic sociological categories: Do social institutions produce governance outputs without formal hierarchies and without a degree of hierarchical enforcement (read: statehood)?

As stated above and based on historical and anthropological evidence the principle answer to this question is most probably "yes". In the contemporary world, however, the effects of statehood can be observed virtually everywhere. Hence, empirically, it is near to impossible to observe governance completely isolated from statehood effects. In her paper Tanja Börzel introduces four functional alternatives to statehood as the manifest or projected enforcement of rules by governments (referred to metaphorically as *shadow of hierarchy*): The fear of anarchy, the impact of external statehood, socially embedded forces of the market and social control of communities. Börzel observes: "The literature provides ample evidence for the existence of functional equivalents to the shadow of hierarchy cast by governments drawing on consolidated statehood. Yet, they still appear to rely on some forms of consolidated statehood."

We argue that only social control is a conceptually valid functional equivalent to (the shadow of) hierarchy as a defining quality of statehood – fear of anarchy follows from the projection of statehood at risk, external statehood is statehood and the socially embedded market can be subsumed under social control or under self-enforcing institutional arrangements. The social embedding of power and unconstrained forces of the market, guarded by often informal institutions of social control, is the only functional equivalent that is conceptually, indeed, independent from the notion of statehood. To the extent social control is enforceable it can make rules stick when negotiation and competition between actors fail to produce socially acceptable outcomes. Social control and statehood are functionally equivalent in two meaningful ways: both solve the problem of rule-enforcement against the partisan interest of actors and, second, both, at least to some extent, are based on a notion of legitimacy in enforcing rules.<sup>13</sup>

While social embedding and control is conceptually distinct from the projection of hierarchy intrinsic to the concept of statehood, in practice it is not. Social control and statehood affect each other. In terms of governance outputs they may be redundant, they may compete or they may erode each other; but social control and statehood are the two principle elements of social order capable of making rules stick even if they go against the strategic interests of individual actors or the potentially destructive effects of rule-avoidance, free-riding and free-riding.

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of statehood have been observed for many non-state or pre-state societies. As stated above today it is, however, difficult to empirically prove complete absence of statehood in any given social context.

<sup>11</sup> Elwert 1995; cf. Scott's principle criticism of high modernization Scott 1998;

<sup>12</sup> Cf. Tanja Börzel's mentioning of the "dark side of statehood".

<sup>13</sup> Self-enforcing institutions do not belong to the category of functional equivalence of statehood since they do not require manifest or projected sanctioning capacities.

Summing up, the empirically question is not the categorical question if there is governance without statehood. The question is not one of *either/or* but rather one of *more or less*. Modern statehood may be the point of reference and dominant manifestation of formal political power in all corners of the world. But how and to what extent is governance happening when statehood is contested or too weak to be final arbiter in case all else goes wrong?

This is the question we will discuss for a specific contemporary area of limited statehood, namely Afghanistan north-eastern Provinces.

## Afghanistan

Ten years after the international intervention started, Afghanistan's official political order as it was created in the first three years following the Petersberg Accord is now in deep crisis. The core of this crisis is not only the insurgency against the state and constitution, varying in intensity from region to region. It is not just the fact that the Western-driven state-building intervention has fallen far short of expectations in terms of security, rule of law and economics, and is today openly looking to effect an orderly military exit and playing down its initial goals. A key component of the current crisis is that the Afghan state has squandered its initial vote of confidence from the people, due to omnipresent corruption, clearly rigged elections and corrupt adjudication, and informal exercise of power and informal control over resources. The structural<sup>14</sup> and political<sup>15</sup> weaknesses of the state that emerged as a result of the international intervention, and the return of an organized and effective challenge to this state by the Taliban-led insurgency, call into question whether the 'red lines' laid down for initiating peace talks with the insurgents are realistic. In particular, retention of the current constitutional order cannot be taken for granted in a situation where, on the one hand, it does not work, and on the other hand, the insurgency is not so much about seizing power as changing the constitutional order of society.

To understand how Afghanistan is governed, the role of the state, and the space available to the state's armed and unarmed competitors, we need to examine governance in the country's villages, valleys and districts, where the state, its competitors and society face off.

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<sup>14</sup> These comprise primarily: a centralistic constitution and administration de facto faced with a regionally fragmented political reality; and also the fact that Afghanistan will, for the foreseeable future, be unable to provide for its own internal and external security, meaning security structures will require external financial and technical assistance.

<sup>15</sup> Corruption as a governance technique generating informal resource flows and securing temporary central-state influence - via patronage, extra-legal privilege and venal loyalty in the provinces and districts, but which at the same time does great harm to the legitimacy and performance of the state. Connected with this is the second key political weakness of the Karzai regime - its inability to govern inclusively for Afghanistan as a whole, beyond certain informal strategic groups. The strengthening of tensions between the Northern provinces and the centre are proof of this. The third key political weakness is that the government has not yet succeeded in launching a meaningful peace process with the Taliban involving Pakistan, or even to lay the groundwork for such.

This is what we have been doing systematically in sample villages and districts across the provinces of Northern Afghanistan for several years now.<sup>16</sup>

### The governance arena

Even after years of war and the current political-military crisis, Afghan society has retained elements of order. Families, households, mosque congregations, villages and valley clusters tackle key everyday collective issues – in this precise ascending sequence, but with diminishing reliability moving up the scale from family to valley cluster. Diminishing reliability moving up the scale means, first of all, that the impact of local institutions performing key governance functions such as collective security, conflict regulation, and distribution of and access to collective goods, diminishes moving up the scale as the sway of informal social control also diminishes. The further up from local communities you move, the more important become strongmen with little institutional embedding, or having only a purely formal institutional connection. In Northern Afghanistan, the latter comprise primarily armed groups originating from the Jihad and civil war of the 1980s and 1990s, who have partly gained office in the new state. Hence it includes the remains of the commander system that established itself after the fall of the Najibullah regime in the early 1990s.

The formalised and officially chartered shura system is a recent innovation that complements traditional social control. The elected Community Development Councils (CDCs) are the backbone of formal local self-governance. They were introduced as part of the National Solidarity Program (NSP) for prioritising and implementing rural development projects using so-called block grants. This programme is owned by the Ministry of Rural Rehabilitation and Development (MRRD) and hence this line ministry conceives of itself as the state patron of the formalised shura system. Since its introduction, CDCs have in many localities developed into accepted local representative institutions. A presidential decree expanded their official functions in 2006.<sup>17</sup> In many districts, the CDCs were grouped together in clusters and selected joint delegates. Initially this was encouraged by development organisations acting as facilitating partners in the framework of the NSP. Such clusters were also used for delegating representatives to the District Development Assembly (DDA) – the highest organisational level within the framework of the MRRD's shura complex. As a rule each cluster delegates a male and female representative to the DDA.

Despite its structural and political weakness, the state does shape local self-organisation. It does so performing a variety of roles that initially seem mutually incompatible. For a start, there is the official vertical of power, reaching down to district level via the presidential apparatus, provincial governors and district managers as well as the representatives of line ministries.<sup>18</sup> In districts not directly affected by the violence of the Taliban-led insurgency<sup>19</sup>, official state capacities vary according to levels and type of corruption, and the personality and qualifications of leading district officials.

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<sup>16</sup> See Koehler, Zürcher 2007a; Zürcher, Koehler 2007; Koehler, Zürcher 2007b; Koehler 2010; Böhnke, Koehler, Zürcher 2010

<sup>17</sup> MRRD 2006

<sup>18</sup> Islamic Republic of Afghanistan 2010

<sup>19</sup> The term 'insurgency' does not fit the situation in Northern Afghanistan – although the Taliban have been able to win support among some parts of the population, the armed struggle over power, state form and social order is predominantly an intervention planned, supplied and run from outside the Northern Provinces.

In term of sub-national governance there is institutional competition between the MRRD's National Solidarity (NSP) and National Area-Base Development Programmes (NABDP) and the Independent Directorate for Local Governance's (IDLG) Social Outreach Programme.<sup>20</sup> The MRRD and the IDLG are locked in a dysfunctional contest regarding who will provide effective sub-national governance.<sup>21</sup> So far, the IDLG was building top down, while the MRRD focused on village level governance (the CDC complex). The two systems met at the district level. Now the IDLG initiated a new push to take over sub-district governance via appointed community shuras of locally powerful people, pre-selected by the security services (*shura-i mahal*), and a new *arbab/malik* system (appointed village headmen). The IDLG-approach attempts to restrain the MRRD led structure to the field of development. This competition threatens to undo and demolish the only area in which the Afghan state managed to provide legitimate and functional governance services to its population.

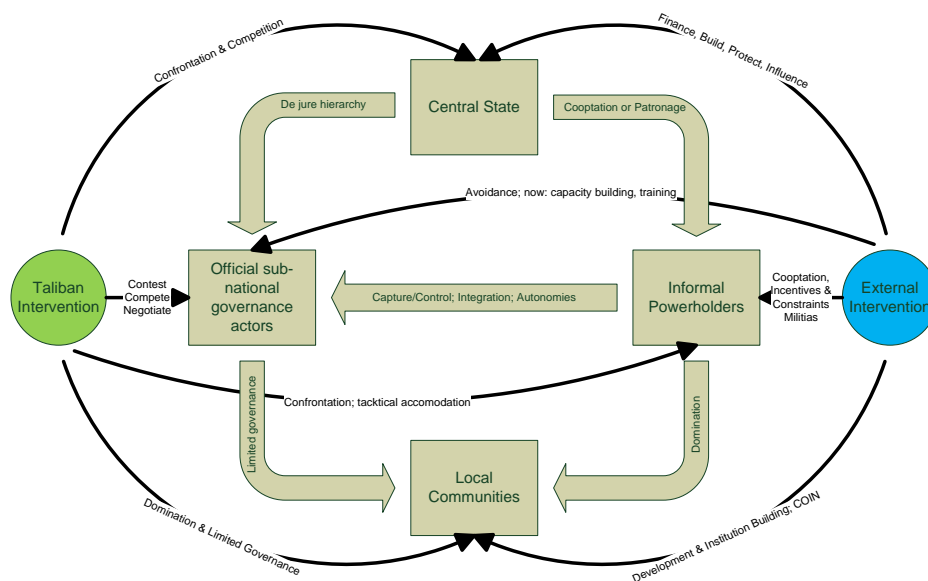
Besides these official institutions, it is the informal tools of governance used by the central government and its competitors that shape the local forms of social organisation. Three informal modes dominate in this context: political patronage via patron-client networks, autonomous organisation of violence, and the Taliban's provision of alternative governance services, especially in the fields of security and justice (and perhaps signification, as a basic function of social order according to Elias.)

Patron-client networks have always been a key component of governance in Afghanistan. Vertical resource flows, local conflicts and the architecture of power in the provinces, districts, valleys and villages cannot be understood without examining these networks. In today's Northern Afghanistan, these networks constitute the most important bridge between central and regional state officials – such as Hamid Karzai, Abdul Sayyaf, Rashid Dostum, Qazim Fahim and Ustad Atta- and the local powerbrokers in the districts. Access to patronage provides protection for illegal acquisition of resources and informal wielding of power in the localities. The price for this is political loyalty in political or economic conflicts (including elections) and the patrons' sharing in the rents, generated especially in the illegal sectors of the economy such as drugs and arms smuggling. These resources then in turn help expand the patronage network. Thus almost any local conflict outside the inter-subjective realm involves the influence of patrons, and in politically sensitive districts this can lead to escalation of any conflict.

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<sup>20</sup> Both programmes are donor-financed and to a significant extent donor-driven. The principle force behind the MRRD-programmes is the World Bank (though most governmental and non-governmental development agencies active on local level have by now a stake in the NSP and NABDP), the principle forces behind the Social Outreach Programme are the UN and the US Government, who regards it as part of the COIN approach.

<sup>21</sup> Cf. World Bank 2011



**Chart 1: Relationship between principle governance actors**

Independent local organisation of violence is one of the reasons why the weak state is forced to resort to strategies of cooption (of which patron-client networks are an advanced form based on the vertical gap in power) and in extremis indirect rule via local strongmen. Real independent organisation of violence has become rare since the intervention of 2001 and now only exists very locally on a small-scale. But there remain sub-districts that are dominated by informal violence actors beyond state control. Partially independent areas are more common, i.e. where local militias led by former Jihadi commanders have gained in significance due to official attempts to counter pressure from the Taliban. It is unclear whether the state will later on be able to revoke such partial autonomy and reintegrate such organisations in official security structures. This makes formation of local militias a clear step backwards in the struggle of the Afghan state to attain a monopoly of violence. In the North, the influence of armed militias and their commanders had clearly receded prior to the surge in violence resulting from the Taliban intervention 2009-2011.<sup>22</sup> This was also the most important reason that Afghans gave in 2007 for the very high acceptance of the presence of international forces in Northern Afghanistan, according to our surveys.

A new development, which does not adhere to the model of governance split between local self-organisation and a distant, dysfunctional state, are communities directly under the influence of the Taliban: The Taliban gained a toehold starting with grass root mobilisation on the lowest levels, and then successively built up to higher command and administration levels on the back of support from their target communities.

Understanding themselves as an alternative both to the current state and to local independent organisation of violence, the Taliban have succeeded in a few districts and sub-districts in the North in establishing governance structures that go beyond violence, attacks and intimidation of the official

<sup>22</sup> Koehler 2008

administration. The Taliban provide governance services on the community level exactly at the point where both the state and local independent violent actors fail, with provision of security and justice that is less corrupt (though often very harsh and frequently partisan), more efficient and more Islamic. Usually, however, they only succeed where groups (usually Pashtun) feel themselves particularly disadvantaged or endangered. In a few exceptional cases, the Taliban have also succeeded in installing non-Pashtun Taliban leaders as dominant governance providers in non-Pashtun settlement areas (mostly in Uzbek areas via the Islamic Movement of Uzbekistan).

Compared to the exercise of power by commanders or Taliban, demand for the state as a relatively neutral adjudicator in conflicts and relatively reliable guarantor of security (military and police) is still widespread. Demand for these services, however, relates almost exclusively to problems exceeding the capacities of local social institutions, i.e. there is a sort of 'subsidiarity principle' between local self-organisation and the state: Matters that local communities can handle on their own are kept free of the state. State corruption, distortion and bias in favour of groups that are wealthier or better connected are the main reasons why communities only turn to the state in extreme cases.<sup>23</sup> Where local problem-solving capacities fail and a conflict escalates as a result, or where a disadvantaged group cannot obtain justice, the state is the first point of appeal, before commanders or Taliban. Only where the state proves itself incapable, do alternative providers of power and governance enter the picture.<sup>24</sup>

Finally, there is the foreign military and development intervention that, according to mandates and programmes, aims at strengthening statehood, good governance and civil society institutions in Afghanistan. While the overall investment in state-building and development is undisputed, the governance-effect of the investment by external states is questioned based on two observations. First, there is the claim that the foreign security and development drive in some cases establish parallel lines of governance delivery (e.g. in the cases of the Provincial Reconstruction Teams or by circumventing defunct or corrupt sub-national government institutions in the implementation of development programmes).<sup>25</sup> And second, there is consistent evidence that immediate security priorities – most dramatically during the early stages of the intervention and then again in the different COIN approaches that followed in contested or insurgent controlled areas after 2005 – often lead to alliances of convenience with local armed groups or even the creation of armed groups that are detrimental to sustainable governance and statehood.<sup>26</sup>

In this mixture of weak formal state institutions, foreign intervention, a partly formalised shura system, violence actors and the Taliban's bid for power, we have distinguished the following six governance zones in North Afghanistan. These zones differ according to the prevalent modes of regulating matters of collective interest. They have different implications for the impact of security and development measures.

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<sup>23</sup> In fact, state officials also often refuse to get involved in local conflicts before all local possibilities of conflict resolution have been exhausted.

<sup>24</sup> Koehler 2008

<sup>25</sup> World Bank 2008

<sup>26</sup> Ruttig 20.11.2009



The governance zones are defined by the varying presence of: (1) statehood as formal and legitimized hierarchy with the ultimate capacity to enforce rules; (2) social control as a functional equivalent to statehood in protecting institutions from strategic interference and rule-breaking as a backup when self-enforcing incentive structures of institutions, socially embedded self-help and negotiations fail; and, finally, (3) the arbitrary, unconstrained and institutionally disembedded use of force by powerful actors. In functional terms some of these zones overlap (see chart 1, p. 14) and in terms of geographical extent the borders of the zones are fuzzy and blurred (something the map on p. 18 does not adequately reflect).

**(1) Governance by government.** This zone is characterized by official institutions (state as well as societal, with the state as *ultima ratio* in terms of setting the rules and deciding disputes) providing key governance functions. This is not equivalent to the normative concept of good governance but can be seen as prerequisite for good governance. This type of governance is still a rare occurrence in Afghanistan and we find it only in some parts of some of the districts of northern Afghanistan.

While the extent of this governance zone is still very limited, the output and visibility of the state as perceived by ordinary Afghans has been improving over the years. This raises hopes that areas where the government is the ultimate provider of governance services will further expand in the future – unless of course the insurgency will stop this positive development by force.

More concretely, the above mentioned improvements relate to the state's visibility in terms of providing development and security.<sup>27</sup> The demand for services in these fields is also increasing. In terms of security the official Afghan security forces (mostly the police but partly also the army) are perceived as the best and the most desirable alternative available (clearly "beating" other providers present in the research area such as international forces, the Taliban or militias). Both statistically and in qualitative interviews the police is seen as contributing positively to local security. Equally important is the fact that people are not afraid of the police (this contrasts strongly with the evaluation of other armed actors including the Taliban and IMF). The positive assessment of the police has not changed since 2007.

In the target regions the state at the local level is thus still perceived as a potential part of the solution to the governance-challenge and not as a principle obstacle to better governance. State performance is measured against local expectations of governance and this expectation differs in a number of aspects from Western benchmarks of good governance. We found, for example, high approval rates for a district governor that used a degree of pressure and a degree of force in organising collective work – a project that perceived as being in the interest of all. By seriously beating a couple accused of having illicit sex, he also clearly stepped over the limits of what formal state law authorised him to do (e.g. corporal punishment); but the district governor was otherwise perceived as

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<sup>27</sup> In the 2007 survey the perceived role of the state in development improvements registered by respondents was much lower than the perceived role of development agencies. In 2009 perceptions were nearly equal.

incorruptible and honest and is held in high esteem. In contrast, high levels of venality of services and corrupt and biased decision-making appears to be always negatively evaluated by interview partners and is associated with low legitimacy.

In those cases we find some evidence of functional redundancy between increasing statehood and the performance of societal institutions, most importantly the institutionalised shura system delivering governance services and using social control to enforce adherence to the rules.

- (2) **Hybrid governance** describes a situation in which governance functions are delivered via official institutions but where the informal power of the office holders combines with official authority in making these institutions work. A typical example of this governance form are former jihadi commanders (who still have recourse to violence) being appointed as district managers. Hybrid governance may look at first sight as governance by government but often involves a degree of state capture by the informal strongmen or powerful local elites. Interestingly, state capture and informal interference is by now a typical power-strategy not only by autonomous local entrepreneurs of violence (until recently they were clearly on the defensive) but also by the central government in an attempt to penetrate areas not fully under the control of the political leadership (or not delivering the “right” votes during elections). This approach of parallel rule is also used to implement illegal exploitation schemes (e.g. taxing the drug trade) and dominance in areas under governmental control.

The way in which the political elites in Kabul (in control of the central state) interfere in local politics in the north is, however, widely considered to be highly destabilising. Interviewees, including senior representatives of the provincial and district administrations, repeatedly complained about Kabul’s interventions into local affairs via patron-client networks (as opposed to official channels). The manipulation of these networks which are often at odds with each other, are felt to have a highly destabilising effect on the local political situation and also seriously discredits the state as an institution. The success of the Taliban is often attributed to manipulative and malicious political manipulations of the centre (e.g. *divide et impera*).

A number of well-informed local interview partners claimed that local provincial level power-brokers had set up their own “Taliban” in order to counter the Taliban-intervention allegedly sponsored by the central state that is designed to destabilise the rule of locally embedded elites in the north; i.e. in Balkh Province where Governor Ustad Atta is widely believed to have set up his own “Taliban” to fight and discredit insurgents sponsored by his rival Juma Khan Hamdard. Juma Khan is believed to enjoy the backing of Kabul. Hybrid governance is a widespread mode of local governance in the research area.

- (3) **Arbitrary rule** refers to the absence of reliable governance functions and to a situation dominated by brute power unconstrained by binding rules. In the Northern Provinces, this type of rule is mostly exercised by former commanders either in political offices or protected by political patronage. Completely autonomous entrepreneurs of violence have become the exception rather than the rule in virtually all districts covered. In contrast to hybrid zones of governance, arbitrary rulers provide only very limited governance functions (if any) in the

areas under their control are and the threat or application of arbitrary violence is widespread.

Until recently the commander-system of arbitrary rule was clearly on the decline. However, as a reaction to the growing insurgency in the north the Afghan government (usually with the support of US military) has begun to set up local militias often under the leadership of former Jihadi commanders. Arbitrary rule by violent actors is thus re-emerging in a number of areas in northern Afghanistan.

The re-emergence of arbitrary rule by commanders has an interesting and partly counter-institutive impact on the perception of fear, insecurity and governance provision – trends we have been following since 2007. Initially (2007) insecurity and fear perceptions<sup>28</sup> were very low, but have significantly increased in 2009. While statistical results on security perceptions for 2011 are not yet analysed we find confirmation of increasing insecurity in surveys we conducted in the end of 2010 in 15 districts of northeast Afghanistan. In rough numbers, fear of informal armed groups (mostly referring to militias and insurgents) is up from 20% to 80%.

While fear of informal armed groups has dramatically increased (indicating an increased presence of militias and thus of existence of areas of arbitrary rule), we could not observe in all cases a corresponding increase in insecurity perceptions. In other words, arbitrary rule can increase the fear of the specific armed groups in an area, but this increase does not necessarily lead to an increase of general insecurity there. There is thus no consistent correlation between relatively bad security perceptions and the presence of commanders and armed groups. Arbitrary rule does, however, negatively affect governance perceptions, which have worsened in areas associated with militias.

- (4) Self-governance** comprises various forms of local self-organisation in the absence of external power-interventions by the state or other hierarchal organisations. It often coincides with areas difficult to access or of no strategic importance for either state or its competitors (like Taliban).

In areas detached from hierarchical rule of the state or its alternatives, the local governance architecture varies. The dominant institution in these areas of very limited statehood is some form of institutionalised councils (often the CDC, but also traditional shuras or, in Pashtu and Baluch communities, jirgas). In other areas religious leaders and specific confession-based local institutions are more important, while yet in other areas inherited offices or community-appointed headmen are more important.

The majority of people surveyed still prefer to deal with local issues and conflicts via local shuras as long as this is possible (i.e. whenever possible they prefer to avoid turning to the state for solving local conflicts). The shuras have by far the highest legitimacy and approval rates in terms of fair conflict processing amongst all institutions assessed. In terms of

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<sup>28</sup> We measured security perceptions by asking questions on the security of the household and community. For fear we asked about concrete actors (are you afraid of...). For a detailed description of the survey see Böhnke, Koehler, Zürcher 2010.

fairness, state institutions (including the police) do not fare nearly as good as the shuras. Only if the shura-system fails or if conflicts spiral out of control of those local institutions do people turn to the district level state institutions for help. In the areas assessed neither Taliban governance nor informal commander governance are seen as attractive. The problem is that the state often (though not always and not equally in all districts) fails the people in delivering the demanded conflict processing services in a non-corrupt and impartial way. The general impression from the survey is that people would like to see more of their own state in terms of governance and service delivery but this demand is often not met adequately.

This observation is valid across most governance-zones; but especially in remote areas, where people in need of official governance services might have to travel for several hours, sometimes even for days before reaching state representative. One thus often encounters a subsidiarity approach to the state: only when local (communal) governance is incapable of solving a problem do people turn to the state. The more defunct or corrupt the local state is, the stronger the reliance on the shura system is.

**(5) Contested governance** we call an environment when governance delivery itself is the issue at conflict. Here, not only power is contested, but the right and ability to deliver certain governance functions to the people. Currently contested governance relates to more or less violent competition between the state on the one hand, and the Taliban as alternative governance providers on the other hand.<sup>29</sup> If yet other alternative governance providers emerge, this arena of contest might become more complex.

Participating in the contest for (security) governance with reference to statehood are a multitude of different at times only remotely state-controlled actors. On the one hand there are the still under-equipped and understaffed official security organisations of the state (most importantly the military, the police and the secret service); then there are international military forces who still have the lead in most Counter Insurgency (COIN) operations. And finally, as a US-driven reaction to growing insurgency success in contested areas of the North, local militias have been re-introduced to the COIN approach. Those groups – locally referred to as arbakee (local pro-government militias), local police or simply Mujaheddin, are often under the influence of former jihadi commanders.

These armed groups are generally perceived as a very significant security problem both by local communities as well as by the official police at district level. The main problem is that these militias are de facto not under the control of the local community or tribe<sup>30</sup>. Members of the militias are usually not recruited from the well respected families of the community, but were more often than not referred to as “street-kids” and “criminals” by our interview partners. Moreover, most militias are not registered and controlled by the official security structures in any systematic or transparent way. Infighting between different arbakee groups as well as the extortion of the population by these groups is common.

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<sup>29</sup> Among the insurgents only the Taliban lay claim to the establishment of an alternative, country-wide system of governance (an Emirate).

<sup>30</sup> In the rare cases where tribal institutions are intact – as appears to be the case among Turkmens in Qalai-e Zal District in Kunduz Province, militias might perform better

We also encountered a number of cases in which local armed smugglers first turned Taliban (for business-reasons), then, after military pressure mounted, turned arbakee and thus kept their weapons and local influence. Other arbakee units first fought the Taliban but were known to side with them on occasion.

- (6) Taliban governance** refers to a situation where the Taliban did not only manage to drive the official state institutions out of an area and subdue local societal institutions of self-government, but where they also deliver governance functions and enforce their own rules. Taliban governance focuses on two (maybe three) areas: the field of security and justice and partly on education. Other forms of governance provision are either left for the local communities to take care of, or a minimal state presence is tolerated (e.g. in the provision of minimal education or health services).

Communities that experienced longer periods of Taliban-governance (mostly compact Pashtun areas, but also some Uzbek areas in few districts) compare security under Taliban rule to the chaos that followed after the Taliban were driven out of the area in late 2010 and early 2011. Even interview partners from those specific communities, who did not like Taliban rule as such, stated that in terms of security and predictability the Taliban were preferable to criminals, arbakee and the (often) indifferent or ineffective police that followed. By all indication the state appears to be thus far highly unconvincing during the long and volatile hold phase of COIN operations.

While the Taliban may have been pushed out from a number of areas they have controlled in 2010, many have stayed on and adopted a low profile. Others temporarily switched to the government side and became “arbakee”; while yet others withdrew to other safe areas just to return in the future when opportunity offers itself. The population thus perceives Taliban setbacks as temporary and believes that the Taliban are there to stay. Many people feel and fear that neither the government nor former jihadi structures will have any effective answer to a renewed Taliban offensive once the foreign forces will leave.

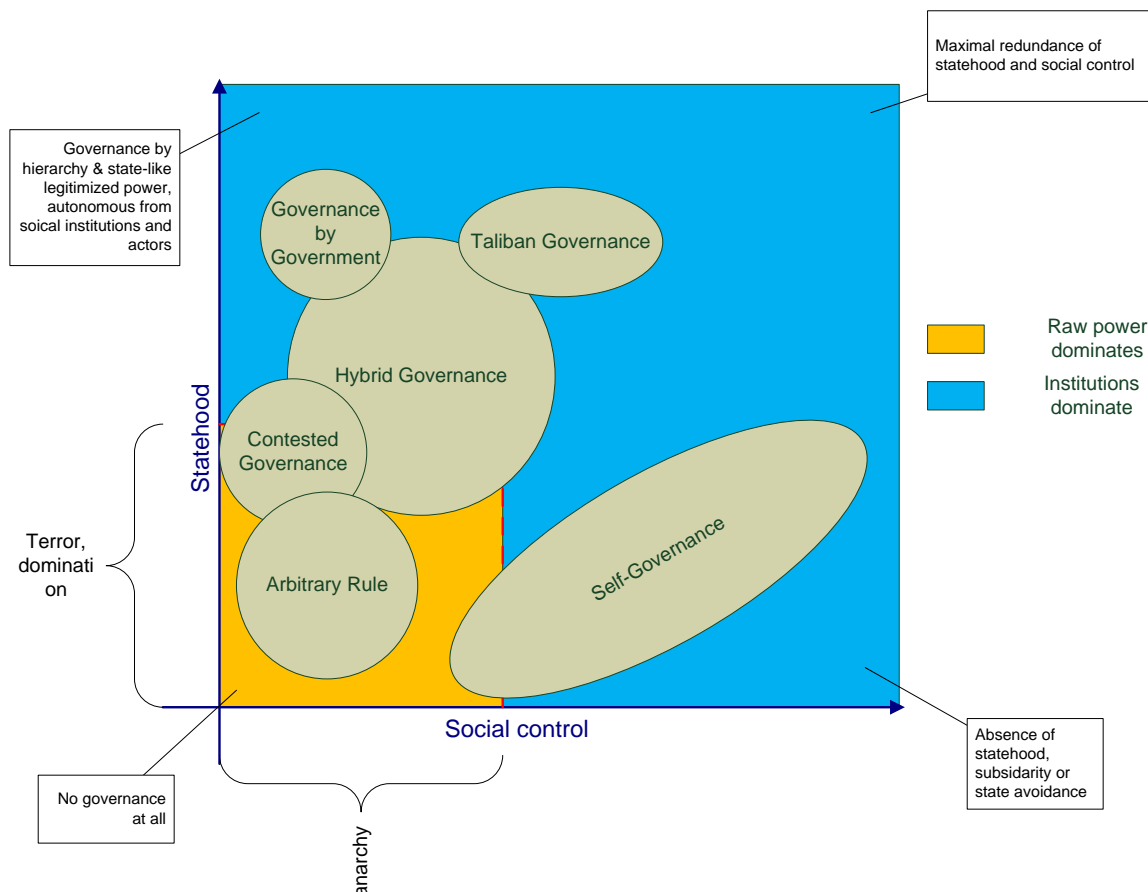


Chart 2: Governance Zones

## Conclusion

Governance, as a rule, is a mundane affair. It helps people organise an unspectacular and unheroic daily life within the confines of socially accepted norms. Even in a place like Afghanistan, affected by decades of violent conflict, households and communities are able to solve most or their daily problems via institutionalised forms of coordination. Self-help and strategic action are more common than in pacified stable states but they still are rather the exception than the rule. When local institutions fail to provide commonly accepted outcomes people tend to turn to the state in search for a neutral external arbiter.

There are, however, specific dynamics that limit the reliability of governance and in some cases even lead to the breakdown of governance altogether:

1. The states inability or unwillingness to provide governance when local societal institutions fail and state intervention is demanded by the communities;
2. The government itself resorts to informal, manipulative political intervention into local affair that damage governance capacities of local institutions;
3. Violent contest between government, the foreign intervention and competing actors (most importantly the Taliban) over the right and power to implement their vision of governance;
4. Finally, there is a principle limitation to horizontal, societal governance in terms of scope: social control as the only proper functional equivalent to hierarchal enforcement of rules

against foul play and power-interference is limited to what anthropologists call metaphorically the “eye of the village”. Sanctions of reputation (the allocation of shame and honour), leading to social exclusion and limiting access to vital resources or fostering social integration and access to those resources, is geographically limited to tightly knit face-to-face communities.

Hence, we find indications of governance without statehood in the research region – but its scope is very limited. Most governance does take place in the "shadow of weak statehood" – though it only on occasion enters into direct interaction with the state.

## Literature

- Böhnke, Jan; Koehler, Jan and Zürcher, Christoph (2010), Assessing the Impact of Development Cooperation in North East Afghanistan. 2005-2009, BMZ, SFB 700, Bonn.
- Elias, Norbert (1970), Was ist Soziologie? (vol. 1), München, Juventa.
- Elwert, Georg (1995), 'Die anderen Modernisierungen', asien afrika lateinamerika, 23, 433.
- Elwert, Georg (2002), 'Conflict: Anthropological Aspects', in N. J. Smelser and P. B. Baltes (ed.), International Encyclopedia of the Social and Behavioral Science, Elsevier, pp. 2542-2547.
- Evans-Pritchard, Edward E. (1940), The Nuer. a Description of the Modes of Livelihood and political Institutions of a Nilotic People, Oxford, Clarendon Press.
- Fortes, Meyer and Evans-Pritchard, Edward E. (1940), African Political Systems, London, Oxford UP.
- Gluckman, Max (1965), Politics, law and ritual in tribal society, Oxford, Blackwell,.
- Greif, Avner and Laitin, David (19.08.2004), A Theory of Endogenous Institutional Change, Center on Democracy, Development, and the Rule of Law, Stanford Institute for International Studies, Working Papers, Stanford.
- Islamic Republic of Afghanistan (2010), Sub-national Governance Policy, IDLG, Islamic Republic of Afghanistan, Kabul.
- Koehler, Jan (2008), Auf der Suche nach Sicherheit. Die internationale Intervention in Nordost-Afghanistan, SFB 700 Governance in Areas of Limited Statehood, Freie Universität Berlin, Berlin, <http://www.sfb-governance.de> (November 2008).
- Koehler, Jan (2010), 'Empirische Interventionsforschung – eine Problemannäherung am Beispiel Afghanistans', in T. Bonacker; M. F. J. Daxner and C. Zürcher (ed.), Interventionskultur. Zur Soziologie von Interventionsgesellschaften, Wiesbaden, pp. 219-259.
- Koehler, Jan and Zürcher, Christoph (2007a), Assessing the Contribution of International Actors in Afghanistan. Results from a Representative Survey, SFB 700 Governance in Areas of Limited Statehood, Freie Universität Berlin, Berlin, <http://www.sfb-governance.de/en/publikationen/>.
- Koehler, Jan and Zürcher, Christoph (2007b), 'Statebuilding, Conflict and Narcotics in Afghanistan: A View from Below', International Peacekeeping, 14: 1, 62-74.
- Middleton, John and Tait, David 1958, Tribes without rulers : Studies in African segmentary systems. Pref. by E. E. Evans-Pritchard, London, Routledge Kegan Paul.
- MRRD (2006), NSP Operational Manual - 3rd Version. Annex G: Community Development Council By-laws, MRRD, Islamic Republic of Afghanistan, Kabul.
- Risse, Thomas (2007), Regieren in Räumen begrenzter Staatlichkeit: Zur Reisefähigkeit des Governance-Konzeptes, SFB 700 Governance in Räumen begrenzter Staatlichkeit, Freie Universität Berlin, [http://www.sfb-governance.de/publikationen/sfbgov\\_wp/wp5/wp5.pdf](http://www.sfb-governance.de/publikationen/sfbgov_wp/wp5/wp5.pdf) (02.08.2009).



Roberts, Simon (1994), 'Law and dispute processes', in T. Ingold (ed.), Companion encyclopedia of anthropology, London, Routledge, pp. 962-982.

Ruttig, Thomas (20.11.2009), Militias - The Sorcerer's Apprentice's Genies (2): A Look Forward, Afghanistan Analysts Network, <http://aan-afghanistan.com/index.asp?id=467> (24.01.2010).

Schapera, Isaac (1967 (1956)), Government and Politics in Tribal Societies, New York, Schocken.

Scott, James C. (1998), Seeing like a state: how certain schemes to improve the human condition have failed, New Haven [u.a.], Yale Univ. Press.

World Bank (2008), Afghanistan: Building an Effective State - Priorities for Public Administration Reform, Poverty Reduction, Economic Management, Finance and Private Sector Development, South Asia Region, World Bank, Kabul.

World Bank (2011), District Governance in Afghanistan: DDAs and ASOPs-Policy Issues and Challenges, DRAFT-World Bank Discussion Paper, World Bank.

Zürcher, Christoph and Koehler, Jan (2007), Assessing the Impact of Development Cooperation in North East Afghanistan: Approaches and Methods, BMZ, Evaluation Working Papers, Bonn.

