Islamic Republic of Afghanistan
Independent Directorate of Local Governance (IDLG)

Sub-national Governance Policy

Spring 2010
# Contents

## EXECUTIVE SUMMARY

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Executive Summary

Governance in the Provinces, Districts, Villages and Municipalities

On Implementation, Monitoring and Evaluation of this Policy

This *policy is a first tranche of major sub national governance reform. It will be implemented through making new laws, regulations and procedures; amending existing laws, regulations and procedures; making institutional arrangements and through ongoing and new programmatic interventions. The laws, regulations, procedures and institutional arrangements will be put in place during 2010. The policy will be implemented through a well-sequenced, gradual implementation process during the period 2010-2014. The government supports the mechanisms identified for implementation of this policy. The government will undertake a comprehensive review of the implementation of the policy in the year 2014. In this review, the government will examine whether the policy has achieved its intended objectives. In the year 2014, the Policy Drafting Committee and Policy Review Committee will be reconvened to further amend the policy and by so doing continue the effort to reform and improve subnational governance in Afghanistan.

Government will establish a sub-committee of Law Reform Technical Working Group (LRTWG) on subnational governance (LRTWG’s SCSNG). The leadership of the Sub-Committee will be with the Ministry of Justice (Legislative Department), with IDLG (Policy Directorate) as its Secretariat. Ministries that are the natural home for laws that are being drafted anew or amended will be permanent members of this sub-committee. The main responsibilities of the SCSNG will be to draft new laws and regulations and to draft amendments to the existing laws and regulations to implement this policy for submission to National Assembly during 2010 and 2011. Government will take up all the laws and regulations necessary for implementation of this policy for drafting on priority basis as an integral part of annual legislative drafting plan during SY 1389.

On Accountability to People

The Provincial, District, Municipal and Village Administrations and the Provincial, District, Municipal and Village Councils shall be accountable to people living in their jurisdictions. The Government at all levels exists to serve the people. The elected local councils, since they represent people’s will, are next only to people in the hierarchy of power at local level. The local administrations are accountable to people through the respective local elected councils.

On Responsibilities of the Provincial, District and Village Administrations

The overarching responsibilities of the Provincial, District and Village Administrations will be as follows:

1. To maintain peace, security, order and stability
2. To maintain the Rule of Law
3. To realize, protect, promote and extend human rights of the citizens
4. To promote social, economic, educational and cultural development
5. To provide services to the people. These services include Justice, Security, Safe passage of people and goods on Public Roads, Water and Sanitation, Health and Nutrition, Education, Electricity, Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and
Irrigation, Natural Resource Management, Land Registration, Social Protection, Identity Card, Private Sector Development, civic services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, Libraries and such other services that people value most.

6. To ensure good governance arrangements i.e. to ensure
   - Openness/Transparency
   - Accountability to People
   - Participation of People, especially Women and Youth
   - Participation of Civil Society and Private Sector
   - Local Democracy
   - Effectiveness-Efficiency
   - Equity and Inclusiveness
   - Gender Justice
   - Coherence
   - Rule based system at all levels

7. To reduce poverty and disease and to achieve Millennium Development Goals for the people

8. To mitigate and manage natural disasters

9. To eliminate poppy cultivation and to promote alternative livelihood

10. To protect environment and to make sustainable use of natural resources

11. To support Islam and promote Islamic values

12. To assist in implementation of ANDS and national priority programmes

**On Provincial Governance**

The Province-level governance entities include:
- Provincial Governor (including Provincial Governor office),
- Municipality,
- The Provincial line Departments including Provincial Police Chief, Provincial office of the National Security Department, Mustofiat, and Provincial Prosecution Office (Provincial AGO).
- Provincial Council and Courts,
- AIHRC Provincial Offices,
- Private Sector,
- Civil Society including Shuras, Assemblies and Councils, Media and communities.
- Provincial Development Committee (PDC),
- Provincial Administrative Assembly (PAA),

**On District Governance**

The District-level governance entities include:
- District Governor (includes District Governor office),
- Municipality (if there is any)
- District Administrative Assembly (DAA),
- The District Line Departments including District Police Chief (includes District Police Chief office), District office of the National Security Department and District Prosecution Office (District AGO).
- District Courts,
- Private Sector,
- Civil Society including Shuras, Assemblies and Councils, Media and communities.
District Council, District Administration, District Offices of Provincial Line Departments

On Village Governance

The Village-level governance entities include: Village Council, Community Development Councils (CDCs), Civil Society including Shuras and Councils, Media, Agricultural Co-operatives and Unions, Informal Governance Entities such as Malik, Arbab, Qaryadar; Khan; Rish-i-safid, Malik-i-gozar, Kalantar; Mirab; Ulema, Mullah; Arbakai; Qumandan and Communities. Village Council is Village Administration.

On Functional Independence of a Prosecutor

The provincial prosecution office and the district prosecution office are part of the provincial and district administration respectively. However they are independent in their functions. They have autonomy to take decisions as per Law on Structure and Authority of the Attorney General’s Office. Given the important role a prosecutor plays in upholding the rule of law, this policy supports functional independence of the prosecutor from any other institution. The Provincial Governor and the Provincial Council will assess the performance of the provincial prosecution office. The District Council and the District Governor will assess the performance of district prosecution office. Provincial Administration and Provincial Council will closely work with provincial prosecution office to provide people with access to justice services. Likewise, District Administration and District Council will closely work with district prosecution office to provide people with access to justice services.

On Responsibilities of Provincial and District Governors

The main responsibilities of Provincial and District Governors will be to maintain peace, security, order and stability; to maintain the Rule of Law; to realize, protect, promote and extend human rights of the citizens; to promote social, economic, educational and cultural development; to ensure that people get services they value most; to ensure good governance arrangements; to reduce poverty and disease; to achieve MDGs for the people; to mitigate and manage natural disasters; to eliminate poppy cultivation and to promote alternative livelihood; to protect environment and to make sustainable use of natural resources; to support Islam and promote Islamic values and to assist in implementation of ANDS and national priority programmes.

On Roles of Provincial and District Governors

The Provincial Governor is the executive head of the Provincial Administration. The Provincial Governor will lead planning, budgeting and coordination at province level. Governors will chair meetings of the PDC at least once a month. The Governor will coordinate with other provincial entities during meetings of the Provincial Development Committee (PDC) to develop provincial plans and formulate budgets to support such plans. Governors will oversee and monitor the activities of provincial line departments. Such authority will enable offices of Provincial Governors to ensure that provincial line departments are implementing their programming as agreed upon within provincial plans. Provincial Governors will be responsible for monitoring the implementation of public administration reforms and development of civil service capacity at province level. The Provincial Governor will be empowered to implement programmes that fall outside of the mandate of line
departments, including for counter-narcotics and disaster management. The Provincial Governor will chair Provincial Committees on Counter Narcotics and Disaster Management. The Provincial Disaster Management Committee will be responsible for monitoring and managing provincial-level disaster preparedness, response and mitigation activities.

The District Governor is the executive head of the District Administration. The District Governor will have a role at district level similar to one that the Provincial Governor has at Provincial level. The District Governor will lead planning and coordination at district level. The District Governor will monitor and oversee functioning of district police. Likewise, District Governors will oversee and monitor the activities of district offices of provincial line departments. The District Governor will chair District Committees on Counter Narcotics and Disaster Management. The District Disaster Management Committee will be responsible for monitoring and managing district-level disaster preparedness, response and mitigation activities.

**On Deputy Provincial Governors**

Deputy Provincial Governor is a senior official in provincial administration. Whereas the Provincial Governor focuses on strategic issues, the primary responsibility of the Deputy Governor is to ensure that adequate attention is paid to such strategic issues on a daily basis. This will allow the Provincial Governor to concentrate on strategic decisions, providing at the same time for continuity of provincial administration regardless of political changes. When so authorized by the Provincial Governor, Deputy Governor will be responsible for daily planning, budgeting and coordination at the provincial level. Deputy Governor will be responsible for orderly functioning of provincial administration as a whole and compliance of its operations with the applicable law. He/she will ensure that laws on civil service and civil servants are strictly adhered to and that adequate conditions are created for efficient functioning of civil service at the provincial level. Deputy Governor will represent the provincial administration in the Provincial Governor’s absence or when directed so by the Provincial Governor.

Since the post of the Executive Director has been removed from the organizational structure of the Provincial Governor’s office, the Deputy Governor as a government civil servant assumes all the duties and responsibilities previously performed by the Executive Director. Such as all operational and strategic matters related to the Provincial Administration supervision and guidance of the Local Government Operations, Sectoral and Technical Services Division and Finance and Administrative Division of the Provincial Governor’s office, and overall responsibility for and planning and directing the activity of Provincial Governor’s office. All the Departments in the Provincial Governor’s office report to the Deputy Governor.

**On Appointments in the Provinces**

All appointments in Grade 5 to 8 of civil servants in the province will be approved by the Provincial Governor after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 3 & 4 of civil servants in the provincial and district offices of the ministries and agencies of the Government in the province will be approved by the respective ministry or agency after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.
Provincial Governors shall accept the staff appointed on merit through open competition and as per civil servants law.

On Appointments in the Districts

All appointments in Grade 7-8 of civil servants in the district will be approved by the District Governor after identification and selection by the District Appointments Committee following merit based open competitive recruitment procedure.

On Provincial Councils and District Councils

The Provincial Councils will create a structure for partnership with Provincial Administration and promote participation of people and civil society organizations in the governance of the Province. The Provincial Council will consult with citizens and CSOs, including shuras and jirgas on a regular basis. The Provincial Council Chairperson will be a member of the PDC. The Provincial Council will participate in developing provincial development plans. The Provincial Council will have power and authority to hold the Governor and the Provincial line departments to account for their performance or non-performance. The key role of the Provincial Council is to exercise this accountability function. The Provincial Governors as well as line departments will be responsible for reporting to the Provincial Council on progress made towards implementing provincial development plans. Governors will be legally obliged to provide information before the Provincial Council once a month, on issues specified by the Council. The Governors will be held accountable by the Provincial Council for answering to the fullest extent possible information requests made by the Provincial Council. Provincial Councils will monitor and evaluate service delivery. The Provincial Councils will utilize a number of tools for monitoring and evaluating the performance of line departments and for informing the public of the levels of services that they can expect from the provincial line departments. A performance measurement system will be established and utilized under the purview of the Provincial Council. This system will enable the Provincial Council to monitor service delivery at the sub-national level and ensure that it meets adequate standards or performance targets. The information gathered by the Provincial Council through this system will be made open and available to public. Provincial Councils will be responsible for publishing and enforcing the performance standards or minimum service standards of all line departments within a given province. The Provincial Council will be responsible for handling citizen complaints. The Provincial Governor and the Provincial line departments will be answerable to the Provincial Council for ensuring that the complainants are responded to within a timely manner and their complaints are resolved.

The Provincial Council will serve as the primary representative of the constituents of the province within the provincial governance. The Provincial Council will hold regular meetings that are open to public to inform the public of activities being carried out by the provincial administration. The Provincial Council will consult with CSOs regarding planning, budgeting and development issues.

The Provincial Council will facilitate participatory planning and budget formulation. The Provincial Council will debate and approve major decisions of Provincial Administration within the province. Provincial Councils will announce its agreement to the provincial development plans and provincial budgets before sending it to the Provincial Governor for final approval. The Provincial Council will make the provincial development plans and provincial budgets public after the Council’s approval. The approval of the budget by the Provincial Council and the Provincial Governor is an intermediate
Policy on Sub-national Governance

step in true sense. The provincial budget becomes an integral part of national budget and is further approved by the line Ministries, the Ministry of Finance, the Council of Ministers, the National Assembly and the President. Provincial budget is an integral part of national budget.

The Provincial Council may assist in resolution of dispute of a civil nature if both parties to the dispute agree on the arbitration role of the Provincial Council. The Provincial Council will participate in and coordinate with concerned officials to eliminate customs and traditions contrary to the law, human rights and Islamic Sharia, such as forced marriages and exchange of females for settlement of disputes. The PCs will facilitate the monitoring, research and educational programs of the AIHRC. The Provincial Councils will ensure that services are provided to the vulnerable, the marginalized, the poor, the disabled, the elderly, the orphans and the children.

District Council will perform functions and will have authority at district level that the Provincial Council has at provincial level. District Governor and District Offices of line departments will be accountable to the District Council in a manner in which Provincial Governor and Provincial Line Departments are accountable to the Provincial Council. District Councils will consult Village Councils, citizens and CSOs on planning and development issues, approve development plan of the district, debate and approve all major decisions of district administration, enforce minimum service standards, tour widely to consult with the people of the district and, oversee public complaints handling mechanism. District Governors will be legally obliged to information before the District Council once a month. District Councils will monitor and oversee functioning of district police and other district offices of line departments. Provincial and District Councils will not audit the government offices. However, heads of departments at Province and District levels including the Provincial and District Governors will provide information once a month before the Provincial and District Councils.

The Government through IDLG will give sufficient funds to Provincial, District, Municipal and Village Councils to allow them to efficiently conduct the activities within their mandate and to fulfill their responsibilities towards their constituent citizens. The IDLG will strengthen the capacity of all subnational councils, support knowledge sharing and exchange among them.

On Delegation

Each ministry will develop an appropriate policy for delegation of authority and resources. Line departments will be reorganized and different powers, functions and resources will be divided between provincial and central offices to enhance efficiency. Each ministry will allocate the function to a level that has a comparative advantage in the carrying out that function and is closest to the citizens. Delegating powers to the provincial directorates and district offices is one of the most important actions that the ministries will take to improve service delivery. Being closer to the citizens improves efficiency and accountability in service delivery. Having allocated function to the Provinces and Districts, the Ministry will allocate financial resources and authority to carry out this function to the Provinces and Districts. Procurement and contracting powers of provincial line departments, district offices, Provincial and District Governors will be substantially enhanced. The provincial line departments, their district offices, and Provincial and District Governors will have a distinct procurement and contracting authority. The Ministries will scale down deciding and procuring on behalf of the Provinces. The Centre will trust the Provinces and, the central ministries will trust the provincial line departments to make right decisions based on local preferences. Ministries will initiate implementation of their plans for delegation of authority without waiting for enough capacity to be built since capacity of the provincial line departments and their district offices cannot be effectively built unless these units are actually entrusted the responsibility. Line ministries will enhance their participation in the Provincial Budgeting initiative. Provincial budgeting initiative will be expanded
to encompass all ministries and all provinces. Although the policy function will be retained in Kabul, over time all implementation pertaining to Water and Sanitation, Health and Nutrition, Education, Provincial and Local Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and Irrigation, Natural Resource Management, Land Registration, Social Protection, Identity Card, Private Sector Development, Civic Services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, Libraries and such other services that people value most and that are locally produced will be delegated to the Provinces, Districts and Municipalities. The Government will hold annual conference of the Ministries and Provincial Governors to promote coordination between Ministries at Kabul and Provincial Governors and to promote further delegation of powers to the Provinces. The Government will give the Ministries strong incentives, support and guidance in the delegation strategies. In the long run, all relevant Ministries will establish their offices in the districts in order to serve the people better.

On Ministry Line Departments

Line departments are accountable to Provincial Governors and Provincial Councils and, through Provincial Councils, to people. They must provide the Provincial Council with information on their performance on a regular basis and when requested under special circumstances. Any Provincial Line Department official can be summoned once a month by the Provincial Council to testify on an issue of public interest. The accountability to the Provincial Council creates wider accountability of the line departments to the people. Such an accountability relationship will result in improved service delivery. Directors of line departments that do not meet minimum service standards may be subject to sanction. Following an investigation into why minimum service standards were not met, if the failure to meet the minimum service standards is proved, the director of the line department will either: 1) receive training, 2) be put on probation until minimum service delivery standards are attained, or 3) Provincial Council will propose his/her dismissal. The Governor in consultation with the Provincial Council and the central office of the line ministry will decide which sanction the head of the line department will receive. The central office of the line ministry will also evaluate whether the line department requires further organizational reform or capacity building. Provincial line departments are accountable to the Provincial Council and the Provincial Governor for their performance or non-performance.

On PDCs, PAAs, DDAs and DAAs

Provincial Development Committee (PDC) will continue to serve as a body where cross-sectoral development coordination, planning and budgeting can occur. PDC meetings will be held on a monthly basis.

Provincial Administrative Assembly (PAA) consists of Governor as the chair and Heads of the Provincial Line Departments and Agencies, Provincial Prosecutor (Attorney-General Office) as well as Deputy Governors are the members. Provincial Security Chief and Mustufi are also members. District Governors can be invitee members of the PAA. Provincial Administrative Assemblies (PAAs) were created 45 years ago on 18 December 1964 to serve as a body for the Governor to coordinate with provincial line departments. It is expected to meet once a week. It is conducted when at least half of the members are present. PAA will be a forum through which Provincial Governor achieves administrative coordination in the activity of different line departments and agencies. Decisions will be taken by the 50+1 of the members present. In the hierarchy of important coordination forums in a province, the Provincial Administrative Assembly comes next to the Provincial Development Committee (PDC). As they are both coordinating bodies at the provincial level, there is possibility of some overlap in their activities. However mandates are clearly different. PAAs will achieve
administrative and security-related co-ordination while PDCs will achieve development co-ordination. Implementation is the responsibility of PAA while planning is the responsibility of PDC. PDCs will make provincial plans and budgets and link provincial plans with provincial budgets. PAAs will have weekly meetings and PDCs will have monthly meetings. In fact, the PAA is a sub-set of the PDC and PDC deals with wider functions as planning and budgeting at the provincial level. Both PDCs and PAAs will be ultimately accountable to People through Provincial Councils. There will be District Administrative Assemblies (DAAs) at District level similar to PAAs at Provincial level.

District Development Assemblies (DDAs) will maintain their current roles and responsibilities until the constitutionally mandated district councils are elected in 2010. DDAs will perform the planning function of District Councils till constitutionally-mandated District Councils come into existence.

After the election of Constitutionally-mandated District Councils in 2010, DDAs, functioning as civil society organizations, will help the District Councils prepare district development plan based on local needs and priorities of people in the district. The responsibilities of DDAs will include identifying priorities at district level, making strategies that reflect interest of communities and villages and, thus assisting the District Councils in preparing district development plan.

**On Village Councils and CDCs**

Constitutionally-mandated Village Councils shall be elected in 2011. Village Councils will be responsible for preparation of village development plan; generation of resources for this development plan; management and implementation; monitoring and evaluation of village development plan; oversight, monitoring and evaluation; quality assurance; performance management; government service delivery; administration; financial management of the grants received; co-production of development goods and services; regulation such as construction regulations, security regulations and zoning; and liaison with communities, civil society and media. The Village Councils will help maintain peace, security, public order and stability; help maintain rule of law, human rights, and good governance; help reduce poverty; help attain MDGs; protect environment; and eliminate customs contrary to the law and sharia. Village Councils will play an important role in counter narcotics, disaster management, social protection; dispute resolution and reconciliation; management of village commons; natural resources management; environmental protection; land registration; determination of village boundaries; population registration and vital statistics; and coordination with governance entities at higher level. VCs will design and implement development plans and projects. Village Councils will plan and coordinate with district offices of line ministries, which are present at the district level, District Governors, District Councils and entities at higher level governance. The Village Council will submit village development plans to District Council through District Governor for approval and consolidation. The Village Council will encourage and facilitate citizen participation in planning and identification of village priorities. The VC will constitute sub-committees in various areas of work (such as education and reforestation) based on needs of the village.

Government will ensure that coordination in all development works at village level takes place through the elected Village Council. Government will support the Village Councils financially so that these Village Councils are able to independently sign agreements and contracts for and on behalf of the village and also execute these agreements and contracts. The Government through the Ministry of Finance will allow the Village Councils to receive and spend development block grants. The Ministries will spend an appropriate percentage of their budget at village level. The Government presence will extend to each and every part of the country once all 38000 Village Councils are elected.
CDCs are presently accountable to the people who elect them. CDCs are also accountable to the Ministry of Rural Rehabilitation and Development who provides them block grant. CDCs will be accountable to people while they perform the future role of Village Councils. After 2011, CDCs will be at liberty to continue as civil society organizations engaged in community-driven development.

The IDLG will ensure that Provincial, District, Municipal and Village Administrations fulfill their roles and responsibilities. Doing so will help IDLG ensure that security and service delivery improve at subnational level.

On Sub-National Elections

Following tables give calendar of sub national elections:

<table>
<thead>
<tr>
<th>Council</th>
<th>Second</th>
<th>Third</th>
<th>Fourth</th>
<th>Fifth</th>
<th>Sixth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Council</td>
<td>SY 1388 (2009 AD)</td>
<td>SY 1392 (2013 AD)</td>
<td>SY 1396 (2017 AD)</td>
<td>SY 1400 (2021 AD)</td>
<td>SY 1404 (2025 AD)</td>
</tr>
<tr>
<td>District Council</td>
<td>SY 1389 (2010 AD)</td>
<td>SY 1392 (2013 AD)</td>
<td>SY 1395 (2016 AD)</td>
<td>SY 1398 (2019 AD)</td>
<td>SY 1401 (2022 AD)</td>
</tr>
<tr>
<td>Village Council</td>
<td>SY 1390 (2011 AD)</td>
<td>SY 1393 (2014 AD)</td>
<td>SY 1396 (2017 AD)</td>
<td>SY 1399 (2020 AD)</td>
<td>SY 1402 (2023 AD)</td>
</tr>
<tr>
<td>Mayor</td>
<td>SY 1389 (2010 AD)</td>
<td>SY 1393 (2014 AD)</td>
<td>SY 1397 (2018 AD)</td>
<td>SY 1401 (2022 AD)</td>
<td>SY 1405 (2026 AD)</td>
</tr>
<tr>
<td>Municipal Council</td>
<td>SY 1389 (2010 AD)</td>
<td>SY 1393 (2014 AD)</td>
<td>SY 1397 (2018 AD)</td>
<td>SY 1401 (2022 AD)</td>
<td>SY 1405 (2026 AD)</td>
</tr>
</tbody>
</table>

The national budget will be the source of funding for the Provincial, District and Village Council Elections. Municipal budget will be the source of funds for Mayoral and Municipal elections.

Constitution gives term of Provincial Councils as 4 years and that of District and Village Councils as 3 years. The term of Municipal Council will be 4 years and that of Mayors will also be 4 years.

Mayors will have 2 term limits.

25% of Provincial Council seats are reserved for women. This is minimum. More women can contest the general i.e. unreserved seats. 25% of District Council seats will be reserved for women. The seats will remain reserved if required number of women seeks election as district council members. The seats will go to men candidates to the extent women are not available to contest these positions. No Village Council seats will be reserved for women. Women are empowered to contest as general candidates on general seats. No mayoral seats will be reserved for women. Women are empowered to contest as general candidates on mayoral seats. Minimum 25% of Municipal Council seats will be reserved for women. This is minimum. More women can contest the general i.e. unreserved seats. During the first major policy implementation review to be conducted in 2014, the Government will consider reservation of seats for women in Village Councils.

Minimum age requirement to contest the elections of sub national councils will be 22 years and age requirement for contesting mayoral elections will be 30 years.
The election of Provincial, District and Village Councils will be through Council-wide multiple-member constituencies by single non-transferable vote (SNTV). The candidates with the most votes will be elected. In PC elections, in the first stage, the one-fourth of the seats will be reserved for the female candidates garnering the most votes. In the second stage, the candidates with the most votes will be elected for remaining seats. In DC elections in the first stage, the one-fourth seats will be reserved for the female candidates with the most votes. In the second stage, the candidates with the most votes will be elected for remaining seats. If the women candidates are not available, to that extent the seats reserved for women will become unreserved.

After the census is conducted in 2010, the Government will decide on carving Provincial Council electoral districts on the basis of population. To enhance accountability of the Provincial Council Members, we need to have at least one Provincial Council Member from each district of the Province i.e. each district will elect at least one (one, two or three based on population of the district) member to the Provincial Council. The member elected will be accountable to her/his constituents. In the current system, there is no guarantee that a Provincial Council will have members from all the districts in the province.

For Mayoral elections, the candidate who receives more than 50% of the legal votes will be declared the winner. If no candidate receives more than 50 percent of the votes cast in the first round, a runoff election shall be held between the two most voted candidates within two weeks following the announcement of election results. In the second round only the two candidates obtaining the most votes shall participate. The candidate who receives more valid votes in the second round of election shall be declared elected.

The system of elections for Municipal Council is single non-transferable vote (SNTV) in City-wide multiple-member constituencies.

**On Code of Conduct and Code of Ethics**

Elected sub national officials will sign a Code of Ethics and appointed sub national officials will sign a Code of Conduct. These Codes constitute Appendix I and II of the policy document.

**On Appointment of Provincial Governors, Provincial Deputy Governors and District Governors**

Provincial Governors will continue to be political appointee. The appointment and removal of the Provincial Governors will take place based on the proposal for appointment or removal by the IDLG and final approval by the President. The appointment and removal of the Provincial Governors will take place in accordance with the Afghanistan Compact, Presidential Decree #2421/2006 on the Establishment of a Consultative Mechanism for Appointments in High Ranking Government Posts and Presidential Decree # 677/2008 on the Rules and Procedures of the Senior Appointments Board. The Appointments Panel will vet all candidates for all the positions mentioned in the Afghanistan Compact Benchmark. Such vetting as outlined in the Compact and the Presidential Decree on the establishment of the “Consultative Mechanism” would improve the quality of the decision-making on appointments. This will also ensure that Provincial Governors have sufficient qualifications and integrity for serving effectively in these positions. The Senior Appointments Panel will function according to the Rules of Procedure that were approved by the President.

Sequencing of the appointment process for Provincial Governors will be as follows: 1) The IDLG presents a list of potential candidates to the Senior Appointments Board. 2) The Senior Appointments
Board will vet the candidates over a period of 30 days. 3) The Board will propose the vetted candidates to the President. 4) The IDLG will consult with the President on the candidates deemed qualified for the positions of Provincial Governors by the Senior Appointments Board. 5) The President will appoint Provincial Governors out of those deemed qualified for the positions by the Senior Appointments Panel.

The process of appointment of Provincial Governors will be characterized by provision of reliable information to the Senior Appointments Board, transparency of the process, minimum due process standards, objectivity and uniform principles for appointment.

Based on the Presidential Decree No. 2113 dated 17th March 2010, the posts of Deputy Provincial Governors and District Governors are government civil servant positions. Their recruitment will take place based on merit-based, competitive and transparent procedures and mechanisms that will be developed by the IARCS and IDLG.

On Improving Security

- The Afghan National Police will uphold the Constitution of Afghanistan and enforce the prevailing laws of the country to protect the rights of all people of Afghanistan.
- The Police will perform their duties in a professional, non-discriminatory, accountable and trustworthy manner.
- The Police will work with the people to actively combat crime, especially crimes against women, children, elderly and ethnic minorities and to deal with disorder including terrorism and illegal armed activity; prevent the cultivation, production and smuggling of narcotics; and fight corruption.
- The Police will ensure and extend the sovereignty of the State and protect its borders.
- The Police will serve the people and act in a manner that ensures people’s cooperation, trust and respect.
- The Police will fulfill their duties in a non-discriminatory way and in accordance with the law respecting principles of Islam and traditions of Afghanistan as well as gender values.
- The Police will perform their duties in line with international instruments on human rights, democratic principles and the rule of law accepted by the Government.
- The Police will use all legal instruments and force in accordance with the law.

The Police will account for their activities and the resources put at their disposal in a transparent and public manner. Police Chiefs and Commanders will take disciplinary action against personnel who violate the professional code of conduct. The Police will cherish professional and disciplined conduct, honesty, objectivity and impartiality, accountability and transparency and closeness with the people as their values.

Governors will not have influence on the appointment of individual police staff. All recruitment of police will be done through transparent merit-based appointments. No interference will be permitted in the merit based recruitment and appointments of police. Vetting of candidates for the police will proceed unimpeded. Any interference in the vetting of candidates will be penalized.

Improving the accountability of the police to the people is essential to improving their performance. A Code of Conduct for the police has been drafted to provide the police with a legally binding
document that reminds them that their primary duty is to serve the people of Afghanistan and that provides a concise guidance on their duties and responsibilities. This Code of Conduct provides a mechanism for holding the police accountable for their conduct. The Code of Conduct will be reviewed to ensure its compliance with Constitution and extant laws and then it will be made applicable. Mechanisms for ensuring the enforcement of this Code will be put in place.

On Buildings, Facilities, Equipment and Vehicles for Sub-National Offices and Councils

The Government will undertake a full scale review of the facilities available in all the Councils, government offices and municipalities. By end-1393 (20 March 2014), all the Elected Councils, subnational government offices and municipalities will have basic facilities and amenities including adequate built up space, toilets for women and men, child care facilities, computers, communication facilities and furniture. The key officials at national and sub national level will have adequate means of mobility to connect with the communities they are serving. The Government will provide for adequate operating and maintenance costs for the sub national government entities. The Government will enhance the operational performance of all the sub-national governing entities by providing them with the physical facilities, amenities and means of communication they require as well as adequate operating costs to maintain these facilities.

On Sub-National Jurisdictions

Afghanistan has 34 Provinces, 34 Provincial Centers and 364 Districts. Annexure III of the policy document gives this information. It has three matrices. First matrix gives the names of the Provinces, the Districts within these Provinces, district-wise CSO population estimate as of 01 July 2004, and district-wise number of villages. Second matrix gives the names of municipalities and basic information pertaining to these municipalities for the Solar Year 1386. Third matrix gives the number of Nahias in the municipalities wherever Nahias exist. Nahia is a subordinate administrative unit i.e. municipal district within a municipality. Twenty-seven municipalities in the country have a total of 117 Nahias. Remaining municipalities do not have a subordinate administrative jurisdiction or Nahia.

The population estimate of the Central Statistics Office (CSO) for 01 July 2004 is 23,565,200. 13.90% population of Afghanistan lives in Kabul Province (one in seven Afghan citizens lives in Kabul Province), 7% of Population lives in Hirat Province, 6% in Hilmand, 5.7% in Nangarhar Province, 4.9% in Balkh Province and 4.7% in Ghazni Province. Based on the household listing data of the CSO, 80.60% population of the country is rural and 19.40% population is urban. Afghanistan’s rural population (CSO estimate as on 1 July 2004) is 18,985,200. The rural population is distributed over 38579 settlements of varying sizes. Median of the distribution of the rural settlement is located at 309. That means half the rural population lives in villages with 309 population or less and, the other half in villages with more than 309 population. Average population of Afghan village is 481. According to the Household Listing data of the CSO, Afghan household on an average comprises of 6.3 members. The distribution of the rural population settlements by size-class (CSO estimate for 2003-2005) is given in the Policy document.

Out of the 38579 rural settlements CSO listed during the household listing conducted during 2003 and 2005, the CSO found 1409 settlements to be not inhabited by human population for reasons such as relocation due to draught and war, destruction of village during the war, settlement having only government offices or shops and for other reasons. CSO Household Listing data shows 442 villages as
vacant and 967 villages as demolished. Thus there were 37170 inhabited rural settlements in the country when the household listing was conducted. If we subtract the number of sub-villages (793) from the total number of inhabited rural settlements seen during the household listing, we get the number of inhabited villages in the country during 2003-2005 to be 36377. However, this data is dynamic in the sense that some of the deserted villages may have been repopulated or some of the destroyed villages may have been rebuilt in course of time after the household listing was done by the CSO. A clear picture will emerge during the census that is scheduled to be conducted in the year 2010 and will become widely known when census results are published.

On creation of new Jurisdictions or modification of existing Jurisdictions

The Constitution of Afghanistan does not recognize supra-provincial jurisdictions such as zones or regions. Some Ministries for specific purpose of effectively implementing their plans and programmes need to adopt a regional approach. For example, the Ministry of Urban Development has adopted this regional approach for promoting economic development in the regions. The Ministry of Agriculture, Irrigation and Livestock needs to adopt specific strategies for different agro-climatic regions of the country. The Government is aware of the importance of these regional approaches and has approved these approaches for development, security and defense purposes. However, the Government does not recognize zone or region as a distinct political or territorial governance unit of the country.

The provinces are a product of our history as well as our politics. It will not be useful to lay down any technical definition of a Province. Afghanistan as of today consists of 34 Provinces. From time to time there is a demand for creation of new jurisdictions including provinces, districts and municipalities. Government decision on demand for creation of a new Province is based on political implications of its creation on national security, national unity and integrity.

Afghanistan’s 34 Provinces are divided into 364 rural districts and 34 Provincial Center districts i.e. Markaz-i-Wolayat. Few provinces have unofficial districts that have been created by the Provincial Governors sometimes to better align tribal politics with district boundaries and oftentimes on public demand. These are recognized provincially, but not centrally. A decision will be taken on the discrepancy between de facto districts and de jure districts. New districts have additional financial burden on the national exchequer. Government will strike a balance between the costs of additional district and benefits it will bring to people in terms of easier access to services and improved security and cohesiveness.

On collaboration among the provinces

A Provincial Council shall cooperate with other Provincial Councils in addressing governance, security and development issues that extend beyond the Province. To achieve this purpose, Provincial Council may nominate a delegation of its members to deliberate with the delegation of another Provincial Council. Similarly Provincial Governors will work with each other in addressing governance, security and development issues that cover many adjacent provinces. The Independent Directorate of Local Governance will take a lead in this regard by organizing periodic conferences of the Provincial Governors in the region. Some Ministries for effectively implementing their plans and programmes have established regional offices or zonal offices. Provincial offices of a Ministry in a given region will collaborate with each other in addressing the issues that cover the region.
**On Provincial Reconstruction Teams (PRTs)**

H. E. the President by issuing decree on 17 July 2008 has constituted a Commission with the Director General, Independent Directorate of Local Governance as Chairperson and the Deputy Minister, Political Affairs of the Ministry of Foreign Affairs and Deputy Ministers of the Ministries of Public Works, Rural Rehabilitation and Development and Urban Development as its members. The Commission has the mandate i) to suggest ways to improve coordination between PRTs, International Coalition Forces and Sub National Institutions, and ii) to develop a specific mechanism for coordination of Provincial Reconstruction Teams and International Coalition Forces with sub national institutions and for monitoring implementation of PRT projects and programs. Given this position, the present policy process has not dealt with the affairs related to PRTs since the Presidential Commission is seized with the matter.

**Subnational Planning and Subnational Finance**

**On Planning Process in the Provinces, Districts and Villages**

The subnational actors will play a much more active role in planning to reflect local needs and implement national priorities in the local context. Every year, each province will produce a Provincial Plan, which will be developed by two distinct planning processes: a “People’s Plan” process and a “Ministry-Driven Department-Led” process. In the “People’s Plan” process, the Provincial Development Committees will design, cost and prioritize the proposals coming from villages, via the districts, and produce a final plan that is within a pre-specified budget envelope for each sector. In the “Ministry-Driven Department-Led” process, each Line Ministry will develop its own plan for the province consistent with national priorities such as those expressed in ANDS. Upon completion, the plans produced by the two processes will be aggregated into the sector’s provincial sectoral plan, and all provincial sectoral plans of different sectors will be integrated into a single Provincial Plan.

To enable this planning process, a proportion of total resources in a specific sector will be allocated to the provincial level to match the expenditure functions delegated (covering both the People’s Plan and the Ministry-Driven Department-Led Plan), and a fixed proportion of the total provincial budget in a specific sector, of no less than 25%, will be allocated through the line departments to the People’s Plan, with the remainder allocated to the Department-Led Ministry-Driven plans. The Cabinet Committee on Subnational Planning and Subnational Finance will announce in a timely fashion, this allocation percentage during the course of the provincial planning process.

The total pool made available to provinces will match, at a national scale, the fiscal needs for expenditure responsibilities delegated to the provincial level. The budget for the People’s Plan will be exclusively for development projects, and the budget for the Ministry-Driven Department-Led Plan may cover payroll, O&M and development.

The annual process will be supported by a medium-term strategic planning process. This will be an iterative process that produces a set of strategic objectives for the province in the medium term consistent with relevant strategy frameworks such as ANDS and the IDLG strategic framework.

**On implementation of planning process in the Provinces, Districts and Villages**
After approval, each concerned line department will submit its relevant part in the Provincial Plan to its parent ministry. After any necessary adjustment and negotiation, these will be submitted to the Ministry of Finance as part of the Ministry’s annual budget requests. These will then pass through the normal national budgetary process, leading to the Ministries eventually being granted budget for the implementation of the Provincial Plans.

Provincial Plan implementation will be delegated to the provincial departments of the ministries, with the centre retaining control of monitoring, policy and programmes that cannot be implemented provincially. To realize this, expenditure responsibilities related to the provincial plans will be delegated to the provincial departments (the arrangement referred to as “de-concentration”). The provincial departments will be accountable for the use of funds to the parent ministries, the Provincial Governors and the Provincial Councils.

**On Provincial Allocation of Finances**

Provincial budgeting initiative will be expanded to encompass all ministries and all provinces. The Provincial Budgeting will be further deepened as follows: Each Ministry will distribute the total pool for funding of Provincial Plans amongst the provinces according to a transparent formula based on principles of equity, responsiveness to need, creation of incentives and consistency with national priorities. The Ministries will develop their own formulae within general guidelines, subject to central approval.

**On Village Block Grants**

The practice of giving block grants to villages will continue for the foreseeable future. These block grants will continue to be based on the number of households in each village, subject to a ceiling for any individual village. These block grants will continue to be used for the purpose of funding Community Development Plans.

**On Fiscal Transfer to Municipalities**

The municipalities will receive a transfer from the centre to increase their capacity to meet their service-delivery responsibilities, over which the municipality will have a high degree of autonomy and control in respect of use of funds. A transparent and equitable formula will be used to divide the total pool for transfers amongst the municipalities, based on the principles of equity, responsiveness to need and creation of good incentives. A component of this transfer will take the form of a matching grant in order to provide municipalities with an incentive to increase revenues.

**On Institutional Arrangement for Sub-National Planning and Finance**

A Cabinet Committee on Subnational Planning and Finance will be convened to preside over the whole system. It will be chaired by the Second Vice-President, with the Minister of Finance and Director General of IDLG as co-vice-chairs. The Ministry of Economy will hold the Secretariat of this Committee. The Cabinet Committee will meet three times every year, and will be supported by an Inter-Ministerial Working Group on Subnational Planning and Finance, that will meet twice before each Cabinet Committee meeting in order to conduct technical review and drafting of proposals that are to go before the Cabinet Committee. This Committee will work in closely with Committee on
Budget. Coordination with the existing Committee on Budget will be institutionalized to avoid duplication and competition.

The Cabinet Committee on Subnational Planning and Finance will: set the percentage of the total national sectoral resources to be allocated to the provincial level; set the percentage of sectoral budgets for use in the funding of People’s Plans; set the overall size of the pools for village block grants and municipal transfers; approve the provincial allocation formulae proposed by each Ministry; review and approve the formulae used for village block grants and municipal transfers; monitor the delegation of expenditure responsibilities by Ministries to their provincial departments; review and approve extraordinary assignments of expenditure responsibilities to provincial governors; evaluate the effectiveness of Ministries in making their provincial departments accountable to provincial governors and Provincial Councils; and monitor and review the overall performance of the subnational planning and finance system.

On Subnational Financial Management Reform

Efficient management of public funds and the implementation of the financial accountability system will require significant upgrading of the financial management capacity of the provincial line departments of the ministries. As expenditure responsibilities are delegated to the provinces, similar improvements will be required in the provincial government institutions. The strengthening proposed in this policy falls into three broad categories of activity: control of finances; standard accounting systems; and performance management. Since financial management in provincial institutions is rudimentary at present, these improvements will be introduced in a phased manner.

The objective the first category of activities, control of finances, is to introduce a basic level of visibility into the finances of the target institution and to prepare the institution to move towards full compliance with all appropriate standards. At a minimum, this will include introducing basic controls, ensuring accounting of cash flows and cash balance and, creating basic budgeting systems. The objective of the second category of activities, standard accounting systems, is to upgrade the rudimentary financial management systems into systems that follow sound accounting practices. Such a system will fall short of best practices but will provide adequate transparency and financial accountability. This will include moving to double-entry/accrual-based system, introducing full set of ledgers and chart of account, introducing programme budgeting, improving predictability of budgeting process, systematizing Operations and Maintenance budgeting and, introduction of comprehensive auditing. The local government entities will be subjected to regular internal and external auditing, and senior managers will be made responsible for implementing improvements recommended by the auditors. The objective of the third category of activities, performance management, is to introduce financial management structures that strengthen the links between financial information and organizational performance. These activities will include introducing “Performance Contracts”, increasing manager accountability, implementing performance/outcome budgeting, adopting Integrated Financial Management System, introducing capital budgeting and, evaluating and strengthening efficient use of budgets.

On Municipal Governance

On New Municipalities Law

A new Municipalities Law will be enacted and supporting Implementing Rules and Regulations will be issued within 6 months after its enactment in order to provide the guidelines for implementing its provisions. The new Municipalities Law will provide for the following: Definition of municipalities, Criteria for creation, merger and/or abolition of municipalities, Mission, and core and basic functions
of a municipality, and administrative supervision of municipalities to define the authority of the Government and the Province over municipalities. The implementing rules and regulations (IRR) for the new law will have classification of municipalities and definition of each classification, process for creation, merger and/or abolition of municipalities.

**On Definition Creation, Merger and Abolition of Municipalities**

A Municipality is defined as follows: “A municipality is a distinct legal and administrative entity with a well-defined geographical or territorial boundary and created for the purpose of providing for the general welfare of its constituents.” In the administrative and governance hierarchy, a “Municipality” will be a next lower unit to a province. Municipal districts (Nahias) comprise a municipality and villages comprise a rural district. All of these hierarchical units have well-defined territorial, and therefore administrative, boundaries. A municipality has a corporate personality empowered to conduct actions of a corporate nature, such as to acquire/sell property, enter into contracts, sue or be sued, use a legal name or manage public economic enterprises. A new Municipality will be created provided it conforms to a set of criteria. Municipalities will be created, merged or abolished according to a legally regulated process. Municipalities may be merged under certain conditions. Municipalities may be abolished under certain conditions.

**On Classification of Municipalities**

Municipalities shall be classified based on a combination of factors such as area, population and income. The classification of municipalities will be regularly reviewed by the Government for purposes of re-classification considering changes in socio-economic and administrative conditions.

**On Functions of Municipalities**

The Law will clearly define the mandatory and optional functions of municipalities. Mandatory or core functions are services which municipalities must provide at the minimum while optional functions are those which municipalities provide in addition to the mandatory functions depending on the municipality’s capacity.

**On Organizational Structures and Institutional Mechanisms for Municipalities**

Municipalities will be guided in establishing organizations and institutional mechanisms. Municipalities will have the authority to design their organizational structures based on guidelines established by the Government. The Government will promulgate Organizational models for each municipal classification, Guidelines for adoption of a model or adaptation of two or more models, and Standard position classifications and titles, compensation structures and statements of duties and responsibilities.

**On Kabul Municipality**

Kabul city is classified as a municipality. However, it shall have additional functions, authorities, and responsibilities cognizant of the special status it currently enjoys being the country’s capital city. Kabul City shall continue to be supervised by the Office of the President. However, it shall be
primarily responsible to fulfill its mandate to provide for the general welfare of its inhabitants. It shall continue to be governed by the same law governing municipalities. The Government may make additional special regulations exclusively for the Kabul Municipality.

On Institutional Framework of Municipalities

The Government shall prescribe standards for municipal management systems. Such systems shall conform to national policies, laws, and regulations, and, as far as practicable, conform to international standards and best practices. Sanctions shall be imposed on municipalities and/or municipal officials for failure to conform to or implement such systems, while rewards/incentives will recognize superior/excellent performance. The Government will promulgate Regulations prescribing systems and procedures for, among others, development planning and investment programming, budgeting, accounting, procurement and logistics management, and fixed assets management. Government support toward the municipal adoption of such systems, Government responsibilities for monitoring compliance, Transition period arrangements and activities to be implemented for migration to the new systems, and Sanctions for non-compliance and rewards for superior/excellent performance.

On Development Administration in Municipalities

Municipal development plans will be founded on bottom-up processes that reflect community priorities and top-down planning. Both will be reflected in budget decisions. Provincial and national planning and budgeting processes will integrate municipal plans and programs which reflect local needs and priorities.

On Municipal Services

Municipalities will assume responsibility over public services that are best planned, produced, and delivered at the local level. Municipalities will be able to cooperate with other government entities, the private sector, and the community in identifying and prioritizing local needs, and in achieving the required economies of scale, in mobilizing the required resources, and in improving delivery of services.

Delegation/devolution of central service provision will be accompanied by the requisite authorities and accountabilities, and will be subject to established service standards.

Government ministries and agencies will transfer to the municipalities concomitant resources, including the building of the necessary competencies, for devolved programs. Systems and procedures for central-municipal coordination and cooperation in sectoral service delivery will be developed to ensure that no gaps or duplications occur. The overarching principle for service delivery is service excellence.

The Government will promulgate Official pronouncements for the delegation/devolution of basic services, Guidelines for the provision of support by the Government, including the necessary capability and capacity build-up, National guidelines and service standards for service provision and production at the municipal level and National guidelines for sub-contracting of municipal services.

On Municipal Economic Enterprises
Municipalities have the authority to exercise corporate powers. Municipalities may organize economic enterprises primarily to deliver essential public services. The engagement of municipalities in economic enterprises should not deter the entry of the private sector. Municipal services may impose fees and charges for selected services provided by municipal economic enterprises. Tariff-setting for municipal economic enterprises will allow for financially viable and sustainable operations. Rate-setting will entail participatory and consultative tripartite decision-making involving the rate payers.

On Performance Management in Municipalities

Municipal performance measurement vis-à-vis central and sub-national development objectives will be institutionalized. Incentives and sanctions will be a part of the performance management system. Performance management will guide decision-making in development planning, public investment programming, annual budgeting, service provision and delivery, and capability/capacity building.

On Capacity and Capability Development in Municipalities

Purposive and systematic municipal capability development will be provided to municipalities. Municipal budgets will allocate resources for continuing capability development and organizational strengthening.

Public administrative reform will be implemented at the municipal level, supplemented by human resource and organizational development and management. The Government will promulgate Rules and Regulations on Institutional and individual responsibilities for capability and capacity development at municipal level, Guidelines on national and municipal budget allocation for municipal capability and capacity development and on Institutional and individual responsibilities, and procedures for PAR implementation at municipal level.

On Governance Structures within Municipalities

The legal, policy and regulatory frameworks will support the establishment of efficient and effective municipal institutional and organizational systems. Municipalities will be vested with the power to fully exercise all its functions and the flexibility to provide focused services; mandatory and optional functions will be clearly defined. Organizational models with commensurate organizational standards will be developed for each municipal classification that will guide municipalities in designing their organizational structures. Guidelines for adoption of a model or adaptation of two or more models will be provided as basis for the selection of the best-fit model.

On Municipal Mayors

Regular elections will be held for elective municipal officials as specified in the Constitution. Qualification standards for municipal mayors will be defined to ensure a high quality of municipal leadership and administration. Capability-building programs for municipal elective officials in governance and municipal administration will be undertaken to improve the quality of municipal leadership and management. The Government will promulgate Implementing Rules and Regulations under election law and, on Conduct of municipal elective officials, Guidelines for tenure, removal, and re-election of municipal officials, and Qualifications for municipal mayors.
Mayor is the executive head of Municipal Administration. Functions of the Municipal Mayor are Service Delivery, Regulatory functions, Administration and Management, and Coordination with the Government and the Community.

On Deputy Mayors

The functions and qualifications of deputy mayors will be clearly defined to ensure delineation, accountabilities, and flow of authority within the municipal leadership. Capability-building programs for municipal officials in governance and municipal administration will seek to improve the quality of municipal leadership and management. Functions of the deputy mayor are to serve as the vital link between the municipal administration and the Municipal Council; as next in rank, lead municipal operations on behalf of the mayor; and perform such other duties and functions as may be delegated by the mayor.

On Municipal Councils

The law constituting Municipal Councils will be enacted in 2010 and elections will be conducted in 2010. This law and its implementing rules and regulations will define the functions, composition, and relationships of the municipal council. Municipal councils will be capacitated to exercise their duties and responsibilities.

Functions of Municipal Councils are to enact municipal by laws and legislations on approval of annual budgets, and on the creation and rate setting for municipal taxes, fees, and charges. Other important functions of Municipal Council are to represent the constituents in reflecting community needs, to monitor and evaluate municipal administration, to assist in defining development goals, objectives, and priorities; to monitor and evaluate the implementation of municipal plans and programs, to conduct regular consultations and dialogues among the constituents, and to provide opportunities for feedback to the constituents and vice versa. Municipal Councils will be able to hold municipal officials to account for their misconduct and non-performance.

On Municipal Administrative Councils

Mayor will be the chairperson, Deputy Mayor will be the vice-chair and the Heads of different municipal departments will be the members of Municipal Administrative Council. The functions of the municipal administrative council will be clearly defined; they shall be delineated from the functions of other organs of the municipality. The municipal administrative council shall be given adequate authority to become an effective structure for municipal development. The functions of the municipal administrative council are to evaluate proposed municipal plans and programs, evaluate and endorse Municipal Socio-Economic Development Plans and Programs, Annual Investment Plans, and Annual Municipal Budgets; to monitor the implementation of municipal plans and programs, to confirm management actions related to municipal administration, to approve policies, rules, and regulations that will guide municipal administration and operation. Municipal Administrative Council will be accountable to Municipal Mayor and through the Municipal Mayor, will be accountable to the Municipal Council.

On Appointed Municipal Officials and Employees
Policy on Sub-national Governance

Municipal Human Resource Management and Development System will guide merit-based personnel management and administration, provide a code of conduct for municipal officers and personnel; define sanctions for non-compliance and rewards and incentives for exemplary performance; and provide for constituent participation in the enforcement/application of the system. The Government will promulgate Implementing Rules and Regulations on Merit-based selection and hiring, Performance-based human resources management systems, including incentives, rewards, and sanctions; Standardized position classification and nomenclature, Standardized compensation schedule, and Capability development program.

On Municipal Districts

Municipal districts are recognized as distinct governance structures. These are jurisdictions subordinate to parent municipality. Their functions will be delineated from those of the municipalities. They will be provided concomitant resources to perform such functions.

The functions of municipal districts are to assist in the construction and maintenance of basic municipal public infrastructure, to assist in providing socio-economic services, to assist in regulatory enforcement, to assist in the conduct of statistical and demographic surveys and census, and in civil registration, to encourage community participation and partnerships, and to address community appeals, requests, and conflicts.

On Municipal Fiscal and Financial Framework and Municipal Revenue Generation

Law will empower the municipalities to use their revenues. Municipalities will be authorized to set rates of taxes, fees, and charges, subject to regulation by the national government, with due consideration to local economic conditions and the local populations’ capacity and/or willingness to pay. Municipal taxes, fees, and charges will adopt progressive structures, with due consideration to broader socio-economic ramifications of such structures. Municipalities will be authorized to create and exploit own-revenue sources, subject to stipulations by relevant laws and regulations. Local economic enterprises established by municipalities shall be recognized as legitimate sources of municipal revenue. Exploitation of new revenue sources as well as rate setting will be done only with sufficient prior consultation with prospective rate payers. Municipalities shall implement a revenue administration and reporting system that fulfills the requirements of their accountability to constituents as well as to higher government levels. Sanctions shall be imposed on the collection of illegal levies and non-compliance with applicable laws and regulations governing municipal revenue, including those pertaining to revenue administration and reporting. The Government will promulgate Implementing Rules and Regulations for the implementation of the real property tax law, including property valuation and tax rate setting, Institutional and individual responsibilities for the implementation of the real property tax law at national, provincial, and municipal levels; Qualification standards for municipal assessors, Guidelines and processes for rate setting and exploitation of revenue sources, Municipal revenue administration and reporting system, and Sanctions for the collection of illegal levies and non-compliance with applicable laws and regulations governing municipal revenue.

Every municipality shall collect its revenues and retain such revenues to finance its operations in a special bank account approved by the Ministry of Finance. Municipal revenues shall include municipal taxes, fees, charges and rent on municipal properties. Every municipality shall set types and rates of taxes, fees, charges and rent on municipal properties based on its local conditions. The Government may make regulations in this regard. Every municipality shall assess property values based on current market valuation of the properties within its jurisdiction and set property tax rate
based on such assessment and collect property tax. Every municipality shall have authority to impose and enforce penalties and fines on the a person or entity which does not pay municipal tax, fee, charge or rent on a municipal property or which violates a municipal by law or a municipal regulation.

**On Municipal Budgeting and Public Investments Planning**

Municipal budgeting shall be streamlined to eliminate unnecessary interferences in the budget formulation, review, and approval processes. For this purpose, an improved municipal budgeting system shall be designed and prescribed by competent Government authorities. The budgeting system shall incorporate a consultative bottom-up identification and aggregation of local needs and priorities. Municipal budgets shall be based on longer term plans, such as a current master plan and or a medium-term capital investment program. Municipal budgets shall have a built-in flexibility to enable municipal administrations to respond to emergencies/urgent needs during the budget year. Capital investment programs/projects of municipalities shall be justified by relevant studies, including financial, technical, institutional, and environmental feasibility assessments. Municipalities shall adhere to a reporting system for budget execution. The Government will promulgate Implementing Rules and Regulations on Revised municipal budgeting system, procedures, and format, including clear delineation of individual and institutional responsibilities for budget formulation, review, and approval; Processes, procedures, deadlines, and individual and institutional responsibilities for monitoring and evaluation of, and reporting on, budget execution; Processes, procedures, and documentary evidences for the bottom-up consultation in budget formulation; Activities, timelines, and individual and institutional responsibilities for the municipalities’ migration to the new budgeting system; Guidelines for the conduct of feasibility studies of municipal capital investment proposals; and Sanctions for non-compliance to budgeting standards, procedures, and timelines.

**On Intergovernmental Fiscal Relations and Access of Municipalities to External Resources**

The Government affirms its financial responsibility toward municipalities. Municipalities shall be allowed to utilize private capital to finance the delivery of essential public services under arrangements to be regulated by law. Municipalities may incur budget deficit to finance urgent expenditures, subject to adherence to government regulations and their proven ability to cover such deficit within a legally stipulated period. Municipalities may incur loans or issue debt instruments, subject to adherence to government regulations and their proven repayment capacities based on a legally prescribed debt service coverage ratio. Municipalities may access loans from foreign sources only through the Ministry of Finance. The Government will promulgate Implementing Rules and Regulations on Criteria, guidelines, and procedures for financial transfers from the national government to municipalities; Modalities, guidelines, and procedures for private-sector production and delivery of essential public services in municipalities; Criteria, guidelines, and application and approval processes and procedures for municipal budget deficit; and Criteria, guidelines, and application and approval processes and procedures for municipal domestic and foreign borrowing, including debt service coverage ratio and other financial hurdles.

**On Financial Management and Reporting of Municipalities**

The financial accountabilities of municipalities shall be specified by law. In general, such accountability will be toward the national government and its designated institutions and toward the local constituents. A standard chart of accounts, financial rules, and reporting formats and schedules shall be prescribed for municipalities. Other financial management systems shall be developed and
prescribed for municipalities. The municipalities’ financial affairs shall be audited regularly. Sanctions shall be imposed for non-compliance with municipal rules and regulations. The Government will promulgate Implementing Rules and Regulations on Individual and institutional responsibilities for the development, implementation, and institutionalization of municipal financial management system; Financial reporting system and procedures for municipalities; Revised chart of accounts, Double-entry municipal accounting system, Financial rules, reporting formats, and schedules; Municipal internal control system; Internal and external audit requirements and procedures, and Sanctions for non-compliance with financial rules, procedures, formats, and reporting. The Office of Audit and Control will audit finances and accounts of municipalities at regular intervals.

On Intergovernmental Relationships of Municipalities

Relationship with the Government Agencies

The Government will promulgate Guidelines for delegation of the Government sectoral services to municipalities; Delineation of responsibilities between the Government and municipalities in Policy Formulation, Oversight (supervision, progress monitoring and evaluation), Implementation, Impact Evaluation; and Guidelines on Sectoral services to be devolved to municipalities. The Ministry of Urban Development shall develop national policies, guidelines and programmes for urban development and urban planning; support the Municipalities in the implementation of urban development programmes and oversee the implementation of these programmes; develop minimum service standards for municipal services; assist each municipality in developing its City Master Plan to guide its medium to long-term urban development; and assist each municipality in implementing its City Master Plan. The Independent Directorate of Local Governance shall supervise, guide and monitor the working of the Municipalities; coordinate with the Ministries, Agencies, High Offices and Commissions of the Government to implement the new law on municipalities; lead the development of policy and legislation on municipal governance based on people’s needs; and build the capacity of the Municipal Councils and Municipal Administrations to perform their duties.

Relationship with the Provincial Government

The relationship and accountabilities between the provincial administration and the municipal administration shall be clearly defined in the new Municipalities Law. Municipal socio-economic development programs will be integrated at the provincial level to provide such programs with the required broader perspective.

The Government will promulgate Implementing Rules and Regulations on Delineation of functions between the provincial administration and the municipal administration, Definition of accountability and reporting responsibility of the municipalities toward the provincial administration, Guidelines for the integration of municipal priorities into the provincial development plans and programs, and Relationship with other Municipalities and Provincial Districts.

Municipalities will formally organize themselves into an Association of Municipalities for a more coordinated and unified approach to state-building, good governance and development administration. The Government will support this Association of Municipalities as its recognized development partner and provide resources for specific purposes.
The Government will promulgate Implementing Rules and Regulations and Guidelines on administrative supervision of provincial administration over provincial and district municipalities. The Government will also promulgate Charter of the Association of Municipalities.

On Public Participation in Municipal Governance

Participation of Civil Society, Youth, Women and Religious Sectors: Public disclosure of municipal information capacitates the community to make important decisions and undertake actions to support their municipality. The municipality shall recognize that the community’s right of access to information is vested by the Constitution. It may however classify certain information as proprietary and confidential based on pre-defined criteria known to the public. Responsibility should however be exercised by both partners, recognizing the public participation is both a right and an obligation. The municipality shall provide for structures and mechanisms for maximum public participation in municipal affairs. For structured public participation, the local communities shall designate their representatives, who shall be accredited under appropriate rules and regulations and by competent government agencies. The Government will promulgate municipal regulatory framework/ordinance for institutionalizing public participation, Organizational and operating framework for public participation, Activities for public participation, Sectors for public participation, Pertinent capacities and competencies for both the municipality and the community, Parameters for public participation, Starting points for public participation, Processes that should be subject to public participation, and Features of mechanisms for public disclosure and public access to municipal information.

On Role of the Private Sector in Municipal Economic Development

The role of the private sector in municipal economic development shall be clearly defined. A regulatory and incentive framework that will encourage private investments will be put in place. The municipal bureaucracy/institutional capacity will be geared toward attracting private capital and reducing the cost of doing business. Each municipality will be encouraged to develop a Municipal Investment Priorities Plans (MIPP) that will identify priority sectors/activities in support of the municipal development plan. Municipal investment promotion efforts shall focus on attracting capital for micro, small, and medium industries which have the capability to complement existing business activities or open new economic opportunities. Municipalities shall be encouraged to promote and facilitate mutually beneficial linkages between big foreign and national businesses with small local enterprises. Municipalities shall establish the organizational structures within the municipality and the community for public participation and partnership with the private sector. The Government will promulgate Implementing Rules and Regulations on Scope of private sector involvement in local economic development, Regulatory and incentive framework, and Features of a municipal government bureaucracy/institutional capacity that will attract private capital and reduce the cost of doing business.

Municipal Administration may involve the Private Sector in the delivery of services and implementation of development projects by following competitive bidding procedures.

Cross-cutting Policy Issues

On Gender in Sub National Governance

The National Action Plan for Women in Afghanistan will be fully implemented at sub national level. As mandated by the ANDS, by Jaddi 1389 (end-2010) in line with Afghanistan’s MDGs, women’s
participation in all Afghan governance institutions, including elected and appointed bodies and the civil service, will be strengthened by providing a specific percent reservation of seats by enacting a law of affirmative action. This policy supports the gender based budgeting initiative of the Ministry of Women’s Affairs.

On Participation of Youth in Sub National Governance

Definite mechanisms will be provided for the youth to participate in the local, provincial and national governance. To promote participation of youth in sub-national governance, age requirement for contesting the sub national council elections will be set at 22 years. This will give youth an opportunity to actively participate in governance by serving as elected officials in sub-national institutions. They will be directly engaged in government decision-making processes. Schools, colleges and universities will prepare young people to participate in governance. Citizenship education will be included in their curricula. Local governance entities in the provinces, districts, municipalities and villages will promote “youth councils” and “youth associations,” where young people can discuss and decide on matters of concern to them. The local and urban governance entities will have regular and periodic dialogue with the younger members of society through these associations and councils. Through these councils young people may set up youth centers where they may design and implement projects. Sub-national entities will give financial support to projects fostering participation by young people in local and urban governance. The provinces, districts, villages and municipalities will involve youth and their councils and associations in drawing up local development plans. The provinces, districts, villages and municipalities will encourage dialogue between young people and public authorities at every level on issues that concern them, such as education, housing, the environment, employment, counter-narcotics and health. Girls will be discouraged from marrying at young age. The provinces, districts, villages and municipalities will strive for creating employment opportunities for their youth. Developing professional skills is one of the most effective means to reduce unemployment of the young generation. The provinces, districts, villages and municipalities will encourage youth to go through training and marketable skill development courses.

On Right to Information

The Government will enact the Right to Information Act. Article 50 of the Constitution provides that the citizens of Afghanistan have the right of access to the information from the government offices in accordance with the provisions of law, and further provides that this right has no limits, unless it violates the rights of the others. The Government will bring a Right to Information Act that provides legal mechanism to citizens and civil society to exercise this constitutional right. The right to government information is fundamental and forms the basis for a process of accountability. The proposed law will give citizens the right to access information from government offices in accordance with its provisions. Access to government information provides for transparency and accountability of government activities. This law will support good governance. This law will include a simple and easy to use procedure, a chain of authority responsible to respond to information requests from the public, a definition of specific discretionary powers of government officials to withhold certain government information and, a statement of the basis for the restriction of access to certain government information.

On Participation of Civil Society and Media in Sub-National Governance
The local government entities will adhere to democratic governance, will be open to public debate on issues of public interest and will be open to criticism of those in authority, and will be open to media and civil society scrutiny. The local government entities will pay attention to citizens’ expressed preferences.

The local government entities will promote full spectrum of civil society participation. More specifically, the local government entities will allow and promote: Information sharing (the local government entities will put budget and public service delivery related information into the public domain); Consultation (the local government entities will have consultations with shuras, jalasas, jirgas, Councils, CSOs and NGOs to gather information on citizen preferences and to take into consideration citizen preferences before important decisions concerning them are made); Joint decision making (Citizens not only provide information on their needs and preferences but are active in real decision making); and Initiation and control by stakeholders (Citizens have direct control over the full process of developing, raising funds for, and implementing projects or policy, as in NSP/CDC or other community-driven development projects).

The local government entities will allow programs in which community-level participation structures have real authority over development funds (e.g. CDCs) and will also promote co-production of services/development projects for the use of community in partnership with civil society. The local government entities will involve CSOs in planning and implementation as well as monitoring and evaluation of their programs. The law will provide for citizen audit and social audit of local government performance.

Our Provinces, Districts, Villages and Municipalities will involve the civil society in monitoring of local government performance. Elected Provincial, District, Municipal and Village Councils will establish relationship with civil society organizations for this purpose. Presently our formal and informal governance institutions are linked and, our local government entities at all levels will maintain these links in future through continuing consultation with informal governance entities.

The Government will introduce Participatory Planning and Budgeting in the Provinces, Districts, Municipalities and Villages. This will offer citizens an opportunity to learn about government operations and to deliberate, debate, and influence the allocation of public resources. The Government will make budgeting process and documents citizen friendly. The enhanced transparency and accountability that participatory budgeting creates will help the local government entities reduce inefficiency and corruption. Our local government entities will give marginalized and excluded groups opportunity to have their voices heard and to influence public decision making. These entities will allow other citizen-driven accountability measures such as public expenditure tracking, social audit and community scorecards.

The local government entities will promote creation of professional associations and will consult with these professional associations in the matters of their interest. The local government will promote the involvement of civil society organizations that build citizen awareness on their tax responsibilities.

In consultation with local communities, the Government will carry out political and administrative mapping of the country with villages and gozars as basic units. The ANDS is committed to carry out a community based process for registration of land in all administrative units and, seeks to start the registration of titles by Jaddi 1387. The Government in consultation with the citizen shuras will delineate pasture, forest and private agricultural parcels as well as the boundaries of villages and sub-units of villages in the larger villages, and gozars in urban areas.
Natural resource management-related interventions will be based on broad consultations with local communities (that include marginalized groups like pastoralists or indigenous groups) and will reflect local values. The environment will be used in a manner that is ecologically sustainable, responsive to the needs of the poor and in accordance with local values and culture. Local government entities and civil society (user groups, producers associations, etc.) will play a critical role in decision making and the management of renewable natural resources. Local government entities will promote procedures and mechanisms that respect the rights and interests of all local stakeholders.

The local government entities will be responsive to people. They will do this by regular and ongoing consultation and use of user inputs, and by ongoing user participation. They will adopt agreed, measurable standards and services; provide adequate and clear information to the users of the service; and provide complaints handling and redress. They will under the purview of respective elected local council, establish an effective complaints handling scheme that increases the level of user satisfaction with the delivery of services and enhances the user-agency relationship; recognizes, promotes and protects users’ rights, including the right to comment and complain; provides an efficient, fair and accessible mechanisms for resolving user complaints; provides information to users on the complaints handling process for the service; and allows for monitoring of complaints and endeavor to improve the quality of services. Complaints handling will provide feedback to the local government entities on the services and the quality of delivery. It will also provide an ongoing "listening" mechanism for these entities which they would not have otherwise. The complaints handling mechanism of our local government entities will be visible, accessible and responsive. The public will know "where to complain", and "how to complain". It will be relatively easy to lodge a complaint. The complaints procedure will be straightforward. The local government entities will strive to make people feel that complaints are not only invited but are treated seriously, i.e. there is responsiveness within the organisation. User feedback will be used to constantly improve the services. The executive heads of the local government entities will be committed to the complaints handling process and will give their personal endorsement through staff directions and publicity. Overall responsibility for complaints will be handled at the senior management level. The mechanism will be adequately resourced. Complaints handling process will have the capacity to determine and implement remedies. Provincial, District, Municipal and Village Councils will play a monitoring and oversight role in the public complaints handling process.

**On Combating Corruption in Sub National Governance**

Local administrations will encourage monitoring of their performance through elected councils, civil society and the media. The local government entities will enlist the participation of the private sector, civil society organizations, media and communities by raising awareness on corruption, its consequences as well as evaluating vulnerabilities to corruption within sub-national entities and any action taken to remedy these vulnerabilities. The Government will strengthen the oversight mechanisms of representative institutions by providing capacity building support for the Provincial Councils, District Councils, Village Councils and Municipal Councils on combating corruption. Local government will work with these bodies to make their proceedings and discussions transparent and open to the public. Media and civil society will be strengthened in order to increase public awareness and education about corruption by allowing free flow of information between the government and the public throughout the country. The local government will develop mechanisms to coordinate with community-based structures to create anti-corruption awareness. Government will make programming, execution and monitoring more transparent, participatory and accountable. Civil society, including traditional jirgas and shuras, will be encouraged to demand transparency and
accountability from the local governments, and to demand a decrease in corruption. The local government entities will establish and implement under local elected council, public complaints handling mechanisms where complaints regarding corruption can be submitted.

The local government entities will launch electronic government applications to reduce corruption and increase efficiency. The local government entities will increase the number of arrests and prosecutions of traffickers and corrupt officials, and improve the information base concerning those involved in the drugs trade. The local government entities will have a Code of Conduct for their elected and appointed officials. The Government will make it incumbent on the public officials elected and appointed to high positions to declare their assets before taking charge of their office. The Government will periodically monitor whether the assets have increased disproportionate to known sources of income. The Government has already made legal and institutional arrangements for the protection of whistle blowers. The Government will strengthen public accountability system by putting in place a strong local audit system, including both internal and external audits. The Government will strengthen internal audit function in local government institutions so that both financial and performance audits are done as a critical means of assurance of public accountability. The Government will strengthen public finance systems in local government entities in order to create an effective and accountable management of public resources, denying officials an opportunity to cover up corruption. In local public expenditure management, Government will extend computerized financial management systems to the provinces, provide the exact price, timeframe and procedure for securing key government services (such as water and electricity) in a timely, transparent, and easily accessible manner, and conduct effective audit of financial accounts in line with international standards. The Government will implement a standard, coherent procurement system based on the Procurement Law. The Government will develop capacity of local procurement staff. The Government will provide for judicial review of administrative action at all sub-national levels. There will be a transparent appointments system for local government entities.

On Public Administration Reform and Capacity Development in Sub National Government Entities

Public Administration Reform
Public Administration Reform (PAR) will be implemented in all the ministries and offices at national and sub-national level including municipalities by 2014. Complete restructuring will be done so that the structures are aligned with functions. Civil service functions will be reformed to reflect core functions and responsibilities and, management processes will be streamlined. The Ministries will simplify their procedures. Positions will be re-graded and filled by merit based appointments. IARCSC will strengthen the common functions within all the ministries and offices. The IARCSC is already evolving a comprehensive legal framework including human resource management regulations, pay and grading regulations, and pension and retrenchment regulations applicable to civil service. The Government will implement this civil service legal framework through the respective ministries in all the offices at national and sub national level.

Senior Appointments
A transparent, merit-based and gender-sensitive appointments process will be fully implemented for all appointments to the sub national governments including those of provincial deputy governors, chiefs of police, and district administrators. The Independent Appointments Board will be strengthened by providing required staff with skills essential for the purpose. Provincial Governors will continue to be political appointees like Ministers are.
**Appointments in Grade 3-8**

Appointments in the offices of Provincial and District Governors in Grade 3 & 4 of civil servants in the province will be approved by the Independent Directorate of Local Governance after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 3 & 4 of civil servants in the provincial and district offices of the ministries and agencies of the Government in the province will be approved by the respective ministry or agency after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 5-6 of civil servants in the province will be approved by the Provincial Governor after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 7-8 of civil servants in the district will be approved by the District Governor after identification and selection by the District Appointments Committee following merit based open competitive recruitment procedure.

Provincial Governors and the Provincial Line Departments shall accept the staff appointed on merit through open competition and as per civil servants law.

**Performance Review**

Annual performance-based reviews will be undertaken for the civil service at all sub national levels of government every year. The performance of newly recruited staff will be evaluated at the end of their probationary period for deciding whether they are fit to confirm in civil service. The Ministries will clearly define minimum service standards and, performance evaluation of civil servants will be based on how far they meet these minimum standards. The Government through IDLG will evaluate the performance of Provincial Governors, Deputy Provincial Governors and District Governors.

**Training**

A training policy for entire public sector workforce at sub national level shall be developed and implemented. Institutional arrangements shall be put in place to ensure that each member of the workforce at sub national level gets trained at least once in two years in organization-specific and job-specific training in addition to generic training.

**The Afghanistan Local Governance Academy**

The Afghanistan Local Governance Academy (ALGA) will be established as a national training institution that would deliver training programs for local governments. It will function under the supervision and guidance of the IDLG (Independent Directorate of Local Governance). The ALGA will be responsible for human resource development and training of local government officials and the IDLG personnel. The ALGA will be the national-level premier training and development institution for capability development in good local and municipal governance. ALGA will ensure availability of appropriate education and training services for local officials directed at their specific needs. Before the ALGA is established, the IDLG will conduct international study and training programs for its elected and appointed officials at reputed international training and research organizations in local governance, so as to prepare them for effective implementation, monitoring and evaluation of this policy.
Internship for recent college graduates
IARCSC is successfully running internship programme to coach recent graduates of the Universities and students in various practical skills, in order to enable them to take up administrative, technical and managerial responsibilities within the civil service. Internship programme will be further expanded. Subnational government entities will have more intensive involvement in the internship programme so that college graduates are mentored and trained in adequate numbers and become available to work in subnational civil service positions. Internship will consist of training at the provincial center for the first six months and practical experience in a provincial government office during the next six months. The goal is to help young graduate and post-graduate Afghan Nationals to complement their development-oriented theoretical knowledge with practical experience in various aspects of administration through on the job training and learning by doing. Internship will facilitate the recruitment of the interns within the local administrations through enhancement of their skill and experience, and thus provide the local government entities with sufficient qualified young professionals to implement their programmes in an effective and efficient manner. The objective of the training will be to increase the skills set of the interns, so they are able to apply for the civil service positions at sub national level.

On Performance Measurement in Sub National Governance
Local government entities, including elected subnational councils and line ministries will contribute to systematically collecting, organizing, analyzing and transparently reporting on information related to service delivery. A well developed system for performance measurement will enable local governance entities to report on their performance in a manner that is backed by credible evidence. The system will include all local governance entities in a monitoring and evaluation system. Provincial, District, Municipal and Village Councils will coordinate and oversee this system. Over the next few years, the focus will remain on including all provincial entities in this system. It will subsequently move to the district and village levels. The performance measurement system will be results based. Performance indicators will focus on outcomes rather than just outputs. Linkages between the planning and budgeting process and performance measurement will be developed. The Government will reward excellence in performance of local entities by incorporating performance as one of the criteria to decide intergovernmental transfers. The IARCSC, line ministries, IDLG, and local governance entities will work together to develop human resources capable of implementing and maintaining the performance measurement system. How to develop and maintain the performance measurement system, including how to develop and monitor minimum service standards, will be incorporated into training and development plans. IDLG and line ministries will develop the technological capacity to optimize utilization of performance information. The performance measurement system will be developed in a manner that supports comparability across local government entities. The system will support access to public and private sector information sources. The performance measurement system will comprise of standard information collection, processing and reporting methods to ensure availability and reliability of data/information. Incentive structures will be integrated into local governance to encourage customer service orientation and to help ensure that minimum service delivery standards are met.

On Public Service Standards and Customer Service Orientation in Public Service
The Government will require local government entities to follow structured approach in delivering responsive and efficient services to the citizens, particularly the poor. To contribute to the improvement of service delivery, all ministries and entities at the sub-national level, particularly line
departments, will be mandated to adopt and implement minimum service delivery standards. Provincial, District, Village and Municipal Councils will oversee the implementation of minimum service standards. The Ministries will develop minimum service delivery standards in each sector. The sub national councils will utilize, enforce and monitor minimum service delivery standards. Minimum service delivery standards will be adjusted to serve as outputs that should be met by civil servants. If these outputs are produced by civil servants, they may receive performance bonuses, capacity building and merit based promotions. The Government will clearly lay down the rights and responsibilities of citizens to request services from any public institution at the sub-national level.

All local government entities will establish Public Complaints Handling Mechanism. Provincial, District, Village and Municipal Councils will oversee the public complaints handling process.

### On Performance Audit in Sub National Governance

**External Audit**

Audit by an independent institution is the main pillar of public financial management. Control and Audit Office (CAO) is the authority to carry out external or final audit. The IDLG and the Ministries will provide all support and access including internal audit report to the CAO. A mechanism will also be in place to address the issues raised in the report of CAO. The Control and Audit Office (CAO) is the Supreme Audit Institution of our country and functions according to the Audit Law in force. The DG of the CAO is Auditor General of Afghanistan. The CAO discharges the audit and assurance function as enshrined in the Audit Law. A new Audit Law of the country is in process of getting legislated and will add new audit scope and coverage for the CAO. CAO conducts external audit of accounts of the Government, Provincial Administrations, Local Authorities, other independent bodies, public enterprises, projects and programs financed or implemented by Government. The DG, CAO attests the financial statements of the government bodies for which CAO has conducted audit.

Since Afghanistan lacks, sufficient financial and technical resources for funding its Government activities due to prolonged war and civil disturbances, the international community has been providing financial, technical, and managerial assistance to our country in support of its budget expenditures. The assistance is provided directly by various nations as well as through multilateral and bilateral agencies, and NGOs. Such expenditure for public benefit will come under the purview of CAO for oversight and compliance. All such agencies and recipient Government Departments will make their accounts and information available to CAO and for scrutiny.

**Internal Audit**

Since there is no clear provision for the Internal Audit in prevailing Laws, an amendment will be made in the Law on Audit to provide for Internal Audit in all the Ministries. Till then, internal audit will be carried out through an executive decision. Article 61 of the Public Finance and Expenditure Management (PFEM) Law states that the Ministry of Finance (MoF) shall establish an internal audit administration and appoint auditors to audit the financial and accounting affairs of all the government administrations. This article had been acted upon to an extent and then the work was suspended. The Internal Audit Department of MoF has considerably enhanced the capabilities of its auditors by (a) recruiting qualified graduates from the universities, (b) providing them four months of full-time class room training in basic accounting and auditing followed by examination and certification and, (c) providing them intensive On-the-Job Training (OJT) in internal auditing under international audit experts.

All the Ministries will establish internal audit administrations under the technical guidance of the MoF. As in other Ministries, the Internal Audit of the entities under IDLG will be carried out by the auditors of IDLG. The present capacity of internal audit department of the IDLG is low and the MoF
will provide technical support to the internal audit department of the IDLG in order to enhance the capacity of the auditors of the IDLG. This will help IDLG’s Internal Audit Department (IAD) conduct audit in accordance with international standards. The Internal Audit Department (IAD) of the IDLG will be responsible for Internal Audit of all Provincial and District Governor Offices, Municipalities and, Provincial, District and Villages Councils. The Internal Audit Department of the IDLG may have regional audit offices.

The Internal Audit Department in the IDLG at the central level is presently headed by a Chief Audit Executive (Grade I). There will be IDLG’s Regional Audit Offices, headed by Regional Directors (Grade 2). Work will be allocated to the RAOs on the basis of both geographical areas and comparative workload. Each RAO will establish its audit wings and carry out the audit work at field level. The RAOs will have adequate number of qualified auditors and other staff required to implement the annual audit work plan approved by the IAD in the IDLG. RAOs will be responsible to carry out internal audit of all Provincial and District Governor Offices, Municipalities and, Provincial, District and Villages Councils. The Chief Audit Executive of the IDLG will be responsible for internal audit work and reporting of the internal audit department and its RAOs to DG, IDLG.

IAD of the Ministries and the IDLG will be operating as per International standards for Professional Practices on Internal Auditing. Independence of the Internal Audit Department is a basic requirement. The Head of the IAD in the Ministry will report to the Minister. The Head of the IAD in the IDLG will report to the DG, IDLG. The IADs shall be free from any interference in determining its scope of work, implementing the audit work and reporting its findings. The IADs will perform the internal audit with proficiency and with due professional care. The Audit procedure will be in place to guide auditors to complete all phases of audit- Planning, field work, reporting and follow-up as per international best practices. Adequate and effective supervision will be in place for planning and executing audit work, reporting the findings and follow up of the previous audit reports.

The Internal Audit Department in the Ministry of Finance has a good set-up of internal audit. It has already developed Audit Manuals, Tool Kits and Check Lists, and these have been applied previously for conducting the audit as per acceptable international standards. The IADs of the Ministries and the IDLG will use these Manuals and Toolkits with relevant modifications. The IAD of the MoF will assist all other IADs in establishing audit methodology and provide the audit tools and technical assistance to arrange class room and on-the-job training needed for further enhancement of professional internal audit capability in the ministries and the IDLG. Presently, the IADs in the Ministries and the IDLG have no auditors with knowledge and skills required to audit as per International standards. The Ministries and the IDLG will assess the requirement of auditors to carry out their mandate and may recruit auditors. The IAD of Ministry of Finance will support for human resources development activities through class room training as well as on-the-job training. The IDLG and the Ministries will ensure that lack of logistics and resources do not afflict their IAD. Internal Audit will ensure the effective and efficient use of resources through examination, evaluation, and report on the adequacy and effectiveness of internal control systems in place. All three types of Internal Audit i.e. Financial Audit, Compliance Audit and Performance Audit will be conducted.

**Performance Audit**

There will be a system of regular performance audit of the local government entities. Performance audit examines the extent to which government programs or activities have achieved expected performance. The performance audit will examine economy, efficiency and effectiveness in the operations of local government entities.
On Disaster Management

The Provincial Disaster Management Committee will be responsible for monitoring and managing provincial-level preparedness, response and mitigation activities. This Committee will be chaired by the Provincial Governor and will include a representative of ANDMA, the Provincial Council, all relevant ministries, plus representatives of the army, police and civil society groups such as the Red Crescent. The provincial office of each Ministry and each department thereof, will be responsible for designing and maintaining an effective response plan for all disasters that are known to occur in the province. The Provincial Disaster Management Committee will be responsible for ensuring the completeness of the Ministerial and Departmental Response Plans, and for ensuring proper coordination between them. A Provincial Control Room will provide first alert in the case of natural disasters, mobilize all of the stakeholders, provide communication between the responding parties, and collect and distribute up-to-date information on the status of the disaster and the response to it. There will be a network of Emergency Response Supply Centres that are used to store supplies that are distributed to households in the case of emergencies, such as blankets, drinking water, fuel and food. These centres will be able to distribute such supplies to the sites of emergencies when authorized by the Provincial Disaster Management Committee. The Provincial Disaster Management Committee will have a sub-committee that develops strategies for mitigation of disaster risk. Their strategies will be submitted to the concerned line ministries- e.g. a strategy to mitigate flood risk through reforestation of watersheds will be submitted to the Ministry of Agriculture. The structure of the Management Committee, Control Room and Ministerial response plans will be replicated at District Level. The District Disaster Management Committee will be chaired by the District Governor and include district-level counterparts of the members of the Provincial Committee. Each village will have a Village Disaster Management Committee led by Village Council, which will include representatives of key civil society groups (such as Shuras and CDCs) and a set number of volunteers. The Committee will be responsible for developing response plans for the types of emergencies that occur in the area, ensuring efficient and equitable distribution of relief supplies, and coordinating with the government response. The committee will have a basic control room, with telecommunications or radio links with the district and provincial control rooms. The Provincial Council will be responsible for reviewing and scrutinizing the response to any natural disaster. The results of the review will be made public, and submitted to the PDMC, IDLG and ANDMA. The District and Village Councils will play at their level a role similar to that played by Provincial Council at provincial level.

IDLG will coordinate the delivery of technical support and capacity development to the subnational disaster management committees, and will ensure that necessary subnational disaster management infrastructure (such as supply centres and control rooms) exists and is in good working order. IDLG will ensure that the strategies, systems and standards specified by ANDMA and other national-level organizations are implemented at the sub-national level, and will facilitate the reporting of subnational entities to the structures at national level.

On Local Economic Development

Work will be done at the sub-national level to attack the root causes of poor economic performance. Four programmes will be implemented for this purpose. The Provincial Governor in collaboration with the Ministry of Commerce and Industries will lead provincial initiative on local economic development.

Strengthening business-related training and education: The programme will improve business education and training, via schools, universities, dedicated vocational training centres and advisory
services. This will give people the skills needed to start and operate businesses and to adopt a more entrepreneurial attitude. This will lead to more businesses being started, bringing more people into the labour force and increasing labour productivity.

Improving provision and uptake of capital: The programme will improve the direct flow of capital to businesses by activities such as promoting local investment, creating provincial investment funds, training people in the use of banking services and providing information to potential creditors. All of these activities will increase the quantity of capital in the system, leading to increases in economic output, and creating more employment opportunities.

Developing business-supporting services, facilities and infrastructure: The programme will reduce the costs of doing business by providing essential infrastructure and places for doing business. It will also support initiatives to build private businesses. These activities will increase capital productivity, and increase economic growth. This will increase the return on economic activities, causing new business to open and other business to expand, which will in turn cause more people to be brought into the labour force.

Reforming the business environment: The programme will create provincial task forces to improve the legal and administrative environment for both businesses and for investors within the provinces. The programme will implement initiatives that will support implementation of reforms designed in Kabul. This will lead to increases in both the amount of capital available, and capital productivity. As before, this should lead to opening of new businesses and expansion of new ones, creating additional labour input into the productive system. Since labour input must be increased, special strategies will be developed to increase women’s participation in the labour force. This will stimulate economic development while also serving the interests of equity. Each of four programmes will therefore have a gender component.

On Environment Protection

During the past three decades the environment has been severely damaged. The situation of environment in our country is a matter of great concern. Its protection is a matter of priority for the Government. Environment Protection is explicitly described in Article 15 of the Constitution of our country. Environment Protection will be one important duty and responsibility of local government entities.

Article 11 of the Law on Environment Protection establishes the National Advisory Council for the protection of environment. This Advisory Council consists of Provincial Governors, Heads of Provincial Councils, one representative each of the District Councils, Religious Ulema, and local elders. They are expected to meet at least once a year under the leadership of Head of the National Environment Protection Agency. The first meeting of the National Advisory Council for the Protection of Environment was held on 14 and 15th day of Saur 1387 (3 and 4th June 2008) at Kabul. The National Advisory Council (NAC) unanimously passed a 24-article resolution clearly defining the functions and responsibilities of local government entities in protection and rehabilitation of environment. This policy upholds the 24-article resolution.

Article 12 of the Law on Environment Protection establishes the Local Advisory Councils for Protection of Environment consisting of Head of the elected Provincial Council, Heads of the District Councils, District Governors, Director of NEPA in the province, Religious Ulema and Local Elders, Representatives of Civil Society, Farmers and Kuchis. This Council shall meet once every six months.
Provincial Advisory Council on Environment will establish a similar advisory council at district level for the protection of environment.

Local government entities shall take practical steps for Rehabilitation and sustainable use of forests and pastures, Rehabilitation and sustainable use of water and swamps/marshes, Maintenance of biological diversity of environmentally protected areas and, Protection of environment in the cities. This will help promote public participation in the work of environment protection and effective use of natural resources of our country.

On Community-based Natural Resources Management

To advance environmental protection of natural resources and environmentally sustainable resource management, the Government and the local government entities will: 1). Have dialogue and discussion with communities on natural resource management; 2). Ensure coordination between different policy and implementation departments building a collaborative, integrated approach to resource management; 3). Enhance collaboration with communities by sharing information on current knowledge and problems encountered in natural resource management; 4). Build citizens capacity to manage natural resources sustainably; 5). Build awareness of people’s rights and responsibilities as citizens stated in the legislation and in the conventions related to environment that government has signed and the obligations under those agreements; 6) Establish networks to support citizen participation; 7). Manage the natural resources through community-based mechanisms and with the support of local government entities. 8). Base natural resource management-related interventions on consultations with local communities (that include marginalized groups like pastoralists or indigenous groups). These interventions will reflect local values. These will form an essential part of a sustainable process of poverty reduction, since improved productivity will directly increase rural livelihoods, food security and market participation. 9). The environment will be used in a manner that is ecologically sustainable, responsive to the needs of the poor and in accordance with local values and culture. 10). Local government entities and civil society (user groups, producers associations, etc.) will play a critical role in decision making and the management of renewable natural resources. 11). Local government entities will promote procedures and mechanisms that respect the rights and interests of all local stakeholders.

On Mapping of Villages

The Government will undertake a full scale view of the boundaries of villages and gozars as political and administrative units. The Government will carry out political and administrative mapping of the country with villages and gozars as basic units. The political and administrative maps will be made available at all levels for the purpose of elections, socio-economic planning and implementation of sub-national governance policy. It is important that village governance institutions be strengthened. But the first step is the identification of the geographic space and the households within it as a village. In the past, the Ministry of Finance and the Amlak organized rural space into “tax units” for property tax collection purposes, which in many cases corresponded with what local people called a village. Yet another approach has been the identification by the woluswali of villages within their jurisdictions for statistical and administrative purposes. Based on these past experiences of organizing local geographic space into villages, there could be various approaches such as minimum number of households, geographic proximity, having in common the same arbabs or maliks, within an irrigation network and linked by the managers of that network, being in the same tax unit of the past or being known as a village in the records of the woluswali.
Nevertheless, the villages have already been defined by the Central Statistics Office (CSO). Local communities by consensus will define their village boundaries. The Afghanistan Geodesy and Cartography Head Office (AGCHO) will then recognize the boundaries of the villages so defined by the village communities, in consultation with Village Councils, wouloswalis and amlak. Agreement of the local people will be a pre-requisite. These boundaries will be delineated on satellite images at appropriate scales, depending on the physical sizes of the villages. The delineated images will be prepared by field teams, along with certificates prepared by the neighboring shura elders, including their signatures, names and finger prints certifying their agreement with the delineation of village boundaries. Copies of these images and signed certificates would be left with the village elders, and a second copy would be taken to a digitization centre for assembly into a national information system of administrative and political boundaries.

On Land Administration

As stated within the ANDS Governance, Public Administration and Human Rights Sector Strategy, a community based process for registration of land in all administrative units and the registration of titles will be started for all urban areas and rural areas. Government will create a capability to record and archive information about the customary deeds in villages where local elders can oversee and verify the continuous accuracy of the locally archived property rights information like in Rural Land Administration Project (RLAP) of MoAIL. In municipalities, the local unit of document recording may be the gozar. This process is being presently explored in the pilot efforts of the LTERA Project of the Kabul Municipality. Documents recorded locally will be given in law a preferential legal status over documents not recorded. Government will provide village shuras and gozars with satellite images with sufficient precision to organize the delineation of pasture, forest and private agricultural parcels as well as the boundaries of villages, and gozars in urban areas. A fair system for settlement of land disputes will be put in place. The Provincial and District Governors will be responsible to ensure that the public and private lands in their jurisdiction are not grabbed or alienated without following a due process of law.

On Land Acquisition for Public Purpose

Landowners will be given fair and reasonable compensation for their land acquired compulsorily by the Government for public purpose. The Ministries and the Agencies of the Government will be legally bound to include the cost of land acquisition in their project cost. Process of land acquisition shall be thus streamlined through appropriate amendments in the land expropriation law.

On Counter Narcotics

All counter-narcotics strategies, including provincial strategies need to include four key components: eradication, demand reduction, alternative livelihoods and law enforcement. Eradication defined broadly entails preventing poppy harvesting through pre-planting campaigns and eradication programs. Activities aimed at demand reduction should lead to the reduction of consumption of opiates by providing treatment and education. Providing alternative livelihoods involves improving legal livelihood systems for poor poppy farmers. Law enforcement entails applying criminal justice to actors in the opium and heroin industry.

To ensure that eradication is tailored appropriately for each province, Governors will be consulted when setting the targets for eradication. Although counter-narcotics is a national issue, national authorities set the targets for eradication and have the final authority for setting the plan; Governors
may have better information about local conditions and therefore need to be included in the planning process. Allowing Governors to contribute to eradication plans increases their “ownership” of the plan and makes it easier for the Governor to be held accountable for delivering it. By consulting with the Governor in this manner the Narcotics Eradication Working Group (NEWG) will not only have a better eradication plan for the province, this may encourage greater cooperation of the Governors. Participation by the Governor may also lead to better overall site selection by the NEWG.

In poppy growing areas, Provincial Governors will play a central role in delivery of alternative livelihood assistance as part of short-term programmes, medium-term programmes and long-term programmes. Provincial Governors will consult with the Provincial Directorate of the Ministry of Agriculture, Irrigation and Livestock.

Law enforcement is the last key component of a counter-narcotics strategy. The Governor will monitor counter-narcotics related law enforcement in the province. Law enforcement is the responsibility of ministries and agencies including the Attorney General’s Office, the Ministry of Justice and the Ministry of Interior. The Governor will help improve Law Enforcement by monitoring activities and outcomes of law enforcement activities. The Governor will chair the “Provincial Law Enforcement Oversight Committee.” The members of this committee will include provincial representatives of the Attorney General, Ministry of Counter-Narcotics, the Counter-Narcotics (CN) Police, the Counter-Narcotics Task Force as well as the Ministry of Interior. The Committee will report on activities such as raids and interdictions of narcotics shipments, precursor shipments, discovery of heroin labs as well as the arrest and prosecution of actors in the opium/heroin industry. The Committee will also monitor what the sanctions are against such actors and whether they serve their jail terms. The Committee will issue a verdict on the overall performance and progress of law enforcement activities. Reports of the committee will be shared with participating line ministries, the ministry of counter-narcotics and IDLG.

IDLG will play the role of providing technical support and capacity development services to the Office of the Governors, and pooling the delivery of support to Governors from other organizations. For example, IDLG will provide assistance to Governors in the creation of short-term and medium-term AL programmes for their provinces, and will arrange delivery of further assistance from external organizations. IDLG will ensure that the Governors are fully accountable to national-level authorities including the Ministry of Counter-Narcotics and the Ministry of the Interior in respect of their counter-narcotics performance, and will ensure that strategies and policies implemented are consistent with those established by these authorities at the national level.

**On Communications Strategy**

The Government will promote greater dialogue with its citizens. This will be achieved through the institutionalized of two way communication between the Government and other stakeholders and through raising awareness, facilitating public discourse, sharing of knowledge and enabling information from the grassroots to reach decision-makers to inform evidence based planning. The Government will also ensure the availability of and access to information on the implementation of the sub-national governance reform. This will be achieved through awareness creation, and the establishment of communication channels that can be used to share information with different audiences. This is conducive to encouraging debate amongst stakeholders on issues related to sub-national governance. A wide range of media will be used to raise awareness amongst the public and to facilitate communication of the public with the government. Media to disseminate information will include mass media, government publications, websites and sending representatives in person to
shuras or jirgas. Consultations with the communities will be held. Enabling the people to provide their feedback on the reform and its implementation will encourage greater ownership of the reform.

The government’s communication strategy for implementation of subnational governance reform will include 1) informing key stakeholders about the objectives and content of the sub-national governance policy as well as what the policy can achieve; 2) enhancing transparency and accountability by utilizing a wide range of media to communicate information on government activities to the public; 3) informing government employees of the objectives and content of the sub-national governance policy so that they will implement it correctly and provide feedback on how it might be improved; 4) providing information to the public and government institutions regarding the status of the implementation of the sub-national governance policy; and 5) institutionalizing a two-way flow of information that ensures citizen awareness of the sub-national governance policy and its implementation.

Communication with public within Provinces will require a well-organized and systematic effort on the part of the Provincial Governors’ Office in the form of a Provincial Public Communication System (PPCS). The overall goal of this system will be to ensure effective information outreach throughout the province and bridge the existing gap between government and the people.

The provincial public communication system will have the following objectives: 1. Upgrade the skills and expertise of the Provincial Governor’s Office, Provincial Council, District Governors’ Offices, District Council and municipalities to achieve effective public communication. 2. Increase technical and material capacities of PGO/DGO, PC, DC and municipalities to achieve effective public communication. 3. Upgrade the professional skills and expertise of mass media and civil society in a province to support implementation of effective public communication. 4. Support establishment of a permanently functioning provincial structure serving as an advisory body to the Provincial Governor on public information issues and responsible for implementation of the provincial communication strategy. 5. Introduce new and more effective techniques of communication to facilitate implementation of the provincial communication strategy. 6. Encourage greater public participation in the provincial public communication strategy, including disadvantaged groups, such as women and youth.

Provincial Public Communication Committee (PPCC) will serve as an advisory body to the Provincial Governor in public information matters and will be responsible for development and implementation of Provincial Public Communication System (PPCS). PPCC will be headed by the Director of the Provincial Department of Information and Culture. PPCC will have the following membership: Directors of key line departments - Public Health, MRRD, Women’s Affairs, Religious Affairs, Labor and Social Affairs, Education, Agriculture; PC representative introduced by the PC Chairman; Representative of the provincial municipality; Representative of the provincial Radio & Television; Representative of independent media; and Representative of civil society. PPCC will oversee development of the Provincial Public Communication Strategy and monitor its implementation in the provincial center and in districts, and disseminate positive experience in public communication and information among all provincial stakeholders.

The Provincial Public Communication Strategy will be an integrated strategic plan describing the goals and objectives, analysis of the current situation of public information and communication in the province, strategic approaches and measures to ensure PPCS implementation, participants in PPCS and their roles and responsibilities in PPCS implementation. The Provincial Department of Information and Culture will lead designing of the Public Communication Strategy with support from the other members of the Provincial Public Communication Committee. The Public
Communication Strategy will be approved by the Provincial Governor subject to endorsement of the Provincial Council and will serve as the basis for provincial annual public communication plans.

Provincial, district and municipal staff will be trained in public communication techniques and methods. One specialist in the PGO Technical and Sectoral Services Division, one Provincial Council support staff, one representative per provincial line department, one representative per district, and one representative from the provincial municipality will be specially trained in public communications. Civil society, traditional leaders and media representatives will be trained in public communication techniques and methods and on effective presentation of state policies and achievements. Government will make an assessment of the existing provincial capacities and equipment in the field of public communication and information to identify the most urgent needs and possibilities to address those needs.

Government will support the following communication techniques and means in the provinces: Integrated public outreach and accountability campaigns as well as civic education and public awareness campaigns, including public meetings, field visits, visual information in public places, and use of printed and electronic media; Regular use of various communication methods and techniques by government institutions and civil society, such as round tables, conferences, interviews, public consultations, distribution of leaflets, and information boards; Support to new electronic and printed media, both state-owned and independent, e.g. weekly or monthly newsletters to be issued by PGO and municipality; Establishment of mobile information teams to conduct public information and education campaigns in districts and villages; Publication of provincial end-of-year reports (yearbooks) as well as annual reports by the Provincial Council and municipality; Use of ITC (Information Technologies and Communication), including development of a provincial website.

More specific efforts will also be made to connect the central government with provinces, districts and villages. These efforts will aim at free flow of information throughout the country. Facilitating such communication will bring all 364 districts and 34 provincial centres closer to each other and the central government in Kabul. Two things will be done to further this goal: All the provincial and district centres of the country will have internet facility to facilitate the flow of information between the districts, municipalities, provinces and Kabul. All the Ministries and High Offices of the Government of Afghanistan will establish their web site in Pashto, Dari and English for communication of their policies and programs to Afghan citizens and to the international community. These websites will have facility to receive comments from the stakeholders. In the beginning, a high level of illiteracy and general low-education in the country and limited access to internet may limit the target audience.

On Human-Rights Based Approach in Sub-National governance

Human rights-based approach will inform the implementation of this sub national governance policy and the working of local government entities. Local government entities will uphold human rights and the rule of law. Local government entities will monitor and evaluate both outcomes and processes guided by human rights standards and principles. Analysis will include all stakeholders. Local government entities will be accountable to all stakeholders. They will focus on marginalized, disadvantaged, and excluded groups. They will aim to reduce disparities. Women and men will be recognized as key actors in their own development, rather than passive recipients of commodities and services. Participation will be recognized both as a means and a goal. Strategies will empower the disadvantaged. The development process will be locally owned. Top-down and bottom-up approaches will be used together. Local government entities will aim for progressive achievement of all human rights. Strategic partnerships will be developed and sustained for achieving this goal.
GOVERNMENT OF ISLAMIC REPUBLIC OF AFGHANISTAN

POLICY ON SUB-NATIONAL GOVERNANCE
I. BACKGROUND

1. Rationale

Local governance in Afghanistan is characterized by the lack of a policy for sub-national governance. The legal framework for sub-national governance reflects the lack of a policy, strategy or underlying principles to structure the roles and relationships of sub-national governance entities.

The formal government that exists at the sub-national level does not make up a coherent, effective or functional whole that is capable of fulfilling the needs of its citizens. The government at this level is composed of a range of entities whose roles and responsibilities are not well defined and which often overlap. The relationships between institutions at the provincial, district and community level are also not clear, nor are their relationships with the central government or the citizens of Afghanistan that they are intended to serve.

Influence of warlords and commanders continues in some of the local areas. Participation of people in local and municipal governance is limited. There is no participation of women and youth in sub national governance. There is no Democratic Representation at district, municipality and village levels. There is no distinct policy or legal provision for private sector participation. For these reasons, the quality of services delivered to people is poor. Authority, power and resources at sub-national level are insignificant. Public Sector Accountability and openness at sub national level are quite limited. Subnational administrations are not accountable to people. Hence the local and urban governance is less responsive, less effective and less efficient. Legislation relevant to sub national governance is confusing and vague. There is unclear division of responsibilities. There are multiple players. There are multitudes of coordinating mechanisms that add to the confusion. Furthermore, there is low capacity in the local government entities, private sector and the civil society.
Recognizing this situation, the Government has developed a policy for sub-national governance that seeks to remedy the current deficiencies of sub-national government within the country. The ultimate aim of this policy is to provide a framework for sub-national government that will further the primary goal of this government: to improve the overall well-being of its citizens.
2. Foundations for the Policy

The Constitution, the Afghanistan Compact, the Afghanistan National Development Strategy (ANDS), the National Action Plan for Women in Afghanistan (NAPWA), extant research on subnational governance, and analysis of the current legal framework are the foundations of this Policy. The Constitution contains a number of articles relevant to national governance. These are as follows:

Article 1
“Afghanistan is an Islamic Republic, independent, unitary and indivisible state.”

Article 2
“The religion of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam. Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law.”

Article 3
“In Afghanistan no law can be contrary to the beliefs and provisions of the sacred religion of Islam.”

Article 4
“National sovereignty in Afghanistan belongs to the nation that exercises it directly or through its representatives.”

Article 6
“The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide for balanced development in all areas of the country.”

Article 7
“The state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.”

Article 10
“The state encourages and protects private investments and enterprises based on the market economy and, guarantee their protection in accordance with the provisions of law.”

**Article 17**

“The state shall adopt necessary measures for promotion of education in all levels, development of religious education and organising and improving the conditions of mosques, madrasas and religious centres.”

**Article 22**

“Any kind of discrimination and privilege between the citizens of Afghanistan are prohibited. The citizens of Afghanistan – whether woman or man – have equal rights and duties before the law.”

**Article 33**

“The citizens of Afghanistan have the right to elect and be elected. Law regulates the conditions and means to exercise this right.”

**Article 35**

“The citizens of Afghanistan have the right to form social organizations for the purpose of securing material or spiritual aims in accordance with the provisions of law.

The citizens of Afghanistan have the right to form political parties in accordance with the provisions of law, provided that: the program and charter of the party are not contrary to the principles of sacred religion of Islam, and the provisions and values of this Constitution; the organizational structure, and financial sources of the party are made public; the party does not have military or paramilitary aims and structures; and should have no affiliation to a foreign political party or sources. Formation and functioning of a party based on ethnicity, language, religious sect and region is not permissible.”

**Article 50**

“The state is obliged to adopt necessary measures for creation of a strong and sound administration and realization of reforms in the administration system of the country. Government offices are bound to carry their work with full neutrality and incompliance with the provisions of law.

The citizens of Afghanistan have the right of access to the information from the government offices in accordance with the provisions of law. This right has no limits, unless violation of the rights of the others.”
The citizens of Afghanistan are employed for state services on the basis of qualification without any kind of discrimination and in accordance with the law.”

Article 53
“The state takes necessary measures for regulating medical services and financial support to descendants of martyred and lost, reintegration of the disabled and handicapped individuals and their active participation in the society in accordance with the law. The state guarantees the rights of pensioners and renders necessary assistance to needy elders, women without caretakers, disabled and handicapped individuals and needy orphans in accordance with the law.”

Article 75
“The government shall have the following duties: Execute the provision of this Constitution, other laws, and final orders of the courts; Protect the independence, defend the territorial integrity, and safeguard the interests and dignity of Afghanistan in the international community; Maintenance of public law and order and elimination of administrative corruption; Prepare the budget, regulate financial affairs and protect public wealth; Devise and implement programs for social, cultural, economic, and technological progress; Report to the National Assembly at the end of the fiscal year about the tasks accomplished and about the main plans for the new fiscal year; and Perform other duties as recognized by this Constitution and other laws to be duties of the government.”

The Constitution has laid down important principles for achieving good governance at sub national level. These are as follows:

Article 136
“The Administration of the Islamic Republic of Afghanistan shall be based on central and local administrative units in accordance with the law. The local administrative unit is a province. The number, area, parts, and structures of the provinces and the related administrations are regulated by law on the basis of population, social and economic conditions, and geographic location.”

Article 137
“The government, while preserving the principle of centralism, shall delegate certain authorities to local administration units for the purpose of expediting and promoting
economic, social, and cultural affairs, and increasing participation of people in the
development of the nation.”

Article 138
“In every province a provincial council is to be formed. Members of the provincial council are
elected in proportion to the population by free, direct, secret ballot, and general elections by
the residents of the providence for a period of four years in accordance with the law. The
Provincial Council elects one of its members as Chairman.”

Article 139
“The Provincial Council takes part in securing the developmental targets of the state and
improving its affairs in a way stated in the law, and gives advice on important issues falling
within the domain of the province. Provincial councils perform their duties in cooperation
with the provincial administration.”

Article 140
“In order to organize activities involving people and provide them with the opportunity to
actively participate in the local administration, Councils are set up in districts and villages in
accordance with the provisions of the law. Members of these Councils are set up in districts
and villages in accordance with the provisions of the law. Members of these Councils are
elected by the local people through free, general, secret and direct elections for a period of three
years. Participation of nomads in these councils is regulated by law.”

Article 141
“Municipalities shall be set up in order to administer city affairs. The mayor and members of
the municipal councils are elected by free, general, secret and direct elections. The affairs
related to municipalities are regulated by law.”

Article 142
“For the purpose of the implementation of the provisions, and ensuring the values of this
constitution, the state shall establish the required departments.”

Article 156
"The Independent Election Commission has been set up for the organization and supervision of all elections."

HE The President signed a Decree (no. 2008/1047) establishing a process for drafting and reviewing the government’s sub-national government policy on 8 May 2008. The decree states that the Policy Drafting Committee and the Policy Review Committee will develop a sub-national governance policy that aims at concurrent progress in social, economic and security sectors and a policy which creates a unified framework for sub-national governance entities and thereby improving coordination among these entities.

Through this policy, the Government also seeks to uphold the principles it pledged to uphold in the Afghanistan Compact. Those that are relevant to the sub-national governance policy include the following:

"Respect the pluralistic culture, values and history of Afghanistan, based on Islam;"

"Engage further the deep-seated traditions of participation and aspiration to ownership of the Afghan people"

"Build lasting Afghan capacity and effective state and civil society institutions, with particular emphasis on building up human capacities of men and women alike."

"Ensure balanced and fair allocation of domestic and international resources in order to offer all parts of the country tangible prospects of well-being."

"Recognise in all policies and programmes that men and women have equal rights and responsibilities."

"Combat corruption and ensure public transparency and accountability."

In the Afghanistan Compact the Government also pledged to “rapidly expand its [the Government’s] capacity to provide basic services to the population throughout the country. It will recruit competent and
Policy on Sub national Governance

credible professionals to public service on the basis of merit; establish a more effective, accountable and transparent administration at all levels of government; and implement measurable improvements in fighting corruption, upholding justice, the rule of law and promoting respect for human rights of all Afghans. The Afghan government will give priority to the coordinated establishment in each province of functional institutions including civil administration...These institutions will have appropriate legal frameworks and appointment procedures; trained staff; and adequate remuneration, infrastructure and auditing capacity.”

In the Compact the Government reaffirmed its commitment “to the protection and promotion of rights provided for in the Constitution and under applicable international law, including international human rights covenants and other instruments to which Afghanistan is party.”

In the ANDS Governance Sector Strategy the Cabinet has committed to:

- provide good governance, by establishing and strengthening government institutions at the central and sub-national levels that provide open and transparent, accountable, participative, effective, coherent, gender sensitive and inclusive governance based on consensus, democracy and rule of law
- achieve measurable improvements in the delivery of services and the protection of rights of all citizens through people’s participation in governance
- establish a modern, responsive, democratic, gender sensitive, transparent and accountable public administration enabled to manage public resources efficiently and effectively for improved service delivery in a fair and equitable manner
- eliminate discrimination against women, develop their human capital and promote their participation and leadership leading to their full and equal participation in all aspects of life
- create an inclusive Afghan society, in which the human rights of all citizens are realized, protected, respected and extended
- eliminate corruption in the public and private sector in order to improve the effectiveness, transparency, and accountability of government, and to create an environment conducive to investment.

The abovementioned documents underpin the Sub-National Governance Policy and inform the objectives that it is designed to achieve.
3. Objectives

The Policy for Sub-National Governance is intended to remedy the weaknesses in the current framework for sub-national governance and put forth a vision that will achieve the following objectives:

1. To fulfill the Constitutional mandate on sub national governance
2. Improve coordination among the sub national entities
3. Achieve concurrent progress in social, economic and security sectors
4. Create a unified framework of sub national governance entities
5. Good Governance at sub national level that will lead to:
   - Openness/Transparency
   - Accountability to the people
   - Participation of the people, especially women and youth, civil society and private sector
   - Local democracy
   - Effectiveness-efficiency
   - Equity and inclusiveness
   - Gender justice
   - Coherence
   - Rule based system at all levels
6. To fulfill the commitments made by the Independent Directorate of Local Governance (IDLG) in its Strategic Framework and the Strategic Work Plan

   - Take decision-making closer to the people and make decision-makers accountable to the people Service delivery is the most effective and the most efficient when it is done by the administrations closest to citizens. This ensures accountability of the decision-makers to the citizens. The Government will assign duties and responsibilities between different levels of government based on the principle that the delivery of public services is the most efficient and the most effective when done by the administrations closest to citizens.
4. Policy Context: The Current Situation

Effective sub-national governance in Afghanistan is inhibited by the lack of a clear and coherent policy or legal framework for sub-national governance that provides for an effective and coherent structure of governance characterized by transparency, openness, participation, accountability, effectiveness and efficiency. This has resulted in unclear roles and relationships of entities at the provincial, district and village level as well as ambiguous relationships with the center.

Although there are laws that specify the roles of some entities at the sub-national level, including Provincial and District Governors and Provincial Councils as well as the relationship between such entities, these laws fail to define the roles and functions of these entities in a lucid manner that upholds principles of good governance. In part because they were written in isolation the legal mandate of these bodies does not fit into an overall structure of governance that enables the Government to achieve the objectives stated above. These laws also do not uphold the principles of the Afghanistan Compact mentioned earlier.

Rather, these laws are disconnected. They are linked through a manner in which they provide for a nexus to the center. One of the commonalities characterizing these laws is that most include provisions for accountability upwards to the center and the President, but they do not include terms that would require or even encourage downward accountability to the people. There is nothing in the laws stating that people or their representatives can hold the sub national government entities to account. Since the laws do not demand accountability to the people, these entities are not responsive to the people.

Afghanistan is one of the most centralized countries in the world. It is politically, fiscally and administratively centralized. All budgetary and most staffing decisions are made in Kabul, and provincial departments of line ministries as well as governors’ offices, have virtually no discretionary spending and limited input into planning. Direct formal functional and budget authority for the delivery of most services in the provinces is held by highly centralized line ministries. This highly centralized structure of the Government inhibits it from being more responsive to the needs of Afghan citizens and from delivering services accordingly. Delegating authority to the sub-national level, if carefully planned, effectively implemented and appropriately managed can lead to significant improvements in the welfare of the people throughout the country.
This section describes the current roles and responsibilities of sub-national governance entities - some of which have been established and some of which are mandated by the Constitution to be established, but have not yet been established. This section also discusses the strengths and weaknesses of their currently mandated roles as well as their relationships with other bodies at the central and sub-national levels. At the provincial level, this includes Provincial Governors, Provincial Councils (PCs), Provincial Administrative Assemblies (PAAs) as well as Provincial Development Councils (PDCs). At the district level, this includes District Governors or voleswalas and District Councils. At the village and community level, this includes village councils and community development councils (CDCs). Short discussions of civil society in Afghanistan, the current state of the sub-national financial system as well as service delivery are also included. The views of the Policy Directors of different Ministries who participated in the policy process on the current state of subnational governance may be read in Chapter 8: Section 5 “Analysis of Group Work”.

Provincial Administration

Provincial Governor

The roles and responsibilities and formal terms of reference of Provincial Governors are laid out in the extant Law on Local Administration. However, the value of the articles in the Law on Local

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1 The duties and responsibilities of the Governor as stated in the law are: 1) Leadership of organizations and bureaus under influence based on the provisions of the law; 2) Cooperate in ensuring security of province and preserving the rights of the citizens according to the law; 3) Ensure equality of rights among the public in accordance with the law; 4) Strengthening national unity and avoiding tribal or regional conflicts; 5) Implement the designed plan of organizations, institutions and enterprises within the province and creating facilities in this regard; 6) Creating positive and active relationships between related organizations; 7) Submission of proposal to the related authorities for establishment, promotion and adjustment of sub-national governance unit of the related province; assignment of purchasing, Checking, tender in charge men, chief of procurement for administration supplies and assignment organizations and enterprises which related to province in accordance with law; 8) Purchasing and provision of cereal, transferring and distribution of the food commodities according to government program. 9) Implementation of educational programs and drawing public and organizations cooperation for the establishment of schools, scientific and religious institutions, libraries and other cultural centers and implementation of development and intellectual programs in the concerned areas according the education department’s proposals of the province; 10) Sales of governmental buildings and purchase of building for government based on the provisions of the law; 11) Celebrating religious and historical occasions; 12) Supervising the distribution of financial and livelihood aids of the domestic and foreigner organizations and distinguishing the real needy people to the aids; 13) Fully cooperating with delegation and officers in-charge that dispatched by center for performing official tasks to the province. 14) Hold the Provincial Administrative Assembly if required; 15) Granting bonuses and issuing penalties and punishments within the set authority, based on the provisions of the law; 16) Give amendment proposal of the city maps for related authorities after obtaining the view point of the related municipalities of province and districts; 17) Counter narcotics and avoiding cultivation of opium, hashish and other narcotics crops and avoiding narcotics traffic in cooperation with related officials; 18) Supervision of preservation and maintenance of government property and land, forests, pastures, water resources and other natural gifts and their rational use; 19) Control implementation of instructions in legal documents, orders and suggestions of competent authorities and inspection during implementation; 20) Accepting the military’s guard of honor on national days in official ceremonies which will be presented by the commander of the battalion; 21) Adopting immediate measures on general transportation occasions for operation swiftness and satisfying the objectives of the government; 22) Preservation of the related province ports’ affairs; 23) All commanders of military, police and national intelligence battalions with their own specific duties are obliged to obey the law and their interference is not allowed in the affairs and authorities of the governor or in other civilian administrations. For fulfilling of their tasks they should ask instructions from governor based on distinguishing the authority of the governor; 24) Issuing approvals for budgetary expenses, cash payments, suggesting budgetary changes and compensating for the payments of contracts and government leases within the specified authority, based on provisions of the law; 25) Supervision and inspection of
Administration that elaborate upon the duties and responsibilities of Provincial Governors is limited as they lay out more of a long list of activities the Governor should be involved in rather than a clear articulation of the duties and responsibilities of Governors. Such a long list creates significant ambiguity in regard to the role the Governor should play. The functions are not classified in any meaningful manner. Furthermore, some of these functions have become dated.

The Governor are the local representative of the executive branch, and as such promulgate decrees or other directives issued by the centre. They also have a formal coordinating role in their jurisdictions and have some administrative responsibilities. Their coordination role is largely exercised through PAAs or PDCs. Although PAAs vary in membership and function across the country, it often serves as forum where the Governor can exert considerable influence over the activities of line departments. Governors also chair the PDCs, which are responsible for coordination and communication between government departments, PCs and Provincial Reconstruction Teams (PRTs). The form and quality of functioning of PDCs also varies across provinces. These can also serve as forums for the Governor to conduct planning exercises with other relevant actors at the provincial level. The Law on Local Administration specifies that Governors are to hold meetings at least once a month with the directors of provincial departments. PAAs and PDCs currently provide the forum for them to do so.

Provincial Governors are formally accountable to the President and the Independent Directorate for Local Governance (IDLG). The Decree on the Establishment of Independent Department of IDLG states that “the new office will supervise the affairs related to the governors and district governors and their offices as well as the municipalities (except Kabul Municipality) and will report to the President’s Office regarding its performance.” As a political appointee of the President the Governor is also accountable directly to the President. Because there are no formal provisions that enable the Governor to be held

budgetary expenses of governmental organizations, multi-institutions and supervision and protection of banks and treasuries; 26) Cooperate in acquisition of legal tax, city revenues, cash and material remnants and settling accounts based on provisions of the law; 27) Control on implementation of weights and derivatives of metric system; 28) Oversight of edible commodities and deprecative commodities prices through concerned municipality while open market is kept in mind; 29) Supervision and oversight of construction works of organization’s buildings and governmental structures; 30) Reform and development of communication networks, keeping them active and promptness of couriers and communication systems in province geographical limitation; 31) Avoiding sales of counterfeit drugs and medication by non-professional people in the province; 32) Supervision and oversight of mines and avoiding illegal extraction of mineral commodities; 33) Drawing attention of sectored ministries in drafting and provision of regional development plans for province; 34) assistance in providing statistical information and figures in the province and encouraging people to providing precise statistical information to deployed groups; 35) Providing facilities in completion affairs of passports for trade, tourism, pilgrims and passengers of other holy sites; 36) Assistance to live stockers for better and just use of pastures and creating facilities for their product marketing aiming at improving their living standards; 37) Safeguard and supervision of airports within the province and maintaining their security through related bureaus; 38) Presenting constructive suggestions and ideas on city and house illumination within province to related authorities; 39) Providing facilities in matters concerning repatriates; 40) Observing unexpected incident locations like earthquake, flood, emblazonment, and other types from close distance and drawing public, organizations’ disaster preparedness office’s assistance in providing first aid to affected people; 41) Drawing public and organizations’ cooperation in rehabilitation and development of historical national and international sports through construction, development of playgrounds and sporting clubs; 42) Preventing self and illegal extractions and digging of historical remains and antiques and preventing their purchase, sales and smuggling; 43) taking necessary measures for protection and safety of areas where historical and ancient relics exist; 44) presenting logical and valid proposals to competent authorities for solving problems of organizations under influence.
accountable to the people such accountability relationships may lead Governors to overemphasize the importance of satisfying the executive rather than focusing on the needs of the citizens of their respective provinces. Although the Provincial Council Law was recently modified to strengthen PCs role in holding Provincial Governors accountable for their performance, there is no evidence that they have been able to do so or that there is effective communication between citizens and the government at the provincial level.

Provincial Governors have direct authority over District Governors and also influence their appointments, although this is not a role formally within their mandate. The power of Provincial Governors over the appointment of District Governors strengthens the “government of relationships.”

The relationship between Provincial Governors and the police is particularly ambiguous. Article (4) of the Police Law specifies that “The police shall perform their duties under the leadership of the Minister of Interior in the capital, and under the guidance of the governors and district chiefs in the provinces and districts respectively.” The duality within the law provides much room to question the extent of power governors can and should exercise over the police. A Ministry of Interior directive that restricts Governors from directing activities at the “tactical or operational level” and also makes them responsible for conveying executive orders to police commanders only further compounds the confusion in regard to the relationship between Governors and the police.

**Provincial Line Departments**

The existing institutional framework for line ministries is highly inefficient. Although most line ministries are represented at the provincial level, they largely have a highly centralized governance structure and equally centralized service delivery structure. Provincial Line Departments have little autonomy in developing programming or their budgets within provinces. This structure leads line ministries to retain functions at the centre that could be more effectively performed at the provincial level.
The resources provided to line departments are not determined by the line departments’ assessment of the needs of the province or even by the provincial administration’s assessment of the needs of the province. Line departments receive a quarterly allocation determined in the budget request of the central line ministry and have no significant local powers of resource re-allocation. Per capita spending of the ministries varies greatly across the provinces. The Ministry of Finance’s (MoF’s) provincial budgeting was introduced to increase the decision-making role of provincial line departments vis-a-vis the central ministries.

Provincial Line Departments also have no final say over appointments within their departments. Grades 1-2 are appointed by the Independent Administration Reform and Civil Service Commission (IARSCC), grades 3-5 by the central ministries and grades 6, 7 and 8 by the Provincial and District Governor.

Provincial Line Departments are accountable both to their central ministry in Kabul as well as to the Governor in their province. Although the Provincial Council (PC) has a role in holding the provincial departments to account for their performance the PC’s role is relegated to gathering information on the work of the provincial line department. PCs have no power to act upon the information they acquire. Furthermore, although the Provincial Council Law states that one of the Provincial Council’s roles is to “acquire information on the proceedings and work plan of the Provincial Administration and related branches and provide written report to President and National Council, the law does not provide for any sanction on the line departments if they chose not to provide information to the Provincial Council as requested.

**Appointments in Grade 3-8**
All appointments in Grade 3 & 4 of civil servants in the provincial and district offices of the ministries and agencies of the Government in the province will be approved by the respective ministry or agency after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 5-6 of civil servants in the province will be approved by the Provincial Governor after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.
All appointments in Grade 7-8 of civil servants in the district will be approved by the District Governor after identification and selection by the District Appointments Committee following merit based open competitive recruitment procedure.

**Provincial Development Committee**

Provincial Development Committee (PDCs) were established by a Presidential decree in November 2005. The main roles of the PDCs are 1) to coordinate activities of the line ministries; 2) to prepare Provincial Development Plans (PDPs); 3) to improve donor coordination; 4) to monitor the implementation of development projects; and 5) to enhance the capacity of the provincial administration for public administration and public service delivery. Like many structures at the sub-national level, the actual roles and function of PDCs vary by province. In addition to the PAAs, PDCs serve as the only other fora where cross-sectoral coordination and province-wide planning can occur. Although PDCs are emerging as the main coordinating mechanism for development activities and planning, because there is not a strong link between the PDC and the budget process, such development planning does not necessarily have any impact on what actually occurs within the province. The centralization of all budgeting decisions in Kabul largely undermines efforts to provide provincial input into development planning by either PDCs or PCs. The Provincial Budgeting pilot is highly circumscribed in scope since it is limited to central ministry budgeting in consultation with the PDCs.

There is overlap of oversight and monitoring activities between PDCs and PCs. Furthermore, how PDCs should relate to Provincial Councils is not clear.

In brief, PDCs serviced by the provincial offices of the Ministry of Economy and chaired by the Provincial Governor or Governor’s representative, coordinate and communicate with line departments, with PCs, NGOs, international organizations and Provincial Reconstruction Teams (PRTs). They are tasked with planning responsibilities, including establishing a provincial budget. PDCs are expected to approve provincial development plans, public and private investment strategies, and supervise counternarcotics work. There is a potential for duplication of responsibilities with the PCs. Membership and overall effectiveness of the PDCs is not uniform across the provinces.
Policy on Subnational Governance

PDCs are highly dependent on the cooperation of the Governors, and their role in planning and budgeting beyond coordination remains unclear. Planning is not linked to budgeting process which is highly centralized.

**Provincial Administrative Assembly**

Provincial Administrative Assemblies (PAAs) were created 45 years ago on 18 December 1964 to serve as a body for the Governor to coordinate with provincial line departments. According to the law establishing the PAAs, its membership is composed of the Governor, the Deputy Governor, Mustufi, Provincial Security Chief, Provincial Prosecutor (Attorney-General Office in the Province), and heads of line departments. It is intended to meet once a week. It is conducted when at least half of the members are present. Decisions are taken by the majority (50+1) of members present and, if the votes are equal then the decision of the chair is final. The secretariat of the PAA is managed by the Administrative section of the Governor’s Office. PAA carries out its duties based on the laws of the land; approves leasing and selling of government land in the Province, converts government dues into installments, revokes contract if it doesn’t fulfill Labor Law requirements, and discusses issues related to provincial line department if its Head raises any issues.

**Provincial Council**

Yet a lack of clarity remains regarding the role of the Provincial Councils. Even those roles which they are clearly given the mandate to play, they are not necessarily given the authority to fulfill.

Although as mentioned above, the Constitution states that the Provincial Councils should perform their duties in cooperation with the provincial administration, the language within the Law of Provincial Councils does not contain provisions that would ensure the cooperation of the rest of the provincial administration. The Provincial Councils are to provide monitoring and advisory services, but the law does not provide the Provincial Council with the authority to ensure the cooperation of either the Governor or the line ministries regarding these roles. Article 4 (11) of the Law of Provincial Councils states that the Provincial Council is to meet with inhabitants of the province every quarter, and the governor and local authorities at least once a month. Yet such a provision does not make the Governor or local authorities accountable or legally bound to consider the perspective of the Provincial Council. Similarly, article (18) requires local agencies of Ministries and central departments
to provide specific information requested by the Provincial Council, but no enforcement mechanism is specified for not providing such information, making this provision unenforceable and hindering the Provincial Council from carrying out its monitoring role.

Article 2 of the Law of Provincial Councils says the Provincial Council shall function as an elective assembly to create a structure of partnership and participation of the people, civil society and provincial state institutions, and to counsel and oversee provincial offices on related affairs. Without further provisions to enable the Provincial Councils to hold the line departments or Governors accountable such oversight or participation has little meaning in practice. Further defining how the Provincial Council would exercise its oversight function would better enable the Provincial Council to perform its envisioned role.

The law is also too vague to enable the Provincial Council to carry out its constitutionally mandated role of “securing the development targets of the state.” Helping to do so would require the Provincial Councils role in planning to be well defined in the Provincial Council law. Article 4(4) states that the PC should “provide consultation to design the development plan of the Province and anticipated plan and approve them before proposing to government.” The law does not sufficiently specify how the Provincial Council should be involved in planning. There is currently overlap in the roles of PDCs and PCs. Presidential Decree 4116 requests that Provincial Governors “take actions” and “design, organize, and implement programmes” in cooperation with Provincial Councils, but without sufficient enforcement mechanisms the Provincial Councils can easily be sidelined.

The lack of clarity regarding where the Provincial Council is to receive funds for its day to day functioning has the potential to undermine any authority the Provincial Council might have. According to Article 17 “Administrative affairs and service needs of the Provincial Council shall be organized and provided by the concerned Province.” This law does not define how the Province is to provide for the administrative affairs and service needs of the Provincial Council. PCs are dependent on Governors for operating expenses. Budget and staffing of the Provincial Councils are also not independent of the provincial administrations that they are expected to monitor. PCs therefore often lack resources to carry out day-to-day activities.

An overall framework for sub-national representative institution remains lacking, leaving little room for PCs and therefore the citizens of Afghanistan to make their voice heard through channels of the government.
One of the core functions of the Provincial Council is to serve as a structure for partnership and participation of people and civil society institutions with the provincial administration. Yet questions remain regarding whether they represent their constituencies effectively. Communication between PCs and the citizens who elected them remains limited. Furthermore, the current system for electing PCs by single non-transferable vote in a multiple-member constituency does not guarantee representation from every district. PCs are elected on the basis of the SNTV (single non-transferable vote) electoral system in province-wide constituencies. In this system, there is no guarantee that a PC will have members from all the districts in the province. PC Member today represents a more limited group than residents of the Province as a whole. They more often represent districts of their origin and not the province as a whole which is their official constituency. There is a weak link between the PC Members and their constituents who happen to be residents of the districts other than the districts of origin of the PC members.

In brief, PCs are accountable to people because these are elected bodies. Their present role is participation in provincial development planning, monitoring and appraisal of other provincial governance institutions, participation in conflict resolution, the elimination of customs contrary to the law and sharia and human rights standards, environmental protection, and the reduction of illicit drug activity. There is lack of clarity on the relationship between the Provincial Councils, PDCs and the offices of the Governors. Present law does not guarantee the cooperation of the provincial administration. In the current law, there are no obligations on the administration and on the law enforcement bodies to attend PC meetings or to respond to information requests. There is no specific mechanism for PC input to be included in the provincial planning process. PCs are not able to hold the provincial administration to account. There are unresolved issues regarding PCs i.e. resources available to them, whether they represent their constituencies effectively, their relationship to provincial government and provincial planning bodies.

Provincial Councils could play a key role in representing their constituents, contributing to development planning, overseeing the activities of the provincial administration and holding the administration accountable for its actions, but the present law does not provide the PC with the power to do so.

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Provincial Courts

The Provincial Courts are established based on the Constitution and the law of organization and authority of the courts.

District Administration

The district is currently the lowest level of formally recognized administration in Afghanistan. The district government consists of a District Governor or woleswal and a varying number of district offices of central ministries. There is also typically a police department and a prosecutor in each district as well as a primary court. Despite the presence of formal governance at the district level, there is no agreed institutional framework for governance within the districts.

District Governor (woleswal)

District Governor has so far been appointed by the President, and are not only representatives of the executive, but the primary face of the government at the district level. However, Presidential decree No. 2113 dated 17th March 2010 has changed his post to a government civil servant position.

Because the government does not extend beyond the district level, woleswals may be considered the face of the government at the local level. As such, woleswals have significant influence over the treatment of citizens by the state. They may receive petitions from citizens to be addressed on their own or higher up the chain of command.

District Governors report to the Provincial Governor, but physical isolation of districts often limits communication. Such challenges may complicate any attempt to hold District Governors accountable.

According to Article 4(2) of the Law on Local Administration, there is no difference between the authority of Provincial Governors and the authorities of District Governors. In practice, District Governors have limited formal powers, but are nonetheless the central figure in the organization of governance at the district level. District Governors have a number of administrative roles, including civil registration of births, deaths and marriages. Although they do not have primary authority over
district police, who report primarily to the provincial police chief, they nonetheless are often heavily involved in security issues.

District Governors are often able to exert more influence through their personal relationships than through the actual influence. In part because of these strong personal relationships, *woleswals* have considerable informal powers and are able to exert control over many activities in their district. They play a significant role in resolving disputes and gathering local leaders to discuss local issues. In many districts, the *woleswal* may convene *shuras* to advise him on local issues or pass directives downwards.

The district is currently the lowest level of formally recognized administration. The District Governor (*woleswal*) formally plays a coordinating role. The district governor is the most important official at the district level. The informal role of the *woleswal* often includes dispute resolution and other problem solving activities depending on relations with the provincial authorities, local customary and informal power-holders. *Woleswals* maintain some kind of semi-formal advisory *shuras* or liaise with maliks, arbabs or qaryadors where these remain significant. Role of district governor has some features in common with that of provincial governor. Despite relatively limited formal powers, the district governor is a pivotal figure in district level governance. Beyond administrative duties of the office – such as registering births, deaths and marriages – the district governor plays a considerable role in resolving local disputes, or determining where they will be resolved, convening customary representatives to discuss local issues, and receiving petitions of all types from residents of the district. The district governor plays a political role in maintaining the government of relationships at district level. The district governor, in essence, is a first point of contact for people who have petitions for the government departments at district level.

The *woleswal*, as the crucial interlocutor between the society and state at the district level, is able to decide what the appropriate response should be to any given petition when it first reaches the formal institutions of the state. By controlling access, the district governor has immense influence over the treatment of the citizenry by the state. By controlling or heavily influencing how and when the state and external entities deal with local issues such as insurgency or local conflict, narcotics production and trafficking, or disputes, the influence of the *woleswal* extends well beyond his formal powers. Provincial Governors influence their appointment. There is a public perception that the district

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governors can access resources and influence through corrupt means. There are frequent changes in the persons who hold this post. The appointment, transfer and re-assignment of the district governors among provinces are often used for co-opting the local power-holders in the government.

The district governors play a significant role in dispute resolution. There is a tendency for the majority of the disputes to be resolved in the communities where possible. When disputes or reported crimes reach the authorities, the disputants go to the district governor first. The district governor determines if a petition should be sent back to the community for resolution, be resolved by himself, or be referred to the police, prosecutor or court. In dispute resolution, there is considerable interaction between customary and formal state institutions. This interaction is mediated through the district governors. Citizen access to police, prosecutors and courts is presently subject to the influence of district governors.

District Councils

Although the Constitution mandates the creation of District Councils “to organize activities involving people and provide them with the opportunity to actively participate in the local administration” they are yet to be elected. These are to be elected every three years by secret and direct elections conducted by the Independent Election Commission. Article 84 of the Constitution mandates that from among the district councils of each province, the respective councils elect one person to the Meshrano Jirga for a period of three years.

District Offices of Line Ministries

Depending on a number of factors, the Ministry of Interior (MoI), the Ministry of Rural Rehabilitation and Development (MRRD), the Ministry of Education (MoE) and the Ministry of Agriculture (MoAIL) are the most commonly represented ministries at the district level. Yet these offices have little implementation responsibilities and individual representatives have little decision-making authority. In districts where there are no education or health representatives, personnel in the basic health clinics and village schools report directly to the provincial departments. There is currently little coordination between departments at the district level.

District Development Assemblies (DDAs)
DDAs were created as part of MRRD’s National Area Based Development Programme (NABDP). In districts where Community Development Councils (CDCs) exist the DDAs are composed of CDC chairs and vice-chairs. In districts where no CDCs exist, non elected community leaders vote to elect the DDA. DDA elections are therefore not fully democratic. The DDAs represent clusters of CDCs within the district.

The principal functions of DDAs as described by the MRRD’s “Operational Guidelines for the Establishment of District Development Assembly and Comprehensive Rural Development Planning” are to “help the district with planning, management, implementation, monitoring of progress, evaluation and mobilization of the resources.” DDAs have a range of planning, coordination and advisory functions. Their responsibilities include identifying district priorities and strategies that reflect the interests of communities and villages to feed into provincial level planning processes and leading the formulation of District Development Plans. Their terms of reference also say that they are responsible for providing a channel for effective coordination between all development agencies, programmes and projects at the district level. In this sense, they are expected to be assisting in planning, resource mobilization, implementation, monitoring and evaluation at the district level.

Village administration

Maliks, Qaryadars or Arbabs have been the traditional representatives of villages to the government as well as the community point person for handling community problems. The form of informal governance currently in place in villages throughout the country varies widely. In many communities, maliks continue to be considered the representatives of communities to the government and also carry out some administrative functions. Some wuluswals also consider the malik to be the representative of the government in the community. Yet any authority maliks may be given is not considered official.

Village Council

Although the Constitution mandates the creation of Village Councils “to organize activities involving people and provide them with the opportunity to actively participate in the local administration” they are yet to be elected.
Community Development Council (CDC)

The Ministry of Rural Rehabilitation and Development (MRRD) began creating Community Development Councils (CDCs) as part of the National Solidarity Programme (NSP) in 2003. The two main goals of NSP are to 1) deliver project-based community based development and 2) improve community governance. CDCs provide funds of up to $60,000 within a community to undertake badly needed infrastructure and/or human capital development programmes.

During the first two years of NSP, MRRD created 10,400 CDCs. The Ministry expanded operations during year three and reached an additional 6,900 communities creating a total of more than 17,000 CDCs in just three years. CDCs currently cover over half of the communities in Afghanistan.

CDCs have the responsibility to develop Community Development Plans (CDPs), which are composed of projects prioritized by the community. The CDCs receive a block grant to assist with project implementation through NSP. Yet the NSP block grants were one-off payments and there is no ongoing funding flow for CDCs.

The NSP encourages community participation in the selection of projects and requires community contribution in their implementation. NSP has a well developed set of standard procedures based on Community Driven Development practice. Its implementation has been varied across the villages in the country. NSP is implemented by NGOs as facilitating partners (FPs) who facilitate the election of Community Development Councils (CDCs). These CDCs identify community development priorities to be addressed by block grants delivered in installments. NSP is a local development initiative. Secondly, the programme is a community-governance initiative aiming to “lay the foundations of community-level governance”. A range of different election types and resulting CDC structures are found in provinces across the country. In many cases, the facilitating partners adjusted the election procedure in order to facilitate some women’s participation in the Councils. There is wide variation concerning selection of CDC leadership.

CDCs have introduced a dramatic change in the development resources available to communities in the country and where these resources have been converted to successful village-level development projects, the acceptance and legitimacy of the programme and the government have been expanded. CDCs are community-based entities in the sub national landscape.
The implementation of many phases of NSP has been carried out in varied ways, including elections, CDC composition and configuration, CDC development, and scope of activities outside project selection and implementation\(^4\). Many CDC members claim to be involved in governance functions, such as dispute resolution, but these functions are not universal and where they occur, they are often carried out in combination with customary structures. The genuine participation of women in CDC development and community governance functions faces problems. Women’s participation is dependent on the quality of facilitation. Participation of women is more limited in community governance functions than in project selection.

Many communities have also reported using the CDC for purposes beyond programming. CDCs have reportedly been involved in organizing *Ashar* or community labour tasks, some have coordinated and facilitated disaster response activities, and some have served a social protection function, including identification of beneficiaries, job creation for vulnerable groups and collection of money for needy families.

CDCs have undoubtedly made considerable contributions to the well-being of communities throughout the country, and have made strides towards enabling Afghan citizens to participate in identifying their development priorities. However, the acceptance or legitimacy of CDCs is linked to their role as a channel for additional resources for the community.

To preserve the place of CDCs as entities of local governance MRRD promulgated a by-law that provides a legal basis for longer term CDC activity. It was signed by the President in November 2006. The by-law is an administrative regulation that governs the activities of MRRD and does not bind other ministries. The by-law expands the role of the CDCs and provides it with coordinating and administrative functions that are beyond the original scope of the CDCs activities. The CDC by-law leaves unresolved the critical issue of whether the legal status of CDCs is that of civil society or of local government. How CDCs would coordinate their functions with village councils as well as district governors and district councils also remains unclear. Furthermore, the dispute resolution role given to CDCs in the by-law lacks clarity.

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There are also questions about the capacity of CDCs across the country. Questions remain regarding how CDCs’ capacity could be developed to carry out governance activities and what is needed to sustain the majority of them if the NSP funding is discontinued.

There has been some opposition to CDCs from traditional power structures, including maliks, traditional shura as well as district governors.

Informal Governance Entities at Village level

Malik, Arbab, Qaryadar
These individuals are a link between the community and the government. They can resolve disputes. They maintain common property resource of the village. A malik or qaryadar is essentially the interlocutor between district administration and communities. The functions, jurisdiction and appointment of Maliks vary widely in the country. Their importance relative to other entities in the village varies widely in the country. In some places the system has faded away. In other places, Maliks remain a central figure in the village governance. Maliks are the bridge between district administration and the community. They play a role in jirgas, registration of births and marriages; represent families in marriage contracts, etc. Maliks are both appointed by the communities or inherit the post from family members. New Maliks are appointed by the consensus of the heads of every family. The scale of a malik’s influence also varies. They could be associated with a single community or small cluster of villages. In some districts and regions, there is a recognized system of sub-districts termed manteqas, each with a fixed number of Maliks. Maliks do not get any financial support for their post from either the community or the government. In some provinces, the term Arbab is used to indicate influential persons in communities. Arbabs derive influence from land ownership. There is a large variation in the governance arrangements in the villages across the country.

Khan
Khan is a large landowner who controls resources in the community. He may provide jobs to laborers and land to share-croppers. He may also arbitrate conflicts.

Rish-i-safid, malik-i-gozar, kalantar

They are community leaders, generally male elders of neighborhood or tribal grouping. They are commonly known as “White Beards”.

Mirab and Murab
They are controllers of community water canal and are responsible for maintenance of canals.

Ulema, Mullah
Ulema are religious leaders who lead prayers, give sermons and have the power of moral judgment in the community. Ulema are involved in resolving conflicts from the point of view of sharia law.

Arbakai/Arbakian
Arbakai are local militia mainly in the south east of the country. It is a form of tribal militia. They are derived from the local tribes. Local residents help them. They know people in the area. Arbakai are also mobilized to enforce jirga decisions where necessary. Arbakai are based on tribes and play a community defense function. They are most suited to areas mostly or only populated by one sub-tribe.

The Appointment of District and Provincial Governor

Experience from different countries emerging from conflict has demonstrated that when a leadership sets up appropriate, transparent and accountable management systems and tools, and then applies them properly and equally, the key components of sustainable peace and development become more achievable. Government legitimacy and trust are created. Yet the government has yet to utilize such transparent and accountable management systems and tools for the appointment of Provincial and District Governors. Appointing governors on the basis of merit is necessary for encouraging sustainable peace in the country.

The policy and legislation regarding appointments is largely clear. The Senior Appointments Mechanism should vet all candidates for senior level appointments as agreed upon within the Afghanistan Compact and as stated within Presidential Decree #2006/2421 signed on 16 September 2008 on the Establishment of a Consultative Mechanism for Appointments in High Ranking Government Posts. Despite the legal clarity regarding how senior appointments should be handled, the process developed is not being followed for the appointment of Provincial and District Governors.
According to the Afghanistan Compact, agreed upon in January 2006 “a clear and transparent national appointments mechanism will be established within 6 months [by August 2006], applied within 12 months [by February 2007] and fully implemented within 24 months [by February 2008] for all senior level appointments to the central government and the judiciary, as well as for provincial governors, chiefs of police, district administrators and provincial heads of security.” The national appointments mechanism is intended to serve as a vetting mechanism to screen all senior level appointees for their suitability for senior level positions.

In response to the commitment made by the Afghan Government in the Afghanistan Compact, the President signed a decree in September of 2006 on the Establishment of a Consultative Mechanism for Appointments in High Ranking Government Posts. Article (4) of the decree states “The senior posts under this order include provincial governors, deputy ministers, provincial chiefs of police, provincial heads of national security, and members of the administrative reforms and civil service commission. The deputy provincial governors and district governors shall be appointed in accordance with the article (14) of the civil service law by the appointment board of the civil service commission.”

According to the Presidential Decree, the Senior Appointments Panel is responsible for presenting “their views to the President in writing on the candidates for each of the abovementioned posts [provincial governors, deputy ministers, provincial chiefs of police, provincial heads of national security, and members of the administrative reforms and civil service commission.]”

The President signed a decree (no. 2007/1297) in October 2007 stating that the Independent Directorate for Local Governance (IDLG) rather than the IARCSC will work with the President to appoint Deputy Governors and District Governors.

Nonetheless, in April 2008 the President signed a Decree (no. 677/2008) on the Rules of Procedure of the Senior Appointments Board. The Rules of Procedure state that the Senior Appointments Board is responsible for screening both Provincial and District Governors. According to Article One of the Rules of Procedure it was enacted “in order to support effective civilian administration and improve working capacity in the leadership level of Ministries and governmental offices, establish transparency in recruitment and observance principle of “giving work to the eligible.”
Finally, the President signed the decree No. 2113 dated 17th March 2010, changing the posts of Deputy Provincial Governor and District Governor to government civil servant positions. Their recruitment of the will take place based on merit-based, competitive and transparent procedures and mechanisms that will be developed by the IARCSC and IDLG.

The Afghan National Police

Security is a pre-requisite to development. Law and order creates the space for state-building and development. A strong police force capable and willing to uphold the rule of law is therefore essential to improving governance in the country. The Afghan National Police (ANP) is the primary face of the government within the provinces. Although progress towards reforming the Ministry of Interior (MoI) and the police was made in the past two years, various barriers to reform remain. Corruption is one of the primary obstacles to police reform. Not improving the strength, efficiency and accountability of the ANP will inhibit the ability of the Government of the Islamic Republic of Afghanistan to extend the rule of law, economic growth as well as the overall stability and legitimacy of the Afghan state.

To begin to ameliorate many of the problems within the police force, Pay and Rank Reforms began to be implemented in late 2005. The major objectives of these reforms are:

1) to restructure the top-heavy police force by reducing senior officer positions;

2) to institute a rigorous process for testing and selecting officers based on merit rather than personal and factional connections and bribery, and

3) to increase pay to facilitate recruitment and retention and reduce corruption.

The most important component of pay and rank reform was instituting a merit-based process for selecting police officers for the greatly reduced number of officer positions. Implementation of Pay and Rank Reform was carried out between late 2005 and mid 2007.

A major impediment to reform of the police that remains is ensuring that merit-based appointments and promotions are not circumvented.

By 2005 there was a greater realization within the Ministry and the international community that providing more training and equipment to individuals working in an unreformed institutional
environment was insufficient. Since then greater attention and resources have been dedicated to institutional restructuring and reform of the ANP.

Institutional reforms have included the following:

1. Establishment of five police regional commands modeled after the ANA regional structure
2. Revising the Chain of Command to include Regional Commands
3. “Rebalancing” the police force to redeploy additional police to southern Afghanistan to assist in counter-insurgency operations
4. Eliminating some police forces (the Afghan Highway Police and Standby Police) and creating new ones (Afghan National Auxiliary Police and Afghan National Civil Order Police); and
5. Reforming the tashkil and increasing the size of the police force from the Afghanistan Compact approved size of 62,000 to 82,000.

The lack of ability to adopt a comprehensive approach to institutional reform of the MoI has been one of the major shortcomings of police reform efforts in Afghanistan since 2002. Since 2002 significant progress has been made in two institutional reform initiatives – payroll reform and pay and rank reform.

Municipalities

The Municipalities Law provides some basis for establishing the municipal government structure as well as sufficient flexibility to adapt such structure to fulfill its mission. Current organizational structures, however, do not enable municipalities to deliver the necessary services in the light of current levels of urbanization and available resources. The functions of municipal officials such as the Mayor and Deputy Mayor and key, structures such as the Municipal Councils and the Municipal Administrative Councils have not been defined by the Law. Many governance processes such as operational policy-making, local legislation, plan implementation, monitoring and evaluation (M&E), municipal performance management, internal audit, and controls, among others, have not been institutionalized in municipal administration. Public and community participation, while consistently prescribed by the legal and policy frameworks, remain to be introduced as a standard feature of the administration landscape. Supervision of municipalities is one of the primary functions of IDLG. Municipalities are likewise expected to be under the direct supervision of the provincial government.
The current supervision modalities are however confusing. IDLG, through its Directorate of Municipal Affairs, sometimes directly delves into the affairs of municipalities, sending inspection missions and asking municipal mayors and other officials for information. Most other municipalities, be they provincial or district, report directly to the governor and/or, as will be discussed later, to the Provincial Administrative Assembly chaired by the Provincial Governor with members consisting of provincial department heads as well as heads of directorates of line ministries. There are cases wherein district municipalities report to and are under the supervision of the provincial municipality. Under this arrangement, the provincial municipality even collects the revenues of district municipalities and formulates their expenditure budgets, which are then integrated into the budget of the provincial municipality. Another variation is that some district municipal mayors continue to be under the authority of district governors, perhaps reflecting the fact that the district municipalities territories are carved out of provincial districts.

The Municipality of Kabul enjoys a different status similar to that of a central government agency and thus reports directly to the central government. It has direct access to sectoral agencies at the central level. Other municipalities often relate with sectoral agencies either directly through ministry offices in Kabul or through their provincial offices.

Municipalities are mandated to provide for the needs of its constituents using its own-source revenues, subject to pertinent guidelines and policies of concerned central government agencies. As prescribed by the Municipalities Law, a municipality is mandated to deliver the following basic services:

- Primary socio-economic services in food supply and distribution, prevention of diseases, livelihood, cultural, sports, literacy, and vocational education
- Community services, such as for burial of the needy, legal support, etc
- Construction, management, and maintenance of essential public infrastructure such as water supply, drainage, roads, sports facilities, public toilets and bathrooms, markets and cultural and historical centers, civic centers, parks, housing and commercial complexes, and public transport facilities

Services which central agencies are mandated to provide, such as agriculture, communication and information technology, infrastructure, trade and commerce and the like are planned, programmed,
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and provided by these agencies directly. Municipalities assist in implementation, and sometimes monitor progress on behalf of the central agency. Service delivery is constrained by the lack of municipal resources, both in terms of defining real needs and financially supporting service delivery. Service delivery systems have not been institutionalized in municipal administration to ensure responsiveness to real demand or focused on areas that are most needy.

Socio-economic planning, in the context of development planning, at the subnational level has not yet been institutionalized. In many cases, municipalities do not even have the basic data needed to develop responsive development plans. Municipalities are the subject of master planning efforts conducted by the central government, which is primarily responsible for developing, confirming and approving municipal master plans. Municipalities implement the master plans under the supervision and monitoring of the central agency. Often, institutional structures and mechanisms to ensure coherence with the plan-budget process are generally not yet in place at the municipal level. Community participation is not an inherent part of the process. Nevertheless, the Law requires Municipal Administrative Councils to approve plans and the budgets to ensuring the critical reality check between community-expressed needs and municipal perceptions.

Municipalities enjoy fiscal autonomy since they are empowered to generate their own revenues and enjoy some degree of independence in utilizing these resources. Intergovernmental transfers are allowed by law, although this is not generally done. Municipal budgets are to be augmented by the central government in case of insufficiency. When central government projects are transferred to the municipality, the concomitant budget is also to be transferred to the municipality. Municipal budgets are prepared by the mayor, confirmed by the Municipal Administrative Council, assessed by the Ministry of Finance, incorporated in the national budget, and is submitted to the Ministers’ Council for approval. Municipal budgets comprise of the operating budget, financed from 45 percent of the municipality’s regular revenue sources, and the development budget, financed from the remaining 55 percent of the municipality’s regular and variable revenue sources. Should the regular revenues be unable to support the operating requirements, the deficit is financed from the remaining 55 percent of the regular and variable revenues subject to the approval of the Ministry of Finance.

The existing legal framework is summarized as follows:

1. The Municipalities Law was passed three years before the promulgation of the new Constitution in 2000. Thus, the Law is not completely consistent with the Constitution.
2. The Municipalities Law or other laws do not provide for any delegated functions or responsibilities, contrary to the constitutional provision of delegation of necessary powers to sub-national entities to improve local conditions with public participation.

3. The Constitution provides for the election, while the Municipalities Law for the appointment, of mayors and members of the Municipal Councils.

4. The Municipalities Law, while requiring municipalities to be fiscally independent and financially self-sufficient, does not provide sufficient powers for revenue generation; it neither authorizes the creation of own-source revenues nor defines revenue sources exclusive to municipalities.

5. The current legal definition of municipalities is insufficient to clearly define their real nature and characteristics.

6. This definition precludes non-urban areas (provincial districts), which are at the same level as municipalities, under the existing hierarchical structure. The two different types of sub-national entities create confusion in oversight, supervision, and reporting arrangements.

7. Kabul City enjoys a special status similar to central government ministries.

8. Conditions for creating municipalities are insufficient and arguable since these are difficult to measure and disregard such other factors as land area, geographical boundaries, financial and service-delivery capacity, and administrative jurisdiction.

9. The Municipalities Law is unable to clearly provide the powers or define the responsibilities of municipalities to fully respond to its mission of “meeting the general welfare of its inhabitants.” Many necessary functions, such as development planning, revenue generation, basic service delivery, community empowerment, and enactment of local legislation are missing, unclear or insufficient.

Due in part to the foregoing legal inconsistencies and deficiencies, legal and institutional constraints continue to persist in municipal governance:

1. 

2. Weak legal and policy frameworks; Informally created municipalities sans central government authority;

3. Unclear flow of authority from the central government to sub-national entities;

4. Shortage of professional human capital;

5. Unclear responsibilities and authorities;

6. Excessive centralization, especially in decision-making;
7. Restrictive environment that limits private sector activity and public participation;
8. Weak central government oversight and supervision;
9. Unstable peace and order;
10. Extra-constitutional power-holders and corruption;
11. Very low capacity among partner institutions;
12. Low capacity for service delivery resulting in poor quality and unresponsive municipal services;
13. Lack of transparency and direct accountability to higher level government entities and to constituents alike;
14. Absence of long-term plans to guide municipal development;
15. Absence of systematic and cost-effective institutional structures and mechanisms;
16. Insufficient resources to meet development targets;
17. Insufficient revenue generation and weak fiscal management;
18. Limited female participation;

The current legal framework is unable to provide sufficient guidance for sub-national governance and administration, including municipalities and districts. The vertical delineation of functions from the central government to the lowest hierarchical level of governance is unclear, partly because municipalities are distinguished from provincial districts even if both are within the same hierarchy. In addition, there is insufficient legal basis for municipalities to fully and responsively deliver its services and effectively and efficiently manage operations.

In view of the fact that the Municipalities Law was enacted three years prior to the promulgation of the Constitution, it needs to be reviewed to ensure coherence and consistency with the constitutional provisions. In addition, some provisions of this law are unclear or are unable to sufficiently provide basis for municipal governance policy formulation and strategy development. Major issues are:

- Definition for municipalities and districts are unclear;
- There are no provisions for the classification of municipalities;
- There are no provisions to guide the creation of new municipalities, abolition of non-viable or informally created municipalities or merger of municipalities;
- Core and optional functions of municipalities have not been clearly defined;
• Provisions for institutional structures and mechanisms, such as for municipal operation and administration, intergovernmental relationships, administrative supervision, development management, fiscal administration, networking, and partnerships are missing, unclear or insufficient;
• Sanctions for non-compliance with legal provisions are lacking or are not clearly defined;

The municipal governance policy must seek to establish a legal framework that fully conforms to the Constitution as the fundamental law of Afghanistan, to ensure that such legal framework defines the nature and functions of municipalities as well as the mechanisms for their creation, merger, and abolition, to provide municipalities sufficient legal basis for organizing themselves and undertaking their governance and administration functions in pursuit of their mission and, to provide the basis for framing supplementary laws and rules and regulations that will govern the affairs of municipalities.

Facilities and Amenities in Sub-National Government Offices
Despite good progress in providing facilities and amenities at the Sub-National level, there is still insufficient infrastructure to house Provincial and District governance entities and enable them to fulfill their roles and responsibilities.

Infrastructures Required at the Provincial Level:
• 6 Provincial Governor Buildings,
• 27 Provincial Guest Houses,
• 19 Provincial Governor Residential Houses,
• 28 Provincial Council Buildings,
• 26 Provincial Jirga Halls,
• 6 Refurbishment Equipment for PGOs.

Infrastructures Required at the District Level:
• 195 District Admin Buildings,
• 169 District Police Buildings,
• 274 District Governor Residential Buildings,
• 361 District Guest Houses,
• 353 District Council Buildings,
• 327 District Jirga Halls,
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- 360 District Court Houses,
- 360 District boundary walls,
- 204 Vehicles for District Governors,
- 293 Refurbishment equipments for DGOs,

The lack of infrastructure to support Provincial and District Governors as well as Provincial Councils poses a significant obstacle to their ability to effectively fulfill their roles and responsibilities.

**Civil Society and Media**

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women’s organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.²⁶

Civil society is composed of the totality of voluntary civic and social organizations and institutions that form the basis of a functioning society as opposed to the force-backed structures of a state and commercial institutions. It excludes the state, political parties and market i.e. private sector. In Afghanistan, civil society includes shura, jiraga, jalasa, community councils, academia, community organizations, community groups, self-help groups, non-governmental organizations (NGOs), professional associations, religious organizations, Ulema Councils, business associations, cooperatives, cultural groups, trade unions, women’s groups, activist groups, charities, civic groups, clubs (sports, social, etc.) as well as environmental groups.

For effective local democratic governance, individuals, communities and civil society should have a ‘voice’ with the capacity to influence local government’s decisions on issues that affect their lives. Nonetheless, citizens raising their voice will have little impact if there is no strong commitment on the part of the state to respond to the needs and opinions of the people. A state’s legitimacy is based, at

²⁶ London School of Economics, Centre for Civil Society, http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm, last accessed 29 July 2008
least to some degree, on the extent to which the government responds to its citizens. Furthermore, the participation of civil society in decision-making processes of the state is essential for good governance and pro-poor development initiatives. Providing civil society a voice often depends on strengthening accountability mechanisms that encourage the state to respond to the people. Successful states recognize the importance of external controls on the executive, formally through the judiciary and legislature, and informally through the role of civil society and the media.

NGOs in Afghanistan are engaged in service provision, delivering humanitarian aid and civic education among other activities. Yet national NGOs have also played the role of “watchdog” of the government and sought to improve accountability. Nonetheless, non-governmental organizations (NGOs) in Afghanistan have come to play more of a service delivery role rather than serve as a defender of public accountability. CSOs have thus far shown limited capacity to monitor the government and rarely lobby the National Assembly or the Executive. The weakness of civil society organizations in Afghanistan is revealed in part by the little contact and communication between media and civil society organizations. It should be acknowledged that Afghanistan had little or no tradition of formalized community participation in political decision-making or development planning, either at the national or local level.

Informal governance structures also serve as civil society organizations. Shuras, jirgas, ulema, as well as maliks interface with the government. Many of these informal actors are consulted by the formal governance actors such as governors, but no formal or consistent arrangements for informal governance structures to interact with the government exist. Traditional shuras and jirgas nonetheless seem limited in the extent to which they could serve as civil society organizations (CSOs) that fairly raise the voices of the members of its community. Shuras or jirgas that are led by maliks may be captured by or loyal to local power holders and operate in a re-active rather than pro-active manner. Furthermore, marginalized groups with little power, such as the poor or women, are rarely represented and their interests are even less frequently represented.

**The State of Public Service Delivery**

Although some progress towards strengthening the state has been made in the past seven years, institutions remain nascent, accountability to people low and human capacity weak, hindering the
quality and level of service delivery. As Afghanistan’s lack of progress towards meetings its obligations under the International Convention on Economic Social and Cultural Rights (ICESCR), its low human development indicators and its limited advancement towards meeting the Millennium Development Goals (MDGs) reveal, the quality of service delivery in Afghanistan is some of the worst in the world.

As the AIHRC Report on Economic and Social Rights in Afghanistan states “despite its efforts the Government has not yet met its minimum core obligations to fulfill the economic and social rights of the Afghan people under the ICESCR.” Some of the primary reasons behind the government’s inability to fulfill these obligations are because of its limited capacity to deliver services. This service delivery capacity is limited because all decisions are taken in Kabul, and further because of factors such as poor managerial effectiveness of the sub national government entities arising from over-centralized budget and authority structure and, low accountability of the sub national government entities to people.

In 2000, world leaders adopted the Millennium Declaration, committing countries to strengthen global efforts for peace, human rights, democracy, strong governance, environmental sustainability, poverty eradication and to promote the principles of human dignity, equality and equity. The eight Millennium Development Goals were designed on the basis of the Millennium Declaration as measurable targets to advance development and eradicate poverty. These benchmarks oblige countries to improve the human condition through eradicating hunger and poverty, providing sufficient levels of education and health care, promoting gender equality and protecting the environment. In March 2004, Afghanistan signed the Millennium Declaration and committed itself to achieve the MDGs, with an additional goal on security, by the year 2020. As described in Afghanistan’s 2005 Millennium Development Goals report, there is a close correlation between the government’s obligation to protect human rights and that of achieving the MDG targets since many of the objectives coincide. Recent efforts to measure progress of the Government towards meeting the MDGs reveals that if efforts to achieve the MDGs are not accelerated the government will not meet its goal of achieving them by 2020. Drastic improvements in service delivery are necessary to meet the Afghanized MDGs within this time period.

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7 AIHRC, Economic and Social Rights in Afghanistan II, August 2007
8 Afghanistan’s Millennium Development Goals are the following: 1) Eradicate extreme poverty and hunger, 2) Achieve universal primary education, 3) Promote gender equality and empower women, 4) Reduce child mortality, 5) Improve maternal health, 6) Compact HIV/AIDS, malaria and other diseases, 7) Ensure environmental sustainability, 8) Develop a global partnership for development, and 9) Enhance security.
9 For further information please see the 2005 MDG report
The level of human development in Afghanistan and progress towards meeting the MDGs reflects the lack of services available to the Afghan populace. Afghanistan’s human development index (HDI) stands at 0.345. Relative to other countries Afghanistan is 174th out of 178 countries. The state of human development for women is markedly lower.

Efforts to measure levels of human development, progress towards achieving the MDGs as well as the extent to which the government has fulfilled its obligations under ICESCR reveal that although some progress has been made towards advancing development and eradicating poverty, the state of economic and social development remains insufficient. To meet its obligations the government must make necessary reforms to make the services that contribute to health and education, including water, sanitation, health, transport, and education available to the people. The current weakness of sub-national governance and service delivery contributes to low levels of human development as well as obstructs the prospects for achieving improved security and stability and the chances that Afghanistan will achieve the Millennium Development Goals.

One of the most significant constraints to strengthening sub-national governance and service delivery in Afghanistan is the current lack of a coherent policy regarding the sub-national government’s institutional structure. Roles and relationships of structures at the sub-national level remain vague and even contradictory, hampering these bodies from carrying out the roles set out for them and the development of a system that contributes to improved service delivery. The lack of a coherent policy or strategy leaves the centralized governance and intergovernmental service delivery structure in Afghanistan as highly inefficient. One of the central goals of this policy is to reform governance in a manner that leads to efficient and effective service delivery.

Accountability relationships within the current structure of governance at the sub-national level are weak. The current lack of transparency and accountability especially to people within governance in Afghanistan is a significant hindrance to improving service delivery. Because strong accountability relationships are a determinant of effective service delivery, creating a system that institutionalizes such relationships is essential to improving human development in Afghanistan.

For further information please see AIHRC and Afghanistan Human Development Report 2007
Policy on Sub national Governance

Afghanistan’s economy

Afghanistan’s economy remains weak. Economic production of a few hundred dollars per capita is insufficient to generate adequate personal incomes, to sustain an effective public sector or to finance its extensive imports of finished goods and services. In addition to the continuing problems of security, the leading reasons for low economic production in the country are low employment, poor labour productivity, a lack of capital and poor capital productivity, and a lack of a comprehensive set of policies to encourage entrepreneurship. These factors can be at least partly explained by the fact that the levels of education and skills are low, the investment climate is poor and that it is a difficult and expensive place to do business.

Yet Afghanistan looks relatively healthy from the perspective of growth, with recent double-digit growth rates, although on a very low base, comparing well to most Asian countries. It has performed moderately well in terms of foreign direct investment. Digging a bit deeper, one sees that there are features of the Afghan economy that are troubling. First, is the size of the Afghan economy on a per capita basis. The 2005 per capita income of Afghanistan was a mere $218, compared to $270 in Nepal, $450 in the Kyrgyz Republic and $1,186 in Turkmenistan. The second troubling feature of Afghanistan’s economy is the nature of its production: its main products are agricultural commodities, minerals, lamb meat, wood and cement. These produce a small quantity of low-value exports, while Afghanistan is forced to import almost all high-value products available in the country – hence the country had a negative trade balance of $2.1 billion in the year 2005.

Low inputs of labour can be explained by two well-known phenomena. Firstly, high levels of unemployment- it was estimated that Afghanistan’s unemployment rate in 2005 was in the region of 40%11. Secondly, women are still largely excluded from the labour force. These two facts conspire to severely restrict the opportunities of the people of Afghanistan to participate in economically productive activities.

Low labour productivity in Afghanistan is due to a number of factors. Decades of war and neglect have left both formal and informal education institutions in a poor condition, and many people have not been able to participate in whatever education or training was available- especially women. This has left many people without the knowledge and skills needed to be effective workers or businesspeople. Many people who do have business or industry skills have skills that are now outdated as they have

11 Source: CIA World Fact Book 2006
not had the opportunity to gain access to new thinking and new technological developments in their areas of work.

Low input of capital is caused by several factors. Firstly, the security situation in Afghanistan will obviously require a significant risk premium on the expected return, thus discouraging the use of capital. Secondly, there are cultural issues with accessing debt capital, as many actual or potential entrepreneurs are unsure whether various forms of credit are Shariah-compliant. However, the most significant blockage to capital flows into Afghanistan is probably the legal and institutional framework for investment. In a recent World Bank report\(^\text{12}\), Afghanistan scored 0 out of 10 for the strength of its laws protecting credit providers, and 0.7 out of 10 for its laws protecting equity investors, causing it to be ranked 177\(^{th}\) and 178\(^{th}\), out of 178 countries, in these two areas. (Meaning, of course, that at the time Afghanistan had amongst the worst legal protection for investors in the entire world.) These weak legal protections are further compounded by the fact that Afghanistan has no bankruptcy law, and has inefficient court system. There is an ongoing programme to address these problems, for example a new Company Law was passed last year creating a reasonably comprehensive set of protections for investors, and a law allowing collateral-secured borrowing has been drafted and is being discussed. Thirdly, being a landlocked country deters potential foreign investors from investing in expert-oriented manufacturing industries, a leading type of foreign investment other developing countries usually attract.

Lack of capital productivity is explained by the fact that Afghanistan is a slow and expensive place to do business. Although a new business can be registered in a day or two, once opened many types of businesses require sectoral permits which can take more than a year to issue. It is exacerbated by the poor infrastructure and lack of skilled labour in the country that contribute to a low return on capital.

The overall picture of the Afghan economy is discouraging. Developing initiatives at the sub-national level that will catalyze local economic development will contribute greatly to strengthening the Afghan economy. Such initiatives need to address the above identified constraints based on local comparative advantages.

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Sub-National Planning and Finance

Sub-national entities do not currently have a budget status. Provinces are currently “administrative units” and not “primary budgetary units.” This status prevents provinces from having their own budgets or from receiving a direct fiscal transfer from the Ministry of Finance (MoF). The IDLG is a first order budgetary unit. IDLG receives a fiscal transfer from the Ministry of Finance. The Provincial Governors offices are, in effect, budgetary sub-units of IDLG. They are given small amounts of cash when needed, but almost all procurement is carried out in Kabul.

Technically, provincial budgets do not exist. A sum of money is not allocated for the province as a whole. Rather, line ministries assign budget envelopes for the province and provide money to the provinces accordingly. Once this budget is granted, the majority of money still stays in Kabul. Although 69% of money is spent on the provinces, municipalities and villages, only 17% is actually sent to the provinces or disbursed to the provinces in the form of money. The majority of the money sent to the provinces is for teachers’ salaries, which is sent to the provincial departments of the Ministry of Education for distribution. Additionally, the majority of procurement and contracts are decided in Kabul.

Some of the most significant weaknesses in the current process for allocating a budget to the provinces are that the budget is made without any consultation; provincial needs and priorities and not considered or reflected in the budget; line departments remain unaware of how much budget they have for the fiscal year; and provincial budgets are not consistent with Provincial Development Plans (PDPs). The provincial budgeting pilots are the first step in consulting the provincial authorities on provincial resource allocations.

There are wide variations in per capita recurrent expenditure and core development expenditure. The expenditure variations indicate pronounced inequities in resource distribution across provinces. Horizontal allocation of funds or the distribution of financial resources between the provinces and between different jurisdictions within the provinces is sub-optimal. The criteria for distributing funds across provinces are not entirely clear. Within sub-national offices of the commissions and agencies (as opposed to sub national offices of Ministries), the standard methods for accounting or budgeting are not used.
All the expenditure in the provinces, districts and villages are decided and funded through the National Budget. National Government has only one budget level. Budget authority and the budget formulation process are highly centralized. It has a relatively less centralized budget implementation process with a weak accountability framework. The four budget components (payroll, operation and maintenance, core development and external development) are each formulated differently, but all in a highly centralized manner.

Municipalities are separate budget entities with own formal budget authority. Their budget authority is constrained by a centralized approval process and other higher-level interventions. Municipalities lack an appropriate fiscal framework. Community Development Councils (CDCs) derive their budget resources and authority from a national programme (NSP).

Control and authority in the intergovernmental fiscal system are highly centralized. This constrains public resources from being spent in line with local conditions. This is not just a budget process issue, but involves the distribution of budget authority across different levels of the Government.  

Current initiatives on provincial budgeting go some way to addressing these issues. To improve service delivery at the local level, to improve the responsiveness of line ministries to the people’s priorities, and to make sure that budgets are better aligned with Provincial Development Plans, the Ministry of Finance developed the Provincial Budgeting Programme in SY 1385. The programme initiated with three pilot ministries, the Ministry of Education (MoE), the Ministry of Rural Rehabilitation and Development (MRRD), and the Ministry of Agriculture, Irrigation and Livestock (MAIL) and three pilot provinces Panjshir, Balkh and Kandahar. The procedure for provincial budgeting is as follows. The Ministry of Finance provides budget ceilings or fiscal envelopes to the line ministries utilizing the resource availability for the fiscal year in question. Ministries then ask their provincial line directorates to formulate budget proposals for their provinces. The provincial directorates first submit their proposals to the Provincial Development Committee (PDC) to discuss and decide upon it. Once the proposals are approved by the PDC the budget proposals are forwarded to the concerned line ministries for approval. The line ministries then aggregate the budget and forward it to the Ministry of Finance for budget hearings. If changes are deemed necessary after the hearings, the Ministry of Finance sends it back to the concerned ministries for necessary modifications. The line ministries then consult their Provincial Directorates and the PDCs to finalize the provincial budget. They then forward it to the Ministry of Finance for the approval of the Cabinet.

and National Assembly. Following its approval by the National Assembly the budget may be utilized. The MoF and line ministries notify their Directorates and PDCs regarding the approval and ask for the necessary documents for the budget allotment process. Finally, the Provincial Directorates are able to utilize the budget according to applicable rules and regulations.

In 1386, Provincial Budgeting was rolled out to seven more provinces. A number of weaknesses in the outcome of Provincial Budgeting have been identified thus far. Weak communication between line ministries and line departments as well as low capacity of line departments was found. Such problems have hindered the impact of the provincial budgeting initiative on the final budget. The Provincial Budgeting initiative has also resulted in a number of positive outcomes. Ministries proved able to disaggregate their national budgets by province; communication between line ministries and line departments was achieved; and furthermore PDCs gained experience analyzing and scrutinizing the budget.

In conclusion, the distribution of budget authority between different levels of the Government and a policy on allocation of fiscal resources across provinces need to be considered and developed during the subnational governance policy making process.14

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5. Policy Process

The IDLG was created on 30 August 2007 by Presidential Decree. The Decree states that IDLG was created “for the purpose of better management of and better facilities in provincial and district affairs.” To uphold its own mandate and the provisions within the Constitution regarding sub-national governance, the IDLG proposed to make a policy for sub-national governance in close collaboration with various esteemed Ministries, High Offices, Commissions and Agencies of the Government of Afghanistan. The Cabinet and HE the President agreed to this proposal.

Pursuant to Articles 136 and 137 of the Constitution and transaction No. 46 of the Council of Ministers dated 18 March 2008, His Excellency the President signed Decree 2008/1047 on ‘Drawing and Reviewing of the Sub-National Governance Policy’ on 8 May 2008. The decree approved the establishment of two committees responsible for improving coordination amongst sub-national entities and developing a sub-national governance policy “that aims at concurrent progress in social, economic and security sectors and creates a unified framework of sub-national governance entities.”

The decree established a Policy Drafting Committee to draft the Sub-National Governance Policy and a Policy Review Committee to review the draft Sub-National Governance Policy. The Policy Drafting Committee is composed of Deputy Ministers of the following Ministries: Agriculture, Irrigation and Livestock; Communications and Information Technology; Counter Narcotics; Economy; Finance; Interior; Justice; Labor, Social Affairs, Martyrs and Disabled; Mines, Commerce and Industries; Public Health; Public Works; Rural Rehabilitation and Development; Urban Development; and Women’s Affairs. The Deputies of the following government offices were also members: Office of Administrative Affairs; Independent Administrative Reform and Civil Service Commission; Independent Election Commission; General Independent Administration for Anti-Corruption (GIACC); Office of the Mayor, Kabul Municipality; Office of Geodesy and Cartography; and Central Statistics Office.

The Policy Review Committee was chaired by the Second Vice President and its members included all Ministers, Directors of Independent Directorates and Directors of Commissions.

Four working groups were established to enable the Policy Directors of the abovementioned ministries to consider and deliberate upon policy options. The Working Groups were divided into four thematic areas: 1) Local Governance, 2) Participation of Civil Society, Private Sector, Women and
Policy on Subnational Governance

Youth, 3) Municipal Governance, and 4) Sub-National Finance and Planning. These working groups met on 24 days between 15 June and 27 August 2008.

This policy is the outcome of twenty-four meetings of these four policy working groups at policy director level and five meetings of Policy Drafting Committee at Deputy Minister level held on 12 June 2008, 10 September 2008, 20 September 2008, 28 September 2008 and 15 October 2008. The IDLG held public consultations at national and subnational level and with the international community as the policy draft evolved. The Policy Drafting Committee carefully considered the stakeholder comments and accommodated majority of the concerns of the subnational, national and international stakeholders. Stakeholders welcomed and overwhelmingly supported the policy. All the Ministries, Agencies, High Offices and Commissions effectively participated in the policy drafting process.
### Policy on Sub-national Governance

Ministries, Agencies, High Offices and Commissions that participated in the Deputy Minister level drafting process:

**Total Number of Drafting Committee Meetings Held = 5**

**Number of Drafting Committee Meetings Attended**

<table>
<thead>
<tr>
<th>Ministry/Agency/Office</th>
<th>Meetings Attended</th>
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<tbody>
<tr>
<td>Civil Service Commission (ARSC)</td>
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<td>Xenon</td>
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<td>Rural Rehabilitation and Development</td>
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<td>Women’s Affairs</td>
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<td>Governance and Information Technology</td>
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<td>Finance</td>
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<td>Labor, Social Affairs, Martyrs and Disabled</td>
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<td>Mines</td>
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<td>Public Works</td>
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<td>Consumer Affairs</td>
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<td>Economy</td>
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<td>Justice</td>
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<td>Office of Geodetic and Cartography</td>
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<td>Office of the Mayor, Rural Municipality</td>
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<td>Refugees and Rehabilitation</td>
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<td>Information, Culture and Youth</td>
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<tr>
<td>Transportation and Civil Aviation</td>
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<tr>
<td>Academy of Sciences</td>
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<td>EDAAC</td>
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<tr>
<td>Attorney General’s Office</td>
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<tr>
<td>Environment Protection Agency</td>
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<td>ANDOS</td>
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<td>Higher Education</td>
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<td>Education</td>
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<td>ANCOMA</td>
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<td>Hag and Islamic Affairs</td>
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Policy Review Committee chaired by the Second Vice-President H. E. Karim Khalili and comprising all Ministers, Directors of Independent Directorates and Directors of Commissions met for the first time on 25 February 2009 and reviewed the draft subnational governance policy. All the important Ministries, Independent Directorates, High Offices and Commissions of the State were represented in the meeting held at Gulkhana Palace. The Committee appreciated the participatory nature of policy-making process and commended the effort put in by all the Ministries, Independent Directorates, High Offices and Commissions. The Committee intensely discussed the policy proposals. There was broad support to the policy proposals on local governance, municipal governance, subnational planning and subnational finance, and cross-cutting issues.
6. Time Horizon of the Policy

The Government ideally would have liked to make a policy keeping next fifty years in mind since the laws and institutional arrangements cannot be changed too frequently. However the scope of reform is indeed broad and the Government has decided not to carry out entire reform in one stroke for it may lead to disruption. The Government intends to follow a gradualist and incremental approach to sub-national governance reform. This will give the subnational government entities time to build capacity for further reform to come. This policy is a first tranche of major subnational governance reform and has been made for implementation in a well-sequenced, gradual implementation process spread over the next five years i.e. 2010-2014 This period coincides with the implementation of the Afghanistan National Development Strategy and is a period during which the Government is committed to carry out major policy reform in different sectors. The Government will fully implement this policy through a well-sequenced, gradual implementation process during the period 2010-2014. The government will prefer a single multi-donor support mechanism for supporting implementation of this policy. The Government will undertake the first major review of the implementation of this policy in the year 2014. Based on the findings of this review, the Government will undertake a first major revision to this subnational governance policy. The second tranche of reform of the subnational government will thus come in the year 2014. More reform will follow in later years.
II. A POLICY FOR SUB-NATIONAL GOVERNANCE

1. Provincial Governance

Without a law which clearly expresses the duties and responsibilities of provincial governance entities, their role will remain ambiguous. Such ambiguity contributes to poor governance at the local level, characterized by inefficiency, poor accountability and ineffective coordination amongst provincial entities. Effective service delivery is hindered by this situation, preventing the Government from meeting the needs of its citizens. The law must lay down in clear terms what is expected of the provincial governance institutions and individual entities within these institutions.

The Province-level governance entities include:

- Provincial Governor
- Provincial Council
- Provincial Courts
- Provincial Development Committee (PDC)
- Provincial Administrative Assembly (PAA)
- Provincial Police Chief
- Provincial Line Departments
- AIHRC Provincial offices
- Private Sector
- Civil Society including Shuras and Councils, Media
- Communities

Of these governance institutions and entities, the Provincial Administration includes:

- Provincial Governor
- Provincial Development Committee (PDC)
- Provincial Administrative Assembly (PAA)
- Provincial Police Chief
- Provincial Line Departments

The overarching responsibilities of the Provincial Administrations are as follows:
The overarching responsibilities of the Provincial, District and Village Administrations will be:

1. To maintain peace, security, order and stability
2. To maintain the Rule of Law
3. To realize, protect, promote and extend human rights of the citizens
4. To promote social, economic, educational and cultural development
5. To provide services to the people. These services include Justice, Security, Safe passage of people and goods on Public Roads, Water and Sanitation, Health and Nutrition, Education, Electricity, Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and Irrigation, Natural Resource Management, Land Registration, Social Protection, Identity Card, Private Sector Development, civic services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, Libraries and such other services that people value most.
6. To ensure good governance arrangements i.e. to ensure
   - Openness/Transparency
   - Accountability to People
   - Participation of People, especially Women and Youth
   - Participation of Civil Society and Private Sector
   - Local Democracy
   - Effectiveness-Efficiency
   - Equity and Inclusiveness
   - Gender Justice
   - Coherence
   - Rule based system at all levels
7. To reduce poverty and disease and to achieve Millennium Development Goals for the people
8. To mitigate and manage natural disasters
9. To eliminate poppy cultivation and to promote alternative livelihood
10. To protect environment and to make sustainable use of natural resources
11. To support Islam and promote Islamic values
12. To assist in implementation of ANDS and national priority programmes

### Roles and Responsibilities at Province level

<table>
<thead>
<tr>
<th>Entity</th>
<th>Roles and Responsibilities</th>
</tr>
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<tbody>
<tr>
<td>Provincial Council</td>
<td>Approval of Provincial Development Plan and Provincial Budget, Oversight, Monitoring and Evaluation, Quality Assurance, Performance Management of the Provincial Administration,</td>
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### Policy on Subnational Governance

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<tr>
<th>Role</th>
<th>Responsibilities</th>
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<tbody>
<tr>
<td>Liaison with Communities, Civil Society and Media</td>
<td>Help maintain Security, Public Order and Rule of Law</td>
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<td>Elimination of customs contrary to the law and sharia</td>
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<td>Protection, Promotion and Extension of Human Rights</td>
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<td>Environmental Protection</td>
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<td>Counter Narcotics</td>
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<td>Provincial Governor</td>
<td>Executive Head of Provincial Administration</td>
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<td>Security, Public Order, Stability and Peace</td>
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<td>Protection, Promotion and Extension of Human Rights</td>
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<td>Oversight, Monitoring, Quality Assurance, and Performance Management of the public services delivered in the province</td>
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<td>Leading Provincial Development Planning</td>
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<td>Provincial Budgeting</td>
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<td>Local Economic Development</td>
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<td>Public Administration Reform and Capacity Development</td>
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<td>Attainment of MDGs</td>
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<td>Fiscal Authority of Expenditure and Financial Management</td>
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<td>Environmental Protection</td>
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<td>Counter Narcotics</td>
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<td>Disaster Management</td>
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<td>Land Registration and Land Acquisition for public purpose</td>
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<td></td>
<td>Supporting Islamic religion and promotion of Islamic values</td>
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<td>Liaison with Communities, Civil Society and Media</td>
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<td>Reduction, Human Rights, Counter Narcotics</td>
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<tr>
<td>Provincial Line Departments</td>
<td>Delivery of Services, Service Excellence, Regulation, Inputs to the Center on Policy-Making, to achieve Minimum standard of service delivery</td>
</tr>
<tr>
<td>Provincial Courts</td>
<td>Judicial Review of Executive Action</td>
</tr>
<tr>
<td>Provincial Prosecution Office (Provincial AGO)</td>
<td>Investigation and Prosecution</td>
</tr>
<tr>
<td>PRTs</td>
<td>Reconstruction and development through Provincial Administration and Local Government Entities</td>
</tr>
<tr>
<td>Civil Society, Shuras and Councils, Media, Tribal Elders, Religious Leaders</td>
<td>Monitoring, Quality Assurance, Performance Management of the public services delivered in the province, Co-production of development goods/services</td>
</tr>
</tbody>
</table>

### Accountability Procedures in a Province

All Provincial Governance Entities will be accountable to the people of the Province.
The Provincial, District, Municipal and Village Administrations and the Provincial, District, Municipal and Village Councils shall be accountable to people living in their respective jurisdictions. The Government at all levels exists to serve the people. The elected local councils, since they represent people’s will, are next only to people in the hierarchy of power at local level. The local administrations are accountable to people through the respective local elected councils.

Provincial, District and Village Councils are accountable to people because these Councils are elected by people. Members of Provincial, District and Village Councils shall consult with their constituents on regular basis.

Provincial Administration will be accountable to the people through the Provincial Council. District Administration will be accountable to the District Council. In addition, Provincial Police Chief, Mustofiat, Provincial Line Departments, and District Governors will be accountable to Provincial Governors and to the people through the Provincial Councils. District Offices of the Line Departments and District Police Chief will be accountable to District Governors and District Councils.

**Accountability Procedures at Province level**

**Governance Entities Accountable to People:**
Provincial Council
Provincial Administration

**Subnational Governance Entities Accountable to the President and the Ministries and government agencies:**
Provincial Governor
Provincial Administration

**Governance Entities Accountable to the people through the Provincial Council:**
Provincial Governor
Provincial Police Chief

Provincial Line Departments

**Governance Entities Accountable to the Provincial Governor:**
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Provincial Police Chief

Provincial Line Departments
District Governors

Public Representation at Province level
Provincial Councils are elected by the people.

Appointments at Province level
Appointments in the offices of Provincial and District Governors in Grade 3 & 4 of civil servants in the province will be approved by the Independent Directorate of Local Governance after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 3 & 4 of civil servants in the provincial and district offices of the ministries and agencies of the Government in the province will be approved by the respective ministry or agency after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 5-6 of civil servants in the province will be approved by the Provincial Governor after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

To improve security, governance, the economy and the overall well-being of Afghan citizens the Provincial Administration will be reformed in the manner described below.

Provincial Governors
Roles and Responsibilities
The main responsibilities of Provincial and District Governors will be to maintain peace, security, order and stability; to maintain the Rule of Law; to realize, protect, promote and extend human rights of the citizens; to promote social, economic, educational and cultural development; to ensure that people get services they value most; to ensure good governance arrangements; to reduce poverty and
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disease; to achieve MDGs for the people; to mitigate and manage natural disasters; to eliminate poppy cultivation and to promote alternative livelihood; to protect environment and to make sustainable use of natural resources; to promote Islamic religion and to assist in implementation of ANDS and national priority programmes.

- **The Governor is the executive head of the Provincial Administration.** The Provincial Governor will lead planning, budgeting and, administrative, development and security-related coordination at province level. Placing the governor in a stronger position to plan and coordinate with other provincial entities, including line departments, Provincial Councils and PDCs will enable the governor to produce plans that better address the needs of those in his/her province. Closer coordination with line ministries will improve the planning activities carried out by the provincial administration, including the budgeting necessary to fund any activities, and empower Provincial Governors to monitor the activities of line departments, ensuring that they are implementing programmes and activities as planned.

- **Governor will chair meetings of the PDC at least once a month.** This will ensure that planning and budgeting are conducted in a timely manner and on a regular basis and that the provincial administration closely monitors provincial plans to ensure that they are implemented effectively and in good time. Such meetings will also facilitate closer coordination between government entities functioning at the provincial level.

- **The Governor will coordinate with other provincial entities during meetings of the PDC to develop provincial plans and formulate budgets to support such plans.** Meetings of the PDC must be held at least once a month.

- **The Governor will determine development expenditure needs in cooperation with other provincial entities, particularly provincial line departments.**

- **The Governor will coordinate and cooperate with other provincial institutions as required to manage and implement provincial plans.** Provincial Governors will report to the IDLG on ongoing activities within the province, specifically those that are carried out as part of the implementation of provincial development plans.
• The Provincial Governor, who is executive head of the Provincial Administration and chair of the PDC, will ensure that gender is mainstreamed into Provincial Development Plans and in the overall work of the provincial, district, municipal and village governance. The Governor will ensure that line departments incorporate the goal of gender equity into their respective ministry strategies and plans.

• Governors will ensure that the Provincial Administration is accountable to the Provincial Council. Governors will oversee and monitor the activities of provincial line departments with a view to ensure that they are meeting minimum service delivery standards and implementing development plan within approved time and cost. Such authority will enable offices of Provincial Governors to ensure that provincial line departments are implementing their programming as agreed upon within provincial plans. Such oversight will also enable Provincial Governors to monitor the performance of line ministries. Where such information is available, they will hold line ministries accountable for meeting previously agreed upon minimum service delivery standards. For occasions in which ministries are far from meeting such standards public may give official letters of complaint to Governors and Provincial Councils. Once it is determined that the complaint is valid, the complaint will be delivered to the relevant department to rectify its actions. If it does not do so, the Provincial Council or the entity that received the complaint will send it to the Governor who will correspond with the relevant government agencies. The Governor will be responsible for ensuring that the complaint and issue are resolved with logical action.

• The Provincial Governor will be empowered to implement programmes that fall outside of the mandate of line departments, including for counter-narcotics and disaster management. In areas such as counter-narcotics and disaster management, Governors will take the lead in planning, budgeting and expenditures. Governors will play a central role in the following processes for all provincial-level CN-related activities: planning, coordination and monitoring and evaluation. The Governor will be more extensively involved in all four main elements of counter-narcotics activities, specifically pre-planting public information, alternative livelihoods, eradication and law enforcement. Provincial Disaster Management Committee will be established in each province. The Provincial Disaster Management Committee will be responsible for monitoring and managing provincial-level preparedness, response and mitigation activities.
• The Governor will chair the Provincial Disaster Management Committee (PDMC). This committee is responsible for monitoring and managing provincial-level preparedness, response, rehabilitation and mitigation activities. This Committee will include a representative of ANDMA, the Provincial Council, all relevant provincial line departments, plus representatives of the army, police and civil society groups such as the Red Crescent.

Goals, Objectives and Outputs of a Provincial Governor

<table>
<thead>
<tr>
<th>Goals of the Provincial Governor</th>
<th>Objectives of the Provincial Governor</th>
<th>Outputs of the Provincial Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maintain peace, security, public order and stability in the province</td>
<td>Ensure public security, order and stability.</td>
<td>• National unity is maintained and preserved, and ethnic and regional conflicts are resolved; • People of different ethnicities live together in harmony and peace; • Overall security of the region and the province is ensured; • People living in the Province feel safe; • Roads in the Province are safe for the passage of people and goods; • There are no illegal checkpoints, there is no extortion at government checkpoints, the roads are free from the menace of bandits and armed opposition groups; • Schools, public buildings and offices in the Province are protected from armed attacks; • Civilian airports in the province are maintained and their security ensured; • Members of ANP follow the Police Law; • Continuous and timely coordination with ANP and ANA on issues of public security; • In case of general mobilization of security forces, Governor will take urgent measures to ensure speedy mobilization of the forces; • Entire government apparatus in the Province rises to security challenges as one entity; • Provincial Council, Communities, Civil Society and Media are involved in maintaining security and public order; • Governor receives military honors presented by the commander during official celebrations according to the Islamic law.</td>
</tr>
<tr>
<td>2. Maintain the</td>
<td>Ensure observance of the</td>
<td>• The Constitution and the Rule of Law is strictly</td>
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<tr>
<td>Rule of Law in the province</td>
<td>Constitution and Rule of Law.</td>
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<td>enforced. Governor provides guidance in this respect to government personnel in the province and monitors their operation continuously;</td>
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<td>• The rights given to the citizens by the Constitution and the laws are enforced;</td>
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<td>• The violators of these rights are subjected to the due process of law;</td>
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<td>• Cases of arbitrary arrest and detention, torture, extortion and illegal expropriation of property are subjected to due process of law;</td>
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<td>• Decisions in the Province are based on laws and rules of the country and not on the informal networks and patronage;</td>
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<td>• Dishonest practices and dishonest deal-making have no role in public decision-making in the Province.</td>
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<td>• Public are educated and made aware of their responsibilities in preserving the Rule of Law.</td>
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<tr>
<th>3. Realize, protect, promote and extend human rights of the citizens of the province</th>
<th>Ensure realization, protection, promotion and extension of Human Rights</th>
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<tbody>
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<td></td>
<td>• Prompt action is taken to prevent violation of human rights;</td>
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<td>• Principle of equality of citizens before the law, men and women alike is preserved in the Province;</td>
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<td>• Informal institutions in the province follow the principles of Human Rights;</td>
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<td>• Human Rights of women, children, and people with disabilities are realized and protected;</td>
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<td>• Child marriage, domestic violence, exchange of women for revenge and sexual harassment of women and children are actively discouraged;</td>
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<td></td>
<td>• Provincial Administration fully cooperates with the AIHRC Provincial Office and the Provincial Council in the fulfillment of their objectives with regard to monitoring, investigation, protection and promotion of human rights.</td>
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<tr>
<th>4. Promote social, economic, educational and cultural development of the province</th>
<th>Undertake strategic and annual planning for the development of the province. Articulate the needs of the citizens of the province.</th>
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<tr>
<td></td>
<td>• Participatory planning and Participatory Budgeting is carried out annually in the Province;</td>
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<td>• Effective coordination with the Provincial Councils, Civil Society and ministries/agencies present in the province is ensured. Timely integration of ministry/agency plans and programs and people’s priorities into the Provincial Development Plan and Public Investment Programs is achieved;</td>
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<td>• Based on public interest and people’s expressed preferences, the provincial plans are formulated and proposed to the Provincial Council;</td>
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<td>• Participation of line ministries in preparation of local development plans is encouraged and coordinated;</td>
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<td>• Allocation of resources represent local preferences;</td>
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<tr>
<td>Policy on Sub national Governance</td>
<td>Liste of proposals</td>
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| Link Provincial Development Plan with Provincial Budgets | - Proposals for providing road, electricity and water in all cities and villages in the province are developed;  
- Mining operations are supported; |
| Timely implementation of Provincial Development Plans | - There is integral link between the Provincial Development plans and Provincial Budgets;  
- Participatory Budgeting is carried out annually; |
| Attract investments to the province. | - Timely implementation of the approved plans by provincial line departments and agencies, and provision of support in implementation of such plans;  
- Effective implementation of rural and urban development plans in the province ensured;  
- Public works and constructions are completed in time and with quality; |
| Human resource development of the people in the Province | - Private sector is encouraged to invest in trade, construction, transportation, agriculture, healthcare, education and services of general interest;  
- Local need for small-scale quick impact projects assessed and provincial line departments encouraged to implement such projects in response to people’s urgent needs;  
- Wholesale and retail market complexes are established by the municipalities; |
| Mobilize community to implement development programs, projects and activities | - Educational programs are implemented for men and women, boys and girls and necessary assistance is provided to facilitate their implementation;  
- Communities, government entities and municipalities mobilized to establish schools, religious schools, academic institutions, libraries and other cultural centers as well as to implement developmental and educational programs;  
- Trainings and academic meetings (seminars, conferences) are organized to encourage and facilitate human resources development;  
- Afghan culture is preserved and further enriched;  
- Voluntary work of local population to dig and clean streams and canals as well as to strengthen dams and other irrigation projects by means of voluntary work is encouraged and coordinated;  
- Local population is encouraged to and take part in construction of local roads, bridges, maintenance of streets and other buildings of public interest;  
- Communities and government entities assist and |
Policy on Sub national Governance

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<tr>
<th>Facilitate construction, operation and maintenance of public buildings, offices and facilities</th>
<th>Participate in revival of traditional sports of the region and development of modern sports by establishing sport clubs and stadiums;</th>
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<tbody>
<tr>
<td>• Facilities, Buildings and Equipment available to all the Local Councils, government offices, municipalities reviewed;</td>
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<tr>
<td>• All the Local Councils, government offices and municipalities have basic facilities and amenities including adequate built up space, toilets, computers, communication facility and furniture;</td>
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<td>• The key officials, appointed and elected, have adequate means of mobility to make connection with the communities they are serving;</td>
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<td>• Public assets such as roads and buildings are maintained by provincial departments and local government entities in cooperation with the communities;</td>
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<td>• Construction projects of governmental institutions are monitored;</td>
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<td>• Communication within the government and communication of public with the government are maintained and developed;</td>
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<tr>
<th>5. Ensure that people of the province receive adequate and quality public services that they need and prefer</th>
<th>Oversight, Monitoring, Quality Assurance, and Performance Management of Services provided to the people of the Province.</th>
</tr>
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<tbody>
<tr>
<td>• The government entities in the Province serve the people well;</td>
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<tr>
<td>• People get the services that they want from the government entities;</td>
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<tr>
<td>• People get the services that the government entities provide in time and without having to pay bribes;</td>
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<tr>
<td>• Public spending has a strong relationship with outcomes;</td>
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<td>• Adequate money reaches the frontline service providers;</td>
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<tr>
<td>• The services that the Governor monitors include Security, Safe passage of people and goods on Public Roads, Water and Sanitation, Health and Nutrition, Education, Electricity, Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and Irrigation, Natural Resource Management, Social Protection, Identity Card, Private Sector Development, Civic Services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, and Libraries;</td>
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<tr>
<td>• Municipalities provide services within their mandate;</td>
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<tr>
<td>• The Governor leads a community based process for registration of land in the urban and rural areas of the Province;</td>
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### Policy on Sub-national Governance

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<tr>
<th>6. Ensure good governance arrangements in the Province</th>
<th>Support functioning and development of democratically elected institutions and civil society</th>
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<td>• In consultation with local communities and in cooperation with concerned government agencies, the Governor leads political and administrative mapping of the villages within the Province;</td>
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<td>• Special attention is given to the poor, the women and the geographically remote regions;</td>
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<td>• Affordable user fees (wherever feasible) charged and recovered;</td>
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| Support Accountability to People | • All necessary support is provided to the Provincial Council to enable it to discharge its functions, including their monitoring activities in implementation of the law, balanced development, delivery of services, Human Rights; |
|----------------------------------|• Conditions are created for Provincial Council’s active participation in provincial development planning and budgeting; |
|                                  |• Information sought by the PC from the Provincial Governors’ offices and line agencies is provided without delay; |
|                                  |• Regular consultations are held between the Provincial Governors’ offices and PCs and PC views and proposals on the issues within their purview are taken into account and acted upon with diligence and promptness; |

| Support Openness/Transparency | • The Provincial Administration and Provincial Governor are accountable to the People of the Province through the Provincial Council and Civil Society Monitoring of the Performance of the Provincial Governor and the Provincial Administration; |
|-------------------------------|• The Right to Information Act is effectively implemented. Citizens and civil society are able to exercise this Constitutional Right. The citizens have right to access information from government offices in accordance with legal provisions. Access to government information provides for transparency and accountability of government activities. |

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<tr>
<th>Support Participation of People, especially Women and Youth</th>
<th>• Women and Youth are actively engaged in decision making process in the Province.</th>
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| Support Participation of Civil Society | • Civil society is able to participate in governance affairs; |
|---------------------------------------|• The local government entities allow and promote Information sharing (the government and local |
government entities put budget and public service delivery related information into the public domain; Consultation (the government and local government entities have consultations with shuras, and jirgas, Councils, CSOs and NGOs to gather information on citizen preferences and to take into consideration citizen preferences before important decisions concerning them are made); Joint decision making (Citizens not only provide information on their needs and preferences but are active in real decision making); Initiation and control by stakeholders (Citizens have control over the process of developing, raising funds for, and implementing projects or policy, as in NSP/CDC or other community-driven development projects);
- Civil society is able to monitor government and local government performance;
- Media is active in reporting on public services;
- The budget information is comprehensible and available to people;
- The Governor facilitates public complaints handling mechanism;
- Citizen-driven accountability measures such as public expenditure tracking, social audit, citizen audit and community scorecards are promoted;
- The Provincial Governor leads a participatory planning and participatory budgeting process in the Province;
- Natural resources are managed based on broad consultations with local communities (that include marginalized groups like pastoralists or indigenous groups);
- Natural Resources Management reflects local values;
- Professional associations are consulted in the matters of their interest.

| Support Participation of Private Sector | • Promote businesses in high-priority areas  
• Improve people’s business skills  
• Provide more funds for businesses  
• Reduce the legal and administrative problems businesses have  
• Give businesses better infrastructure and facilities  
• Remove local constraints to trade and business formation and growth |
| Support Effectiveness-Efficiency | • Provincial governance institutions produce results in time that meet the needs of society while making the best use of resources at their disposal;  
• Decisions are taken closest to the citizens; |
| Support Equity and Inclusiveness | • All groups, but particularly the most vulnerable, have opportunities to maintain and improve their well being;  
• Health and education services are available to broad population including the disadvantaged;  
• Special focus is on the previously disadvantaged groups, women and children;  
• Provinces, districts and municipalities regularly collect information on: Number and identity of the disabled, the handicapped and heirs of martyrs in their jurisdiction; Number and identity of orphans and vulnerable children; Number and identity of the unemployed and what skills they have; Number and identity of the elderly;  |
| Support Gender Justice | • Both genders are an active part of all discussions, initiatives and consensus building;  
• Special efforts to bridge the gaps seen historically between the two genders;  
• Creation of an enabling environment, where both men and women can have their strategic needs met;  
• Both men and women make valuable human resource of the Province  |
| Support Coherence | • The Provincial Governor provides strong leadership and clear communication to ensure a consistent approach and coherence within the complex system of provincial governance;  
• Coherence is adding trust in the government;  |
| Rule based system at all levels | • Province and, Districts, Municipalities and Villages in the Province work as rule-based systems and not as patronage-based systems.  |
| 7. To mitigate and manage natural disasters | Disaster management and emergency assistance.  
• Provincial Governor chairs Provincial Disaster Management Committee;  
• Committee prepares Provincial Disaster Management Action Plan in cooperation with the provincial line departments, Civil Society and Communities;  
• Committee coordinates disaster preparedness and response;  
• Provincial Line Departments implement basic disaster response activity;  
• The provincial disaster management structure includes a network of control room, coordinating committees and implementing agencies at province, district and municipal levels;  
• The Provincial Disaster Management Committee |
Policy on Sub-national Governance

<table>
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<tr>
<th>Establishes the roles and coordinates the responses of each provincial line department;</th>
<th>The Provincial Disaster Management Committee also ensures that Ministries are implementing mitigation strategies;</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Provincial Disaster Management Committee also ensures that Ministries are implementing mitigation strategies;</td>
<td>• A monitoring system is established for natural and man-made disasters;</td>
</tr>
<tr>
<td>• Community participation is mobilized in disaster relief, rehabilitation and mitigation;</td>
<td>• Committee establishes disaster emergency response supply centers;</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Ensure emergency response to public health issues.</th>
<th>Province is prepared to address public health issues and to prevent spread of epidemics;</th>
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</thead>
<tbody>
<tr>
<td>• Province is prepared to address public health issues and to prevent spread of epidemics;</td>
<td>• Measures are in place to prevent sale of outdated and fake medicines;</td>
</tr>
<tr>
<td>• Medical quacks and fake doctors are prosecuted;</td>
<td>• Basic package of health services is provided to the citizens.</td>
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<tr>
<th>8. Eliminate poppy cultivation and promote alternative livelihood</th>
<th>Eliminate poppy cultivation and promote alternative livelihood</th>
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<tbody>
<tr>
<td>• Cultivation of opium and other narcotic substances is prevented with the assistance of relevant government agencies;</td>
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</tr>
<tr>
<td>• Provincial Governor recommends sites for eradication because the Governor may have better information about local conditions;</td>
<td>• Provincial Governor recommends sites for eradication because the Governor may have better information about local conditions;</td>
</tr>
<tr>
<td>• The Governor signs up to the final eradication plan;</td>
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</tr>
<tr>
<td>• Governor chairs “Provincial Narcotics Demand Reduction Oversight Committee”. Members include Ministry of Health, Ministry of Education and other concerned bodies, e.g. Ministry of Youth, Culture and Information. Committee reports on Demand reduction programme activities (building and operation of clinics, operation of Community-Based Treatment of Drug Addiction programmes), etc; Impact and effectiveness of programmes (e.g. outcome, value-for money); Committee produces verdict on overall performance;</td>
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<tr>
<td>• Governor manages programme to deliver short-term relief to poor farmers scheduled for eradication, e.g. - Distribution of inputs, Provision of basic technical support, Assistance with market access. Assistance is a part of phased CN campaign including Pre-planting campaign, Alternative Livelihoods, Eradication &amp; Law Enforcement</td>
<td>• Governor manages programme to deliver short-term relief to poor farmers scheduled for eradication, e.g. - Distribution of inputs, Provision of basic technical support, Assistance with market access. Assistance is a part of phased CN campaign including Pre-planting campaign, Alternative Livelihoods, Eradication &amp; Law Enforcement</td>
</tr>
<tr>
<td>• Governor uses position as leader of provincial planning process to ensure successful Ministry-delivered Alternative Livelihood Programmes, e.g. - Agricultural training and improvements delivered by MoAIL, Road improvements by MoPW;</td>
<td>• Governor uses position as leader of provincial planning process to ensure successful Ministry-delivered Alternative Livelihood Programmes, e.g. - Agricultural training and improvements delivered by MoAIL, Road improvements by MoPW;</td>
</tr>
<tr>
<td>• Governor and Provincial Council coordinate and</td>
<td>• Governor and Provincial Council coordinate and</td>
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</tbody>
</table>
### Monitor Delivery of Alternative Livelihood Services

- International organizations work through provincial planning and implementation system: Providing capacity building and technical support, and Providing financial resources through the development budget;
- Governor chairs “Provincial Narcotics Law Enforcement Oversight Committee”;
- Members include provincial representatives of Attorney General, Ministry of Counter-Narcotics, CN Police, Counter-Narcotics Task Force, the Ministry of Interior etc. Committee reports on Raids and interdictions of narcotics shipments, precursor shipments, laboratories, etc, Arrest and prosecution of actors in the opium/heroin industry. Committee issues verdict on overall performance and progress of activities;

### Poverty Reduction and Achievement of MDGs

- The Governor is committed not only to provide good governance arrangements but also to make governance accountable to the poor;
- The Governor targets resources to those social services that are fundamental to poverty reduction and alleviation (e.g. education, health, water, sanitation); those categories of people that are more vulnerable (e.g. women, children, physically impaired, small-scale peasant farmers and landless labour in rural areas, poor in urban slums); and those rural districts that are most neglected;
- The Governor ensures accountability in the use of public funds in the interests of the poor;
- The Provincial Administration improves governance for better services delivery to the poor;
- The Governor shifts decision making nearer to the poor;
- The Governor helps the poor to organize themselves;
- The Governor strengthens the rule of law with clearly pro-poor procedures;
- The Governor promotes participation of the NGOs representing the poor;
- The Governor understands and acts on gender dimensions of poverty.

### Effective Implementation of Afghanistan National Development Strategy and National Priority Programmes

- The ANDS is effectively and timely implemented in the Province;
- National priority programmes are effectively implemented;
- Provincial governor fully supports Census, Elections and Civil Registry;
### National Priority Programmes

<table>
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<tr>
<th>11. Coordinated government and local government functioning in the Province</th>
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</table>
| Coordinate efforts of central and local government agencies in the province. | - Provincial Governors will be responsible for monitoring the implementation of public administration reforms and development of civil service capacity at province level.  
- At all times guidance is provided to the line departments of the ministries and government agencies, and municipalities in implementation of their functions;  
- Harmonious and active relationships between central and local government agencies are established and maintained;  
- The activities of central government employees on official mission to the province are coordinated and facilitated;  
- Based on public interest, measures taken to sell governmental lands or buy and acquire lands for government and for public purpose;  
- No public or private lands are illegally grabbed in the province;  
- The Government departments and communities are involved in sustainable natural resource management and conservation of environment and forests;  
- Proposals of the line departments are recommended to the central ministries and agencies in Kabul based on public interest these proposals are intended to serve;  
- Close coordination is ensured with the office of the Red Crescent Society (Sara Mysht) to increase its income, strengthen its finances and to mobilize people’s voluntary participation in its operations; |

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<th>12. Regulate in public interest</th>
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| Regulate in public interest | - The plan for procurement of cereals and other essential commodities and their transport and distribution to the population is done as per extant government policy;  
- Maintenance of governmental properties;  
- Management of natural resources i.e. lands, forests, water resources, and other natural resources in a manner that ensures their efficient use;  
- Illegal extraction and trade in minerals and timber are prevented;  
- Assistance is provided to nomads (kuchi) and cattle-breeders for better and fair usage of pastures; |
| Exercise local legislation functions. | • Pastures are identified through the agricultural and livestock department with due regard to the needs of the local population and according to the Sharia laws;  

• Implementation of the metric measurement system is supported;  

• Collection and provision of statistical information in the province is facilitated and residents are encouraged to provide accurate statistical information to the designated government teams;  

• Proposals about creation and abolition of local government units are prepared and presented to the Council of Ministers through IDLG;  

13. Improve fiscal management and public procurement in the province | • Local ordinances or decrees to be applied in the province are issued as necessary and as may be allowed by national laws;  

| Budgeting and disbursement procedures and fiscal accountabilities | • A system is in place to ensure cash payments, changes in budget proposals, conclusion of various agreements and contracts, including lease of properties by provincial and district governor offices in accordance with the relevant laws;  

• Procurement and tendering committee is established in accordance with the relevant laws to ensure cost-effective provision of goods and services to the provincial and district governor offices;  

• Procurement of goods by the provincial and district governor offices is done in a timely manner and in accordance with the relevant laws;  

• Audit and monitoring of budget expenditures of provincial and district governor offices, agencies and departments is ensured in accordance with relevant laws;  

| Revenue generation for the government and for the municipalities | • The Government’s legal revenues and municipal taxes and charges are collected in time and in full measure;  

• Civil society organizations that build citizen awareness on citizen tax responsibilities are supported.  

14. Ensure institutional development and effective management. | • Provincial Governors will be responsible for monitoring the implementation of public administration reforms and development of civil service capacity at province level.  

• Adequately qualified employees are recruited to fill all posts in the Grade 5-8 in the Provincial Administrations;  

• New Provincial Governor Office structures as |
<table>
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<th>Section</th>
<th>Description</th>
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| 1. Policy on Subnational Governance | Decided by the Independent Administrative Reforms and Civil Service Commission are fully functional and carry out their tasks in accordance with ToRs;  
- Necessary building and equipment is available for provincial and district governor offices to facilitate implementation of all the governor office functions;  
- Public Administration Reform and Pay and Grading Reform are carried out in all the government offices at Provincial level and in the Municipalities in the Province according to the instructions of the IARCSC. |
| Developing capable and competent civil service | All employees receive necessary training to enable them to fulfill their functional duties, including specialized training;  
- All employees receive basic computer training and some of them specialized computer training as necessary;  
- Relevant employees receive training in common functions;  
- Proper HR management system is established, including performance assessment; |
| Introducing efficient operating and administrative systems | Effective management and operational procedures are introduced and implemented;  
- Simplified and streamlined rules and business processes are introduced and implemented;  
- Employees are trained in new rules and procedures. |
| 15. Support religious activity in the province | Promotion of Islamic religion.  
- Religious, historical and national functions are celebrated;  
- Assistance is provided to Islamic scholars and clerics in implementation of their tasks as well as in maintenance, repair and construction of mosques and other places of worship. |
| Facilitate Hajj and pilgrimages. | Adequate facilities are provided for issuance of passports, visas and addressing other needs of those undertaking pilgrimage to Mecca and other holy places of worship. |

Provincial Deputy Governor
The applicable law is brief on the role of the Provincial Deputy Governor, simply saying that his/her responsibilities are defined by the Provincial Governor (Article 19 of the Law on Local Administration).

Based on the Presidential Decree No. 2113 dated 17th March 2010, the Deputy Provincial Governor will be a government civil servant. His/Her recruitment will take place based on merit-based, competitive and transparent procedures and mechanisms that will be developed by the IARCSC and IDLG.

**Roles and Responsibilities**

Deputy Provincial Governor is a senior official in provincial administration. Whereas the Provincial Governor focuses on strategic issues, the primary responsibility of the Deputy Governor is to ensure that adequate attention is paid to such strategic issues on a daily basis. This will allow the Provincial Governor to concentrate on strategic decisions, providing at the same time for continuity of provincial administration regardless of political changes.

The Provincial Governor represents and exercises the executive power and authority at province level. The provincial governor provides overall political and administrative leadership to provincial affairs pertaining to policy, politics, economy and social and cultural development. The Deputy Governor carried out all his/her responsibilities under the leadership of the Provincial Governor.

Since the post of the Executive Director has been removed from the organizational structure of the Provincial Governor’s office, the Deputy Governor, as a government civil servant, assumes all the duties and responsibilities formerly performed by the Executive Director.

The roles and responsibilities of the Deputy Provincial Governor are as follows:

- Deputy Governor will represent the provincial administration in the Provincial Governor’s absence or when directed so by the Provincial Governor;
• Deputy Provincial Governor is a senior official and in charge of executive affairs in provincial administration;

• The Deputy Governor, under the leadership of the provincial Governor, is responsible for daily planning, budgeting and coordination at the provincial level and financial expenditure.

• Deputy Governor is responsible for orderly functioning of provincial administration as a whole and compliance of its operations with the applicable law. He/she will ensure that laws on civil service and civil servants are strictly adhered to and that adequate conditions are created for efficient functioning of civil service at the provincial level;

• The Deputy Governor is responsible for managing the operational and strategic matters related to the Provincial Administration, supervising and guiding of the Local Government Operations, Sectoral and Technical Services Division and Finance and Administrative Division of the Provincial Governor’s office, and overall responsibility for and planning and directing the activity of Provincial Governor’s office. All the Departments in the Provincial Governor’s office report to the Deputy Governor.

• The Deputy Governor provides advice to the governor on all operational matters. The Deputy Governor interprets the governor’s vision for the province and provincial governor’s office into effective operational programs, plans and activities;

• The Deputy Governor assists in preparing the provincial strategic plan as well as provincial budget and manages the annual budget process for operations of the provincial governor’s office including budget performance monitoring, evaluation and reporting

• The Deputy Governor provides overall supervision, direction and guidance to senior staff of the provincial governor’s office and plans, coordinates, reviews and assesses performance management of the operating divisions of the provincial governor’s office and improves the work processes and procedures; advices on the recruitment, selection, appointment and discipline of managerial and support staff, and prepare reports for submission to the Government authorities.

• The Deputy Governor coordinates and supervises the process of planning at the district and village levels and consolidates them into the subnational plans. Also, the Deputy Governor
coordinates and supervises the development of provincial annual plan which is developed in jointly with the sectoral departments and supervises its.

- The Deputy Governor coordinates the implementation of the programs of the Afghanistan National Strategy and ensures the inclusion of cross-cutting issues in to the provincial plans and programs.

- The Deputy Governor monitors the activities of the sectoral departments in the province.

- The Deputy Governor monitors the convening of the Provincial Development Council and ensures that the PDC receives all the support it requires in it programs.

- The Deputy Governor is responsible for preparing information on the programs and activities of the political parties, civil society and the private sector. This is to ensure that all the programs and activities in the province by all actors support the government vision of peace, harmony and development. Also, this is aimed at providing the right environment for all sectors to be able to play a positive role in the province.

Accountability

- **Provincial Governors are accountable to IDLG and the President.** Provincial Governors will report to IDLG on ongoing activities within the province, specifically those that are carried out as part of the implementation of provincial development plans as well as issues related to security, governance, development and the economy. Provincial Governors are accountable to the HE the President who appoints them.

- **The Provincial Governors are accountable to PCs and through PCs to people of the Province.**

- **Governors will be legally obliged to testify to the Provincial Council once a month.** The Governors will be held accountable by the Provincial Council for answering to the fullest extent possible information requests made by the Provincial Council. The Governor will inform the Provincial Council of progress towards implementing provincial plans, progress made by the province in achieving development, security, human rights, good governance
Policy on Subnational Governance

and Rule of Law. The office of the Provincial Governor will supplement this information with precise measurements of performance. The Provincial Council will hold monthly meetings open to the public in which they will be required to officially announce progress towards implementing provincial plans, progress made by the province in achieving development, security, human rights, good governance and Rule of Law as well as other important activities that occurred in the province during that month.

- Provincial Council can ask the Provincial Governor over not chairing meetings of the PDC on a monthly basis, for non-performance of the PDC and for non-performance in carrying out functions assigned by law of the land to the Provincial Governor. The Provincial Council will inform the IDLG and the Office of H.E. the President in case the PC is convinced of the Provincial Governor's non-performance, unethical practice or misdemeanor. The PC will give the Provincial Governor opportunity of being heard before making such a report.

Resources

- Funding for operational costs of the Provincial Governor will be provided by IDLG.

- Funding for implementing programmes that fall outside of the mandate of line departments including for counter-narcotics and disaster management will be provided through IDLG Budget.

Provincial Councils

Roles and Responsibilities

- The Provincial Councils will create a structure for partnership and participation of people and civil society organizations with the provincial administration. The Provincial Council will consult with citizens and CSOs, including shuras and jirgas on a regular basis. The PC will promote participation of people and civil society organizations in the governance of the Province.
• The Provincial Council Members will consult with their constituents on a regular basis.

• The Provincial Council Chairperson will be a member of the PDC. The Provincial Council will participate in developing provincial development plans.

• The Provincial Council will facilitate participatory planning and budget formulation. This has proved to be an innovative means of engaging citizens in prioritization and budget formulation. Through this initiative, CSOs may propose projects that will then be publicly debated. The proposals will be combined with technical assessments and these procedures will be repeated to determine final budget allocations.

• Provincial Council after its agreement to provincial development plans and provincial budgets send it to the provincial governor for approval who then recommends the plan and budget for consideration of the Government.

• The provincial development plans and budgets after the agreement of the Provincial Council and approval of the Provincial Governor sent to the Government for incorporation in national budget. To ensure transparency and enable the people to understand the funds that are at PC disposal and the budget will be made public by the Provincial Council.

• The Provincial Council will play a greater oversight and accountability role to improve accountability. Relationships that provide for accountability are central to ensuring effective service delivery.

• The key role of the Provincial Council is to exercise an accountability function. The Provincial Governors as well as line departments will be responsible for reporting to the Provincial Council on progress made towards implementing provincial development plans and progress made by the province in achieving development, security, human rights, good governance and Rule of Law. The Provincial Council will be responsible for ensuring that line departments are making timely progress towards implementing provincial development plans and that they are meeting minimum service delivery standards set by the line ministries. The Provincial Council will also be empowered for ensuring that the Provincial Governor fulfills his/her roles and statutory responsibilities and does not act outside his/her mandate.
• **Governors will be legally obliged to testify to the Provincial Council once a month.** The Governors will be held accountable by the Provincial Council for answering to the fullest extent possible information requests made by the Provincial Council. The Governor will inform the Provincial Council of progress made towards implementing provincial plans and progress made by the province in achieving development, security, human rights, good governance and Rule of Law. The Provincial Council will make a report to the IDLG and the Office of H.E. the President in case the PC is convinced of the Provincial Governor’s non-performance, unethical practice or misdemeanor. The PC will give the Provincial Governor opportunity of being heard before making such a report.

• **Provincial Councils will hear testimony and gather information from the Provincial Governor on a monthly basis regarding progress made towards implementing provincial plans and progress made by the province in achieving development, security, human rights, good governance and Rule of Law.**

• **Provincial Councils will monitor and evaluate service delivery.** Improving the monitoring, oversight and supervisory roles of Provincial Councils is central to improving relationships of accountability and thus to ensuring improved service delivery. As line ministries allocate greater responsibility down the service delivery chain, it is particularly pressing for the Provincial Councils to have greater monitoring, oversight and supervisory roles to ensure that local service providers are providing an adequate level of services, characterized by quality, efficiency and effectiveness. The Provincial Councils will utilize a number of tools for monitoring and evaluating the performance of line departments and for informing the public of the levels of services that they can expect from the provincial line departments.

• **A performance measurement system will be established and utilized** under the purview of the Provincial Council. This system will enable the PC to monitor service delivery at the sub-national level and ensure that it meets adequate standards or performance targets. All the information gathered by the Provincial Council through this system will be made open and available to public.\textsuperscript{15} Provincial Councils will be responsible for publishing the performance standards or minimum service standards of all line departments in a given province. This can be done through the use of local governance handbooks. These are vehicles for conveying essential information on public services and providing information on government services.

\textsuperscript{15} For this system to be effective, all ministries must develop minimum service delivery standards.
and processes. The Provincial Council will be responsible for displaying these handbooks and making them available to the public. An array of medium will be utilized for disseminating this information. Provincial Councils will also be responsible for distributing citizen report cards. These will serve as a means for citizens to rate their experience with public services in general as well as a means for citizens to report against whether line ministries are meeting their minimum service requirements and other performance criteria. The Provincial Council will be responsible for alerting the public regarding the availability of the citizen report cards, informing them of how they can fill out the cards, collecting the information on the cards as well as following up with the relevant line ministry directly and through the Provincial Governor as is deemed necessary. The PC will transmit the collated information gathered from the citizen report cards to the Provincial Governor, the IDLG and the relevant central ministries so that the Kabul is able to complete the accountability chain and receive all possible information regarding service performance at the local level. The Centre will institute inquiries into the operations of the provincial departments of the line ministries who appear to be performing far below minimum service delivery standards. Conclusions reached will be made available to the public.

The Provincial Council will monitor the activities of line departments to ensure that they adopt and implement measures to further gender equality as well as to monitor their progress towards meeting their goals related to gender equality.

The Provincial Council will be responsible for overseeing the Public Complaints Handling Mechanism. Public complaints can be regarding service delivery or any general issue of public interest. The Provincial Governor and the Provincial line departments will be cooperate with the PC for ensuring that the complainants are responded to within a timely manner. If the PCs come to a conclusion that that provincial line ministry department is not performing according to minimum services standards, the PC will report such information to the Provincial Governor and the Centre for taking remedial action. Such information will also be made available to the public through the local government handbooks as well as through other medium.

- **The Provincial Council will serve as the primary representative of the constituents of the province within the provincial governance.** The Provincial Council will hold regular meetings that are open to public to inform the public of any relevant activities being carried
out by the provincial administration. More specifically, the Provincial Council will report on the Governor and/or line ministries’ progress made toward implementing provincial development plans and progress made by the province in achieving development, security, human rights, good governance and Rule of Law. Once minimum service standards are developed, the Provincial Council will gather and make public information on line ministries’ progress towards meeting minimum service standards. The Provincial Council Head will also represent the needs and desires of the people during meetings of the PDC.

The Provincial Council will consider information gathered from citizen consultations while making important decisions. The Provincial Council will consult with CSOs regarding planning, budgeting, development, governance and security issues.

- The Provincial Council will assist in resolution of dispute of a civil nature if both parties to the dispute agree on the arbitration role of the Provincial Council.

- The Provincial Council will participate in and coordinate with relevant officials to eliminate customs and traditions contrary to the law, human rights and Islamic Sharia, such as forced marriages and exchange of females for settlement of disputes.

- The Provincial Council is responsible for reviewing and scrutinizing the response to any natural disaster. The results of the review should be made public, and submitted to the Provincial Disaster Management Committee, the IDLG and the ANDMA.

- Provincial Councils will be given sufficient funds by the Government through the IDLG to allow them to conduct the activities within their mandate.

- The IDLG will strengthen the PCs enabling them to perform their roles and fulfill their responsibilities towards their constituent citizens.
• The IDLG will strengthen the capacity of Provincial Councils, support knowledge sharing and exchange among Provincial Councils.

Provincial Line Departments

Roles and Responsibilities

• Service provision is the primary responsibility of the line departments. Line departments must strive for service excellence.

• Each ministry will develop an appropriate policy for delegation of authority and resources. Line departments will be reorganized and different powers, functions and resources will be divided between provincial and central offices to enhance efficiency. Each ministry will allocate the function to a level that has a comparative advantage in the carrying out that function and is closest to the citizens. Delegating powers to the provincial directorates and district offices is one of the most important actions that the ministries will take to improve service delivery. Being closer to the citizens improves efficiency and accountability in service delivery. Having allocated function to the Provinces and Districts, the Ministry will allocate financial resources and authority to carry out this function to the Provinces and Districts. Procurement and contracting powers of provincial line departments, district offices, Provincial and District Governors will be substantially enhanced. The provincial line departments, their district offices, and Provincial and District Governors will have a distinct procurement and contracting authority. The Ministries will scale down deciding and procuring on behalf of the Provinces. The Centre will trust the Provinces and, the central ministries will trust the provincial line departments to make right decisions based on local preferences. Although the policy function will be retained in Kabul, over time all implementation pertaining to Water and Sanitation, Health and Nutrition, Education, Provincial and Local Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and Irrigation, Natural Resource Management, Land Registration, Social Protection, Identity Card, Private Sector Development, Civic Services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, Libraries and such

These roles and responsibilities are in addition to the general service delivery functions that they perform.
other services that people value most and that are locally produced will be delegated to the Provinces, Districts and Municipalities.

- Ministries will initiate implementation of their plans for delegation of authority without waiting for enough capacity to be built since capacity of the provincial line departments cannot be effectively built unless these units are actually entrusted the responsibility.

- The Government will hold annual conference of the Ministries and Provincial Governors to promote coordination between Ministries at Kabul and Provincial Governors and to promote further delegation of powers to the Provinces. The Government will give the Ministries strong incentives, support and guidance in the delegation strategies.

- Public Administration Reforms (PAR) and Pay and Grading Reform will be accelerated at the sub-national level so that this reforms are completed by the end of the year 2014. Through PAR, organizational structures will be reformed; management processes streamlined; business processes simplified and; essential skills and knowledge of civil servants will be developed.

- Line ministries will develop, make operational and utilize a performance management system. This will include the development of minimum service standards. Not only will line departments need to provide the Provincial Council with information on their minimum service standards, line departments will also be responsible for providing the Provincial Council with information regarding whether they are meeting, failing to meet or exceeding the minimum performance standards and to what extent.

- Line ministries will enhance their participation in the Provincial Budgeting initiative. Provincial budgeting initiative will be expanded to encompass all ministries and all provinces during the implementation period of this policy. Line departments will fully cooperate with the PC, the PDC and the Provincial Governors as needed.

- Line departments must develop targets and strategies to further gender equity in their province and develop indicators to monitor progress towards achieving these targets.

Accountability
• Line departments are “upwardly accountable” to the central offices of the line ministries.

• Line departments are accountable to Provincial Councils and, through Provincial Councils, to the people. They must provide the Provincial Council with information on their performance on a regular basis i.e. once a month. Any Provincial Line Department Director or Director’s Representative can be summoned by the PC to testify on an issue of public interest. The accountability to the Provincial Council creates greater accountability of the line departments to the people. Such an accountability relationship will result in improved service delivery.

• Directors of line departments that do not meet minimum service standards may be subject to sanction. Following an investigation into why minimum service standards were not met; if the failure to meet the minimum service standards is proved, the director of the line department will either: 1) receive training, 2) be put on probation until minimum service delivery standards are reached, or 3) be dismissed. The Governor in consultation with the Provincial Council and the central office of the line ministry will decide which sanction the head of the line department will receive. The central office of the line ministry will also evaluate whether the line department requires further organizational reform or capacity building.

• Provincial line departments provide their performance report to the Provincial Governor.

Resources

• Line Departments will be funded through the National Budget (Programme Budget).

Provincial Development Committees

Roles and Responsibilities

• Provincial Development Committee will continue to serve as a body where cross-sectoral development coordination, planning and budgeting can occur. PDC meetings will be held on a monthly basis. Provincial Governors chair the PDC meetings. The Chairperson of the PC
will be one of the members of PDC. The Provincial Governor, in consultation with the Chairperson of the PC, will decide the date, time, venue and agenda of the meeting. Provincial Governors, Provincial Council Chairperson and line departments within the province will all be required to attend meetings of the PDC. The Mayor of a municipality in the provincial centre shall be the member of PDC. District Governors may be considered invitee members of the PDC, but will not be required to attend each meeting. The PDC may invite others they think may contribute to the meeting, including representatives of Civil Society, PRTs or donors. The rules and procedures for PDCs will be made uniformly applicable throughout the country.

- The PDC will initially approve line departments’ budget proposals submitted as part of the Provincial Budgeting initiative.

Accountability

- The PDC is a development coordination body and therefore needs no new lines of accountability.

Resources

- National Budget (Programme Budget) is the source of funds.
- PDCs will be supported by the provincial offices of the Ministry of Economy.

Provincial Administrative Assemblies

Roles and Responsibilities

Provincial Administrative Assembly (PAA) consists of Governor as the chair and Heads of the Provincial Line Departments and Agencies, Provincial Attorney-General Office as well as Deputy Governors are the members. Provincial Security Chief and Mustufi are also members. District Governors can be invitee members of the PAA. Provincial Administrative Assemblies (PAAs) were created 45 years ago on 18 December 1964 to serve as a body for the Governor to coordinate with provincial line departments. It is intended to meet once a week. It is conducted when at least half of
the members plus one are present. Decisions are taken by the majority of members present. In the past PAA carried out duties assigned to advisory councils under Municipal statute and Livestock statute; approved leasing and selling of government land in the Province, converted government dues into installments, revoked contract if it did not fulfill Labor Law requirements, and discussed issues related to provincial line department if its Head raised any issues. In the future, PAA will be a forum through which Provincial Governor achieves administrative and security-related coordination in the activity of different line departments and agencies. Decisions will be taken by the two-third majority of members present. In the hierarchy of important coordination forums in a province, the Provincial Administrative Assembly comes next to the Provincial Development Committee (PDC). As they are both coordinating bodies at the provincial level, there is possibility of some overlap in their activities. However mandates are clearly different. PAAs will achieve administrative and security-related co-ordination while PDCs will achieve development co-ordination. Implementation is the responsibility of PAA while planning is the responsibility of PDC. PDCs will make provincial plans and budgets and link provincial plans with provincial budgets. PAAs will have weekly meetings and PDCs will have monthly meetings. In fact, the PAA is a sub-set of the PDC and PDC deals with wider functions as planning and budgeting at the provincial level. Both PDCs and PAAs will be ultimately accountable to People through Provincial Councils. There will be District Administrative Assemblies (DAAs) at District level similar to Provincial Administrative Assemblies (PAAs) at Provincial level.
2. District Governance

Without a law which clearly expresses the duties and responsibilities of district governance entities, their role will remain ambiguous. Such ambiguity contributes to poor governance at the local level, characterized by inefficiency, poor accountability and ineffective coordination amongst provincial entities. Effective service delivery is hindered by this situation, preventing the Government from meeting the needs of its citizens. The law must lay down in clear terms what is expected of the district governance institutions and individual entities within these institutions.

The District-level governance entities include:

- District Council
- District Courts
- District Governor
- District Development Assembly (DDA)
- District Administrative Assembly (PAA)
- District Police Chief
- District Offices of Provincial Line Departments
- Private Sector
- Civil Society including Shuras and Councils, Media
- Communities

Of these governance institutions and entities, the District Administration includes:

- District Governor
- District Administrative Assembly (DAA)
- District Police Chief
- District Offices of Provincial Line Departments

The overarching responsibilities of the District Administrations are as follows:

1. To maintain peace, security, order and stability in the district
2. To maintain the Rule of Law in the district
3. To realize, protect, promote and extend human rights of the citizens of the district
4. To promote social, economic, educational and cultural development of the district
5. To provide services to the people. These services include Justice, Security, Safe passage of people and goods on Public Roads, Water and Sanitation, Health and Nutrition, Education, Electricity, Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and Irrigation, Natural Resource Management, Land Registration, Social Protection, Identity Card, Private Sector Development, civic services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, Libraries and such other services that people value most.

6. To ensure good governance arrangements in the district i.e. to ensure
   - Openness/Transparency
   - Accountability to People
   - Participation of People, especially Women and Youth
   - Participation of Civil Society and Private Sector
   - Local Democracy
   - Effectiveness-Efficiency
   - Equity and Inclusiveness
   - Gender Justice
   - Coherence
   - Rule based system at all levels

7. To reduce poverty and disease and to achieve MDGs for the people of the district

8. To mitigate and manage natural disasters

9. To eliminate poppy cultivation and to promote alternative livelihood

10. To protect environment and to make sustainable use of natural resources

11. To support Islamic religion and promote Islamic values

12. To assist in implementation of Afghanistan National Development Strategy and national priority programmes

**Roles and Responsibilities at District level**

<table>
<thead>
<tr>
<th>Entity</th>
<th>Roles and Responsibilities</th>
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<tr>
<td>District Council</td>
<td>Reach an agreement on District Development Plan</td>
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<td>Oversight, Monitoring and Evaluation, Quality Assurance,</td>
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<td></td>
<td>Performance Management over the District Administration</td>
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<td></td>
<td>Liaison with Communities, Civil Society and Media</td>
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<tr>
<td></td>
<td>Help maintain Security, Public Order and Rule of Law</td>
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<tr>
<td></td>
<td>Elimination of customs contrary to the law and sharia</td>
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<tr>
<td></td>
<td>Protection, Promotion and Extension of Human Rights</td>
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<tr>
<td></td>
<td>Environmental Protection</td>
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<td></td>
<td>Counter Narcotics</td>
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Policy on Sub-national Governance

| District Governor | Executive Head of District Administration  
|                  | Security, Public Order, Stability and Peace  
|                  | Maintaining Rule of Constitution and Rule of Law  
|                  | Protection, Promotion and Extension of Human Rights  
|                  | Oversight, Monitoring, Quality Assurance, and Performance  
|                  | Management of the public services delivered in the district  
|                  | District Development Planning  
|                  | Local Economic Development  
|                  | Private Sector Development  
|                  | Good Governance  
|                  | Public Administration Reform and Capacity Development  
|                  | Poverty Reduction  
|                  | Attainment of MDGs  
|                  | Implementation of Regulations  
|                  | Administration and Coordination  
|                  | Fiscal Authority of Expenditure and Financial Management  
|                  | Environmental Protection  
|                  | Counter Narcotics  
|                  | Disaster Management  
|                  | Land Registration and Land Acquisition for public purpose  
|                  | Mapping of Villages  
|                  | Promotion of Islamic religion  
|                  | Liaison with Communities, Civil Society and Media  


| District Offices of Provincial Line Departments | Delivery of Services, Service Excellence, Regulation, Inputs to the Province on Policy-Making  

| District Prosecution Office (District AGO) | Investigation and Prosecution  

| PRTs | Reconstruction through Provincial and District Administration and Local Government Entities  

| Civil Society, Shuras and Councils, Media, Tribal Elders, Religious Leaders | Oversight, Monitoring, Quality Assurance, Performance Management of the public services delivered in the district, Co-production of development goods/services  

Accountability Procedures at District Level

All District Governance Entities will be accountable to the people of the district.

The District Administrations and the District Councils shall be accountable to people living in their respective jurisdictions. The Government at all levels exists to serve the people. The people are supreme and the government draws its power and strength from people. The elected district councils, since they represent people’s will, are next only to people in the hierarchy of power at district level. The district administrations are accountable to people through the respective elected district councils.
District Councils are accountable to people because these Councils are elected by people. Members of District Councils shall consult with their constituents on regular basis.

District Police Chief and District Offices of Provincial Line Departments will be accountable to District Governors and District Councils.

**Accountability Procedures at District level**

**Governance Entities Accountable to People:**
District Council
District Administration

**Governance Entities Accountable to the Provincial Governor, the President and the Central Ministries:**
District Governor
District Administration

**Governance Entities Accountable to the District Council:**
District Governor
District Police Chief
District Offices of Provincial Line Departments

**Governance Entities Accountable to the District Governor:**
District Police Chief
District Offices of Provincial Line Departments

**Public Representation at District level**
District Councils are elected by the people.

**Appointments at District level**
All appointments in Grade 7-8 of civil servants in the district will be approved by the District Governor after identification and selection by the District Appointments Committee following merit based open competitive recruitment procedure.
District Governors (Woleswals)

Roles and Responsibilities

The main responsibilities of District Governors will be to maintain peace, security, order and stability; to maintain the Rule of Law; to realize, protect, promote and extend human rights of the citizens; to promote social, economic, educational and cultural development; to ensure that people get services they value most; to ensure good governance arrangements; to reduce poverty and disease; to achieve MDGs for the people; to mitigate and manage natural disasters; to eliminate poppy cultivation and to promote alternative livelihood; to protect environment and to make sustainable use of natural resources; to promote Islamic values and to assist in implementation of ANDS and national priority programmes.

- The District Governor is the executive head of the District Administration. The District Governor will lead planning and administrative, development and security-related coordination at district level. Placing the governor in a stronger position to plan and coordinate with other district entities, including district offices of line departments and District Councils once they are elected in 2010 will enable the governor to ensure that district plan priorities adequately reflect the interest of communities and villages, and the district plan priorities are developed and implemented in time. Closer coordination with line ministries will improve the planning activities carried out by the district administration. The District Governor will give initial concurrence to the village priorities that will ultimately be submitted to the PDC after approval of the District Council. The District Governors will review village priorities or projects to determine if they can be consolidated for purposes of efficiency and cost effectiveness. District Governors will monitor the activities of district offices of provincial line departments, ensuring that they are implementing programmes and activities as planned.

- The District Governor will be empowered to implement programmes that fall outside of the mandate of line departments, including for counter-narcotics and disaster management. In areas such as counter-narcotics and disaster management, District Governors will take the lead in planning, budgeting and expenditures. District Governors will play a central role in the following processes for all district-level CN-related activities: planning, coordination and monitoring and evaluation. The District Governor will be
involved in all four main elements of counter-narcotics activities, specifically pre-planting public information, alternative livelihoods, eradication and law enforcement. Additionally, a District Disaster Management Committee will be established in each province. The District Disaster Management Committee will be responsible for monitoring and managing district-level preparedness, response and mitigation activities.

- **District Governors will have administrative role including compilation of civil registration of births, deaths and marriage.** Once village councils are elected they will have the role of registering births, deaths and marriages in the villages. The Office of the District Governor will be responsible for compiling this information.

- **District Governors will participate in meetings of the DDAs.** This will ensure that planning is conducted on a regular basis and that the district administration closely monitors district plans to ensure that they are implemented effectively and in a timely manner. Such meetings will also facilitate closer coordination between government entities functioning at the district level.

- **The District Governor will assist in monitoring the implementation of district development plan.**

- **The District Governor will coordinate and cooperate with other district institutions as required to develop and implement district development plan.** This will include District Councils once they are elected.

- **The District Governor will testify to the District Council (following their election in 2010) once a month and when requested.** Such testimony provides greater accountability to the people, and should therefore improve the responsiveness of the district administration to the people. The District Governor will be legally obliged to testify before the District Council once a month and when requested.

- **District Governors will oversee and monitor the activities of district offices of provincial line departments.** Such oversight will also enable District Governors to monitor the performance of district offices of line ministries. Where such information is available, they will hold line ministries accountable for meeting previously agreed upon minimum service
delivery standards. For occasions in which ministries are far from meeting such standards, the public may give official letters of complaint to District Governors and District Councils. Once it is determined that the complaint is valid, the complaint will be delivered to the relevant district office to rectify its actions. If it does not do so, the entity that received the complaint will send it to the provincial office of the relevant line ministry and to the District Governor. The District Governor will be responsible for ensuring that the complaint and issue are resolved with logical action.

Goals, Objectives and Outputs of a District Governor

<table>
<thead>
<tr>
<th>Goals of the District Governor</th>
<th>Objectives of the District Governor</th>
<th>Outputs of the District Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maintain peace, security, public order and stability in the district</td>
<td>Ensure public security, order and stability.</td>
<td>• National unity is maintained and preserved, and ethnic and regional conflicts are resolved; • People of different ethnicities live together in harmony and peace; • Overall security of the region and the district is ensured; • People living in the District feel safe; • Roads in the District are safe for the passage of people and goods; • There are no illegal checkpoints, there is no extortion at government checkpoints, the roads are free from the menace of bandits and armed opposition groups; • Schools, public buildings and offices in the District are protected from armed attacks; • Civilian airports in the District are maintained and their security ensured; • Members of ANP follow the Police Law; • Continuous and timely coordination with ANP and ANA on issues of public security; • In case of general mobilization of security forces, District Governor takes urgent measures to ensure speedy mobilization of the forces; • Entire government apparatus in the District rises to security challenges as one entity; • District Council, Communities, Civil Society and Media are involved in maintaining security and public order; • Military honors presented by the commander are received during official celebrations according to the Islamic law.</td>
</tr>
<tr>
<td>2. Maintain the Rule of Law in Constitution and Rule of Law</td>
<td>Ensure observance of the Constitution and Rule of Law</td>
<td>• The Constitution and the Rule of Law is strictly enforced. District Governor provides guidance in</td>
</tr>
</tbody>
</table>
### 1. The District Law:
- The rights given to the citizens by the Constitution and the laws are enforced;
- Cases of arbitrary arrest and detention, torture, extortion and illegal expropriation of property are subjected to due process of law;
- Decisions in the District are based on laws and rules of the country and not on the informal networks and patronage;
- Dishonest practices and dishonest deal-making have no role in public decision-making in the Province;
- Public are educated and made aware of their responsibilities in preserving the Rule of Law;

### 3. Realize, Protect, Promote and Extend Human Rights of the Citizens of the District

#### Ensure realization, protection, promotion and extension of Human Rights
- Prompt action is taken to prevent violation of human rights;
- Principle of equality of citizens before the law, men and women alike is preserved in the District;
- Informal justice dispensing institutions in the District follow the principles of Human Rights;
- Human Rights of women, children, and people with disabilities are realized and protected.
- Child marriage, domestic violence, exchange of women for revenge and sexual harassment of women and children are actively discouraged;
- District Administration fully cooperates with the AIHRC Provincial Office and the District Council in the fulfillment of their objectives with regard to monitoring, investigation, protection and promotion of human rights.

### 4. Promote Social, Economic, Educational and Cultural Development of the District

#### Undertake strategic and annual planning for the development of the District.
Articulate the needs of the citizens of the District.
- Participatory planning is carried out annually in the District;
- Effective coordination with the District Council, Civil Society and district offices of the ministries/agencies present in the District is ensured. Timely integration of ministry/agency plans and programs and people’s priorities into the District Development Plan and Public Investment Programs is achieved;
- Based on public interest and expressed public preferences, the District plans are formulated and proposed to the District Council;
- Participation of district offices of line ministries in preparation and implementation of local development plans is encouraged and coordinated;
- Allocation of resources represents local preferences;
- Proposals for providing road, water and electricity
<table>
<thead>
<tr>
<th>Policy on Sub national Governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Link District Development Plan with Provincial Budgets</td>
</tr>
<tr>
<td>Timely implementation of District Development Plans</td>
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<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td>Attract investments to the District.</td>
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<td></td>
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<tr>
<td>Human resource development of the people in the District</td>
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<tr>
<td></td>
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<tr>
<td>Mobilize community to implement development programs, projects and activities</td>
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<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td>Facilitate construction, operation and maintenance of public buildings, offices and facilities</td>
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<tr>
<td>5. Ensure that people of the district receive adequate and quality public services that they need and prefer</td>
</tr>
<tr>
<td>Policy on Sub national Governance</td>
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<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td><strong>6. Ensure good governance arrangements in the District</strong></td>
</tr>
<tr>
<td><strong>Support functioning and development of democratically elected institutions and civil society</strong></td>
</tr>
<tr>
<td>• Affordable user fees (wherever feasible) charged and recovered;</td>
</tr>
<tr>
<td>• All necessary support is provided to the District Council to enable it to discharge its functions, including their monitoring activities in implementation of the law, balanced development, delivery of services, Human rights;</td>
</tr>
<tr>
<td>• Conditions are created for District Council’s active participation in district development planning;</td>
</tr>
<tr>
<td>• Information requested by the District Council from the District Governors’ offices and district offices of line agencies is provided without delay;</td>
</tr>
<tr>
<td>• Regular consultations are held between the District Governors’ offices and District Councils and DC views and proposals on the issues within their purview are taken into account and acted upon with diligence and promptness;</td>
</tr>
<tr>
<td><strong>Support Accountability to People</strong></td>
</tr>
<tr>
<td>• The District Administration and District Governor are accountable to the People of the District through the District Council Monitoring of the performance of the District Governor and the District Administration;</td>
</tr>
<tr>
<td><strong>Support Openness/Transparency</strong></td>
</tr>
<tr>
<td>• The Right to Information Act is effectively implemented. Citizens and civil society are able to exercise this Constitutional Right. The citizens have right to access information from government offices in accordance with legal provisions. Access to government information provides for transparency and accountability of government activities;</td>
</tr>
<tr>
<td><strong>Support Participation of People, especially Women and Youth</strong></td>
</tr>
<tr>
<td>• Women and Youth are actively engaged in decision making process in the District;</td>
</tr>
<tr>
<td><strong>Support Participation of Civil Society</strong></td>
</tr>
<tr>
<td>• Civil society is able to participate in governance affairs;</td>
</tr>
<tr>
<td>• The local government entities allow and promote Information sharing (the government and local government entities put budget and public service delivery related information into the public domain); Consultation (the government and local government entities have consultations with shuras and jirgas, Councils, CSOs and NGOs to gather information on citizen preferences and to take into consideration citizen preferences before important decisions concerning them are made);</td>
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<tr>
<td>Policy on Sub national Governance</td>
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<tr>
<td>Support Participation of Private Sector</td>
</tr>
<tr>
<td>Support Effectiveness-Efficiency</td>
</tr>
<tr>
<td>Support Equity and Inclusiveness</td>
</tr>
<tr>
<td>Policy on Sub national Governance</td>
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</tr>
<tr>
<td><strong>Support Gender Justice</strong></td>
</tr>
<tr>
<td>• Both genders are an active part of all discussions, initiatives and consensus building;</td>
</tr>
<tr>
<td>• Special efforts to bridge the gaps seen historically between the two genders;</td>
</tr>
<tr>
<td>• Creation of an enabling environment, where both men and women can have their strategic needs met;</td>
</tr>
<tr>
<td>• Both men and women make valuable human resource of the District;</td>
</tr>
<tr>
<td><strong>Support Coherence</strong></td>
</tr>
<tr>
<td>• The District Governor provides strong leadership and clear communication to ensure a consistent approach and coherence within the complex system of district governance;</td>
</tr>
<tr>
<td>• Coherence is adding trust in the government;</td>
</tr>
<tr>
<td><strong>Rule based system at all levels</strong></td>
</tr>
<tr>
<td>• Municipalities and Village administrations in the District work as rule-based systems and not as patronage-based systems.</td>
</tr>
<tr>
<td><strong>7. To mitigate and manage natural disasters</strong></td>
</tr>
<tr>
<td><strong>Disaster management and emergency assistance.</strong></td>
</tr>
<tr>
<td>• District Governor chairs District Disaster Management Committee;</td>
</tr>
<tr>
<td>• Committee prepares District Disaster Management Action Plan in cooperation with the district offices of line departments, Civil Society and Communities;</td>
</tr>
<tr>
<td>• Committee coordinates disaster preparedness and response;</td>
</tr>
<tr>
<td>• District Offices of Provincial Line Departments implement basic disaster response activity;</td>
</tr>
<tr>
<td>• The District disaster management structure includes a network of control room, coordinating committees and implementing agencies at district and municipal levels;</td>
</tr>
<tr>
<td>• The District Disaster Management Committee establishes the roles and coordinates the responses of each district office of provincial line department;</td>
</tr>
<tr>
<td>• The District Disaster Management Committee also ensures that Ministries are implementing mitigation strategies;</td>
</tr>
<tr>
<td>• A monitoring system is established for natural and man-made disasters;</td>
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<tr>
<td>• Community participation is mobilized in disaster relief, rehabilitation and mitigation;</td>
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<tr>
<td>Ensure emergency response to public health issues.</td>
</tr>
<tr>
<td>• District is prepared to address public health issues and to prevent spread of epidemics;</td>
</tr>
<tr>
<td>• Measures are in place to prevent sale of outdated and fake medicines;</td>
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<tr>
<td>• Medical quacks and fake doctors are prosecuted;</td>
</tr>
<tr>
<td>• Basic package of health services is provided to the citizens in the district.</td>
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</tbody>
</table>

<p>| Eliminate poppy cultivation and promote alternative livelihood | • Cultivation of opium and other narcotic substances is prevented with the assistance of relevant agencies; |
| • District Governor recommends sites for eradication because the District Governor may have better information about local conditions; |
| • The District Governor signs up to eradication plan; |
| • District Governor chairs “District Narcotics Demand Reduction Oversight Committee”. Members include Ministry of Health, Ministry of Education and other concerned bodies. Committee reports on Demand reduction programme activities (building and operation of clinics, operation of Community-Based Treatment of Drug Addiction programmes), etc, Impact and effectiveness of programmes (e.g. outcome, value-for-money); Committee produces verdict on overall performance; |
| • District Governor manages programme to deliver short-term relief to poor farmers scheduled for eradication, e.g. - Distribution of inputs, Provision of basic technical support, Assistance with market access. Assistance is a part of phased CN campaign including Pre-planting campaign, Alternative Livelihoods, Eradication &amp; Law Enforcement |
| • District Governor uses position as leader of District planning process to ensure successful Ministry-delivered Alternative Livelihood (AL) programmes, e.g. - Agricultural training and improvements delivered by MoAIL, Road improvements by MoPW; |
| • District Governor and District Council coordinate and monitor delivery of Alternative Livelihood services; |
| • International organizations work through District planning and implementation system: Providing capacity building and technical support, and Providing financial resources through development budget; |</p>
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<tr>
<th>Policy on Sub national Governance</th>
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<tbody>
<tr>
<td><strong>Policy on Sub national Governance</strong></td>
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<tr>
<td><strong>9. Poverty Reduction and achievement of MDGs</strong></td>
</tr>
<tr>
<td>Poverty Reduction and Achievement of MDGs for the people of the District</td>
</tr>
</tbody>
</table>
| - The District Governor is committed not only to provide good governance arrangements but also to make governance accountable to the poor;  
- The District Governor targets resources to those social services that are fundamental to poverty reduction and alleviation (e.g. education, health, water, sanitation); those categories of people that are more vulnerable (e.g. women, children, physically impaired, small-scale peasant farmers and landless labour in rural areas, poor in urban slums); and those rural manteqas that are most neglected;  
- The District Governor ensures accountability in the use of public funds in the interests of the poor;  
- The District Administration improves governance for better services delivery to the poor;  
- The District Governor shifts decision making nearer to the poor;  
- The District Governor helps the poor to organize themselves;  
- The District Governor prevents corruption;  
- The District Governor strengthens the rule of law with clearly pro-poor procedures;  
- The District Governor promotes participation of the NGOs representing the poor;  
- The District Governor understands and acts on gender dimensions of poverty; |
| **10. Assist in implementation of Afghanistan National Development Strategy and national priority programmes** |
| Effective implementation of the Afghanistan National development strategy, national priority programmes and central government functions in the District. |
| - The ANDS is effectively and timely implemented in the District;  
- National priority programmes are effectively implemented;  
- District Governor fully supports Census, Elections and Civil Registry;  
- The border affairs are implemented in accordance with law;  
- Immigration affairs i.e. issuance of travel documents for travel abroad of Afghan citizens are facilitated as necessary and discharged according to the law; |
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<tbody>
<tr>
<td>Coordinate efforts of central and local government agencies in the District.</td>
<td>• District Governors will be responsible for monitoring the implementation of public administration reforms and development of civil service capacity at district level.</td>
<td>• Prices of essential commodities and food are continuously monitored through municipalities in order to prevent hoarding of essential commodities and food;</td>
</tr>
<tr>
<td></td>
<td>• At all times guidance is provided to the district offices of line departments of the ministries and government agencies, and municipalities in implementation of their functions;</td>
<td>• The plan for procurement of cereals and other essential commodities and their transport and distribution to the population are done as per extant government policy;</td>
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<tr>
<td></td>
<td>• Harmonious and active relationships between central and local government agencies are established and maintained;</td>
<td>• Maintenance of governmental properties,</td>
</tr>
<tr>
<td></td>
<td>• The activities of central government employees on official mission to the district are coordinated and facilitated;</td>
<td>• Management of natural resources i.e. lands, forests, water resources, and other natural resources in a manner that ensures their efficient use;</td>
</tr>
<tr>
<td></td>
<td>• Based on public interest, measures taken to sell governmental lands or buy and acquire lands for government and for public purpose;</td>
<td>• Illegal extraction and trade in timber and minerals are prevented;</td>
</tr>
<tr>
<td></td>
<td>• No public or private lands are illegally grabbed in the district;</td>
<td>• Assistance is provided to nomads (kuchi) and cattle-breeders for better and fair usage of pastures;</td>
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<tr>
<td></td>
<td>• The Government departments and communities are involved in sustainable natural resource management and conservation of environment and forests;</td>
<td>• Pastures are identified through the agricultural</td>
</tr>
</tbody>
</table>
| 14. Ensure institutional development and effective management. | Implementation of the new organizational structures | and livestock department with due regard to the needs of the local population
- Implementation of the metric measurement system is supported;
- Collection and provision of statistical information in the district is facilitated and residents are encouraged to provide accurate statistical information to the designated teams;

| Exercise local legislation functions. | Local ordinances or decrees to be applied in the province are issued as necessary and as may be allowed by national laws; |
| Revenue generation for the government and for the municipalities | The Government’s legal revenues and municipal taxes and charges are collected in time and in full measure;
- Civil society organizations that build citizen awareness on citizen tax responsibilities are supported. |

Developing capable and competent civil service
- All employees receive necessary training to enable them to fulfill their functional duties, including specialized training;
- All employees receive basic computer training and
some of them specialized computer training as necessary;
- Relevant employees receive training in common functions;
- Proper HR management system is established, including performance assessment;

| Introducing efficient operating and administrative systems | • Effective management and operational procedures are introduced and implemented;
• Simplified and streamlined rules and business processes are introduced and implemented;
• Employees are trained in new rules and procedures; |
|---|---|

| 15. Support religious activity in the district | • Religious, historical and national functions are celebrated;
• Assistance is provided to Islamic scholars and clerics in implementation of their tasks as well as in maintenance, repair and construction of mosques and other places of worship. |
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<tr>
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</thead>
<tbody>
<tr>
<td>Facilitate Hajj and pilgrimages.</td>
<td>• Adequate facilities are provided for issuance of passports, visas and addressing other needs of those undertaking pilgrimage to Mecca and other places of worship.</td>
</tr>
</tbody>
</table>

### Accountability

**District Governors are accountable to the Provincial Governor, the IDLG and the President.** District Governors will report to Provincial Governor and IDLG on ongoing activities within the district, specifically those that are carried out as part of the implementation of district development plans as well as issues related to security, governance, development and the economy.

- **The District Governors are accountable to District Councils and through District Councils to people of the District.**

- **District Governors will be legally obliged to testify to the District Council once a month.**

  The District Governors will be held accountable by the District Council for answering to the fullest extent possible information requests made by the District Council. The District Governor will inform the District Council of progress towards implementing district plans and progress made by the district in achieving development, security, good governance,
human rights and Rule of Law. The office of the District Governor will supplement this information with precise measurements of performance. The District Council will hold monthly meetings open to the public in which they will be required to officially announce progress made towards implementing district development plans and progress made by the district in achieving development, security, good governance, human rights and Rule of Law as well as other important activities that occurred in the district during that month.

- Providing District Councils with monitoring, oversight and supervisory roles is central to improving relationships of accountability and thus to ensuring improved service delivery. As line ministries allocate greater responsibility down the service delivery chain, it is particularly pressing for the District Councils to have greater monitoring, oversight and supervisory roles to ensure that local service providers are providing an adequate level of services, characterized by quality, efficiency and effectiveness. The District Councils will utilize a number of tools for monitoring and evaluating the performance of line departments and for informing the public of the levels of services that they can expect from the district offices of provincial line departments. Like the Provincial Council they will oversee a performance measurement system. DCs will use local governance handbooks and citizen report cards.

- The District Councils will have authority to hold the District Governor and the District offices of line departments for their performance and non-performance. The District Governor and the District Offices of Provincial Line Departments will be answerable to the District Councils for their decisions. District Council can hold the District Governor responsible for non-performance of the PDC and for non-performance in carrying out functions assigned by law of the land to the District Governor. The District Council, through Provincial Council, will inform the Provincial Governor, the in case the District Council is convinced of the District Governor’s non-performance, unethical practice or misdemeanor. The District Council will give the District Governor opportunity of being heard before making such a report.

Resources

- Funding for operational costs of the District Governor’s office will be provided by IDLG through provincial governor’s office.
Policy on Subnational Governance

- Funding for implementing programmes that fall outside of the mandate of line departments, including for counter-narcotics and disaster management, will be provided through IDLG Budget.

District Councils

There will be a District Council each in 364 Rural Districts of the country. In addition, 29 Provincial Centre districts will have District Councils. Hirat, Jalalabad, Kabul, Mazar-i-Sharif and Maimana are the Provincial Centre districts that do not have any villages in their jurisdiction. Hence, these five Provincial Centres will not have District Councils. Remaining 29 Provincial Centre districts have villages in their jurisdiction that will come under the jurisdiction of respective District Council as explained in this table:

<table>
<thead>
<tr>
<th>SN</th>
<th>Province</th>
<th>City of the Provincial Center</th>
<th>Total No. of Rural Districts</th>
<th>Name of Provincial Center District</th>
<th>Population as on 01.07.2004</th>
<th>CSO Estimate of the Provincial Center District</th>
<th>No. of Villages in the Provincial Center District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Badakhshan</td>
<td>Badakhshan City</td>
<td>27</td>
<td>Provincial Center of Badakhshan</td>
<td>61057</td>
<td></td>
<td>104</td>
</tr>
<tr>
<td>2</td>
<td>Badghis</td>
<td>Qala I Naw City</td>
<td>6</td>
<td>Provincial Center of Badghis</td>
<td>69,349</td>
<td></td>
<td>85</td>
</tr>
<tr>
<td>3</td>
<td>Baghlan</td>
<td>Puli Khumri City</td>
<td>14</td>
<td>Provincial Center of Baghlan</td>
<td>191,640</td>
<td></td>
<td>158</td>
</tr>
<tr>
<td>4</td>
<td>Balkh</td>
<td>Mazar-i-Sharif</td>
<td>14</td>
<td>Provincial Center of Balkh</td>
<td>375,181</td>
<td></td>
<td>000</td>
</tr>
<tr>
<td>5</td>
<td>Bamyan</td>
<td>Bamyan City</td>
<td>6</td>
<td>Provincial Center of Bamyan</td>
<td>70,028</td>
<td></td>
<td>159</td>
</tr>
<tr>
<td>6</td>
<td>Daykundi</td>
<td>Nili City</td>
<td>8</td>
<td>Provincial Center of Daykundi</td>
<td>30,058</td>
<td></td>
<td>105</td>
</tr>
<tr>
<td>7</td>
<td>Farah</td>
<td>Farah City</td>
<td>10</td>
<td>Provincial Center of Farah</td>
<td>109,409</td>
<td></td>
<td>118</td>
</tr>
<tr>
<td>8</td>
<td>Faryab</td>
<td>Maymana City</td>
<td>13</td>
<td>Provincial Center of Faryab</td>
<td>68,055</td>
<td></td>
<td>000</td>
</tr>
<tr>
<td>9</td>
<td>Ghazni</td>
<td>Ghazni City</td>
<td>18</td>
<td>Provincial Center of Ghazni</td>
<td>154,618</td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>10</td>
<td>Ghor</td>
<td>Chighcheran City</td>
<td>9</td>
<td>Provincial Center of Ghor</td>
<td>132,442</td>
<td></td>
<td>300</td>
</tr>
<tr>
<td>11</td>
<td>Helmand</td>
<td>Lashkargah City</td>
<td>12</td>
<td>Provincial Center of Helmand</td>
<td>201,546</td>
<td></td>
<td>102</td>
</tr>
<tr>
<td>12</td>
<td>Hirat</td>
<td>Hirat City</td>
<td>15</td>
<td>Provincial Center of Hirat</td>
<td>397,456</td>
<td></td>
<td>000</td>
</tr>
<tr>
<td>13</td>
<td>Jawzjan</td>
<td>Sheberghan City</td>
<td>10</td>
<td>Provincial Center of Jawzjan</td>
<td>148,329</td>
<td></td>
<td>77</td>
</tr>
<tr>
<td>14</td>
<td>Kabul</td>
<td>Kabul City</td>
<td>14</td>
<td>Provincial Center of Kabul</td>
<td>1,925,548</td>
<td></td>
<td>000</td>
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<tr>
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</table>

**Roles and Responsibilities**

- The District Councils will create a structure for partnership and participation of people and civil society organizations with the district administration. The District Council will consult with citizens and CSOs, including shuras and jirgas on a regular basis. The DC will promote participation of people and civil society organizations in the governance of the district.
• The District Council Members will consult with their constituents on a regular basis.

• The District Council will participate in developing district development plan and overseeing its implementation.

• The District Council will facilitate participatory development planning. This has proved to be an innovative means of engaging citizens in prioritization. Through this initiative, CSOs may propose projects that will then be publicly debated. The proposals will be combined with technical assessments.

• District Councils will finally approve and sign-off the district development plans.

• The District Council will debate and approve major decisions of District Administration. What constitutes a major decision will be decided by the District Council. In case DC does not agree with the decision, DC will refer it back to District Administration for reconsideration.

• The District Council will play a greater oversight and accountability role to improve accountability. Relationships that provide for accountability are central to ensuring effective service delivery. The District Council will have full power and authority to hold the District Governor and the district offices of Provincial line departments to account for their performance and non-performance.

• The key role of the District Council is to exercise an accountability function. The District Governors as well as district offices of line departments will be responsible for reporting to the District Council on progress made towards implementing district development plans and progress made by the district in achieving development, security, human rights, good governance and Rule of Law. The District Council will be responsible for ensuring that district offices of line departments are making timely progress towards implementing district development plans and that they are meeting minimum service delivery standards set by the line ministries. The District Council will also be empowered for ensuring that the District Governor fulfills his/her roles and statutory responsibilities and does not act outside his/her mandate.
• District Governors will be legally obliged to testify to the District Council once a month. The District Governors will be held accountable by the District Council for answering to the fullest extent possible information requests made by the District Council. The District Governor will inform the District Council of progress made towards implementing district plans and progress made by the district in achieving development, security, human rights, good governance and Rule of Law. District Council can hold the District Governor responsible for non-performance in carrying out functions assigned by law of the land to the District Governor. The District Council, through the Provincial Council, will make a report to the IDLG and the Office of H.E. the President in case the District Council is convinced of the District Governor’s non-performance, unethical practice or misdemeanor. The District Council will give the District Governor an opportunity of being heard before making such a report.

• District Councils will hear testimony and gather information from the District Governor once a month regarding progress made towards implementing district development plan and progress made by the district in achieving development, security, human rights, good governance and Rule of Law.

• District Councils will monitor and evaluate service delivery. Improving the monitoring, oversight and supervisory roles of District Councils is central to improving relationships of accountability and thus to ensuring improved service delivery. As line ministries allocate greater responsibility down the service delivery chain, it is particularly pressing for the District Councils to have greater monitoring, oversight and supervisory roles to ensure that local service providers are providing an adequate level of services, characterized by quality, efficiency and effectiveness. The District Councils will utilize a number of tools for monitoring and evaluating the performance of line departments and for informing the public of the levels of services that they can expect from the provincial line departments. The utilization of the tools described below will help to create an output and outcome oriented system of governance at the sub-national level. Presently the system measures little else than inputs.

A performance measurement system will be established and utilized under the purview of the District Council. This system will enable the District Council to monitor service delivery at the sub-national level and ensure that it meets adequate standards or performance targets.
All the information gathered by the District Council through this system will be made open and available to public. District Councils will be responsible for publishing the performance standards or minimum service standards of all line departments in a given district. This can be done through the use of local governance handbooks. These are vehicles for conveying essential information on public services and providing information on government services and processes. The District Council will be responsible for displaying these handbooks and making them available to the public. An array of medium will be utilized for disseminating this information.

The District Council will monitor the activities of district offices of line departments to ensure that they adopt and implement measures to further gender equality as well as to monitor their progress towards meeting their goals related to gender equality.

The District Council will be responsible for overseeing the Public Complaints Handling Mechanism. Public complaints can be regarding service delivery or any general issue of public interest. The District Governor and the district offices of Provincial line departments will be answerable to the District Council for ensuring that the complainants are responded to within a timely manner. If the District Councils come to a conclusion that that district office of a provincial line department is not performing according to minimum services standards, the District Council will report such information to the District Governor, the Provincial Governor, the Provincial Council and the Centre for taking remedial action. Such information will also be made available to the public through the local government handbooks as well as through other medium.

- The District Council will serve as the primary representative of the constituents of the district within the district governance. The District Council will hold regular meetings that are open to public to inform the public of any relevant activities being carried out by the district administration. More specifically, the District Council will report on the District Governor and district offices’ progress made toward implementing district development plans and progress made by the district in achieving development, security, human rights, good governance and Rule of Law. Once minimum service standards are developed, the District Council will gather and make public information on district offices’ progress towards meeting minimum service standards.

17 For this system to be effective, all ministries must develop minimum service delivery standards.
The District Council will consider information gathered from citizen consultations while making important decisions. The District Council will consult with CSOs regarding planning, development, governance and security issues.

- The District Council will assist in resolution of dispute of a civil nature if both parties to the dispute agree on the arbitration role of the District Council.

- The District Council will participate in and coordinate with relevant officials to eliminate customs and traditions contrary to the law, human rights and Islamic Sharia, such as forced marriages and exchange of females for settlement of disputes.

- The District Council is responsible for reviewing and scrutinizing the response to any natural disaster. The results of the review should be made public, and submitted to the District and Provincial Disaster Management Committee, the Provincial Governor, the Provincial Council, the IDLG and the ANDMA.

Accountability

- The primary means by which the District Councils are held accountable to the people is through their election.

- The primary role of the District Councils is to exercise an accountability function.

- The DCs will have authority to hold the District Governor and the district offices of Provincial line departments for their performance and non-performance. The District Governor and the District Offices of Provincial Line Departments will be answerable to the DCs for their decisions.

Resources
• District Councils will be given sufficient funds by the Government, through IDLG, to allow them to effectively conduct the activities within their mandate.

• The IDLG will strengthen the DCs enabling them to perform their roles and fulfill their responsibilities towards their constituent citizens.

• The IDLG will strengthen the capacity of District Councils, support knowledge sharing and exchange among District Councils.

• The IDLG will ensure that elected councils at all the three levels i.e. Province, District and Village levels are able to work in a harmonious manner. The IDLG will draft regulations under the relevant laws for harmonious working of these elected councils and issue these regulations with the Government approval.

District Offices of Line Ministries

Roles and Responsibilities

• District Offices of Line departments must strive for service excellence.

• The responsibilities of district offices of line departments will be based on the delegation orders of each ministry. Each ministry will develop an appropriate policy for delegation. Line departments will be reorganized with an aim to divide different powers and functions between central, provincial and district offices to enhance efficiency and allocate duties to the level of government within each particular ministry that has a comparative advantage in the provision of particular services. Services are the most efficient and the most effective when delivered by the administrations closest to the citizens. This ensures accountability of the service providers to people. The allocation of powers will be tailored within each particular sector as is appropriate. Managing delegation to reap the benefits of being closer to the citizens is one of the most important actions that the ministries will take to improve service delivery. Procurement and contracting powers of line departments and District Governor and District Offices of Provincial Line Departments will be substantially enhanced. Wherever feasible Kabul will stop deciding and procuring on behalf of the Provinces and Districts. The Centre will trust the Provinces (the central ministries will trust the provincial line
departments) to make right decisions based on local preferences. Likewise the Province will trust the Districts to make right decisions based on local preferences.

- Ministries will initiate implementation of their plans for delegation of authority without waiting for enough capacity to be built since capacity of district offices of provincial line departments cannot be effectively built unless these units are actually entrusted the responsibility.

- Public Administrative Reform will be rolled out to the district level and completed by the end of year 2014. Through PAR, organizational structures will be reformed; management processes will be streamlined; business processes simplified and; essential skills and knowledge of civil servants will be developed.

- District offices of line ministries will work closely with the District Council to develop, make operational and utilize a performance management system. This will include the development of minimum service standards. Not only will district offices of line departments need to provide the District Council with information on their minimum service standards, district offices will also be responsible for providing the District Council with information regarding whether they are meeting, failing to meet or exceeding the minimum performance standards and to what extent.

- In the long run, all relevant Ministries will establish their offices in the districts in order to serve the people better.

**Accountability**

- District offices are “upwardly accountable” to the provincial and central offices of the line ministries.

- District Offices of provincial line departments are accountable to District Councils and, through District Councils, to people. They must provide the District Council with information on their performance on a regular basis and when requested under special conditions.
circumstances. The District Council will invite any District Official of Provincial Line Department once a month to provide information on an issue of public interest. The accountability to the District Council creates greater accountability of the district offices of line departments to the people. Such an accountability relationship will result in improved service delivery.

- **Heads of District Offices of line departments that do not meet minimum service standards may be subject to sanction.** Following an investigation into why minimum service standards were not met; if it is proved that that the minimum standards were not met, the head of District Office of the line department will either: 1) receive training, 2) be put on probation until minimum service delivery standards are reached, or 3) be dismissed. The District Governor in consultation with the District Council and the provincial office of the line ministry will decide which sanction the head of the district office of line department will receive. The provincial office of the line ministry will also evaluate whether the district office required further organizational reform or capacity building.

- **District Offices of Provincial line departments are accountable to the District Governor for their performance or non-performance.**

**Resources**

- **District Offices of Line Departments will be funded through the National Budget (Programme Budget).**

**District Development Assemblies**

Roles and Responsibilities

- District Development Assemblies (DDAs) will maintain their current roles and responsibilities until the constitutionally mandated district councils are elected in 2010.

- DDAs will perform the development planning function of District Councils till constitutionally-mandated District Councils come into existence.
• DDAs will prepare district development plan based on local needs and priorities of people in the district. In coordination with district offices of line departments, they will do planning, monitoring and evaluation, and generation of resources at district level. The responsibilities of DDAs include identifying priorities at district level, making strategies that reflect interest of communities and villages and, leading the making of district development plans. DDAs will create effective coordination among all organizations, programmes and development projects at district level.

**Accountability**

• District Development Assemblies will remain accountable to MRRD.

• District Development Assemblies are accountable to the people of the district in which they operate.

**Resources**

• National Budget (Programme Budget) is the source of funds.

**District Administrative Assemblies**

**Roles and Responsibilities**

District Administrative Assembly (DAA) consists of District Governor as the chair and heads of district offices of the Line Departments and Agencies as the members. This is a forum through which the district governor achieves administrative, development and security-related coordination in the activity of district offices of different line departments and agencies.
3. **Village Governance**

The Village-level governance entities include:

Village Council

Community Development Councils (CDCs)

Civil Society including Shuras and Councils, Media

Informal Governance Entities such as Malik, Arbab, Qaryadar; Khan; Rish-i-safid, Malik-i-gozar, Kalantar; Mirab; Ulema, Mullah; Arbakai; Qumandan

Communities

Of these governance institutions and entities, the Village Administration is:

Village Council

The overarching responsibilities of the Village Administrations are as follows:

1. To maintain peace, security, order and stability in the village
2. To maintain the Rule of Law in the village
3. To realize, protect, promote and extend human rights of the citizens of the village
4. To promote social, economic, educational and cultural development of the village
5. To provide services to the people of the district. These services include Justice, Security, Safe passage of people and goods on Public Roads, Water and Sanitation, Health and Nutrition, Education, Electricity, Roads, Local Transportation, Rural and Urban Infrastructure, Agriculture and Irrigation, Natural Resource Management, Land Registration, Social Protection, Identity Card, Private Sector Development, Civic Services such as Solid Waste Management, Traffic Management, Street Lighting, Recreational Facilities, and Libraries
6. To ensure good governance arrangements in the village i.e. to ensure
   - Openness/Transparency
   - Accountability to People
   - Participation of People, especially Women and Youth
   - Participation of Civil Society and Private Sector
   - Local Democracy
   - Effectiveness-Efficiency
   - Equity and Inclusiveness
   - Gender Justice
   - Coherence
- Rule based system at all levels

7. To reduce poverty and disease and to achieve MDGs for the people of the village
8. To mitigate and manage natural disasters
9. To eliminate poppy cultivation and to promote alternative livelihood
10. To protect environment and to make sustainable use of natural resources
11. To support Islamic religion and to promote Islamic values
12. To assist in implementation of Afghanistan National Development Strategy and national priority programmes in the village

**Roles and Responsibilities at Village level**

<table>
<thead>
<tr>
<th>Entity</th>
<th>Roles and Responsibilities</th>
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<tr>
<td>Village Council</td>
<td>Preparation and Implementation of Village Development Plan</td>
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<tr>
<td>Community Development Councils</td>
<td>Designs and implements all village-level development projects</td>
</tr>
<tr>
<td>Civil Society, Shuras and Councils, Media, Tribal Elders, Religious Leaders</td>
<td>Oversight, Monitoring, Quality Assurance, Performance Management of the public services delivered in the Village, Co-production of development goods/services</td>
</tr>
</tbody>
</table>
Policy on Sub-national Governance

Accountability Procedures at Village level
All Village Governance Entities will be accountable to the people of the village.

Governance Entities Accountable to People:
Village Council
Head of Village Council
Community Development Council (CDC)

Governance Entities Accountable to the District Council and Provincial Council:
Village Council

Governance Entities Accountable to the Village Council:
Village Head i.e. Chair of the Elected Village Council

To improve security, governance, the economy and the overall well-being of Afghan citizens the Village Administration will be reformed in the manner described below.

Village Councils

Roles and Responsibilities
Constitutionally mandated Village Councils will be elected in 2011. The Government presence will extend to each and every part of the country once all 38000 Village Councils are elected. Their roles and responsibilities will include:

- Village Councils will be responsible for performance of the following functions in the Village:
  - Preparation and implementation of Village Development Plan
  - Implementation of development plans and projects
  - Oversight, Monitoring and Evaluation, Quality Assurance, Performance Management over the Government Service Delivery
  - Liaison with Communities, Civil Society and Media
Policy on Sub-national Governance

- Help maintain peace, security, public order and stability
- Help maintain Rule of Law
- Protection, Promotion and Extension of Human Rights
- Good Governance
- Poverty Reduction
- Attainment of MDGs
- Elimination of customs contrary to the law and sharia
- Counter Narcotics
- Disaster Management
- Administration
- Fiscal Authority of Expenditure and Financial Management
- Coordination
- Delivery of Services as per extant policy of the Government
- Co-production of development goods and services
- Regulation such as construction regulations, security regulations and zoning etc
- Social Protection
- Dispute Resolution
- Management of Village Commons
- Natural Resources Management
- Environmental Protection
- Land Registration
- Determination of Village Boundaries
- Population Registration and Vital Statistics
- Facilitation of the activity of CDCs
- Coordination with governance entities at higher level

- Stakeholder Coordination: Village Councils will plan and coordinate with district offices of line ministries, which are present at the district level, District Governors, District Councils and other governance entities as necessary. Such coordination will entail ensuring that plans and projects of the government, line departments as well as donors are aligned with village needs and priorities.
  - The Village Council will submit community plans to District Governor for concurrence and consolidation.
  - The Village Council will encourage and facilitate citizen participation in planning and identification of village priorities.
• The Village Council will deliver services where necessary and as per the extant policy of the Government.
• The Village Council will manage village commons.

• The Village Council will take part in administration of the village, including:
  o land registration
  o maintaining vital statistics: The Village Council will record the population statistics in the community, including the number of men and women in the village, births, deaths and marriages.
• The Village Council will ensure information regarding village governance is available to the public.
• The Village Council will consult regularly with citizens of the villages, including women and youth.
• The Village Council will hold governance actors at the village level accountable for fulfilling their roles and responsibilities in accordance with the law.
• The Village Council will monitor and oversee all governance entities at the village level, both formal and informal.
  o The Village Council will meet regularly with relevant officials from the police or ANA working with the village in order to interact regarding the current state of security.
  o The village council will impart the security related information that they have to the District Governor and District Police Chief.
• The Village Council will facilitate social protection initiatives that provide social assistance to poor individuals and households; social services to groups who need special care or would otherwise be denied access to basic services; social insurance to protect people against the risks and consequences of livelihoods shocks; and social equity to protect people against social risks such as discrimination and abuse. If the livelihood shock is village-wide, the Village Council will coordinate with higher level governance entities.
• The Village Council may assist in dispute resolution in non-criminal cases and if both parties to the dispute agree to the Village Council playing an arbitration role.
• The Village Council will refer disputes to the entity that has legal authority, if they are approached with a criminal case as well as others that are outside their jurisdiction to arbitrate.
• The Village Council will help ensure that minimum sanitation standards are maintained within the village.
• This may include ensuring that waste is properly disposed of and that drainage ditches are built.

• The Village Council will participate in and coordinate with relevant officials to eliminate customs and traditions contrary to the law, human rights and Islamic Sharia, such as forced marriages and exchange of females for settlement of disputes.

• The Village Council will play a key role in disaster management by working with village communities on disaster prevention, preparedness, response, rehabilitation and mitigation. Each village will have a Village Disaster Management Committee, which will include representatives of the Village Council (once it exists), key civil society groups (such as Shurahs and CDCs) and a set number of volunteers. The Committee is responsible for developing response plans for the types of emergencies that occur in the area, ensuring efficient and equitable distribution of relief supplies, and coordinating with the government response. The VC will constitute sub-committees in various areas of work (such as education and reforestation) based on needs of the village.

• Government will ensure that coordination in all development works at village level takes place through the elected Village Council.

Accountability

• The primary means by which the Village Councils are held accountable to the people is through their election.

• The primary role of the Village Councils is to exercise governance function.

• The Village Council will report on its activities and expenditures to the District Council and the District Governor.

• The Village Council will provide and ensure that all other governance entities at the village level provide information regarding their activities to the people.

• Village hearings will be convened on a regular basis to provide the electorate with an opportunity to assess the performance of the Council. Village Council meetings will be open to the citizens of the Village. Evaluations will be submitted to the District Council.

Resources
• Village Councils will be given sufficient funds by the government to allow them to conduct the activities within their mandate. Government will support the Village Councils financially so that these Village Councils are able to independently sign agreements and contracts for and on behalf of the village and also execute these agreements and contracts. The Ministries will spend an appropriate percentage of their budget at village level.

• The IDLG will strengthen the Village Councils enabling them to perform their roles and fulfill their responsibilities towards their constituent citizens.

• The IDLG will strengthen the capacity of Village Councils, support knowledge sharing and exchange among Village Councils.

• The IDLG will fund operational costs for the Village Councils.

Community Development Councils

Roles and Responsibilities

• CDCs will maintain their current function until Village Councils are elected in 2011. The CDCs will continue to function as a representative council of the people till the Constitutionally mandated Village Councils are elected in 2011.

• When the Constitutionally-mandated Village Councils are elected, CDCs may cease to exist. They will be at liberty to continue as Civil Society based organizations engaged in community-driven development (CDD).

Accountability

• CDCs are accountable to the people who elect them.
• CDCs are accountable to the Ministry of Rural Rehabilitation and Development who provides them block grant.

• CDCs will be accountable to the people while they perform the future role of Village Councils.

Resources

• The Ministry of Rural Rehabilitation and Development provides block grants to the CDCs through National Solidarity Programme (NSP) funding.
5. Election of District and Village Councils, Mayors and Municipal Councils

5.1 Roadmap for elections

The following is a calendar for the elections of Provincial Councils, District Councils, Village Councils, Mayors and Municipal Councils.

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<td>SY 1396(2017 AD)</td>
<td>SY 1400(2021 AD)</td>
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<td>SY 1399(2020 AD)</td>
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<td>SY 1393(2014 AD)</td>
<td>SY 1397(2018 AD)</td>
<td>SY 1401(2022 AD)</td>
<td>SY 1405(2026 AD)</td>
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</table>

5.2 Sources of funding for elections

- The national budget will be the source of funding for the Provincial, District and Village Council Elections.

- Municipal budget will be the source of funds for mayoral and municipal elections.

5.3 Term

<table>
<thead>
<tr>
<th>Council</th>
<th>As per Constitution</th>
<th>As per this policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Council</td>
<td>4 years</td>
<td>Constitutional mandate endorsed.</td>
</tr>
<tr>
<td>District Council</td>
<td>3 years</td>
<td>Constitutional mandate endorsed.</td>
</tr>
<tr>
<td>Village Council</td>
<td>3 years</td>
<td>Constitutional mandate endorsed.</td>
</tr>
<tr>
<td>Mayor</td>
<td>Not mentioned</td>
<td>4 years</td>
</tr>
<tr>
<td>Municipal Council</td>
<td>Not mentioned</td>
<td>4 years</td>
</tr>
</tbody>
</table>
5.4 **Term Limits**

<table>
<thead>
<tr>
<th>Council</th>
<th>Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Council</td>
<td>None</td>
</tr>
<tr>
<td>District Council</td>
<td>None</td>
</tr>
<tr>
<td>Village Council</td>
<td>None</td>
</tr>
<tr>
<td>Mayor</td>
<td>2</td>
</tr>
<tr>
<td>Municipal Council</td>
<td>None</td>
</tr>
</tbody>
</table>

5.5 **Reservation of Seats for Women**

- 25% of Provincial Council seats will be reserved for women. This is minimum. More women can contest the general i.e. unreserved seats.

- 25% of District Council seats will be reserved for women. The seats will remain reserved if required number of women seeks election as district council members. The seats will go to men candidates to the extent women are not available to contest these positions.

- No Village Council seats will be reserved for women. Women are empowered to contest as general candidates on general seats. During the first major policy implementation review to be conducted in 2014, the Government will consider reservation of seats for women in Village Councils.

- No mayoral seats will be reserved for women. Women are empowered to contest as general candidates on mayoral seats.

- 25% of Municipal Council seats will be reserved for women. This is minimum. More women can contest the general i.e. unreserved seats.

5.6 **Age Requirements**

The following are minimum age requirements for the following positions:
Policy on Sub-national Governance

- Provincial Council members: 22 years of age
- District Council members: 22 years of age
- Village Council members: 22 years of age
- Mayor: 30 years of age
- Municipal Council: 22 years of age

5.7 Constituency

<table>
<thead>
<tr>
<th>Council</th>
<th>Constituency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Council</td>
<td>Province-wide</td>
</tr>
<tr>
<td>District Council</td>
<td>District-wide</td>
</tr>
<tr>
<td>Village Council</td>
<td>Village-wide</td>
</tr>
<tr>
<td>Mayor</td>
<td>Municipality</td>
</tr>
<tr>
<td>Municipal Council</td>
<td>Town-wide</td>
</tr>
</tbody>
</table>

After the census is conducted in 2010, the Government will decide on carving Provincial Council electoral districts on the basis of population.

5.8 System of Elections

<table>
<thead>
<tr>
<th>Council</th>
<th>System of Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Council</td>
<td>Province as a Constituency, Single Non-Transferable Vote. In PC elections, in the first stage, the one-fourth of the seats will be reserved for the female candidates garnering the most votes. In the second stage, the candidates with the most votes will be elected for remaining seats.</td>
</tr>
<tr>
<td>District Council</td>
<td>District as a Constituency Single Non-Transferable Vote. In DC elections in the first stage, the one fourth seats will be reserved for the female candidates with the most votes. In the second stage, the candidates with the most votes will be elected for remaining seats. If the women candidates are not available, to that extent the seats reserved for women will become unreserved.</td>
</tr>
<tr>
<td>Village Council</td>
<td>Village as a Constituency, Single Non-Transferable Vote. The candidates with the most votes will be elected.</td>
</tr>
</tbody>
</table>
For Mayoral elections, the candidate who receives more than 50% of the legal votes will be declared the winner. If no candidate receives more than 50 percent of the votes cast in the first round, a runoff election shall be held between the two most voted candidates within two weeks following the announcement of election results. In the second round only the two candidates obtaining the most votes shall participate. The candidate who receives more valid votes in the second round of election shall be declared elected.

**Municipal Council**

Town-wide or City-wide Constituency, Single Non-Transferable Vote. The candidates with the most votes will be elected. In Municipal Council elections, in the first stage, minimum one-fourth of the seats will be reserved for the female candidates garnering the most votes. In the second stage, the candidates with the most votes will be elected for remaining seats.

### 5.9 Provision for various elections

I. Seats for Provincial Councils will be allocated as follows:

(1) The seats to the Provincial Councils are allocated on the basis of its population in the following manner:

- Provinces with less than 500,000 inhabitants: 7 members;
- Provinces with 500,000 to 1,000,000 inhabitants: 13 members;
- Provinces with 1,000,001 to 2,000,000 inhabitants: 19 members;
- Provinces with 2,000,001 to 3,000,000 inhabitants: 25 members;
- Provinces with more than 3,000,000 inhabitants: 31 members.

(2) In provinces where the nomad populations are permanent resident, a determined number of seats proportional to the Kuchi (Nomad) population shall be allocated for them in the relevant Provincial Council.

II. Seats for District Councils will be allocated as follows:

(1) The number of members of each District Council shall be determined by population in the following manner:

- Districts with less than 20,000 inhabitants: 5 members;
- Districts with 20,001 to 40,000 inhabitants: 7 members;
- Districts with 40,001 to 60,000 inhabitants: 9 members;
III. Seats will be allocated to Village Councils as follows:

(1) The number of members of each Village Council shall be determined on the basis of its population in the following manner:

1. Village with 100 up to 300 inhabitants: 3 members;
2. Village with 301 up to 500 inhabitants: 5 members;
3. Village with 501 up to 700 inhabitants: 7 members;
4. Village with 701 to 1000 inhabitants: 9 members;
5. Village with more than 1000 inhabitants: 11 members;

IV. Seats will be allocated to Municipal Councils as follows:

(1) Each Municipal Council shall have at least seven seats.

(2) In the Municipalities, which have not been divided into Nahia, Municipal Councils shall have a total of seven seats. These seven seats shall be elected out of town-wide constituency. Two of these seven seats will be reserved for women.

(3) In the Municipalities, which have one Nahia, Municipal Councils shall have a total of seven seats. All these seven seats shall be elected out of town-wide constituency. Two of these seven seats will be reserved for women.

(4) In the Municipalities, which have been divided into two or more Nahia, Municipal Councils shall have a total number of seats and the seats reserved for women as per the table given below. The Members of Municipal Councils will be elected through town-wide or city-wide constituencies by Single Non-Transferable Vote. The candidates with the most votes will be elected.

<table>
<thead>
<tr>
<th>No. of Nahias in the municipality</th>
<th>Total number of seats in the municipality</th>
<th>City-wide Constituencies</th>
<th>Seats reserved for women</th>
<th>Percentage of seats reserved for...</th>
</tr>
</thead>
</table>

171
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>women</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>7</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
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</tr>
<tr>
<td>25</td>
<td>33</td>
<td>33</td>
<td>9</td>
</tr>
</tbody>
</table>

The number of the seats of the Kabul Municipality shall be determined as per above formula on the basis of the information regarding the number of its Nahia provided by the Municipality of Kabul.

6. Codes of Conduct for Appointed and Elected Sub-National Officials
Codes of principles and conduct for elected sub-national officials and appointed sub-national civil servants are attached as annexes I and II. The introduction of such codes of conduct are a necessary, but not sufficient condition for ensuring honest elected officials and honest public servants who strive to uphold the principles of good governance. For these codes of conduct to be effective they will be supported by a range of enforcement mechanisms.

Codes of conduct have been implemented in various forms in many civil service systems across the world. On-going professional training, effective institutionalization by management, and committed leadership by political and administrative elites must be in place for the codes to be effective. Signing and upholding these codes of conduct will be necessary for all appointed and elected sub-national officials. The codes of conduct endorse the following principles: serving the public interest, transparency, integrity, legitimacy, fairness, responsiveness, efficiency and effectiveness.

The following activities will be carried out to encourage officials to uphold these codes of conduct:

- A culture that supports professional responsibility, self-discipline and support for rule of law will be promoted. This will be supported by effective laws that require civil servants to give reasons for their official decisions.
- Administrative practices and processes, which promote ethical values and integrity, including effective performance measurement techniques supported by ethical values, will be put in place.
- Management approaches, which encourage both elected officials and civil servants to handle temptation for corruption and unethical practices, will be used.
- Human Resource Management Strategies that link ethical performance with entry and advancement and, ethical underperformance with disciplinary processes will be developed and implemented.
- Training on the codes of conduct, the application of ethical management principles, the proper use of official power and the requirements of professional responsibility will be imparted.
7. Improving Security at Sub-National level

The Afghan National Police will uphold the Constitution of Afghanistan and enforce the prevailing laws of the country to protect the rights of all people of Afghanistan. The Police will perform their duties in a professional, non-discriminatory, accountable and trustworthy manner.

The Afghan National Police is responsible for law enforcement. The Police will work with the people to actively combat crime, especially crimes against women, children, elderly and ethnic minorities and to deal with disorder including terrorism and illegal armed activity; prevent the cultivation, production and smuggling of narcotics; and fight corruption. The Police will ensure and extend the sovereignty of the State and protect its borders. The Police will serve the people and act in a manner that ensures people’s cooperation, trust and respect. The Police will fulfill their duties in a non-discriminatory way and in accordance with the law respecting principles of Islam and traditions of Afghanistan as well as gender values. The Police will perform their duties in line with international instruments on human rights, democratic principles and the rule of law accepted by the Government. The Police will use all legal instruments and force in accordance with the law. Police actions will be legal, proportionate and necessary.

The Police will account for their activities and the resources put at their disposal in a transparent and public manner. Police Chiefs and Commanders will take disciplinary action against personnel who violate the professional code of conduct. In case of violations of the law, legal action will be taken through Prosecutor’s Office and Courts. The Police will cherish professional and disciplined conduct, honesty, objectivity and impartiality, accountability and transparency and closeness with the people as their values.

Improving the relationship between Governors and the police

A pre-requisite to improving the relationship between Governors and the police is to clarify the relationship between Governors and line ministries. A core of present reform is to focus and improve the capacity of governors to coordinate activities within the province with line departments without becoming too involved in the operational and day-to-day functions and activities of line agencies, including the Ministry of Interior. Improving and clarifying the Police Law and the Law on Sub-
National Administration and ensuring their implementation and enforcement will be necessary to achieve this goal. Another pre-requisite of improving the services of the ANP is merit-based police appointments with no interference from any quarter including the Provincial Governor.

- Article 4 of the Police Law will be revised to state that the police shall perform their duties under the leadership, guidance and supervision of the Ministry of Interior in the Center and under the leadership, guidance and supervision of Governors in the provinces and districts respectively. The Provincial Governors will coordinate the activities of the Police and National Directorate of Security in the province and District Governors will do so in the district. The Police will follow the priorities and policy guidance set by the Governors and District Governors. However the Police Chiefs will maintain organizational and operational control.

- Sub-National Administration Law: As stated above, the duties and authorities within the Sub-National Administration Law will be revised to strengthen the coordination role of the Provincial and District Governors. A clear role and mandate for Governors will facilitate more effective relations among all provincial entities including security establishment.

- Governors will not have influence on the appointment of individual police staff. All recruitment of police will be through transparent merit-based appointments and recruitment.

**Improving the effectiveness of the ANP**

- No interference will be permitted in the merit based recruitment and appointment of police.

- Vetting of candidates for the police will proceed unimpeded. Any interference in the vetting of candidates will be penalized.

- Harmonizing the pay of the police with that of the ANA is a step towards tackling corruption within the ANP.

**Improving Accountability of the Police to the People**

Improving the accountability of the police to the people is essential to improving their performance.
A Code of Conduct for the police has recently been drafted to provide the police with a legally binding document that reminds them that their primary duty is to serve the people of Afghanistan and that provides a concise document describing their duties and responsibilities. This Code of Conduct provides a mechanism for holding the police accountable for their conduct.

- The Code of Conduct will be reviewed to ensure its compliance with extant laws and regulations. It will include the principles, values, standards or rule of behavior that guide the decisions, procedures and systems of the police in a manner that contributes to the welfare of the police and the citizens and which respects the rights of all citizens.

- Mechanisms for ensuring the enforcement of a Code of Conduct for the Police will be put in place.

The 119 complaints mechanism is an important and valuable initiative.

- The 119 complaints mechanism will be rolled out to regions and major municipalities and then to provinces when the resources are available.

- Given that not all citizens of the country have access to a telephone, other means will be established to facilitate all citizens to submit complaints. The people will be informed that written or oral complaints can also be brought to the Provincial Council. The Provincial Council will be responsible for ensuring that the complaint is referred to the appropriate MoI authority and this MoI authority will be responsible for resolution of citizen complaint.

- Institutional reforms will be made within the MoI to ensure that complaints are dealt with in an accountable, transparent, impartial and efficient manner that upholds the rule of law. An independent commission will be established to review complaints received by the MoI. To ensure the independence and impartiality of this commission it will have an independent budget that is adequate for carrying out all of its mandated activities fully and effectively. This Commission will have representation from Civil Society.

**On functional independence of a Prosecutor**

Article 134 of the Constitution states that “**Discovery of crimes is the duty of the police and investigation and prosecution are conducted by the Attorney General’s Office in accordance with the provisions of the law.**
The Office of the Attorney General is part the Executive Branch, and is independent in its functions. The structure, authority and activities of the Office of the AG shall be regulated by law.”

The provincial prosecution office and the district prosecution office are part of the provincial and district administration respectively. They report to the provincial and district governor as well as to the PC and DC. However, they are independent in their functions. They have autonomy to take decisions as per Law on Structure and Authority of the Attorney General’s Office. Given the important role a prosecutor plays in upholding the rule of law, this policy supports functional independence of the prosecutor from any other institution. Provincial Administration and Provincial Council will closely work with provincial prosecution office to provide people with access to justice services. Likewise, District Administration and District Council will closely work with district prosecution office to provide people with access to justice services.

Accordingly Law on Structure and Authority of the Attorney General’s Office, 1991 presently governs the working of the prosecutors. According to this law, prosecutors are responsible not only for defending the rights and freedoms of the citizens of Afghanistan according to the Constitution and laws of the country, but also the rights and interests of the government. The Prosecutor’s duties and authorities include safeguarding and defending “the rights and the legitimate interests of the central and local government, quasi-governmental and private institutions, political parties, social organizations… against violation.” The law states specifically in Article 14 that the AGO has the duty and responsibility to monitor “the implementation and equal adherence to the law by governmental organizations and citizens of the country.” The Attorney General’s Office is mandated to play a significant role in ensuring that both the government and the citizens of Afghanistan uphold the rule of law. According to the law, the AGO has a provincial prosecution office in every province and a primary prosecution office in every district. Thus, prosecutors have a mandate of upholding the rule of law throughout the country. The prosecutors have an authority “to monitor the legality of the activities of the organization related to discovery and investigation of crime.” According to the Constitution, the Police are responsible for the discovery of crimes. This article therefore gives prosecutors throughout the country a mandate to monitor the legality of the activities being carried out by the police.

The AGO is expected to play a role in ensuring that documents issued by central and local government offices are in accordance with the provisions of the law. As stated in Article 22 (1) the prosecutor is to (1) “monitor the conformity of orders, instructions, bills, by-laws and other documents issued by central and local government offices, governmental, quasi-governmental and private institutions, political
Article 22 reiterates the role of the AGO in accepting complaints of citizens, enabling them to initiate the process for holding both the government and fellow citizens accountable to upholding the law. Article 22 (7) states that in the field of general monitoring, the prosecutor has the duty of monitoring and assessing the “complaints of citizens and notification of the responsible authorities about the violation of the law.” Prosecutors are empowered and duty bound to ensure that the relevant authority respond to such complaints. According to Article 23 “While prosecutor monitor items set forth in Article 22 of this law, related organizations and responsible authorities are duty bound to take action within 20 days after receiving the letter and provide the relevant prosecutor with the results.” Prosecutors also have the duty and authority to investigate cases brought before them. The prosecutors have a responsibility of prosecuting criminal actions and therefore following through with a case from the stage of complaint until it is brought to court. The Law provides for prosecutors and interrogators to be held accountable for committing crimes and for administrative and disciplinary misconduct.

However the sanctions against prosecutors and their enforcement mechanisms for administrative and disciplinary misconduct need to be clarified to have sufficient force. The law does not include a code of conduct. There will be a code of conduct for prosecutors to hold the prosecutors accountable for upholding principles and ethics. The law will be amended to clarify over which organizations prosecutors have the authority to monitor the legality of the activities carried out by the particular organization. The law will be amended to clarify specific functions and responsibilities of prosecutors and police. Given the important role a prosecutor plays in upholding the rule of law, this policy supports functional independence of the prosecutor from any influence by any other institution or official of either the legislative or executive branch.

9. Facilities and Amenities in Sub-National Government Offices

The Government will undertake a full scale review of the facilities available in all the Elected Councils, government offices and municipalities. By end-1393 (20 March 2014), all the Elected Councils, subnational government offices and municipalities will have basic facilities and amenities including adequate built up space, child care facilities, computers, communication facilities and furniture. The key officials at national and sub national level will have adequate means of mobility to connect with the communities they are serving. The Government will provide for adequate operating and maintenance costs for the local government entities. Thus, the Government will enhance the
operational performance of all the sub-national governing entities by providing them with the physical facilities, amenities and means of communication they require as well as adequate operating costs to maintain these facilities.

10. Delegation of Responsibilities to the Provinces, Districts and Villages

Delegation of responsibilities creates greater efficiency and effectiveness as those responsible for service delivery are able to make decisions on how to deliver services based on ground realities and the opinions of those who will ultimately receive the services. Services are the most effective and the most efficient when delivered by administrations closest to citizens. This ensures accountability in service provision.

Over time responsibilities of line ministries will be delegated as follows:

- The majority of policy functions related to primary education will be retained in Kabul while implementation will be delegated to the provinces and districts. Maintenance and operation will be delegated to the villages.

- The majority of policy functions related to secondary education will be retained in Kabul while implementation will be delegated to the provinces.

- The majority of policy functions related to health clinics and hospitals will be retained in Kabul while implementation will be delegated to the provinces and districts. Maintenance and operations will be delegated to the villages.

- Policy functions related to public transportation will be retained in Kabul, and almost all implementation will be delegated to the provinces and municipalities.

- Policy functions related to provincial roads will be retained in Kabul, and almost all implementation and maintenance will be delegated to the provinces.

- The majority of policy functions and implementation related to local access/feeder roads will be delegated to the provinces. Some implementation, maintenance and selection of sites will be delegated to the districts and villages.
• The majority of policy functions related to *private sector development* will be retained in Kabul while implementation will be delegated to the provinces. Some implementation will be delegated to the districts.

• Policy functions related to *agricultural development* will be retained in Kabul and implementation will be delegated to the provinces and districts.

• For *natural resource management*, policy functions will be retained in Kabul and implementation will be delegated to the provinces and districts. Some implementation will also be delegated to the villages.

• For *disaster management*, the majority of policy functions will be retained in Kabul and implementation will be delegated to the provinces, districts and villages.

• For *social protection*, policy functions will be retained in Kabul and implementation will be delegated to the provinces and districts. Villages can play a role in making welfare payments and operating shelter facilities.

• For *alternative livelihoods*, some policy functions and implementation will be delegated to the provinces. Some implementation will also be delegated to the districts. Villages may play a role in targeting areas and identification of types of assistance.

• For *poppy eradication*, policy functions will be retained in Kabul, the majority of implementation delegated to the provinces and some to the districts. Implementation of pre-planting programmes will be delegated to the villages.

• For *water supply*, policy function will be retained at Kabul and implementation will be delegated to the Provinces and Municipalities, while operation and collection of charges will be delegated to the municipalities and villages.

• For *sanitation*, policy function will be retained at Kabul, implementation will be done at the provincial and municipal levels and operations and maintenance will be delegated to the municipalities and villages.
Policy on Sub-national Governance

- For recreational facilities, policy functions and implementation will be delegated to provincial and municipal levels and operations and maintenance will be delegated to the municipalities and villages.

11. Existing Sub-National Jurisdictions

Afghanistan is located in South-Central Asia and has an area of 652,864 square kilometers. It shares borders with six countries as follows:

<table>
<thead>
<tr>
<th>Neighboring Country</th>
<th>Border</th>
<th>Length of Border in Kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pakistan</td>
<td>East and South East</td>
<td>2430 km</td>
</tr>
<tr>
<td>Iran</td>
<td>West</td>
<td>936 km</td>
</tr>
<tr>
<td>Turkmenistan</td>
<td>North West</td>
<td>744 km</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>North</td>
<td>137 km</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>North East</td>
<td>1206 km</td>
</tr>
<tr>
<td>China</td>
<td>East</td>
<td>76 km</td>
</tr>
</tbody>
</table>

Afghanistan has 34 Provinces, 34 Provincial Centers and 364 rural districts. Hirat, Jalalabad, Kabul, Mazar-i-Sharif and Maimana are the Provincial Centre districts that do not have any villages in their jurisdiction. Remaining 29 Provincial Centre districts have anywhere up to 300 villages in their jurisdiction. Annexure III gives this information. It has three matrices. First matrix gives the names of the Provinces, the Districts within these Provinces, district-wise population, and district-wise number of villages. Second matrix gives the names of 153 municipalities and basic information pertaining to these municipalities for the solar year 1386. Third matrix gives the number of Nahias in the municipalities wherever Nahias exist. Nahia is a subordinate administrative unit within a municipality. 27 municipalities have a total of 121 Nahias. Remaining 126 municipalities do not have any subordinate administrative nahia jurisdiction.

The population estimate of the Central Statistics Office (CSO) for 01 July 2004 is 23,565,200. 13.90% population of Afghanistan lives in Kabul Province (one in seven Afghan citizens lives in Kabul Province), 7% of Population lives in Hirat Province, 6% in Hilmand, 5.7% in Nangarhar Province, 4.9% in Balkh Province and 4.7% in Ghazni Province.
Based on the household listing data of the CSO, 80.60% population of the country is rural and 19.40% population is urban. Afghanistan’s rural population (CSO estimate as on 1 July 2004) is 18,985,200. The rural population is distributed over 38579 settlements of varying sizes. Median of the distribution of the rural settlement is located at 309. That means half the rural population lives in villages with 309 population or less and the other half in villages with more than 309 population. Average population of Afghan village is 481. According to the Household Listing data of the CSO, Afghan household on an average comprises of 6.3 members.

The distribution of the rural population settlements by size-class (CSO estimate for 2003-2005) is given in the following chart.

Out of the 38579 rural settlements CSO listed during the household listing conducted during 2003 and 2005, the CSO found 1409 settlements to be not inhabited by human population for reasons such as relocation due to draught and war, destruction of village during the war, settlement having only government offices or shops and for other reasons. CSO Household Listing data shows 442 villages as vacant and 967 villages as demolished. Thus there were 37170 inhabited rural settlements in the
country when the household listing was conducted. If we subtract the number of sub-villages (793) from the total number of inhabited rural settlements seen during the household listing, we get the number of inhabited villages in the country during 2003-2005 to be 36377. However, this data is dynamic in the sense that some of the deserted villages may have been repopulated or some of the destroyed villages may have been rebuilt in course of time after the household listing was done by the CSO. A clear picture will emerge during the census that is scheduled to be conducted in the year 2010 and will become widely known when census results are published.
12. Policy on creating new Sub-National Jurisdictions

Zones and Regions

The Constitution of Afghanistan does not recognize supra-provincial jurisdictions such as zones or regions. The Ministries in certain cases for effectively implementing their plans and programmes need to adopt a regional approach. For example, the Ministry of Urban Development has adopted this approach for promoting economic development in the regions. The Ministry of Agriculture, Irrigation and Livestock needs to adopt specific strategies for different agro-climatic regions of the country. The Government is aware of the importance of these regional approaches and has approved these approaches for development, security and defense purposes. However, the Government does not recognize zone or region as a distinct political or territorial governance unit of the country.

Policy on creation of Provinces

The provinces are a product of our history as well as politics. It will not be useful to lay down any technical definition of a Province. Afghanistan as of today consists of 34 Provinces. From time to time there is a demand for creation of new jurisdictions including provinces, districts and municipalities. However, the government decision on demand for creation of a new Province will be based on political implications of its creation on national security, national unity and integrity.

Policy on creation of Districts:

Afghanistan’s 34 Provinces are divided into 364 rural districts and 34 Provincial Center districts i.e. *Markaz-i-Wolayat*. Some provinces have unofficial districts that have been created by the Provincial Governors sometimes to better align tribal politics with district boundaries and oftentimes on public demand. These are recognized provincially, but not centrally. A decision will be taken on the discrepancy between de facto districts and de jure districts. New districts have additional financial burden on the national exchequer. The government will strike a balance between the costs of additional district and benefits it will bring to people in terms of easier access to services and improved security and cohesiveness.

On collaboration among the provinces
Policy on Sub-national Governance

A Provincial Council shall cooperate with other Provincial Councils in addressing governance, security and development issues that extend beyond the Province. To achieve this purpose, Provincial Council may nominate a delegation of its members to deliberate with the delegation of another Provincial Council. Similarly Provincial Governors will work with each other in addressing governance, security and development issues that cover many adjacent provinces. The Independent Directorate of Local Governance will take a lead in this regard by organizing periodic conferences of the Provincial Governors in the region. Some Ministries for effectively implementing their plans and programmes have established regional offices or zonal offices. Provincial offices of a Ministry in a given region will collaborate with each other in addressing the issues that cover the region.

13. Provincial Reconstruction Teams (PRTs)

H. E. the President by issuing decree on 17 July 2008 has constituted a Commission with the Director General, Independent Directorate of Local Governance as Chairperson and the Deputy Minister, Political Affairs of the Ministry of Foreign Affairs and Deputy Ministers of the Ministries of Public Works, Rural Rehabilitation and Development and Urban Development as its members. The Commission has the mandate i) to suggest ways to improve coordination between PRTs, International Coalition Forces and Sub National Institutions and, ii) to develop a specific mechanism for coordination of Provincial Reconstruction Teams and International Coalition Forces with sub national institutions and a mechanism for monitoring implementation of PRT projects and programs. Given this position, the present policy process has not dealt with the affairs related to PRTs since the Presidential Commission is seized with the matter.
III. MUNICIPAL GOVERNANCE

General

Policy Statements

• A new Municipalities Law will be enacted and supporting Implementing Rules and Regulations will be issued within 6 months after its enactment in order to provide the guidelines for implementing its provisions.

• The new Municipalities Law will provide for the following:
  - Definition of municipalities
  - Criteria for creation, merger and/or abolition of municipalities
  - Mission, and core and basic functions of a municipality
  - Administrative supervision of municipalities to define the authority of the government such as IDLG and the Province over municipalities
  - Incentives and sanctions for non-compliance to legal provisions

Indicative Implementing Rules and Regulations

The implementing rules and regulations (IRR) for the new law must have the following basic stipulations, among others:

• Classification of municipalities and definition of each classification
• Process for creation, merger and/or abolition of municipalities

Other salient provisions of the proposed Municipalities Law are discussed in the succeeding sections.
**Definition Creation, Merger and Abolition of Municipalities**

**Policy Statements**

- A Municipality is defined as follows:

  “A municipality is a distinct legal and administrative entity with a well-defined geographical or territorial boundary and created for the purpose of providing for the general welfare of its constituents.”

- In the administrative and governance hierarchy, a “Municipality” is a next lower unit to a province.
- Municipal districts comprise a municipality and villages comprise a district. All of these hierarchical units have well-defined territorial and administrative boundaries.
- A municipality has a corporate personality empowered to conduct actions of a corporate nature, such as to acquire/sell property, enter into contracts, sue or be sued, use a legal name or manage public economic enterprises.
- A Municipality may be created provided it conforms to a set of criteria.
- Municipalities may be created, merged or abolished according to a legally regulated process.
- Municipalities may be merged under certain conditions.
- Municipalities may be abolished under certain conditions.

**Indicative Implementing Rules and Regulations**

The criteria for creating municipalities may include the following:

- Must have a well-defined geographical boundary having a minimum land area of 50 square kilometers, as established by Afghanistan Geodesy and Cartography Head Office (AGCHO)
- Must have a minimum population of 20,000 as established by the Central Statistics Office (CSO)
- Must have the capacity to be financially self-reliant to provide essential public facilities and services.

The process for creating, merging or abolishing municipalities may include the following steps:

- The community, through its village councils, conducts consultations and formulates a petition.
The community submits a petition, through resolution(s) from concerned village council(s), to the Municipal Council, which evaluates the petition according to established criteria.

The Municipal Council, after conducting due consultations, submits the petition, through a resolution, to the Provincial Council through the Provincial Administrative Assembly for endorsement.

The Provincial Council, through a resolution, endorses the petition to the IDLG for approval.

The IDLG examines the proposal, satisfies itself that the proposal meets legal criteria for creation of a New Municipality and then submits it to the Council of Ministers for the final decision on the petition. The decision of the Council of Ministers is subject to confirmation by the National Assembly.

The following could be adopted as conditions for the merger of municipalities:

- The municipality was created without observing the legal process and without securing the approval of the central government.
- The municipality is deemed non-viable, i.e., they do not meet the established criteria for creating municipalities.
- The non-viable municipality can be merged with an adjacent municipality that is either currently viable or that can be rendered viable with the consolidation of the adjacent non-viable municipality/municipalities.
- The viable, bigger municipality will absorb the non-viable municipality, including its assets and resources.

The following could be adopted as conditions for the abolition of a municipality:

- The municipality was created without observing the legal process and without securing the approval of the central government.
- The municipality is deemed non-viable, i.e., they do not meet the criteria for creating municipalities.
- The abolished municipality can be merged with an adjacent municipality that is either currently viable or that can be rendered viable with the consolidation of the abolished municipality.
- The abolished municipality loses its original legal, corporate, and administrative nature or personality.
• The viable, bigger municipality will absorb the non-viable municipality, including its assets and resources.

**Classification of Municipalities**

**Policy Statements**

• Municipalities shall be classified based on a combination of factors.
• A standard nomenclature for municipal classification will be observed.
• The classification of municipalities will be regularly reviewed by the central government for purposes of re-classification considering changes in socio-economic and administrative conditions.

**Indicative Implementing Rules and Regulations**

The following factors may be used for classifying municipalities:

• Income, as attested to by the Ministry of Finance
• Population, as attested to by the CSO
• Land area, as attested to by AGCHO

Any of the following standard nomenclatures may be adopted:

• Based on income generated
• Based on level of urbanization
• Based on a combination of factors
Functions of Municipalities

Policy Statements

- The Law will clearly define the mandatory and optional functions of municipalities.
- Mandatory or core functions are services which municipalities must provide at the minimum while optional functions are those which municipalities provide in addition to the mandatory functions depending on the municipality’s capacity.

Indicative Implementing Rules and Regulations

The proposed core/mandatory functions of municipalities are as follows:

- Governance and Development Administration
  - Establish the institutional structures and mechanisms for effective, responsive, efficient, transparent, accountable and inclusive municipal governance and administration.
  - Develop, implement, monitor and evaluate long-range socio-economic development plans for the municipality according to development guidelines issued by the central government and responding to specific needs of special sectors of the community such as the youth, women, aged, nomads and disenfranchised.
  - Define the land uses of various areas within its jurisdiction in accordance with the municipal socio-economic development plans.
  - Assist central government agencies direct their plans and programs to reflect municipal sector priorities, such as for education, health, socialized housing, poverty alleviation, agriculture, environmental management, infrastructure, etc. with particular emphasis on aspects where the municipal government does not have existing capacity to provide.
  - Coordinate with the central government in implementing development projects within its jurisdiction.
  - Issue business permits and licenses to private enterprises intending to operate within the administrative jurisdiction.
  - Collect taxes, fees and charges according to national and local legislations.
  - Set assessed property values based on current market rates of real properties within its jurisdiction in the light of the City Master Plan.
Policy on Sub national Governance

- Encourage community/public participation in municipal governance, such as in establishing priority development needs, participating in planning and programming activities, monitoring and evaluating municipal performance relative to development goals.

- Service Delivery

  - Assist central government implement programs and projects.
  - Implement and maintain basic municipal infrastructure and social services, such as provision of water, electricity, disease prevention, garbage collection and greening, municipal roads, transport facilities such as terminals, recreation centers, cultural and historical facilities.

- Legislative

  - Enact local legislations in support of national laws and municipal development priorities, as well as to improve efficiency and effectiveness of municipal governance and administration,
  - Establish regulatory and incentive frameworks for community involvement in municipal governance and in the provision of essential public services.
  - Impose and/or collect fines and penalties for non-compliance to governmental regulations.
  - Create local taxes, fees and charges and set rates to ensure full cost recovery.

The proposed optional functions are as follows:

- Governance and Development Administration

  - Establish the institutional structures and mechanisms that will encourage community participation in municipal governance and administration and partnership with the private sector in municipal economic development.
  - Assist central agencies direct their plans and programs to reflect municipal sector priorities
  - Coordinate with the central government for compliance to urban development guidelines in implementing development projects within its jurisdiction.
  - Encourage the private sector to invest private capital within the municipality through clear regulatory and incentive frameworks.
  - Enter into corporate partnerships with the private sector in public economic ventures that aim to improve service delivery.
• **Service Delivery**

  ▪ Provide essential and basic socio-economic services in accordance with the national development framework and in response to local community’s needs. Such services include the implementation of social, economic, security, environmental and other poverty alleviation programs and projects that aim to improve the general welfare of the community and its inhabitants.

  ▪ Implement and manage municipal urban infrastructure projects such as water supply, electricity, health care, higher and vocational education, environmental sanitation facilities, municipal roads, recreation centers, etc., to bring about social and economic development.

  ▪ Establish and manage municipal economic enterprises to ensure efficient service delivery and reasonable profitability.

• **Legislative**

  ▪ Establish regulatory and incentive frameworks for private-sector involvement in municipal governance, especially in local economic development and public-service provision.

  ▪ Enact local ordinances in support of the municipality’s corporate powers such as entering into contracts, establishment of corporate entities and joining economic partnerships.

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**Organizational Structures and Institutional Mechanisms for Municipalities**

**Policy Statements**

• Municipalities will be guided in establishing organizations and institutional mechanisms.

• Municipalities will have the authority to design their organizational structures based on guidelines established by the central government.

**Indicative Implementing Rules and Regulations**

• Organizational models will be developed for each municipal classification that will guide municipalities in designing their organizational structures.

• Guidelines for adoption of a model or adaptation of two or more models will be provided to guide municipal selection of its best-fit model.
Policy on Sub national Governance

- Standard position classifications and titles, compensation structures and statements of duties and responsibilities will be provided to guide municipalities in organizational design, human resource development and management.

Kabul City

The following policies are proposed for the Municipality of Kabul:

- Kabul city is classified as a municipality. However, it shall have additional functions, authorities, and responsibilities cognizant of the special status it currently enjoys being the country’s capital city.
- Kabul City shall continue to be supervised by the Office of the President. However, it shall be primarily responsible to fulfill its mandate to provide for the general welfare of its inhabitants.
- It shall continue to be governed by the same laws governing municipalities, in addition to any laws enacted specifically for the City.
- The Government may make additional special regulations exclusively for the Kabul Municipality.
Policy on Sub-national Governance

Institutional Framework

Management Systems

Policy Issues

The policy issues are as follows:

- Work systems and procedures being used in most municipalities are outdated.
- Management systems for efficient development administration are not in place.
- There remains a lack of transparency in the operation of municipal government administrations.

Policy Objective

The policy objective is to establish municipal institutional structures and mechanisms for responsive, cost-effective and efficient administration and participatory, inclusive, transparent and accountable governance.

Policy Recommendations

Policy Statements

- The national government shall prescribe standards for municipal management systems.
- Such systems shall conform to national policies, laws, and regulations, and, as far as practicable, conform to international standards and best practices.
- Sanctions shall be imposed on municipalities and/or municipal officials for failure to conform to or implement such systems, while rewards/incentives will recognize superior/excellent performance.

Indicative Implementing Rules and Regulations

- Regulations prescribing systems and procedures for, among others, development planning and investment programming, budgeting, accounting, procurement and logistics management, and fixed assets management.
Policy on Sub-national Governance

- Central government support toward the municipal adoption of such systems.
- Central government responsibilities for monitoring compliance.
- Transition period and activities to be implemented for migration to the new systems.
- Sanctions for non-compliance and rewards for superior/excellent performance.

Development Administration

Policy Issues

The major issues are as follows:

- Municipal development planning is unable to respond to expressed community needs.
- Development resources are grossly insufficient to support basic development priorities and this is exacerbated by resource leakages due to corruption.
- Since central agencies directly deliver sectoral services, municipalities exercise limited accountability to its community.

Policy Objectives

The policy objectives are as follows:

- To put in place a municipal development administration system that is responsive to local needs and priorities.
- To make municipal development processes and outputs for enhancing the accountability of municipal government administrations toward their constituents.

Policy Recommendations

Policy Statements

- Municipal development plans will be founded on bottom-up processes that reflect community priorities and top-down planning will reflect budget decisions.
- Provincial and national planning and budgeting processes will integrate municipal plans and programs, which reflect local needs and priorities.
**Indicative Implementing Rules and Regulations**

- National socio-economic development objectives, goals, and targets reflecting national aspirations expressed through participatory and consultative processes.
- Forums, systems, and procedures for bottom-up planning that reflect community priorities and top-down planning anchored on resource availability.

**Municipal Services**

**Policy Issues**

Municipalities have no control over the quality of most basic services such as health, education, power, roads, etc. These services are delivered by vertically independent and highly centralized ministries through their provincial directorates and district offices, and municipalities merely monitor the progress of implementation. As such, municipalities do not hold themselves accountable for the absence or poor quality of these services.

On the other hand, municipal service delivery, such as for provision of water and small community infrastructure is constrained by insufficient resources and capability. Central government has not exhibited any indications to devolve some of its service delivery functions, much less provide budgetary support for programs devolved for implementation. Communities have not been involved in service delivery planning, needs identification and prioritization, and investment programming.

By virtue of its mission, municipalities are mandated to provide for the general welfare of its inhabitants. However, its lack of control over the services that are provided to its constituents contradicts this mandate. Parallel to this are a number of issues that ultimately impact on the community. The major policy issues, therefore, are as follows:

- Municipal service delivery is unresponsive, insufficient, and of poor quality.
- The planning and budgeting for sectoral service delivery is done at the national level, resulting in a clear disjoint between real community needs and actual services delivered.
- Service delivery planning does not ensure coherence between real community priorities with program design and funds programming.
Policy Objectives

In response to the foregoing issues, the policy objectives are:

- To improve the quality of public services at the municipal level.
- To enable municipal government administrations to assume more responsibilities for the delivery of basic public services.

Policy Recommendations

Policy Statements

- Municipalities will assume responsibility over public services that are best planned, produced, and delivered at the local level.
- Municipalities will be free to cooperate with other government entities, the private sector, and the community in identifying and prioritizing local needs.
- Municipalities will be free to cooperate with other government entities, the private sector, and the community in achieving the required economies of scale, mobilizing the required resources, and improving delivery of services.
- Delegation/devolution of central service provision will be accompanied by the requisite authorities and accountabilities, and subject to established service standards.
- Central agencies will transfer to the municipalities concomitant resources, including the building of the necessary competencies, for devolved programs.
- Systems and procedures for central-municipal coordination and cooperation in sectoral service delivery will be developed to ensure that no gaps or duplications occur.
- The overarching principle for service delivery is service excellence.

Indicative Implementing Rules and Regulations

- Official pronouncements for the delegation/devolution of the following basic services:
  - Primary health care such as for maternal and child care, promotion of micro-nutrition, disease prevention, etc.
Policy on Subnational Governance

- Construction and maintenance of municipal urban infrastructure such as water supply, electricity, municipal roads, recreation centers, and parks
- Environmental sanitation
- Protection and management of natural resources within a municipality’s administrative jurisdiction
- Disaster management.
- Guidelines for the provision of support by the central government, including the necessary capability and capacity build-up
- National guidelines and service standards for service provision and production at the municipal level
- National guidelines for sub-contracting of municipal services.

Municipal Economic Enterprises

Policy Issues

Related to the provision of services, municipalities have so far not been able to exploit the opportunities offered by economic enterprises. The major issues are as follows:

- Existing laws and regulations do not confer corporate powers to municipalities.
- Existing attempts of municipalities in undertaking economic activities compete directly with the private sector (e.g., hotels and wedding reception halls).
- Such attempts are primarily directed toward generating profits than providing services.

Policy Objectives

Following are the policy objectives:

- To cultivate entrepreneurship within the municipal government administration.
- To promote economic enterprises as vehicles for the delivery of essential public services.
- To establish economic enterprises as instruments for local resource generation and mobilization.
Policy Recommendations

Policy Statements

- Municipalities have the authority to exercise corporate powers vested upon them by pertinent laws.
- Municipalities may organize economic enterprises primarily to deliver essential public services.
- The engagement of municipalities in economic enterprises should not deter the entry of the private sector.
- Municipal services may impose fees and charges for selected services provided by municipal economic enterprises.
- Tariff-setting for municipal economic enterprises will allow for financially viable and sustainable operations.
- Rate-setting will entail participatory and consultative tripartite decision-making involving the rate payers.

Indicative Implementing Rules and Regulations

- Capitalization of municipal economic enterprises
- Access of economic enterprises to external resources, including loans and private-sector investment
- Guidelines on cost-recovery, return on investment, and tariff setting
- Public accounting and auditing rules and regulations applicable to municipal economic enterprises
- Treatment of surplus and deficit of municipal economic enterprises

Performance Management

Policy Issues

Capacity for data collection, processing, analysis, and consequent action or decision-making is low at national level and more so at the sub-national government level. Establishing evidence-based policy and decision-making, on the other hand, requires specific competencies as well as commitment and an enabling environment for the culture of monitoring, evaluating, and reporting to flourish.
The following issues have been identified:

- The legal and policy frameworks do not clearly provide for municipal performance management.
- Institutional structures and mechanisms for full-cycle performance management have not been installed at both the central and sub-national levels.
- Capabilities and capacities for performance management are not in place, both at organizational and individual levels.

Policy Objectives

In line with the Government strategy of using monitoring and evaluation to enhance the link between policy making, planning, and budgeting, the policy objectives are the following:

- To strengthen accountability of municipal government administrations toward their constituents.
- To improve the performance of municipal governments.
- To improve planning and budgeting processes.
- To stimulate productivity and creativity of municipal government offices and personnel.

Policy Recommendations

Policy Statements

- Municipal performance measurement vis-à-vis central and sub-national development objectives will be institutionalized.
- Incentives and sanctions will comprise the performance management system.
- Performance management will guide decision-making in development planning, public investment programming, annual budgeting, service provision and delivery, and capability/capacity building.

Indicative Implementing Rules and Regulations

- Institutional and individual responsibilities for municipal performance management
Policy on Sub national Governance

- Procedures for the issuance of national development goals, objectives, and targets and guidelines for deriving municipal performance benchmarks
- Processes and timelines for periodic municipal performance measurement and performance reporting
- Rewards and sanctions mechanisms

Capacity and Capability Development

Policy Issues

Municipalities lack the capacity and the capability to provide the requisite services that will allow them to fully fulfill their mandate. Planning and programming competencies do not allow for accurately defining real community requirements. Municipal capacities to generate sufficient revenues able to meet community demand are wanting due to poor database, lack of competencies and absence of cooperation from taxpayers. Operational and development budgets are unrealistic, unresponsive and not focused on priorities. Systems and procedures do not lead to institutional capacity build-up.

Municipalities lack the necessary knowledge, skills and attitudes for service excellence. Many local officials and employees have not been provided the opportunities to improve or update their competencies, except for recipients of donor support.

- No reliable database can provide a real systematic approach to municipal capacity and capability build-up.
- No purposive capacity and capability building programs have been developed for municipalities and its public servants to address priority and critical competencies and organizational strengthening.
- Programs currently provided are donor-driven, oriented to meet short-term objectives; opportunities are sporadically provided, mostly to technical assistance partners.
- Municipal public servants are not attuned to pro-actively gaining better and expanded competencies.

Policy Objectives
The policy objectives are as follows:

- To ensure that municipalities have sufficient wherewithal to perform their functions and thus accomplish their mission.
- To cultivate within municipal government administrations competent and dedicated civil servants.

**Policy Recommendations**

**Policy Statements**

- Purposive and systematic municipal capability development will be provided to municipalities.
- Municipal budgets will allocate resources for continuing capability building and organizational strengthening.
- Public administrative reform will be implemented at the municipal level, supplemented by human resource and organizational development and management.

**Indicative Implementing Rules and Regulations**

- Institutional and individual responsibilities for capability and capacity building at municipal level
- Guidelines on national and municipal budget allocation for municipal capability and capacity building
- Institutional and individual responsibilities, guidelines, and procedures for PAR implementation at municipal level
Governance and Administration Structures and Functions

Existing governance and administration structures are founded on legal provisions, but they do not enable municipalities to effectively provide quality service. Municipal administration is wanting in efficiency, responsiveness, and accountability. Gaps and overlaps in operations and service delivery characterize intergovernmental and intra-municipal relationships resulting in interweaving and confusing reporting and supervision.

Functions, roles, responsibilities, and accountabilities are unclear. Implementing mechanisms do not necessarily conform to the legal and policy frameworks. Powers are exercised through formal and extra-constitutional authorities.

The Municipal Government

Policy Issues

The law has vested municipalities with limited functions that constrain reach, scope and effectiveness. Legal provisions have been unsuccessful in providing sufficient guidelines for the establishment of intra-municipal structures, leaving gaps in the exercise of municipal functions. The current Municipalities Law provides limited guidance to municipal entities, such as the Municipal Councils, as to their respective duties, responsibilities, and authority.

Moreover, this Law is unable to clearly guide municipal officials, such as the Mayor and the Deputy Mayor, in the exercise of their respective functions, as much as it is unable to delineate responsibilities and accountabilities. Municipal public servants are unfamiliar with the whole scope of their functions and responsibilities. They lack the creativity and service orientation that lead to excellent public service.

Internal municipal structures are unresponsive to development thrusts and public service. These were neither organized based on clear guidelines nor founded on rules and regulations and as such are not responsive to operational realities. These structures are not equipped with sufficient flexibility and controls. Institutional systems and procedures are unable to sufficiently guide a proactive and productive municipal public service.
The issues are as follows:

- The current Municipalities Law is unable to empower municipalities to fully attain its mission and clearly define the whole generic range of services that municipalities need to deliver to its constituency, including those for Kabul City in the light of its special status.
- Municipalities are not empowered with the flexibility to consider existing levels of urbanization in delivering its services.
- The functions of organic municipal entities and officials are not well-defined and sufficiently delineated.
- Standard qualification and performance standards for municipal public servants have not been developed to render excellent public service.

**Policy Objective**

The objective is to establish the requisite institutional environment that will

- Encourage technocracy and professionalism in an efficient and effective municipal governance and administration system
- Develop a crop of professional and committed public servants.

**Policy Recommendations**

**Policy Statements**

- The legal, policy and regulatory frameworks will support the establishment of efficient and effective municipal institutional and organizational systems, including the following:
  - Establishment of efficient organizational structures oriented toward service delivery and intra-municipal relationships
  - Clearly defined and delineated functions for the municipality, municipal structures, and officials
  - Organizational and individual performance management systems and qualification standards
- Municipalities will be vested with the power to fully exercise all its functions and the flexibility to provide focused services; mandatory and optional functions will be clearly defined.
• Organizational models with commensurate organizational standards will be developed for each municipal classification that will guide municipalities in designing their organizational structures.

• Guidelines for adoption of a model or adaptation of two or more models will be provided as basis for the selection of the best-fit model.

**Indicative Implementing Rules and Regulations**

• Criteria and process for shift from one organizational model to another

• Criteria and guidelines for municipal selection and design of the best-fit organizational model, subject to IDLG approval

**Municipal Mayor**

**Policy Issues**

Municipal mayors lead municipal governments. The Municipalities Law stipulates the election of Mayors, but they are currently appointed by the central government. This has led to unbalanced power structures within the governmental hierarchy, parochial politics, nepotism, corruption, and inefficiency. Some mayoral appointees are not qualified, and they are unable to provide the necessary leadership for the municipality. In addition, decisions are clouded with vested interests.

The policy issues are as follows:

• Mayors are elected positions as required by the Constitution.

• So far Mayors have been appointed.

• There are no incentives for municipal elective officials to perform well, and sanctions are not imposed on non- and under-performance

**Policy Objectives**

In response to the foregoing issues, the policy objectives are:

• To improve the quality of municipal leadership.
Policy on Subnational Governance

- To ensure the legitimacy of mayoral installation.

Policy Recommendations

Policy Statements

- Regular elections will be held for elective municipal officials, as specified in the constitution.
- Qualification standards for municipal mayors will be defined to ensure a high quality of municipal leadership and administration.
- Capability-building programs for municipal elective officials in governance and municipal administration will be undertaken to improve the quality of municipal leadership and management.

Indicative Implementing Rules and Regulations

- Election law, rules, and regulations municipal elective officials
- Guidelines for tenure, removal, and re-election of municipal officials
- Qualifications for municipal mayors:
  - At least 30 years of age.
  - Must be an Afghan nationality
  - Must be of good moral character
  - Has the official certificate of graduation from the 12th grade of high school
  - Has not been convicted of any crime
  - Has lived at least for three years in the city, where he or she candidates himself or herself.

- Possible functions of the Municipal Mayor
  - Service Delivery
    - Ensure the delivery of basic services and the provision of adequate facilities, including those that are provided in coordination with central government.
    - Implement plans and programs for the general welfare of the municipality.
    - Conduct regular consultations with municipal district officials and inhabitants of municipal district to establish real conditions, define priority needs, and identify possible solutions to development issues.
  - Regulatory Functions
Executive Head of Municipal Administration

- Enforce all laws and ordinances relative to the governance of the municipality and the exercise of municipal corporate powers.
- Issue such executive orders as are necessary for the proper enforcement and execution of municipal laws and ordinances within the municipal jurisdiction.
- Ensure that all municipal taxes and other revenues of the municipality are collected, and that municipal funds are applied in accordance with law or ordinance to the payment of expenses and settlement of obligations of the municipality.
- Issue mandated licenses and permits, and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued.
- Ensure that necessary permits are obtained prior to the construction of any structures, that fines and penalties are imposed by law or ordinance for illegal construction, or that such structures that are not constructed in accordance to guidelines are demolished or removed observing legal procedures.
- Adopt adequate measures to safeguard and conserve land and other natural resources of the municipality.
- Provide a facilitative business environment, such as by providing investment incentives and streamlining municipal business permits and licensing procedures to encourage the inflow of private investments in priority or preferred economic activities within the municipality.

Administration and Management

- Exercise general supervision and control over all programs, projects, services, and activities of the municipal government.
- Provide policies and guidelines for municipal administration and operation, and be responsible to the Municipal Council, the province, and the central government for the effective implementation of development programs of the municipality.
- Ensure that all municipal executive officials and employees faithfully discharge their duties and functions, and that they act within the scope of their prescribed powers, functions, duties, and responsibilities.
- Cause to be instituted administrative or judicial proceedings against any municipal official or employee who may have committed an offense in the performance of his official duties.
- Direct the formulation of the municipal socio-economic development plan, with the assistance of the Municipal Council.
Policy on Sub-national Governance

- Initiate and propose legislative measures to the Municipal Council and provide relevant planning parameters in the performance of its legislative functions.
- Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of municipal funds, except those who are appointed by higher authorities or central agencies.
- Initiate and maximize efficient revenue generation and fiscal administration, including the utilization of revenues for the implementation of development plans and programs.
- Represent the municipality in all its business transactions and sign on its behalf contracts, legal documents and obligations.
- Ensure transparency and accountability in all municipal transactions, both internal and external.

- Coordination with Central Government and the Community
  - Submit to the provincial governor and central agencies pertinent reports pertaining to the management, administration, and development of the municipality, including those on the municipality’s social, and economic conditions.
  - Coordinate the implementation of sectoral and technical services provided directly by central agencies in the municipality.
  - Ensure that the Master Plan and Socio-economic Development Plans of the municipality are properly implemented.
  - Make representations in behalf of the municipality with the central government and its entities to direct central government plans, programs, resources, and budgets allocated for the municipality to support and respond to municipal priorities.
  - Engage public and community participation in municipal governance and administration, such as in the identification of municipal priorities, implementation of municipal plans and programs, and monitoring and evaluation of municipal performance.
  - Encourage private sector participation in local economic development through the infusion of private capital in preferred economic activities within the municipality.
**Deputy Mayor**

**Policy Issues**

Except for the provision in the Municipalities Law on the functions of the Deputy Mayor as “accepting responsibilities delegated by the Mayor,” the legal framework does not provide for the functions of the Deputy Mayor. Thus, the roles, responsibilities, and accountabilities of deputy mayors are unclear.

Deputy Mayor is unable to fully and productively contribute to municipal affairs due to a number of issues:

- The functions, roles, and accountabilities of deputy mayors relative to the mayor and other municipal entities, officials are unclear.
- The value of deputy mayors in the management hierarchy are not recognized and often undermined.
- Competencies among municipal leadership are generally low.

**Policy Objectives**

Policy objectives are as follows:

- To ensure municipalities have a clear flow of command.
- To improve the quality of municipal leadership.

**Policy Recommendations**

**Policy Statements**
• Mayor of a Municipality appoints Deputy Mayor. Mayor may appoint a person who in Mayor’s opinion is competent to carry out the responsibility of the position of Deputy Mayor. Mayor may appoint a senior municipal official as Deputy Mayor.

• The functions and qualifications of deputy mayors will be clearly defined to ensure delineation, accountabilities, and flow of authority within the municipal leadership.

• Capability-building programs for municipal officials in governance and municipal administration will seek to improve the quality of municipal leadership and management.

Indicative Implementing Rules and Regulation

Possible functions of the deputy mayor:

• Serve as the vital link between the municipal government and the Municipal Council to ensure that necessary municipal legislations and ordinances are enacted to provide the legal framework for effective municipal governance and administration.

• As next in rank, lead municipal government operations on behalf of the mayor in his absence and in accordance to a formal designation.

• Perform such other duties and functions as may be delegated by the mayor according to the provisions of pertinent laws.

Appointed Municipal Officials and Employees

Policy Issues

Many municipal officials and employees remain unclear as to the municipal missions and their respective functions. Tasks are performed based on perceptions rather than designated responsibilities. Terms of reference (or statements of duties and responsibilities) are unable to clearly guide municipal officials in the exercise of their duties.

Many public servants are unqualified and competencies are low. Salaries do not provide sufficient incentives to perform well, and non performers are tolerated. Existing municipal organizational structures do not conform to standard organizational designs, such as nomenclatures, position classifications, salary structures, and the like.
The poor quality of municipal public service has inhibited the delivery of municipal services. Many issues relate to this:

- There are no standard organizational designs and human resources management systems.
- Selection, hiring, and promotion are not merit-based.
- There are no incentives and sanctions to direct individual performance.
- There is at present pervasive lack of commitment, low morale, under-productivity, and corruption

**Policy Objectives**

Presented below are policy objectives that seek to address these policy issues.

- To enhance the competencies of municipal employees.
- To generate qualified professional municipal public servants committed to service excellence.

**Policy Recommendations**

**Policy Statement**

Municipal human resource management and development will:

- Guide merit-based personnel management and administration
- Provide a code of conduct for municipal officers and personnel;
- Define sanctions for non-compliance and rewards and incentives for exemplary performance; and
- Provide for constituent participation in the enforcement/application of the system.

**Indicative Implementing Rules and Regulations**

- Merit-based selection and hiring guidelines
- Performance-based human resources management systems, including incentives, rewards, and sanctions
- Standardized position classification and nomenclature
- Standardized compensation schedule
- Capability building program
Municipal Councils

Policy Issue

While the Constitution makes reference to municipal councils by providing the manner of constituting them and by providing that these shall “organize activities involving people and provide them with the opportunity to actively participate” in municipal affairs, but Municipal Councils have not been created yet. Members of these councils are to be elected into office for a period of three years.

Enactment of laws constituting Municipal Councils and providing for their powers and responsibilities, as well as the related financial mechanism are to be enacted by 20 March 2010 and elections for members of the councils will be conducted by the same year.

The Municipalities Law sporadically mentions municipal activities that involve Municipal Councils: (1) confirmation of the municipal organizational chart and the budget, (2) utilization of municipal savings for emergency cases, and (3) requests to the Emirate, MoF for budgetary augmentation. These are however insufficient to determine the roles and functions of the Councils.

The main issues, therefore, is that there is no legal basis for the creation, composition, functions or inter-relationships of municipal councils.

Policy Objective

The policy objective is to provide the foundations for constituting and operationalizing municipal councils.

Policy Recommendations

Policy Statements

- The law constituting Municipal Councils will be enacted by 2010 and elections will be conducted.
- This law and its implementing rules and regulations will define the functions, composition, and relationships of the municipal council.
• Municipal councils will be capacitated to exercise their duties and responsibilities.

**Indicative Implementing Rules and Regulations**

Proposed functions of Municipal Councils:

• Enact municipal by laws such as ordinances in support of national laws.
• Represent the constituents in reflecting community needs in municipal priorities through community engagement and partnership in municipal administration.
• Monitor and evaluate municipal administration, and ensuring accountability for budget execution.
• Assist in defining development goals and objectives, identifying development priorities, and identifying and implementing measures to improve the responsiveness and effectiveness of municipal service delivery.
• Monitor and evaluate the implementation of municipal plans and programs vis-à-vis established development goals and targets.
• Conduct regular consultations and dialogues among the constituents, the mayor, and other authorities,
• Provide opportunities for feedback to the constituents and vice versa to improve transparency and accountability, and provide community access to the municipal government.
• approve municipal by-laws and regulations
• approve municipal plan
• approve municipal annual budget
• approve types and rates of municipal taxes, fees, charges and rent on municipal properties
• consult with local communities to learn their needs and preferences and engage the municipal administration to address such needs and preferences
• consult with the people and civil society on regular basis
• hold public hearings on important public interest issues
• hold the Municipal Administration to account for performance of their duties
• monitor and evaluate the performance of municipal administration
• oversee a results-based performance measurement system through regular monitoring and evaluation of Municipal Administration
• monitor and evaluate the budget execution
Policy on Sub-national Governance

- monitor and evaluate the implementation of municipal plans against development goals
- monitor and evaluate the municipal service delivery
- oversee the implementation of these minimum service delivery standards
- ensure delivery of municipal services to the women, the children, the vulnerable, the marginalized, the poor, the disabled, the elderly and the orphans
- monitor and evaluate the working of Nahia offices
- participate in the formulation of municipal development plans
- facilitate participatory planning and budget formulation
- serve as a bridge for consultations and dialogue between the inhabitants of the City and the municipal administration
- propose to Mayor penal action against municipal officials for non-compliance with this Law and non-performance of their duties

Municipal Administrative Councils

Policy Issues

The municipal administrative council is composed of the Mayor, his/her deputy mayor, and department heads. The Municipalities Law mentions a few responsibilities of the Municipal Administrative Council, as follows:

- Confirm the organization chart and budget of municipality prior to submission to the MoF.
- Approve the use of municipal savings.
- Approve requests for budgetary augmentation from the central government.

The legal framework contains very little guidance for the functions and operation of the council. It can be inferred, however, that the council operates very much like corporate boards or management executive committees.

Presented below are a number of policy issues.

- The nature and functions of municipal administrative councils have not been fully described.
• In most cases, the councils are unable to successfully produce even modest municipal socio-economic progress, more efficient municipal operations or improved public service. Council discussions mostly focus on administrative concerns.
• Decisions of the Councils are not devoid of parochial and political interests.

Policy Objective

The objective is to put in place an effective and progressive municipal policy-making administration and management system that will provide long-term development directions and operational guidance.

Policy Recommendations

Policy Statements

• The existence of the municipal administrative council shall be confirmed in relation to the imminent creation of the elected municipal council.
• The municipal administrative council will be accountable to municipal council.
• The functions of the municipal administrative council will be clearly defined; they shall be delineated from the functions of other organs of the municipal government.
• The municipal administrative council shall be given adequate authority to become an effective structure for municipal development.
• The municipal administrative council may
  ▪ Coordinate the activities of different municipal departments
  ▪ Prepare municipal plans and programs including Municipal Socio-Economic Development Plans and Programs and Annual Investment Plans and reach consensus before submission to the Municipal Council
  ▪ Prepare Annual Municipal Budget for submission to Municipal Council for approval and track the budget execution
  ▪ Discuss and address issues arising from the implementation of municipal plans and programs to ensure expected outcomes
  ▪ Discuss and confirm within authority granted by the Government regulation and municipal by-law, proposed management actions such as appointments, hiring, promotion, sanctions, trainings, procurement, financial transactions, installations of systems and procedures, and other administrative actions before actions are implemented
  ▪ Propose the draft municipal by-laws and regulations to the Municipal Council for decision
Propose matters for the decision of Municipal Council where Municipal Council is the final decision making authority.

Indicative Implementing Rules and Regulations

The functions of the municipal administrative council could be as follows:

- Evaluate proposed municipal plans and programs to ensure coherence, prioritization, and adherence to broader goals and objectives.
- Evaluate and approve/endorse Municipal Socio-Economic Development Plans and Programs, Annual Investment Plans, and Annual Municipal Budgets, including the budget for the utilization of savings or inter-governmental transfers.
- Monitor the implementation of municipal plans and programs vis-à-vis duly approved objectives, goals, and targets, and assess impact.
- Confirm management actions related to municipal administration, such as appointments, hiring, promotion, sanctions, trainings, etc., procurement, financial transactions within allowable authorities, installations of systems and procedures, and other administrative actions.
- Approve policies, rules, and regulations that will guide municipal administration and operation.

Municipal Districts

Policy Issues

Municipal districts are the next lower level in the governance hierarchy and thus play a very important role in bringing development to the communities and bringing the government closer to the people. The Municipalities Law prescribes exactly the same functions for municipal districts as those for municipalities.

Municipal districts of more developed municipalities have district offices manned by staff assigned specific functions, while smaller municipalities have none. Many municipal district offices have a budget, albeit grossly insufficient to even cover basic operations while other districts have no budgets at all. Many municipal district offices are supported by the private sector, some of which finance refurbishment, office improvement or small appliances. In many cases, even office supplies are released in kind by the municipality.
Municipal districts generally serve as the municipality’s monitoring arm, such as for illegal construction, garbage collection, prices, and security incidents. They receive community complaints and requests, act as community representative to express community opinions to the municipality or settle small community disputes. In some cases, they are responsible for revenue collection and receive payments of overdue Safayi or cleaning taxes. However, such revenues are not counted as municipal district revenues. Thus, municipal districts do not receive any share in the collection.

A number of policy issues confront municipal districts, presented below:

- There is no delineation in functions between the municipal districts and municipalities; municipal districts duplicate municipal functions.
- Municipal districts are expected to provide municipal services at the community level without budgetary or other resource support.
- The responsibilities and accountabilities relative to the municipality are unclear.
- No capability building program is dedicated to enhancing governance and administration competencies of municipal district officials and staff.

**Policy Objectives**

The policy objectives are as follows:

- To put in place an effective, responsive, and participatory municipal governance structure and administration at the community level.
- To strengthen the communication and partnership between the municipal government and the community.

**Policy Recommendations**

**Policy Statements:**

- Municipal districts are recognized as distinct governance structures.
- Their functions will be delineated from those of the municipalities.
- They will be provided concomitant resources to perform such functions.
Indicative Implementing Rules and Regulations

The proposed functions of municipal districts are:

- Assist the municipal government in the construction and maintenance of basic municipal public infrastructure, such as water supply, roads, drainage and irrigation, housing facilities, public bathrooms, restaurants and lodging places, green belts, etc.
- Assist the municipal government in providing socio-economic services, such as livelihood, cleanliness and environmental protection, security, basic health services such as disease prevention and maternal and child care, literacy program, etc.
- Assist the municipal government in regulatory enforcement, such monitoring of supply and prices of essential commodities in order to prevent hoarding of essential commodities, demolition of illegal and unsafe construction, and issuance of trade licenses to craftsmen/tradesmen.
- Assist in the conduct of statistical and demographic surveys and census, and in civil registration.
- Encourage community participation and partnerships with the private sector through consultations and dialogues.
- Address community appeals, requests, and conflicts.
Policy on Subnational Governance

Fiscal and Financial Framework

Municipal Revenue Generation

Policy Issues

One aspect that distinguishes municipalities from other sub-national governance units is its power to raise its own revenues. Even this, however, is severely constrained by the lack of clarity as to the extent of this power. Actual rates for revenues that municipalities are allowed to collect is set by the Ministry of Finance in Kabul, without due regard to local conditions, particularly the people’s ability to pay. Likewise, there are no clear guidelines on the exploitation of revenue sources. The authority for approving proposals for the collection of new taxes, fees or charges, which usually form part of the municipalities’ annual budget proposals, is likewise unclear; sometimes a decree of the provincial governor is considered sufficient while in other instances the Provincial Administrative Assembly also getting into the fray. Most of the municipal revenue sources now allowed are providing very low yields due to lack of information, and thus interest, on the part of rate payers as well as the low collection capacity of municipal government administrations.

Thus in summary, the issues afflicting municipal revenue generation are as follows:

- Municipalities do not have clear legal authority or autonomy over local revenue sources.
- At present, a significant number of municipalities are still relying on unsustainable revenue sources, such as sale of land and other municipal properties, to finance even their recurrent expenses.
- As stated in the preceding section, up until now municipalities has not been able to exploit local economic enterprises as vehicles for revenue generation and resource mobilization.
- The real property tax as a potentially robust, sustainable, and predictable municipal revenue source is not yet legally recognized, and even if it is, its exploitation will be confronted with serious constraints, such as unclear property boundaries and ownership, poor evaluation methods, and lack of qualified assessors for properties.
- There is in general a lack of capacity for revenue object identification and registration, expansion of collection coverage and efficiency, and arrears administration.
- There are a number of “nuance taxes” with low collection which may well not be able to cover the cost of collection.
Policy Objectives

The policy objectives are as follows:

- To provide municipalities with stable and sustainable funding base that will enable it to perform its functions, take care of the welfare of its employees, as well as expand and improve public service delivery.
- To eliminate the collection of illegal revenues or revenues that unduly burden the local population or impede legitimate economic initiatives of the private sector.
- To ensure that municipal revenues are administered in a transparent and accountable manner.

Policy Recommendations

Policy Statements

- The real property tax will be recognized and implemented as municipal revenue source apart from the existing Safayi or Cleaning Tax.
- Municipalities will be authorized to set rates of fees, and charges, subject to regulation by the national government, with due consideration to local economic conditions and the local populations’ capacity and/or willingness to pay.
- Municipal taxes, fees, and charges will adopt progressive structures, with due consideration to broader socio-economic ramifications of such structures.
- Municipalities will be authorized to create and exploit own-revenue sources, subject to stipulations by relevant laws and regulations.
- Local economic enterprises established by municipalities shall be recognized as legitimate sources of municipal revenue.
- Exploitation of new revenue sources as well as rate setting will be done only with sufficient prior consultation with prospective rate payers.
- Municipalities shall implement a revenue administration and reporting system that fulfills the requirements of their accountability to constituents as well as to higher government levels.
- Sanctions shall be imposed on the collection of illegal levies and non-compliance with applicable laws and regulations governing municipal revenue, including those pertaining to revenue administration and reporting.
Indicative Implementing Rules and Regulations

- Guidelines for the implementation of the real property tax law, including property valuation and tax rate setting
- Institutional and individual responsibilities for the implementation of the real property tax law at national, provincial, and municipal levels
- Qualification standards for municipal assessors
- Guidelines and processes for rate setting and exploitation of revenue sources
- Municipal revenue administration and reporting system
- Sanctions for the collection of illegal levies and non-compliance with applicable laws and regulations governing municipal revenue

Municipal Budgeting and Public Investments Planning

Policy Issues

Another characteristic that sets municipalities apart is their authority to formulate their own budgets. This conceivably is an enviable strength, representing the municipalities’ ability to respond to local needs and priorities. In many ways, this authority is severely constrained, as demonstrated by the following issues:

- The municipal budgeting process is subject to a large number of oversight checks, including those exercised by districts, provincial municipalities, provincial governments, IDLG, and the Ministry of Finance.
- Investment budgets are likewise highly controlled with a municipality providing a list of projects that will be approved or rejected by the central ministries and the funding by the Ministry of Finance, negating the intimate knowledge that a municipality has regarding local needs and priorities.
- The standard budget format does not allow for narrative description and/or justification of individual items; approval or rejection can thus become arbitrary, most often relying on the reviewers’ judgment of what are reasonable magnitudes based on previous year’s figures.
- The budget process is deemed inflexible, leaving no room for municipalities to respond to immediate needs/exigencies if these are not included in the approved budget.
Policy on Subnational Governance

- There is no mechanism for capital investment planning beyond the forthcoming year, rendering municipalities unable to commit to multi-year investment that is usual for such urban infrastructures as roads, water supply, and environmental sanitation.

Policy Objectives

The policy objectives are as follows:

- To strengthen the linkage between municipal plans and municipal budgets.
- To transform the municipal budget into an effective instrument for public administration reform at municipal level, particularly the accountability of municipal government administrations toward their constituents.
- To improve the ability of municipal government administrations to respond to local needs and priorities through the extension and intensification of public service delivery.

Policy Recommendations

Policy Statements

- Municipal budgeting shall be streamlined to eliminate unnecessary interferences in the attendant formulation, review, and approval processes.
- For the foregoing purpose, an improved municipal budgeting system shall be designed and prescribed by competent central government authorities.
- The budgeting system shall incorporate a consultative bottom-up identification and aggregation of local needs and priorities.
- Municipal budgets shall be based on longer term plans, such as a current master plan and or a medium-term capital investment program.
- Municipal budgets shall have a built-in flexibility to enable municipal government administrations to respond to emergencies/urgent needs during the budget year.
- Capital investment programs/projects of municipalities shall be justified by relevant studies, including financial, technical, institutional, and environmental feasibility assessments.
- Municipalities shall adhere to a reporting system for budget execution.

Indicative Implementing Rules and Regulations
Revised municipal budgeting system, procedures, and format, including clear delineation of individual and institutional responsibilities for budget formulation, review, and approval

- Processes, procedures, deadlines, and individual and institutional responsibilities for monitoring and evaluation of, and reporting on, budget execution

- Processes, procedures, and documentary evidences for the bottom-up consultation in budget formulation

- Activities, timelines, and individual and institutional responsibilities for the municipalities’ migration to the new budgeting system

- Guidelines for the conduct of feasibility studies of municipal capital investment proposals

- Sanctions for non-compliance to budgeting standards, procedures, and timelines

**Intergovernmental Fiscal Relations and Access of Municipalities to External Resources**

**Policy Issues**

Under the existing public financial setup, municipalities are basically limited to spending what they earn. Municipalities are estimated to account for over a quarter of the total population, and have absorbed even more in recent years as people seek more security and protection. This has undoubtedly placed a substantial burden on the service-delivery capacities of municipalities as well as on their ability to control housing and land-use.

At the same time, there are no clear guidelines as to how municipalities can access and mobilize external resources to meet their needs and those of their constituents’. In the absence of clear guidelines, some municipalities have resorted to deficit spending and even borrowing from the private sector. All these have resulted in a very inequitable distribution of resources and a serious problem for the alignment of the financial resources from the central to sub-national level. In relation to external resource mobilization, the following issues have been identified:

- While the Public Finance and Expenditure Management Law provides that “municipalities may receive assistance from the government budget if a justifiable need exists”, national government financial transfer to municipalities has never been done except to Kabul Municipality.

- Also, no municipal borrowing has ever been approved even if this is likewise stipulated in the same law.
Policy on Subnational Governance

- As will be further discussed later, there are also no clear guidelines on the mobilization of private capital to finance public needs.
- In the absence of clear guidelines, municipalities have devised ingenuous ways, which may not be totally legal, to access external resources.

Policy Objectives

The policy objectives are as follows:

- To allow municipalities some flexibility in financing their needs and those of their constituents’.
- To give municipalities access to a variety of external financial resources.
- To develop the financial management acumen of municipal government administrations.

Policy Recommendations

Policy Statements

- The national government affirms its financial responsibility toward municipalities.
- Municipalities shall be allowed to utilize private capital to finance the delivery of essential public services under arrangements to be regulated by law.
- Municipalities may incur budget deficit to finance urgent expenditures, subject to adherence to pertinent national government regulations and their proven ability to cover such deficit within a legally stipulated period.
- Municipalities may incur loans or issue debt instruments, subject to adherence to pertinent national government regulations and their proven repayment capacities based on a legally prescribed debt service coverage ratio.
- Municipalities may access loans from foreign only through the Ministry of Finance.

Indicative Implementing Rules and Regulations

- Criteria, guidelines, and procedures for financial transfers from the national government to municipalities
- Modalities, guidelines, and procedures for private-sector production and delivery of essential public services in municipalities
Policy on Subnational Governance

- Criteria, guidelines, and application and approval processes and procedures for municipal budget deficit
- Criteria, guidelines, and application and approval processes and procedures for municipal domestic and foreign borrowing, including debt service coverage ratio and other financial hurdles

Financial Management and Reporting

Policy Issues

The present upward financial accountability of municipalities can be said to have many checks but lacking effective control. Inward accountability, especially to constituents, is practically non-existent. For example, budget execution reports are supposed to be submitted every six months, but in practice most municipalities submit one report after eight months with the Ministry of Finance left to project what will happen during the remainder of the fiscal year. The following issues have been identified:

- As mentioned, the municipal budget/tashkeel undergoes many checks but little control, with only perfunctory review being done at each point.
- Budget execution reports are not regularly prepared and submitted on time.
- Many municipalities view their upward financial accountability relationship more toward the provincial governor rather than to concerned national government offices, such as IDLG and the Ministry of Finance.
- Single-entry bookkeeping has led to unsystematic processing of transactions and presentation errors in financial statements.
- The existing municipal chart of accounts is deemed inadequate to capture municipal financial transactions.
- Lack of processes for validation and control has led to inaccurate recording of data, improper classification of expenditures, and unreported transactions.
- The municipalities’ financial statements are subjected to little or no audit.

Policy Objectives

The policy objectives are as follows:
Policy on Sub national Governance

- To ensure that municipalities fulfill their upward financial accountability toward the national government.
- To ensure that municipalities fulfill their inward financial accountability toward their constituents, including organs of municipal government administrations.
- To maintain a transparent and accountable financial management system at municipal level.

Policy Recommendations

Policy Statements

- The financial accountabilities of municipalities shall be specified by law.
- In general, such accountability will be toward the national government and its designated institutions and toward the local constituents.
- A standard chart of accounts, financial rules, and reporting formats and schedules shall be prescribed for municipalities.
- Other financial management systems shall be developed and prescribed for municipalities.
- The municipalities’ financial affairs shall be audited regularly.
- Sanctions shall be imposed for non-compliance with municipal rules and regulations.

Indicative Implementing Rules and Regulations

- Individual and institutional responsibilities for the development, implementation, and institutionalization of municipal financial management system
- Financial reporting system and procedures for municipalities
- Revised chart of accounts
- Double-entry municipal accounting system
- Financial rules, reporting formats, and schedules
- Municipal internal control system
- Internal and external audit requirements and procedures
- Sanctions for non-compliance with financial rules, procedures, formats, and reporting
Intergovernmental Relationships

Municipalities appear to be an independent level of government. Formal municipal governance and administrative relationships, both at the inter-governmental and intra-municipal spheres, however, remain undefined to date, resulting in institutional asymmetries. Some modalities are perceptive, some are arbitrary processes that have been historically practiced and many are weak because of the absence or insufficiency of legal provisions or operating guidelines.

The direct supervision of municipalities is one of the primary functions of IDLG. Many administrative supervision modalities are observed as of today. Most provincial or district municipalities are directly supervised by the Provincial Governor, and/or by the Provincial Administrative Assembly chaired by the Provincial Governor. In some cases, district municipalities are supervised by the provincial municipality or by district governors. The Municipality of Kabul enjoys a different status similar to that of a central government agency and thus reports directly to the central government and has direct access to central line agencies at the central level.

Municipalities do not generally cooperate or coordinate with each other, except when district municipalities report to provincial municipalities. Administrative relationships with municipal districts are either non-existent or weak. Many municipalities, especially smaller ones, manage municipal district affairs directly.

Participation by the community in municipal affairs is rare though extant in bigger municipalities that are assisted by donors. In most cases, communities are represented by civil society and non-governmental organizations that are also externally supported along interest lines. Partnerships with the private and business sector are rarer because of an unfriendly and costly business environment faced with corruption.

Relationship with Government Agencies

Policy Issues

Municipal relationships with central agencies are sector-focused and are often coursed through provincial sectoral offices, except for Kabul City which enjoys direct access to these agencies by virtue of proximity. Municipalities are largely dependent on central agencies, which directly provide...
sectoral services with the assistance and monitoring support from municipalities. These services include, among others, agriculture, communication and information technology, infrastructure, trade, and commerce.

The issues can be summarized as follows:

- While municipalities are mandated to enjoy fiscal autonomy, even their budgets require central confirmation and approval.
- Relationships between central government agencies and municipalities are not governed by mutually-agreed upon policies, operating guidelines, objectives and directions, and implementation standards.
- Current relationships generally contradict the municipalities’ mission of providing for the general welfare of their communities; municipalities do not have direct influence on many services delivered by central agencies.
- Municipalities are expected to implement sectoral activities but are not financially supported, despite legal prescriptions, resulting in either poor implementation or deviation of utterly scarce resources to un-programmed activities.
- Moreover, utilization of locally-generated revenues is subject to confirmation by the central government, which has no grounded basis for allocations or augments budgetary shortages to cover priority thrusts.

Policy Objectives

Policy objectives aimed at addressing these issues include:

- To strengthen municipal relationships with central government.
- To provide more responsive and focused sectoral services aligned with municipal priorities.

Policy Recommendations

Policy Statements

- The functional delineation and scope of sectoral services that will be directly be delivered by municipalities will be defined.
Policy on Sub-national Governance

- Central government services will be directed towards expressed municipal needs.
- Municipalities will be responsible for the delivery of basic sectoral services and this will be supported by concomitant resources.
- Central government will provide service indicators and standards for the guidance of municipalities.

Indicative Implementing Rules and Regulations

- Guidelines for delegation of central sectoral services to municipalities
- Proposed delineation of Responsibilities between central government and municipalities:

  **Policy Formulation:**
  - Central Government provides the national policy framework:
    - Sectoral goals and objectives at the national level and at the municipal levels, particularly with regard to target contribution of the municipality to national objectives and targets;
    - Guidelines for municipal sectoral planning and implementation.
    - Required authorities and responsibilities that must be delegated to the municipality
    - Processes and performance standards.
  - Municipality provides the municipal policy framework.
    - Project/program goals and objectives at the municipal level.
    - Operational policies.
    - Required ordinances, if any, in support of sectoral thrusts.
    - Executive and administrative decrees and orders.

  **Oversight** (supervision, progress monitoring and evaluation):
  - Central M&E of municipal implementation to ensure adherence to central framework:
    - Sectoral policies.
    - National sectoral development plans, including expected outputs and outcomes, targets, timelines.
  - Municipality supervises and monitors municipal performance:
    - Municipal sectoral plans vis-à-vis progress of implementation.
    - Municipal sectoral budgets vis-à-vis funds utilization.

  **Implementation:**
  - Central government approves over-all sectoral program and project resources:
    - Confirms and approves municipal sectoral program or project budget.
    - Augments municipal budget and/or provides full or counterpart program budget.
Policy on Sub national Governance

- Municipality:
  - Implements sectoral plans and programs.
  - Provides necessary resources.

Impact evaluation:
- Central government measures impact on and contribution to meeting the national goals and objectives.
- Municipality measures impact on target beneficiaries, direct and indirect, as per plans.

- Sectoral services to be devolved to municipalities and will be accompanied by concomitant fiscal transfers or subsidies:
  - Primary health care such as for maternal and child care, micro-nutrition, disease prevention and control, etc.
  - Construction and maintenance of municipal urban infrastructure such as water supply, electricity, municipal roads, recreation centers and parks, cultural and heritage facilities.
  - Environmental management and community sanitation.
  - Protection and management of natural resources within a municipality’s administrative jurisdiction.
  - Disaster management.
  - Maintenance of peace and order.

The Ministry of Urban Development shall
1) develop national policies, guidelines and programmes for urban development and urban planning
2) support the Municipalities in the implementation of urban development programmes and oversee the implementation of these programmes
3) develop minimum service standards for municipal services
4) assist each municipality in developing its City Master Plan to guide its medium to long-term urban development
5) assist each municipality in implementing its City Master Plan

The Independent Directorate of Local Governance shall
1) supervise, guide and monitor the working of the Municipalities
2) coordinate with the Ministries, Agencies, High Offices and Commissions of the Government to implement this policy
3) lead the development of policy and legislation on municipal governance based on people’s needs
4) build the capacity of the Municipal Councils and Municipal Administrations of every municipality except in Kabul Municipality to perform their duties as stated in this policy.

The Ministry of Finance
1) The Ministry of Finance shall make a fiscal transfer to every municipality every year to enable the municipalities meet their service delivery responsibilities.
2) The Ministry of Finance, in consultation with the Independent Directorate of Local Governance, shall use a transparent and equitable formula to divide the total pool available for transfers amongst the municipalities based on
   a. principles of equity,
   b. responsiveness to need of the citizens and
   c. creation of good incentives.
3) A component of the fiscal transfer shall take the form of a matching grant to provide the municipalities an incentive to increase their own revenues.
4) Every municipality shall a quarterly report on its budget execution and financial status to the Ministry of Finance.

Relationship with the Provincial Government

Municipalities are under the supervision of Provincial Governors. However, other municipalities are also under the supervision of Provincial Administrative Assemblies, which are organic units of Provincial Governments responsible for internal, not external, provincial affairs.

While the reporting flow is as described above, other administrative decisions are not coursed through the provinces, which therefore do not have administrative authority over municipalities. Provinces do not, and should not, have budgetary control over municipalities. Some Provincial Governors influence hiring, selection and promotion of municipal officials despite the fact that there are no legal provisions that empower them to do so.

The province does not exercise administrative supervision over area planning, programming and implementation to ensure coherence among development thrusts of municipalities and districts under its jurisdiction. Thus, plans and programs are disjointed and uncoordinated.
Policy Issues

The policy issues are:

- The relationship between the Provincial Government and the Municipality are unclear.
- Administrative gaps and overlaps with central government supervision over municipalities and vis-à-vis other provincial districts exist.
- Provincial government unnecessarily interferes with municipal affairs and administrative decisions.

Policy Objectives

Policy objectives aimed at addressing these issues include:

- To strengthen municipal relationships with the provincial government
- To provide more responsive and focused sectoral services aligned with municipal priorities

Policy Recommendations

Policy Statement

- The relationship and accountabilities between the provincial government and the municipal government shall be clearly defined in the new Municipalities Law.
- Municipal socio-economic development programs will be integrated at the provincial level to provide such programs with the required broader perspective.

Indicative Implementing Rules and Regulations

- Delineation of functions between the provincial government and the municipal government
- Definition of accountability and reporting responsibility of the municipalities toward the provincial government
- Guidelines for the integration of municipal priorities into the provincial development plans and programs
Relationship with Provincial Council

1. Municipal Council and Mayor of a municipality in the provincial center shall coordinate with the Provincial Council in addressing governance, security and development issues that extend beyond the City.

2. To achieve the purpose of Paragraph 1, Municipal Council of a municipality in the provincial center may seek the time of Provincial Council from the Head of Provincial Council.

Relationship with Provincial Development Committee

The Mayor of a municipality in the provincial center shall be a member of the Provincial Development Committee.

Relationship with Provincial Governor and Provincial Administration

1. The Mayor of a municipality in the provincial center shall coordinate with the Provincial Governor of the Province in which the municipality is located on
   a) municipal activities that have an impact outside the municipal boundary and
   b) Activities that have an impact inside the municipal boundary.

2. The Mayor of a municipality in the provincial center shall coordinate with the Provincial Governor
   a) to link municipal planning with provincial planning
   b) to achieve a balanced urban-rural development.

3. The Mayor of a municipality in the provincial center shall act independently of the Provincial Governor in fulfilling his or her duties within the municipality.

4. The Mayor of a municipality in the provincial center shall be a member of Provincial Administrative Assembly.

Relationship with Provincial Police Chief

The Mayor of a municipality in the provincial center shall coordinate with the Provincial Police Chief on
   a) security of the citizens and their property in the City
   b) security of municipal property and
   c) security of the municipal officials and municipal staff when a possibility of threat to their security arises.

Relationship with other Municipalities and Districts

Policy Issues
There are no formal relationships aimed at integrated area development between or among municipalities. No formal inter-municipal cooperation networks have been organized to jointly manage common resources or advocate for common development objectives. Any informal coordination or cooperation stem from donor practices or organizational assistance.

On the other hand, formal administrative relationships exist between provincial municipalities and some smaller and less-urbanized provincial districts. Some of these relationships resulted from historical practices or confused administrative arrangements.

Some policy issues arising from this scenario are presented below:

- Unclear inter-relationships among the different hierarchies of government have resulted in informal administrative arrangements that convolute the flow of authority and confuse accountabilities at the municipal level.
- The lack of unity among municipalities, and even districts, has deprived municipalities of the opportunity to advocate for improved legal, fiscal, regulatory, policy, and administrative environment.

Policy Objectives

Policy objectives aimed at addressing these issues include:

- To strengthen inter-municipal relationships for a more coherent municipal development direction.
- To put in place a network of municipalities that will unify interests along state-building, advocacy, policy-making, capability building, and legislative agenda.

Policy Recommendations

Policy Statement
Policy on Subnational Governance

- Municipalities will formally organize themselves into an Association of Municipalities for a more coordinated and unified approach to state-building, good governance and development administration.
- Central government will support this Association of Municipalities as its recognized development partner and provide resources for specific authorized thrusts.

Indicative Implementing Rules and Regulations

- Guidelines on administrative supervision of provincial governments over provincial and district municipalities
- Charter of Association of Municipalities

Relationship with District Council

1. Municipal Council and Mayor of a municipality in a District shall coordinate with the District Council in addressing governance, security and development issues that extend beyond the City and into the District.
2. To achieve the purpose of Paragraph 1, Municipal Council of a municipality in a District may seek the time of District Council from the Head of District Council.

Relationship with District Governor and District Administration

1. The Mayor of a municipality in a District shall coordinate with the District Governor of the District in which the municipality is located on
   a. municipal activities that have an impact outside the municipal boundary and
   b. District activities that have an impact inside the municipal boundary.
2. The Mayor of a municipality in a District shall coordinate with the District Governor
   a. to link municipal planning with planning in the District
   b. to achieve a balanced urban-rural development.
3. The Mayor of a municipality in a District shall act independently of the District Governor in fulfilling his or her duties within the municipality.
4. The Mayor of a municipality in the District center shall be a member of District Administrative Assembly.
Relationship with District Police Chief

The Mayor of a municipality in a District shall coordinate with the District Police Chief on
a) security of the citizens and their property in the City
b) security of municipal property and
c) security of the municipal officials and municipal staff when a possibility of threat to their security arises.

Relationship with Village Council

1. Municipal Council and Mayor of a municipality shall coordinate with the Village Councils of the adjoining villages in addressing governance, security and development issues that extend beyond the City and into adjoining villages.
2. To achieve the purpose of Paragraph 1, Municipal Council of a municipality may invite a delegation from Village Council of an adjoining village.
3. To achieve the purpose of Paragraph 1, the Mayor of a municipality may invite the Heads of Village Councils of adjoining villages for consultation.

Relationship with Other Municipalities

A municipality shall share knowledge and experience with any other municipality which makes such a request. The Government through its Independent Directorate of Local Governance and Kabul Municipality shall establish a mechanism for knowledge sharing and exchange among municipalities. A municipality in the provincial center shall take a lead in knowledge sharing and exchange with other municipalities in the Province. The Government through its Independent Directorate of Local Governance and Kabul Municipality shall support the Association of Mayors and the Associations of professional municipal staff.

Association of Municipalities

Municipalities shall formally organize themselves into an Association of Municipalities. The Government shall support the Association of Municipalities as its municipal development partner.
Policy on Sub national Governance

and provide resources. The Government shall promulgate Charter of the Association of Municipalities.

Relationship with Foreign Municipalities

A municipality may establish collaborative relationship with a municipality in a foreign country with consent of the Government.
Public Participation in Municipal Governance

The participation of the community is recognized as a characteristic feature of Afghanistan’s cultural, political, and governance structures. In fact, one of the Constitution’s fundamental principles is anchored on public participation and partnership in governance. The current legal and policy frameworks, therefore, provide sufficient basis for community and civil society participation in municipal governance.

While citizen participation in community decision-making at the provincial and district levels occur, this is not so at the municipal level. There are no formal or systematic structures and processes for citizens’ contribution in the municipal development process, as well as for citizen feedback. Consultations and citizen participation are done generally using traditional, informal channels, through the wakils-i-gozars, though this is a rare, sporadic municipal initiative.

Citizen participation in some municipal activities, such as for garbage collection and property expropriations, may have generated benefits but many more aspects of municipal governance and administration can benefit from citizen participation.

Participation of Civil Society, Youth, Women and Religious Sectors

Policy Issues

The Constitution and other pertinent laws, and the policy framework, put special premium on the participation of key community sectors, such as the youth, women, and the disenfranchised. Thus, the policy frameworks and program strategies of key agencies endeavor to increase the participation of women (who comprise roughly half of Afghanistan’s current population), youth (who represent almost two-thirds of the population), religious groups, civil society organizations (CSOs), and non-government organizations (NGOs) in sub-national governance and administration.

The relevant policy issues are as follows:

- The institutional structures and mechanisms for public participation are not in place.
- Sub-national capacities and competencies need to be built towards institutionalizing public participation.
Policy Objectives

The policy objectives are:

- To promote democratic governance at sub-national level.
- To improve the efficiency and effectiveness of municipal government operations through inputs from the local communities.
- To mobilize the force and resources of local communities for nation building.

Policy Recommendations

Policy Statements

- Public disclosure and public access to relevant information capacitate the community to make important decisions and undertake actions to support its government.
- The municipal government shall recognize that the community’s right of access to information is vested by the Constitution. It may however classify certain information as proprietary and confidential based on pre-defined criteria known to the public.
- Responsibility should however be exercised by both partners, recognizing the public participation is both a right and an obligation.
- The municipal government shall provide for structures and mechanisms for maximum public participation in municipal affairs.
- For structured public participation, the local communities shall designate their representatives, which shall be accredited under appropriate rules and regulations and by competent government agencies.

Indicative Rules and Regulations

- Municipal legal framework/ordinance for institutionalizing public participation in municipal governance as mandated by higher law/regulation
- Organizational and operating framework for public participation in municipal governance:
- Priority segments of the population that will sufficiently define local representation
- Mutual accountabilities - roles, responsibilities, and desired results from both the government and the public
- Mechanisms, including governance and administration decision and functions, for public participation (This can even go as far as making public participation compulsory for certain decisions and/or functions.)

- Activities for public participation:
  - Development planning and programming
  - Policy discussions
  - Revenue collection and utilization
  - Service delivery
  - Monitoring and evaluation
  - Impact assessment

- Sectors for public participation:
  - Basic social services such as health, education, water supply, sanitation and hygiene, etc.
  - Safety and security
  - Environmental management such as waste management, reforestation and greening

- Pertinent capacities and competencies for both the municipal government and the community, including facilitating consultations and decision-making, consensus-building, conflict-resolution, etc.

- Parameters for the public participation, such as:
  - Openness and extent of public access to information
    - Processes and technologies for access and use, including affordability by both user and provider
    - Equity and fairness

- Starting points for public participation:
  - Needs identification, aggregation, and prioritization
  - Development planning, from visioning to target setting
  - Program and project design

- Processes that should be subject to public participation are those where:
  - The general welfare of the community is at stake.
  - Government operations can be improved through community inputs.
  - Public investment planning and programming
  - Implementation of projects, especially those mandated by the laws, such as:
Policy on Subnational Governance

- Basic social service delivery
- Municipal infrastructure such as roads, bridges, water supply
- Power, energy and ICT
  - Level and quality of provision of, and tariff/rate setting for, public services
  - Monitoring and evaluation of municipal performance vis-à-vis targets and budgets
- Features of mechanisms for public disclosure and public access to pertinent information:
  - Clearly-defined aspects of municipal transparency
  - Procedures and information for public disclosure and response
  - Information relationships among the Municipal Administrative Council, Municipal and District Councils, village shuras, and other civil society groups
  - Regular public information mechanisms, such as newsletters, bulletin boards or regular village dialogues with municipal officials
- Types of Information generally useful for the public to know in order for it to effectively partner with the government:
  - Municipal organizational information such as tashkeel, list of employees
  - Socio-economic development plans and programs
  - Procurement processes and updates
  - Financial statements such as budgets and disbursements
  - Municipal and central-government regulations/instructions
  - Proceedings and decisions of the Municipal Administrative Councils and Municipal Councils, including drafts and passed ordinances
Role of the Private Sector in Municipal Economic Development

Policy Issues

The role of the private sector in Afghanistan’s “sustainable development through a private-sector-led market economy” is well-defined at the national level. This intent, as specified in the Constitution, is not yet evident at the sub-national level. So far, private sector investments have proven to be viable in the energy and telecommunication sectors. In addition, the government now seeks public-private partnerships in investments in key industrial activities such as:

- Infrastructure, such as roads and bridges, irrigation, power generation, and ICT
- Medium- and large-scale agricultural processing and commercial agriculture
- Export marketing of Afghan products
- Provision of basic municipal services.

In relation to the role of the private sector in local economic development, the following issues have been identified:

- The role of the private sector in municipal economic development is unclear.
- While the economy is expected to be “increasingly private-sector led,” the institutional and legal mechanisms are not in place to realize this.
- The current institutional environment is unable to encourage private-sector participation in municipal economic development; potential investors cite unclear policies and lack of municipal capacity as key factors.
- Structures and mechanisms for public participation and partnerships are not in place.

Policy Objectives

The policy objectives are as follows:

- To hasten local economic development particularly in municipalities.
- To improve local government transparency and accountability.
- To expand and improve the quality of public service delivery.
Policy on Sub-national Governance

- To increase the efficiency and effectiveness of municipal government operations by adopting appropriate private-sector practices.
- To conserve and leverage the limited resources of the public sector.

Policy Recommendations

Policy Statements

- The role of the private sector in municipal economic development shall be clearly defined.
- A regulatory and incentive framework that will encourage private investments will be put in place.
- The municipal government bureaucracy/institutional capacity will be geared toward attracting private capital and reducing the cost of doing business.
- Each municipality will be encouraged to develop a Municipal Investment Priorities Plans (MIPP) that will identify priority sectors/activities in support of the municipal development plan.
- Municipal investment promotion efforts shall focus on attracting capital for micro, small, and medium industries which have the capability to complement existing business activities or open new economic opportunities.
- Municipal governments shall be encouraged to promote and facilitate mutually beneficial linkages between big foreign and national businesses with small local enterprises.
- Municipalities shall establish the organizational structures within the municipal government and the community for public participation and partnership with the private sector.

Indicative Implementing Rules and Regulations

- The role of the private sector in municipal economic development may encompass the following:
  - Municipal planning, policy formulation, and enactment of ordinances to improve the local economy
  - Allocation of private capital toward preferred areas deemed to contribute the most to local socio-economic development
  - Delivery of basic public services, such as in health, education, socialized housing, waste management, vocational training, etc.
  - Provision of municipal infrastructure, such as power supply, water supply, bus terminals, sports centers, etc.
The regulatory and incentive framework may include the following:
- Guarantee that the municipal government will not unfairly compete with the private sector
- Equal treatment for all private investors
- Priority investment projects capable of triggering local economic development
- Local fiscal and other incentives for investments, especially for micro, small and medium enterprises and priority sectors

Features of a municipal government bureaucracy/institutional capacity that will attract private capital and reduce the cost of doing business:
- Streamlines business permits and licensing procedures.
- Facilitative investor assistance services.
- Absence of illegal levies.
- Capacity to negotiate with private investors.
Moving Forward on Municipal Governance

These policy recommendations require strategic actions in order to implement them. The updated legal framework needs to provide the legal bases for many actions. Institutional mechanisms and organizational structures must be installed in both government and community and in both supra-municipal and intra-municipal hierarchies.

Required Legislations

Necessary legal instruments are proposed to fill in the gaps, prevent inconsistencies and duplication, and clarify the intents of the laws.

The Municipalities Law

The fundamental guidelines for municipal governance and administration stem from the Municipalities Law, which has been rendered outdated by the Constitution. Thus this Law must be repealed with the enactment of a new Law at the soonest possible time. This new Law must be equipped with fundamental principles that define the modus operandi for municipalities, as much as it is featured with the flexibility to ensure validity over a longer-term. Major features that must be provided for include, among others:

- Definition, nature and classification of municipalities.
- Powers, authorities, functions, responsibilities, accountabilities and limitations of municipalities, its organic structures and key officials.
  - Municipal Government, Municipal Administrative Councils, Municipal Councils
  - Mayor, Deputy Mayor, Department Heads.
- Functions, responsibilities, accountabilities and limitations of municipal partners
  - Central government – central line agencies, IDLG
  - other subnational entities - Provinces, Provincial Districts, Municipal Districts,
  - Community – gozars, shuras, private sector, CSOs and other key sectors.
- Governance, administration and operating principles.
  - Development planning and budgeting.
  - Fiscal autonomy and intergovernmental transfers.
  - Public Participation and Partnerships.
Policy on Sub national Governance

- Transparency, accountability and anti-corruption.
- Inter-governmental, intra-municipal and inter-municipal relationships.
- Structures, institutional mechanisms and resources of municipalities.
- Service delivery, fiscal and financial.
- Legislative and corporate powers.

Consequently, Implementing Rules and Regulations (IRR) must be issued to further provide guidelines on how to effect specific provisions and further clarify the intents of this Law.

Law on Municipal Councils

This law will be part of the Municipality Law

Electoral Law

The draft of this Law is currently with the Parliament and its immediate passage is strategic to the election of the Mayor and members of Municipal Councils.

Strategic Thrusts

General Strategic Directions

A number of strategic directions need to be pursued by the different arms of government at various levels. These are presented below.

- Government Initiatives
  - Legal Review Committee that will formulate the draft Municipalities Law and other laws for consideration of the Parliament and develop their Implementing Rules and Regulations
  - Policy Oversight Committee, which will see through completion of strategic actions in support of the Municipal Governance Policy framework
  - Standard operating systems, procedures, and guidelines with sufficient controls for cost-effectiveness, transparency, accountability, and anti-corruption for municipal governance and
administration, including for intergovernmental relations that will guide municipalities and its key governmental and non-governmental partners.

- Capability building for municipal elective officials and appointed municipal public servants to empower and capacitate them to work within the new environment
- Implementing guidelines for organizational models and human resources to install the structures and mechanisms to administer the new policies
- Advocacy for Parliament to accord priority status to these legislative agenda.

- Parliamentary and Independent Bodies’ Initiatives:
  - Provide the Legal Framework for Municipal Governance and Administration at the soonest possible time:
    - Enactment of a new Municipalities Law and the Municipal Councils Law. These Laws will also provide clarification and additional guidelines affecting municipalities that are not provided for in other laws.
    - Review of other laws which have direct and indirect bearing on municipalities to identify gaps and inconsistencies with the new Municipalities Law.
  - Conduct of the elections to constitute Municipal Councils and elect Municipal Mayors

**Institutionalization of the Municipal Governance Policy Framework**

The municipal government needs to implement the following actions to institutionalize this framework:

- The Municipal Council must provide municipal legislative bases for organizations, structures, mechanisms, systems and procedures
- The Municipal Government must issue the necessary executive administrative orders and policies for municipal administration and operations
- The Municipal Administrative Council must regularly conduct accurate municipal performance evaluation and review, and revise plans accordingly management
- Municipal public servants must build their competencies and capabilities on development management and administration
- Community participation must be institutionalized.
**Monitoring and Evaluation of Policy Implementation**

Monitoring and evaluation is an important step in policy implementation to keep activities and progress on track, report on results, identify when changes are needed, and assess the effectiveness of reform strategies.

**The Municipal M&E System**

Data collection, analysis, and reporting on technical content and implementation of policy will essentially characterize the policy implementation M&E system, which may consist of four main components:

1. Management information system based on targeted indicators that focus on both the content and process aspects. A combination of targets, expected milestones, intended outcomes and results, schedules and so on will have to be established.
2. Stakeholder monitoring to track the responses of winners and losers to the policy reform measures
3. Diagnostic studies to review the “technical correctness” of the policy and devise practical solutions to implementation problems
4. Process and impact evaluation to support learning over time.

**Monitoring Approach**

Quantitative (such as opinion polling) and qualitative (such as rapid field appraisals) may be used to monitor the municipal policy implementation. Quantifying indicators of policy progress can be achieved by breaking down the policy implementation process into a sequence of quarterly or annual targets. However, such approach will be made more meaningful if combined with qualitative methods for data collection and analysis which will provide the context and depth of analysis in which the progress on policy is made.

At the national level, an M&E Sub-Committee of the Policy Oversight Committee composed of major stakeholders such as implementing partners and policy decision-makers may be constituted to oversee the monitoring and evaluation process and at the same time ensure that that results are used to further improve the policy.
IV. CROSS-CUTTING POLICY ISSUES

1. Gender

The Government reaffirms its willingness to uphold and implement government obligations relevant to gender under the government as stated within the Constitution, international conventions to which Afghanistan is a party, including the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Afghanistan National Development Strategy (ANDS), the National Action Plan for the Women of Afghanistan (NAPWA) as well as within the Afghanistan Compact and the Afghan Millennium Development Goals (MDGs).

The ultimate goal of the Government is gender equality, a condition where women and men fully enjoy their rights, equally contribute to and enjoy the benefits of development and are not prevented from pursuing what is fair, good and necessary to live a full and satisfying life. To support the achievement of gender equity all government entities will embrace and implement gender equity efforts, including gender sensitive policies, strategies, budgets and programs. Ensuring that gender equity is achieved is the shared responsibility among government entities and the national and subnational levels. As discussed within the ANDS, all government entities will (i) foster a work environment that supports egalitarian relationships between women and men; (ii) establish internal enabling mechanisms for gender equity; and (iii) support women’s shuras.

Because all government entities need to ensure that gender is mainstreamed in their work, IDLG will ensure that Governors, in their role as chairs of the PDC and the executive heads in the province, will ensure that gender is mainstreamed into Provincial Development Plans and in the overall work of the provincial, district and village governments. The Provincial Council will be responsible for monitoring gender-related performance of the government within their respective provinces. This information will be reported up to IDLG, the CSO and line ministries so that they are informed of the progress towards reaching gender objectives.

To monitor the baseline of gender equity as well as what progress is made towards creating a situation of gender equity provincial line departments and the Central Statistics Office (CSO) will be required to collect sex-disaggregated data. Ministries must use such information when developing ministry plans.
This sub-national governance policy fully supports the achievement of benchmarks within the abovementioned strategies and policy documents.

In accordance with the Afghanistan MDGs, the Government seeks to:

- **Goal 2: Achieve universal primary education**: Ensure that by 2020, children everywhere, boys and girls alike will be able to complete a full course of primary schooling

- **Goal 3: Promote gender equality and empower women**
  - Eliminate gender inequality in all levels of education no later than 2020
  - Reduce gender disparity in economic areas by 2020
  - Increase female participation in elected and appointed bodies at all levels of governance to 30% by 2020
  - Reduce gender disparity in access to justice by 50% by 2015 and completely by 2020

- **Goal 5: Reduce by 50%, between 2002 and 2015, the maternal mortality ratio, and further reduce the MMR to 25% of the 2003 level by 2020**

As stated within the ANDS Governance Sector Strategy:

- By Jaddi 1389 (end-2010): in line with Afghanistan’s MDGs, female participation in all Afghan governance institutions, including elected and appointed bodies and the civil service, will be strengthened by providing a specific percent reservation of seats by enacting a law of affirmative action AND, the NAPWA will be fully implemented.

As stated within the Afghanistan Compact,

- By end-2010: the National Action Plan for Women in Afghanistan will be fully implemented; and, in line with Afghanistan’s MDGs, female participation in all Afghan governance institutions, including elected and appointed bodies and the civil service, will be strengthened.
Policy on Sub-national Governance

- By end-2010: in line with Afghanistan’s MDGs, net enrolment in primary school for girls and boys will be at least 60% and 75% respectively; a new curriculum will be operational in all secondary schools; female teachers will be increased by 50%; 70% of Afghanistan’s teachers will have passed a competency test; and a system for assessing learning achievement such as a national testing system for students will be in place.

- By end-2010: enrolment of students to universities will be 100,000 with at least 35% female students; and the curriculum in Afghanistan’s public universities will be revised to meet the development needs of the country and private sector growth.

- A human resource study will be completed by end-2006, and 150,000 men and women will be trained in marketable skills through public and private means by end-2010.

- By end-2010, in line with Afghanistan’s MDGs, the Basic Package of Health Services will be extended to cover at least 90% of the population; maternal mortality will be reduced by 15%; and full immunization coverage for infants under-5 for vaccine-preventable diseases will be achieved and their mortality rates reduced by 20%.

Ministry strategies and plans, particularly their delegation policies, will be designed with an aim of achieving these benchmarks.

The NAPWA is the centerpiece of the Government’s policies and strategies. This sub-national governance policy fully supports the implementation of the NAPWA.

As committed in the ANDS, the Government will bring a Law on Gender Equality and Affirmative Action for women providing them equal status and a specific percent reservation of seats in all governance institutions, including elected and appointed bodies and the civil service.

Accordingly, entities at the sub-national level will implement this affirmative action policy for women. The affirmative action policy as it relates to sub national civil service will be adopted by the IARCSC and implemented in all sub national entities. Affirmative action policy will also apply to representative institutions i.e. elected sub national councils. Seats will be reserved in elected sub national councils in the following manner.
Policy on Sub-national Governance

<table>
<thead>
<tr>
<th>Elected Council</th>
<th>Percentage of Seats Reserved for Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Council</td>
<td>25%</td>
</tr>
<tr>
<td>District Council</td>
<td>25% (seats will be de-reserved to the extent adequate number of women does not contest)</td>
</tr>
<tr>
<td>Village Council</td>
<td>None</td>
</tr>
<tr>
<td>Municipal Council</td>
<td>25%</td>
</tr>
</tbody>
</table>

During the first major policy implementation review to be conducted in 2014, the Government will consider reservation of seats for women in Village Councils.

Implementation of a Comprehensive Leadership and Capacity Building Strategy for Women

The Government, under the leadership of MoWA and the Civil Service Commission will design, adopt, and implement a comprehensive leadership and capacity building strategy for women that will include specific measures to build women’s capacity for leadership and encourage their participation in public life. This strategy will have the following elements:

(a) *Creation of a body responsible for women’s leadership* – A high level, multi-sector, multi-stakeholder task force under Cabinet and Presidential purview will be created. The task force will advocate for women’s leadership, enforce institutional accountability, and monitor the implementation of affirmative action policy and other measures for the promotion of women’s leadership and participation in governance at the central and provincial levels. This body will also investigate complaints of discrimination against women who are either in public office or seeking positions in public office;

(b) *Affirmative action policy* – As stated above, well-defined short and long term approaches for structured participation and leadership of women at the provincial, district, village and municipal levels will be adopted. Legislation on Affirmative Action providing for the reservation of a specific number of seats will be put in place. The set targets will be seen as a minimum and not as a maximum. Affirmative action for women will be linked to education reforms for women, which will be implemented throughout the country;

(c) *Career planning and capacity building programme* – Provincial programs will be established for career planning for women and building of women’s capacities. They will focus on assertiveness, methods and approaches for effective leadership and decision making, negotiation and alliance building, management and supervision, public administration, communication and public speaking, analysis,
Policy on Sub-national Governance

and critical and strategic thinking. Capacity building programs specifically targeted for women working with Provincial Development Committees (PDCs) will also be carried out. Although further discussions will be necessary to find an institutional home for this initiative, the IARCSC and the MoWA will finalize a plan for this programme.

(d) Organizing and building of solidarity - Support will be provided to women’s professional and mentorship networks, as well as inter-agency initiatives aimed at building solidarity among women and meaningful partnership with men. Support will also be provided to those seeking to organize such networks or organizations. Particular attention will be given to building solidarity among women in rural areas as well as among women Parliamentarians and government officials and staff. Areas where only women are permitted to gather will be built or established to strengthen women’s ability to articulate ideas and consolidate positions on important issues. MoWA and the DoWAS will create associations of female Provincial Council members, District Council members and civil servants.

(e) Gender awareness - Mandatory gender awareness raising courses for decision, policy, and law makers, planners and program managers, statisticians, and other key officials in the national and provincial governments, as well as judicial and law enforcement institutions will be implemented. The IARCSC will ensure that such courses are implemented for civil servants throughout the country. IDLG will ensure that the officials under its supervision, including Provincial Governors, District Governors and elected councils receive such training.

(f) Family care systems – Family care systems for women and men workers including kindergarten or day care centers for pre-school children, after-school programs, transportation support, flexible time and work arrangements and counseling services on balancing work and life will be made available. These will be conceptualized in line with the government’s plan to establish a centrally located government building that will bring together government offices in a common location to make them more accessible to the people.

(g) Accountability - Accountability, sanction and incentive systems for institutions and establishments in line with the goal of this sector will be instituted. All line ministries with offices at the provincial level will be held responsible for taking measure to further gender equality. The Performance Measurement System overseen by Provincial Councils will ensure that line departments adopt and implement measures to further gender equality.
(h) *Monitoring* - Career tracking for women and a database to monitor gender balance in accessing capacity building opportunities and services and promotion, and annual reports on the status of women’s leadership and participation in all walks of life will be instituted. The government will report, as required, on the measures that have been adopted to give effect to the provisions of Conventions to which it is a party, specifically the CEDAW. The IARCSC in cooperation with the MoWA and local DoWAs will cooperate to carry out this initiative.

(i) *Civic education* - Civic education courses targeting women and girls will be implemented throughout the country. Opportunities will be provided for women to take part in trainings and seminars to improve women’s skills in community participation and leadership. Civic education courses will also be included in the curricula of schools and universities. The Ministry of Education, the Ministry of Higher Education, MoWA and the Civil Service Commission will ensure that such civic education is carried out.

(j) *Increasing opportunities and mechanisms for women’s participation in communities* - The targeted recruitment and deployment of more female teachers and health extension workers will be a starting point and will be expanded to other sectors that normally deploy field workers, including agriculture, labor and social affairs.
2. Participation of Youth

As stated within the ANDS, “by end-1389 (20 March 2011), definite mechanisms will be provided for the youth to participate in the local, provincial and national governance.”

This policy lays out a range of activities that will be implemented by the government to ensure youth participation in local and municipal governance.

To promote participation of youth in sub-national governance, age requirements will be set as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Minimum Age Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member of Provincial Council</td>
<td>22</td>
</tr>
<tr>
<td>Member of District Council</td>
<td>22</td>
</tr>
<tr>
<td>Member of Village Council</td>
<td>22</td>
</tr>
<tr>
<td>Member of Municipal Council</td>
<td>22</td>
</tr>
</tbody>
</table>

This will give youth the opportunity to actively participate in governance by serving as elected officials in sub-national institutions. They will be directly engaged in government decision-making processes.

The following measures will also be taken to ensure youth participation in sub-national governance:

- Schools, colleges and universities will prepare young people to participate in governance. Citizenship education will be included in their curricula.

- Local governance entities in the provinces, districts, municipalities and villages will promote “youth councils” and “youth associations,” where young people can discuss and decide on matters of concern to them. The local and urban governance entities will have regular and periodic dialogue with the youngest members of society through these associations and councils. Through these councils young people may set up youth centers where they may design and implement projects.

- Sub-national entities will give financial support to projects fostering participation by young people in local and urban governance.
• The provinces, districts, villages and municipalities will involve youth and their councils and associations in drawing up local development plans.

• The provinces, districts, villages and municipalities will encourage dialogue between young people and public authorities at every level on issues that concern them, such as education, housing, the environment, employment, counter-narcotics and health. Girls will be discouraged from marrying at young age.

• The provinces, districts, villages and municipalities will strive for creating employment opportunities for youth. Developing professional skills is one of the most effective means to reduce unemployment of the young generation. The provinces, districts, villages and municipalities will encourage youth to go through training and marketable skill development courses.
3. Participation of Civil Society and Media in Sub-National Governance

Our local government entities will adhere to democratic governance, will be open to public debate on issues of public interest and will be open to criticism of those in authority, and will be open to media and civil society scrutiny. The local government entities will pay attention to citizens’ expressed preferences.

The local government entities will promote full spectrum of civil society participation. More specifically, the local government entities will allow and promote:

- Information sharing (the local government entities will put budget and public service delivery related information into the public domain);

- Consultation (the local government entities will have consultations with shuras and jirgas, Councils, CSOs and NGOs to gather information on citizen preferences and to take into consideration citizen preferences before important decisions concerning them are made);

- Joint decision making (Citizens not only provide information on their needs and preferences but are active in real decision making);

- Initiation and control by stakeholders (Citizens have direct control over the full process of developing, raising funds for, and implementing projects or policy, as in NSP,CDC or other community-driven development projects)

Mechanisms of CSO Participation:

1. Our local government entities will allow programs in which community-level participation structures have real authority over development funds (e.g. CDCs) and will also promote co-production of services,development projects for the use of community in partnership with civil society. The local government entities will involve CSOs in the planning and implementation of its programs.

2. Our Provinces, Districts, Villages and Municipalities will involve the civil society in monitoring of local government performance. Elected Provincial, District, Municipal and
Village Councils will establish relationship with civil society organizations for this purpose. The law will provide for citizen audit and social audit of local government performance.

3. Presently our formal and informal governance institutions are linked and, our local government entities at all levels will maintain these links in future through continuing consultation with informal governance entities.

4. The Government will introduce Participatory Planning and Budgeting in the Provinces, Districts, Municipalities and Villages. This will offer citizens an opportunity to learn about government operations and to deliberate, debate, and influence the allocation of public resources. The Government will make budgeting process and documents citizen friendly. These entities will allow other citizen-driven accountability measures such as public expenditure tracking, social audit and community scorecards. The enhanced transparency and accountability that participatory budgeting creates will help the local government entities reduce inefficiency and corruption. Our local government entities will give marginalized and excluded groups opportunity to have their voices heard and to influence public decision making.

5. Our local government entities will promote creation of professional associations and will consult with these professional associations in the matters of their interest.

6. We will promote the involvement of civil society organizations that build citizen awareness on their tax responsibilities.

7. In consultation with local communities, the Government will carry out political and administrative mapping of the country with villages and gozars as basic units and, will make available the political and administrative maps for the purpose of elections, socio-economic planning and implementation of sub-national governance policy.

8. The ANDS Governance, Public Administration Reform and Human Rights Sector Strategy commits to carry out a community based process for registration of land in all administrative units and, seeks to start the registration of titles by Jaddi 1387. The Government in consultation with the citizen shuras will delineate pasture, forest and private agricultural
parcels as well as the boundaries of villages and sub-units of villages in the larger villages, and gozars in urban areas.

9. Natural resources can make a significant contribution to sustainable growth and poverty reduction when they are properly managed through community-based mechanisms and with the support of legitimate local governments. Natural resource management-related interventions will be based on broad consultations with local communities (that include marginalized groups like pastoralists or indigenous groups) and will reflect local values. These will form an essential part of a sustainable process of poverty reduction, since improved productivity will directly increase rural livelihoods, food security and market participation. The environment will be used in a manner that is ecologically sustainable, responsive to the needs of the poor and in accordance with local values and culture. Local government entities and civil society (user groups, producers associations, etc.) will play a critical role in decision making and the management of renewable natural resources. Local government entities will promote procedures and mechanisms that respect the rights and interests of all local stakeholders, including the right to participate in environmental decision-making.

10. Public Complaints Handling Mechanism: Our local government entities will be responsive to people. They will do this by:

✓ regular and ongoing consultation and user inputs, including ongoing user participation;
✓ adopting agreed, measurable standards and services;
✓ providing adequate and clear information to the users of the service; and
✓ providing complaints handling and redress.

They will establish, under the purview of respective elected local council, an effective complaints handling scheme that:

✓ increases the level of user satisfaction with the delivery of services and enhance the user/agency relationship;
✓ recognises, promotes and protects users’ rights, including the right to comment and complain;
✓ provides an efficient, fair and accessible mechanisms for resolving user complaints;
✓ provides information to users on the complaints handling process for the service; and
✓ allows for monitoring of complaints and endeavor to improve the quality of services

Complaints handling will provide feedback to the agency on the services and the quality of delivery. It will also provide an ongoing "listening" mechanism for agencies which they would not have otherwise. The complaints handling mechanism of our local government entities will be visible, accessible and responsive. The public will know "where to complain", and "how to complain". It will be relatively easy to lodge a complaint. The complaints procedure will be straightforward. The local government entities will strive to make people feel that complaints are not only invited but are treated seriously, i.e. there is responsiveness within the organisation. User feedback will be used to constantly improve the services. The executive heads of the local government entities will be committed to the complaints handling process and will give their personal endorsement through staff directions and publicity. Overall responsibility for complaints will be handled at the senior management level. The mechanism will be adequately resourced. Complaints handling process will have the capacity to determine and implement remedies. Provincial, District, Municipal and Village Councils will oversee the public complaints handling mechanism.
4. Anti-Corruption

To counter corruption at the local level the following measures will be taken:

- The Government will enact the Right to Information Act. Article 50 of the Constitution provides that the citizens of Afghanistan have the right of access to the information from the government offices in accordance with the provisions of law, and further provides that this right has no limits, unless it violates the rights of the others. The Government will bring a Right to Information Act that provides legal mechanism to citizens and civil society to exercise this constitutional right. The right to government information is fundamental and forms the basis for a process of accountability. The proposed law will give citizens the right to access information from government offices in accordance with its provisions. Access to government information provides for transparency and accountability of government activities. This law will support good governance. This law will include a procedure and chain of authority responsible to respond to information requests from the public, a definition of specific discretionary powers of government officials to withhold certain government information and a statement of the basis for the restriction of access to certain government information.

- The Cabinet has accepted the strategy for anti-corruption and the National Assembly has passed Law on Monitoring the Implementation of this Strategy against Administrative Corruption. This Strategy and this Law will guide subnational administrations in their anti-corruption work. This strategy has codified approach and procedure for combating administrative corruption on short term, mid-term and long term basis at national and subnational level. Ministries at national level and Provincial, District and Municipal Administrations at subnational level will implement the reforms this Strategy expects from them within the time indicated in the Strategy. The Ministries, Provinces and Districts will implement the Law on Monitoring the Implementation of Strategy against Administrative Corruption in letter and spirit.

- The local government entities will enlist the participation of the public and private sectors, civil society organizations, media and communities by raising awareness on corruption, its consequences as well as evaluating vulnerabilities to corruption within sub-national entities and any action taken to remedy these vulnerabilities.

- Media and civil society will be strengthened in order to increase public awareness and education about corruption by allowing for the flow of information between the government and the public.
throughout the country. The Government will develop mechanisms to coordinate with community-based structures to create anti-corruption awareness. Government will make programming, execution and monitoring more transparent, participatory and accountable.

- The local government entities, under the oversight of elected councils, will establish and implement public complaints handling mechanisms, where complaints regarding corruption can be submitted.

- The local government entities will launch electronic government applications to reduce corruption and increase efficiency.

- The Government has already made legal and institutional arrangements for the protection of whistle blowers.

- The Government will strengthen public accountability system by putting in place a strong local audit system, including both internal and external audits. The Government will strengthen internal audit function in local government institutions so that both financial and performance audits could be done as a critical means of assurance of public accountability.

- The Government will strengthen public finance systems in local government entities in order to create an effective and accountable management of public resources, denying officials the opportunity to cover up corruption. In local public expenditure management, Government will extend computerized financial management systems to the provinces. Government will provide the exact price, timeframe and procedure for securing key government services (such as water and electricity) in a timely, transparent, and easily accessible manner. Government will increase frequency of audit of financial accounts in line with international standards.

- The Government will implement a standard, coherent procurement system based on the Procurement Law. The Government will build the capacity of local procurement staff.

- The Government will provide for judicial review of administrative action at all sub-national levels.

- Providing appropriate protection for public officials and private citizens who expose or denounce corruption.
Increased public awareness, including better legal awareness, is a crucial preventive element in the fight against corruption, which will further strengthen public confidence in the state. The optimization of functions, measuring public service delivery, making this information widely available to the public and carrying out regular consultation with this people can make public services much more accessible and enable wider participation of the citizens in political decision-making. To this end, the Government and local government entities will take the following steps:

- Enact and enforce the Right to Information act.
- Improve the rules governing the relationship between public officials and citizens as well as the procedures associated with access to information. The rules will describe the specific measures that will be undertaken in the event an applicant does not receive a timely and thorough response; and
- Enhance public awareness on the rights of citizens to protest. Legislation will be in place on how public servants should process citizen appeals and to respond to appeals or complaints of citizens.

Civil society is a vibrant network of diverse talents, which if properly focused, can play an important role as watch-dog of government performance in ensuring justice, accountability, transparency and responsiveness. The crucial role of civil society in addressing corruption issues and its ability to use human rights principles to fighting corruption, for instance, through access to information laws, will be encouraged. They will play an important monitoring role of public expenditures in provinces, where the actual service delivery is taking place. Effective participation of citizens goes beyond mere consultations. Curbing corruption is about changing attitudes, changing negative habits and behavior. A public culture against corruption and which does not accept corruption as a way of life, will be cultivated through sensitization and public education.

Both civil society and the mass media will be engaged in raising the awareness of the public. The mass media can play an important role in carrying the ideas to the public at large. Civil society will be encouraged to participate in the struggle against corruption also by carrying out advocacy against corruption. The mass media will be allowed to deliver impartial and fair information to the public concerning corruption cases. There is a strong correlation between the incidence of corruption and the extent to which the media is free. To be effective media has to be free. Independent journalism can act as an indirect check on corruption by informing public debate in a manner that enhances political and economic competition.
5. Public Administration Reform

Good governance and equitable provision of quality public services requires establishing, reforming, and strengthening public administration at all levels. The Government’s goal is to develop an effective, accountable, gender justice and effective public administration at the central, provincial, municipal and district levels capable of ensuring security, equitable provision of basic social services, and an environment conducive for economic growth.

The Government Ministries in consultation with IARCSC have made impressive progress in the implementation of Public Administration Reform at national level. National Assembly has passed Civil Servants Law. The Government has issued Pay and Grading regulations. Pay and Grading has begun in some Ministries at national level. IARCSC has taken landmark steps in implementation of Public Administration Reform at subnational level with establishment of IARCSC Regional Offices, Provincial Appointments Committees, Provincial Appraisal Committees and Provincial Capacity Building Groups. Civil Service Training Centers have been established in 20 out of 34 provinces so far. 2620 civil servants have been trained in using computers, English language and management techniques. IARCSC Regional Offices are actively overseeing the implementation of PAR at regional, provincial and district level. District Offices of IDLG, MoAIL, MoJ, MoF and MoCIT are undergoing reform. Reform at sub national level is more challenging than reform at national level because of lower capacity, lower resources and longer distances at sub national level.

This policy will build on valuable work done at sub national level by the IARCSC especially its Provincial Affairs Department and by the IDLG. In line with the ANDS Governance, Public Sector Reform and Human Rights Sector Strategy (2008-2014), this policy seeks to achieve following objectives:

- Improved service delivery at national and sub-national level.
- Public Administration Reform (PAR) will be implemented in all the ministries and offices at national and sub-national level including municipalities by 2014.
- Complete restructuring will be done so that the structures are aligned with functions.
- Civil service functions will be reformed to reflect core functions and responsibilities and, management processes will be streamlined.
- Positions will be re-graded and filled by merit based appointments.
• IARCSC will strengthen the common functions within all the ministries and offices.

• The IARCSC is already evolving a comprehensive legal framework including human resource management regulations, pay and grading regulations, and pension and retrenchment regulations applicable to civil service. The Government will implement this civil service legal framework through the respective ministries in all the offices at national and sub national level.

• Building on Civil Service Commission’s work so far; merit-based appointments and vetting procedures will be adopted for the civil service at sub national level. Annual performance-based reviews will be undertaken for the subnational civil service every year.

• The Government will build institutional and administrative capabilities in provincial, district and, municipal administrations to manage basic service delivery through reforming organizational structures, streamlining management processes and, developing essential skills and knowledge of civil servants. All sub-national governing units will have defined objectives of service delivery. All sub-national governing units will have revised systems, procedures, guidelines and, trained human resources in accordance with defined service delivery objectives.

Through the Public Administration Reform program, the Government will ensure that there is improved coordination between decision-making bodies within the central government and the sub-national government entities. The Government will reform the ministry structures at Kabul and at sub national levels and simplify administrative procedures and business processes. The Independent Administrative Reform and Civil Service Commission (IARCSC) will assist line ministries with reforms of sub-national administration. The Government will create an effective, financially sustainable civil service at national and sub national levels and gradually phase out donor supplementation of salaries. The IARCSC will strengthen rules and procedures for a professionally managed civil service, including promotion of high ethical standards and establishment of disciplinary measures for corrupt or unethical practices. The Government has adopted a merit based recruitment system that promotes gender equity and ethnic diversity. Finally, Government will implement a coherent, comprehensive skills development program for existing and new civil servants. The governmental ministries and governmental agencies will bear the primary responsibility of reforming and building the capacity of their own offices at the national and sub national levels. The role of IARCSC will be that of enabler, advocate and facilitator.
The IARCSC will achieve these outcomes through reorganization and restructuring of government machinery. The steps that will be taken to achieve these outcomes include the following:

- **Organizational Development**: This will be based on the vision, mission, strategy and programs of the ministry/agency as well as its core functions.

- **Simplification of business processes**: This will help improve service delivery and reduce corruption.

- **Civil Service Wide Pay and Grading Reform**: This will be implemented at national and sub-national levels. The old salary structure will be changed into a new salary structure.

- **Performance Evaluation**: This is part of the human resource management function. The IARCSC has developed the forms, format and guidelines for the performance evaluation of staff. The capacity in the ministries will be developed so that the process can be institutionalized.

- **Development of Human Resource Management Departments**: The human resource management departments of the ministries will manage the reform process effectively.

- **Recruitment Processes and Procedures**: The IARCSC will ensure merit-based recruitment through the Appointment Board. Although IARCSC has gone a long way in improving processes and procedures, it still faces the challenge of boosting the capacity of the Appointment Board both in terms of quantity and quality of the recruitment process. The Appointment Board has developed an action plan to improve the quality and quantity of recruitment and will implement the action plan.

**Appointments in Grade 3&8**

Appointments in the offices of Provincial and District Governors in Grade 3 & 4 of civil servants in the province will be approved by the Independent Directorate of Local Governance after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

All appointments in Grade 3 & 4 of civil servants in the provincial and district offices of the ministries and agencies of the Government in the province will be approved by the respective ministry or agency after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.
All appointments in Grade 5-8 of civil servants in the province will be approved by the Provincial Governor and in the District by the District Governor after identification and selection by the Provincial Appointments Committee following merit based open competitive recruitment procedure.

Provincial Governors and the Provincial Line Departments shall accept the staff appointed on merit through open competition and as per civil servants law.

- A Reform Implementation Management Units (RIMUs) will be established in the Independent Directorate of Local Governance (IDLG). The RIMU will help the implementation and capacity development in the IDLG and will prepare the IDLG for reform.

- RIMUs established in the Ministries will help the implementation of PAR in the Ministries at national and sub national levels.
6. Capacity Development at Sub-National Level

Capacity development especially at sub-national level will be the key focus area of the IARCSC and all the ministries and agencies of the Government of Afghanistan.

- The strategy for capacity building includes buying capacity as well as building capacity. IARCSC has the Management Capacity Program and the Coaching and Advisory Programme to buy capacity. The IARCSC also has capacity development programmes in Management, English, Computers and Gender. A framework for the capacity development of common functions has been developed and is being implemented.

- The Ministry of Finance in collaboration with the IARCSC will build government-wide capacity in finance and procurement functions in particular.

Training of Appointed Officials at Sub-National Level

- The training policy for the sub-national public sector workforce is to train each member at least once in two years in organization specific, job specific as well as generic training. Institutional arrangements will be put in place to ensure the implementation of this training policy. Women’s participation will be ensured through appropriate monitoring mechanisms and incentives.

- The aim of this training and development policy is to:

  Provide job-related education, training, and development opportunities for all Sub National Civil Servants so that they may perform their jobs competently and happily. This recognises that when strategically planned and implemented, Training and Development is vital for strengthening Civil Servants’ knowledge, capabilities, skills, attitudes, and values in the performance of work.

- In consultation with ministries and other government agencies, the Civil Service Institute will establish for the Civil Service Commission, training and development priorities for all civil servants. The initial focus will be on leadership and senior managers, key ministries and sub-national agencies. The Civil Service Institute will have a primary role in delivering training and development programmes. The Civil Service Institute will be fully capacitated to
deliver required training programmes based on the needs of the civil service. The Civil Service Institute will further acquire capacity to meet the need for civil servants to get trained in the field of gender and development.

- **The Civil Service Institute will help ministries and other government agencies to identify training and development requirements.** CSI will also help ministries and other government agencies satisfy those requirements cost-effectively and without duplication. All ministries and other government agencies, central and sub-national, will plan and budget to train and develop their personnel. The Training and Development budgets will be non-transferable. Where training and development requirements are common to all or most civil servants, or are deemed mandatory across a ministry or agency, a non-transferable budget shall be allocated to the relevant ministry or other government agency. The Civil Service Training and Development will help address gaps in civil servants’ capabilities, knowledge, skills and attitudes (competencies) by developing and utilizing competency-based learning programmes that focus on the acquisition of work-specific skills, knowledge and attitudes. A primary objective is to focus civil servants’ attitudes on providing services, and ensuring access to those services by Afghan citizens. This learning approach assumes that an employee can demonstrate competence in a work situation as follows:

Level 1 – Perform to an agreed standard with a high level of direct supervision (new to the area of performance).

Level 2 – Perform to an agreed standard with routine direct supervision (average civil servant with some experience).

Level 3 – Perform to an agreed standard independently and provide advice on work practices (experienced civil servant with recognized expertise).

Level 4 – Perform independently to an agreed standard, provide advice on work practices, and supervise others in the workplace (expert in work, supervisor, ready for promotion and additional learning).

**Training and Development for Sub-National Administrations**

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18 International experience suggests that investment of 3% of an institution’s payroll in Training and Development is a desirable and attainable benchmark. Forward-looking public and private sector institutions may allocate up to 9% of payroll.

19 A non-transferable budget may not be used for any purpose other than that for which it is allocated. Unused funds must be returned to consolidated revenue.
• A training policy for elected councils will be developed. This policy will contain a provision for the members of Provincial Councils, District Councils, Village Councils and Municipal Councils to be trained in implementing their mandate and on how to make their proceedings and discussions transparent and open to the public. The IDLG will strengthen all elected subnational councils enabling them to perform their roles and fulfill their responsibilities towards their constituent citizens. The IDLG will strengthen the capacity of these elected councils, support knowledge sharing and exchange among them.

• A training policy will also be developed for Provincial and District Governors.

• IDLG will work with the Civil Service Institute to develop an appropriate training strategy and plan for IDLG and sub-national administrations.

• All Training and Development activities will be based on needs analysis research and curriculum design that reflects specific civil service job requirements. The Independent Directorate of Local Governance (IDLG) will assist managers, supervisors and training and development personnel in local government entities to identify needs, and design and conduct modular training and development programmes.

• Subnational officials will ensure through proper planning and effective implementation, that training and development objectives are achieved and, training and development responsibilities are shared between managers, supervisors and subordinates. Managers and supervisors will be trained in mentoring, coaching, gender mainstreaming, and on-the-job-training methods and techniques so that they can train and help to develop subordinates routinely. Technical capacity on gender and the need to invest in the development of women’s capacities are also central in the overall strategy on training. Local government entity heads will ensure that managers and subordinates accept and perform training and development responsibilities by:

  a) Incorporating the responsibilities related to training and development in management and supervisory job descriptions;
  b) Making managers and supervisors accountable for subordinates’ training and development, and performance;
  c) Incorporating training and development carried out within the workplace into the overall civil service training and development infrastructure.

Managers and supervisors of local government entities will ensure that training and development opportunities are available to all civil servants regardless of their ethnic, tribal
or cultural group, gender, age, religion or handicap, provided a handicap does not prevent them from performing work. Managers and supervisors of local government entities will establish and maintain systematic training and development plans and ensure that training and development activities result in increased productivity.

- **Training and development programme designers, managers and supervisors of local government entities will cooperatively link training and development activities to overall human resources management and workforce adjustment strategies such as public administration reform.** They will ensure that training and development activities relate to overall capacity development and institutional development strategies for providing cost-effective, quality service to the public.

- **Training and development personnel, managers and supervisors of local government entities will cooperatively monitor and evaluate all training and development activities for quality, adherence to agreed standards, cost-effectiveness, achievement of stated learning objectives, gender sensitivity, inclusion of women in the process and impact on workplaces.**

### Training and Development Arrangements for Appointed Officials and Civil Servants

The following table provides a model for modular training, development arrangements and budget allocations for all appointed officials and civil servants. Data on participants will be sex disaggregated.

**Arrangement of Modular Training Responsibilities**

<table>
<thead>
<tr>
<th>Module Type</th>
<th>Participants</th>
<th>Funding Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Service-wide Common-Core training and development modules.</td>
<td>Everyone receives these training and development opportunities.</td>
<td>Civil Service core training budget. The budget may be distributed to ministries for the purpose.</td>
</tr>
<tr>
<td>Succession and promotion-related training and development that is professional or administrative, required under regulation, or for licensing.</td>
<td>All civil servants required under regulation or for licensing, and for succession or promotion receive this training.</td>
<td>Ministry core training budget-salaries and allowances line.</td>
</tr>
<tr>
<td>Ministry-wide common-core training and development</td>
<td>All civil servants in a ministry receive this training.</td>
<td>Ministry core training budget-salaries and allowances line.</td>
</tr>
</tbody>
</table>
modules.

<table>
<thead>
<tr>
<th>Department-wide common-core training and development modules.</th>
<th>All civil servants in every department receive this training.</th>
<th>Department core training budget-salaries and allowances line.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry-specific training and development modules.</td>
<td>Only ministry personnel requiring specific training do this.</td>
<td>Ministry-salaries and allowances line.</td>
</tr>
<tr>
<td>Department-specific training and development modules.</td>
<td>Only departmental personnel requiring specific training do this.</td>
<td>Department-salaries and allowances line.</td>
</tr>
<tr>
<td>Division-specific training and development modules.</td>
<td>Only division personnel requiring specific training do this.</td>
<td>Division, department-salaries and allowances line.</td>
</tr>
<tr>
<td>Section-specific training and development modules.</td>
<td>Only Section personnel requiring specific training do this.</td>
<td>Section, division, department-salaries and allowances line.</td>
</tr>
<tr>
<td>Other highly specific training and development modules.</td>
<td>Only individuals requiring highly specific training do this.</td>
<td>Determined as required using the operational area budget.</td>
</tr>
</tbody>
</table>

In brief, all training and development activities (of all sub-national civil servants including managers, supervisors, subordinates) will:

a) Improve the quality, effectiveness, and efficiency of Civil Servants’ work performance through training and development and planning.

b) Utilise existing civil servants when possible to fulfill present and future training and development commitments rather than leaving all such activities to be carried out by IARCSC.

c) Enable all civil servants to develop and implement systematic, efficient, and continuous professional developmental programmes and activities that incorporate and recognize individual self-development efforts.

d) Specify, in the interests of equity and cost-effective use of resources, the absolute time that may be spent in training and development within work hours per year; and the maximum proportion of a training budget that one person may utilize per year.

e) Require that civil servants assume some of the responsibility to identify training and development opportunities, training providers and venues, and help to arrange training programmes they feel are necessary, which require unique professional or limited scope training.

f) Require all new entrants to the civil service to complete common-core training and development requirements, including induction and other orientation activities identified as mandatory. Mandatory training and development must be completed before advancement.
within the civil service is considered. Such mandatory trainings will include gender awareness.

g) Shift the responsibility to individuals for participation in non-compulsory training and development. The outcomes of that training may be used in assessing civil servants for promotion and subsequent development activities.

h) Equip civil servants with work-specific knowledge, skills, and attitudes, and provide opportunities for experiential learning so that they may create and maintain institutional knowledge.

i) Ensure training and development activities and programmes incorporate civil service policies on educational, ethical, attitudinal, societal and governance attributes.

j) Identify target groups of civil servants for training and development where general or common requirements exist.

k) Determine specific training and development requirements for groups of civil servants and individuals that are reflected in instructional design, work applications, institutional succession plans, and individual career paths.

l) Design and pilot-test, as far as practicable, all training and development programmes.

m) Utilize the full range of training and development methods and techniques available, to ensure the eventual transfer of skill and knowledge learned to civil servants and appointed officials.

n) Collaborate with private, public-sector and multi-lateral agencies in the development and provision of training and development programmes to avoid duplication, make the best use of resources, achieve economies-of-scale, and ensure cost-effectiveness.

o) Observe civil service guidelines, policies, regulations and strategies that are in force from time-to-time, regarding promotion, succession, and career planning, and matching civil servants’ competencies with positions.

Training and Research in Urban and Local Governance

The Afghanistan Local Governance Academy (ALGA) will be established as a national training institution that would deliver training programs for local governments. It will function under the supervision and guidance of the IDLG (Independent Directorate of Local Governance). The ALGA
Policy on Sub national Governance

will be governed by a Board of Directors chaired by the Director-General of the IDLG and members appointed by the President. An Executive Director will manage the operations of the Academy.

A Council of Advisers will provide the Academy with advisory services. It will consist of representatives from the Academic Community, CSOs and Private Sector. The ALGA will be responsible for human resource development and training of local government officials and the IDLG personnel. The ALGA will be the national-level premier training and development institution for capability building towards innovative and effective local governance.

ALGA will ensure availability of appropriate education and training services for local officials directed to their specific needs. Courses will also be available for undergraduate or graduate students studying political science, governance or public administration. ALGA will continuously upgrade the capability of the IDLG personnel towards excellence in the performance of their functions and responsibilities.

ALGA will provide continuing education for local governance; strengthen linkages and partnerships with various local governments; and strengthen partnerships with local academic institutions.

Before the ALGA is established, the IDLG will conduct international study and training programs for its elected and appointed officials at reputed international training and research organizations in local governance, so as to prepare them for effective implementation, monitoring and evaluation of this policy.

Internship for recent college graduates

IARCSC is successfully running internship programme to coach recent graduates of the Universities and students in various practical skills, in order to enable them to take up administrative, technical and managerial responsibilities within the civil service. Internship programme will be further expanded. Subnational government entities will have more intensive involvement in the internship programme so that college graduates are mentored and trained in adequate numbers and become available to work in subnational civil service positions. Internship will consist of training at the provincial center for the first six months and practical experience in a provincial government office during the next six months. The goal is to help young graduate and post-graduate Afghan Nationals to complement their development-oriented theoretical knowledge with practical experience in various aspects of administration through on the job training and learning by doing. Internship will
facilitate the recruitment of the interns within the local administrations through enhancement of their work skill and experience, and thus provide the local government entities with sufficient qualified young professionals to implement their programmes in an effective and efficient manner. The objective of the training will be to increase the skills set of the interns, so they are able to apply for the civil service positions at sub national level.
7. Performance Measurement, Public Service Standards and Customer Service Orientation in Public Service

Performance Measurement

Improving service delivery and developing a systematized means of doing so is at the heart of this policy. The strategy underlying all of Afghanistan’s development for the next five years is the ANDS. One of the priorities of ANDS is creating and institutionalizing a monitoring and evaluation system, which can assess the impact of ANDS on poverty throughout Afghanistan.

Because sub-national government is closest to the people, it has the greatest potential to improve the lives of Afghan citizens. This policy requires local government entities to measure the successes, failures and progress in pursuit of their objectives.

Elected Councils will be at the heart of the government’s policy to measure performance. Performance measurement is a means for the government to determine if they are making progress towards achieving their targeted results. Performance measurement can be defined as the processes that are utilized to measure performance of a local government body, particularly in relation to its achievement of pre-determined outcomes and objectives.

The objectives of the government’s performance measurement policy are to:

- **Strengthen accountability**: Performance measurement demonstrates to citizens how they are being served, what local government entities plan to achieve, what is accomplished as well as what public service costs.
- **Strengthen performance**: The development of minimum service standards helps government entities to provide high-quality, effective and efficient services. The means for developing minimum service standards helps government entities to understand what they can achieve and how they can do so efficiently.
- **Improve budget processes**: Performance measurement can improve the monitoring of expenditures at the sub-national level and particularly whether they are contributing to the achievement of minimum service standards.
- **Stimulate productivity and creativity**: Performance measurement will be used to create incentives and rewards to stimulate creativity and productivity at the sub-national level.
Local government entities, including local representative councils and line ministries will contribute to systematically collecting, organizing, analyzing and transparently reporting on information related to service delivery. A well developed system for performance measurement will enable local governance entities to report on their performance in a manner that is backed by credible evidence. The performance measurement system will have the following elements:

- The system will include all local governance entities in a monitoring and evaluation system. Provincial, District, Municipal and Village Councils will coordinate and oversee this system. (Over the next five years, the focus will remain on including all provincial entities in this system. It will subsequently move to the district and village levels.)
- The performance measurement system will be results based. Performance indicators will focus on outcomes rather than just outputs.
- Linkages between the planning and budgeting process and performance measurement will be developed. The Government will reward excellence in performance of local entities by incorporating performance as one of the criteria to decide intergovernmental transfers.
- The IARCSC, line ministries, IDLG, and local governance entities will support the development of human resources capable of developing and maintaining the performance measurement system. How to develop and maintain the performance measurement system, including how to develop and monitor minimum service standards, will be incorporated into training and development plans.
- IDLG and line ministries will support the development of the technological capacity to optimize utilization of performance information.
- The performance measurement system will be developed in a manner that supports comparability across local government entities
- The system will support access to public and private sector information sources.
- The performance measurement system will be composed by standard information collection, processing and reporting methods to ensure availability and reliability of data/information.
- A legal and regulatory framework will be developed that enables local government entities to integrate performance measurement systems into the management of development interventions and technical assistance.
- Incentive structures will be integrated into local governance to encourage customer service orientation and to help ensure that minimum service delivery standards are met.
Financial, Compliance and Performance Audits

There will be a system of regular audit of the local government entities.

External Audit

Audit by an independent institution is the main pillar of public financial management. Control and Audit Office (CAO) is the authority to carry out external or final audit. The IDLG and the Ministries will provide all support and access including internal audit report to the CAO. A mechanism will also be in place to address the issues raised in the report of CAO.

Control and Audit Office

The Control and Audit Office (CAO) is the Supreme Audit Institution of our country and functions according to the Audit Law in force. The DG of the CAO is Auditor General of Afghanistan. The CAO discharges the audit and assurance function as enshrined in the Audit Law. A new Audit Law of the country is in process of getting legislated and will add new audit scope and coverage for the CAO. CAO conducts external audit of accounts of the Government, Provincial Administrations, Local Authorities, other independent bodies, public enterprises, projects and programs financed or implemented by Government. The DG, CAO attests the financial statements of the government bodies for which CAO has conducted audit.

Since Afghanistan lacks, sufficient financial and technical resources for funding its Government activities due to prolonged war and civil disturbances, the international community has been providing financial, technical, and managerial assistance to our country in support of its budget expenditures. The assistance is provided directly by various nations as well as through multilateral and bilateral agencies, and NGOs. Such expenditure for public benefit will come under the purview of CAO for oversight and compliance. All such agencies and recipient Government Departments will make their accounts and information available to CAO and for scrutiny.

Internal Audit
The Independent Directorate for Local Governance (IDLG) requires independent information on the performance of various activities, programs and projects carried out by the local government entities. The Ministries likewise need independent information on the performance of their subnational entities. This independent information is required for formulating appropriate and effective policies for the organization and implementation of these policies in efficient and effective way. Further, the management needs to know whether and how the policies and programs are being implemented and whether there are any deviations in the implementation. Given the size and scope of operations, the senior management cannot find such information by engaging themselves with each and every subordinate entity. Therefore, senior management values Internal Audit, which is an independent appraisal function to provide reliable, accurate and timely information on the performance of various activities, programs and projects undertaken.

The main objective of the internal audit is to assist management in effective discharge of their responsibilities by providing them with reliable and independent information on the performance of the organization as a whole. The internal audit is concerned with examination and evaluation of internal controls and quality of performance. This involves the review of activities, programs and projects to:

i. ensure reliability and integrity of financial and operating information;

ii. ensure and report the compliance with those policies, plans, procedures, laws and regulations which could have significant impact on the operations;

iii. ensure means of safeguarding inventories and assets and verify the existence of such assets physically and in the ownership of the audited entities;

iv. review the activities and program to ascertain whether results are consistent with established objectives and goals and whether the activities or programs are being carried out as planned; and

v. ensure that the operations and programs are being carried out in economic and efficient manner and to confirm the effectiveness of those programs in delivering the services to the public.

Since there is no clear provision for the Internal Audit in prevailing Laws, an amendment will be made in the Law on Audit to provide for Internal Audit in all the Ministries. Till then, internal audit will be carried out through an executive decision. Article 61 of the Public Finance and Expenditure Management (PFEM) Law states that the Ministry of Finance (MoF) shall establish an internal audit administration and appoint auditors to audit the financial and accounting affairs of all the
government administrations. This article had been acted upon to an extent and then the work was suspended. The Internal Audit Department of MoF has considerably enhanced the capabilities of its auditors by (a) recruiting qualified graduates from the universities, (b) providing them four months of full-time class room training in basic accounting and auditing followed by examination and certification and, (c) providing them intensive On-the-Job Training (OJT) in internal auditing under international audit experts.

All the Ministries will establish internal audit administrations under the technical guidance of the MoF. As in other Ministries, the Internal Audit of the entities under IDLG will be carried out by the auditors of IDLG. The Internal Audit Department (IAD) of the IDLG will be responsible for Internal Audit of all Provincial and District Governor Offices, Municipalities and, Provincial, District and Villages Councils. The Internal Audit Department of the IDLG may have regional audit offices. The Internal Audit Department of Sectoral Ministries will be responsible for audit of their respective line departments in the provinces and district offices.

Internal Audit will ensure the effective and efficient use of resources through examination, evaluation, and report on the adequacy and effectiveness of internal control system in place. All the three types of Internal Audit will be conducted:

i. **Financial Audit** - Financial audit has main concern regarding the quality of accounting information and financial reporting. Financial audit includes accounting of revenue and expenditure, reporting the state of affairs and the result of financial operations. Adoption of national accounting and economic codes, recording and reporting of expenditure vis-à-vis budget allocation, and reconciliation with the bank and treasury records are normal accounting activities. The audit reviews the internal controls in place and their effectiveness in ensuring accurate preparation and presentation of financial statements.

ii. **Compliance Audit** - Public expects public sector organizations to be transparent in their activities and comply with legal procedure in their performance. Law, regulations, procedures and manuals are the guiding standards for public organizations in their operation. What, why and how something has to be done, and by whom are some of the questions which are to be answered by the legal framework of the country. The
internal controls and procedures adopted by the public organization are vital in ensuring transparency and accountability. Compliance audit is to confirm if those legal and internal control procedures are being followed. It evaluates how well the organization complies with the relevant policies, laws, directives, plans and procedure.

iii. **Performance Audit**- Under the Performance audit, the auditor examines the extent to which government programs or activities have achieved expected performance. The performance audit will examine economy, efficiency and effectiveness in the operations.

Performance auditing is a systematic, objective assessment of the accomplishments and processes of a government program or activity for the purpose of determining its effectiveness, economy or efficiency. Performance auditing is an important building block with which to improve accountable and responsive governance of public resources. Performance audit focuses on accountability for outputs and outcomes. The indicators developed as part of the performance measurement system will be used for the performance audit. The audit involves the examination of the performance of a public organization or program on behalf of a client, such as citizens, by an independent auditor.

Performance audit examines the extent to which government programs or activities have achieved expected performance. The performance audit will examine economy, efficiency and effectiveness.

Performance auditing of local government entities will involve the following steps:

- Establish the efficiency measures or indicators that will be used for the audit.
- Establish the criteria to be used.
- Determine the validity of the efficiency reports produced by the program.
- Determine whether the achieved efficiency levels meet the established goals or criteria.
- Determine what causes the efficiency rates to vary from the criteria.
- Formulate the performance audit finding and recommend efficiency improvements.

The performance audit will be carried out in three phases:

- The planning phase which will include gathering information; assessing risk; assessing vulnerability to risks; refining the audit objectives; determining the audit scope, methodology, what will be carried out as part of the fieldwork and the audit budget,
- The fieldwork phase in which the audit will be carried out, and
The reporting phase in which the results of the audit will be written up and a final report completed.

The local government entities will perform the audits to assess reliability of reported performance data, including:

- whether services are provided;
- eligibility of clients;
- whether program funds are spent as reported;
- the cost of services such as cost per unit of service provided;
- service timeliness;
- levels of access, equity and availability;
- staffing ratios compared with benchmark such as teacher/student ratios, service utilization rates,
- validity of performance measures (do measures indicate real performance, all important or relevant elements of performance?), and
- asset management to check the state of equipment and infrastructure maintenance, as well as whether it is in need of repair or replacement.

Performance audit will increase the transparency and accountability of the provision of services. Such an assessment of the quality of services is not available from the financial and regulatory audit alone.

To prepare for performance auditing, the local government entities will:

- have effective financial auditing;
- have the elements for audit needed in place;
- operate a reliable accounting system;
- have in place the external controls needed, including continuous monitoring by the media, civil society and Provincial Council;
- adopt and implement predictable budgets; and
- foster an environment that supports and demands performance.

Local government leadership at the highest level will provide support to the performance auditing.
9. Local Economic Development

Work must be done at the sub-national level to attack the root causes of poor economic performance. The Provincial Governor in collaboration with the Ministry of Commerce and Industries will lead provincial initiative on local economic development. Four programmes will be implemented to attack the root causes of poor economic performance.

1) **Strengthen business-related training and education**: The programme will improve business education and training, via schools, universities, dedicated vocational training centres and advisory services. This will give people the skills needed to start and operate businesses and to adopt a more entrepreneurial attitude. This will lead to more businesses being started, bringing more people into the labour force and increasing labour productivity.

2) **Improve provision and uptake of capital**. The programme will improve the direct flow of capital to businesses by activities such as promoting local investment, creating provincial investment funds, training people in the use of banking services and providing information to potential creditors. All of these activities will increase the quantity of capital in the system, leading to increases in economic output, and creating more employment opportunities.

3) **Develop business-supporting services, facilities and infrastructure**: The programme will reduce the costs of doing business by providing essential infrastructure and places for doing business. It will also support initiatives to build private businesses. These activities will increase capital productivity, increase economic growth. This will increase the return on economic activities, causing new business to open and other business to expand, which will in turn cause more people to be brought into the labour force.

4) **Reform the business environment**. The programme will create provincial task forces to improve the legal and administrative environment for both businesses and for investors within the provinces. The programme will implement initiatives that will support implementation of reforms made in Kabul. This will lead to increases in both the amount of capital available, and capital productivity. As before, this should lead to opening of new businesses and expansion of new ones, creating additional labour input into the productive system.
Since labour input must be increased, special strategies will be developed to increase women’s participation in the labour force. This will stimulate economic development while also serving the interests of equity. Each four programmes will therefore have a gender component.

**Strengthening Skills and Training**

The first part of the programme will provide three kinds of business-related skills to actual and potential entrepreneurs. In order to deliver these, the programme must first develop a curriculum or knowledge-base in three areas. These areas are:

- *‘Foundational’ skills and concepts.* Foundational skills include the possession of basic concepts of business, such as investment, risk and reward and profit. They also include basic familiarity with processes such as having a meeting, negotiating, keeping records and forming an agreement.

- *General business skills.* Functional business skills are generic skills such as book-keeping, marketing and sales. These skills are similar when practiced in different contexts.

- *Industry specific business skills.* These skills are those specific to particular types of business. For example, in the fruit processing business they include knowledge of selective harvesting, processing technologies and packing design. Because they vary so much from business to business, these can only be provided for selected, strategically-important priority sectors in each province.

**KNOWLEDGE AND SKILL DISTRIBUTION SYSTEM**
The programme will work with at least five channels to improve the content/curricula of their training programmes and to strengthen their teaching/training methods. These channels are:

- **Secondary Schools.** With the support of the provincial programme, the Ministry of Education can introduce business education elements to teaching curricula, based on the programme’s knowledge-base, and support training of teachers.

- **Universities & Colleges.** Universities and colleges can provide business education as whole degrees (e.g. B.A.s in Business Administration or Agribusiness) or as modules of other degrees. With the support of the Ministry of Higher Education, the curricula for these courses can be harmonized with the programme knowledge base and the programme can support the training of academic staff.

- **Vocational Training Centres.** Dedicated Vocational Training Centres can provide continuing education or adult education programmes to people who are above school age and not enrolled in universities or colleges. These programmes will typically be more practical than school or university programmes and more likely to be focused on particular industries. If needed, these Centres will be developed as one part of this programme.

- **Advisory Service-Delivered Programmes.** The programme will create advisory services to give support to existing businesses. Many of these services will be consulting or research-based, but in some cases the service may deliver or commission training. The programme will help to develop the content and delivery of these training services.

- **Employer-Provided Programmes.** In many industries, the basic business model requires continual employee or even supplier training- for example in modern food processing industries employees must be trained in standards such as Good Manufacturing Practices, ISO9000 and/or Hazards Analysis and Critical Control Points. The programme can help businesses to achieve a high standard of training by bringing the content of training and the training practices into line with the programme knowledge base.

As an essential part of the strategy for increasing input of labour is to increase participation of women in the labour force, all of these programmes will have a gender component. For example, there may be specific targets for the number of women trained by different institutions, and outreach to bring women to vocational training centres. Such a gender component is, of course, also required by the principles of equity and social justice.
Policy on Subnational Governance

In addition to the office of the Governor and IDLG, the implementation should include the provincial offices of the Ministry of Education (MoE), the Ministry of Higher Education (MoHE), the Ministry of Commerce and Industry (MoCI), and the Municipalities.

Improving Access to Capital

The programme will seek to improve access to grants, equity investments and credit through various subnational structures and programmes. The components of the programme will include

- *Provincial Business Incubator Funds.* A Provincial Business Incubator Fund is a provincially-managed investment fund that makes strategic equity investments in local businesses. It is an investment vehicle owned by a sub-national structure that can promote social or private investment. The rationale of the investment is that it helps the business to grow, while also allowing the staff of the fund to play the role of non-executive directors of the company, in which they can provide oversight and strategic advice for the executive directors and managers. Each province covered will be able to use these funds to stimulate the development of strategically important sectors and accelerate the development of related businesses. The development process is shown in the chart below. Ultimately, the businesses that are created by such funds should be handed over to the community when the business is ready.
BUSINESS INCUBATOR DEVELOPMENT PROCESS

<table>
<thead>
<tr>
<th>Establish Fund Structure</th>
<th>Develop Investment System</th>
<th>Make Pilot Investments</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Capitalize Fund</td>
<td>• Define investment strategy</td>
<td>• Select suitable company</td>
</tr>
<tr>
<td>• Appoint Board of Directors</td>
<td>- Type of business</td>
<td>• Make investment and disburse funds</td>
</tr>
<tr>
<td>• Set Terms of Reference for Management Committees and Sub-Committees</td>
<td>- Level of investment and ownership stake</td>
<td>• Participate in management and governance of company</td>
</tr>
<tr>
<td>• Establish Financial, Reporting and Accounting systems</td>
<td>- Holding period</td>
<td>• Identify lessons learned and adjust system accordingly</td>
</tr>
<tr>
<td>• Set Terms of Reference for Key Staff Positions</td>
<td>• Set investment process</td>
<td>• Scale up</td>
</tr>
<tr>
<td>• Hire Key Staff</td>
<td>- Due diligence process</td>
<td></td>
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<tr>
<td></td>
<td>- Legal mechanism for investment</td>
<td></td>
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<tr>
<td></td>
<td>- Monitoring system</td>
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• **Provincial Capital-Provider Database.** In this activity, a database of all capital providers in the province, including banks, micro-credit providers and grant-makers will be developed. This database will be made accessible in suitable formats both directly to actual and potential entrepreneurs and indirectly through advisory organizations, NGOs and government institutions.

• **Provincial Credit Registries.** The programme will support the development of registries of the credit history of individuals and companies that are accessible to authorized credit providers. Such registries might be developed by the private sector with the support of the programme, e.g. through investments by the incubator funds, or run as public service by a sub-national organization such as a Municipality.

• **Local Banking Services Promotion Scheme.** The programme will develop and extend a programme for training people in using banking services such as current and savings accounts, overdrafts, mortgages and bank loans. This will be delivered directly and through government partner institutions in cooperation with local banks.

• **Accelerated Land Titling Programme.** The programme will deliver accelerated land titling in areas with high economic potential. The rationale is that the people with newly-titled land can then use their land as collateral for a bank loan to develop a business.
• Provincial and Municipal Investment Promotion. The programme will help each municipality and province to develop an investment case for their area and to deliver this case through various promotional materials and events.

As mentioned in the previous sections, bringing women into the labour force is an explicit component of the strategy for increasing labour inputs into the productive process. Therefore there must be a gender component in these activities. For example, certain portions of the incubator fund may be reserved for businesses started by women, and there should be outreach and minimum targets to ensure that women receive banking training.

In addition to the office of the Governor and IDLG, the implementation should include the provincial office of the Ministry of Commerce and Industry (MoCI), the Ministry of Finance and the Municipalities.

Developing Business-Support Services, Facilities and Infrastructure

The activity will ensure that there is a rolling programme of delivery of essential supporting services, facilities and infrastructure for businesses, provided by sub-national institutions. As shown below, these will help to reduce costs and increase revenues of local businesses, thereby increasing capital productivity. This, in turn, will cause businesses to expand, and attract new businesses into the market, expanding labour opportunities.
The programme will include:

- **Business Development and Transfer Programme.** The programme will allow the provinces to develop businesses in areas that will support and unlock local economic development—e.g., if there is high production of fruit trees close to a municipality, a business may be built to purchase the fruit and process it into juice. These businesses will be developed and then transferred to non-public ownership by sale, management buyout or some other mechanism. This programme is similar to the business incubator funds, but is intended to be more pro-poor.

- **Trade Centre Development.** The programme will design, build, operate and maintain places such as markets and auction houses for local produce, increasing revenues and stimulation the formation of new businesses.

- **Inputs and Infrastructure Programme.** The programme will form a task force of government ministries with responsibility for providing industrial inputs, such as the Ministry of Water and Electricity and the Ministry of Mines, and for building transportation infrastructure. The task force will help the Ministries to identify the needs of local economic development and accommodate them in their planning. The Ministries will review the needs of businesses in the area. For example, they will see which businesses do or do not have sufficient access to
water and electricity. The Ministries will help ensure that the needs of businesses in the province are incorporated into Provincial Development Plans.

- **Improved Contracting and Procurement.** This programme will help local businesses to engage in procurement agreements and business partnerships with large organizations such as government institutions, security forces and development organizations. It will do this by collecting and distributing information about available opportunities and building the capacity of businesses to compete for them.

In this area, as in others, it will be necessary to include a gender component to support the strategy of bringing women into the labour force. Elements of the gender component could include building businesses and transferring them to the ownership of Women’s Groups, and ensuring that the programme to increase access to procurement reaches adequate numbers of companies started by women.

In addition to the office of the Governor and IDLG, the implementation should include the provincial offices of the Ministry of Urban Development, the Ministry of Energy and Water, the Ministry of Mines, the Ministry of Public Works, the Ministry of Finance, the Ministry of Commerce and Industry and the Municipalities.

Reforming the business environment

The final component of the programme will improve the legal and administrative environment for businesses and investors, increasing both the availability of capital and capital productivity. The primary focus of these programmes will be monitoring the provincial business environment, and supporting the implementation of ongoing reforms in this area. The components of the programme will be

- **Reducing business-facing bureaucracy.** A research unit within a government institution at the provincial level will monitor the length of time and difficulty of getting various official services such as construction and property transfer permits, and will also collect information on egregious cases of government inefficiency. These will then be passed to the Governor via the Local Economic Development Committee, who can apply pressure to improve performance on the government agencies by means of the Provincial Administrative Assembly.
• **Reducing the burden of taxation.** This programme will provide support and training to businesses in completing taxation processes, and will also maintain dialogue with central agencies in order to advocate reasonably low-burden and efficient taxation systems.

• **Training and Resourcing of Legal System.** The programme will monitor and support the reform of the provincial and municipal commercial law courts by the Ministry of Justice.

• **Monitoring Import Factors and Export Markets.** A research unit will gather data on the costs of imported factors of production, export costs and administrative difficulties in exporting products, and these will be used to conduct advocacy for trade reform and better implementation of existing trade laws and policies.

• **Reducing Business-Facing Corruption.** This programme will coordinate with existing IDLG anti-corruption measures to identify and root-out corruption related to delivery of government services to businesses and in public procurement.

The gender component of this programme could include requirements for a minimum number of companies belonging to women should benefit from services such as assistance with taxation or reducing bureaucratic hurdles.

In addition to the office of the Governor and IDLG, the implementation team should include MoCI, the Ministry of Justice and the Municipalities.

**Implementation**

**Planning and Coordination System**

The activities of the programme will be planned by Task Forces for each of the Programme components, under the supervision of a Local Economic Development committee, which will itself be a sub-committee of the Provincial Development Committee. The management structure is shown in the diagram below:
The fundamental principles for planning and budgeting will be

- When an activity clearly falls within the legal and strategic framework for Municipality activities, it will be implemented and managed by the Municipality. One possible example could be promoting municipal investment or running vocational training centres.

- When an activity clearly lies within the mandate of a line ministry, and not within the scope of activity of the Municipalities, it will be delivered by the line ministry. One possible example could be improving municipal electricity supply, which would fall under the Ministry of Electricity and Water.

- When the activity does not fall clearly fall within the scope of the Municipalities or the line ministries, it will be implemented as a provincial component of an IDLG project. One possible example could be reducing business-facing corruption.

In all three cases the delivery of each activity will be coordinated at the provincial level by the Local Economic Development planning and coordination structure.

Coordination with Alternative Livelihood Programme
The LED programme will be coordinated with provincial planning of Alternative Livelihoods activities, so that the development of local (mainly municipal) economies supports the development of rural economies in which opium farmers live. The areas which should be coordinated include

- **Skill Development.** In this area, it must be ensured that the industries for which specific skills are being provided are related to the productive systems being promoted in the AL areas. For example, if tea was being promoted as an alternative to opium in nearby areas, the skills programme should provide skills related to the tea industry.

- **Access to Capital.** In a similar way, the capital programmes must ensure that capital flows to businesses and industries that support the expansion of legal activities in the rural areas. The programme should produce industries that purchase the crops introduced by the AL programme, and also businesses that provide essential support services and inputs, such as vendors of seeds and fertilizer, packing material suppliers or companies that sell or repair agricultural machinery.

- **Infrastructure, facilities, services.** The provision of this support should be targeted at the parts of the new agricultural economy being promoted in the AL programme, e.g. if horticultural crops are being promoted, the programme should construct wet markets for the same kinds of horticultural crops and ensure that processing industries for those kinds of crops can acquire water, electricity and other needed inputs.

- **Business Environment.** The business environment task force should concentrate on the business environment for firms upstream of the agricultural economy being developed in AL areas (e.g. companies that sell fertilizer to farmers) and downstream of it (e.g. processing and exporting companies). Efforts to accelerate bureaucratic procedures and improving conditions on imports and exports should prioritize these industries where possible. The task force should aim to reduce the bureaucracy that those engaged in AL related activities must go through, particularly in sub-national institutions. The task force can identify problems with corruption or excessive bureaucracy. If they see problems at the local level they can attempt to address the problem there. If, not the other hand, these problems are further up within the government they can report up and work with the relevant authority to address the problem.

The planning and implementation of the programme therefore must be coordinated with the Provincial Alternative Livelihoods programme. The more appropriate institutional base for many activities in the local economic development programme will continue to be considered further.
10. Community-based Natural Resource Management

With the rise of globalization, the circumstances that favor purely local and autonomous resource management are becoming more limited. Nonetheless, for natural resource management, the community broadly conceived is where most of the decisions and actions that directly affect natural resources are made. Yet what may appear to be local problems cannot be solved at local levels, but local decisions and actions collectively and cumulatively shape the course of eco-system conservation or degradation in pervasive ways. It is mostly within the purview of communities that forests are cleared, land is cultivated, wild flora and fauna are collected, and water sources are affected by resource management practices.

Cultural and biological diversity, which offer great benefits to humanity generally and the Afghan populace more specifically, are facing threats associated with poor governance. Democratic reform is the key for stable development and long-term biodiversity conservation.

Biodiversity can be seen as global commons, national commons and local commons and still also be private property of individuals and/or communities. Unclear tenure rights and responsibilities, and lack of accountability are particularly significant governance issues in the conservation sector, because conservation impacts land, water, below-ground resources, and biological resources—all of which are financially valuable. Biological resources are also vulnerable to over extraction by many competing parties. Furthermore, active conflict over rights to manage resource exploitation results in lack of protection and negative impacts on communities. Natural resources are often viewed as assets whose value is in their potential for conversion to maintain political and economic power.

To advance environmental protection of natural resources and environmentally sustainable resource management, The Government and the local government entities will:

- Create opportunities for dialogue and discussion on natural resource management that enable local voices to find consensus and bring those voices and perspectives both at local and national levels;

- Ensure coordination between different policy and implementation departments building a collaborative, integrated approach to resource management, good governance and conservation
objectives by including a mix of components for the projects that cover, for instance, land rights, institutional capacity, protection, and gender issues;

- Enhance collaboration by sharing information with communities on current knowledge and problems encountered;

- Build citizens capacity to manage natural resources sustainably;

- Raise the public awareness of natural resource management by building awareness of people’s rights and responsibilities as citizens stated in the legislations and in the conventions related to environment that government has signed and the obligations under those agreements;

- Establish networks to support civil societies, to have a voice on natural resource management, and to provide capacity building; and

- Manage the natural resources through community-based mechanisms and with the support of legitimate local governments. Natural resources can make a significant contribution to sustainable growth and poverty reduction when they are properly managed through community-based mechanisms and with the support of legitimate local governments.

- Base natural resource management-related interventions on broad consultations with local communities (that include marginalized groups like pastoralists or indigenous groups). These interventions will reflect local values. These will form an essential part of a sustainable process of poverty reduction, since improved productivity will directly increase rural livelihoods, food security and market participation.

- The environment will be used in a manner that is ecologically sustainable, responsive to the needs of the poor and in accordance with local values and culture.

- Local government entities and civil society (user groups, producers associations, etc.) will play a critical role in decision making and the management of renewable natural resources.
Policy on Subnational Governance

- Local government entities will promote procedures and mechanisms that respect the rights and interests of all local stakeholders, including the right to participate in environmental decision-making.

11. Environment Protection

During the past three decades the environment has been severely damaged. The situation of environment in our country is a matter of great concern. Its protection is a matter of priority for the Government. Environment Protection is explicitly described in Article 15 of the Constitution of our country. Environment Protection will be one important duty and responsibility of local government entities.

Article 11 of the Law on Environment Protection establishes the National Advisory Council for the protection of environment. This Advisory Council consists of Provincial Governors, Heads of Provincial Councils, one representative each of the District Councils, Religious Ulema, and local elders. They are expected to meet at least once a year under the leadership of Head of the National Environment Protection Agency. The first meeting of the National Advisory Council for the Protection of Environment was held on 14 and 15th day of Saur 1387 (3 and 4th June 2008) at Kabul. The National Advisory Council (NAC) unanimously passed a 24-article resolution clearly defining the functions and responsibilities of local government entities in protection and rehabilitation of environment. This policy upholds the 24-article resolution.

Article 12 of the Law on Environment Protection establishes the Local Advisory Councils for Protection of Environment consisting of Head of the elected Provincial Council, Heads of the District Councils, District Governors, Director of NEPA in the province, Religious Ulema and Local Elders, Representatives of Civil Society, Farmers and Kuchis. This Council shall meet once every six months. Provincial Advisory Council on Environment will establish a similar advisory council at district level for the protection of environment.

Local government entities shall take practical steps for Rehabilitation and sustainable use of forests and pastures, Rehabilitation and sustainable use of water and swamps/marshes, Maintenance of biological diversity of environmentally protected areas and, Protection of environment in the cities. This will help promote public participation in the work of environment protection and effective use of natural resources of our country.
12. Mapping of Villages

The Government will undertake a full scale view of the boundaries of villages and gozars as political and administrative units will be undertaken. The Government will carry out political and administrative mapping of the country with villages and gozars as basic units and, the political and administrative maps will be made available at all levels for the purpose of elections, socio-economic planning and implementation of sub-national governance policy.

It is important that village governance institutions be strengthened. But the first step is the identification of the geographic space and the households within it as a village. In the past, the Ministry of Finance and the Amlak organized rural space into “tax units” for property tax collection purposes, which in many cases corresponded with what local people called a village. Yet another approach has been the identification by the woluswali of villages within their jurisdictions for statistical and administrative purposes. Based on these past experiences of organizing local geographic space into villages there could be various approaches such as minimum number of households, geographic proximity, having in common the same arbabs or maliks, within an irrigation network and linked by the managers of that network, being in the same tax unit of the past or being known as a village in the records of the woluswali.

The villages have already been defined by the Central Statistics Office. Local communities by consensus will define their village boundaries. The Afghanistan Geodesy and Cartography Head Office (AGCHO) will then recognize the boundaries of the villages so defined by the village communities, in consultation with Village Councils, woluswalis and amlak. Agreement of the local people will be a pre-requisite.

These boundaries will be delineated on satellite images at appropriate scales, depending on the physical sizes of the villages. The delineated images will be prepared by field teams, along with certificates prepared by the neighboring shura elders, including their signatures, names and fingerprints certifying their agreement with the delineation of village boundaries. Copies of these images and signed certificates would be left with the village elders, and a second copy would be taken to a digitization centre for assembly into a national information system of administrative and political boundaries.
13. Land Administration

Land Registration

As stated within the ANDS Governance, Public Administration and Human Rights Sector Strategy, a community based process for registration of land in all administrative units and the registration of titles will be started for all urban areas and rural areas by Jaddi 1387 (end-2008). Government will create a capability to record and archive information about the customary deeds in villages where local elders can oversee and verify the continuous accuracy of the locally archived property rights information like in Rural Land Administration Project (RLAP) of MoAIL. In municipalities, the local unit of document recording may be the gozar.

Strategy

The new land policy calls for eliminating the duplication of archival records of land ownership and making the consultations concerning ownership of rural land easier and more economical. The land administration units of the Amlak will be combined with the Cadastral Survey Department in order to have a single land title recording system, including the graphical description of properties. It will also be necessary to integrate the title records and subdivision plans administered through the municipalities. These institutional modifications will result in the creation of a new Land Administration General Directorate, located directly under the president of the country, since it will administer urban and rural land records pertaining to the ownership, use and value of all land in the country. The property tax offices could either be integrated into the Land Administration General Directorate (LAGD), as was the case in the 1960s, or could be given access to the property information data base which will be maintained by the LAGD. A three part strategy would be appropriate to construct a new land administration system:

Initiative 1: Improve the technical capacity for mapping of land parcels

- Introduce the teaching of modern information and communication technologies in technical institutes.

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• Provide equipment and working tools for the use of these technologies to the training centres, and encourage the gradual acquisition of these technologies by the private and public sectors.

• Launch a national program for the mapping of village and gozar boundaries, which could be called “tax units” as was done in the past, so that future parcel and subdivision surveys can result in properly numbered and identified parcels for administration by the LAGD.

Initiative 2: Making Modern Institutions out of Tradition

In actual practice, for most transactions of rural and urban land (and other real property, such as apartments), copies of transaction agreements are kept only by the parties to the transaction. The approach we adopt is to build on what people presently do to carry out transactions using “customary deeds” prepared by the parties to transactions. We propose to add to this present practice in two ways:

• Create the capability to record and archive information about the customary deeds, if not actual copies of such deeds, at the local level in villages or combinations of villages, where local elders and respected people can oversee and verify the continuous accuracy of the locally archived property rights information. This capacity is presently being developed through the Rural Land Administration Project (RLAP) of the Ministry of Agriculture, Irrigation and Livestock for the recording of information about rights to pasture and forest land parcels by the village shuras. The secretary of the shura, under the supervision of shura members, is archiving the pasture and forest parcel land agreements in hard binders, and the original of the satellite image showing the boundaries of each parcel also being kept in the Village.

• In municipalities, the local unit of document recording may be the gozar. Documents recorded locally will be given in law a preferential legal status over documents not recorded. Those individuals who prefer to prepare their transaction documents through the Primary Courts would be encouraged to do so, but leaving a copy of the title deeds so prepared to be recorded in the local document recording unit (village or gozar). Individuals who prefer to carry out transactions through customary deeds would leave a copy of such documents to be recorded in the local recording unit (village or gozar).

• Provide the village shuras and gozars with satellite images with sufficient precision to organize the delineation of pasture, forest and private agricultural parcels as well as the boundaries of villages and sub-units of villages in the larger villages, and gozars in urban areas.
Initiative 3: Integrated Land Administration Functions

The Land Administration General Directorate will build a national technical and financial property information infrastructure as support for the decentralized land records administration at the local level. The functional departments of this LAGD would be:

a) Land Registration and Cadastre Support Department (provide support to the local recording offices, to monitor their operations, and provide archive services if desired by the local recording offices.)
   - Rural recording support for village shuras
   - Urban recording support for gozar committees.
   - Cadastral Mapping Unit, combining Cadastral Survey, amlak and municipal property information into a land parcel information system for support of local recording activities.

b) The Property Tax Department for supporting the local assessment and collection of property taxes, urban and rural land parcels.

c) The Clarification Department: For assisting the adjudication of conflicting claims to land.

d) The Planning and Training Department for preparation of annual and five year plans, and for support of the Land Registration and Cadastre and Property Tax Departments.

e) Legal Unit for monitoring draft legislation affecting rights to land and other immovable property, for drafting legislation needed by the LAGD, and for assisting with organizational restructuring of the LAGD and related agencies.

f) Judiciary Liaison Department to help build capacity of Judiciary to incorporate cadastral information, at a minimum the Tax Unit location of the properties, into deeds and provide copies to NLA.

g) Land Inventory Department, which will work with priority areas to estimate the approximate areas of different types of land: irrigated, orchard, cultivated rain fed, pasture, forest, etc according to the needs of the ministries (agriculture and urban development principally), municipalities, land tax officials.
   - Establish priority provinces, woluswalies, and gozars for the tax unit boundary surveys and for the establishment of village land information recording.
   - Acquire satellite images of these priority areas.
   - In consultations with village elders and leaders establish legitimate claims to village and public pasture and forest land, using the methods developed under the RLAP. Prepare forms and procedures for community property legitimization programs in urban and rural areas.
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Establish Support Units for assisting communities to conduct community property legitimization programs.

- Prepare cadastral maps and updated amlak ledgers and municipal ledgers of property owners for Tax Unit for those villages and woluswalis and gozars which want to participate in community legitimization of rights to agricultural, pasture and forest lands.

Land Acquisition for Public Purpose

Prevention of grabbing of private and public lands

The Provincial and District Governors will be responsible to ensure that the public and private lands in their jurisdiction are not grabbed or alienated without following a due process of law.
14. Counter Narcotics

A number of strategy and policy documents underpin current counter-narcotics policies and activities. The National Drug Control Strategy (NDCS) is the primary document guiding counter-narcotics activities carried out by the IRA. The 2006 NDCS contains four national priorities: 1) disrupting the drug trade; 2) strengthening and diversifying legal rural livelihoods; 3) reducing the demand for illicit drugs; and 4) strengthening state institutions.

The NDCS does contain some provisions for the involvement of provincial administrations in counter-narcotics. Within the NDCS, provincial administrations are given a role in institution-building, public awareness and eradication. Furthermore, the document states that the eradication system should be “Governor-Led Eradication” and that Governors should be put “in the driving seat.”

The ANDS also enshrines provincial based approaches to counter-narcotics. It states that “the implementation of the strategy will rely on a provincial-based approach to counter-narcotics, which will require the provinces requisite responsibility for developing counter-narcotics action plans aligned with the Provincial Development Plans. Governors will be consulted in developing local CN implementation plans ultimately consolidated and prioritized into a national implementation plan. The Governors will coordinate the local planning process involving line departments, international organizations, districts and communities.”

All counter-narcotics strategies, including provincial strategies need to include four key components: eradication, demand reduction, alternative livelihoods and law enforcement. Eradication defined broadly entails preventing poppy harvesting through pre-planting campaigns and eradication programs. Activities aimed at demand reduction should lead to the reduction of consumption of opiates by providing treatment and education. Providing alternative livelihoods involves improving legal livelihood systems for poor poppy farmers. Law enforcement entails applying criminal justice to actors in the opium and heroin industry.

To ensure that eradication is tailored appropriately for each province, Governors should be consulted when setting the targets for eradication. Although counter-narcotics is a national issue, making it essential for national authorities to set the targets for eradication and having the final authority for setting the plan, Governors may have better information about local conditions and therefore need to
be included in the planning process. Allowing Governors to contribute to eradication plans increases their “ownership” of the plan and makes it easier for the Governor to be held accountable for delivering it. The following planning cycle will enable the Governor to provide sufficient input into eradication plans:

1) The National Eradication Working Group (NEWG) drafts the initial plan.
2) The Governor is consulted on the plan and given the opportunity to suggest alternatives to the initial plan.
3) The NEWG adjusts the plan based on the Governor’s inputs if appropriate.
4) The Governor has a second opportunity to propose some alternative sites for eradication.
5) The NEWG finalizes the plan.

By consulting with the Governor in this manner the NEWG will not only have a better eradication plan for the province, this may encourage greater cooperation by facilitating and allowing for inputs by Governors. Participation by the Governor may also lead to better overall site selection by the NEWG.

In poppy growing areas, Provincial Governors should play a central role in delivery alternative livelihood assistance as part of short-term programmes, medium-term programmes and long-term programmes. Three such programmes should be phased in over the next 4 years.

The following programme will be implemented in the short-term (approximately one year) in poppy growing areas:

1) Governors will manage a programme to deliver short-term relief to poor farmers whose opium fields are to be eradicated. This programme will involve Governors facilitating the distribution of inputs for alternative livelihoods, the provision of basic technical assistance as well as assisting with market access. If Governors can, for example, link buyers with sellers, former poppy farmers may have a much better chance of sustaining an income off of licit livelihoods.
2) This assistance should be provided as part of a phased counter-narcotics campaign, which includes a pre-planting campaign, alternative livelihoods, eradication and law enforcement.
3) The implementation costs for this alternative livelihoods programme should be provided by line ministries, in-kind donations and ongoing provincial alternative livelihoods programs.
This medium-term programme will be implemented from year two through four following the completion of the short-term programme:

1) The Governor will be placed as the head of a steering committee for a three year NGO project to provide infrastructure and land development, agriculture improvements and assist in developing community owned marketing organizations. Serving as the main coordinator for this programme, the Governor will facilitate his ability to make this programme government owned in the long-term phase of the programme.

2) The programme will contain further provisions to make it sustainable. This will include assigning the NGO implementing the programme with counterparts in appropriate government provincial departments to work with the project. Establishing ownership within the ministries will facilitate the activities of the programme being transferred to the provincial line departments before the end of the project. Assistance will also be provided to develop the capacity of line departments. To ensure the sustainability of the project, it will have to work with relevant line departments, central offices of the line ministries and Provincial Development Committees (PDCs) to ensure that the activities in the project are planned and budgeted for the coming year. Only by ensuring that such activities are planned and budgeted for will ensure the sustainability of the project.

The long-term programme, delivered from year five on, will entail the following:

1) The Governor will use his position to ensure that the provincial planning process continues to include ministry delivered alternative livelihood programmes. This could include programmes such as agriculture training delivered by MoAIL or road improvements by the Ministry of Public Works (MoPW). Although the line departments will be responsible for implementing the alternative livelihood programmes, the Governor must ensure cooperation within and between ministries to ensure smooth implementation and cooperation for multi-sectoral interventions.

2) Both the Governor and Provincial Council will coordinate and monitor delivery of alternative livelihood services.

3) International organizations may only provide support if they conduct their planning through the provincial planning process and if they funnel their financial support through the
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Ministry of Finance, the core development budget and onto the line ministries. They may also provide capacity building and technical support.

Law enforcement is the last key component of a counter-narcotics strategy. Although law enforcement is not a function of the Governor, the Governor may still add value to law enforcement activities by monitoring counter-narcotics related law enforcement in the province. Law enforcement is the responsibility of ministries and agencies including the Attorney General’s Office, the Ministry of Justice and the Ministry of Interior. Yet the Office of the Provincial Governor can help to improve Law Enforcement by monitoring activities and outcomes of law enforcement activities. The Governor or a representative should chair the “Provincial Law Enforcement Oversight Committee.” The members of this committee should include provincial representatives of the Attorney General, Ministry of Counter-Narcotics, the Counter-Narcotics (CN) Police, the Counter-Narcotics Task Force as well as the Ministry of Interior. The Committee will report on activities such as raids and interdictions of narcotics shipments, precursor shipments, discovery of heroin labs as well as the arrest and prosecution of actors in the opium/heroin industry. The Committee will also monitor what the sanctions are against such actors and whether they serve their jail terms. The Committee will issue a verdict on the overall performance and progress of law enforcement activities. Reports of the committee should be shared with participating line ministries, the ministry of counter-narcotics and IDLG.

IDLG will play the role of providing technical support and capacity development services to the Office of the Governors, and pooling the delivery of support to Governors from other organizations. For example, IDLG will provide assistance to Governors in the creation of short-term and medium-term AL programmes for their provinces, and will arrange delivery of further assistance from external organizations. IDLG will ensure that the Governors are fully accountable to national-level authorities including the Ministry of Counter-Narcotics and the Ministry of the Interior in respect of their counter-narcotics performance, and will ensure that strategies and policies implemented are consistent with those established by these authorities at the national level.
15. Communication Strategy

The Government will promote greater dialogue with its citizens. This will be achieved through the institutionalized of two way communication between the Government and other stakeholders and through raising awareness, facilitating public discourse, sharing of knowledge and enabling information from the grassroots to reach decision-makers to inform evidence based planning. The Government will also ensure the availability of and access to information on the implementation of the sub-national governance reform. This will be ensured through awareness creation, and the establishment of communication channels that can be used to share information with different audiences. This is conducive to encouraging debate amongst stakeholders on issues related to sub-national governance. A wide range of media will be used to raise awareness amongst the public and to facilitate communication of the public with the government. Media to disseminate information will include mass media, government publications, websites and sending representatives in person to shuras or jirgas. Consultations with the communities will be held. Enabling the people to provide their feedback on the policy and its implementation will encourage greater ownership of the reform.

The government’s communication strategy for implementation of subnational governance reform will include 1) informing key stakeholders about the objectives and content of the sub-national governance policy as well as what the policy can achieve; 2) enhancing transparency and accountability by utilizing a wide range of media to communicate information on government activities to the public; 3) informing government employees of the objectives and content of the sub-national governance reform so that they will implement it correctly and provide feedback on how it might be improved; 4) providing information to the public and government institutions regarding the status of the implementation of the sub-national governance reform; and 5) institutionalizing a two-way flow of information that ensures citizen awareness of the sub-national governance reform and its implementation.

The communication strategy for implementing sub national governance reform will uphold the following principles:

- **National ownership**: The strategy aims to provide information on the sub-national governance reform to all stakeholders and to provide opportunities for feedback into the national development and implementation process.
• **Political commitment**: The government is committed to opening up and maintaining channels of communication with the key stakeholders of the sub-national governance reform.

• **Right to information**: The strategy acknowledges that everyone has the right to public information and will ensure that information is disseminated at all levels of the state.

• **Accountability and transparency**: The strategy recognizes that everyone has the right to public information and ensures that information is disseminated at all levels of the state.

The target audience for the strategy includes the government, media, civil society and the broader public as well as development partners.

In pursuit of the objectives of the strategy, it will use a range of means for communicating information about the public and encouraging feedback from relevant stakeholders. This includes:

• Developing a clear strategy to work with the media, including organizing regular briefings with the press and distributing press releases;

• Providing support for strengthening the legal and regulatory environment for freedom of expression;

• Raising media standards at national and provincial levels;

• Raising citizen awareness of their right to information;

• Strengthening mechanism to provide and access information;

• Preparing information materials, like posters and booklets on the sub-national governance policy and good governance, targeted at a range of audiences;

• Holding events at the national and provincial level to disseminate information and to gather information on perceptions, concerns and information needs of different stakeholders; and

• Strengthening communication mechanisms for vulnerable groups.

Local Government Communication with public within Provinces will require a well-organized and systematic effort on the part of the Provincial Governors’ Office in the form of a Provincial Public Communication System (PPCS). The overall goal of this system will be to ensure effective information outreach throughout the province and bridge the existing gap between government and the people.

The provincial public communication system will have the following objectives: 1. Upgrade the skills and expertise of the Provincial Governor’s Office, Provincial Council, District Governors’ Offices, District Council and municipalities to exercise an effective public communication policy. 2. Increase
technical and material capacities of PGO/DGO, PC, DC and municipalities to exercise an effective public communication policy. 3. Upgrade the professional skills and expertise of mass media and civil society in a province to support implementation of an effective public communication policy. 4. Support establishment of a permanently functioning provincial structure serving as an advisory body to the Provincial Governor on public information issues and responsible for implementation of the provincial communication strategy. 5. Introduce new and more effective techniques of communication to facilitate implementation of the provincial communication strategy. 6. Encourage greater public participation in the provincial public communication strategy, including disadvantaged groups, such as women and youth.

Provincial Public Communication Committee (PPCC) will serve as an advisory body to the Provincial Governor in public information matters and will be responsible for development and implementation of PPCS. PPCC is headed by the Director of the Provincial Department of Information and Culture. PPCC will have the following membership: Directors of key line departments - Public Health, MRRD, Women’s Affairs, Religious Affairs, Labor and Social Affairs, Education, Agriculture; PC representative introduced by the PC Chairman; Representative of the provincial municipality; Representative of the provincial Radio & Television; Representative of independent media; and Representative of civil society. PPCC will oversee development of the Provincial Public Communication Strategy and monitor its implementation in the provincial center and in districts, and disseminate positive experience in public communication and information among all provincial stakeholders.

The Provincial Public Communication Strategy will be an integrated strategic plan describing the goals and objectives, analysis of the current situation of public information and communication in the province, strategic approaches and measures to ensure PPCS implementation, participants in PPCS and their roles and responsibilities in PPCS implementation. The Provincial Department of Information and Culture will lead designing of the Public Communication Strategy with support from the other members of the Provincial Public Communication Committee. The Public Communication Strategy will be approved by the Provincial Governor subject to endorsement of the Provincial Council and will serve as the basis for provincial annual public communication plans.

Provincial, district and municipal staff will be trained in public communication techniques and methods. One specialist in the PGO Technical and Sectoral Services Division, one Provincial Council support staff, one representative per provincial line department, one representative per district, and
one representative from the provincial municipality will be specially trained in public communications. Civil society, traditional leaders and media representatives will be trained in public communication techniques and methods and on effective presentation of state policies and achievements. Government will make an assessment of the existing provincial capacities and equipment in the field of public communication and information to identify the most urgent needs and possibilities to address those needs.

Government will support the following communication techniques and means in the provinces: Integrated public outreach and accountability campaigns as well as civic education and public awareness campaigns, including public meetings, field visits, visual information in public places, and use of printed and electronic media; Regular use of various communication methods and techniques by government institutions and civil society, such as round tables, conferences, interviews, public consultations, distribution of leaflets, and information boards; Support to new electronic and printed media, both state-owned and independent, e.g. weekly or monthly newsletters to be issued by PGO and municipality; Establishment of mobile information teams to conduct public information and education campaigns in districts and villages; Publication of provincial end-of-year reports (yearbooks) as well as annual reports by the Provincial Council and municipality; Use of ITC (Information Technologies and Communication), including development of a provincial website.

More specific efforts will also be made to connect the central government with provinces, districts and villages. These efforts will aim at free flow of information throughout the country. Facilitating such communication will bring all 364 districts and 34 provincial centres much closer to each other and the central government in Kabul. Two things will be done to further this goal: All the provincial and district centres of the country will have internet facility to facilitate the flow of information between the districts, municipalities, provinces and Kabul. All the Ministries and High Offices of the Government of Afghanistan will establish their web site in Pashto, Dari and English for communication of their policies and programs to Afghan citizens and to the international community. These websites will have facility to receive comments from the stakeholders. In the beginning, a high level of illiteracy and general low-education in the country and limited access to internet may limit the target audience.

Furthermore, through the District Communications Network (DCN), telecom services will continue through satellite system to reach all of the districts with at least a basic level of telephone services. Village Communications Network (VCN) will be a further extension of the DCN satellite network,
which will eventually reach 5-6,000 communities throughout Afghanistan. The Ministry of Communications and Information Technology (MoCIT) will introduce e-government projects with cooperation of local government institutions throughout the country. These projects will pave the way for wide access to information, increased effectiveness of public functions and enhanced pace of work. These will also ensure transparency, efficient performance and effective monitoring.
16. Human-Rights Based Approach in Sub-National governance

Human rights-based approach will inform the implementation of this sub national governance policy and the working of local government entities. Local government entities will uphold human rights and the rule of law. Local government entities will monitor and evaluate both outcomes and processes guided by human rights standards and principles. Analysis will include all stakeholders. Local government entities will be accountable to all stakeholders. They will focus on marginalized, disadvantaged, and excluded groups. They will aim to reduce disparities. Women and men will be recognized as key actors in their own development, rather than passive recipients of commodities and services. Participation will be recognized both as a means and a goal. Strategies will empower the disadvantaged. The development process will be locally owned. Top-down and bottom-up approaches will be used together. Local government entities will aim for progressive achievement of all human rights. Strategic partnerships will be developed and sustained for achieving this goal.
V. SUB-NATIONAL PLANNING AND SUB-NATIONAL FINANCE

1. Current Situation

1.1 Provincial Planning and Budgeting

The Traditional Approach to Planning and Budgeting for the Provinces

Presently, planning at the provincial level has the following characteristics:

- **Lack of strategic vision at the provincial level.** Although some provinces have moved to draft longer-term plans (e.g. 5-year development plans in Balkh and Kandahar), in most provinces planning is annual. However, annual plans are not grounded in a strategic vision either. Existing annual provincial plans are little more than a wish list of projects in various sectors.

- **Lack of holistic approach at the provincial level.** The existing plans, whether longer-term or annual, present a mechanic aggregation of sectoral (line departments) plans without an attempt to evaluate the compatibility of these plans and their combined impact on provincial development.

- **Disregard for the chain of results.** Provincial planning, whether strategic or annual, is not consistent or results oriented. Situational analysis is virtually non-existent and there is no logical connection between the descriptive part of the plans (where it exists) and the projects proposed. Provincial planning is lacking results orientation in another sense. It does not specify the targets to be achieved by the province.

- **Disconnect with the ANDS.** There is no link between provincial planning and the ANDS, except in a very superficial way. Provincial planning is only formally following the ANDS format, making no effort to connect provincial achievements with the ANDS goals and benchmarks. Existing provincial plans do not demonstrate if and how the projects planned at the provincial level contribute to achievement of the ANDS goals.

- **External orientation and focus on structural projects.** Provincial planning is currently externally oriented. Indeed, provincial capacities in project implementation are severely limited but the existing provincial plans totally ignore local resources, whether material or non-material, such as voluntary community labor, private business participation, involvement of civil society, etc. Provincial planning is totally reliable on external resources expected to be provided by either the state or donors. Local resources can be used for both structural and “soft” projects but are particularly valuable for “soft” projects, such as awareness campaigns, popular mobilization, etc. Unfortunately, current provincial planning almost totally ignores such “soft projects”.
At the present time, budgeting with respect to the provinces in Afghanistan can be characterized as follows:

- **Non-existence of provincial budgets per se.** The provinces do not have budgets, in the sense of a single approved and funded annual schedule of expenditures. Rather, every central organization with provincial operations has a budget for each province in which it operates. The budget of a given province is a logical construct from the individual budgets of those central structures operating in that province. I.E. the budget of Helmand is the Ministry of Public Works’ Helmand budget, plus the Ministry of Agriculture, Irrigation and Livestock’s Helmand budget, plus the Ministry of Education’s Helmand budget, and so on.

- **Budgets made for the provinces, not by the provinces.** The budget of the province, in the sense described above, is usually developed by the Central Ministry, with restricted consultation from the provincial department of the Ministry, the office of the governor or any other provincial structure. The provincial departments of the Ministries have no authority to reprogram their activities or adjust any line-item.

- **Non-programmatic approach to budgeting.** Although efforts are under way to change this, budget items are still only categorized under financial account heads, rather than programmatic account heads. This means that expenditures are categorized by type of cost rather than the objective to which they contribute.
The Provincial Development Plan

The most significant recent attempt to address some of the problems is the process by which the Provincial Development Plans were generated in 2007. The Provincial Development Plans were intended to be planned and budgeted programmes for each province, based on interests and priorities expressed by local people and broadly consistent with Ministry strategies in each sector. The Plans were used in the development of the Afghanistan National Development Strategy, and were also intended to be a tool for donor coordination in each province.

The process that was followed in each province was as follows:

- **Preparatory Workshop.** Representatives of rural communities, urban stakeholders and vulnerable groups were convened and asked to identify challenges facing province, and, on that basis, priorities and projects. The duration of this activity was 2 days, and the output of this activity was a list of priority projects.

- **Subnational Consultation.** Representatives from the preparatory workshop were joined by Ministry representatives and external stakeholders such as members of NGOs, donor organizations and Provincial Reconstruction Teams. The representatives were divided into 8 sectoral groups, and Ministries relevant to each sector were then asked to present their strategy. The participants reported their own needs and evaluated how well Ministry strategy was likely to satisfy them. The duration of this activity was 2.5 days, the output of this activity was a Ministry strategy that had been refined and adapted as a result of community consultation.

- **Provincial Development Planning Workshop.** In this activity, the participants in the subnational consultation selected 10 “priority projects” in each of the 8 sectors, with the intention that these be implemented in the first year after the preparation of the plan. The duration of this activity was 2 days.

- **Writing Up and Reporting.** The outputs of the previous sessions were combined with other information about the province, taken for example from urban development plans and district development plans. The selection of priority projects was added, and the completed PDP submitted to ANDS for quality control.

- The 8 sectors used for this programme were: Infrastructure & natural resources; Economic governance and private sector development; Agriculture and rural development; Education; Health; Social protection; Governance; Security; Rule of law/human rights.
The process followed is summarized in the chart below:

### PROCESS FOR CREATION OF PROVINCIAL DEVELOPMENT PLANS

<table>
<thead>
<tr>
<th>Preparatory Workshop</th>
<th>Subnational Consultation</th>
<th>Provincial Development Planning Workshop</th>
<th>Writing and Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 days</td>
<td>2.5 days</td>
<td>2 days</td>
<td></td>
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- Assembled representatives of rural communities (including of DDAs if available), urban stakeholders (municipalities, city shurah, chambers of commerce, associations of business owners) and vulnerable groups (e.g. women, refugees)
- Identified challenges facing province and priority projects
- Assembled representatives from Preparatory Workshop plus Ministry representatives/provincial directors, and external stakeholders (NGOs, donors, PRTs, etc)
- Allowed Ministry staff to present plans to representatives from province in each of 8 areas (infrastructure & natural resources, economic governance and private sector development, agriculture and rural development, education, health, social protection, governance, security, and rule of law, human rights)
- Assembled same representatives as Subnational Consultation
- Select 10 priority projects in each area based on
  - Preference
  - Consistency with need
  - Consistency with Ministry strategy
- Combined outputs of stages 2 and 3 to produce document with
  - Strategy for Province
  - Priority Projects in 8 Sectors
  - Submitted to ANDS for quality control

PDPs were completed for all 34 provinces, and these have served as useful devices for identifying local priorities. However, their usefulness as a tool for provincial planning and budgeting is restricted by two aspects of the design process. First, none of the projects were costed. Second, no budget envelope for the implementation of the priority projects was provided or used. Thus, the process used to select priority projects was not structurally sound. These problems are connected to a third over-arching problem: the PDP process was not connected to a mechanism for implementation of selected projects. Except in the case where projects that were already in ministry plans were also included in PDPS, there was no clearly defined path by which PDP projects could be funded and implemented.

Reviewing the process of the development of the PDPs allows us to identify several policy principles:

- **Bottom-up planning is a fundamental desideratum.** The exercise of developing a provincial plan form the needs and priorities of local people (i.e. using a “bottom-up” method) is obviously of value and should not be abandoned.
• A budget envelope must be provided in any planning exercise. Without a budget envelope, producing a final prioritized list is impossible. Bottom-up provincial planning must therefore be supported by a serious organizational and financial commitment from the highest levels.

• Adequate resources must be available for costing. In addition to having a budget envelope, provincial planners must have an accurate estimate of the cost of all projects under consideration, in order to prioritize them and make a final selection within the envelope. This requires not only the provision of adequate technical resources for determination of costs, but also provision of sufficient time to complete the process of costing.

• Bottom-up planning should feed into a mechanism for implementation. Upon completion of the budgeted plan, there must be a clearly defined implementation structure. Options include implementation by line ministries, by provincial administrations or by contracting arrangements. The most appropriate arrangement will depend on many factors, but it is essential that some clear and sustainable arrangement exists.
Provincial Budgeting

The Provincial Budgeting initiative is an initiative of the Ministry of Finance. It is intended to shift the primary responsibility of budget composition from the central ministry to the provincial departments of the ministries, and also to involve the other parts of the Provincial Administrations in creation and approval of budgets. At the present time, this programme was being run on a pilot basis, in selected Ministries and in selected provinces. The pilot Ministries are: the Ministry of Education; Ministry of Agriculture, Irrigation and Livestock; and the Ministry of Rural Rehabilitation and Development. The pilot provinces are: Balkh, Panjshir, Kandahar, Nangrah, Logar, Ghazni, Bamiyan, Hirat, Faryab, Badakhsan, Hilmand, Khost, Paktia, Parwan, Wardak, Takhar, Kunduz, and Jawzan. The programme aims, ultimately, to cover all provinces and all ministries.

The system promoted by the Provincial Budgeting programme is as follows:

- **Early-to-mid-October.** The Ministry of Finance informs the pilot Ministries of their annual budget ceiling, and assists the Pilot Ministries in allocating a portion of this ceiling amongst the pilot provinces.

- **Mid-to-late-October.** The Provincial Departments of the pilot Ministries work with the Provincial Development Council (PDC) to develop budgets, within the ceiling provided by the participating ministries, which are broadly consistent with the local PDP. These are approved by the PDC and submitted to the parent ministry.

- **November.** The Central Ministries makes adjustment to the budget in consultation with the provinces, negotiates the budget with the Ministry of Finance and submits a final version.

- **December-to-early-February.** The budgets are submitted to Cabinet and eventually approved.

The process used is illustrated in the chart below:
The Provincial Budgeting programme is well-conceived and should in principle solve the problem mentioned in section 1.1, that budgets are made for the provinces not by the provinces. However, due to the low capacity of the Provincial Departments and the Provincial Development Committees, many of the budgets produced in the provinces need extensive revision and additional work before they can be submitted to the Ministry of Finance. Hence, to a large extent the participating Ministries are still controlling the budgeting process. It can be expected, though, that this problem will naturally be rectified over the course of time, as the capacity of the participating provincial structures grows.

Based on the experience of the Provincial Budgeting programme, the following policy recommendations can be identified:

- *The Provincial Budgeting Programme should be supported.* This programme has the potential to improve the development of budgets and to provide an implementation mechanism for provincial plans developed in a bottom-up fashion. The objectives and methods of the programme are fundamentally sound and its continued operations should be supported.
• **Substantial technical support is needed by provincial structures in order to participate in provincial budgeting.** The difficulty in extracting usable budgets from the work of the provinces indicates that substantial technical support will be needed. A comprehensive programme will need to be designed and delivered to support the continuation and expansion of this initiative.
1.2 Allocation of Expenditure Responsibilities

The allocation of expenditure responsibilities in Afghanistan can be characterized as follows:

- **No disbursements to true subnational government structures.** As provinces are not first-order budgetary units, they may not receive inter-governmental transfers. The only subnational structures that can receive such a transfer are the municipalities, but they do not receive a fiscal transfer: they are entirely dependent on their own revenues.

- **Low disbursements to provincial ministry departments.** There are no disbursements to true subnational government structures, but there are disbursements to the Provincial Departments of line ministries. These, however, are relatively small: for every four dollars received by the ministries, one is remitted to the provincial departments.

- **Centralized implementation expenditures/procurement.** Almost all procurement takes place in Kabul, with procured goods and services later being delivered to the provinces. This means that most expenditure related to implementation and service delivery, such as purchase of school books or contracting out the maintenance of doctors’ clinics is managed in the centre.

The current highly centralized assignment of expenditure responsibilities can be illustrated by showing the current assignment of responsibilities in the Ministry of Education. The district offices of the Ministry are responsible for inspection of schools and identification of needs for training, teachers, and equipment and so on. The provincial departments are responsible for appointment of staff of grade 6 and below, distribution (but not purchase) of teaching materials, inspection of schools, and academic supervision. The central ministry, in Kabul, is responsible for: policy & strategy development; curriculum development; budget preparation & execution; staff allotment; funding of salaries; materials and equipment; staff appointment above grade 6; textbook development; school registration; coordination of school construction and rehabilitation; and development and management of teacher training. Not one of the expenditures related to education is managed in the provinces or districts (although teachers’ salaries are transferred to the province for distribution to the centre). This assignment of responsibilities is representative of the general structure throughout the Ministries.

Current process leads to a system where, although the provinces can be considered the beneficiary of 61% of public expenditures, the provincial line departments are only remitted 17% of public funds, as shown in the chart below.
In fact, these data under-state the extent of procurement/expenditure responsibility centralization: the transfers to the provincial line departments includes the remittance of teachers’ salaries, which is the largest single expenditure of the Ministry of Education, itself one of the largest sources of expenditure of the Government of Afghanistan. In no other sector are significant funds transferred, or expenditure responsibilities delegated.
1.3 Provincial Budget Allocations

The primary fact of significance regarding the expenditures of the Ministries in the provinces is that the per capita variation is too great. Some per capita variation is acceptable, as provinces have varying levels of need: for example, some provinces are poorer than others, and some have higher costs than others. However, studies have shown that the per-capita expenditures per province can vary by as much as a factor of 10, as shown in the chart below:

As the chart shows, the province receiving the greatest expenditure, received over AF3600 per person in 1385, while the province receiving the least expenditure received just over AF300 per person.

Some parts of the variation in total expenditure per capita can be explained: for example, a lack of expenditure in urban development in some provinces can be explained by the fact that some provinces have no real urban areas (such as Daykundi); a lack of expenditure on agricultural R&D can be explained by a lack of agricultural activity in the province. However, in the areas of health and education we would
not expect significant per capita variation in expenditure. We would also not expect significant per capita variation in expenditure under the recurrent budget, but as the chart overleaf shows, this seems to take place:

The reasons for this variation are not known. It can be speculated that funds are allocated on the basis of the historical allocation, and on absorptive capacity. However, what is certainly the case is that funds are not allocated to the provinces on the basis of clear, transparent and equitable criteria.
1.4 Financial Management

The state of financial management at subnational level can be characterized as follows:

- **Minimal financial management burden on provincial and district offices of ministries.** As most expenditure takes place in the central offices, provincial and district offices have few financial management responsibilities and so the scope for managing or mismanaging public funds in these institutions is limited.

- **Improving management of provincial programmes by central ministries.** Most of the provincial expenditures are managed in the centre, and the management of these programmes has been rapidly improving. All ministries are budgeting their programmes under a relatively modern chart of accounts, and the Afghan Financial Management Information System provides good access to expenditures under this system. Improvements to the procurement law and the increasing movement towards placing procurement under the management of dedicated Programme Support Units in the ministries is also helping to reduce abuse in this area.

- **Some deviations from best practice in management of provincial programmes by central ministries.** The official financial management system of Afghanistan is still single-entry, rather than double-entry, and the budgeting system focuses on line-items, or inputs, rather than outputs or outcomes. It is also generally believe that there are many illegitimate payments within the financial management system- e.g. some payments are being made to people who do not exist, retired or dead.

- **Weak financial management of provincial and district governors’ offices.** The management of the provincial and district administrations, excluding the ministry provincial and district offices, is weak. Budgeting of costs is not done properly, and expenditures are not tracked systematically. There are still some difficulties in producing regular consolidated charts of accounts for these structures.

Overall, financial management in the centre is rapidly improving but still needs improvement, while financial management at subnational level is not adequate.
2. Policy Proposal

2.1 Policy Objectives

The objectives of this policy are

- *To strategize provincial planning through provincial strategic plans.* This policy will put provincial planning into a single strategic perspective, will establish specific goals, targets and benchmarks to be achieved by the province in relation to the ANDS and will therefore contribute to greater transparency and accountability. This policy will also ensure an optimum balance between a top-down approach and a bottom-up approach to provincial planning as described below.

- *To enable the implementation of a bottom-up provincial planning process.* This policy will enable each province to create their own development plan based on needs and preferences identified at the lowest level (i.e. the villages). It will create all the institutional and supporting arrangements needed for this process, including provision of technical support, budgetary envelopes and implementation mechanisms.

- *To uphold the principle of “Finance Follows Function” in the allocation of resources.* This policy will ensure that resources made available to subnational levels match the fiscal needs for expenditure functions delegated to subnational levels.

- *To increase the role of subnational actors (e.g. line departments, PDCs) in subnational planning and finance.* This policy will ensure a more active role of subnational actors to bring decision-making closer to the people.

- *To increase equity and efficiency in allocation of budget to the provinces.* This policy will ensure equitable and efficient distribution of funds between provinces, based on accepted principles such as responsiveness to need and soundness of grant design.

- *To improve the efficiency of service delivery at the subnational level.* This policy will improve the outcome of service delivery by ensuring that planning and implementation are executed at the optimal levels and that there are strong incentives for performance.

- *To support other subnational policy reforms.* The policy will support other elements of the subnational governance policy-making process by clarifying roles, responsibilities, resourcing mechanisms and accountability at subnational level.

The mechanism for achieving these objectives is detailed in the remaining sections of this document.
2.2 Policy Components

2.21 Framework and Funding Mechanism for Provincial Planning

The Government of Afghanistan will introduce a strategic planning mechanism at the provincial levels to ensure longer-term comprehensive and orderly progress of provinces towards the ANDS goals. Provincial strategic planning will define strategic trends in the development of a province for a period of 5 years in three areas: Governance, Security and Development. Strategic planning has as its goal to translate the vision of good governance and the related results specified in the ANDS and IDLG Strategic Framework into results to be achieved by provinces. By linking provincial targets to the national goals set in the ANDS, the strategic plan will make provincial progress in the above three areas specific, traceable and verifiable.

Strategic planning will be an iterative joint exercise with the participation of all subnational governance institutions at the provincial level. Using the ANDS, IDLG Strategic Framework and ministerial strategies as the overall framework, an inter-agency team of experts supported by the IDLG will finalize a provincial strategic development plan to be vetted by the IDLG and approved by the President. The provincial strategic plan will serve to guide for creation of annual provincial development plans as described in the following sections.

Creation of Provincial Plan Budget Envelopes

In order for provincial planning to be effective, the Government of Afghanistan will introduce a mechanism to define and announce sector-specific budget envelopes for the annual provincial plans. These plans will be generated by two distinct but related planning processes: a bottom-up planning process that is based on the identification of needs and priorities at village level (the “People’s Plan”) and an improved traditional ministry-led plan that is based on programming initiatives that implement national priorities in the provincial context (the Ministry-Driven “Department-Led Plan”), in which provincial line departments will play an increased role.

The responsibility for setting the budget envelope for the provincial plans will belong to the Cabinet Committee on Subnational Planning and Finance, which will be created under this policy (see section 3). The budget envelopes will be decided in such a manner that total resources made available to the
provincial level, at a national scale, will match the fiscal needs for expenditure functions assigned to the provincial level (see section 2.23). The process for achieving this will be as follows:

- **Forecast of total resources.** The committee will estimate the budgets that will be available to each province in the upcoming year, with the support of the Ministry of Finance.

- **Review of previous year performance.** The committee will assess the performance of the provinces in programming budget that was assigned for the use of the People’s Plans in the previous year.

- **Assessment of fiscal need of provinces.** The committee will estimate the maximum amount of budget that could be programmed by the provinces (through the People’s Plans and Ministry-Driven Department-Led Plans) based on previous years’ performance, and expected improvements in the provinces’ capacity and thus expenditure functions that will be assigned to provinces. The total resources that will be made available to provinces will match, at a national scale, total fiscal needs for expenditure functions delegated to the provincial level in a given specific sector.

- **Identification of needs of Ministries.** The committee will estimate the proportion of sectoral budgets that should remain committed to programmes designed by the Ministries, such as programmes based on national priorities or long-term strategies. In case of conflict with needs of provinces due to resource constraints of the total sectoral budget, priority will be given to needs of provinces.

- **Division of provincial sectoral budgets.** Based on the assessment of previous performance, available resources and improvement in local capacities, the committee will set a percentage of each provincial sectoral budget, of no less than 25%, which will be used for the funding of the People’s Plans. The remainder will be allocated to the Ministry-Driven Department-Led plans.

The result of this deliberation will be the total sector-specific budget envelopes for “People’s Plans” and “Ministry-Driven Department-Led Plans” in the provinces. These will then be allocated between the provinces using transparent allocation formulae described below.

**Distinction of People’s Plan and Ministry-Driven Department-Led Plan**

As discussed, the total provincial budget will be divided into two portions: the first portion will be programmed entirely according to the bottom-up planning process described in section 2.22. The second portion will be programmed by each provincial line department according to relevant national priorities. These differences are further explained in the following paragraphs.
The People’s Plan selects a group of projects from a set of projects identified by local communities (villages) themselves. After an initial round of filtering at District Level, the Provincial Development Committee (PDC), as a unit, sorts the projects by sectors, completes technical design and costing, and then prioritizes them and makes a final recommended selection on the basis of pre-determined budget envelopes. Provincial Line Departments participate in virtue of their membership of the Provincial Development Committee. Although it is encouraged to embody national and provincial priorities in the development of project proposals, the directly expressed preferences of the local people in the local context are the overriding consideration. As could be expected, the People’s Plan will include mostly village-scale small projects. The budget for People’s Plan will be exclusively used for development projects.

The Ministry-Driven Department-Led plans will be produced by each provincial line department with the intention of implementing ministry policies, sectoral strategies, the ANDS and other national-level priorities in the provincial context. Each Provincial Department will be responsible for drafting its own plan, and the role of the Provincial Development Committee will be to provide consultation and advice on a periodic basis. This plan will mostly include development projects and service delivery programs that are at a more macro level than those village-scale projects in the People’s Plan to avoid duplication. The budget for Ministry-Driven Department-Led Plan may be used to cover payroll, O&M and development.

Upon completion, both plans in a given specific sector are aggregated by the concerned line department, and then submitted to PDC as a single provincial sectoral plan. PDC will aggregate all the provincial sectoral plans to a single Provincial Plan, and after the agreement of the Provincial Council, the plan will be approved by the Provincial Governor.
Criteria for Setting of Provincial Allocations

- the proportion of total public expenditures reserved by each Ministry to fund the Provincial Plans will be determined on an annual basis by the Cabinet Committee on Subnational Planning and Finance based on fiscal needs for expenditure functions at provincial level. Upon setting of this total envelope, each Ministry shall be required to use an equitable, well-designed and transparent formula for dividing the allocated proportion of their budget amongst the provinces.

- Each Ministry will be responsible for developing its own funding formula, and submitting it for approval to the Committee. This formula will distribute the total available funding for the provincial plans into the following types of pool.

  - Fixed pool. A certain portion of the total fund will be used to fund a standard, fixed allocation to each province: e.g., a fund of AF3.4 million may be created in order to make a fixed payment of AF100,000 to each province. This will ensure that certain fixed operating costs may be financed by all provinces regardless of their size or situation. It is expected that this pool will be a small one.

  - Per capita pool. A certain portion of the total fund will be used to make an equal per capita allocation between provinces. Service cost-delivery pools. Additional funds that are divided up amongst the provinces by the given Ministry on the basis of their costs, i.e., the fiscal needs of the provinces, may be created. For example, the Ministry of Education might propose a fund to be divided on the basis of a province’s share of school-aged children, so that provinces with higher education costs receive a larger grant.

  - Performance incentive pools. Ministries may also elect to create performance-based funds, in which a certain fund is created to provide a reward for good performance. For example, a fund may be created for rewarding service delivery: the province will be assessed on the quality of the services that it provides, and the better the outcome of the assessment, the larger its share of the fund will be²¹.

  - Poverty pool. It will be assumed that, other things being equal, poorer provinces will receive a greater allocation. This pool will be such that those provinces designated as poor will be eligible for an equal per capita share of this fund.
Policy on Subnational Governance

The general form of the allocation formulae based on this model will be as follows. Let $T_p$ be the total sectoral allocation available for all provinces; the size of each pool as a percentage of $T_p$ is expressed as a variable $w$ subscripted by an index for the pool, such that $w_{\text{fixed}}$ is the size of the fixed pool, $w_{\text{population}}$ is the size of the per capita pool, $w_q$ is the size of the $q_{th}$ service-cost pool, $w_j$ is the size of the $j_{th}$ performance-incentive pool, and $w_{\text{poverty}}$ is the size of the poverty pool, and the sum of all of these values is 1; $P_i$ is the $i_{th}$ province’s population, $P$ is the country’s total population, $n_{qi}$ is the magnitude of the cost-variable (e.g. enrolment, number of elderly people, etc) in the $i_{th}$ province for the $q_{th}$ cost adjustment criterion, $c_{ji}$ is the $i_{th}$ province’s performance (outcome) on the $j_{th}$ performance criterion, $c_{jb}$ is the benchmark performance (best or worst amongst all the provinces) for the $j_{th}$ performance criterion, $e_{pi}$ is the $i_{th}$ province’s eligibility for allocation from the poverty pool (1 if eligible and 0 if not). The sectoral allocation for the $i_{th}$ province, $TP_i$ is then:

$$TP_i = \frac{w_{\text{fixed}}}{34} T_p + \frac{w_{\text{population}}}{P} P_i T_p + \sum_q w_q T_p \sum_{k} n_{qk} + \sum_j w_j T_p \sum_k P_i \left| c_{ji} - c_{jb} \right| + w_{\text{poverty}} T_p \sum_k P_k e_{pi}$$

This formula is to be completed by each Ministry according to the following process:

- **Selection of pools.** The Ministry should create its own selection of pools to divide its total allocation for the Provincial Plans. This will generally include fixed pools, population based pools and a poverty pool, plus a selection of cost-based pools and performance incentive pools appropriate to the sector.

- **Assigning of weight to pools.** The Ministry should assign percentage weights to the pools, such that the total weights sum to 1 (100%). The weights will be based on considerations such as equity, need, priority and so on.

- **Development of simulation model.** The Ministry should then acquire the most accurate and recent possible information on the actual values for the variables in the equation for each province. This will allow the Ministry to estimate what the allocation would have been in a recent financial period.

- **Iteration to final weights.** The Ministry should then evaluate the provincial allocations in the model on the basis of equity, conformity with national priorities, presence of suitable incentives, and so

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These pools will be such that the worst performer receives none of the fund, and the better the performance of the other provinces relative to the worst, the greater their per-capita allocation from this fund will be.
on. It should also conduct sensitivity analyses by manipulating the data used in the simulation over a plausible range of values. On the basis of this evaluation the Ministry will adjust the weights in order to provide optimal allocations.

It is important to observe that the selection and weighting of pools is a policy-based decision. The subsequent simulation and iteration is simply a process of ensuring that the policy choices embodied in the selection of weighting does not have unintended consequences.

The formula that is produced by each Ministry should also comply with the following requirements:

- **The formula should lead to equitable distribution of budget.** The formula should be such that the differences between provincial allocations should not be excessive, and that these differences are no more than are necessary to compensate for differences in need or to create performance incentives. When differences in allocation are due to performance incentives, those provinces not being rewarded for good performance should be provided with clearly definable methods that they can implement to improve their performance and thus their allocation.

- **The formula should reflect differences in need.** Where provinces have different needs, for example due to differences in physical size, population or some other factor, the formula should reflect these differences and yield a suitably adjusted provincial allocation. But a fundamental driver of need will be the actual assignment of functions to the provinces.

- **The formula should not create negative incentives.** The formula should not be such that it encourages poor governance, poor investment decisions or other sub-optimal behavior on the part of the provincial administration.

- **The formula should be sensitive to national priorities.** The criteria used to divide funds amongst pools and divide the pools of funds amongst the provinces should be reflective of national priorities, for example those priorities contained in the ANDS and the Ministries’ Sector Strategies.

“Hold-harmless” arrangement will be made for an interim period of three years so that provinces that will see a decrease in its sectoral allocation under the formulae will not experience a deterioration of service delivery due to a dramatic drop in public expenditures.

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22 IDLG will provide handbooks, technical support and other resources to support the development of sector-specific formulae instancing this general form.
Policy on Subnational Governance

The Cabinet Committee on Subnational Planning and Finance will periodically review the formula used by each concerned Ministry to allocate funds amongst the provinces, and will have the power to instruct a Ministry to alter the formulae if it is found to be inadequate in respect of any of the criteria mentioned above.

Both the formula used for the provincial allocation and the data used each year to yield specific provincial allocations will be made available to the public. Assistance will be given to the provinces and to other stakeholders to ensure that the drivers of their individual allocation, and differences from other provinces’ allocations, are understood.
2.22 Annual Provincial Planning Cycle

Roles and Responsibilities

The Provincial Plans will be generated by a recurrent annual cycle. The following subnational organizations have the following responsibilities in this cycle:

- **Village Councils.** The Village Councils have the responsibility of representing village residents and articulating their needs and preferences, and developing project proposals, establishing the basis of the “People’s Plans”. Village councils are encouraged to combine local needs with announced provincial priorities in the development of their project proposals to the extent possible. The Community Development Councils will play this role until the Village Councils are elected.

- **District Governors and District Councils.** The District Governor will carry out the first round screening of the proposals from the village constituting the material for the “People’s Plans”, on the basis of basic eligibility, and may also integrate proposals when there is clear overlap. The resulting set of proposals will then be sent to the Province. After the election of District Councils, the District Councils will approve this selection of projects prior to submission.

- **Provincial Development Committee.** The Provincial Development Committee will set the overall priorities of the province, in consultation with the Provincial Council. The Provincial Development Committee will also act as the technical planning and drafting committee for the People’s Plans, having the responsibility for design, costing and prioritization of projects within the budget envelope for each sector. The Provincial Development Committee will also provide consultation and advice to individual line ministries for the development of the Ministry-Driven Department-Led plans. Upon completion of all provincial sectoral plans, the Provincial Development Committee will integrate them into a single Provincial Plan and submit it to the office of the Governor for approval.

- **Provincial Governor.** The Provincial Council will approve the plan and the budget for the Provincial Plan, and then submit them to the Provincial Governor for final provincial-level approval.

- **Provincial Council.** The Provincial Council will approve the provincial plan and budget and submit it to Provincial Governor for final approval.

- **Provincial Departments of Ministries.** The Provincial Departments are responsible for creating the “Ministry-Driven Department-Led” plans in their own sectors, within the established budget envelopes. Because they are also members of the PDCs, they contribute to the development of the
“People’s Plans”. Once both plans have been made, the Provincial Departments will aggregate them into a single provincial sectoral plan. And once the whole Provincial Plan is approved at the provincial level, the concerned line departments will then submit the provincial sectoral plans and budgets to their parent ministries, following the current practice in the Provincial Budgeting system.
Timing

The timing of the annual process for the development of the Provincial Plans will be such that the authorized, sectoral provincial plans may be submitted to the corresponding during the month of Agrab (before late October), allowing them to be integrated into the normal budgetary cycle of the government of Afghanistan.

The process in each province will be based on the following guidelines:

- **Hoot.** The process of identifying priorities at the village level should begin.
- **Saratan.** The detailed costing, design and prioritization by the Provincial Development Committee should begin.
- **Asad.** The budget envelopes within each sector and for each province should be announced.
- **Agrab.** The approved plan should be divided into component parts and submitted to the corresponding sectoral ministries.
- **Jaddi.** The approved budget should be approved by the Council of Ministers and Parliament.

A recommended timeline is shown in the diagram below.
Policy on Subnational Governance

The Cabinet Committee on Subnational Planning and Finance will review this arrangement, and adjust where necessary. For example, the cycle will be lengthened, e.g., making it biannual.

2.23 Implementation of Provincial Plan and Budget

The implementation of the provincial plan and budget will be the responsibility of the provincial departments of the ministries. This will be achieved through the following steps.

1. Provincial departments submit sectoral plans to central ministries.
2. Central ministries make final adjustments to budget.
3. Budget is approved by Council of Ministers and parliament.
5. Ministries transfer budget for approved plans to Provincial Departments.
6. Provincial Departments implement plans.
7. Provincial Council and Provincial Governor monitor and evaluate.

This process resembles the current process under the provincial budgeting initiative, with the exception that provincial allocations are made using a transparent and equitable formula, and that significant funds are transferred to provincial departments of the ministries in order for them to implement the budgeted activities.

In almost all cases, implementation will remain the responsibility of line ministries. However, when there is a clear case for delegation of an expenditure to the provincial level, but no implementing agency at the provincial level, the expenditure may be delegated directly to the Office of the Governor. In this case, the Office of the Governor will act as if it were, itself, a provincial ministry department and IDLG shall play the role of the central organization which acquires budget for it and delegates expenditure responsibility to it. Any such arrangement will be made only with the authorization of the Inter-Ministerial Committee on Provincial Finance, and will be subject to periodic review.

Delegation of Expenditure Functions

The principle of “Finance Follows Function” will be a guiding principle and prerequisite for resource allocation. The resources allocated to provincial level should match the fiscal needs for expenditure functions at this level. In order to improve efficiency and bring decision-making closer to the people, the central ministries will delegate certain expenditure responsibilities to their provincial departments. Clear
definition of responsibilities delegated to the provincial level will be a prerequisite for fiscal allocation to provinces.

Each Ministry will be required to submit a plan of expenditure responsibility delegation to the Cabinet Committee on Subnational Planning and Finance. It will be expected that under the plan, ministries will delegate to their provincial offices the following types of expenditures:

- *Expenditures of the types required to implement the provincial plans.* Expenditures typically called for in bottom-up plans, such as those on road construction or rehabilitation of education and health facilities should normally be delegated to the provincial offices of the appropriate ministries.

- *Expenditures which can be planned and executed at provincial level.* Expenditures which are or could soon be within the capacity of the provincial offices may potentially be delegated. Those which are not, for example those requiring very high levels of technical capacity will not be.

- *Expenditures in which the beneficiaries are largely residents of the concerned province.* When there is no spillover of benefits to other provinces, the expenditure should normally be delegated to the provincial department.

Each Ministry must clearly identify which expenditure responsibilities it will delegate to its provincial offices and which it will retain. All expenditures that it proposes to retain must be shown convincingly either to (a) not be expenditures that are called for in the provincial plans, (b) be beyond the capacity of the provincial department to manage, even if the provincial department is given significant assistance in the execution of the expenditure, or (c) subject to high levels of benefit spillover into other provinces.

Assignment of expenditure responsibilities will be under periodic review, and more responsibilities will be delegated to the provincial level as capacities at this level grow over time.
2.24 Fiscal Transfer for Municipalities

Approximately 17 million people (4.8 million according to CSO estimate for mid 2004) in Afghanistan live in municipalities and thus are potential beneficiaries of municipally-delivered services. Therefore, it is desirable to create a fiscal transfer mechanism to the municipalities.

The fiscal transfer to the municipalities should have the following characteristics

- *Increasing capacity to deliver standard service levels.* The fiscal transfer should be such that municipalities are better able to deliver a standard level of services to each person in the municipal population.
- *Creating an incentive for service delivery.* The transfer should be such that the municipalities are motivated to improve service delivery to the municipal population.
- *Creating an incentive for revenue collection.* The transfer should be such that the municipality is motivated to increase collection of revenues, fees and taxes.

On this basis, the following formula is proposed for transfer to the municipalities: for a total pool for transfer to the municipalities is denoted $T_m$, total national municipal revenues $R$, number of municipalities $N$, revenues of the $i^{th}$ municipality $R_i$, total municipal population $P$, population of the $i^{th}$ municipality $P_i$, the municipal service delivery quality coefficient of the $i^{th}$ municipality $E_i$ and the municipal service delivery coefficient of the municipality with the weakest service delivery $E_{l}$, the transfer $TM_i$ to the $i^{th}$ municipality is

$$TM_i = .05 \frac{T_m}{N} + .2 \left( \frac{T_m}{R} \times R_i \right) + .5 \left( \frac{T_m}{P} \times \frac{P_i}{P} \right) + .25 \left( \frac{T_m}{P} \times \frac{P_i(E_i - E_{l})}{\sum_j P_j(E_j - E_{l})} \right)$$

The Cabinet Committee on Subnational Planning and Finance will be expected to review and approve this formula.\(^{23}\)

\(^{23}\) The first term divides 5% of the total pool equally amongst municipalities regardless of their size; the second term divides 20% of the pool according to the municipality’s revenue generation (rewarding greater collection effort); the third term of the formula divides 50% of the pool according to the municipality’s share of the municipal population; the fourth term divides 25% of the pool on the basis that the municipality with the worst service delivery receives no part of the pool, and the better the performance of a given municipality relative to the worst, the greater its per capita allocation from this pool. This formula is an instance of the general formula given in the previous section.
Furthermore, an additional pool will be created to further reward revenue collection efforts by municipalities for a period of three years. A municipality will receive an additional amount equivalent to 20% of its current annual revenues above its revenues in 2008.

The total pool for transfer will be decided in such a manner that it will supplement the municipal revenues to the extent, on a national scale, that match the fiscal needs for the municipal services the municipalities are expected to deliver. For this sake, the scope of municipal services and responsibilities will be clearly defined first.

The allocation will be made in the form of a block grant. The municipalities will have a high degree of autonomy over the use of allocated funds subject to relevant national guidelines.
2.25 Fiscal Transfer for Villages

In the light of the success of the National Solidarity Programme, the current practice of providing block grants to the villages will continue under this policy. This will be paid to the Community Development Councils, until the election of Village Councils, whereupon the block grant will be paid to the latter.

Since a block grant formula is already employed by the National Solidarity Programme and is accepted in the communities, the current formula will be retained. The current formula is such that, for a grant per household of TH, number of households in the $i^{th}$ village $H_i$ and an upper limit or cap on the block grant $K$, the grant to the $i^{th}$ village is

$$TV_i = \min \{TH \times H_i, K\}$$

where $\min$ is a function returning the value of the two terms in the equation with the lower value.

The Cabinet Committee on Subnational Planning and Finance will be expected to review and approve this formula.
2.26 Financial Management

Financial Accountability
The Provincial Departments will be made accountable for their use of public funds by both the Provincial Governor and the Provincial Council. To achieve this, the following mechanisms will be put in place:

- **Financial audit.** Each provincial department’s financial and accounting practices will be audited by internal auditors and auditors from the Ministry of Finance.

- **Provincial-level programme budgeting.** The final approved budget of each ministry department in each province will be organized by programme, disseminated and submitted for the consideration of the Provincial Governor and Provincial Administration. A consolidated programme budget aggregating the budgets and programmes of all ministries in the province will also be produced.

- **Reconciliation of programme expenditures with programme outputs.** The expenditures in each programme will be explicitly compared with the outputs of the programme, on both a forecast and actual basis. Failure of expenditures to deliver the expected outputs will be addressed by the Provincial Council and Provincial Governor.

- **Reconciliation of programme expenditures with programme outcomes.** To the maximum possible extent, the expected development outcomes of programmatic expenditures will be explicitly identified. Failure of expenditures to deliver the expected outcomes will be addressed by the Provincial Council and Provincial Governor.

Each Ministry will develop an appropriate package of responses and remedies to address systematic failure to deliver expected outputs and expenditures by the provincial departments, and to administer them. This package of measures will be presented to and approved by Inter-Ministerial Committee on Provincial Finance.

All financial records, reports and evaluations will be stored into perpetuity and will be freely available to the public.
Implementation of Financial Management Reform

Efficient management of public funds and the implementation of the financial accountability system described in section 2.241 will require significant upgrading of the financial management capacity of the provincial departments of the ministries. In the case that some expenditure responsibilities are delegated directly to the offices of the Governors, similar improvements will be required in these institutions. The strengthening required will fall into three broad categories of activity: control of finances; standard accounting systems; and performance management. When financial management in an institution is rudimentary, these improvements may be introduced in a phased manner. The three categories are illustrated in the chart below, and are described in the following paragraphs.

**SUBNATIONAL FINANCIAL MANAGEMENT REFORM**

<table>
<thead>
<tr>
<th>Control of Finances</th>
<th>Standard Accounting &amp; Financial Management</th>
<th>Performance Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Introduce internal controls</td>
<td>• Move to double-entry/accrual-based accounting</td>
<td>• Introduce “Performance Contracts” between implementing agencies and public representatives</td>
</tr>
<tr>
<td>• Ensure proper accounting of cash balances and cash flows</td>
<td>• Adopt comprehensive accounting system (full set of ledgers, proper account heads, regular reconciliation)</td>
<td>• Make managers accountable for outcome of financial and budgetary programmes</td>
</tr>
<tr>
<td>• Create elementary budgeting systems</td>
<td>• Introduce programme budgeting</td>
<td>• Move to performance/outcome budgeting</td>
</tr>
<tr>
<td>- Budget for work to be done</td>
<td>• Improve predictability of budgeting process</td>
<td>• Adopt Integrated Financial Management system</td>
</tr>
<tr>
<td>- Introduce line-items/account heads that strictly control inputs</td>
<td>• Systematize O&amp;M budgeting</td>
<td>• Adopt capital budgeting</td>
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<td></td>
<td>• Introduce comprehensive financial auditing</td>
<td>• Evaluate and strengthen efficient use of budgets</td>
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The objective the first category of activities, control of finances, is to introduce a basic level of visibility into the finances of the target institution and to prepare the institution to move towards full compliance with all appropriate standards. At a minimum, this should include
• Introduce basic controls. Elementary controls will be introduced, such as verification of bank account structures, tracking of assets and equipment, introduction of a properly defined set of signatories for making of payments and separation of key financial roles (such as authorizing payments and making payments).

• Ensure accounting of cash flows and cash balances. All cash goings and outgoings, both expected and actual, should be consolidated to ensure that the structure can forecast its cash position in each future accounting period, and compare its current cash position with its the cash position that was expected on the basis of the previous forecasts.

• Create basic budgeting systems. The institution should adopt a simple process of work planning and budgeting, based on government account codes for specific cost types.

The objective of the second category of activities, standard accounting systems, is to upgrade the rudimentary financial management systems into systems that follow sound accounting practices. Such a system will fall short of best practices but will provide adequate transparency and financial accountability. This should include

• Move to double-entry/accrual-based system. The institution should adopt a double-entry system of book-keeping, allowing the production of separate operational surplus/deficit statements and balance sheets. A system of timings for the recognition of receipts as income and expenditures should also be put in place, and cash flow statements should be introduced as a means of reconciling the statement of operating surplus and the cash position.

• Introduce full set of ledgers and chart of accounts. The institution should introduce the standard set of ledgers (e.g. cash book, nominal ledger, payroll, payments ledger, etc) and the full standard set of account heads for posting in the ledgers.

• Introduce programme budgeting. The budgeting system should be re-organized to start from general programme objectives with broad budgetary ceilings, which can then be developed into detailed, line-item-based budgets under standard account heads.

• Improve predictability of budgeting process. The institution should measure the effectiveness of its budgeting by systematically comparing forecasts with actuals, and identifying significant divergence. When divergence is due to problems with the budgeting process or factors that can be predicted, the budgetary process should be adjusted on the basis of these.

• Systematize Operations and Maintenance budgeting. The fixed costs, administrative costs and overheads of the institution should be explicitly forecasted on a recurring basis within the
budgets of the organization. As with other costs, divergence between expected and actual values should be identified and used as a basis for improving the budgeting system.

- **Introduce comprehensive auditing.** The organization should be subjected to regular internal and external auditing, and senior managers should be made responsible for implementing improvements recommended by the auditors.

The objective of the third category of activities, performance management, is to introduce financial management structures that strengthen the links between financial information and organizational performance. These activities should include:

- **Introduce “Performance Contracts”**. A system should be introduced in which the provincial plan should be considered as a contract between the province and the implementing Ministry to deliver the outcomes or outputs specified within the plan, with the budget as an estimate of the cost. When the contract is not fulfilled, the parent Ministry should be responsible for taking some corrective action so that the Department has an incentive to improve performance.

- **Increase manager accountability.** Assessment of staff involved in budgeting and financial management should have stronger performance management components so that poor personal performance has stronger consequences for career trajectory, remuneration, responsibility levels, and so on.

- **Implement performance/outcome budgeting.** The budgeting process should be broadened so that the starting point of budgeting is a specific and measurable impact or outcome. This can then be translated into a budget envelope and a set of line-items under standard account heads.

- **Adopt Integrated Financial Management system.** A database that integrates management reporting, transaction processing, budgeting and all ledgers should be launched.

- **Evaluate and strengthen efficient use of budgets.** A system by which budget efficiency (e.g. percentage of budget utilization/implementation and accuracy of budget forecasting) is tracked and used as a basis for improving the budgetary system.

It will thus be recognized that the system thus described is to some extent aspirational.
3. Institutional Arrangement for Policy Implementation

3.1 Cabinet Committee on Subnational Planning and Finance

A Cabinet Committee on Subnational Planning and Finance will be convened to preside over the whole system. It will be chaired by the Second Vice-President, with the Minister of Finance and Director General of IDLG as co-vice-chairs. The Ministry of Economy will hold the Secretariat of this Committee. Cabinet Committee will meet three times every year, and will be supported by an Inter-Ministerial Working Group on Subnational Planning and Finance, that will meet twice before each Cabinet Committee meeting in order to conduct technical review and drafting of proposals that are to go before the Cabinet Committee. This Committee will work in closely with Committee on Budget. Coordination with the existing Committee on Budget will be institutionalized to avoid duplication and competition.

The Cabinet Committee on Subnational Planning and Finance will: set the percentage of the total national sectoral resources to be allocated to the provincial level; set the percentage of sectoral budgets for use in the funding of People’s Plans; set the overall size of the pools for village block grants and municipal transfers; approve the provincial allocation formulae proposed by each Ministry; review and approve the formulae used for village block grants and municipal transfers; monitor the delegation of expenditure responsibilities by Ministries to their provincial departments; review and approve extraordinary assignments of expenditure responsibilities to provincial governors; evaluate the effectiveness of Ministries in making their provincial departments accountable to provincial governors and Provincial Councils; and monitor and review the overall performance of the subnational planning and finance system.

The Cabinet Committee on Subnational Finance and Planning may delegate detailed technical drafting, analysis and review responsibilities to an Inter-Ministerial Working Group on Subnational Planning and Finance. This Working Group will comprise representatives of the level of Policy Director, senior advisor or equivalent position of all the Ministries and Agencies that work sub-nationally.
3.2 Roles and Responsibilities of the Committee

The Cabinet Committee on Subnational Planning and Finance will have the following responsibilities:

- **Allocating national budget for subnational transfers and allocations.** The committee will set the proportion of the total national sectoral budget that is to be used at the provincial level (total sectoral pools for transfers to provinces) and the proportion of provincial sectoral budget for funding People’s Plans, and the total size of the pools for transfers to municipalities and villages.

- **Reviewing and approving allocation formulae.** The committee will approve the formulae used for making provincial allocations, transfers to the municipalities and block grants to villages. The committee will also review the effectiveness of these formulae and propose amendments as necessary.

- **Reviewing and approving assignment of expenditure responsibilities.** The Committee will approve the proposed distribution of expenditure responsibilities between the central ministries and the provincial departments of the ministries.

- **Authorizing and structuring direct expenditures by Provincial Governor’s Office.** The Committee will authorize the direct delegation of expenditures to the office of the Governors, in the case where provincial implementation should take place and there is no appropriate provincial-level implementing agency. When such expenditures are authorized, the Committee will also take the role of setting the overall allocation and authorizing the provincial allocation formula used by IDLG.

- **Monitoring performance assessment for provincial departments.** The Committee will agree systems of performance incentives for provincial department implementation of Provincial Plans and monitor the effectiveness of the incentives.

- **Providing overall performance management.** The Committee will provide general performance monitoring and evaluation of the system. In the case of poor performance, the Committee will propose and pursue corrective actions as necessary, up to and including changes to rules, regulations, policies and laws.

The Committee will meet 3 times per year, in the months of Saur, Sunbula and Jaddi. The outputs of each meeting will be as follows:
### Policy on Sub-national Governance

<table>
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<th>Meeting</th>
<th>Outputs</th>
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| Saur    | • Agreement for expenditure authorities delegated and retained  
|         | • Agreement/confirmation of expenditures delegated to office of Governor  
|         | • Setting of sector-specific pools for allocation to provincial level  
|         | • Setting of proportion of provincial sectoral budgets for funding of People’s Plans  
|         | • Setting of pool for fiscal transfer to municipalities  
|         | • Setting of pool for block grant to villages  
| Sunbula | • Proposed actions on allocation to provinces  
|         | • Proposed action on formulae used to make allocations/transfers  
| Jaddi   | • Proposed actions for improvement of implementation performance by provincial departments  
|         | • Overall performance evaluation and recommendations  

The Inter-Ministerial Working Group will meet twice in the two months prior to each Committee meeting, in order to make necessary preparations.

Coordination with the existing Committee on Budget, which is chaired by Minister of Finance, will be institutionalized to avoid duplication and competition.
VI. IMPLEMENTATION, MONITORING AND EVALUATION

Implementation of the Sub-National Governance Policy

This policy is a first tranche of major sub national governance reform. It will be implemented through making new laws, regulations and procedures; amending existing laws, regulations and procedures; making institutional arrangements and through ongoing and new programmatic interventions. The laws, regulations, procedures and institutional arrangements will be put in place during 2010. The policy will be fully implemented through a well-sequenced, gradual implementation process during the period 2010-2014. The government will prefer a single multi-donor support mechanism for supporting implementation of this policy. The government will undertake a comprehensive review of the implementation of the policy in the year 2014. In this review, the government will examine whether the policy has achieved its intended objectives. In the year 2014, the Policy Drafting Committee and Policy Review Committee will be reconvened to further amend the policy and by so doing continue the effort to reform and improve sub-national governance in Afghanistan.

Government will establish a sub-committee of Law Reform Technical Working Group (LRTWG) on subnational governance (LRTWG’s SCSNG). The leadership of the Sub-Committee will be with the Ministry of Justice (Legislative Department), with the IDLG (Policy Directorate) as its Secretariat. Ministries that are the natural home for laws that are being drafted anew or amended will be permanent members of this sub-committee. The main responsibilities of the SCSNG will be to draft new laws and regulations and to draft amendments to the existing laws and regulations to implement this policy for submission to National Assembly.

- Revising the legal framework for sub-national governance: A body of laws that can be considered a framework for sub-national governance is already in place. Legal framework is a descriptive term for a collection of laws, which form a cohesive structure that support the implementation of a vision and/or policy. IDLG has already analyzed the current legal framework for sub-national governance, including its strengths and weaknesses as well as opportunities for creating a coherent, effective legal framework that adheres to the principles of transparency and openness,
participation, accountability, effectiveness and efficiency. This study concluded that the current legal framework for sub-national governance was drafted in a piecemeal fashion without an overarching policy to facilitate the creation of a coherent framework that could provide the basis for a sound system of sub-national governance. The Constitution provides the legal foundation for government at the sub-national level. However, the supporting laws do not provide sufficient specificity or clarity for entities at the sub-national level. The lack of clarity and cohesiveness within the body of legislation relevant to sub-national governance has resulted in gaps in the legislative, institutional and regulatory framework. The operational roles, organizational and functional responsibilities as well as inter-relationships among the various sub-national entities are not only contradictory in some instances; they do not make a coherent framework. This can be attributed at least in part to the previous absence of a policy for sub-national governance and that many of the laws relevant to sub-national governance were drafted and amended in an ad hoc nature with little thought given to how these various parts make up a whole. A pre-requisite for implementing the sub-national governance policy is the drafting of a new set of laws to specify the roles of entities at the sub-national level described above as well as the relationships between each other and with the centre. Yet not all laws will need to be drafted anew. Before the Sub-National Governance Policy can be implemented many of the laws within the current legal framework for sub-national governance will need to be amended. Given the lack of clarity and specificity within the Law on Sub-National Administration as well as the change in the roles and responsibilities of District and Provincial Governors specified within this policy, this law will need to be drafted anew. The Ministries and the IDLG will compare existing laws with the policy, to examine how existing laws need to be amended, which laws need to be drafted anew and what the content of the laws should be to ensure the effective implementation of the policy.

Laws that need to be drafted anew include:

1. Law on Subnational Governance
2. Law on District Councils
3. Law on Village Councils
4. Law on Right to Information
5. Law on Gender Equality and Affirmative Action for Women
6. Law on Participation of Civil Society in Subnational Governance
Laws that will need to be amended include the following:

1. Law on Provincial Councils
2. Electoral Law
3. Law on Municipalities including legal provisions on Municipal Councils
4. Public Finance and Expenditure Management Law
6. Law on Audit (Law of the Bureau of Auditing, 1341)
7. Civil Servants Law (Enacted in 2008 by repealing Civil Service Law)
8. Law on and PAAs
9. Police Law
10. Law on the Structure, Duties and Mandate of the AIHRC, 2005
11. Law on Mass Media
12. Counter-Narcotics Law, 2005
13. Land Management Law
14. Law on Land Expropriation (Law on Acquisition of Property)
15. Environment Management Law (Law on Environmental Protection)
16. Law on Census
17. Law on Monitoring the Implementation of Strategy against Administrative Corruption, 2008
18. Law on Disaster Management
19. Law on Education
20. Law on Organization and Jurisdiction of Courts
21. 
22. Law for the Prevention of Hoarding, 1374

Regulations that need to be amended are:

1. CDC By-Law
2. Regulation on Fees for Municipal Services
3. The Urban Greening and Cleaning Regulation
4. Regulation of fees for Cleaning Cities
5. Regulation on Fees on Parking Spaces for Vehicles in Urban Areas
6. Regulation on Rental for Municipal Properties
Regulation on Implementation of Kabul City Master Plan, 2000

Regulation for Distribution and Sale of Residential and High-Rise Building Plots in Kabul City
(Decree on Distribution and Sale of Government Land in Kabul City)

Regulation on Urban Housing Projects in Kabul City (Twenty Five Year Plan)

Code of Conduct for Civil Servants

Regulations and Guidelines that are to be drafted anew include:

1. Guidelines on Implementation of Subnational Governance Policy including those on establishment, mandates and working of Policy Implementation Review Committee, Cabinet Committee on Subnational Planning and Subnational Finance, Policy Implementation Committee, Inter-Ministerial Working Groups on Policy Implementation, Implementation Monitoring Committee, Law Reform Technical Working Group’s Committee on Subnational Governance (LRTWG’s SCSNG), Donor Coordination Committee on Subnational Governance and, Civil Society Coordination Committee on Subnational Governance

2. Regulations on Subnational Planning and Subnational Finance

3. Guidelines on Subnational Planning and Guidelines on Subnational Budgeting

4. Regulation on Delegation of Authority by the Ministries to their Provincial and District Offices

5. Guidelines on Inter-Governmental Fiscal Transfers


8. Guidelines on Appointment of Provincial Governor, District Governor and Provincial Deputy Governor

9. Guidelines on implementation of Police Code of Conduct

10. Regulations on Land Registration

11. Regulations on Mapping of the Boundary of Villages

12. Guidelines on Capacity Building of the Elected Councils (Provincial, District, Municipal and Village Councils)

13. Guidelines on Subnational Public Administration Reform

14. Guidelines on Training for Subnational Appointed Officials

16. Guidelines on development, implementation and monitoring of Public Service Standards
17. Municipal Regulations

New Programs:
1. Establishment of Afghanistan Local Governance Academy
2. Expansion of Internship Programme
3. Programme on Land Registration
4. Programme on Mapping of the Boundary of Villages
5. Programme on Capacity Building of the Elected Councils (Provincial, District, Municipal and Village Councils)
6. Municipal Governance Development Programme
7. Programme on Subnational Public Administration Reform
8. Programme on Training for Subnational Appointed Officials
11. Programme on development, implementation and monitoring of Public Service Standards

Twenty (20) sets of Municipal Regulations covering Eighty-four (84) subject areas will be drafted:

Definition Creation, Merger and Abolition of Municipalities
1. Criteria for creating municipalities
2. Process for creating, merging or abolishing municipalities
3. Conditions for merger of municipalities
4. Conditions for the abolition of a municipality

Classification of Municipalities
1. Factors for classifying municipalities
2. Standard nomenclatures

Functions of Municipalities
1. Core/mandatory functions of municipalities
2. Optional functions of municipalities

Governance, Organizational Structures and Institutional Mechanisms
1. Organizational models for each municipal classification
2. Criteria and guidelines for municipal selection and design of the best-fit organizational model, subject to IDLG approval
3. Criteria and process for shift from one organizational model to another
4. Standard position classifications and titles, compensation structures and statements of duties and responsibilities

**Management Systems**

1. Regulations prescribing systems and procedures for, among others, development planning and investment programming, budgeting, accounting, procurement and logistics management, and fixed assets management.
2. Central government support toward the municipal adoption of such systems.
3. Central government responsibilities for monitoring compliance.
4. Transition period and activities to be implemented for migration to the new systems

**Development Administration**

1. National socio-economic development objectives, goals, and targets reflecting national aspirations expressed through participatory and consultative processes.
2. Forums, systems, and procedures for bottom-up planning that reflect community priorities and top-down planning anchored on resource availability.

**Municipal Economic Enterprises**

1. Capitalization of municipal economic enterprises
2. Access of economic enterprises to external resources, including loans and private-sector investment
3. Guidelines on cost-recovery, return on investment, and tariff setting
4. Public accounting and auditing rules and regulations applicable to municipal economic enterprises
5. Treatment of profit and loss of municipal economic enterprises

**Performance Management**

1. Institutional and individual responsibilities for municipal performance management
2. Procedures for the issuance of national development goals, objectives, and targets and guidelines for deriving municipal performance benchmarks
3. Processes and timelines for periodic municipal performance measurement and performance reporting
4. Rewards and sanctions mechanisms

**Capacity Development**

1. Institutional and individual responsibilities for capability and capacity building at municipal level
2. Guidelines on national and municipal budget allocation for municipal capability and capacity building
Policy on Sub national Governance

3. Institutional and individual responsibilities, guidelines, and procedures for PAR implementation at municipal level

Mayors and Deputy Mayors

1. Guidelines for tenure, removal, and re-election of municipal officials
2. Qualifications for municipal mayors
3. Functions of the Municipal Mayor and Deputy Mayor

Appointed Officials

1. Merit-based selection and hiring guidelines
2. Performance-based human resources management systems, including incentives, rewards, and sanctions
3. Standardized position classification and nomenclature
4. Standardized compensation schedule
5. Capability building program

Municipal Councils

1. Functions

Municipal Revenue Generation

1. Guidelines for the implementation of the real property tax law, including property valuation and tax rate setting
2. Institutional and individual responsibilities for the implementation of the real property tax law at national, provincial, and municipal levels
3. Qualification standards for municipal assessors
4. Guidelines and processes for rate setting and exploitation of revenue sources
5. Municipal revenue administration and reporting system
6. Sanctions for the collection of illegal levies and non-compliance with applicable laws and regulations governing municipal revenue.

Municipal Budgeting and Investment Planning

1. Activities, timelines, and individual and institutional responsibilities for the municipalities’ migration to the new budgeting system
2. Revised municipal budgeting system, procedures, and format, including clear delineation of individual and institutional responsibilities for budget formulation, review, and approval
3. Processes, procedures, deadlines, and individual and institutional responsibilities for monitoring and evaluation of, and reporting on, budget execution
4. Processes, procedures, and documentary evidences for the bottom-up consultation in budget formulation
5. Guidelines for the conducts of feasibility studies of municipal capital investment proposals
6. Sanctions for non-compliance to budgeting standards, procedures, and timelines

**Inter-Governmental Fiscal Relations and Borrowing**

1. Criteria, guidelines, and procedures for financial transfers from the national government to municipalities
2. Modalities, guidelines, and procedures for private-sector production and delivery of essential public services in municipalities
3. Criteria, guidelines, and application and approval processes and procedures for municipal budget deficit
4. Criteria, guidelines, and application and approval processes and procedures for municipal domestic and foreign borrowing, including debt service coverage ratio and other financial hurdles

**Financial Management and Reporting**

1. Individual and institutional responsibilities for the development, implementation, and institutionalization of municipal financial management system
2. Financial reporting system and procedures for municipalities
3. Revised chart of accounts
4. Double-entry municipal accounting system
5. Financial rules, reporting formats, and schedules
6. Municipal internal control system
7. Internal and external audit requirements and procedures
8. Sanctions for non-compliance with financial rules, procedures, formats, and reporting
9. Role of Municipal Council as Monitoring and Oversight Body

**Relationship with Provincial Government**

1. Delineation of functions between the provincial government and the municipal government
2. Definition of accountability and reporting responsibility of the municipalities toward the provincial government
3. Guidelines on administrative supervision of provincial governments over provincial and district municipalities
4. Guidelines for coordination between municipal priorities and provincial priorities

**Relationship with other Municipalities and Districts**

1. Guidelines on relationship between districts and municipalities
2. Charter of association of municipalities

**Public Participation**

1. Municipal legal framework/ordinance for institutionalizing public participation
2. Organizational and operating framework for public participation
3. Activities for public participation
4. Sectors for public participation
5. Pertinent capacities and competencies for both the municipal government and the community
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6. Parameters for public participation
7. Starting points for public participation
8. Processes that should be subject to public participation
9. Features of mechanisms for public disclosure and public access to pertinent information

Role of Private Sector in Municipal Economic Development

1. Scope of private sector involvement in local economic development
2. Regulatory and incentive framework
3. Features of a municipal government bureaucracy/institutional capacity that will attract private capital, reduce the cost of doing business and make municipal government more conducive to private investment

IDLG will draft or amend the laws relevant to its mandate, such as the Law on Sub-National Administration and the Law on Provincial, District and Village Councils. Ministries that have laws within the particular sector requiring revised legislation will take the lead in drafting or amending these laws and ensuring that they proceed through the legislative process, which includes review by the Legislation Department (‘Taqnin’) of the Ministry of Justice, approval by the Legislation Committee of the Council of Ministers as well as approval by the National Assembly and President. The optional timelines for how the legislative process will tentatively proceed is as follows:

- drafts of the above mentioned legislation will be submitted to the Office of Administrative Affairs, requesting that it be entered into the legislative process.
- The OAA, through the Minister of Justice, instructs the Taqnin to work on the draft.
- The Taqnin scrutinizes the draft for compliance with Shari’a and the Constitution and for conflicts with existing legislation.
- the Taqnin amended and approved draft will be sent to ministries whose mandates are relevant to the legislation in question for their approval.
- Approval will be obtained after which the draft will be sent back to the OAA. The OAA will then send the draft to the Legislation Committee of the Council of Ministers.
- the Council of Ministers will approve the draft.
- the OAA will send the draft to the National Assembly.
- The *Wolesi Jirga* will send the draft to the relevant Commission for review. The *Wolesi Jirga* can approve, reject or amend the law.

- Once the *Meshrano Jirga* approves the legislation it will be sent back to the Council of Ministers, which sends it back to the OAA and *Taqnin* for review. Recommendations are then presented to the President regarding whether or not to sign the legislation into law.

- The President issues a decree for publication. The *Taqnin* ensures the law is accurate, after which it is published in the Official Gazette.

The other options for legislative process that are used under special circumstances are:

1. IDLG and other relevant ministries may work with the National Assembly to draft the relevant laws. Following approval by the National Assembly and the President the law will come into force. The *Taqnin* may review the law at a later date to ensure that is in compliance with the Constitution.

2. *If the relevant ministry presents finalized draft to the Council of Ministers when the National Assembly is not in session*, the Council of Ministers may examine it, endorse it and submit it finally to the President for approval. The *Taqnin* will review the law to ensure their compliance with the Constitution at a later date. In cases of recess of the Wolesi Jirga, the government can adopt legislation in an emergency situation on matters other than those related to budget and financial affairs. The legislative decrees become law after these are signed by the President. The legislative decrees should be submitted to the National Assembly in the course of thirty days beginning from the first session of the National Assembly. In case of rejection by the National Assembly, the legislation becomes void. This option is to be only sparingly used and that too in emergency situation on matters other than those related to budget and financial affairs, because it may undermine the doctrine of separation of powers that underpins the Constitution.

- Laws that need to be amended will be brought to the National Assembly for approval as soon as possible.
• **Development of implementing rules and regulations:** After relevant laws have been adopted and amended, implementing rules and regulations will be developed to more specifically state how the various elements of policy and law are to be implemented. An inter-ministerial committee will be established to consult on these rules and regulations as they are being developed. This inter-ministerial committee will also be responsible for devising consultations on the rules and regulations to be held with the public. The implementing rules and regulations can be approved after such consultations.

• **Review of implementation of the policy:** The government will undertake a comprehensive review the implementation of the policy in the year 2014. In this review, the government will examine whether the content of the policy has achieved its intended objectives. This review will help enable the Government to revise the policy in a manner that facilitates the achievement of its objectives.

• **Amendment of the policy:** In the year 2014, the Policy Drafting Committee and Policy Review Committee will be reconvened to further amend the policy and in so doing continue the effort to reform and improve sub-national governance in Afghanistan.

The Law Reform Technical Working Group’s Sub-Committee on Sub-National Governance (LRTWG SCSNG): The Law Reform Technical Working Group (LRTWG) was established in 2006 to meet the objectives relevant to legislative reform of the ANDS and to further legislative reform more generally. LRTWG ensures that laws comply with the Constitution and with the international standards and obligations of Afghanistan. LRTWG establishes priorities to determine the process and time lines for the drafting, amending, and revision of laws, in accordance with an action plan and available resources. Government will establish a sub-committee of LRTWG on subnational governance (LRTWG’s SCSNG). The National Leadership of the Sub-Committee will be with MoJ (Legislative Department), with IDLG (Policy Directorate) as its Secretariat. The international support and co-ordination will come from permanent international members. Ministries that are the natural home for laws that are being drafted anew or amended will be permanent members of this sub-committee.

The main responsibilities of the SCSNG will be to draft new laws and to draft amendments to the existing laws to implement this policy. The sub-committee chair will develop an appropriate process and plan for
the drafting of all legislation to implement this policy, in consultation with the, the LRTWG and its other Committees, send drafts of those laws in Dari and Pashto to be reviewed in both a paper copy and, if possible, electronic copy to the Secretariat, send a letter which states the date by which IDLG and the MoJ need the comments of the SCSNG in consultation with the Chair and Secretariat, give the names and telephone numbers of all members of the SCSNG who attend the SCSNG meeting on that particular piece of legislation; and will ensure the attendance of the national members, whenever it is required, at the SCSNG meetings in order to represent their particular point of view.

**Guiding Principles for Policy Implementation**

The implementation framework and the process of implementation will be guided by a number of best practices. These will better enable IDLG and all other ministries and agencies engaged in the implementation process to implement the Government of Afghanistan’s Sub-National Governance Policy in the most effective means possible.

- **Acknowledging the importance of legitimizing the policy, a number of activities will be carried out that are designed to legitimize the policy in the eyes of all government partners as well as the citizens of Afghanistan.**

- **Constituencies will be actively built to consolidate the base of support for the policy throughout the Government and amongst the citizenry. Such constituencies should be capable of assuring the policy issues remain in play and that implementation will remain on track through multiple governments and a changing cast of actors.**

- **As the policy cannot be implemented without sufficient resources, concerted attention will be paid to ensuring that all elements of the policy may be sufficiently funded.**

- **Authority and responsibility for implementing the policy will be dispersed among all relevant entities involved, including Government ministries, agencies, non-governmental and civil society organizations and the populace.**

- **New structures and procedures will be developed to support the development of the implementation framework, the implementation of the policy as well as its monitoring and evaluation.**
• Officials monitoring the implementation of the policy will regularly seek to ascertain what effects the policy changes produce and to correct and adjust implementation if unsatisfactory results appear.

• The policy will be implemented in a sequential nature to make identifying what needs to be modified when simpler.

• The implementation of the policy will be managed strategically. Coordinating bodies charged with ensuring the policy’s implementation will identify what needs to be accomplished, define short and long-term objectives, and relate them to what various government ministries, agencies and associated organization need to do.

• Strategic issues and priorities will be identified in terms of urgency and magnitude. After these strategic issues and priorities have been identified relevant stakeholders will design strategies and plans to address these issues and priorities.

• Because participation increases the likelihood of a policy’s implementation it will be at the heart of the development of the implementation framework as well as the implementation of the sub-national governance policy. Evidence from a variety of development sectors shows that when target groups of policy reform participate in the decisions that effect them and in activities to implement those decisions, then better policy outcomes are achieved. Furthermore incorporating the participation of target beneficiaries increases transparency and responsiveness and contributes to greater accountability of public agencies and officials.

• For implementation to be conducted according to democratic governance principles, accessible and wide dissemination of information is essential. Therefore, information regarding the policy and its implementation will be disseminated widely.

• Civil society groups and beneficiaries of the policy will be encouraged to participate in the implementation process. Increased participation of civil society groups and beneficiaries in policy implementation can be one of the means by which the accountability, transparency, and responsiveness features of democratic governance are operationalized and reinforced.
• IDLG will seek to manage this multi-actor policy implementation in a strategic manner. It will seek to develop a shared vision and cooperate with a wide array of stakeholders to devise work programs with a participatory and collaborative approach.

• IDLG will coordinate action to achieve policy objectives.

• To improve coordination the implementation framework will be based on principles of joint benefits and value-added.

• All entities involved in development of the implementation framework and implementation of the policy will remain flexible. Lessons learned from planning and implementation of past projects and programs have led to calls for less pre-planning and more flexibility to change activities during project implementation.

• Recognizing that monitoring policy implementation is critical to keeping activities and progress on track, reporting on results, identifying when changes are needed and assessing the effectiveness of reform strategies IDLG will develop a comprehensive means for monitoring and evaluation (M & E). The information gathered through M & E will assist all relevant stakeholders to understand when and where the policy and implementation framework are effective or may need to be amended. More generally, a well constructed M & E system can be used on an ongoing basis to focus discussion and examine problems impeding the implementation process.

Policy Implementation Structure

The implementation of the sub-national governance policy will consist of two broad and slightly interdependent courses. The implementation of most elements of the policy will entail cooperation and collaboration by a number of government ministries and agencies. Yet IDLG is the entity responsible for implementing a number of aspects of the policy. Therefore, one line of work may be fast-tracked by IDLG, and its implementation may begin as soon as the policy is approved by the President. Before IDLG may begin implementing the policy its capacity to implement the policy as well as monitor its implementation must be strengthened. This will increase IDLG’s ability to implement the sections of the policy that it is mainly responsible for as well as to contribute to the implementation of the entire policy.
Implementing aspects of the policy under IDLG’s responsibility

Implementing aspects of the policy under IDLG’s responsibility will entail six phases:

Establish and reform entities within the IDLG to support implementation of the policy: The existing functions and responsibilities of entities or units within the IDLG will need to be reviewed to assess whether and how their functions and responsibilities will need to be modified to support policy implementation as well as whether new units or positions will need to be developed within the IDLG.

Assessing existing strategies and plans relevant for the sub-national governance policy: There are a number of initiatives or programmes already in place that others have been working on and which the IDLG will need to begin to take more responsibility for. The IDLG will need to ensure that these are brought in line with the sub-national governance policy. For instance, a number of government and non-governmental entities worked on issues related to the mapping of political and administrative boundaries. The IDLG will need to begin to take the lead with this initiative. Furthermore, a Provincial Budgeting Initiative under the leadership of MoF is already ongoing, on which the implementation of sub-national planning and finance policy could be built. The IDLG will need to find out who all the stakeholders working on this processes are, determine the extent of work they have done and begin to take more of a lead in these processes. IDLG will need to work with the IARCSC to assess whether their policies and strategies for Public Administration Reform are in line with the policy and if not, how they will need to be amended.

Developing plans to support implementation of the policy: To make the policy implementable it must be broken down into programmes and projects. For those areas in which the IDLG does not actively need the cooperation of other ministries and agencies, will develop the following plans: 1) plans to implement the IDLG Capacity Building Programme; 2) plan to ensure that all elected and appointed officials sign the Code of Conduct and Code of Ethics. This plan should ensure that these officials understand the responsibilities they are committing themselves to by signing the Codes; 4) plans to engage other governance entities in policy implementation, including defining roles and responsibilities and outlining major expected activities of these entities; 5) a revised capacity building framework for Provincial Councils based on the policy; 6) a comprehensive capacity building programme for Provincial Councils; 7) a comprehensive capacity building programme for District Councils; 8) a capacity building programme for PDCs in cooperation with the MRRD; 9) a comprehensive capacity building programme for Village
Councils; 10) 11) a plan to roll out its monitoring framework GO FOR GOLD throughout the country. All plans developed should include goals, expected activities, outputs, resources needed as well as implementation plans.

*Mobilizing resources to implement IDLG plans related to policy implementation:* To mobilize resource for the implementation of the overall policy, including those aspects that are specifically under the responsibility of the IDLG, the IDLG may continue to consult with the JCMB Standing Committee on Governance. The JCMB Standing Committee will assist the IDLG to determine the options and approaches available for providing donor support for policy implementation. This could include developing a basket fund, a trust fund or a window within the trust fund such as ARTF or ensuring regular meetings of the coordination committee to determine who will fund which programme or project. The funding arrangements should continue to be reviewed by the IDLG based on their efficiency and effectiveness.

*Review implementation of programs:* The Monitoring and Evaluation Unit within IDLG will be charged with monitoring and evaluating these plans and programmes against the targets indicated in the programme documents. IDLG should adjust their programmes as necessary based on the information received through the process of monitoring and evaluation.

a. **Committees and Working Groups to support the policy implementation**

A number of inter-ministerial committees and working groups will be established to support a participatory process for further developing the implementation framework, supporting the implementation process as well as for monitoring the implementation process. The mandates of committees working during the policy process, specifically the Policy Review Committee and the Policy Drafting Committee, will be revised so that these bodies can better support the implementation process. Rules of procedure of each committee, working group as well as for how these committees and working groups interrelate will need to be drafted. The roles and responsibilities of these groups are as follows:

*The Policy Implementation Review Committee:* The chairmanship and membership of this Committee may be slightly modified from that of the Policy Review Committee. Ministries and agencies such
as the Ministry of Education, the Ministry of Higher Education, the Ministry of Energy and Water, the Afghanistan Natural Disaster Management Authority, the National Environmental Protection Agency, the Attorney General’s Office, the High Level Monitoring Administration on Implementation of the Anti-Corruption Strategy (HoO) as well as the Supreme Court may be added to the membership of this committee provided the respective entities agree on their participation. Other ministries and agencies may also move the IDLG for membership within this Committee. The Policy Implementation Review Committee will provide a final review of various iterations of the implementation framework as well as review, monitor and guide the implementation process. This Committee will continue to meet at the Minister level.

*The Policy Implementation Committee:* The chairmanship and membership of this Committee may be modified in the same manner as membership in the Policy Implementation Review Committee. Membership of this Committee will be at the level of Deputy Ministers. The Policy Implementation Committee will remain the primary body responsible for ensuring the policy’s smooth implementation. The Committee will also play a review or filtering role. Much of the work for devising how the policy should be implemented will be carried out at a more technical level within the Policy Implementation Working Groups described below.

*Cabinet Committee on Subnational Planning and Subnational Finance:* This Committee will allocate portions of the national budget for subnational transfers and allocations, review and approve allocation formulate, review and approve assignment of expenditure responsibilities, authorize and structure direct expenditures by offices of Governors, monitor performance assessments for provincial line departments, and provide overall performance management in subnational planning and subnational finance. It will decide any change in the subnational planning and finance policy and its implementation framework. Consultation and communication will be ensured between Cabinet Committee and other relevant Committees and Working Groups.

*Policy Implementation Working Groups:* A series of inter-ministerial working groups will be established to flesh out how various aspects of the policy are to be implemented and to manage implementation of these specific aspects of the policy. Because implementation of various aspects of the policy only entails some of the ministries and agencies participating in the Policy Implementation Committee, participants in the Working Groups will only be those ministries
needed. Participants of the Working Group will be from technical officials at Director Level. Working Groups that will be established include the following:

i. **Working Group on Security**: This Working Group will be chaired by the Ministry of Interior. Participants may include the Ministry of Defense (MoD), the National Directorate for Security (NDS) and representatives from the international community.

ii. **Working Group on Gender Issues**: This Working Group will be chaired by MoWA. Participants will be chosen prior to the initiation of meetings of this Working Group.

iii. **Working Group on Land Governance and Mapping of the Village boundaries**: This working group will be chaired by the IDLG. Participants will include the Ministry of Agriculture, Irrigation and Livestock (MoAIL), the Ministry of Rural Rehabilitation and Development (MRRD); Afghanistan Geodesy and Cartography Head Office (AGCHO) and representatives from the international community.

iv. **Working Group on Public Service Standards and Performance Management**: This working group will be chaired by the IDLG or another ministry or agency that volunteers to chair. Participants will include all government ministries, independent directorates and agencies.

v. **Working Group on Capacity Development of Elected Councils**

vi. **Working Group on Subnational Public Administration Reform and Capacity Building**: The IARCSC will chair this Working Group. Participants will be chosen prior to the initiation of meetings of this Working Group.

vii. **Working Group on Establishment of the Afghanistan Local Governance Academy**

viii. **Working Group on Delegation of Authority**: This working group will be chaired by the IDLG. All ministries and agencies participating in policy implementation should have an appropriate representative within this working group.
Policy on Sub-national Governance

ix. Working Group on Civil Society Participation, Media and Right to Information

x. Working Group on Anti-Corruption: This working group will be chaired by the HoO. Participants will be chosen prior to the initiation of meetings of this Working Group.

xi. Working Group on Human Rights

xii. Working Group on Local Elections

xiii. Working Group on Municipal Governance

xiv. Working Group on Disaster Management

xv. Working Group on Counter-Narcotics

xvi. Working Group on Jurisdiction of Courts and AGO in Subnational Governance

Sub-Committee of the Law Reform Technical Working Group on Sub-National Governance: This sub-committee will work with relevant national entities to draft and amend all legislation that is relevant to the implementation of the sub-national governance policy. The Working Group will be chaired by Legislative Department of the Ministry of Justice, with IDLG (Policy Directorate) as its Secretariat. International support and co-ordination shall be comprised of the permanent international members, which are yet to be determined. Member Ministries of the Policy Implementation Review Committee as well as members of the National Assembly may nominate themselves to serve as permanent national members. Those attending the meeting may alternate depending on the laws being drafted or amended within the working group. Relevant national institutions should be present while laws relevant to their operations are being drafted.

Monitoring and Evaluation Committee to monitor Policy Implementation: This committee will be responsible for monitoring and evaluating the implementation of the policy as well as the content of the policy. The conclusions reached by this committee shall be fed directly to the Policy Implementation Committee, the Joint Coordination and Monitoring Board (JCMB) Standing Committee on Governance as well as the Civil Society Coordination Committee. The Policy Implementation Review Committee will make the final decisions regarding how the policy and implementation framework need to be amended based on the feedback of this committee. Widely distributing information from this body will increase accountability and transparency. The Monitoring and Evaluation Committee may also initiate its activities before implementation of
the policy has begun. Monitoring and evaluation of the policy may entail evaluating not only the process of implementation, but also the content of the policy. The Monitoring and Evaluation Committee can play a central role in reviewing the content and implementation of the policy and ensuring that all aspects of the policy will contribute to the overall objectives of the policy.

*Civil Society Coordination Committee for Subnational Governance:* This Committee will be responsible for eliciting the feedback of civil society on the policy and implementation framework as well as for devising with the government further means for mobilizing civil society’s participation in the process of further developing the implementation framework as well as in implementation. Representatives of civil society organizations will be invited to participate within this sub-committee.

*JCMB Standing Committee on Governance:* The JCMB Standing Committee on Governance will serve as a forum for donors (who will contribute to the implementation of various aspects of the policy) to discuss with the government. This body may also serve as an advisory board.

*Rules of Procedure must be drafted for how these various entities interact.* The rules of procedure must contain the following data: 1) who is eligible to make which decisions in which areas; 2) what actions are allowed, required, or proscribed for each group; 3) what procedures must be followed within and between groups; 4) what information must be provided, to whom, and when; 5) what benefits and costs are to be assigned to each committee or group as a result of their actions; and 6) how monitoring and enforcement will be undertaken.

**b. Laying the foundation for implementing the policy**

The policy implementation needs to be an iterative process that is managed strategically. A comprehensive approach for developing the implementation framework and for implementing the policy that has the buy in and ownership of all relevant stakeholders must be adopted. The process described below is a process for initiating implementation of the policy while giving due respect to the guiding principles mentioned at the outset.

1) *Refining the policy:* To help ensure the policy’s effective implementation all elements of the policy must be sufficiently clarified. Consensus needs to be built within the Policy Drafting Committee and the Policy Review Committee on those areas within the sub-national governance policy that need be clarified and elaborated upon further before full
implementation can begin. These bodies as well as the policy working groups must then clarify and elaborate on those areas of the policy that remain incomplete or where there is insufficient consensus. To build greater ownership within the government as well as civil society, consultations will be continued with civil society and government officials at the sub-national level. The Drafting Committee will then clarify and modify the policy based on feedback from civil society and government actors.

2) Developing coordinating mechanisms and working groups to support the policy implementation process: The coordinating bodies and working groups mentioned above will be established. To do so, the mandates of the Policy Review Committee and the Policy Drafting Committee will need to be revised. Rules of procedure of each committee, working group as well as for how these committees and working groups interrelate will be drafted.

3) Developing a comprehensive implementation framework: Elements that will be included within this framework are programmes for implementing various aspects of the policy as well as work plans that outline how these programmes will be implemented. Programme documents will include expected activities and outputs, resources needed as well as implementation partners.
Laying the foundation for implementing the policy

<table>
<thead>
<tr>
<th>Refining the Policy</th>
<th>Developing coordinating mechanisms and working groups</th>
<th>Drafting of Laws</th>
<th>Developing a comprehensive implementation framework</th>
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<tbody>
<tr>
<td>• Build consensus within the Policy Drafting Committee or the Policy Review Committee on those areas within the SNG policy that need to be clarified and elaborated upon further</td>
<td>• Revise mandates of Policy Drafting Committee and Policy Reform Committee so that they can support the policy implementation process.</td>
<td>• Draft and amend a number of laws and regulations to support the implementation of the policy, including</td>
<td>• Initiate the process for drafting a comprehensive implementation framework</td>
</tr>
<tr>
<td>• Clarify and elaborate upon those areas of the policy which remain incomplete or where there is insufficient consensus.</td>
<td>• Develop:</td>
<td>- Sub-National Administration Law</td>
<td>• Develop programmes for implementing various aspects of the policy</td>
</tr>
<tr>
<td>• Continue consultations on the policy with civil society and government officials at the sub-national level to elicit their feedback</td>
<td>- Civil Society Coordination Committee</td>
<td>- Provincial Council Law</td>
<td>• Draft programme documents and work plans. They will include</td>
</tr>
<tr>
<td>• Clarify and modify policy based on feedback from civil society and government actors</td>
<td>- Monitoring and Evaluation Sub-Committee</td>
<td>- Municipalities Law</td>
<td>- Expected activities and outputs</td>
</tr>
<tr>
<td>• Develop consensus within the government on the final position the policy takes on these issues</td>
<td>- Sub-Committee of the Law Reform Technical Working Group on Sub-National Governance</td>
<td>- Police Law</td>
<td>- resources needed</td>
</tr>
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<td></td>
<td>- Cabinet Committee on Sub-National Planning and Finance</td>
<td>- CDC By-Law</td>
<td>- implementation partners</td>
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<td></td>
<td>• Establish Working Groups to flesh out how various aspects of the policy are to be implemented.</td>
<td>- Civil Servants Law</td>
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Building Capacity within IDLG to implement the Subnational Governance Policy as a first step of implementing the policy

<table>
<thead>
<tr>
<th>Establish entities within IDLG to support implementation of the policy</th>
<th>Assessing existing strategies and plans relevant for the SNG policy</th>
<th>Developing plans to support implementation of the policy</th>
<th>Mobilizing resources to implement IDLG plans related to policy implementation</th>
<th>Implement plans</th>
<th>Review implementation of programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Further develop and strengthen the Policy Unit within IDLG.</td>
<td>• Assess IDLG’s plans to move forward with mapping of political and administrative boundaries, particularly villages with an eye towards developing a policy for this.</td>
<td>• Develop the plans to implement the IDLG Capacity Building Programme.</td>
<td>• Develop Donor Coordination Committee.</td>
<td>• Roll out campaign for all elected and appointed officials to sign the Code of Conduct and Code of Ethics. Include workshops and awareness campaigns that will enable officials to understand the policy.</td>
<td>• Evaluate plans against visions, targets.</td>
</tr>
<tr>
<td>• Strengthen the Capacity Building Unit within IDLG.</td>
<td>• Review the ASP Programme document and assess how it needs to be amended to be brought into conformity with the SNG policy.</td>
<td>• Develop plans for all elected and appointed sub-national officials to sign the Code of Conduct and Code of Ethics.</td>
<td>• Determine the options and approaches for appropriate and focused funding and donor support to policy implementation.</td>
<td>• Capture key factors of success, lessons learned and best practices.</td>
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<tr>
<td>• Establish a Gender Unit or the position of Gender Advisor within IDLG.</td>
<td>• Revise the IDLG five year capacity building program to bring it in conformity with the SNG policy. Awareness raising associated with the policy should be brought into this programme.</td>
<td>• Developed plans through ASP, making sure that construction under ASP is inline with the policy.</td>
<td>• Designate authority within IDLG to coordinate and monitor donor funding</td>
<td>• M &amp; E Unit within IDLG will need to continuously monitor the implementation of plans developed.</td>
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<td>• Determine which offices need to be provided adequate means of transportation and how to provide it.</td>
<td>• Review arrangements for existing support to IDLG.</td>
<td></td>
<td>• Make adjustments to programmes and projects based on this review.</td>
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<td>- include goals, expected activities, outputs, resources needed, implementation plans.</td>
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Illustrative institutional arrangements that need to be put in place to initiate the implementation of some aspects of this policy are given below:

1) **Counter-Narcotics**

- **Revision of the National Drug Control Strategy (NDCS):** Given that the National Drug Control Strategy is to be amended every five years, those involved in drafting the strategy will need to begin thinking of how the strategy needs to be amended in the coming two years.
Framework for Governors to make expenditures: The mechanism by which Governors will need to make expenditures for AL and eradication will need to be identified.

Review and agree on institutional and organizational commitments: A number of ministries will need to take part in counter-narcotics activities that are implemented at the local level. Which ministry carries out which responsibility needs to be agreed upon amongst the ministries.

2) Disaster Management

Framework for Governors to make expenditures: The mechanism by which Governors will need to make expenditures for Disaster Management will need to be identified.

Development of Disaster Management Committees: Disaster Management Committees will be established at the Provincial, District, Village and Municipal Levels. Who will be the members of these committees as well as how this membership will transition from the period before district and village councils are elected until the period after which they are elected needs to be determined.

Ministries prepared for disasters: Ministries will need to determine the role they should play in case of disasters. Through meetings of the Disaster Management Committees determine the role of each ministry must be determined. In so doing, the Committee must ensure that all relevant issues for disaster management in their respective areas are covered by the ministries present.

Policy for mainstreaming disaster management: Many natural events become natural disasters because insufficient steps have been taken to mitigate the impacts of disasters. Which ministries are responsible for handling which mitigating actions must be determined.

3) Local Economic Development

Reviewing the legal basis for local investment funds: The legal basis for local investment funds must be investigated. There are preliminary indications that there is no legal basis for the development of such funds. In the likely event that this legal basis is not there, the stream of work needed to develop the legal basis must be initiated.

Identifying institutions to carry out vocational training: Institutions that can sustainably carry out the vocational training necessary for local economic development must be identified. These institutions must also ensure that they will receive adequate budget support to carry out such vocational training in a sustainable manner.
• **Ensuring access to capital:** This initiative will include the development of capital registries, which would be structured as economic enterprises. Therefore, the basis for their ownership and management must be established.

• **Creating the necessary public infrastructure for businesses to develop:** The Economic Governance Sub-Committee of the PDC should facilitate private sector development, particularly by ensuring that the interests of companies are addressed in the sub-national development planning process.

• **Creating an environment conducive to business:** The public grievance system developed at the sub-national level must be broadened to handle grievances from companies. Furthermore, a system for gathering and analyzing performance data regarding processes relevant to the business environment, such as the time to receive a license to open a business, should be put in place.
Monitoring and Evaluation of the Implementation of the Policy for Sub-National Governance

- A policy monitoring and evaluation system will be developed: The IDLG will design and implement a monitoring and evaluation system for policy implementation. The Deputy Minister for Policy in IDLG will be responsible for overseeing this system. The Head of Monitoring and Evaluation within the Policy Unit of IDLG and Director, Policy of IDLG will assist the Deputy Minister for Policy in this work.

- Monitoring and Evaluation tools will be developed and utilized: This system will utilize a number of tools that will be developed to monitor the implementation of the policy, including policy implementation appraisals, public consultations and opinion polls. These tools will be consistently used across all provinces to ensure a standardized set of tools and data to be assessed across provinces. A centralized database will be developed at the central level, but will also be accessible in the provinces. It will serve as a mechanism for storing and disseminating all relevant data.

- Monitoring and Evaluation Departments in each province: Each Provincial Governor’s office will have a Monitoring and Evaluation Cell that will monitor if the policy is being implemented effectively as well as its impact. These Monitoring and Evaluation Cells will report directly to the Head of Monitoring and Evaluation within the Policy Unit of IDLG.

- Inter-ministerial committees at Minister, Deputy Minister and Policy Director levels will oversee the implementation of this policy. The members will include all the government ministries and agencies responsible for implementing the policy. The Head of Monitoring and Evaluation within the Policy Unit of IDLG will report to this Committee through Deputy Minister Policy of the IDLG.
VII. ANNEXURES

I. Code of Conduct for appointed sub-national civil servants

Purpose

• This Code of Conduct (hereinafter referred to as the Code) shall regulate the conduct of the civil servants while exercising a public function.

• The goal of this Code is to establish norms of conduct for civil service and to inform citizens about the expected conduct for the purpose of improving the quality of the civil service; ensuring a better administration in promoting the public interest; contributing to prevention and elimination of corruption in the public administration, as well as creating an environment that would enhance citizens’ trust in the public authority.

• This Code shall be observed in letter and spirit. If national legislation contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

• The norms of conduct stipulated in this Code shall be considered mandatory for all civil servants.

• The civil servants shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

• Any infringement of this Code shall result into a disciplinary action falling under the provisions of the legislation on public function and statute of the civil servant.

• Civil servants who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

• The term “appropriate authorities or organs vested with reviewing and remedial power” refers to any authority or organ existing under national law, whether related to the institution or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

• It is understood that civil servants shall not suffer any administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.
Principles of civil servant's conduct

While exercising a public function, the civil servant shall be guided by the following principles:

1. legality;
2. impartiality;
3. independence;
4. professionalism; and
5. loyalty.

Legality

- While performing his/her duties, the civil servant shall observe the Constitution of the Islamic Republic of Afghanistan, the legislation in force and the international treaties the Islamic Republic of Afghanistan is committed to.
- The civil servant, who believes that he/she is required or obliged to act illegally or in breach of norms of conduct shall report the matter to his/her superiors.

Impartiality

- The civil servant shall approve decisions and take actions in an impartial, non-discriminatory and equal manner, without giving priority to some persons or groups of persons based on ethnical origin, language, religion, gender, opinion, political affiliation, property or social origin.
- The civil servant is expected to be respectful, impartial, honest and courteous in his/her relations with the public, as well as in relations with his/her superiors, colleagues and subordinate staff.
- The civil servant shall not make natural or legal persons, including other civil servants, behave illegally, taking advantage of the official position he/she holds.

Independence
• The political affiliation of the civil servant shall not influence his/her conduct and decisions, as well as the policies, decisions, and actions of public authorities.

• While performing his/her duties, the civil servant shall not:
  ➢ use administrative resources for supporting electoral candidates;
  ➢ post signs or objects with signs or names of political parties or their candidates in the premises of public authorities; and
  ➢ establish or contribute to the establishment of subdivisions of political parties within public authorities.

**Professionalism**

• The civil servant shall perform his/her duties with responsibility, and shall demonstrate competence, efficiency, promptness, and correctness.

• The civil servant shall be accountable for the performance of his/her duties to his/her immediate superior, hierarchical superiors and the public authority he/she works for.

**Loyalty**

• The civil servant shall serve loyally the public authority he/she works for, as well as the legal interests of the civil servants.

• The civil servant shall abstain from any action or fact that can prejudice the image, prestige or legal interests of the public authority.

**Civil servant’s norms of conduct**

**Access to information**

• Based on the competences attributed to him/her under the legislation on access to information, the civil servant shall:

  ✓ inform the citizens about issues of public interest in an active, fair and timely manner;
  ✓ guarantee free access to information; and
✓ observe the timeframes for delivering the information set by the relevant national legislation.

Use of public resources

- The civil servant shall ensure that the public property is protected against any prejudice.
- The civil servant shall use his or her working hours as well as the property of public authority only while performing duties specific to the position held.
- The civil servant shall ensure, in exercise of his/her powers, that public financial resources are managed efficiently and according to their destination.
- The civil servant shall not use public property for carrying on activities of personal interest or other nature prohibited by law.

Conduct in international relations

- The civil servant representing a public authority in international organizations, educational institutions, conferences, seminars, and other activities shall have a conduct that does not prejudice the image of Afghanistan and public authority he/she represents.
- The civil servant undertaking a business trip outside the country shall have a conduct that complies with protocol rules and shall observe the laws of the host country.
- While building relations with the representatives of other states, the civil servant shall not express personal opinions regarding national issues or international disputes.

Gifts and favours

- The civil servant shall not request or accept gifts, benefit from services, favours or any other advantages for himself/herself, his/her family, relatives, friends, natural and legal entities with which he/she has had business or political relations that may impair his or her ability to perform public duties and that may be considered a reward for performing his/her duties.
- The gifts received through violation of paragraph shall be given to the government.
- If the civil servant is being offered an undue advantage, he/she shall take the following steps to protect himself/herself:
1. refuse the undue advantage; it shall not be accepted for being subsequently used as evidence;
2. try to identify the person who made the offer;
3. have witnesses, for example colleagues;
4. record as many details as possible about the attempt in an official registry/notebook;
5. immediately report about the attempt to his/her supervisor or directly to the competent authorities; and
6. continue to perform the work normally, particularly the activity for which the undue advantage has been offered.

Conflict of interests

- The civil servant shall avoid any conflict of interest.
- Any conflict of interest declared by the candidate to a public position shall be resolved before his/her appointment.
- The procedure of declaring and settling conflicts of interest shall be regulated by the legislation on conflict of interest.

Obligations of the civil servant holding a management position

- The civil servant holding a management position shall promote and ensure observance of the rules of conduct by the subordinated civil servants.
- While performing the management duties, the civil servant shall:

1. ensure equal treatment and opportunities for all subordinated civil servants in career development;
2. examine and objectively apply assessment criteria for evaluating the professional competence of the subordinated staff when proposing or approving promotions, transfers, appointments or dismissals from public functions, and providing pecuniary or non-pecuniary incentives, and shall exclude any favours or discrimination;
3. avoid discriminatory, family relationship, or other criteria in breach of the Code for access to or promotion into a public function; and

4. take necessary actions to prevent corruption among subordinated civil servants, as well as to bear responsibility for the failures as a result of a bad performance of the respective actions;

5. while the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one’s duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these ones the act has been committed or omitted; and

6. the expression “act of corruption” referred to above should be understood to encompass attempted corruption.
ANNEXURE II

II. Code of Conduct for elected sub-national officials

PURPOSE: The purpose and intent of this Code of Conduct is to establish guidelines for ethical and interpersonal standards of conduct for Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors.

STANDARDS OF CONDUCT

1. Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall at all times seek to advance the common good of the citizens and community environment which they serve.

2. Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.

CONDUCT TO BE OBSERVED

1. Conduct following election and selection

Following the election and upon assuming of the office all the Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall publicly share financial details about their personal assets and moveable and immovable properties.

All Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall publicly share details and changes with regards to their current financial status and ownership of properties once a year i.e. on the last day of the Solar Year. Monitoring of this process shall be conducted by the Government supported by an institutional structure for this particular purpose. Government will make this information public. Government will make this information publicly available i.e. the information will be available for public inspection throughout the year.
2. Foster respect for decision-making process

All Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall accurately and adequately communicate the decisions of the Council, even if they disagree with Council’s decision, such that respect for the decision-making processes is fostered.

3. Release of information to public and media

Members of Council acknowledge that official information related to decisions and resolutions made by Council will normally be communicated to the community and the media by the Council as a whole or by the Head of Council or by his or her designate.

4. Acceptance of gifts prohibited

Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall not solicit, accept, offer or agree to accept a commission, reward, gift advantage or benefit of any kind, personally or through a family member or friend, which is connected directly or indirectly with the performance or duties of office.

5. Engaging in incompatible activity prohibited

Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall not:

- use any influence of office for any purpose other than official duties;
- use any information gained in the execution of office that is not available to the general public for any purpose other than official duties;
• place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment;
• give preferential treatment to any person or organization in which they have a financial interest;
• influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which they have a financial interest; and
• Use corporate materials, equipment, facilities or employees for personal gain or for any private purpose.

6. Avoidance of waste

Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which they are aware.

INTERPERSONAL BEHAVIOUR BY THE MEMBERS OF THE COUNCIL

1. Treat every person with dignity, understanding and respect

Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall abide by the provisions of the Human Rights Principles and, in doing so, shall treat every person, including other Members of the Council, Government employees, individuals providing services on a contract for service, and the public, with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

Not to discriminate - in accordance with the Human Rights Principles, Elected Members of Provincial, District, Municipal and Village Councils and Elected Mayors shall not discriminate against anyone on the basis of their ancestry, place of origin, ethnic origin and sex.

By signing this policy, I state that I have read and fully understand the contents of the Code of Conduct. My signature is in support of the policy and my contractual agreement that I will follow and abide by the Code in good faith.
Code of ethics for elected members of the Provincial Council

(Code of ethics for members of District, Village and Municipal Councils will be based on this code)

In the name of Allah, the Merciful, the Compassionate

Article 1

1. I shall obey and uphold the provisions of the Constitution, the Law on Provincial Councils and other laws of Afghanistan.

2. I shall implement these provisions in the interest of the citizens of Afghanistan.

3. I shall at all times advance the common good of the citizens.

4. I shall not use my position to advance my own ethnic, linguistic or religious interests.
5. The interest of my country and the interest of the public are more important than my own interest, the interest of my tribe, ethnic group or my own language speakers.

6. I shall exercise my authority to the best of my knowledge and ability.

Article 2

1. I shall publicly declare financial value of my personal assets and liabilities and moveable and immovable property within 30 days of signing this code.

2. I shall publicly declare changes with regards to my current financial status and ownership of property every year on the last day of the Solar Year.

3. I agree and allow the Council to publish the details submitted by me under paragraphs 1 & 2 on the public notice board of the Council, in the Council’s journal and through media.

4. I agree and allow the Government to publish the details submitted by me under paragraphs 1 & 2 for information of the public.

Article 3

1. I shall respect and uphold a decision of the Provincial Council even if I disagree with Council’s decision.

2. I shall participate actively in the meetings of the Council to achieve the objective of the law governing the Council.

3. I shall remain available and accessible to the people whom the Council serves.

4. I acknowledge that official information related to decisions made by Provincial Council will be communicated to the public and the media by
Policy on Sub national Governance

a) the Council as a whole,
b) the Head of Council or
c) member designated by the Head.

Article 4

1. I shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit which is connected directly or indirectly with the performance or my duties
   a) personally
   b) through a family member
   c) through a friend
   d) through any other person or
   e) through any means or source.

2. I shall not engage in any activity which may be inconsistent with the ethical discharge of my duties.

Article 5

1. I shall not use my authority for any purpose other than my official duties.

2. I shall not use any information gained, as a member and which is not available to the general public, for any purpose other than official duties.

3. I shall not place myself in a position of obligation to any person with whom or organization with which I may have a conflict of interest.

4. I shall not give preferential treatment to any person or organization in which I have a financial or personal interest.

5. I shall not influence any administrative or Provincial Council decision or decision-making process involving any person or organization in which I have a financial or personal interest.
Article 6

1. I shall avoid waste, abuse and extravagance in the use of public resources.

2. I shall not use Council’s materials, equipment, facilities or employees for personal gain or for my private purpose.

3. I shall expose corruption which I discover.

Article 7

1. I shall protect the human rights of the citizens. If I observe or notice any human right violation, I shall take all steps to subject the violator to legal action and to provide relief to the victim.

2. I shall treat every man, woman and a child with dignity and respect.

3. I shall not discriminate against anyone on the basis of their ethnic origin, religion, language, gender and disability.

Article 8

1. I shall not cultivate poppy and other illicit crops.

2. I shall strive to prevent others from cultivation of poppy and other illicit crops.

3. I shall not engage in trade of illicit drugs.

4. I shall strive to prevent others from trade in illicit drugs.

5. I shall encourage alternative livelihood.
Article 9

1. I shall not follow the customs and traditions contrary to the law and contrary to Islamic Sharia such as
   a) forced marriage,
   b) child marriage,
   c) payment of toyana at the time of engagement and marriage,
   d) violence against women and children, and
   e) exchange of girls for settlement of disputes.

2. I shall strive to prevent others from engaging in customs and traditions stated in paragraph 1.

Article 10

I shall protect the environment and make sustainable use of natural resources and encourage others to do so.

Article 11

I shall protect the cultural heritage and encourage others to do so.

Article 12

1. By signing this code, I state that I have read and I fully understand the contents of this code.

2. My signature is in support of
   a) the code and
   b) my agreement that I will abide by the code.
3. I know, according to law, I may lose my membership if I violate any of the articles of this code of ethics.

Council Member’s Signature

Council Member’s Name: ________________________________

Name of the Council: ________________________________

Date: ________________________________

Place: ________________________________

Stamp of the Council

Signature Head or Secretary of the Council

Name of Head or Secretary of the Council: ________________________________

Date: ________________________________
Code of ethics for the Mayors of Municipalities

In the name of Allah, the Merciful, the Compassionate

Article 1

1. I shall obey and uphold the provisions of the Constitution, the Law on Municipalities and other laws of Afghanistan.

2. I shall implement these provisions in the interest of the citizens of Afghanistan.

3. I shall at all times advance the common good of the citizens.

4. I shall not use my position to advance my own ethnic, linguistic or religious interests.

5. The interest of my country and the interest of the citizens of my City are more important than my own interest, the interest of my tribe, ethnic group or my own language speakers.

6. I shall exercise my authority to the best of my knowledge and ability.

Article 2

1. I shall publicly declare financial value of my personal assets and liabilities and moveable and immovable property within 30 days of signing this code.
2. I shall publicly declare changes with regards to my current financial status and ownership of property every year on the last day of the Solar Year.

3. I agree and allow the Municipal Council to publish the details submitted by me under paragraphs 1 & 2 on the public notice board of the Council, in the Council’s journal and through media.

4. I agree and allow the Government to publish the details submitted by me under paragraphs 1 & 2 for information of the public.

Article 3

1. I shall respect and uphold a decision of the Municipal Council even if I disagree with Council’s decision.

2. I shall cooperate with the Municipal Council to achieve the objectives of the Law on Municipalities.

3. I shall remain available and accessible to the people of my City.

Article 4

1. I shall not solicit, accept, offer or agree to accept a commission, reward, gift, advantage or benefit which is connected directly or indirectly with the performance or my duties
   a) personally
   b) through a family member
   c) through a friend
   d) through any other person or
   e) through any means or source.
2. I shall not engage in any activity which may be inconsistent with the ethical discharge of my duties.

Article 5

1. I shall not use my authority for any purpose other than my official duties.

2. I shall not use any information gained, as a Mayor and which is not available to the general public, for any purpose other than official duties.

3. I shall not place myself in a position of obligation to any person with whom or organization with which I may have a conflict of interest.

4. I shall not give preferential treatment to any person or organization in which I have a financial or personal interest.

5. I shall not influence any administrative or Municipal Council decision or decision-making process involving any person or organization in which I have a financial or personal interest.

Article 6

1. I shall avoid waste, abuse and extravagance in the use of public resources.

2. I shall not use the municipality’s materials, equipment, facilities or employees for personal gain or for my private purpose.

3. I shall expose corruption which I discover.

Article 7

1. I shall protect the human rights of the citizens. If I observe or notice any human right violation, I shall take all steps to subject the violator to legal action and to provide relief to the victim.
2. I shall treat every man, woman and a child with dignity and respect.

3. I shall not discriminate against anyone on the basis of their ethnic origin, religion, language, gender and disability.

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Article 11

I shall protect the cultural heritage and encourage others to do so.

Article 12

1. By signing this code, I state that I have read and I fully understand the contents of this code.

2. My signature is in support of
   a) the code and
   b) my agreement that I will abide by the code.

3. I know, according to law, I may lose my position of Mayor if I violate any of the articles of this code of ethics.

Mayor’s Signature
Mayor’s Name: _____________________________________________
Name of the Municipality: _____________________________________________
Date: _____________________________________________
Place: _____________________________________________

Stamp of the Council
Signature Head of the Municipal Council
Name of Head of the Municipal Council: _________________________
Date: _____________________________________________

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###ANNEXURE III

####III. List of sub-national jurisdictions

**List of Provinces and Districts**

<table>
<thead>
<tr>
<th>SN</th>
<th>Provinces</th>
<th>Province Center</th>
<th>Total No. of Districts</th>
<th>Name of District</th>
<th>Population as on 01/07/2004 CSO Estimate</th>
<th>No. of Villages</th>
</tr>
</thead>
</table>
| 1  | **Badakhshan**  
    (Land Area 6.87%  
    Population 3.50%)  
    (Vacant Villages: 7) 
    (Demolished: 18)  
    (Sub-villages: 57) | Badakhshan City | 27                   | Argo                        | 83999                                    | 143            |
|    |            |                 |                       | Arghanj Khwah               | 14741                                    | 46             |
|    |            |                 |                       | Baharak                     | 33012                                    | 40             |
|    |            |                 |                       | Darayim                     | 37983                                    | 64             |
|    |            |                 |                       | Darwazi Payin Mamay         | 22848                                    | 72             |
|    |            |                 |                       | Darwazi Balai Nesay        | 26986                                    | 76             |
|    |            |                 |                       | Ishkashim                   | 12566                                    | 43             |
|    |            |                 |                       | Jurm                        | 51714                                    | 73             |
|    |            |                 |                       | Kiran Wa Munjan             | 8084                                     | 40             |
|    |            |                 |                       | Kishm                       | 71262                                    | 82             |
|    |            |                 |                       | Khash                       | 15436                                    | 21             |
|    |            |                 |                       | Khwahan                     | 14235                                    | 42             |
|    |            |                 |                       | Kohistan                    | 15586                                    | 95             |
|    |            |                 |                       | Kufab                       | 20835                                    | 54             |
|    |            |                 |                       | Raghistan                   | 28927                                    | 110            |
|    |            |                 |                       | Shiki                       | 18105                                    | 39             |
|    |            |                 |                       | Shahri Buzurg                | 45419                                    | 70             |
|    |            |                 |                       | Sighnan                     | 22939                                    | 55             |
|    |            |                 |                       | Shubada                     | 26430                                    | 59             |
|    |            |                 |                       | Tagab                       | 24375                                    | 55             |
|    |            |                 |                       | Tishkan                     | 26850                                    | 56             |
|    |            |                 |                       | Wakan                       | 11657                                    | 97             |
|    |            |                 |                       | Warduj                      | 19609                                    | 43             |
|    |            |                 |                       | Yaftali Payin               | 48425                                    | 77             |
|    |            |                 |                       | Yamgan ( Girwan )           | 22533                                    | 43             |
|    |            |                 |                       | Yawan                       | 27317                                    | 70             |
|    |            |                 |                       | Zebak                       | 6466                                     | 24             |
|    |            |                 |                       | Total                       | 819396                                   | 1793           |

| 2  | **Badghis**  
    (Land Area 3.19%  
    Population 2.20%)  
    Vacant Villages: 18 | Qala-e-Naw City | 6                   | Abi Kamari                  | 81,843                                   | 137            |
|    |            |                 |                       | Bala Murghab                | 109,381                                  | 132            |
|    |            |                 |                       | Ghormach                    | 52,566                                   | 96             |
|    |            |                 |                       | Qala -e- Naw City           | 69,349                                   | 85             |
Policy on Sub-national Governance

<table>
<thead>
<tr>
<th>District</th>
<th>Province</th>
<th>Land Area</th>
<th>Population</th>
<th>Vacant Villages</th>
<th>Demolished</th>
<th>Sub-villages</th>
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<tbody>
<tr>
<td>Baghlan</td>
<td>Balkh</td>
<td>2.80%</td>
<td>3.20%</td>
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<td>136</td>
<td></td>
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</tr>
</tbody>
</table>

| Sub-villages: 1   | Jawand   | 77,635    | 320        |                 |            |              |
| Sub-villages: 320 | Muqur     | 20,480    | 37         |                 |            |              |
| Sub-villages: 156 | Qadis     | 88,139    | 156        |                 |            |              |
| Total             |          | 449,393   | 963        |                 |            |              |

| Sub-villages: 23  | Andarab  | 19,642    | 68         |                 |            |              |
| Sub-villages: 165 | Baghlan Jadid | 119,604 | 165        |                 |            |              |
| Sub-villages: 93  | Burk     | 39,118    | 93         |                 |            |              |
| Sub-villages: 85  | Dahana-i-Ghuri | 43,153 | 85         |                 |            |              |
| Sub-villages: 81  | Dih Salah | 29,098   | 81         |                 |            |              |
| Sub-villages: 130 | Dushi     | 57,160    | 130        |                 |            |              |
| Sub-villages: 28  | Firingi Gharoo | 15,552 | 28         |                 |            |              |
| Sub-villages: 20  | Guzargah-e-Noor | 9,568   | 20         |                 |            |              |
| Sub-villages: 73  | Khinjan   | 26,344    | 73         |                 |            |              |
| Sub-villages: 52  | Jilga     | 25,058    | 52         |                 |            |              |
| Sub-villages: 133 | Khost wa Firing | 56,678 | 133        |                 |            |              |
| Sub-villages: 122 | Nahrin    | 57,509    | 122        |                 |            |              |
| Sub-villages: 56  | Puli Hisar | 22,196   | 56         |                 |            |              |
| Sub-villages: 83  | Tala wa Barfak | 29,370 | 83         |                 |            |              |
| Total             |          | 741,690   | 1347       |                 |            |              |

| Sub-villages: 1   | Balkh    | 97,055    | 116        |                 |            |              |
| Sub-villages: 161 | Chimtal  | 81,311    | 161        |                 |            |              |
| Sub-villages: 109 | Char Bolak | 69,975 | 109        |                 |            |              |
| Sub-villages: 79  | Char Kent | 32,306   | 79         |                 |            |              |
| Sub-villages: 82  | Dawlat Abad | 79,638 | 82         |                 |            |              |
| Sub-villages: 58  | Dehdadi  | 66,009    | 58         |                 |            |              |
| Sub-villages: 13  | Kaldar   | 17,932    | 13         |                 |            |              |
| Sub-villages: 34  | Khulm     | 49,207    | 34         |                 |            |              |
| Sub-villages: 166 | Kishindeh | 49,083   | 166        |                 |            |              |
| Sub-villages: 7   | Marmul   | 9,510     | 7          |                 |            |              |
| Sub-villages: 19  | Nahri Shahi | 38,791 | 19         |                 |            |              |
| Sub-villages: 110 | Sholgara  | 85,269    | 110        |                 |            |              |
| Sub-villages: 19  | Shortepa  | 30,314    | 19         |                 |            |              |
| Sub-villages: 152 | Zari      | 42,367    | 152        |                 |            |              |
| Total             |          | 1,123,948 | 1125       |                 |            |              |

| Sub-villages: 11  | Kahmard  | 31,042    | 48         |                 |            |              |
| Sub-villages: 440 | Panjab   | 48,397    | 440        |                 |            |              |
| Sub-villages: 57  | Saighan  | 23,215    | 57         |                 |            |              |
| Sub-villages: 128 | Shebar   | 22,933    | 128        |                 |            |              |
| Sub-villages: 643 | Waras    | 82,119    | 643        |                 |            |              |
| Sub-villages: 351 | Yakawlang | 66,158 | 351        |                 |            |              |
| Total             |          | 343,892   | 1826       |                 |            |              |
### Policy on Subnational Governance

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
<th>Population</th>
<th>Vacant Villages</th>
<th>Demolished</th>
<th>Sub-villages</th>
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Policy on Sub-national Governance
### Jawzjan
- **Land Area**: 1.73%
- **Population**: 1.80%
- **Vacant Villages**: 5
- **Demolished Villages**: 21
- **Sub-villages**: 2

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### Kabul
- **Land Area**: 0.69%
- **Population**: 10.50%
- **Vacant Villages**: 2
- **Demolished Villages**: 34
- **Sub-villages**: 12

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### Kandahar
- **Land Area**: 8.40%
- **Population**: 3.90%
- **Vacant Villages**: 69
- **Demolished Villages**: 38
- **Sub-villages**: 3

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### Policy on Subnational Governance

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### Total
- **Kunduz**: 413,008 (763)
- **Laghman**: 382,280 (617)
- **Logar**: 322,704 (652)
- **Nimroz**: 117,991 (337)
- **Nangarhar**: 117,991 (337)

---

**Kunduz City**
- **Ali Abad**: 38,522 (58)
- **Char Dara**: 61,587 (54)
- **Dashti Archi**: 57,150 (121)
- **Hazrat Imam Sahib**: 199,186 (145)
- **Khan Abad**: 114,743 (143)
- **Qala-i-Zal**: 54,749 (35)

**Laghman City**
- **Alinigar**: 89,716 (112)
- **Alishing**: 68,153 (138)
- **Dawlat Shah**: 40,887 (70)
- **Qarghayi**: 70,668 (139)

**Logar City**
- **Azra**: 14,550 (55)
- **Baraki Barak**: 78,063 (132)
- **Charkh**: 40,492 (60)
- **Khar War**: 26,607 (53)
- **Khushi**: 15,127 (49)
- **Mohammad Agha**: 58,979 (110)

**Nimroz City**
- **Asl-i-Chakhansoor**: 11,165 (80)
- **Char Burjak**: 8,080 (59)
- **Kang**: 13,514 (59)
- **Khashrod**: 35,381 (59)

**Nangarhar City**
- **Achin**: 95,468 (156)
- **Bati Kot**: 71,308 (48)
- **Bihisud**: 118,934 (71)
- **Chaparhar**: 57,339 (55)
- **Dari Nur**: 28,202 (44)
- **Dur Baba**: 13,479 (42)
- **Dih Bala**: 33,294 (59)
- **Goshta**: 31,130 (49)
- **Hisarak**: 28,376 (95)
- **Kama**: 52,527 (64)
- **Khugyani**: 111,479 (146)
- **Kot**: 52,154 (37)
- **Kuz Kunar**: 42,823 (53)
- **Lal Pur**: 18,997 (20)
- **Muhammad Dara**: 42,103 (39)
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## Policy on Sub-national Governance

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Total: 364 districts with a population of 3,055,260 people.
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### Policy on Sub-national Governance

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**List of Nahias i.e. Municipal Districts**

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VIII. WORKING GROUP PROCESS

1. Presidential Decree

Decree on Drafting and Reviewing of the Sub National Governance Policy

No: 1047
Date: 11 May 2008

Pursuant to Articles 136 and 137 of the Constitution and transaction No. 46 of the Council of the Ministers dated 18 March 2008, I approve the establishment of the following two committees for the purposes of improving coordination among the sub national entities and, developing sub national governance policy that aims at concurrent progress in social, economic and security sectors and creates a unified framework of sub national governance entities:

1. Policy Drafting Committee to draft the Sub National Governance Policy:

- Chairperson: Deputy Director (Policy), IDLG.
- Members:
  - Deputy Ministers of:
    - Agriculture, Irrigation and Livestock
    - Communications and Information Technology
    - Counter Narcotics
    - Economy
    - Finance
    - Interior
    - Justice
    - Labor, Social Affairs, Martyrs and Disabled
    - Mines and Industries
    - Public Health
    - Public Works
    - Rural Rehabilitation and Development
Policy on Sub national Governance

- Urban Development
- Women’s Affairs

- Deputies of:
  - Independent Election Commission
  - GIAAC (The General Independent Administration for Anti-Corruption)
  - Office of the Mayor, Kabul Municipality
  - Office of Geodesy and Cartography
  - Central Statistical Office

- Authorized Representative of OAA and the Secretariat of the Council of Ministers
- Director of the Secretariat, Independent Administrative Reforms and Civil Service Commission (IARCSC)

2. Policy Review Committee to review the draft Sub National Governance Policy:

- Chairperson: Second Vice President
- Members: The Ministers, Directors of Independent Directorates, Directors of the Commissions

These Committees, having considered the Sub National Governance in a comprehensive manner, are mandated to draft, review and then submit the Afghanistan Sub National Governance Policy to the Council of Ministers for approval by the end of Mizan SY 1387 (by 21 October 2008).

3. IDLG is authorized to monitor the implementation of this Decree.

4. With issuance of this Decree, the earlier Decree No. 855 dated 30 April 2008 is annulled.

Hamid Karzai
President of the Islamic Republic of Afghanistan
2. JCMB Benchmarks on Sub-National Governance

AFGHANISTAN COMPACT BENCHMARKS December 2007 (1386)
SECTOR 2: GOVERNANCE, RULE OF LAW AND HUMAN RIGHTS DRAFT BENCHMARKS

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<td>2.1A  Sub_National Governance</td>
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(2.1A.1) By end-1388 (20 March 2010), the Government will develop its sub national governance policy and enact laws translating this policy into legally enforceable instruments. The Government will ensure formulation and implementation of sub-national governance policy and, its legal and regulatory framework. This will be done through a national dialogue on sub-national governance and, with technical support of international community. The Government will clarify rules, procedures, functions, inter-relationships and resource allocations for local governance entities i.e. Provinces, Districts, Municipalities and Villages and, their relationship with the Central Government at Kabul by enacting a Law on Local Governance and a Law on Municipal Governance. The Government will enact a law constituting Elected District Councils, Municipal Councils and Village Councils, laying down their powers, responsibilities and financial mechanism.

(2.1A.2) By end-1389 (20 March 2011), Provincial Planning and Budgeting will be established in all the provinces and, these provincial plans and budgets will have integral linkage with national planning and budgeting. Provincial Planning and Budgeting Process will be institutionalized through development of a sub national governance policy.

(2.1A.3) By end-1389 (20 March 2011), the Government will build institutional and administrative capabilities in provincial, district and, municipal administrations to manage basic service delivery through reforming organizational structures, streamlining management processes, developing essential skills and knowledge of civil servants and, improving management of public service delivery.

By Jaddi 1393 (end-2014), a training policy for entire public sector sub national workforce shall be developed and implemented. Institutional arrangements shall be put in place to ensure that each member of the subnational workforce gets trained at least once in two years in organization specific and job specific training along with the generic training.

(2.1A.4) By end-1389 (20 March 2011), the Government will make all preparations to hold elections and constitute elected District Councils, Municipal Councils and Village Councils by holding free, general, secret and direct elections every three years. The Mayors of the municipalities will be elected by free, general, secret, and direct elections. The Government will strengthen the elected sub-national representative bodies enabling them to perform their roles and fulfill their responsibilities towards their constituent citizens. The Government will strengthen the capacity of Elected Councils, support knowledge sharing and exchange among Elected Councils. The Government will establish relationship between Provincial Councils and executive administration at provincial level by law. The Government will enhance the capacity of sub national governing units to undertake conflict-sensitive governance.
(2.1A.5) By Jaddi 1390 (end-2011), female participation in all Afghan sub national governance institutions, including elected and appointed bodies and the civil service, will be strengthened by providing a specific percent reservation of seats by enacting a law of affirmative action. 

Definite mechanisms will be provided for the civil society, especially youth and women to participate in the sub national governance i.e. governance at village, municipal, district and provincial level.
3. Schedule and Terms of Reference*

   - Policy Questionnaires
   - Group Work Sheets and Outputs
   - Policy Analysis
   - Policy Presentations
   - Policy Briefs

5. Working Group on Municipal governance
   - Policy Questionnaires
   - Group Work Sheets and Outputs
   - Policy Analysis
   - Policy Presentations
   - Policy Briefs

6. Working Group on Subnational Planning and Subnational Finance
   - Policy Questionnaires
   - Group Work Sheets and Outputs
   - Policy Analysis
   - Policy Presentations
   - Policy Briefs

7. Research Inputs
   - Research Papers on Local and Urban Governance in Afghanistan
   - The Asia Foundation

8. Stakeholder Comments
   - Ministry Comments
   - International Community Comments
   - Civil Society Comments
   - Comments of Subnational Officials
   - Public Consultation

*Section 3 to 8 mentioned above constitute Book Two of the Policy. These sections contain all the
documents that were generated during the policy making process.

******