THE SUSTAINABILITY OF CDCS

APRIL 2013

This publication was produced by Altai Consulting for review by The World Bank, the MRRD and the IDLG. The authors views expressed in this publication do not necessarily reflect the views of The World Bank, the MRRD or the IDLG.
ACKNOWLEDGEMENTS

This report was prepared by Arezo Malakooti, Matthieu Dillais, Aschkan Abdul-Malek and Eric Davin (Altai Consulting).

Field research teams in Badakhshan, Balkh, Bamiyan and Herat were managed by Atiquullah Sahibzada (Noma Consulting) and included Shingul Kaliwal, Eng. Homayun Mohmand, Eng. Wadood Mohmand and Abdul-Saboor Qaderi. Field research in Helmand and Nangarhar was managed by Emaad Noorhulluda and Mohammed Azim (Altai Consulting).

We gratefully thank Ladissy Ichengula, Makiko Watanabe, Richard Hogg and Naila Ahmed (World Bank) for their valuable inputs and assistance.

We are also indebted to Abdul Rahman Ayubi, Brigitta Bode, Jovitta Thomas (MRRD-NSP), Nader Yama, Sibghat Khan and Abdul Basir Saber (IDLG) as well as to all the Afghan government representatives, policy advisers, NGO workers, academic researchers and community members who shared with us their views on the various themes that this study covers.
# Table of Contents

List of Figures ............................................................................................................................. 4  
List of Tables ............................................................................................................................... 5  
List of Acronyms ......................................................................................................................... 6  

I. Introduction and Methods ......................................................................................................... 7  
   A. Introduction ........................................................................................................................ 10  
   B. Methods ........................................................................................................................... 12  

II. Understanding local governance and service delivery in Afghanistan ................................ 25  
   A. Legal framework for local governance and service delivery ........................................... 25  
   B. Existing local governance and service delivery institutions ............................................. 33  

III. Capacity and legitimacy of CDCs to work as VCs ............................................................... 52  
   A. Perceived performance of CDCs ....................................................................................... 52  
   B. Sources of legitimacy and support for institutionalisation ................................................. 69  
   C. Intermediary conclusions ................................................................................................. 86  

IV. Towards sustainable governance and service delivery ...................................................... 91  
   A. Designing a unified governance body at the village-level: appropriate roles for existing  
      resources ............................................................................................................................... 94  
   B. Assessing frequently mentioned scenarios ..................................................................... 101  
   C. Practical measures for a sustainable governance reform ................................................. 111  

Conclusions and recommendations ............................................................................................. 119  
   A. Conclusions .................................................................................................................... 119  
   B. Implementation timeline ................................................................................................. 121  

Annexes ...................................................................................................................................... 124  
   Annex 1 – Financial Sustainability ...................................................................................... 124  
   Annex 2 – Literature reviewed .......................................................................................... 127  
   Annex 3 – Research instruments – Separate document ...................................................... 130
LIST OF FIGURES

Figure 1 - Sustainability of CDCs: analytical framework ................................................................. 14
Figure 2 - Geographic scope of research .......................................................................................... 15
Figure 3 - Ramifications of the validation or invalidation of the CDC election process for the creation of VCs .................................................................................................................. 28
Figure 4 - Overview of Afghan sub-national entities involved in governance and service delivery ........................................................................................................................................... 33
Figure 5 - District level governance and service delivery structures ................................................. 34
Figure 6 - Sub-district level governance structures ........................................................................... 37
Figure 7 - Geographical and social delineations of Afghan districts .................................................. 38
Figure 8 - Village-level governance actors ...................................................................................... 40
Figure 9 - Template chart for governance actors’ roles analyses ...................................................... 40
Figure 10 - Most commonly cited responsibilities of the Malik – All provinces (n=479) ................. 42
Figure 11 - Classification of provinces covered based on the predominant village governance system ................................................................................................................................................. 42
Figure 12 - Most commonly cited responsibilities of village heads per province (n=128 to 160/province) ........................................................................................................................................... 44
Figure 13 - Most commonly cited responsibilities of the CDC – All provinces (n=696) .................... 45
Figure 14 - Most commonly cited responsibilities of CDCs per province (n=128 to 160/province) ........................................................................................................................................... 46
Figure 15 - Perceptions of the primary roles of the traditional shura – All provinces (n=136) ............ 49
Figure 16 - Perceptions of the performance of CDCs on key governance and service delivery roles (n=352) .......................................................................................................................... 53
Figure 17 - Perceptions of the performance of CDCs in supervising development projects across provinces (n=352) .................................................................................................................. 53
Figure 18 - Perceived performance of CDCs in ensuring linkages with the district government across provinces (n=352) ......................................................................................................... 54
Figure 19 - Perceived performance of CDCs in resolving disputes across provinces (n=352) ............ 55
Figure 20 - Perceived performance of CDCs in determining land boundaries across provinces (n=352) ........................................................................................................................................... 55
Figure 21 - Perceived performance of CDCs in certifying administrative documents across provinces (n=352) ........................................................................................................................................... 56
Figure 22 - Perceived performance of CDCs in ensuring security across provinces (n=352) .............. 56
Figure 23 - Association between experience in maintaining similar sub-projects and sub-project status ................................................................................................................................................... 64
Figure 24 - Association between participation to an NSP/FP O&M training program and project status .................................................................................................................................................. 65
Figure 25 - Association between time of creation of an O&M committee and project status ........... 65
Figure 26 - Comparison of perceived performance of CDC on key development and governance roles across wealth groups .................................................................................................................. 68
Figure 27 - Mapping of sources of legitimacy, authorities and main responsibilities at the community level ......................................................................................................................................................... 70
Figure 28 - “Do you think the CDC should still play a role in the community after the NSP is complete?” – Across provinces .......................................................... 80
Figure 29 - Factors influencing perceptions and relative authority of CDCs (Expanded version) ....................................................................................................................................................................... 86
Figure 30 - Factors determining the perceptions and relative authority of the CDC (condensed version) .................................................................................................................................................. 88
Figure 31 - Controlled classification of provinces covered based on the predominant village governance system ............................................................................................................................................... 90
Figure 32 - “In the future, do you think the CDCs should be involved in the following roles...?” (n=704) .................................................................................................................................................. 97
Figure 33 - Summary implementation timeline for a VC creation process ........................................ 122
LIST OF TABLES

Table 1 - List of Key Informant Interviews conducted .......................................................... 17
Table 2 - Summary of sub-national level KIIs performed ....................................................... 18
Table 3 - Research plan ............................................................................................................ 20
Table 4 - Sample composition for the O&M and CDC studies (Number of communities and respondents) ................................................. 21
Table 5 - List of communities covered and primary characterisation .................................. 22
Table 6 - The three preliminary challenges to an institutionalisation of CDCs to VCs .................. 31
Table 7 - CDC types with regards to perceived level of effort and personal or structural drivers of behaviour .................................................. 60
Table 8 - Who is the most competent at...? ........................................................................... 82
Table 9 - Supports and concerns expressed across provinces relatively to an institutionalisation of the CDC ........................................ 85
Table 10 - Classification of provinces based on development/security ratio, effectiveness of the project cycles and relative authority of the CDC .................................................................................................................. 89
Table 11 - Context characteristics, key problems for a transition from CDCs to VCs .......................................................................................... 93
Table 12 - Summary of frequently mentioned approaches to a reform of sub-national governance structures ............................................. 102
Table 13 - Sub-national governance reform scenarios analysis framework ........................................ 105
Table 14 - Pure status quo scenario cost-risk-benefit analysis ............................................. 106
Table 15 - Development CDC scenario cost-risk-benefit analysis ......................................... 107
Table 16 - CDCs to VCs scenario cost-risk-benefit analysis ................................................... 109
Table 17 - Local governance reform scenario assessment summary ........................................ 110
Table 18 - Proposed measures for an optimal resolution of primary and subsidiary local governance challenges .......................................... 111
Table 19 - VC annual budget estimate (based on Robert Searle 2010) .................................... 125
Table 20 - Simplified budget option for future VCs ................................................................. 127
Table 21 - Indicative list of bibliographical references .......................................................... 127
### LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AOG</td>
<td>Armed Opposition Groups</td>
</tr>
<tr>
<td>ASOP</td>
<td>Afghan Social Outreach Program</td>
</tr>
<tr>
<td>CCDC</td>
<td>Cluster of Community Development Councils</td>
</tr>
<tr>
<td>CDC</td>
<td>Community Development Councils</td>
</tr>
<tr>
<td>DCC</td>
<td>District Coordination Councils</td>
</tr>
<tr>
<td>DDA</td>
<td>District Development Assembly</td>
</tr>
<tr>
<td>DDP</td>
<td>District Development Plan</td>
</tr>
<tr>
<td>DG</td>
<td>District Governor</td>
</tr>
<tr>
<td>DGO</td>
<td>District Governor Office</td>
</tr>
<tr>
<td>GiRoA</td>
<td>Government of Afghanistan</td>
</tr>
<tr>
<td>FP</td>
<td>Facilitating Partner</td>
</tr>
<tr>
<td>IARSCC</td>
<td>Independent Administrative Reform and Civil Service Commission</td>
</tr>
<tr>
<td>IDLG</td>
<td>Independent Directorate of Local Governance</td>
</tr>
<tr>
<td>KII</td>
<td>Key Informant Interview</td>
</tr>
<tr>
<td>MHPP</td>
<td>Micro-Hydro Power Plant</td>
</tr>
<tr>
<td>MRRD</td>
<td>Ministry of Rural Rehabilitation and Development</td>
</tr>
<tr>
<td>NABDP</td>
<td>National Area Based Development Programme</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>NPU</td>
<td>National Policy for Unified District and Village Government</td>
</tr>
<tr>
<td>NSP</td>
<td>National Solidarity Program</td>
</tr>
<tr>
<td>NSP OM</td>
<td>NSP Operation Manual</td>
</tr>
<tr>
<td>PEAC</td>
<td>Provincial Establishment and Assessment Committee</td>
</tr>
<tr>
<td>PG</td>
<td>Provincial Governor</td>
</tr>
<tr>
<td>PGO</td>
<td>Provincial Governor Office</td>
</tr>
<tr>
<td>SNG</td>
<td>Sub-National Governance</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
</tr>
<tr>
<td>VC</td>
<td>Village Councils</td>
</tr>
<tr>
<td>WSN</td>
<td>Water Supply Network</td>
</tr>
</tbody>
</table>
I. EXECUTIVE SUMMARY

A. INTRODUCTION AND RESEARCH OBJECTIVES

In 2003, the Ministry of Rural Rehabilitation and Development (MRRD), with the support of The World Bank and a broad range of other international donor agencies, initiated the National Solidarity Program (NSP). The NSP was a Community Driven Development (CDD) programme designed (i) to provide public services and development opportunities to rural communities and (ii) to form local representative institutions called Community Development Councils (CDCs). Completion of the NSP is planned for 2015 but after that point, the legal status and future existence of CDCs remains uncertain. A substantial question remains regarding how to consolidate the investments and progress made under NSP.

In September 2012, The World Bank, the MRRD and the Independent Directorate of Local Governance (IDLG) tasked Altai Consulting to conduct a study of governance and service delivery structures in Afghan communities. In particular, the research team focused on perceptions of CDCs and explored new avenues to guarantee the continuity of governance and service delivery to the population of Afghanistan by defining the legal, financial and political conditions that would guarantee the legitimacy, sustainability and effectiveness of community-level governance structures.

B. KEY FINDINGS

1. UNDERSTANDING LOCAL GOVERNANCE AND SERVICE DELIVERY IN AFGHANISTAN

The analysis of the legal framework¹ for community governance and service delivery structures identified three primary challenges requiring consideration for any re-arrangement of the current local governance structure in the specific context of Afghanistan:

i. **Definition challenge**: the difficulty to define appropriate roles with regards to local needs, available and realistically attainable capacity and the legitimacy across actors of the community;

ii. **Harmonisation challenge**: the difficulty to create a unique framework while generating equal local buy-in with regards to the diversity of contexts encountered, i.e. the diversity of institutional configurations of sub-national governance and service delivery but also the diversity of socio-cultural and economic situations;

iii. **Election challenge**: the difficulty to organise elections in a cost efficient manner with respect to the provisions of the law and of the constitution.

Results from the field indicate that the current village governance structure is most often two-headed, with the village head – also called Malik, Arbab, Qaryadar depending on the context - and the CDC

¹ This analysis took into consideration the legal provisions of the Afghan Constitution, which provisions for the creation of formal Village Councils, the Afghan Electoral Law (2010) and the Sub-National Governance Policy (SNGP, 2010) related to the composition and roles CDCs. It also includes a review of the CDC By-Law of 2006.
sharing authority at the top. This arrangement varies in local configurations that range from a complete control of the Malik over the CDC to the dismissal of the Malik by the CDC. In between, the relationship between the Malik and the CDC ranges from stark opposition to a fruitful cooperation. Across the different configurations, the traditional elders typically provide a consultative role for dispute resolution and in some cases for linking the community with the government, local development and security.

The fieldwork identified three main shortcomings of the current village institutions:

i. Lack of accountability at the village level, with villagers seemingly unable to voice their discontent with potential abuses from local leadership;

ii. Lack of capacity and resources at the village level;

iii. Lack of clear avenues to link the community and the government since the current arrangement has created two concurrent avenues, with an IDLG/Malik governance structure competing with the MRRD/DDA/CDC governance structure on the other;

2. CAPACITY AND LEGITIMACY OF CDCS TO WORK AS VCS

Looking at the effectiveness of CDCs on the ground, this study found that the creation of CDCs had varied effects, ranging from the reinforcement of local elite that has no consideration for the collective interest of its constituents to the empowerment of high capacity community members who were able to facilitate useful services for the rest of the village. In between these extremes, the spectrum is wide.

Across the board, CDCs receive the most positive perceptions for their ability to facilitate the implementation of development projects, resolve disputes and to maintain a link with the government. Perceptions of CDCs’ performance strongly vary across villages, depending on the profile and the behaviour of the CDC members (e.g. perceived benevolence and equanimity, efforts to ensure the development of the community, technical capacity) as well as on a number of characteristics in the local context (e.g. the respective politics of IDLG and MRRD at the district level, the level of economic development of the community and the repartition of resources across community members, the local tribal make-up and security conditions in the area).

In the context of this assessment, the analysis of the perceptions of performance and of the sources of legitimacy detected two key discriminants: the prioritisation between economic and security needs by stakeholders (i.e. communities, international actors and political leaders) and the effectiveness of the project cycles. In the end, an increase in all factors but security is associated with an expansion of roles and responsibilities of CDCs from strict development to wider governance while a comparative increase of the security factor is associated with a contraction of CDC prerogatives regarding development roles and increased legitimacy of traditional actors.

Overall, significant demand exists for elected representative bodies supported by the government but concerns still surround the idea of instating a formal government body at the village level. This holds true especially in areas where the CDC system has given some positive results and where security conditions are stable. In areas where CDC have proved unsatisfactory, demand for re-conducting the CDC was lower, and demands regarding the creation of an institutionalised body at the district level, especially in unstable areas was also mixed.
C. CONCLUSIONS AND RECOMMENDATIONS

As of this writing, three scenarios seem plausible, all of which postpone the implementation of the Constitution and of the electoral law due to insufficient financial and organisational conditions. The first scenario is a pure status quo scenario that involves no change of the current policy until VC elections take place. In the second scenario (“Development CDC” scenario), CDCs are to be institutionalised as whole-of-government development bodies. In the third (“Governance CDC” scenario), the CDCs would be proposed as de facto interim VCs in which case they would expand their prerogatives into governance roles in cooperation with local traditional leaders.

In order to facilitate the transition process and to carve out the legal as well as the appropriate roles and responsibilities for both interim and definitive VCs, it is proposed that central-level decision makers promulgate a new legal text that formally acknowledges the envisioned institutionalisation process and provides a clear framework for its implementation. This option allows for minimal amendment of the current legal framework – if any.

Moreover, research identified four guiding principles for any re-arrangement of the current village-level governance and service delivery structures in Afghanistan:

i. Ensuring the relevance of responsibilities assigned to community-level governance actors,

ii. Streamlining all responsibilities bestowed upon village-level governance actors,

iii. Enabling government and implementing stakeholders to gain support from local citizens, and

iv. Establishing ad hoc structures to accompany the anticipated reform by providing capacity building structure and programmes for local governance personnel to adapt to their future responsibilities.

Furthermore, any attempt to build a sustainable local governance structure would need (i) to inform the public about the anticipated modification process and (ii) to provide for affordable solutions to assist all stakeholders to adapt to the new framework.

In an attempt to address these issues, the suggested implementation timeline for a VC creation process is organized in four main phases unfolding between February 2013 and June 2015:

i. Phase One – February/May 2013 – Elaboration of the transition plan and promulgation of a presidential decree validating the transition process

ii. Phase Two – June 2013/January 2014 – District-level pre-transition assessments, mobilisation process and support structures

iii. Phase Three - February/December 2014 – Transition from CDCs to interim VCs

iv. Phase Four – January/June 2015 – First election round of definitive VCs
II. INTRODUCTION AND METHODS

A. INTRODUCTION

This report provides an analysis of the legal, social and developmental dimensions of governance and service delivery structures in communities of Afghanistan in order to provide strategic support to Afghan and international decision-makers on implementation methods aiming at improving the sustainability of the Community Development Councils (CDCs) and at organising local governance structures in compliance with the Afghan Constitution.

3. NATIONAL SOLIDARITY PROGRAM, COMMUNITY DEVELOPMENT COUNCILS AND VILLAGE COUNCILS

   a. NSP AND DECENTRALISATION OBJECTIVES

In 2003, the Ministry of Rural Rehabilitation and Development (MRRD), with the support of The World Bank and a broad range of other international donor agencies, initiated the National Solidarity Program (NSP). The NSP was a Community Driven Development (CDD) programme designed (i) to provide public services and development opportunities to rural communities and (ii) to form local representative institutions called Community Development Councils.

In this sense, the programme was designed to contribute to a longer-term decentralisation process diverging from the historically centralised state structure of Afghanistan. In post-conflict Afghanistan, this process was considered by decision-makers as the best way to provide relevant services to help communities meet their basic needs, re-integrate disempowered and marginalised groups and strengthening linkages between communities and government.

The Constitution reflects this compromise between traditional centralism and the necessity to delegate certain roles and authority to lower level institutions (Art.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 the participation of people in the development of the nation.”

   b. IMPLEMENTATION OF NSP

Between 2003 and 2010, the NSP has been implementing activities in around 23,000 communities throughout Afghanistan. In 2010, the programme entered its third phase, which aims at covering around 17,200 newly included communities for a first round of block grants and around 10,500 already included communities for a second round of block grants. As of this writing, more than 29,000 communities have formed a CDC under the NSP.

While CDCs were initially elected through a show of hands, they are now designed to be elected through a secret-ballot, universal suffrage election and to include women as part of the community representatives. Their role is primarily to organise and monitor the implementation of NSP sub-projects but have come to include additional prerogatives related to governance. Furthermore, the NSP is the
largest development programme in the country, with donor contribution totalling more than US$1.5 billion as of 2010. The proposed budget for NSP-III from September 2010 to September 2015 is nearly US$1.5 billion, or roughly US$300 million a year. This proposed annual budget represents about 20% of the country’s total annual development budget.

**c. IMPACT OF NSP AND OUTLOOKS FOR SUB-NATIONAL GOVERNANCE**

Much has been written about the impact of the NSP on local governance and service delivery at the village level. Despite sometimes conflicting and nuanced assessments, a wide consensus in the literature and among stakeholders holds that NSP has increased participation in local governance decision-making processes, strengthened linkages between communities and formal and informal governance institutions, improved the access to utilities, infrastructure and services, and improved local perceptions of economic activities.

While the NSP marks progress towards achieving decentralisation and democratisation objectives, a variety of researchers have reported significant challenges on the ground. According to the literature, resistance from traditional power holders, lack of local capacity and corruption are among the issues that still limit the effectiveness of the NSP. In general, the expectations and understanding of rural Afghans are often not familiar with this new governance system that contains significant differences from traditional power structures. Given this starting point, reshaping the Afghan state and sub-national governance structure will require a long-term commitment to overcome the challenges and resistance that will inevitably occur.

Completion of the NSP is planned for 2015 but after that point, the legal status and future existence of CDCs remains uncertain. A substantial question remains regarding how to consolidate the investments and progress made under NSP. The Afghan Constitution of January 2004 requires the creation of Village Councils (VCs) to serve as institutions for representation, governance, development and service delivery at the community-level. Since 2006, the creation of a by-law formalising the existence of the CDCs has led to on-going discussions regarding the exact legal status of the CDCs and the opportunity to formally institutionalise CDCs as VCs.

As the country approaches the transition of national security to Afghan control and faces a possible decline in international financial assistance post-2014, there will be important ramifications for the sustainability of CDCs and current efforts to improve sub-national governance structures. The Government of Afghanistan will have to make difficult choices prioritising different development needs, and develop a transition strategy that articulates its vision post-2014.

**4. STUDY OVER-ARCHING OBJECTIVES**

Most of the topics mentioned above are frequently debated by researchers and practitioners, and a wide consensus regarding the best approach to formalise local governance and service delivery has yet to be established. For instance, key informants would often disagree on the opportunity to push for the decentralisation of governance and service delivery, with some researchers highlighting “the centralised

---

2 See below, Annex 2- Literature reviewed.
state failure to deliver” services effectively, while others would underscore the lack of capacity to take on decentralised responsibilities at the village-level. Moreover, informants and stakeholders have diverging visions of the legal status and de facto importance of the CDCs. While some described the CDC as a new formal authority with extensive responsibilities in most governance fields, others still considered them as civil society actors with limited development facilitation roles. Similar disagreements exist regarding the constitutional provisions for the VC election process or regarding the opportunity to placate a western model of democracy on the governance system traditionally in place in Afghan communities.

In this situation, The World Bank has tasked Altai Consulting to assess options for optimising sub-national governance structures and, in particular, the feasibility of maintaining Community Development Councils (CDCs) as a governance and service delivery platform post-2014 for the transition to Village Councils. The aim of the study is to explore and evaluate avenues to guarantee the continuity of service delivery and governance to the population of Afghanistan by defining the legal, financial and political conditions that would guarantee the legitimacy, the sustainability and the effectiveness of community-level governance structures.

Given the considerable literature already written on sub-national governance structures in Afghanistan and on the roles of the CDCs in particular, the present study attempted to add value to the existing corpus by:

i. Proposing a recent update of the situation;
ii. Using perceived legitimacy and capacity, alongside articulated population needs and government objectives, as criteria for defining CDC future roles, rather than general principles regarding the ideal responsibilities of sub-national governance structures which do not necessarily reflect the ground realities and therefore may not be realistic;
iii. Understanding regional variations not only to provide a comprehensive picture of the situation across Afghanistan, but also to provide recommendations for implementation in various contexts;
iv. Suggesting options for institutionalisation not only based on high-level political discussions but also, based on changing contexts with fiscal implications.

Overall, this study aims at providing a renewed corpus of evidence on perceptions and realities encountered at the grass-roots level for policy makers to define an updated sub-national governance framework and the best approach to its implementation.

B. METHODS

1. Specific Objectives

This study was designed to answer a set of research questions defined in collaboration with The World Bank and stakeholders from the Ministry of Rural Rehabilitation and Development (MRRD) and the Independent Directorate of Local Governance (IDLG), listed below:
i. Which responsibilities can VCs realistically undertake?

ii. What is the appropriate institutional arrangement?

iii. What are the capacity building needs?

iv. What is the most appropriate level for CDCs to be clustered into Village Councils?

v. To what extent is the institutional arrangement that IDLG has governance responsibility and MRRD retains development responsibility workable in practice?

vi. How can their legitimacy and legality be assured given the Constitutional position?

As the fiscal ramifications of the institutionalisation of CDCs in regards to development were being explored in a separate, complementary CDC Fiscal Sustainability Study, the research team explored perceptions of community members in this regard and provided further discussion in Annex 1, but did not enter in a full-fledged analysis of objective data relating to the finances of these bodies. The following additional research questions are addressed in the complementary study:

i. How affordable and sustainable are the proposed VCs?

ii. What are the financing requirements of the VCs?

iii. What are the options for fiscal transfer to ensure sustainability of the VCs?

To summarise, the study was conducted under the following research guidelines:

i. **Understanding local governance in Afghanistan**, i.e. mapping formal and informal governance and service delivery structures at the district and village level, their respective roles, capacities and levels of legitimacy;

ii. **Assessing the current position of CDCs** in the local social fabric and their linkages with other governance and service delivery structures;

iii. **Exploring avenues for optimising future local governance and service delivery**, and in particular (i) assessing the opportunity for CDCs to be maintained, or VCs to be created as development supervision and/or governance structures at the community-level and (ii) examining optimal avenues to improve their capacity, their legitimacy, their accountability and their overall sustainability.

---

A note on the concept of governance and the difference between governance and government

Governance involves more than just government, as civil society and markets are also important actors in governance operations. While the state creates a favourable political, legal and economic environment, civil society is mobilised in the process and the markets create opportunities for people.

It has now become customary for scholars, aid workers, military commanders and diplomats to draw this conceptual distinction between governance and government\(^3\). Government is ‘the action of ruling, the continuous exercise of state authority over the population it governs’\(^4\). On the other hand, governance is more a ‘question of processes’, incorporating ‘the values, norms and conventions that different social, political and administrative groupings apply to meet their organisational goals, along with interaction between them’\(^5\).

---

\(^3\) Lamb 2012

\(^4\) Saltmarsh & Mehdi 2011

\(^5\) Nixon 2009; Saltmarsh & Mehdi 2011
2. **Approach**

The study relies on a multi-layered qualitative research methodology using (i) key informant interviews (KIIs) at the central, provincial, district and community levels as well as (ii) community case studies combining focus group discussions (FGDs), paired interviews (PIs) and semi-structured field observations as the primary sources of information. Finally, the qualitative information was completed by a medium-scale quantitative component.

The diagram below represents the analysis process that was followed in the course of the research. It identifies three main categories of data (i.e. political and technical opinions, legal systems in place, field data) which will be analysed at the central, provincial, district and community levels. This layered analysis was completed by a cross-analysis of the existing regulations regarding institutional arrangements and the influence of local environment and implementation methods on sub-national and local institutions.

![Figure 1 - Sustainability of CDCs: analytical framework](image)

This report presents the results of a systematic comparison of the political visions and the legal models of CDC sustainability with the variations affecting the structure, the function and the perceptions of CDCs at the grass-roots level across different contexts. The comparison of more abstract analysis models presented at the central and provincial levels and actual configurations observed in the field serves as a basis to identify viable options for ensuring the sustainability of the CDCs and the plausible impact scenarios associated. As mentioned above, however, the emphasis has been placed on field data as a verifier of the opinions and theories encountered at the central, provincial and district levels.

3. **Geographical Scope and Sample**

The study was conducted in parallel to another World Bank-commissioned study on the financial sustainability of assets built under the NSP (later referred to as the “O&M study”). For logistical reasons,
fieldwork for both studies was led simultaneously in Badakhshan, Balkh, Bamiyan, Herat and Nangarhar, while field research in Helmand was conducted separately.

In an attempt to do justice to the wide variety of contexts existing across the regions of Afghanistan, the present study focused on four provinces presenting very distinctive features (Badakhshan, Balkh, Helmand and Nangarhar) using KIIs and in-depth community case studies. The selection of Badakhshan and Balkh was meant to give two different insights into the Northern Tajik region, with the economic and political vibrancy of the latter contrasting with the remoteness and the economic difficulties of the former. The selection of Helmand and Nangarhar was intended to provide two different views from the Southern and Eastern regions, with Helmand offering an extreme case of insecurity associated with difficult implementation conditions and strong tribal structures while the districts chosen in Nangarhar feature a more permissive operating environment and mixed tribal make-up.

This qualitative research was completed by a quantitative component conducted in the provinces covered by the O&M study (Badakhshan, Balkh, Bamiyan, Herat and Nangarhar).

The map below gives an overview of the respective geographical scope for both studies:

![Figure 2 - Geographic scope of research](image)

4. **Research instruments**

Three sets of tools have been designed in preparation of the study and finalised after a pilot-test in the vicinity of the Kabul province and a pre-assessment including a series of central level semi-structured interviews and a literature review. The first set of tools includes KIIs at the provincial and district levels, the second is comprised of FGDs, PIs and semi-structured field observations guidelines, and the third one provides the quantitative questionnaire module used to support findings from qualitative research.
a. **LITERATURE REVIEW**

Secondary research was undertaken at the inception of the research in order to explore the following themes:

i. The general theory on Community Driven Development (CDD), Sub-National Governance (SNG) and the sustainability of community institutions created under CDD programmes, especially in conflict-affected areas;

ii. The specificities of the sub-national governance landscape in Afghanistan, with a particular focus on the Community Development Councils (CDCs) created under the National Solidarity Program (NSP);

iii. The legal and quasi-legal framework that defines subnational governance in Afghanistan.

A complete list of references used is available in Annex 2.

This literature review was undertaken primarily to help research teams frame the research questions and the analysis but was not used as a primary source of evidence. Hypotheses derived from literature reviewed were systematically probed against evidence from the field. Theses encountering a large consensus in literature reviewed, regarding the evaluation of the NSP for instance, were highlighted as such.

b. **CENTRAL-LEVEL KEY INFORMANT INTERVIEWS**

The research team conducted a series of key informant interviews at the central-level in Kabul in order to gain a deeper understanding of the current situation of sub-national governance in Afghanistan, the priorities of the various stakeholders involved in shaping community-level governance in Afghanistan, and the nature of the existing community-level governance structures.

Interviews were semi-structured and based on guidelines that focused on the following themes:

- **Current context**
  - The different governance and development entities operating at the community-level;
  - The current roles, performance, limitations and needs of the CDCs
  - The coordination of CDCs with other community-level formal and informal governance entities
  - The coordination of CDCs with district-level governance and development entities

- **The future**
  - Avenues through which to improve the sustainability of CDCs
  - The arguments in favour and against the formalisation of community-level governance entities
  - The feasibility of transitioning CDCs to VCs.

The complete list of all key informants contacted during the preliminary phase of this research is provided in the table below. Interviewees included Afghan and international researchers and

---

6 A more precise outline of central level KIs is annexed to this document (Annex 3- Tools)
consultants, Afghan Ministry personnel and NSP Facilitating Partners (FPs). Additional central-level KIIs were conducted during the analysis phase to help interpret data gathered during fieldwork.

### Table 1 - List of Key Informant Interviews conducted

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Name</th>
<th>Work of relevance / Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Researchers and Consultants</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrity Watch</td>
<td>Yama Torabi</td>
<td>Author of a study on the accountability of CDCs</td>
</tr>
<tr>
<td>University of Wisconsin</td>
<td>Jennifer Brick</td>
<td>Author of several studies on Afghan sub-national governance</td>
</tr>
<tr>
<td>World Bank</td>
<td>Hamish Nixon</td>
<td>Author of several studies on Afghan sub-national governance</td>
</tr>
<tr>
<td>World Bank</td>
<td>Andrew Beath</td>
<td>A leading researcher on the NSP</td>
</tr>
<tr>
<td>Adam Smith International</td>
<td>Marcus Williamson</td>
<td>Consultant for subnational governance for the IDLG</td>
</tr>
<tr>
<td>Adam Smith International</td>
<td>Gregory Wilson</td>
<td>Consultant for subnational governance for the IDLG</td>
</tr>
<tr>
<td><strong>Ministry Personnel</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IDLG</td>
<td>Yama Nader</td>
<td>Director of Strategy and Program</td>
</tr>
<tr>
<td>IDLG</td>
<td>Sibghatullah Khan</td>
<td>Director of Local Programs Coordination</td>
</tr>
<tr>
<td>IDLG</td>
<td>Abdul Basir Saber</td>
<td>Director for Policy and Planning</td>
</tr>
<tr>
<td>MRRD</td>
<td>Tariq Ismati</td>
<td>Deputy Minister</td>
</tr>
<tr>
<td>MRRD</td>
<td>Abdul-Rahman Ayoubi</td>
<td>Director of Operations, NSP</td>
</tr>
<tr>
<td>MRRD</td>
<td>Jovitta Thomas</td>
<td>Operations advisor to the NSP</td>
</tr>
<tr>
<td>MRRD</td>
<td>Brigitta Bode</td>
<td>Policy advisor to the NSP</td>
</tr>
<tr>
<td>MRRD</td>
<td>Mohammad Ashraf</td>
<td>Head of Engineering, NSP</td>
</tr>
<tr>
<td>MoF</td>
<td>Najimullah Qasimi</td>
<td>Head Sub-National Budgeting and Finance Expert</td>
</tr>
<tr>
<td><strong>NSP Facilitating Partners</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AKDN</td>
<td>Rebecca Haines</td>
<td>Head of Policy</td>
</tr>
<tr>
<td>AKDN</td>
<td>Mohammed Saleh</td>
<td>National Community Development Coordinator</td>
</tr>
<tr>
<td>ACTED</td>
<td>Ahmad Shafi</td>
<td>NSP Program Manager</td>
</tr>
<tr>
<td>ACTED</td>
<td>Jahwad Basharyar</td>
<td>NSP Deputy Operations Manager</td>
</tr>
<tr>
<td>BRAC</td>
<td>Mujibullah Rahman</td>
<td>NSP Program Manager</td>
</tr>
<tr>
<td>BRAC</td>
<td>Abdul Salam</td>
<td>NSP Capacity Development</td>
</tr>
<tr>
<td>IRC</td>
<td>Nigel Jenkins</td>
<td>Country Director</td>
</tr>
<tr>
<td>IRC</td>
<td>Najibullah Atiqi</td>
<td>NSP Training Manager</td>
</tr>
<tr>
<td>IRC</td>
<td>Eng. Abdul Rauf</td>
<td>CDR Coordinator</td>
</tr>
<tr>
<td>RI</td>
<td>Inge Detlefsen</td>
<td>Country Director</td>
</tr>
<tr>
<td>RI</td>
<td>Ghulam Yahya</td>
<td>NSP Program Manager</td>
</tr>
</tbody>
</table>

### c. Provincial and District Levels KIIs

In each province, KIIs were conducted with members of the Provincial Governor Office (PGO), in most cases with the head of the Sectorial Department, and with a provincial representative of the MRRD. Where available, provincial-level NGO managers were interviewed as well, including members from NGOs that were not directly participating in NSP in the districts covered.

In each district, KIIs were conducted with a representative of the District Governor Office (either the District Governor himself or his deputy), DDA members, NGO workers (including one FP Social Organizer or District Manager), and a representative of a Provincial Ministry Line Department that was regularly engaged with the CDCs (most often a representative of the Department for Agriculture, Irrigation and Livestock (DAIL)). In Helmand, members of the District Community Councils constituted under the Afghan Social Outreach Program (ASOP-DCC) have been interviewed as well.
These interviews focused on the dynamics of subnational governance, the representation of villages at the district-level, the feasibility of transitioning CDCs to VCs and avenues to optimise the local governance structure. They were used mainly to help frame the analysis of the case studies and to gauge the realism of different options of implementation that had been mentioned during central-level KIIIs. They were however less informative than case studies in understanding the reality on the ground as interviewees often gave what appear to be biased responses.

The table below presents the number of provincial and district level interviews performed in each province:

<table>
<thead>
<tr>
<th>Interviews performed</th>
<th>Badakhshan</th>
<th>Balkh</th>
<th>Bamiyan</th>
<th>Helmand</th>
<th>Herat</th>
<th>Nangarhar</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>PGO Sectorial Development Dpt</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>MRRD Provincial Representative</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>FP1 – Provincial Manager</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>FP2 – Provincial Manager</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>District Governor</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Head of DDA</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>FP District officers</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>ASOP</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Other Line Department</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>

In Badakhshan, Helmand and Nangarhar, the Facilitating Partner was the same entity for both districts selected so only one KII was performed with the FP provincial manager. In Bamiyan and Herat, fieldwork followed the methodology of the O&M study and did not include specific interviews with district-level political representatives.

d. **COMMUNITY CASE STUDIES**

Community case studies were conducted in two days on average by a team of trained Afghan researchers with extensive experience in field research. Each case study was designed around six interviews using mostly open-ended questions and organised as follows:

- One KII with the head of the community
- One FGD with CDC members
- One FGD with non-CDC members who were identified as informal governance actors (e.g. traditional and tribal elders, commanders, khans, etc.)
- Three PIs with two youths, two educated and two uneducated members of the community

The head of the village (most commonly known as the Malik but also sometimes under another denomination) was identified with the help of FPs, DDA members and District Government officials interviewed in the District Centres. Information gathered from these actors was triangulated to ensure the identity and the role of the point of contact identified in the community were correct. CDC members and non-CDC governance actors were identified with the help of the head of the village and community members to ensure the relevant persons were interviewed.
For FGDs and PIs, interviewers were advised to report not only the answers of the respondents but also of the dynamics among these in order to identify opinion leaders and followers. In cases where one of the respondents appeared to be undermined by the presence of others, field researchers were asked to follow-up with an individual informal conversation to give more room for the community member to express his opinions.

In order to verify the information provided by respondents and to gain a deeper understanding of the community, these interviews were completed with semi-structured community observations that relied on a transect walk across the village to assess the level of economic development and map out available resources and a series of informal discussions with villagers to gain further insight into the local socio-political dynamics and potential lines of divisions among the different community groups.

While the study was not primarily designed to test the relationship between the level of equity divide and perceptions of governance, field researchers have been asked to report on particular elements that could help analyse this dimension of community organisation, e.g. land lordship, relative wealth of local leaders, occupation of the poorer community members they would come across during the transect walk.

The table below presents the number of community level interviews performed in each province:

<table>
<thead>
<tr>
<th>Interviews performed</th>
<th>Badakhshan</th>
<th>Balkh</th>
<th>Bamiyan</th>
<th>Helmand</th>
<th>Herat</th>
<th>Nangarhar</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malik KII</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>CDC Members FGD</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Non CDC Elders FGD</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Community members PI</td>
<td>12</td>
<td>12</td>
<td>0</td>
<td>12</td>
<td>0</td>
<td>12</td>
<td>48</td>
</tr>
</tbody>
</table>

### e. QUANTITATIVE COMPONENT

A short module related to governance and to the roles of the CDC was attached to the questionnaire used for the O&M study. This governance module comprised a series of open-ended and close-ended questions that were asked to participants of the FGDs of CDC members and village dwellers once they had completed the O&M questionnaires.

The data from open-ended questions has been post-coded after data entry in order to allow for clearer statistical analysis. Also, extensive debriefs with the O&M field research teams allowed to categorise communities based on their levels of economic development, local security conditions, distance from the District Centre and functionality of the sub-projects implemented under the NSP. Furthermore, data collected for the O&M study such as the perceived relevance of sub-projects or the perceived equity in the distribution of the sub-projects benefits were also factored into the analysis of governance related data.
f. **Research Overview**

The table below summarises the four layers of research tools used across provinces:

<table>
<thead>
<tr>
<th>Research Focus</th>
<th>Interviewee</th>
<th>Questions/themes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CENTRAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feasibility of Transition / institutional and legal framework</td>
<td>Key Ministries</td>
<td>What are the legal responsibilities of VCs/CDCs/DDA/ASOP?</td>
</tr>
<tr>
<td></td>
<td>Key donors</td>
<td>What are the formal and informal local institutions at the community and district level?</td>
</tr>
<tr>
<td></td>
<td>Experts</td>
<td>What is the perception of the current performance of CDCs?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Do CDCs have the capacity to take on expanded roles as VCs?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What are the priority responsibilities that should be taken on by VCs?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What are the possible constraints that could prevent VCs from taking on specific roles?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Should the current CDC arrangement be changed? (e.g. representation of villages and women, election, which ministry governs VCs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What kinds of expenses will need to be covered for VCs?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What kinds of capacity building needs would exist for transition from CDCs to VCs? (democratic principles, elections, female and minority representation)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If FPs will not be used, how do we provide technical assistance and facilitation to VCs?</td>
</tr>
<tr>
<td><strong>PROVINCIAL LEVEL</strong></td>
<td>PG KII</td>
<td>What is the perception of the current performance of CDCs?</td>
</tr>
<tr>
<td></td>
<td>IDLG KII</td>
<td>Do CDCs have the capacity to take on expanded roles as VCs?</td>
</tr>
<tr>
<td></td>
<td>MRRD KII</td>
<td>What are the dynamics of sub-national governance?</td>
</tr>
<tr>
<td></td>
<td>NSP KII</td>
<td>What are the priority responsibilities that should be taken on by VCs?</td>
</tr>
<tr>
<td></td>
<td>FP KII</td>
<td>What are the possible constraints that could prevent VCs from taking on specific roles?</td>
</tr>
<tr>
<td></td>
<td>Other NGOs KII</td>
<td>If FPs will not be used, how do we provide technical assistance and facilitation to VCs?</td>
</tr>
<tr>
<td><strong>DISTRICT LEVEL</strong></td>
<td>DG KII</td>
<td>What are the dynamics of sub-national governance?</td>
</tr>
<tr>
<td></td>
<td>IDLG KII</td>
<td>What is the representation of the villages at the district level (via shuras etc.)?</td>
</tr>
<tr>
<td></td>
<td>MRRD KII</td>
<td>What are the formal and informal local institutions at the district level?</td>
</tr>
<tr>
<td></td>
<td>DDA FGD</td>
<td>Do CDCs have the capacity to take on expanded roles as VCs? Which roles?</td>
</tr>
<tr>
<td></td>
<td>ASOP FGD</td>
<td>What is the perception of the current performance of CDCs?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What kinds of capacity building needs would exist for transition from CDCs to VCs? (democratic principles, elections, female and minority representation)</td>
</tr>
<tr>
<td><strong>VILLAGE LEVEL</strong></td>
<td>CDC members FGD</td>
<td>What are CDC sub-project processes in place: book-keeping, meeting notes etc.?</td>
</tr>
<tr>
<td></td>
<td>Non-CDC elders FGD</td>
<td>What are the formal and informal local institutions at the community level and what role does each play? How do they interact?</td>
</tr>
<tr>
<td></td>
<td>Community members paired interviews Malik KII</td>
<td>What functions are CDCs currently fulfilling beyond NSP</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What is the perception of the current performance of CDCs?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What are the possible constraints that could prevent VCs from taking on specific roles?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>How much is the legitimacy of CDCs derived from their ability to bring financial resources into the community?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What kinds of expenses will need to be covered for VCs?</td>
</tr>
</tbody>
</table>

g. **Overall Sample and Sampling Methodology**

Community sampling has been conducted jointly with the O&M study in order to optimise resources and time spent in the field. The O&M study took into consideration a given list of sectors of NSP sub-projects and communities which had not received such sub-projects were excluded from the sample. Sub-projects also had to be completed so that communities that had been only recently included in the NSP were excluded as well. Within the ten communities selected in each district covered by the O&M study,
two communities have been selected purposively depending on information that were gathered remotely or directly at the District Centre from NGO workers and DDA members who knew these communities from within. The remaining communities were then integrated into the sample used for quantitative analysis, which is comprised of 704 respondents, with 352 CDC members and 352 regular community members.

The total account of communities covered and respondents interviewed is given in the table below:

<table>
<thead>
<tr>
<th>Province</th>
<th>Districts</th>
<th>O&amp;M study</th>
<th>Case studies</th>
<th>Quantitative module</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Communities</td>
<td>Respondents</td>
<td>Communities</td>
<td>Respondents</td>
</tr>
<tr>
<td></td>
<td>Communities</td>
<td>Respondents</td>
<td>Communities</td>
<td>Respondents</td>
</tr>
<tr>
<td></td>
<td>Communities</td>
<td>Respondents</td>
<td>Communities</td>
<td>Respondents</td>
</tr>
<tr>
<td>Badakhshan</td>
<td>Baharak</td>
<td>10</td>
<td>80</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Jorem</td>
<td>10</td>
<td>80</td>
<td>2</td>
</tr>
<tr>
<td>Balkh</td>
<td>Khulm</td>
<td>10</td>
<td>80</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Nahr-e Shari</td>
<td>10</td>
<td>80</td>
<td>2</td>
</tr>
<tr>
<td>Bamiyan</td>
<td>Bamiyan</td>
<td>10</td>
<td>80</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Shibar</td>
<td>10</td>
<td>80</td>
<td>None</td>
</tr>
<tr>
<td>Balkh</td>
<td>Garmser</td>
<td>None</td>
<td>None</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Nad Ali</td>
<td>None</td>
<td>None</td>
<td>2</td>
</tr>
<tr>
<td>Herat</td>
<td>Injil</td>
<td>10</td>
<td>80</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Zendajan</td>
<td>10</td>
<td>80</td>
<td>None</td>
</tr>
<tr>
<td>Nangarhar</td>
<td>Behsood</td>
<td>10</td>
<td>80</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Surkhrod</td>
<td>10</td>
<td>80</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>100</td>
<td>800</td>
<td>16</td>
</tr>
</tbody>
</table>

As specified below (Section 1.B.5.), there are significant limitations to the representativeness of the sample. Therefore, it should be noticed that statistics presented in this study derive from a targeted sample and that resulting findings should not be extensively extrapolated. Instead, the data provided is meant to indicate specific trends that should substantiate but not replace the qualitative findings from cases studies, which remain the focus of this report.

Communities selected for case studies were chosen based on a set of key variables that included:

- Composition of the CDC (Mixed committee vs. Sub-committees);
- Phase of NSP at the time of creation of the CDC and duration of existence of the CDC (First sub-project cycle vs. Second sub-project cycle, number of elections organised);
- Types of sub-project implemented under the NSP and overall budget invested;
- FP operating in the district and, when possible, an assessment of the maturity of the CDC by the FP social organiser;
- Levels of security;
- Distance from the District Centre;
- Ethnicity where the district offered mixed tribal make-up;
- Agro-ecological differences (subsistence agriculture vs. commercial agriculture);
- Type of geographical setting (topography, climate, natural resources);

The aim of the selection process was to constitute a sample that reflects the variety of situations occurring at the community level across various political, social, economic and cultural contexts of Afghanistan.
The table below provides an overview of the communities sampled for in-depth case studies and key variables that were considered during the selection process:

### Table 5 - List of communities covered and primary characterisation

<table>
<thead>
<tr>
<th>CDC Name</th>
<th>SP Status</th>
<th>Title</th>
<th>Budget</th>
<th>Distance to DC</th>
<th>Security</th>
<th>Ethnicity</th>
<th>Geography</th>
<th>Economy</th>
<th>Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>BADAKHSHAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATARAK</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deh Ta</td>
<td>Failed</td>
<td>Protection Wall</td>
<td>$11,588</td>
<td>0-2.5km</td>
<td>Secure</td>
<td>Tajik</td>
<td>River</td>
<td>Agriculture</td>
<td>3</td>
</tr>
<tr>
<td>Khoshdrew</td>
<td>Completed</td>
<td>Water Supply Network</td>
<td>$18,383</td>
<td>5-10km</td>
<td>Secure</td>
<td>Tajik</td>
<td>Mountains</td>
<td>Agriculture</td>
<td>3</td>
</tr>
<tr>
<td>JIRM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dara Pushkan</td>
<td>Completed</td>
<td>Tertiary Road</td>
<td>$34,462</td>
<td>5-10km</td>
<td>Secure</td>
<td>Hazara</td>
<td>Mountains</td>
<td>Agriculture</td>
<td>2</td>
</tr>
<tr>
<td>Shash Gul</td>
<td>Completed</td>
<td>Tertiary Road</td>
<td>$22,131</td>
<td>2.5-5km</td>
<td>Secure</td>
<td>Uzbek</td>
<td>River</td>
<td>Agriculture</td>
<td>2</td>
</tr>
<tr>
<td>BALKH</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KHULM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deh Hassan</td>
<td>Completed</td>
<td>Shallow Well</td>
<td>$8,345</td>
<td>10-20km</td>
<td>Secure</td>
<td>Tajik</td>
<td>Desert</td>
<td>Urban</td>
<td>2</td>
</tr>
<tr>
<td>Naw Abad</td>
<td>Completed</td>
<td>Water Supply Network</td>
<td>$22,805</td>
<td></td>
<td>Secure</td>
<td>Pashtun</td>
<td>Desert</td>
<td>Agriculture</td>
<td>1</td>
</tr>
<tr>
<td>NAHRE SHAHRI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qal Qoli Mohammad</td>
<td>Completed</td>
<td>Vocational Training</td>
<td>$41,737</td>
<td>10-20km</td>
<td>Secure</td>
<td>Mixed</td>
<td>Semi-Urban</td>
<td>Urban</td>
<td>3</td>
</tr>
<tr>
<td>Takhta Pul</td>
<td>Completed</td>
<td>Water Supply Network</td>
<td>$36,134</td>
<td>5-10km</td>
<td>Secure</td>
<td>Tajik</td>
<td>Semi-Urban</td>
<td>Agriculture</td>
<td>3</td>
</tr>
<tr>
<td>HELMAND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GARMER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lagharai</td>
<td>Completed</td>
<td>Tertiary Road</td>
<td>$20,072</td>
<td>2.5-5km</td>
<td>Insecure</td>
<td>Pashtun</td>
<td>Semi-Urban</td>
<td>Urban</td>
<td>2</td>
</tr>
<tr>
<td>Loi Kali</td>
<td>Completed</td>
<td>Shallow Well</td>
<td>$6,559</td>
<td></td>
<td>Insecure</td>
<td>Pashtun</td>
<td>River</td>
<td>Agriculture</td>
<td>2</td>
</tr>
<tr>
<td>NAD ALI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bokharayan Kali</td>
<td>Completed</td>
<td>Hand pump</td>
<td>$22,006</td>
<td>2.5-5km</td>
<td>Insecure</td>
<td>Pashtun</td>
<td>Urban</td>
<td>Agriculture</td>
<td>1</td>
</tr>
<tr>
<td>Zobir Abad Group Shash</td>
<td>Completed</td>
<td>Water Divider</td>
<td>$23,138</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NANGARHAR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BEHSOOD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loy Khosh Gunbad</td>
<td>Completed</td>
<td>Shallow Well</td>
<td>$8,456</td>
<td>5-10km</td>
<td>Secure</td>
<td>Arab</td>
<td>River</td>
<td>Agriculture</td>
<td>2</td>
</tr>
<tr>
<td>Hes Awal Najmul jihad</td>
<td>Completed</td>
<td>Retaining Wall</td>
<td>$43,987</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SURKHROD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bagh Baha Wali</td>
<td>Completed</td>
<td>Micro-Hydro Power Plants</td>
<td>$25,065</td>
<td>5-10km</td>
<td>Secure</td>
<td>Tajik</td>
<td>Valley</td>
<td>Agriculture</td>
<td>2</td>
</tr>
<tr>
<td>Dehbawal Bala</td>
<td>Completed</td>
<td>Protection Wall</td>
<td>$4,182</td>
<td>10-20km</td>
<td>Secure</td>
<td>Tajik</td>
<td>Flat Lands</td>
<td>Agriculture</td>
<td>2</td>
</tr>
</tbody>
</table>
5. Constraints and Limitations

a. Fieldwork Constraints

Fieldwork was completed over a month and a half without significant incidents or delays. Security threats at the border of Warduj district (Badakhshan), in Zendajan (Herat), in the South of Surkhrod (Nangarhar) and in Helmand (especially in Garmser district) required a more careful, low profile approach on the part of field researchers but did not disrupt the data collection process. In Helmand, two additional interviewers native from the district had to be hired to guarantee safe access to the selected communities.

b. Scope Limitations

Security Conditions

Apart from Helmand, where specific measures were set up to guarantee the safety of the teams, highly insecure and non-permissive areas have been systematically excluded from the sample. Tied to these limitations, districts where Afghan NGOs operate as NSP FPs could not be included in the sample. These districts where Afghan NGOs operate are primarily high risk areas where International FPs are unwilling or unable to operate. These areas would have required additional security measures that were not planned for at the beginning of the study.

Women

As the teams were composed of male members, access to women remained a strong limitation despite best efforts to engage with female community members. While some female CDC and non-CDC members could be interviewed in most of Bamiyan and in some villages of Balkh and Herat, this proved to be especially difficult in Helmand, Nangarhar and Badakhshan.

Representativeness of Data

The sample size of both the qualitative and quantitative components of the study is insufficient for the study to be considered as representative or exhaustive of all governance typologies or structures in Afghanistan. The qualitative sample was selected to provide as much diversity of exogenous factors as possible in order to evaluate a subset of the equilibriums reached in roles and responsibilities between the different subnational governance actors.

The sampling methodology used for the O&M study required that the communities visited have previously reported to MRRD that they had successfully completed a sub-project of a specific type. As such, the subset of communities selected for the quantitative data used in the current study is necessarily skewed. However, given that sub-projects reported as adequately completed were sometimes non-existent, dysfunctional or incomplete, it should be noted that the subset of communities is not completely skewed towards the most effective at delivering development outcomes.

Finally, due to the fact that Helmand was not covered in the O&M study, the sample for the quantitative component suffers from a particularly low representation of Pashtun Afghans, which further limits the possibility to extrapolate results from the statistical analysis: while quantitative data used throughout
this study are meant to indicate trends within a given geographical scope, they should be interpreted with caution as they cannot be considered representative of the Afghan population. The analysis attempts nonetheless to compensate the loss of representativeness by relying more heavily on qualitative data which are meant to help recognise causality patterns across a wide variety of situations and can therefore give more depth to the analysis.
III. UNDERSTANDING LOCAL GOVERNANCE AND SERVICE DELIVERY IN AFGHANISTAN

The following section proposes an analysis of the legal provisions outlined in the Afghan Constitution, the Afghan Electoral Law (2010) and the Sub-National Governance Policy (SNGP, 2010) regarding the composition and roles of VCs and CDCs. First, the section provides a mapping of the legal issues surrounding a potential transition of CDCs to VCs. To follow, the second part provides an overview of the different governance and service delivery structures operating at the district, sub-district and community levels in order to highlight the gaps future community level governance bodies would need to fill.

The overall objective of this section is therefore to understand what the legal and operational conditions are that are most likely to shape any future community-level governance institution.

A. LEGAL FRAMEWORK FOR LOCAL GOVERNANCE AND SERVICE DELIVERY

1. PROVISIONS REGARDING THE ESTABLISHMENT OF VILLAGE GOVERNANCE AND SERVICE DELIVERY STRUCTURES

a. THE AFGHAN CONSTITUTION

The Afghan Constitution requires the formation of a community-level governance body called Village Councils (VC) in each community. Article 140 of the Constitution is the most precise formulation of the mission and mode of designation of VC members:

“Councils shall be established to organize activities as well as attain active participation of the people in provincial administrations in districts and in villages, in accordance with the provisions of the law. Local residents shall elect members of these councils for three years through free, general, secret as well as direct elections. Participation of nomads in these local councils shall be regulated in accordance with the provisions of the law.”

This article distinguishes two roles for the VCs to fulfil:

- The first role seems similar to be one of facilitating civil society “activities”, a term that allows for a wide interpretation.
- The second role would be to “attain the active participation of the people in provincial administration in districts and in villages”, which could mean almost anything from informally fostering and facilitating the interaction between community members and sub-national administration to formally representing community members in front of sub-national government entities.

It further specifies that VC members should be elected “for three years through free, general, secret as well as direct elections”.
b. **THE ELECTORAL LAW**

The Electoral Law ratified by presidential decree in 2010 also includes specific provisions regarding the creation and the validity of the election process for VCs.

Under this law, VCs are to be elected for each village. Candidates for election have to be registered in the voters list by the IEC (Art.11). They also have to be at least 25, know how to read and write and “have a good reputation”. Voters should also present a valid registration card or document delivered by the IEC in order to obtain ballot papers which should be edited by the Commission (Art. 15 and 16). Article 34 provides specific directives regarding the size of VCs depending on the size of the constituency considered. Finally, Article 35 provides guidelines to establish the results of the election and decide between candidates in cases of contention.

Overall, the text does not explicitly stipulate that the election process for VCs needs to be fully supervised by the IEC but most provisions pertaining to VCs imply the IEC is playing an active oversight role throughout the process. The IEC raised this point to government officials involved in the discussions regarding the institutionalisation of CDCs prior to its validation. The case was submitted to the Supreme Court and is still pending as of this writing. An Inter-Ministerial Commission has also been established to look into the legal conditions for a transition scenario and assess the opportunity of amending the current legal framework.

2. **MARGINS FOR INTERPRETATION AND INITIAL OPTIONS FOR IMPLEMENTATION**

The literature reviewed and the KIIs conducted provide different and sometimes conflicting interpretations of the Constitution provisions regarding VCs and its implications for a potential transition of CDCs to VCs.

   a. **LEGAL STATUS OF VCS AND CDCs**

Some central level key informants argued that the Constitution defines the VCs as formal government entities at the community level, while others explained that VCs would have the status similar to a civil society organisation (CSO). While the former assertion is validated by the existing legal framework, the latter reflects a confused understanding of the guidelines provided by the SNGP which explains that, after the election of VCs, the CDCs “will be at liberty to continue as civil society organisations engaged in community-driven development”. The SNGP does however recognise the future VCs as fully formal bodies.

The SNGP considers the CDC as an interim-VC - reporting to the MRRD - with a temporary formal status but does not question the status of VCs as a formal government institution. Therefore, transitioning CDCs to VCs would simply mean validating once and for all the current status before organising further elections as required by the Constitution.

Prior to the publication of the SNGP, the “CDC By-Law” (2006) defined the CDCs as follows (Art.4):

“The CDC is the social and development foundation at community level, responsible for implementation and supervision of development projects and liaison between the communities and government and non-government organizations.”
The use of the word foundation is ambiguous and does not clearly provide a formal status to the CDCs while nonetheless giving them some legal recognition, at least as a CSO. Furthermore, the election process described in the By-Law does not fully comply with the stipulations of the Electoral Law, nor does the Electoral Law give provision for a By-Law to regulate the existence of the CDCs.

However, neither the SNGP nor the By-Law can be considered as formal legal texts since there is no legal provision under the Constitution or the Electoral Law for a By-Law to regulate. Therefore, it seems a legal vacuum remains regarding the legal status of the CDCs, even if it has become widely considered as a de facto interim VC with legal recognition.

b. **THE ELECTION PROCESS**

Another debate relates to the election process of both VCs and CDCs. Here, literature review and central-level KII have led to identify two key questions:

i. Whether or not the election process of VCs should be supervised by the Independent Electoral Commission (IEC), and;

ii. Whether or not the election process of CDCs was implemented in compliance with the requirements of the NSP Operation Manual (NSP OM), the Electoral Law and the Constitution.

Regarding the first point, the Electoral Law implicitly requires the supervision of the election process by the IEC. However, the Constitution does not, and only stipulates the election should be “free, general, secret as well as direct”. Therefore, it is a possibility to validate the election of CDCs and extend their legal status as formal institutions until the next elections depending on whether or not the CDC election process is validated as free, general, secret and direct by the Afghan Government.

Literature reviewed and findings from this study, however, point out several shortcomings of the CDC election process implemented in the field. Indeed, despite overall compliance with the guidelines provided by the NSP OM, it seems the election process was disrupted by local elites in a significant number of cases, especially in areas where remoteness and poor security conditions limited the capacity of the FPs to access the communities and control the elections (See below, Section C). It is nonetheless unclear whether or not such evidence will be admissible and taken into account by the Supreme Court.

c. **POSSIBLE SCENARIOS FOR AN INSTITUTIONALISATION OF CDCs**

At this stage the final decision of the Supreme Court regarding the compliance of the CDC election process with the current legal framework remains uncertain. Indeed the temporary or de facto formal status of the CDCs is confirmed by the SNGP and the CDC By-Law, and could therefore remain unchanged until future and fully formal elections can be organised countrywide.

Based on the decision to validate or invalidate the CDC election process, three main scenarios can be outlined regarding the creation of entirely new village level governance structures or any potential institutionalisation of the CDCs:

i. If the CDC election process is not validated by the Afghan Government, the creation of VCs will depend on the organisation of countrywide elections that comply with the Electoral Law. This scenario does not exclude that former CDC members will be elected as part of the VCs or
integrated as a specialised sub-committee, for instance. The ability for the Afghan Government to organise elections in every community in a compressed timeframe would be questionable.

ii. If the CDC election process is validated by the Afghan Government, CDCs could be transitioned in part (i.e. only some of the CDC members are transitioned) or in their entirety (i.e. all CDC members are transitioned) into formal VCs. In both cases, it is understood for the purpose of this study that a transition scenario involves the formation of a complete VC, i.e. one that will not require the election or selection of further VC members. In this scenario, the VC is then entitled to autonomously appoint special advisors and sub-committees with informal VC status.

iii. Whether or not the election process is validated, CDCs could also be integrated in part or in their entirety into a newly created VCs. For the purpose of this study, an integration scenario is understood as a scenario in which the transition of CDC members or the open election of VC members is not considered as sufficient for creating a complete VC. CDC members can be integrated to VCs either as formal VC members or as an informal VC sub-committee before making the VC complete.

In all cases where the CDC would be transitioned or integrated in part (i.e. only some of the CDC members are transitioned or integrated), there would be a need for determining the selection process of CDC members that would become VC members.

The ramifications of these three main options are outlined in the diagram below:

**Figure 3 - Ramifications of the validation or invalidation of the CDC election process for the creation of VCs**

---

d. **Pending Questions**

Beyond the validity of the election process, two main questions remain that this study will attempt to address in the following sections in order to provide recommendation on the most effective paths decision-makers should choose among the variety of options available at this point:
i. What is the current capacity of CDC members to take on governance roles as VCs? (See below, Section III. A)

ii. What is the grass-roots level legitimacy of CDCs? (See below, Section III. B)

The first question can nonetheless be partly addressed through an analysis of the de jure roles of both VCs and CDCs so as to (i) identify potential gaps in the current legal framework that will need to be addressed by the Afghan Parliament and (ii) understand the overlap between CDCs and VCs responsibilities and, thereby, the a priori legitimacy of CDCs to be transitioned or integrated into VCs.

3. DE JURE RESPONSIBILITIES OF CDC/VCs

The Constitution broadly defines the roles of the future VCs but does not provide information regarding the responsibilities of the CDCs. The SNGP fills this gap and provides a comprehensive description of the de jure responsibilities of both VCs and CDCs. Moreover, the CDC By-Law provides further details regarding the roles bestowed upon CDCs. The comparison of the two texts allows for the identification of gaps and overlaps between the roles of the future VCs as described by the SNGP and the responsibilities of CDCs as described by the CDC By-Law.

e. THE SUB-NATIONAL GOVERNANCE POLICY (SNGP)

The SNGP states that CDCs are “performing the future roles of the VC” until VCs are elected. The Constitution broadly defines such roles as follows (Art.140):

“Organize activities as well as attain active participation of the people in provincial administrations in districts and in villages, in accordance with the provisions of the law.”

The SNGP specifies that VCs will be mainly responsible for organising local development, managing sub-projects, overseeing government service delivery, maintaining linkages with community, civil society and media. Furthermore, the SNGP stipulates that VCs “will help maintain” overall stability, rule of law, human rights, good governance and shall contribute to the reduction of poverty, the achievement of the Millennium Development Goals (MDGs), the protection of the environment and the eradication of “customs contrary to the law and sharia”. Finally, the SNGP explains the VCs should “play an important role” in counternarcotic activities, disaster management and social protection as well as in resolving disputes, managing village commons and natural resources, facilitating land and population registration and coordinating with higher-level governance entities.

Noticeably, this description emphasises the roles of the VCs in organising the implementation of development sub-projects and the delivery of government services, which corresponds to the current prerogatives of the CDCs. However, although it is often implied, the text does not explicitly consider the future VCs as a primary instance for linking the community with district-level entities, resolving non-

---

7 The SNGP defines good governance as the effort 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.”
criminal disputes or certifying documents required by the district administration to validate ID cards of villagers for example. These roles are currently ensured mainly by the head of the village, who has traditionally been either appointed by the government or elected by community members to represent the government at the village level and to represent the community to the government. Nevertheless, the sheer breadth of future roles and responsibilities required of the VCs under the SNGP is often inconsistent with the actual current roles of the CDCs, calling into question the statement that CDCs “are performing the future roles of VCs”.

The SNGP does not state whether or not future VCs should remain the only formal governance structure at the community-level, which would imply the demobilisation of the village heads currently in place – which the SNGP does not consider as a formal entity. Instead it seems to consider VCs as one of the many village-level governance entities. However, it does describe VCs as “Village Administration” and Maliks, Arbabs, Qaryadar, and other types of community leaders as informal governance structures, which could be interpreted as reserving formal status exclusively for VCs. As mentioned above, the SNGP also asserts that CDCs “are at liberty to remain as CSOs” once VCs are formally constituted, which further accredits that VCs shall remain as the sole formal governance body at the community level.

f. **The CDC-By Law**

The CDC By-Law was established in 2006 upon request of former MRRD Minister Ehsan Zia to provide legal recognition to CDCs. The *de jure* status of this text is still debated among specialists but its *de facto* value as a presidential decree cannot be overlooked.

Article 16 of the by-law defines a rather wide range of roles for the CDCs:

- Preparation of a Community Development Plan (CDP);
- Administration of a Community Development Fund;
- Coordination with government agencies, FPs and other aid and development programmes;
- Regular community mobilisation, including decisions for optimising the use of skills and resources available in the community and thereby fostering the development of the community;
- Financial documentation of operations conducted and reports to community members.

Some of these duties, however, seem to go beyond the strict requirements of the NSP. Indeed, the CDC is “obliged to record the population statistics in the community, including the number of men and women, births, mortality and marriages” and is tasked with establishing birth and death certificates, marriage licenses and national ID cards, which has been traditionally the prerogative of the village heads in a number of districts of Afghanistan. Article 17 stipulates that the CDC may also take upon itself the resolution of local disputes.

In fact, the CDC By-Law gives a primary role to CDCs in linking the communities with government entities outside of strict development issues, including dispute resolution and administrative processes that are most often *de facto* devolved to the head of the village. However, one of the NSP executives interviewed emphasised that, in the spirit of the By-Law, CDCs – and possibly the future VCs – are meant to contribute to fulfilling the different responsibilities outlined rather than fulfilling these directly. Their main responsibility would be therefore to oversee and manage governance and service delivery while
using available resources or appointing specialised personnel to make sure the different responsibilities are effectively fulfilled.

While the By-Law was not meant to be strictly enforced, it has been used as a guideline to train and prepare CDCs to taking on responsibilities that go beyond local development and include a wider field of governance. Interviews with FPs have highlighted that the training programmes planned under the third phase of the NSP will prepare the CDC members to take on broader responsibilities: whereas the training programmes provided during NSP I and II would mainly focus on sub-project management, accountancy, procurement formalities and participatory monitoring, newly included training programs focus on conflict resolution, “gender mainstreaming”, or disaster management. While this extension of the training curriculum for CDC members is still directly relevant to the implementation of NSP, it also seems to build capacity in “governance for development”.

To summarise, the SNGP gives VCs (and thereby the CDCs as interim VCs) a primary role in local development and a secondary role in wider governance, the CDC By-Law gives CDCs a primary role in local development and in some key aspects of wider governance, while leaving options opened for them to take on leadership in further traditional governance responsibility. CDCs have therefore been prepared to fulfil wider responsibilities than the ones initially envisioned for VCs in the SNGP.

However, both texts fail to assign a clear responsibility for some of the roles usually fulfilled by traditional leaders, such as the political link with the government or the resolution of non-criminal disputes. Furthermore, the SNGP fails to define a streamlined local governance structure and leaves a wide room for interpretation regarding the needs for coordination among local governance actors, both within the village and between the village and the district level government.

4. FIRST CHALLENGES TO TRANSITION CDCs TO VCs

The analysis of the legal framework for community governance and service delivery structures, and in particular for the constitution of CDCs and VCs, leads to identify three main challenges that will need to be taken into consideration for any re-arrangement of the current local governance structure in the specific context of Afghanistan.

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Key question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition Challenge</td>
<td>What functions need to be fulfilled at the village level and what level of responsibility should be granted to local governance actors?</td>
</tr>
<tr>
<td>Harmonisation Challenge</td>
<td>Should CDCs/VCs be expected to work the same way everywhere? If not, how to manage flexibility in the definition of the functions that CDCs are meant to fulfil as VCs?</td>
</tr>
<tr>
<td>Election Challenge</td>
<td>To which extent does the CDC election process comply with the conditions outlines by the constitution?</td>
</tr>
</tbody>
</table>

a. THE DEFINITION CHALLENGE

The “definition challenge” is mainly to answer the question: “What functions need to be fulfilled at the village level and what level of responsibility should be granted to local governance actors?” Beyond the diverging provisions of the SNGP and the CDC By-Law, the legal framework should clearly define the attribution of dispute resolution, administration and political representation responsibilities at the
village level and thereby avoid any confusion at the district and village levels. IDLG and the MRRD are currently working on establishing a comprehensive text that should provide a precise and exhaustive definition of the roles bestowed upon village-level government bodies. The following section will attempt to map out the different roles taken on at the community-level and identify the most competent actors to take on these various roles (See below Section II.B).

Moreover, the different lines of political representation at play in Afghan communities, with the head of the village acting as the IDLG representative and the CDC as the MRRD main point of contact, are symptomatic of the difficulty to delegate development facilitation, political representation and associated governance prerogatives to a unified formal body with sufficient autonomy to optimise the delivery of economic, social, governmental and administrative services.

The assessment of an appropriate level of autonomy at the village level will need to take into account the performance and legitimacy of local governance actors before defining a timeline for the progressive delegation and streamlining of governance and service delivery prerogatives to the village level (See below Section IV.A and IV.B).

b. **THE HARMONISATION CHALLENGE**

The “harmonisation challenge” relates to the level of formalisation that should be achieved for CDCs to become effective as VCs and is primarily to answer the question “Should CDCs/VCs be expected to work the same way everywhere? If not, how to manage flexibility in the definition of the functions that CDCs are meant to fulfil as VCs?” Nixon (2009) especially underscored the wide variety of contexts encountered in Afghanistan in saying, “this variation is important in assessing the outcomes of the [NSP] itself, the sustainability of the structures it has created, and the place of these structures in the larger framework of evolving subnational governance and state building efforts in Afghanistan.” In this context, it is unclear how a nation-wide policy requiring the uniform institutionalisation of CDCs should adapt to the various types of CDCs that have emerged across the country.

The conception of a unified implementation strategy will need to identify a common denominator of existing CDC structures (i.e. in terms of capacity and level of authority) and specific measures to address the regional disparities across the country (See below Section II.B.)

c. **THE ELECTION CHALLENGE**

The election challenge is primarily to answer the question: “Which legal text is to be considered as the most determinant to define the constitution of VCs?” The current legal framework requires the supervision or at least some involvement of the IEC in the election process and provides certain conditions that differ from those defined for the CDC election process. However, discrepancies exist between the formal legal framework and the CDC By-Law as well as between the provisions of the CDC By-Law and the CDC election process that has already been implemented. Whether or not these discrepancies would disallow the option of transitioning or integrating CDC members into formal VCs remains the decision of the Afghan Government.

However, it seems unlikely that the IEC will have the capacity and the resources to organise and control simultaneously elections in the 38,000 to 40,000 communities recognised in Afghanistan. This point has
been raised by a majority of central-level key informants and led most of them to argue either (i) that the current framework should be amended to authorise the formal recognition of CDCs as VCs or (ii) that the idea of setting up VCs should be put on hold for the moment and the formal election process under control of the IEC should be postponed. However a third option not mentioned by key informants would be to define a clear interim status for the CDCs before organising phased in elections of VC members, thereby minimising the changes to the current legal framework (See below Section IV.B).

**B. EXISTING LOCAL GOVERNANCE AND SERVICE DELIVERY INSTITUTIONS**

This section provides an overview of the main governance and service delivery structures – both formal and informal - operating at the district and sub-district levels before delving into an analysis of the governance and service delivery structures operating at the community level based on the fieldwork conducted for this study. The objective of this analysis is to understand how communities are connected to higher-level formal and informal entities in order to assess the functionality of the current setup and identify the most competent actors for taking on specific responsibilities within this framework.

The figure below provides a first overview of Afghan sub-national entities that play a role in governance and service delivery at the provincial, district, sub-district and community levels:

---

8 The diagram does not include international NGOs and Provincial Reconstruction Teams (PRTs) as it focuses on national entities. Entities outlined in orange are formal, entities outlined in blue are semi-formal depending on the context and entities outlined in white are informal

---

**Figure 4 - Overview of Afghan sub-national entities involved in governance and service delivery**

<table>
<thead>
<tr>
<th>Provincial Officials</th>
<th>Provincial Governor</th>
<th>Provincial Line Ministries</th>
<th>Provincial Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Officials</td>
<td>DG</td>
<td>Line Departments</td>
<td>Municipalities</td>
</tr>
<tr>
<td>Representatives</td>
<td>ASOP - DCC</td>
<td>DDA</td>
<td>CSOs</td>
</tr>
<tr>
<td>Sub-district Leadership</td>
<td>Tribal Leaders</td>
<td>CDC Clusters</td>
<td>Commanders</td>
</tr>
<tr>
<td>Community Leadership</td>
<td>Melik</td>
<td>CDC Members</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Traditional Elders</td>
<td>Khans</td>
<td></td>
</tr>
<tr>
<td>Service Providers</td>
<td>Arbaki</td>
<td>Mullah</td>
<td>Mirab</td>
</tr>
<tr>
<td></td>
<td>Barber, etc.</td>
<td>Community Members</td>
<td></td>
</tr>
</tbody>
</table>
1. EXISTING DISTRICT LEVEL FORMAL AND INFORMAL INSTITUTIONS

Figure 5 - District level governance and service delivery structures

<table>
<thead>
<tr>
<th>District Officials</th>
<th>DG</th>
<th>Line Departments</th>
<th>Municipalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representatives</td>
<td>ASOP - DCC</td>
<td>DDA</td>
<td>CSOs</td>
</tr>
</tbody>
</table>

a. **FORMAL GOVERNMENT ENTITIES**

**District Governor (DG) and District Governor Office (DGO)**

The District Governor is the representative of the GIRoA at the district-level. Since the Presidential decree No. 2113 promulgated in 2010, the DG is a civil servant recruited through a merit-based, competitive and transparent selection process coordinated by the Independent Administrative Reform and Civil Service Commission (IARCS) and the IDLG. In practice, high-level government officials and Provincial Governors still have significant influence over the selection process.

As per the SNGP, the DG is intended to lead the district-level planning in the economic, social and cultural fields and to ensure the coordination of all district-level governmental offices. He also has the responsibility to coordinate with security forces to help maintain stability in the district and enforce the law. The current structure provides the DG with limited formal powers and little to no financial autonomy. However, they operate as “the central figure of governance at the district level” and thereby possess considerable leverage to influence the affairs of the district.

Across the districts covered for this study, it appeared that the *de facto* authority of the DG varies widely depending on the personality of the appointee and his relationships with other governance and service delivery actors at the district and provincial level, including international NGOs and the PRT. For instance, the DG in Nahr-e Shari was perceived as especially powerful while one of the DGs interviewed in Nangarhar was seen receiving orders from the head of the DDA who was particularly influential due to his wide network and local popularity.

In regards to other roles and responsibilities, the DG also receives the petitions and requests brought by the village heads, the CDCs or the DDA in the name of communities. The DG is then supposed to coordinate with donor agencies, NGOs and the appropriate line ministries to obtain funds and facilitate the implementation of relevant sub-projects and adequate service delivery. In most districts of the sample, the DG had regular meetings with the DDA and the CDCs to discuss development issues in the district.

Moreover, the DGO most often works as a district administrative centre and includes the following offices:

i. A statistical department in charge of registering births, deaths, weddings and issuance of ID cards;

---

9 SNGP, p.68
ii. A cadastre department that is in charge of censing land boundaries of communities and land titling;

iii. A district court office and the office of the district prosecutor which processes judicial cases;

iv. The district police office.

**Provincial Line Ministry Departments**

The Provincial Line Ministry Departments represent the Ministries at the district level. Not all Ministries are represented in all districts and the existence of district office often depends on available budget, local needs and political will. In the districts considered for this research, the Department for Agriculture, Irrigation and Livestock (DAIL) was often the most important Line Department in the district, followed by the Department of Public Health (DoH) and the Department of Education (DoE).

Central Ministries are at liberty to determine the appropriate degree of delegation to enhance the autonomy and ability of these offices to provide services more effectively. However, Line Departments are currently primarily responsible for facilitating the implementation of programmes decided at the central and provincial levels. They typically have little decision-making autonomy and horizontal linkages across offices of a same district are usually very weak.

In practice, communities contact Line Department representatives when specific needs for services emerge in the community or the implementation of development programmes in the area requires specific assistance from one or several Line Departments. For instance, in Badakhshan and Balkh, CDCs coordinated with DAIL to obtain fertilisers and seeds. In Balkh and Helmand, Line Department representatives participate regularly in the meetings organised by the DG and the DDA in coordination with the CDCs. Across the board, CDCs explained collaboration with Line Departments was rarely fruitful given their limited capacity.

**The Municipality**

A municipality is defined under the SNGP as “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.” More precisely, municipalities have a corporate personality and are meant to facilitate the provision of public services within their territorial boundaries by contracting relevant service providers within the framework and budget decided at the Provincial level.

In practice, each provincial and district centre is a municipality responsible for ensuring access to safe drinking water, electricity and infrastructure to its constituents. Outside of the provincial and district centres however, the municipality has little to no interaction with the communities. Within the geographical scope of this study, none of the communities’ governance actors reported significant interaction with municipalities, except in some small towns of Nahr-e Shari that were located close to Mazar-e Sharif and involved in urbanisation plan led by the Provincial Municipality.
b. **INFORMAL GOVERNMENT ENTITIES**

**District Community Council (ASOP-DCC)**

District Community Councils have been created in 18 provinces of Afghanistan under the USAID-funded Afghan Social Outreach Program (ASOP). The programme was implemented between 2008 and 2012 in insecure districts to contribute to conflict resolution, local development and stability in coordination with government and development actor. Each ASOP-DCC is comprised of 35 to 45 salaried members typically selected among local leaders through a flexible process that varies across districts. ASOP-DCCs were not implemented in Balkh or Badakhshan and have been recently dissolved in Nangarhar where some of the members were nonetheless still meeting voluntarily to consult and advise local government on stability.

In Helmand, the structure was still operating under the supervision of a provincial-level office that liaised with and monitored district shura members. ASOP-DCC members have been elected by district constituents and were also responsible to ensure the accountability of the District Governors. In both Garmser and Nad Ali, DCCs were considered as the main point of contact for district-level officials to connect with the communities. In addition, community members also described the DCCs as the primary authority for development planning and security coordination. In both districts, the DCCs were holding bi-weekly meetings with the DG, Line Departments’ representatives, DDA and CDC members to coordinate development projects and improve stability.

**District Development Assemblies (DDAs)**

The DDAs are established under the National-Area Based Development Program (NABDP), implemented jointly by the MRRD and the UN Development Program (UNDP) since 2002. Since its inception, the programme has instituted 388 DDAs across the country, thereby covering 96% of the Afghan territory with the exception of most of the Paktika province\(^\text{10}\). Each DDA is formally elected through a district-level election process. In districts covered for this study, the election process was most often described as conforming to provisioned procedures, with community-level CDC members electing sub-district level Cluster CDC (CCDC) members and each CCDC selecting a representative and a deputy to become DDA members. DDAs were usually comprised of around 35 members.

DDAs were primarily set up to help coordinate and facilitate development programmes through the creation of a District Development Plan (DDP). DDPs are typically established through a consultative process that involves CDC members to identify and prioritise the needs for development projects reported by communities. The DDP is then used by DDA members to (i) formulate requests to district and provincial-level government officials and other development actors as well as (ii) allocate available resources and projects to the communities.

In some rare instances, the DDA is able to coordinate CDCs to combine projects that benefit to more than one community (e.g. a tertiary road project that connects three villages in Baharak or a micro-hydro power plant (MHPP) that provides electricity to two neighbour communities in Surkhrod).

\(^{10}\) NABDP, Yearly Report, 2011
However, in most cases, the district-level planning was limited to the prioritisation of disconnected projects and had little ability to organise cluster projects, due to a lack of both opportunities and local willingness to cooperate with other communities.\textsuperscript{11}

For example, in Bamiyan, such efforts would nonetheless appear necessary, as the difficulties related to the mountainous implementation environment imposed additional costs for lower-quality projects. Shallow wells assessed for this study most often provided only salt water that was improper for normal consumption. In such a situation, the possibility to combine the funds of several block-grants to drill a deeper well offering higher quality water would result in benefits to all the communities at the same cost as individual shallow wells.\textsuperscript{12}

Across the sample of case studies, CDC members reported to interact directly with DDA members during monthly meetings organised at the district centre with the heads of the CDCs, district officials and non-governmental development actors. In Helmand, the ASOP DCC had taken the lead on the organisation of such meetings and was perceived as more responsive than the DDA. In other provinces, CDC members had an overall positive perception of the benevolence of the DDA but highlighted its limited capacity to respond to community needs. In one district of Nangarhar, a CDC member explained that relationships play an important in the project attribution process and complained there was little transparency in this regard.

**Civil Society Organisations (CSOs)**

In most of the districts covered, provincial and district level key informants mentioned the existence of various district-level shuras operating as civil society organisations (CSOs) for promoting the interests of minority and professional groups (e.g. Women Shura in Balkh and Badakhshan, Youth Shura in Nangarhar and Helmand, Farmers Shura in Balkh) or for facilitating the implementation of social services or government programs (e.g. Elders Shura in Balkh, Religious Shura in Badakhshan and Nangarhar, Ulema Shura in Helmand and Anti-Narcotics Shura in Nangarhar). CDC members did not report any particular interaction with these shuras as they typically have limited access to funds and more of a consultative role for the design of government programmes.

**2. Existing Sub-District Formal and Informal Entities**

Three main categories of actors were found to have a relatively important role in local governance, with stark variations across areas covered: the tribal leaders (mainly in Helmand), the Commander (in Helmand, Balkh and Nangarhar) and the Clusters of CDCs (CCDC).

---

\textsuperscript{11} This point was also highlighted by Nixon (2009) and Saltmarsche (2010)

\textsuperscript{12} For further analysis of this question, please see the above mentioned O&M report
a. **TRIBAL ELDERS**

Tribal elders (Saran-e Qowmi in Dari) were mentioned as prominent figures for tribal dispute resolution in Helmand (all respondents interviewed for case studies), Nangarhar (69%) and to a lesser extent in Herat (32%) and Balkh (13%). Although they have no formal recognition, tribal elders constitute a relevant customary authority at the sub-district level. In addition, oftentimes tribal elders wield authority at the district level and at the provincial level, such as in Helmand where the tribal system still dominates local society. While the main role of tribal elders is to solve tribal conflicts, they also coordinate with Afghan National Security Forces (ANSF) to help ensure security in the district and sometimes contribute to the district development planning (in Helmand and Nangarhar). However, CDC members did not report similar regular interactions with the tribal elders.

---

**Note on informal sub-district level socio-geographical delineations in Afghanistan**

The district, the municipality and the village are the three lowest administrative units formally recognised under the Afghan legal framework. However, districts and villages are shaped by informal boundaries that correspond to complex and often moving delimitations of coherent geographical areas and social groups.

Afghan districts are typically divided into sub-districts named hawza or manteqa. The term hawza has a military connotation and refers to sub-divisions used to organise security forces within the district. The term manteqa refers to a group of villages roughly defined by topography or natural landmarks or shared resources and social allegiances. Both the hawza and the manteqa have territorial and social dimensions that often overlap with tribal delineations. The word qowm usually designates a tribe that can unite several villages and run across adjacent districts. However, the word has also a broader meaning as a social group bound by solidarity, kinship or patronage ties that go beyond tribal lineage, although these most often overlap. In Pashtun areas, the qowm (or tabar, for “tribe” in Pashtu) is subdivided into khel or zai, two terms that refer to the English “sub-tribe”. The khel is most frequently established as one community: in Helmand, several respondents used the expression “one village, one tribe” to refer to this situation.

Afghan communities are typically comprised of “sub-communities”, which paradoxically makes them intrinsically divided. These sub-communities are designated differently depending on the region but are typically defined through patrilineal filiations: Padar (“Father” in Dari) prevails in Tajik area, while Pallar (“Father” in Pashtu) or Wand are commonly used in Pashtun areas. Sub-communities select representatives that participate in the decision-making process of the affairs of the community and dispute resolution.

These informal geographical and social units shape the collective representation of the districts and drive alliances as well as divisions. Beyond cooperation for maximising shared resources, competition for leadership between prominent members of a same qowm or manteqa can result in disputes between sub-tribes or communities. As a padar grows to absorb an increasing number of households, the result is often a stronger social unit but with an increasing division of land resources among descendants. The territorial delimitation of the sub-community may then become a factor of social division as disputes arise between family members contending for a parcel of land. The unity (Etihad in Dari) of the community is then defined as the ability of community members to find solutions to overcome the intrinsic divisions fostered by the growing scarcity of resources based on their perceptions of belonging to a same group. In this sense, dispute resolution and leadership are commonly perceived as critical to preserve the community as a united group despite a constant exposure to the risk of disunion.

---

13 See also, Favre (2005) “Interface between State and Society in Afghanistan Discussion on Key Social Features affecting Governance, Reconciliation and Reconstruction.”
b. **COMMANDER**

The primary role of a local Commander is to guarantee stable security conditions in a given area. They are often former Mujahedeen who have been integrated in the formal Afghan Forces or who play a significant role in coordinating with them to improve security in the area. Commanders were especially prominent in Helmand, although their influence was seen in other provinces as well.

In Helmand, respondents from each of the four villages studied reported the existence of a Commander who plays an important role in ensuring the security of the area. In this province, Commanders were formally integrated to the ANSF and had responsibilities over Afghan Local Police (ALP) operations. While the Commander’s role was strictly limited to security in Garmser, the Commander seemed to have some involvement in the resolution of local disputes and in the attribution of development projects in Nad Ali. In the other provinces, there is anecdotal evidence of the influence of informal Commanders that derive their authority from their reputation as former Mujahedeen during the Soviet occupation and from the remaining soldiers they pay to ensure their security.

The perception of these informal Commanders varies widely across the area, depending on their interest for the well-being of their community. In the village of Qul Mohammad (Balkh, Nahr-e Shari), a former Commander that reportedly still maintains a private security force of 20 gunmen had stolen the money that the community gathered to pay for electricity required for the water supply network built under the NSP. On the contrary, in Dehwalid Bala (Nangarhar, Surkhrod), one of the regular CDC members is known in the area as a former commander who gave up his military status but still plays a considerable role in ensuring security of most villages in the vicinity, which seems to ensure him wide popularity.

c. **CLUSTERS OF CDCs**

In all areas covered for this study, the FP and the provincial MRRD representative had informally divided districts into clusters of villages. As explained by several district-level key informants, this division would sometimes follow traditional delineations but would most often be based on geographical proximity of a limited number of villages (usually between 10 and 15 depending on the total number of villages in the district). Subsequently, CDC members had designated one representative (usually the head of the CDC) to form a CCDC with representatives of the other CDCs belonging to the same cluster.

Across villages selected for case studies, most villagers were aware of the existence of Clusters of CDCs and gave positive feedback regarding their involvement in (i) conveying the needs of citizens living in the cluster to the formal government via the DDA and (ii) in resolving local issues and resource-based disputes. Representation, local development and engendering unity among villages were the three main benefits respondents derived from the existence of CCDCs.

Overall, understanding of the roles and responsibilities of CCDCs remains relatively sparse, with community members often being unable to describe their precise function. Heads of villages, CDC members and non-CDC elders, however, had a fairly precise knowledge of CCDCs and most of them were able to provide accurate details regarding the composition of their CCDCs, their role and their
situation in the district. Heads of CDC were regularly in contact with the CCDCs by phone but would rarely meet with them, except for the monthly meetings organised at the district centre by the DDA.

3. **EXISTING VILLAGE FORMAL AND INFORMAL ACTORS**

   Figure 8 - Village-level governance actors

<table>
<thead>
<tr>
<th>Community Leadership</th>
<th>Malik</th>
<th>CDC Members</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Traditional Elders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Khans</td>
</tr>
</tbody>
</table>

Across the wide variety of situations encountered in the different areas considered for this study, three primary power brokers shape the configuration of community-level governance and service delivery structure depending on their respective roles, resources and their mutual relationships: the village head (which most commonly refers to the *Malik*, who is also known as the *Qaryadar* or the *Arbab* in certain areas), the CDC and the elders’ traditional shura. The khans were not recognised as governance actors and were mainly described as wealthy community members who could influence the affairs of the community because of their economic power.

Survey and case studies’ respondents have been asked to define spontaneously the main roles of each of these actors. Answers from open-ended questions of the survey conducted in Badakhshan, Balkh, Bamiyan, Herat and Nangarhar were then post-coded as multiple response sets. Overall, six main categories of roles have been identified across all answers given: social work, justice, development, linkages with government, security and administration. In the section below, survey responses have been computed into radar graphs (see figure below) that represent what type of roles are the most commonly attributed to the actor considered.

Table 5 - Main categories of governance roles identified for community level governance actors

<table>
<thead>
<tr>
<th>Label</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Work</td>
<td>Community mobilisation activities</td>
</tr>
<tr>
<td>Dispute Resolution</td>
<td>Resolving disputes between villagers</td>
</tr>
<tr>
<td>Development</td>
<td>Management and monitoring of development sub-projects</td>
</tr>
<tr>
<td>Government Linkages</td>
<td>Ensuring linkages with the government, transmission of issues and requests</td>
</tr>
<tr>
<td>Security</td>
<td>Coordination with the ANSF to ensure stable security conditions</td>
</tr>
<tr>
<td>Administration</td>
<td>Certification of formal documents for the completion of administrative processes</td>
</tr>
</tbody>
</table>

On the figure presented above, the label “Social” encompasses community mobilisation activities, collective works (i.e. “*Ahshar*”, a traditional form of collective work undertaken by community members
under the supervision of local leaders to ensure the maintenance of existing community assets or the construction of new ones, for instance the rehabilitation or extension of irrigation canals) general problem resolution (i.e. specific issues faced by one or several members of the community that do not entail disputes between parties, such as difficulties to transport merchandise to the bazaar) and more general answers such as “is involved in all the pains and joys of the villagers”. “Dispute resolution” primarily involves dispute resolution, but can also involve interactions with the District Court on behalf of community members. “Development” relates to the management, the monitoring of development projects, which includes the distribution of work and salaries as well as the equitable distribution of development project benefits to community members. “Government linkages” indicates the actor is perceived as playing a significant role in ensuring linkages with government officials, and ensures that issues or requests that are the responsibility of other levels of government are communicated in a timely manner. “Security” refers to cooperation with ANSF to ensure security and to more general actions undertaken to guarantee the security of villagers. “Administration” mainly relates to the certification of formal documents for the establishment of ID cards or the recognition of land boundaries. “Other” represents answers that did not describe particular roles.

a. Village Head

The village head is most commonly known as Malik across the country but can have different names depending on the area: the village head will be typically referred to as “Malik” in Pashtun areas of Helmand and Nangarhar, as “Qaryadar” in some parts of Nangarhar and Herat or as “Arbab” in Balkh. The village head is traditionally selected by a community Jirga (i.e. an assembly of influential community members making decisions on issues of collective interest). In Helmand and in parts of Herat, Balkh and Nangarhar the function is transmitted from father to son. In Balkh, some village heads explained “they had been elected by the people” and then formally recognised by the DG. Apart from village heads encountered in Badakhshan and Bamiyan, all Maliks encountered had received a stamp from the DGO that symbolises this formal recognition. The stamp is used to certify documents that are required for community members to obtain ID cards or land titles from the district level administration. Overall, the existence of a formal village head is attested by 69% of survey respondents (the remaining being mainly located in Badakhshan and Bamiyan).

As shown in the chart below, the responsibilities of the Malik are mainly resolving disputes, ensuring the link between people and the government, solving general issues of villagers (including organizing Ahshar, i.e. collective rehabilitation work) and facilitating administrative processes by certifying documents for land registration or ID cards issuance.
The status, the roles and the importance of the village head varied tremendously from one province to another, with roles and importance transferring to other parties over time based on the specific circumstances of the village. As indicated in the figure below, at one extreme is Helmand, where the authority of the Malik is unquestionably strong, while at the other extreme, Badakhshan and Bamiyan are characterised by the progressive dissolution of the Malik system. In the middle, Balkh, Herat and Nangarhar featured a more nuanced situation, with the Malik system still playing a prominent role.

In Helmand, the authority of the Maliks was not contested and two interviewees explained that “he is the elder of the village and he is involved in every issue”, which reflects the perceptions of most respondents across the four case studies conducted. The Malik had received his title by lineage and was cited by community members as the most competent actor to take on most responsibilities in the village, including decision-making power with regards to development projects.

In the two districts covered in Badakhshan, the Malik system had been widely abandoned and the former village heads, called “Nomainda” had no formal authority anymore except in one village of Baharak. Instead, they were merely in charge of protecting the commons from wild animals, managing the irrigation system and gathering people for collective rehabilitation work.
In Bamiyan, Maliks were mentioned in only four villages of Shibar district but were typically responsible for three to four communities of a same area. These Maliks had the same roles and responsibilities as traditional single-community Maliks (i.e. stamping administrative documents, resolving general issues and disputes as well as linking the community with the government).

In Balkh, the Malik system was still predominant in Nahr-e Shari where the DG strongly supports the Arbabs and refuses to expand the authority of the CDCs until the current legal framework is clarified. In the village of Takhta Pul for instance, the Malik could still tightly control the actions of the CDC and was the only community member to have the key to the WSN. In Khulm, the DG has provided more support to the DDA but village heads are still significantly involved in development, beyond their traditional roles and responsibilities. Interestingly, community members interviewed for both case studies in this district expressed particular concerns that tensions would arise in the event CDCs would be institutionalised without including the Malik, despite apparent cooperation between both actors.

In Herat, the Malik system is still in place in most communities. Here, the Malik – or Qaryadar - is primarily involved in ensuring the link between the community and the government and is also the sole party responsible for facilitating administrative processes for the villagers. The Malik is further involved in the supervision of development projects and the organisation of Ahshar alongside the CDC. Field observations suggest both entities were most often cooperating in dispute resolution as well.

In Nangarhar, the districts of Surkhrod and Behsood presented a mixed tribal make-up, with a significant Tajik population who had assigned very precise roles to the traditional Maliks. In most cases, village heads were playing a significant role in security, in linking the community with formal government and in ensuring dispute resolution. In Behsood, however, this role was balanced by the increasing role of the CDC, while the Malik was still the main authority in the villages of Surkhrod, which is closer to the traditional Pashtun South of the province and where insecurity is more frequently considered as an issue.

The figures below represent the frequencies of most commonly cited responsibilities of village heads per province as perceived by local respondents on average:
b. CDC

Community Development Councils (CDC) are also commonly referred to by the respondents as the “Development Shuras”. CDC is supposed to be elected through fair, secret, general elections that allow for democratic representation of the community. It was designed to facilitate the development of the community and, in particular, the implementation of NSP sub-projects.

CDC election process

The CDC creation process has been implemented in different ways depending on the province. As lessons learned in the field were integrated into the OM guidelines, the election process has been refined to achieve greater transparency and prevent disruptions by local elite. According to FPs interviewed at the district level, the latest guidelines include the three following phases:

i. Discussions with three traditional leaders to divide the village into clusters (10 to 12 clusters per village on average), which often corresponds to the traditional sub-communities that structure the villages (See above, Note on sub-district level socio-territorial delineations in Afghanistan);

ii. Immediate, direct and inclusive elections of village cluster representatives through secret ballots (one male and one female per cluster);

iii. Election by newly elected CDC members of the CDC executive committee, which is comprised of the Chairman, the Deputy Chairman, the Secretary and the Treasurer of the CDC.

Unlike the former version, which allowed a pre-selection of candidates, this new election process is intended to prevent local elite from campaigning in order to give local constituents as much freedom of
choice possible. The new guidelines also provision for the positions of Deputy Chairman and Secretary to be attributed to women and to be left vacant in case women of the village are not willing or able to take on these positions (either because local residents refuse to elect women for this position or because no woman in the village is willing to take on such roles).

The implementation of the election process has been met with mixed success in the different districts. According to community members interviewed for case studies, the implementation of this process was relatively successful in the two districts of Balkh (especially in Khulm) and in Behsood district (Nangarhar). In Helmand and Badakhshan, most reports of community members and field observations suggest the process had been disrupted by the local elite who either appointed their relatives (Helmand) or themselves (Badakhshan). Perceptions are mixed in Surkhrod district (Nangarhar), where elders often pre-selected candidates or influenced the choice of community members by preventing them to vote secretly. In such villages, the frequent demands for secret elections were most often tied to the perceived corruption of selected CDC members. However, such demands were difficult to uncover given the tendency for consensus in Afghan communities. As an example, an FGD participant in Helmand clearly expressed his frustration with the corruption and lack of elections before retracting himself in front of the other participants upon realising his views were not shared, or if shared, not expressed by others (Grup Shash, Nad Ali district).

Roles of CDCs

While the roles of the village head seem to change significantly across regions, local development is clearly perceived as the primary role of CDCs across the board (96% of the sample mentioned development when asked to describe the roles of the CDC without being prompted). Around 42% of the respondents added dispute resolution as a primary or secondary role of the CDC with some variation across the regions. Facilitation of administrative process is mentioned as an additional responsibility of the CDC by 9% of the interviewees, mainly in Badakhshan and Bamiyan where the Malik system has been suppressed the most.

Figure 13 - Most commonly cited responsibilities of the CDC – All provinces (n=696)
Overall, the introduction of these very recent bodies in the customary governance structure of Afghan villages has modified the local power balance in varied ways across the country. CDCs have taken on a diverse range of responsibilities in addition to their development functions depending on the area and the local power dynamics contained therein. The figure below summarises the variations in responsibilities fulfilled by CDCs across provinces:

**Figure 14 - Most commonly cited responsibilities of CDCs per province (n=128 to 160/province)**

In Helmand, the role of the CDC was overall limited to facilitating the implementation of development projects even if a few respondents emphasised their contribution to dispute resolution and linking the community with the government alongside the Malik and the elders who were still the primary authority in the community for most other roles.

In Badakhshan, respondents spontaneously described the main role of the CDC as the design and implementation of development projects, with respondents of Jorem emphasising an important role in dispute resolution as well. In both districts, however, when asked which actor was the most competent to deliver key governance services, a majority of respondents considered CDCs as the most competent instance for linking the community with the government, resolving disputes, determining land boundaries and certifying documents. This consensus makes them the primary de facto authority in most villages of this province and indicates a significant expansion of their roles beyond their initial mandate.

In Bamiyan, CDCs were the predominant community-level governance and service delivery entity. Most interviewees indicated that the primary responsibility of CDCs was to ensure the proper implementation of development projects but also underscored their role in dispute resolution and certifying administrative documents. Furthermore, when asked which actor was the most competent to deliver
key governance services, an overwhelming majority found CDCs to be the most competent entity for ensuring the link with the government (98%), for resolving disputes (95%) and for certifying documents (89%). Similarly to Badakhshan, this indicates that CDCs have expanded their roles well beyond their initial mandate, either because the resources they were able to channel gave them de facto authority for deciding on general governance matters, or because traditional leadership managed to use the CDCs as a new vehicle to exert their authority.

In Balkh, the role of the CDCs was most commonly confined to the supervision of development projects, with some extension into dispute resolution in Nahr-e Shari. While survey respondents considered CDC members competent to organise local development, they were seen as secondary for all other governance responsibilities at the community level currently executed by the village head or the elders. Case studies highlighted nonetheless significant tensions between CDC members and traditional governance actors. In all four villages, respondents were worried that institutionalising CDCs would exacerbate divisions in the community, even in cases where the Malik was a member of the CDC (Qul Mohammad in Nahr-e Shari and Deh Hassan in Khulm).

In Herat, the situation was mixed as well, with CDCs overseeing the implementation of development projects and contributing to dispute resolution and, to a lesser extent, to maintaining the link with formal authorities. However, customary leaders and CDC were typically cooperating and supporting each other. Instead of maintaining exclusive control over the link with the District Government, several Maliks explained they would typically bring with them the Head of the CDC and introduce him to the DG. Interestingly enough, Herat is the only province were CDCs and customary actors were considered as equally competent for ensuring the link with the government, resolving disputes or determining land boundaries. The CDC however, had not received approval from district authorities for certifying administrative documents.

In Nangarhar, CDCs had similar roles as in Herat. Moreover, on average, customary leaders and CDCs were perceived as equally competent for resolving disputes. However, further analysis reveals significant differences between Behsood and Surkhrod. Respondents in Behsood more frequently credited CDCs with roles that go beyond the strict facilitation of local development projects and, for instance, 82% mentioned both the CDC and the Malik as the most competent instances for ensuring the link with the government. In Surkhrod, which is closer to the more traditional areas of southern Nangarhar and where security issues start becoming a concern for local constituents, the role of CDCs was more limited to development and was not expanded into other realms of governance and service delivery. The situation in Surkhrod seems more similar to Helmand, as even when the Malik is part of the CDC (Dehwalid Bala), regular community members tend to imbue the Malik with wider responsibilities in lieu of the CDCs.

c. **ELDERS AND TRADITIONAL SHURA**

Elders (*Rish-e Safid* or *Mohon-e Safid* depending on the area) compose the traditional *shura* of the village. During fieldwork, community members would often distinguish the elders as individuals and the traditional *shura* as a collective entity, as it appeared the existence of elders ultimately does not imply the existence of a recognised traditional shura. While the influence of elders as individuals was
persistent in all provinces, the traditional *shura* was perceived as a distinct governance body in most of the villages covered in Helmand and Nangarhar but much less so in other provinces. The following analysis uses two different sets of data to understand the roles of individual elders on the one hand and the roles of the traditional *shura* on the other.

**Elders selection process**

Elders are usually selected based on their lineage and reputation in the community. Afghan villages are traditionally organised in sub-communities\(^\text{14}\). Elders are selected by members of the sub-community as their representatives and are typically the oldest male that has the closest filiation link to the previous traditional elder of the same sub-community. While lineage is the first criteria for selecting elders, the reputation can also play a significant part in the selection process. Local consensus on the elders’ respectability appears to be the decisive criterion, whether this respectability is earned by lineage or personal reputation.

This traditional selection process grants local elders a significant decision-making power over the affairs of the community. This widely accepted authority allowed them in a significant number of cases to co-opt the election process implemented for the establishment of the CDCs, either to appoint themselves or to appoint their relations as CDC members. Such disruptions of the CDC election process have been reported in most villages of the case studies sample in Helmand and in Badakhshan. However, they were not necessarily reported as disruptions as they could sometimes simply reflect locally accepted designation process (See below, Section III.A., Corruption issues).

**Roles of elders**

Elders are meant to represent community members in the village customary *shuras* and *Jirgas*, which are the basis of the Afghan traditional representation system. Elders are traditionally responsible for selecting the village head, resolving disputes and representing community members at the community and sometimes at the sub-district or district levels. This influence can be based on their local respectability, their ability to mobilise patronage relationships and political networks, and their personal wealth. The figure below represents the perceptions of the primary roles of the traditional *shura* as perceived by respondents from Nangarhar (n=96), Balkh (n=32) and, to a much lesser extent, from Herat (n=8). However, this does not reflect the actual involvement of elders in local society, which is analysed in more details below.

\(^{14}\) See above, *Note on sub-district level socio-territorial delineations in Afghanistan*
Overall, while the existence of elders was reported in most villages, their de facto authority again varies depending on the local context. In fact, only 20% of survey respondents considered the traditional shura was still playing a significant role in local governance and service delivery, mainly in dispute resolution and coordination of security. In most cases however, the elders remain influential personalities who are regularly consulted by community members.

In Helmand, elders were involved in most of the affairs of the community. They participate in the decision-making process regarding local development projects, and have a primary role in resolving disputes and guaranteeing security in the vicinity of the village. In addition, they are often perceived as the institutional memory of the community, which gives them some authority to help establish land boundaries.

In Badakhshan, elders were also playing a primary role in all affairs of the community. Case studies indeed highlighted how the most influential elders of the community had managed to disrupt the CDC election process. Therefore, while the same de facto power holders remained in place their structure changed. The traditional shura was never mentioned in Badakhshan as a significant governance actor as it had been in fact transitioned into the CDC, which held most local governance responsibilities. The elders then used the CDC vehicle to expand their authority over community members.

The traditional shura was never mentioned in Bamiyan as a significant governance actor and there is anecdotal evidence that, similar to Badakhshan, local elders have sometimes managed to use the CDC to increase their influence in the community. However, unlike in Badakhshan, it seems the election process was not as often disrupted and that local elders had not achieved to maintain exclusive control over the CDC, which is most noticeably illustrated by the frequent integration of women in the CDC. A significant share of respondents nonetheless considered elders as the most competent actor for dispute resolution (35%) and a majority found they were the most competent actor for determining land boundaries.

In Balkh, the traditional shura as a collective entity was considered as a primary provider for dispute resolution and social mobilisation by 25% of respondents. Moreover, individual elders were widely perceived as the most competent actors for dispute resolution and determining land boundaries in both
Khulm and Nahr-e Shari, while they appeared to have little legitimacy in making decisions regarding other collective matters. Cases studies tend to confirm this point and indicate very little capacity to influence the election process.

In Herat, the traditional shura was never reported as a primary governance entity even if elders were frequently reported to play an active part in conflict resolution (58%) and, to a lesser extent, in the determination of land boundaries (45%). Elders remain as a relatively important advisory body even if the CDC has apparently become a much more significant governance actor in the area.

In Nangarhar, 75% of survey respondents report the existence of a traditional shura as a significant governance actor in the area. Respondents mentioned their involvement in dispute resolution and, less often, in coordination efforts for local security. Around 35% of respondents thought they were still playing a role in maintaining a link with the government and a majority of respondents in Surkhrod district mentioned them as the primary instance for dispute resolution.

d. **OTHER KEY ACTORS AT THE VILLAGE LEVEL**

Across villages, two other actors were considered to have some influence over governance and service delivery within a limited sphere: the Mullah and the Mirab.

**Mullah**

All communities visited had at least one mullah who was primarily in charge of promoting religion, interpreting the Qur’an for villagers, teaching Islam to children and maintaining the mosque. The Mullah was rarely mentioned as a significant governance actor and, when he was, his role was limited to dispute resolution. Informal discussions with villagers revealed some scepticism regarding the ability of the Mullah to make political decisions. However, they would typically request his involvement in dispute resolution if they felt the decisions of the village head or the relevant shura lacked neutrality.

**Mirab**

The Mirab is usually appointed by the community and the position is often held by one of the poorest villagers. He is traditionally in charge of ensuring the fair distribution of irrigation water to farmers and of maintaining the irrigation canals. He is often responsible for a water source that irrigates several villages (especially in Badakhshan). Respondents reported the existence of a Mirab in most villages of Badakhshan (78%), Balkh (63%, but particularly in Khulm, with 81%), and Herat (85%) as well as in a few villages in Bamiyan and Nangarhar. This can be explained by the lack of irrigation water in the former, and the proximity to the provincial centre of a slight majority of villages selected in the latter).

4. **SHORTCOMINGS OF THE CURRENT VILLAGE INSTITUTIONS**

Results from the field indicate that the current village governance structure is most often two-headed, with the village head and the CDC sharing authority at the top. This arrangement varies in local configurations that range from a complete control of the Malik over the CDC to the dismissal of the Malik by the CDC. In between, the relationship between the Malik and the CDC range from stark opposition to a fruitful cooperation. Across the different configurations, the traditional elders typically
provide a consultative role for dispute resolution and in some cases for linking the community with the
government, local development and security.

The fieldwork identified three main shortcomings of the current village institutions that will be explored
further in the following sections:

iv. Lack of accountability at the village level, with villagers seemingly unable to voice their
discontent with potential abuses from local leadership (See Section III.A.2);

v. Lack of capacity and resources at the village level (See Section III.A.2);

vi. Lack of clear avenues to link the community and the government since the current arrangement
has created two concurrent avenues, with an IDLG/Malik governance structure competing with
the MRRD/DDA/CDC governance structure on the other (See Section III.A.3);
IV. CAPACITY AND LEGITIMACY OF CDCs TO WORK AS VCs

This section explores dimensions specifically related to a potential transition or integration of CDCs into formal VCs. Three main interconnected dimensions have been identified in the previous sections which should help determine the opportunity of giving formal responsibilities and authority to CDC members:

i. Performance in ensuring governance and service delivery roles;
ii. Legitimacy for playing such roles and possibly expanding their current responsibilities;
iii. Popular support for institutionalising CDCs and, in general, for establishing a community-level elected representative formal body.

By mapping out obstacles and lines of support this section aims at assessing the opportunity of institutionalising CDCs into VCs and thereby paves the way for designing a sustainable governance and service delivery framework at the village level.

A. PERCEIVED PERFORMANCE OF CDCs

1. PERCEPTIONS OF PERFORMANCE

Non-CDC survey interviewees have been asked to rate the performance of CDCs on a number of key governance and service delivery roles, including:

i. The supervision of development projects;
ii. The ability to ensure a link with the district government;
iii. The resolution of disputes;
iv. The determining of land boundaries;
v. The certification of documents to facilitate administrative process;
vi. The contribution to improving security conditions.

The six metrics were selected based on literature reviewed and past research conducted in Afghanistan. They are presented in decreasing order of importance for the CDCs, which were primarily created to supervise development projects and initially not expected to, for example, participate in local security efforts. The analysis of the perceived performance of the CDC on these key roles provides an indication of the extent to which CDCs are able to expand their responsibilities beyond development.

The figure below indicates the roles CDCs seem best qualified to take on in the current context. Across the board, CDCs receive the most positive perceptions for their ability to resolve disputes and to maintain a link with the government, i.e. conveying the voice of the community to the government and vice-versa.
Perceptions of CDCs’ performance strongly vary across villages, depending on the profile and the behaviour of the CDC members (e.g. perceived benevolence and equanimity, efforts to ensure the development of the community, technical capacity) as well as on a number of characteristics in the local context (e.g. the respective politics of IDLG and MRRD at the district level, the level of economic development of the community and the repartition of resources across community members, the local tribal make-up and security conditions in the area).

a. **SUPERVISION OF DEVELOPMENT PROJECTS**

The supervision of development projects is the main role of the CDC and therefore the main criteria of their performance. Given the spending levels of international assistance over the past ten years, the sound management of development projects has become an essential capacity in Afghan communities. Perceptions of the performance of the CDCs to supervise the implementation of development projects are overall very positive. Yet, significant variations across provinces are to be reported, as represented in the figures below. Indeed, perceptions are especially positive in Bamiyan (with 75% of respondents considering the performance of CDCs in this regard to be “very positive”) and Nangarhar (80% of very positive appreciations). However, in Badakhshan, Balkh and Herat, less than 50% of respondents find the performance of the CDC to be very positive while more than 20% explain that CDCs show no significant involvement in the supervision of development projects. Case studies in Helmand highlighted low level of perceived performance in the supervision of development projects, mainly due to perceptions of corruption and low quality of projects outputs.
b. **ENSURING A LINK WITH THE DISTRICT GOVERNMENT**

The ability to ensure a link with the government is an important function of local governance actors as it facilitates the transmission of formal requests for governmental support and increases the likelihood of obtaining additional resources from the government. Positive perceptions of CDC capacity to link the community with the government have been most often explained by the fact that CDCs have a direct link with the DDA and are frequently convened to the DC for general meetings and to prepare for sub-project implementation. Apart from Balkh, where 17% of respondents report the CDC is not engaged in ensuring a link with the District Government, perceptions in this regard are positive to very positive across the board. In Balkh, this slightly less positive result can be explained by the significant levels of tensions that have been observed between the Maliks and the CDCs in a number of communities, with the village heads retaining almost exclusively the responsibility of linking the communities with formal authorities. On the contrary, good levels of cooperation between the village heads and the CDCs have been observed in a majority of villages in Herat and Nangarhar. In Helmand, case studies revealed overall positive perceptions of the capacity of the CDCs to ensure a link with formal authorities, which is mainly due to the prominent role of the ASOP-DCC in organising regular gatherings with district level government actors and CDC representatives.

![Figure 18 - Perceived performance of CDCs in ensuring linkages with the district government across provinces (n=352)](image)


**c. DISPUTE RESOLUTION**

Dispute resolution is also an important function of local governance actors, as it plays a critical role in preserving the social cohesion of the community. The ability to resolve disputes at the village-level prevents local disputes from escalating to the district court for resolution, which is often perceived as a long, costly and unfair process by community members. The involvement of CDCs in dispute resolution is perceived as especially positive in Badakhshan, Bamiyan and, to a somewhat lesser extent, in Herat. In Balkh and Nangarhar, however, very positive appreciations are below average and respectively 23% and 17% of respondents report no involvement in dispute resolution from part of the CDC, mostly because of the prevalence of distinct traditional leaders in this regard. These overall very positive results should nevertheless be balanced by the fact that CDC members often overlap with customary leaders who are traditionally approached by community members for advising on dispute resolution.\(^\text{15}\) However, in a

\(^{15}\) For a more detailed analysis of this specific point, see Beath, 2012, "Randomized Institutional Isomorphism - Experimental Evidence on the Effect of Local Democratic Change in Rural Afghanistan"
number of cases in Badakhshan and Balkh, respondents also underscored the fact that the collegial nature of the CDC would make it a more equitable structure for dispute resolution, as opposed to the Malik system where dispute resolution would be left to the discretion of a single individual with unquestionable authority.

**Figure 19 - Perceived performance of CDCs in resolving disputes across provinces (n=352)**

---

**d. DETERMINING LAND BOUNDARIES**

The determining of land boundaries is officially the responsibility of the cadastre department of the district governor’s office. However, at the village level, elders are often asked to validate land boundaries to avoid land right disputes among community members. In this case, the frequent overlap between CDC members and traditional elders also explains why CDCs receive a majority of positive appreciations for their role in determining land disputes, which is most often attributed to the elders who are supposed to remember how lands were divided originally.

**Figure 20 - Perceived performance of CDCs in determining land boundaries across provinces (n=352)**

---

**e. CERTIFYING ADMINISTRATIVE DOCUMENTS**

The responsibility to certify administrative documents is usually attributed to the Malik. Certification by a local government representative is necessary for community members to obtain identity cards and other administrative documents. In certain cases, villagers who have been put in jail for minor crimes also require the certification of the village head to be released without having to go through a formal judiciary process. Apart from Badakhshan and Bamiyan, CDCs are mostly not involved in the certification of documents which widely remains the prerogative of the village head.
Finally, traditional leaders also contribute to ensuring good security conditions when required, either by coordinating with local security forces or, sometimes, by negotiating with Taliban to make sure they do not threaten the community. In Badakhshan and Bamiyan, perceptions of the performance of CDCs in ensuring security are mostly positive to very positive, which reflects the considerable expansion of CDC responsibilities in these two provinces. In Herat, and to a lesser extent in Nangarhar, the majority of respondents report the CDC is playing a positive role in guaranteeing local security conditions. Yet field observations suggest that these positive appreciations reflect mostly a contribution to maintaining good security conditions rather than a position of leadership. In Nangarhar especially, 48% of respondents still consider the CDC is not involved in security matters either because the security situation does not require a specific involvement from part of non-government actors (Behsood) or because these remain the exclusive responsibility of village heads and other traditional actors (Surkhrod). Overall appreciations were much less positive in Balkh, either because village heads would remain exclusively in charge of security issues or because the CDC was perceived as an agent of division within the community.

It is worth noting that the roles identified above are often interconnected and that the perceived performance on a specific role is likely to be reflected in the perceptions of performance on other related roles. For instance, case studies have highlighted that the capacity to determine land boundaries is a determining component of the ability to resolve land disputes. Furthermore, the ability to resolve disputes is often credited as a way to preserve social cohesion and local security conditions. Also, the ability to organise the fair distribution of the workload among villagers is also perceived as an ability to
prevent disputes and maintain social unity, which in turns translates into strengthened security conditions.

Interestingly enough, the ability to certify administrative documents that are recognised by district authorities appears often critical to maintaining the link with the district government and ensuring that community members have access to government administrative services. However, the establishment of a specific communication channel through the CDC and the DDA has sometimes created competitions between CDCs and village heads (especially in Balkh), thus resulting in tensions that would be perceived as detrimental to the capacity of CDC to resolve disputes and improve security conditions.

In this situation, concentrating most responsibilities in the hands of a single governance body could not only improve the effective capacity of this entity but could also improve the overall stability of the community. Perceptions of performance were particularly positive in provinces where the CDC had gained responsibility over most governance roles in the village, like in Bamiyan and, to a lesser extent, in Badakhshan (mainly because of relatively more frequent elite capture and lower quality sub-projects outputs). While overall positive, perceptions in Balkh, Herat and Nangarhar were more mixed, mainly because of the presence of traditional actors who limited the involvement of CDCs over certain prerogatives. The contrast between Balkh and Herat is particularly interesting in this regard: in Balkh, the tensions between the village head and the CDC seem to have induced lower perceptions of the CDC while, in Herat, positive cooperation dynamics between the two entities seem to have induced more positive perceptions.

The following sections aim at providing a deeper understanding of variations across villages and identify patterns that can help assess the capacity of CDCs to take on wider responsibilities as VCs and identify leverages to improve both actual and perceived effectiveness of the current institutional set-up.

2. CDC FEATURES DETERMINING PERCEPTIONS OF PERFORMANCE

Among the explanatory characteristics driving local perceptions of performance, three main dimensions regarding the CDC members themselves stand out for their frequency and direct association with the level of satisfaction reported by community members:

i. The perceived honesty and incorruptibility of CDC members;
ii. The level of perceived effort to optimise service delivery;
iii. The technical capacity of CDC members to ensure projects implemented are functional.

a. PERCEPTIONS OF CORRUPTION

This section addresses perceptions and reports of corruption or elite capture as an indicator of trust in leadership, as well as transparency. However the veracity of specific incidences of corruption mentioned by respondents was not assessed. Therefore, it remains unclear whether the perceptions of corruption are linked to corrupt activities, CDC members that are perceived as corrupt, or myriad other causes. However, analysing the narratives that surround the question of corruption is especially useful to design accountability mechanisms.

Across the sixteen case studies, cases of corruption in regards to local governance were reported in:
Other cases of local governance corruption have been mentioned in several villages covered for the survey, including in Bamiyan and Herat. While recent procedures to ensure validity in the election process and the use of grant funds seem to have improved the situation, corruption remains a significant issue in the wider context of local governance. Moreover, corruption is systematically associated with lower perceptions of CDC performance in fulfilling overall governance and service delivery responsibilities. In addition, non-CDC elders and poorer community members seemed slightly more likely to report corruption issues than other interviewee subgroups (i.e. Malik, youths and educated men).

Case studies and anecdotes from other villages led to distinguish between two main types of corruption: corruption of the election process and corruption of the implementation process i.e. capture of projects benefits or capture of funds, which are often connected.

**Corruption of the election process**

For the purpose of this study, corruption of the election process is defined as an intervention of customary leaders that disrupts the normal implementation of the CDC election process, as described under the NSP OM (See above, Section II.B.3.b., CDCs). In certain cases, local leaders will refuse to organise secret ballot elections and will instead select the CDC members themselves or pre-select candidates for community members to elect. In others, they will simply argue that secret elections are not necessary and that a show of hands is sufficient. However, it is important to understand that secret general elections are new to a majority of Afghan villages where traditional selection processes are still considered as the norm. Therefore, elections which were technically classified as a corrupted election process from the viewpoint of the NSP OM were often perceived at the village level as a well-respected traditional selection process. The traditional selection process was not typically seen as the cause of disgruntlement in itself.

Corruption of the election process has been mainly observed through case studies in Badakhshan, where elders had often disrupted the election process and appointed themselves as CDC members, and in Helmand, where traditional leaders had appointed CDC personnel. Anecdotal reports from Nangarhar, Bamiyan and Herat suggest that this is a widespread practice there as well. Overall, corruption of the election process is not systematically reported as such when it proceeds from the widely accepted traditional functioning of local society.

In situations where the community is divided, however, and where socio-cultural references are mixed, a corrupt election is more likely to raise opposition and increase perceivable tensions in the community. As an example, in a village of Bamiyan, a local powerbroker insisted that Tajik farmers living in the

---

16 Given the sensitive nature of this information, village names have been omitted.
community should be excluded from the election process under the pretext they had only recently settled in. Further investigations led field researchers to find that the farmers had been living for several years in the community. However, the farmers were opposed to the election of this powerbroker because he was perceived as systematically undermining the rights of the Tajik sub-community. The powerbroker was reportedly afraid that a transparent election process would not give him membership in the CDC and would diminish his influence in the area. Negotiations are still pending as of this writing but the community seems to have grown resentful, as delays in the renewal of the CDC imply further delays in the implementation of the associated project. This example illustrates the difficulty to assert the right to transparent elections in traditional settings and the interest of customary leaders to refuse such elections if they feel their legitimacy might be contested by community members.

**Corruption of the implementation process**

The corruption of the election process was raised as a point of complaint mostly in cases where selected CDC members were also perceived as misappropriating funds or going against the interest of the community. In Helmand and Badakhshan, where the authority of customary leaders was rarely contested openly, the only complaints that have been raised against the CDC were justified by allegations that some of the members had stolen money. Residents from a village in Badakhshan complained the protection wall built under the NSP could not be completed because the CDC elders had embezzled funds allocated to the sub-project. They also explained that some families had not received any pipe to connect their house to the WSN and pointed out the same reason. As one farmer in the village stated, "They damaged the unity among the people [...] in this shura, inactive people get together and together they are inactive about development but they are very active in embezzlement". As such, corruption of the election process does not in itself seem to be as much of a problem as the corruption of development activities that follows. By corrupting the development process, the CDCs rupture the tacit social pact that gives traditional leaders the responsibilities to defend the collective interest of the community against external threats and to preserve its unity from internal divisions.

However, it is worth distinguishing perceptions of corruption from actual corruption. In another village of Bamiyan, CDC members reportedly requested UN Habitat to design a bridge using 300,000 AFN remaining from a sub-project that had been previously completed. Upon this request, the FP engineers designed a small bridge that was then built under the supervision of the CDC. However, the bridge constructed did not allow the waters of the river to flow through during flood seasons, thus drowning the fields nearby and inflicting consequent damages to the villagers. Community members thought the bridge had been funded under a separate block grant and ended up blaming the CDC for embezzling part of the money that should have allowed for the construction of a fully functional bridge. Whether money had been misappropriated or not, this example illustrates how the lack of financial transparency can sometimes trigger perceptions of corruption if the quality of the sub-project’s output does not meet the expectations of community members.

Moreover, different levels of corruption need to be distinguished as well. In Helmand for instance, in a village in Helmand, respondents did not complain about the CDC and only two of them reported that “there is always a little corruption”. The village however had received more than US$60,000 for the
implementation of several sub-projects that were still considered of relatively good quality. Therefore, it can be said that corruption is accepted as a necessary evil but is not tolerated if it results in dysfunctional outputs and thus affects the collective interest. Furthermore, the number of people involved in corrupt activities has an effect on the extent to which trust is lost in local governance and service delivery actors. Misappropriation by individuals will not discredit the CDC as a whole on the long-term so long as the individual gets rapidly replaced\(^{17}\), but concerted corruption among CDC members or between CDC members and individuals from larger organisations (e.g. an international NGO, the DG, or the DDA) may durably affect faith in the system.

Across types and levels of corruption, three elements should be further strengthened to achieve sustainable governance and service delivery (See below Sections IV.A. and IV.B.): financial transparency, implementation monitoring and accountability mechanisms. Fostering involvement of the community in the organisation of the sub-projects also seems to be an effective way to limit perceptions of misappropriations and preserve social cohesion. In a village in Nangarhar, the CDC had set up an accounting board that was accessible by the public and where they placed records of all the transactions for the sub-project. Interestingly, CDC members were considered as honest by all respondents despite the shortcomings of the failed sub-project which were attributed to a misconception in its design. In another village in Balkh CDC members explained the coordination with NCDC elders had made the use of the money more transparent.

b. Level of Perceived Effort to Ensure Service Delivery

Across villages, three main types of CDCs have been identified based on the perceived level of effort deployed for defending the interests of the community and, in particular, for facilitating local development and service delivery: active CDCs, inactive CDCs and detrimental CDCs. The table below provides a definition of each type as well as the main drivers of behaviour associated with each type:

<table>
<thead>
<tr>
<th>CDC Type</th>
<th>Definition</th>
<th>Drivers of behaviour</th>
</tr>
</thead>
</table>
| **Active CDC** | CDC enjoys a positive reputation due to its perceived efforts to improve the development situation of the community | ▪ Personal ambition / benevolence  
▪ Good access to urban centres  
▪ Support from traditional governance actors  
▪ Programme implementation procedures  
▪ Anticipated benefits from projects |
| **Inactive CDC** | CDC with little authority over common social affairs and little time to devote to the organization of projects for their community | ▪ High opportunity cost of devoting time to CDC activities (in poorer areas)  
▪ Limited benefit anticipated from project (in wealthier areas)  
▪ Lack of financial incentives |
| **Detrimental CDC** | CDC that is perceived to go against the collective interest of the community, either because it captured the benefits of the projects, because | ▪ Personal ambition / greed  
▪ Competition with traditional governance structure |

\(^{17}\) The inhabitants of a community in Balkh reported the local commander had stolen a relatively large amount of money that had been collected to pay the electricity required for the newly implemented WSN to function. While this action discredited the former CDC, the commander was soon replaced by the Malik who tried to help CDC members re-activate the WSN, thereby improving perceptions of the CDC.
Active, Inactive and Detrimental CDCs

CDCs were described as active when some of their members were perceived to be particularly dedicated to improving the local development conditions of the community, either because they were regularly engaging with government entities and NGOs or because they had taken initiatives that improved the implementation and the maintenance of sub-projects outputs, e.g. the creation of community saving box that would be used to gather financial contributions from community members in order to fund the repairing of the output. CDCs were described as inactive when none of their members was perceived to be particularly engaged in creating development opportunities for the community and where they had taken no initiative beyond the strict requirements of the NSP implementation procedures. Finally CDCs where described as detrimental when some or all of their members were perceived to be incompetent or dishonest, resulting in the unfair distribution of the sub-projects benefits to other community members or in the dysfunction of the sub-projects output.

Beyond the description of the perceived level of activity, a number of personal motivations and structural incentives were found determinant in driving the behaviour of CDC members. These drivers mainly pertain to personal ambitions regarding one’s own wealth and the well-being of the community, the material conditions of sub-project implementation, the opportunity cost of engaging in activities of collective interest and the interaction with other local and higher governance actors. (See below, Personal motivations and structural drivers for CDC members to foster increased activity)

Among active CDCs, three main sub-categories prevail, which are not mutually exclusive:

i. “High capacity CDCs”, which have been occasionally encountered in Badakhshan, Bamiyan and Herat and which were able to guarantee high quality outputs, e.g. in Doab (Baharak), where CDC members were relatively wealthy and well educated, and where they connected solar panels to keep the WSN running;

ii. “Powerful CDCs”, which usually depend on the presence of a benevolent local powerbroker with a wide network of relationships that can be activated to support the provision of projects and additional services, e.g. the former commander of Dehvalid Bala (Surkhrod) who integrated the CDC as a regular member and who was still very respected in the area for his perceived benevolence;

iii. “Motivated CDCs”, which may not have the means to guarantee the frequent delivery of high quality projects but who are frequently sending requests to government actors and NGOs and who work effectively during the implementation of the projects, e.g. in Dara Pushkan (Baharak), where CDC members were regularly organising Ahshar and had sent numerous requests to local development and service delivery entities.

Across the case study sample, high capacity CDCs were found in relatively wealthier communities, often closer from the district centre and enjoying better access to education and facilities. Powerful CDCs depended on the presence of particular individuals and their existence appeared to be idiosyncratic and
path-dependent. Motivated CDCs were typically found in intermediary areas (between five and 15km from the closest urban centre) but who still had good access to the district centre or the provincial centre and who usually benefited from the support of the Malik. In Zendajan district for instance, which is more remote from the provincial centre and heavily relies on agriculture, CDCs had little economic or technical capacity but were found particularly active in the organisation of Ahshar for maintaining irrigation canals.

A significant number of CDCs were perceived as inactive: they had typically little authority over common social affairs and little time to devote to the organisation of projects for their community. Unlike wealthier CDC members, they were unwilling to pay for the costs of traveling to the district centre to meet with government officials and NGO workers and preferred working on their fields to improve their personal or family’s livelihood. They were found in poorer and more remote rural areas where the pressure to ensure personal livelihood is higher but also in relatively wealthy areas that were less dependent on the implementation of development projects to ensure livelihoods.

Again, non-CDC elders and less educated community members were overall more likely to denounce the inactivity of the CDC than other types of respondents. As mentioned in the previous sections, cases of elite capture and perceptions of corruption tend to negatively affect the perceptions of CDC, especially when this results in the ineffective or inequitable implementation of the project. In this last case, CDCs are systematically perceived as detrimental to the community.

CDCs may also be perceived as detrimental to the interest of the community when the coexistence with traditional leaders is perceived to increase the division of the community. For example, significant tensions between the Malik and the CDC have been reported in the village of Nawabad (Khulm). When asked about the impact of the CDC at the village level, non-CDC elders explained their frustration with the CDC as follows: "The shura has a negative impact on the unity of the people: the Malik and the Head of CDC do not go along well together and the villagers endure the consequences of this enmity. Also, the CDC is not very active and they did not hold a second round of election so that the same people remain in place even if they are incompetent."

18 Interestingly enough, in this village characterised by a particularly low level of economic development, community members were more supportive of the Malik who was perceived as helpful, while the CDC members were perceived as corrupt.

**Personal motivations and structural drivers for CDC members to foster increased activity**

Case studies led to identify a number of personal and structural incentives that seemed to foster higher activity levels from part of the CDCs. From an incentive viewpoint, personal motivation of CDC members could be boiled down to the ambition to improve or maintain one’s positive reputation in order to increase one’s influence in the community and the wider area. Being seen as a service provider for the community could help one gain popular support for personal advancement. Furthermore, being in the position to distribute work and salaries to villagers can help one initiate or expand patronage relationships in the village. Such dynamics were observed for instance in the village of Nawabad (Khulm, Balkh) where the CDC Head and the Malik were manifestly competing for influence over the village.
However, in a number of cases, CDC members seemed to have a genuine perception of their responsibility to help other community members. While difficult to assess, field researchers received this impression in several villages such as Khoshdrew (a particularly poor village in Jorem at the border with Warduj district) where CDC members were perceived the most positively across all case studies despite their poverty, the precariousness of the project they were implementing, and the lack of material support from either local villagers or the government.

The case of Khoshdrew also lends support to the idea, frequently developed in local governance literature\(^\text{19}\), that solidarity between leadership and community members is stronger in communities suffering from poverty and characterised by a lower equity divide among villagers. However, similar impressions of genuine benevolence were received in the relatively wealthy city of Hesi Awal Najmul Jihad (Behsood, Nangarhar), which suggests that equity divide may not sufficiently explain differences in solidarity.

Structural incentives were easier to identify and include programme procedures that induce a minimum level of involvement from part of CDC members, e.g. administrative formalities, regular meetings in the district centre and training programmes. The project itself works as a powerful incentive for CDC members, either positively because they expect to enjoy easier access to public services or negatively because they hope to be able to embezzle part of the grant funds. Moreover, a number of negative structural incentives have been identified that would need to be addressed in order to improve the effectiveness and the sustainability of the local governance structure. These include the costs of traveling to the district centre and the opportunity cost of giving time and effort for the community that could be used for personal livelihood. In cases where projects are not readily available, such opportunity cost seems high and may easily discourage poorer CDC members.

\[
text{c. IMPLEMENTATION CAPACITY} \\
\]

The capacity of CDCs was also recurringly mentioned across case study respondents as a key criterion for positive perception. As mentioned above, several “high capacity CDCs” have been identified, primarily in the vicinity of the district centres visited in Badakhshan, in Nahr-e Shari (Balkh) and Herat. The examples of CDC members in Doab (Baharak), Dashta Qala (Shibar), and in Farahian (Injil) demonstrated their strong ability to maintain complex projects despite difficult terrain conditions.

**Education as a secondary determinant of implementation capacity**

While the level of education in the community could theoretically appear as the primary determinant of a CDC’s technical capacity, case studies and analysis drawn from the O&M study led to reject this initial hypothesis. In Helmand for example, education levels of CDC members were significantly higher than average, yet case studies did not highlight particular initiatives that would ensure higher quality output. On the contrary, outputs observed were of poor quality and not always functional. Furthermore, the O&M study did not identify significant associations between the level of education and capacity of CDCs to ensure the implementation and the maintenance of high quality output.

\(^\text{19}\) See in particular P. Kantor and A. Pain (2010)
Furthermore, it seems that respondents disqualifying CDC members because of their illiteracy were mainly using this characteristic as a pretext for criticism. In Nawabad (Khulm) for instance, several respondents explained that “[CDC members] should be newly elected and competent because currently they are illiterate and incompetent”. However, further analysis revealed that disgruntlement toward the CDC was rather directed toward the head of the CDC who was perceived as a cause of disunity in the village because of his rivalry with the Malik. Conversely, in Khoshdrew (Baharak), CDC members received very positive feedback from other community members despite their illiteracy. Therefore, while the lack of education can lead to discredit CDCs more rapidly in the eyes of the community if the project fails to fulfil its function, relatively high education levels do not guarantee increased capacity to implement projects efficiently.

Experience and management skills as the primary determinant of implementation capacity

In addition, the O&M study led to identify several variables that are closely associated with the capacity of CDCs to implement and effectively maintain the projects that do not depend on education, but rather on experience and project management skills. The first strongly correlated variable is the experience of CDC members in maintaining similar projects. While only 54% of CDC members interviewed in villages that featured a non-functional project had previous experience in maintaining comparable projects, 74% of CDC members had previous experience in villages featuring projects that were both functional and in good condition (See Figure 24 below).

![Figure 23 - Association between experience in maintaining similar sub-projects and sub-project status](image)

Another key variable is the participation in an O&M training programme organised by the FP: while 30% of CDC members surveyed in communities featuring a non-functional project had received a training focused on maintenance and monitoring, 63% of CDC members received this training in villages featuring projects that were functional and in good condition (See Figure 25 below). Similarly, the creation of an O&M committee before project implementation is associated with higher quality outputs. Only 16% of CDC members interviewed in villages where the project was functional but in poor condition reported the creation of an O&M committee prior to project implementation, compared to over 40% for villages where the project was found functional and in good condition. By allowing for earlier and increased involvement in project design and construction, CDCs with an O&M committee prior to implementation led to a greater understanding of relevant O&M issues (See Figure 26 below).
The O&M study identified further variables that can help explain the perceptions of a CDC’s technical capacity which rather relate to the preparation of the project and the ability to mobilise relevant skills available at the village level, e.g. the appointment of a dedicated O&M officer, the involvement of CDC members during the inception phase of the project, the average amount of annual investment in O&M (For further details on the ability of CDCs to implement and maintain viable projects, see Altai 2013, NSP O&M study).

**Mobilizing local talents**

Project management and the ability to mobilise useful skills available in the community were critical in compensating for limitations within the CDCs. For example in Sanjab, the village was remote and relatively poor compared to villages in the neighbouring district of Injil. However, the CDC there appointed a more experienced community member with the responsibility to oversee the operation and maintenance of the sub-project. In Farahian (Injil) the CDC hired a local technician to oversee the maintenance of the WSN. Similarly, the illiterate Malik of Qul Mohammad (Nahr-e Shari) would regularly ask his more educated son to help CDC members fill the administrative forms required for implementing the sub-project, which suggests that illiteracy is not a barrier to effective project management as long as literate villagers are available to help.

In locations where such skills are not available however, the implementation of the project is highly dependent on the capacity of external implementers such as the FP or contractor, which vary widely across organisations. In two remote villages of Badakhshan where most community members were uneducated, inhabitants did not feel entitled to contradict the engineers supervising the sub-project despite obvious flaws. In one case, the water reservoir had been built higher than the water source without any piping system connecting the two. In the other, the water reservoir was not cemented at the bottom, which made the reservoir less effective at retaining potable water. In both cases, community members said they had asked the engineers why the sub-projects were implemented in such a counter-intuitive way but did not challenge their decisions, even when the explanations of the engineers were not satisfactory.
Beyond actual capacity and perceived performance, these two examples introduce questions regarding the legitimacy of CDC members to effectively represent the community members in front of higher authorities, which will be explored in Section III.B below.

3. Context Features Structuring Perceptions of Performance

The analysis of perceptions of CDCs’ performance identified certain characteristics of the local context and environment that can help explain how such perceptions are shaped. Four key dimensions have been found relevant in this regard:

i. The support and responsiveness of local authorities;
ii. The relative level of economic development in the community;
iii. The community ethnic/tribal make-up relatively to the ethnicities/tribes living in the area;
iv. The security conditions in the area.

a. The Support and Responsiveness of Local Authorities

District-level KIs have shown a varied level of support regarding the CDCs on the part of local authorities. In Badakhshan for instance, the district government has recognised the CDCs as a formal authority at the village level. As explained by the DG of Baharak: “In most villages, all responsibilities have been given to the CDC and the Malik system has been removed because the shura is more representative of the people”. This contrasts with the position adopted by the DG of Nahr-e Shari in Balkh province who still considers the Malik as the only legitimate liaison between the community and the government. This position has led to the development of two-headed structures at the village level, which has been best described by the head of the DDA of the same district, who explains that “all villages are represented at the district level by the Malik for all social and formal matters, dispute resolution and security but the CDC represent the people when it comes to development”.

This two-headed structure is detrimental to both the effectiveness of the CDCs and the effectiveness of local-level governance structure in general. The sharing of responsibilities limits the capacity of the CDC to perform certain administrative process required for the implementation of its projects, and by creating tensions between rival groups within the community. In this sense, the Malik of Nawabad (Khulm) expressed the difficulty of his position as follows: “In this village, the Malik represents the government and the CDC represents the people: this can certainly provoke tensions”. In addition, authority sharing has led to confusion regarding the available avenues to link the community with the government, with the potential to exacerbate social tensions. While the situation is relatively clear in Badakhshan and Bamiyan where the CDCs concentrate most of the administrative roles and are formally recognised by local authorities, lines of communication with the government remain ambiguous in the other provinces covered.

In Helmand, while the Malik has effective authority over the affairs of the village, the fact that CDC members are regularly convened to the district centre for discussions with the DCC attests to the ambiguity of the situation. In Herat, the village head and the CDC exhibit co-dependency, as the Malik had access to district level government entities while the CDC could more easily access fund for projects that were necessary to the community. In Balkh and in Nangarhar, the situation was more nuanced.
across the districts and the relationships between the two entities could oscillate between cooperation, control – as an executive member or as a separate body – and opposition.

Beyond formal recognition, the sufficiency of material support from government authorities may also determine the perceived performance of the CDC. In the village of Dahan Khushkak (Shibar) people expressed their dissatisfaction with the CDC because they had only received one solar panel when they needed a water supply network. The head of the DDA of Jorem further explained: “If the government provides more projects for the CDCs, then the CDCs will be able to increase economic development.” Communities where projects were seen as insufficiently responding to the community’s needs resulted in dissatisfaction to a greater degree than if development funds were not disbursed to begin with.

b. **THE LEVEL OF ECONOMIC DEVELOPMENT IN THE COMMUNITY**

The level of economic development is strongly associated with the perceived performance of CDCs with regards to specific roles. In order to assess the impact of wealth on governance patterns, the villages have been categorised into wealth groups. The wealth of a community has been estimated based on various indicators such as the access to infrastructure and facilities, the sources of income available in the village, and the type of goods that people had access to. The wealthiest communities were usually closer to the district centres and benefited from advanced levels of urbanisation, while the poorest communities were facing major difficulties to ensure their livelihood from the little land or livestock they possessed. In between, intermediary communities would typically have access to significant cropping areas and could sell agricultural produce on the local market.

In wealthier communities, respondents expressed high levels of satisfaction with the CDC for its ability to manage and supervise projects (more than 70% considering the performance of the CDC in this regard to be very positive across respondents belonging to the first wealth group) but tend to be less appreciative of CDC’s capacity to resolve disputes or maintain a link with the government (respectively 55% and 48% of very positive appreciation within the same group). Yet, this perception changes when the levels of economic development start to decrease. Respondents from the lowest wealth group value the performance of the CDC in dispute resolution and in maintaining a link with the government (respectively 68% and 65% of very positive opinion) more than its ability to effectively manage and supervise projects (43% of very positive opinions).
This difference can be explained by many different factors, including:

i. The presence of local facilities and reliable transport routes in wealthier communities making implementation easier and their absence making implementation more difficult in the poorer ones;

ii. The socio-demographic profile of residents making technical skills more frequently available to the CDCs in wealthier communities;

iii. An urban lifestyle and easier access to administrative centres making dispute resolution and linkage with the government less valuable than the implementation of projects;

iv. A higher opportunity cost in the poorest villages that discourages CDC members to remain active during and after the project implementation phase, etc.

All these factors seem related to (i) the availability of resources, facilities and capacities in a given village and (ii) the priority needs of communities depending on their socio-economic profile.

c. **Self-perception as ethnic minority or ethnic majority**

The way a community perceived itself relatively to the ethnic majority in the area they are living in strongly influences their belief regarding what their CDC can reasonably achieve. Ethnic minorities were both underrepresented in the DDAs, and had lower perceptions of the effectiveness and representativeness of the CDCs. In the course of fieldwork, researchers visited communities that represented an ethnic minority in comparison of the rest of the district and oftentimes the region. In the Pashtun village of Doabgi (Baharak) for instance, several respondents shared their disgruntlement with the local Tajik government that was allegedly ignoring their presence and refusing them a fair access to development projects. In the Pashaie village of Bardaman (Behsood), in the Uzbek village of Shash Gul (Jorem) or in the Pashtun village of Naw Abad (Khulm), similar discontent has been expressed toward a local government that reportedly refuses CDCs access to projects while privileging communities...
belonging to the ethnic majority of the district. While such allegations were not verified, they raise questions regarding the inclusiveness of the CDC system at the district level.

d. THE SECURITY CONDITIONS IN THE AREA

As mentioned by most provincial and district level key informants interviewed in Helmand, security creates serious limitations to the capacity of CDCs to effectively perform their responsibilities. The MRRD representative interviewed in Lash Kargar especially highlighted the difficulty to monitor the activities of CDCs in non-permissive areas of the province: “Most CDCs work well but in the least permissive areas, most of the CDCs that are supposed to have been created do not actually exist.”

Beyond monitoring, poor security conditions can also decrease the opportunity for FPs and other development actors to provide effective material and capacity building support to local CDCs. While the CDC members may be well-educated, significant experience in managing development projects was oftentimes lacking, and needed to be supplemented by FP capacity building. Furthermore, in Helmand, several respondents have expressed some fear that CDCs would be targeted by local or Pakistani opposition groups if they were seen working too closely with foreign organisations or with the government.

Across villages, more subtle effects of insecurity on the governance structure exist in less permissive areas that are either affected by armed conflict or by rampant criminality. While this association could be purely contextual, it seems communities located in insecure areas tend to promote traditional leaders that have had more experience in dealing with security issues and dispute resolution. In Dehwalid Bala (Surkhrod) for instance, one man, who was widely respected for his actions under the Soviet occupation was at once performing the functions of Commander, Malik and CDC member. Even if he had no formal functions as Commander, people in the area continued to refer to him as such and he was still involved in coordinating with ANSF to guarantee the security of the area.

This example is consistent with the analysis of the roles of Commanders and Tribal elders in Helmand, who sometimes make decisions regarding development that do not belong to their expected roles. However, the popular support they receive for ensuring vital functions such as security and dispute resolution can rapidly extend to other realms of governance and development because of this prior legitimacy. Such effects should be further explored in the following section.

B. SOURCES OF LEGITIMACY AND SUPPORT FOR INSTITUTIONALISATION

This section explores perceptions of legitimacy of the CDCs and assesses whether CDCs would derive their legitimacy from their ability to bring financial resources to their communities or if other sources of legitimacy can be channelled for CDCs to increase their acceptance in the community. The purpose of this section is then to understand how different sources of legitimacy come into play at the village level to empower different governance and service delivery actors to expand or limit their responsibilities over the general affairs of the community before assessing the levels of support for a VC institutionalisation process.
This first analysis leads to an analysis of potential support for an institutionalisation of CDCs into VCs. For the purpose of this study, legitimacy is defined as the foundation of authority for a given actor to take on specific governance roles (including governance for local development) and the rules that delimit its field of action with regards to these roles. As such, legitimacy is understood as the pre-condition for a given body to exert authority on a given role. Yet, it needs to be distinguished from acceptability or desirability: for instance, while community members would most often accept the election of women CDC members, they would only rarely give them legitimacy to exert any form of authority.

As the CDCs are not yet a formal institution, this legitimacy is sometimes unclear for both government actors and local populations. In this sense, the question of legitimacy delves deeper into the questions of capacity and performance since the foundation of authority is also a foundation of the possibility for CDCs to taken on certain roles and act upon these.

The diagram below gives a formalised representation of sources of legitimacy identified in this study (See below, “Other sources of legitimacy – Variations across regions”), the different instances operating at the local level that can empowered through one or several sources of legitimacy and the main responsibilities that each actor fulfils at its respective level (See above, Section II.B.):

Figure 27 - Mapping of sources of legitimacy, authorities and main responsibilities at the community level
1. UNDERSTANDING SOURCES OF LEGITIMACY

a. PROJECT-BASED LEGITIMACY

The importance of the process

In establishing legitimacy, the process of project implementation is at least as critical as the sufficiency of projects. While the ability of CDC members to bring projects to their communities enhances their acceptability, cases studies suggest that this ability is neither necessary nor sufficient to explain the local legitimacy of the CDC. Rather, the reception of development projects and funds seems more closely correlated to higher satisfaction with the central government and not the CDC. In several communities where respondents complained that the projects received were insufficient to cover their needs, the associated dissatisfaction was also directed towards the government rather than toward the CDC. In Dara Pushkan (Jorem) for instance, a non-CDC traditional elder who had expressed overall satisfaction with the CDC of the village explained that “the shura does not receive sufficient support from the government and even if they try to convey our issues, the government does not answer.”

As mentioned above, the CDC will be rather judged based on its ability to organise the effective implementation of the project and on a number of other factors including its integrity and its level of effort to bring projects (See Section III.A above). In the eyes of regular community members, whether or not the community receives projects depends on the government but whether or not these projects are well implemented mostly depends on the CDC or the FP. Beyond the criteria of performance analysed in the previous section, the projects need to satisfy a number of pre-requisites in order to improve perceptions of the government and of the CDC.

The usefulness of the project and its capacity to address real needs of the whole community on the longer term as well as the financial transparency of the process appear as determinant factors of satisfaction that can lead to increased legitimacy. In most cases, it seems project beneficiaries also value the inclusiveness of the project selection and implementation process. In Loy Khush Gunbad (Behsood) for instance, several regular community members explained that the quality of the sub-project was good expressly because “it had been selected by the community”. Talking about a tertiary road sub-project that had involved workers from three different communities, a non-CDC elder of Bagh Baha Wali (Surkhrod) explained that “this work brought unity between the people of these three villages.” Across case studies, it seems the selection and implementation process of the sub-project matter just as much as the quality of the output, if not more.

Extension and limitations of project-based legitimacy for CDCs

The role of the CDC during project implementation is most commonly described as “supervising implementation, monitoring quality, managing expenses, distributing work and salaries”. Only rarely do community members hold the CDC responsible for bringing the projects in. While perceived efforts to bring projects are valued by community members, expectations regarding the actual success of the endeavour are relatively low. When asked about the economic impact of the creation of the CDC, several respondents from Khoshdrew (Baharak), Qul Mohammad (Nahr-e Shari) or Bagh Baha Wali (Surkhrod) answered the CDC members were “trying to get more projects”. In Takhta Pul (Nahr-e Shari)
however, the non-CDC elders interviewed complained that “the CDC members say they are trying, but they are not very active”. Overall, the ability of the CDC to manage the project implementation process effectively advances their legitimacy while their performance in bringing projects is valued based on the level of activity deployed rather than based on the results obtained. Therefore, other sources of legitimacy must exist independently of the CDCs performance in bringing and implementing projects.

As established in Section II.B. above, when asked which roles CDCs are supposed to take on, respondents from all regions primarily mentioned development roles, sometimes followed by dispute resolution and, more rarely, some other specific roles. However, the actual authority attributed to CDCs by both local government authorities and local populations, relatively to other actors, differs considerably from one region to another, with CDCs in Badakhshan and in Bamiyan having taken on most governance roles while CDCs roles in Helmand are still limited to development. Thus, it seems that in certain environments, CDCs were able to expand their legitimacy to take on roles beyond their initial mandate while, in others, they would remain limited to a strict development role.

In fact, the quality of projects implemented in Badakhshan, Helmand or Bamiyan was often poorer than in areas such as Herat, Balkh or Nangarhar, where CDCs actual roles are still restricted to development. Furthermore, lower quality outputs do not seem to undermine the ability of CDCs to take on wider governance roles: in Helmand, the CDC was working under the authority of the Malik but in Badakhshan and Bamiyan, CDCs were perceived across respondents as the main local authority despite poorer implementation performance. In contrast, higher quality outputs do not necessarily give legitimacy for CDCs to take on wider governance roles that would be detrimental of the position of the Malik in the local governance structure.

Understanding the sources of legitimacy (Section III.B.1.b., below) and the related drivers (Section III.B.1.c.) that exist independently of the capacity of CDCs to bring and implement projects effectively is critical to understanding whether or not they have enough popular support to be transitioned as VCs and to operate effectively beyond NSP.

b. OTHER SOURCES OF LEGITIMACY – VARIATIONS ACROSS REGIONS AND VILLAGES

This section analyses the different sources of legitimacy that contribute to determining the level of authority of local leaders and their relative importance across the provinces covered for the study. Beyond the capacity to support local development, sources of legitimacy encountered during this study include:

i. Lineage, heredity and tradition;
ii. Personal wealth;
iii. Military experience and the ability to guarantee security in a given area;
iv. Reputation in the area;
v. Level of education, understood as a social status more than as a technical capacity.

Two transversal sources of legitimacy are also used by local leaders across the board to assert their authority: the ability to mobilise political relationships and the ability to mobilise patronage relationships. A leader that has ties with district level authorities is likely to be more respected by his
constituents if he is able to use this network for the good of the community. Moreover, a leader that has provided favours to other community members can expect stronger support from their part if necessary. This phenomenon was observed in a number of villages, including in the village of Ishaq Suleiman (Injil), where the head of the CDC was also the head of the DDA and benefited from a wide political and patronage network in the area. This was consistent with literature reviewed and especially Kantor and Pain, 2010. Except for the ability to mobilise political and patronage relationships, sources of legitimacy are valued differently across the regions covered for this study.

Prevalence of traditional sources of legitimacy in Helmand

In Helmand for instance, lineage, heredity and traditions as well as military experience and overall reputation appeared as the most important sources of legitimacy, while education seemed secondary. CDC members were typically appointed by traditional elders and would work under the control of the Malik, whether or not the Malik had been selected as part of the CDC. Moreover, the Commander in charge of the area would be regularly mentioned as a political leader with some decision power regarding the attribution and the implementation of development projects.

Central-level KIIs have highlighted that foreign actors had some role in empowering leaders whose authority was relying on traditional sources of legitimacy. On the one hand, Coalition Forces in Helmand have engaged strategically with traditional leaders to gain help in counter insurgency efforts, while often bypassing CDCs in associated reconstruction efforts led by the PRT. On the other hand, central and provincial level KIIs suggested that opposition groups, and especially elements from or affiliated to the Pakistani Taliban, have consistently undermined the authority of CDCs by threatening them and the communities which were engaging with the NSP.

Expansion of traditional sources of legitimacy in Badakhshan

In most villages visited in Badakhshan, a local elite of traditional elders with hereditary authority and manifestly wealthier than the rest of the population had captured authority over the CDC and seemed to use it as a new vehicle to legitimise their pre-existing authority. Several provincial and district-level informants suggested both local authorities and FP officers were instrumental in increasing the legitimacy of elected CDC members and giving them authority over governance roles. While this authority capture was not contested in villages where the CDC had given satisfaction in fulfilling their different roles, it was regularly mentioned as an issue when they had used their position to promote their personal interest over the interest of the community (e.g. by embezzling funds from instance). In other villages though, the fact that some of these elite were wealthier facilitated their work as CDC members and allowed them to go more regularly to the district centre.

Increasing importance of education and capacity in Herat and Bamiyan

In Herat and Bamiyan, along with traditional sources of legitimacy, education and capacity seem to play an increasingly important role in the selection of community representatives. In Herat, CDC members were particularly organised and showed good management capacities. In Zendajan for instance, a number of communities that relied heavily on agriculture had to organise regular maintenance work to make sure the irrigation canals were still functioning. CDC members were usually the ones who had
been found most efficient at organising this kind of social work while the Malik would remain in charge of the coordination with the government for security and political purposes. In Bamiyan, formal education was often more valued and gave particular status to key members of the community. In particular, Bamiyan was the only province where women CDC members of some villages had received significant education and were able to participate to the decision-making process of the affairs of the community.

**Mixed sources of legitimacy in Balkh and Nangarhar**

In Balkh and in Nangarhar, the sources of legitimacy were mixed, with certain communities relying more heavily on traditional sources of legitimacy while other would promote wealth and education as their main sources of legitimacy. In Nangarhar, in the Arab village of Loy Khush Gunbad (Behsood), a relatively transparent election process led to the appointment of the local Malik as the head of the CDC. Reports from the field indicate this traditional Malik had a good reputation in the area and was known for his fair use of authority. He was mostly known as the Malik of the village rather than as the head of the CDC, suggesting the persistence of traditional values. In the same village, another villager had been elected as CDC member because of his perceived integrity and his bluntness, which was perceived as a sign of his capacity to address government authorities without being afraid. Interestingly enough, in Dehwalid Bala, the head of the CDC was the most respected teacher of the village but the CDC also included a former Commander who was known as a prominent figure of this area.

In Balkh, in the relatively poor village of Qul Mohammad (Nahr-e Shari), CDC members were mostly uneducated but were relatively wealthier than the rest of the community. The CDC had been previously headed by a local Commander and is now chaired by the Malik which suggest the persistence of traditional sources of legitimacy. In Takhta Pul (Nahr-e Shari), the Malik had pre-selected the candidates for the election of CDC members suggesting a strong feeling of his authority in the village. However, the CDC also included a young construction worker who had invested a lot of time during the implementation of the past sub-project, indicating that competence in development activities was beginning to be acknowledged as a source of legitimacy.

Overall, traditional sources of legitimacy were found predominant in Helmand and Badakhshan, although for very different reasons. In Herat and Bamiyan, education and technical capacity appeared as important sources of legitimacy that could balance the distribution of authority across local governance leaders. In Balkh and Nangarhar, case studies highlighted an ongoing tension between traditional and non-traditional sources of legitimacy which is sometimes exacerbated by the competition between traditional and non-traditional leaders and which sometimes resorbs itself through their cooperation. Overall, it should be noted that the limited authority of CDCs in certain areas compared to the authority of traditional elite is primarily a sign of the structural difficulty to create and maintain new governance institution in a volatile, insecure and fragile environment governed by ancient traditions.
c. SOURCES OF LEGITIMACY – POTENTIAL DETERMINING FACTORS

A number of potentially determining factors can be derived from the analysis of regional variations to explain the prevalence of traditional sources of legitimacy over the recent democratic legitimisation processes. These factors include:

- NGO implementation process and efforts to expand the authority of the CDC to perform governance roles traditionally fulfilled by Maliks and elders (e.g. AKDN district officers in Badakhshan explicitly mentioned efforts to transfer governance authority to the CDC, while BRAC officers in Helmand and Nangarhar explained conditions on the ground made it especially hard to change the authority structure of the village);
- District-level political will to maintain traditional leaders as their sole contact point and to support their authority, as illustrated by the two District Governors interviewed in Balkh and who had very different approaches in this regard;
- Foreign influence linked to security dynamics (e.g. in Helmand, central-level KII s indicated that Coalition Forces have often empowered traditional leaders over CDCs, but also that Pakistani counterparts would undermine the authority of the CDCs by threatening them and presenting them as foreign to the traditional social fabric in the area);
- Exposure to the Pashtun culture and Pashtunwali (e.g. in Helmand, Pashtun and Pashtun-influenced Tajik areas in Nangarhar, in Pashtun communities of Balkh);
- Geographical features, such as distance from the district centre, access to infrastructure and facilities, natural resources available in the area and associated commercial activities, proximity with foreign borders and combat zones;
- Idiosyncratic factors such as the personality of the leader, its wealth, its power, its network, its charisma, etc.

However, all these factors do not influence the outcome of the local institutional dynamics with the same importance. Two key criteria have been identified that seem to have especially deep influence in this regard: the way a given community, or a given population, prioritises between a need for economic development and a need for security (which largely results from a wide variety of contextual and human factors) and the way a given community values an elective process with respect to its social cohesion.

Community-level prioritisation: development and security

While an integral analysis of sources of legitimacy of local leaders in Afghanistan would require further investigation, field observations suggest that the value accorded to one source over another strongly depends on different socio-economic factors (e.g. economic development, security conditions, distribution of economic development and security roles) and, ultimately, on which priorities are perceived as vital to a given community.

In Helmand, and in several villages of Khulm, Surkhrod and Zendajan that were facing security issues, traditional and sometimes military elite had a prominent role in the local governance structure. In villages of Helmand especially, tribal elders are systematically referred to in case a dispute occurs.
between local tribes or sub-tribes and commanders have the most authority for ensuring security in the area. In a situation where tribal disputes can trigger decades-long blood feuds and where the overall pressure on security conditions is obvious for all residents of the area, actors who can best prevent local conflicts to escalate and who can alleviate the security threats serve a more pressing need for the community.

In a village like Loy Kalay (Garmser) the cultivation of poppy provides important livelihood opportunities and residents have sustained themselves for centuries without access to electricity. While the newly elected CDC engineer can ensure a costly generator is functioning, he would be perceived as less critical to preserving the vital interests of the community than the traditional Malik who has been dealing with armed actors and formal authorities on behalf of the community for the last ten years. In a context where manifest cooperation with foreign organisations for development projects can trigger threats from opposition groups, it is likely that local actors traditionally involved in ensuring security will get involved in organising such projects.

On the other end of the spectrum, provinces like Bamiyan and Badakhshan are characterised by relatively secure conditions but suffer from a lack of livelihood opportunities that derive from their lack of accessibility and from the scarce resources available in mountainous areas. In those areas, the pressure on security is lower than the pressure on livelihood. There, the CDC has progressively become the main instance of local governance in most villages of these two provinces. While in Badakhshan, the election process has been frequently disrupted by the pre-existing elite, this is much less the case in Bamiyan where education and competence seem to play a more significant part in the choice of CDC members. In both cases, however, existing CDCs were the only actors to have access to significant development support and who could channel this support to their constituents, making them particularly useful for improving livelihood conditions.

While this hypothesis would need further research beyond the anecdotal evidence from this study, it suggests that in each community, the actors most able to provide for the most critical needs will likely remain in control of the CDC, either because their pre-existing legitimacy will likely remain in control of the CDC, either because their pre-existing legitimacy will be validated through the election process or because they will be able to keep control over the CDC.

Socio-Cultural Factors

Beyond the relevance to critical community needs, the ethnic and social composition of the community can help determine the level of legitimacy of an elected representative body to take on a wider governance role. In communities featuring a homogeneous ethnic make-up, the creation of a new governance structure such as the CDC is less likely to affect the importance of common traditional norms and cultural references. Thus, it seems ethnic homogeneity tends to preserve local traditions as the main source of legitimacy and traditional leaders as the main authority, obviating the need for elections.

Conversely, the presence of ethnic minorities in a community can complicate the transition of traditional leaders as elected leaders, since the election process is more likely to give voice to sub-communities that were previously excluded from the affairs of the community. For example, in a Hazara village of
Bamiyan (See above, Section III.A, Corruption Issues), a strong Tajik minority has opposed the election of a Hazara customary leader who was perceived as undermining their interest and who was trying to disrupt the election process. While the transition in heterogeneous communities is more difficult, the assumption is that the CDC that arises from the election would be able to provide a counterweight to the traditional sources of legitimacy.

Another interesting example is the village of Hesi Awal Najmul Jihad (Behsood). Its population consists of migrants from different provinces of Afghanistan who had fought with a famous mujahedeen Mullawi Yunus Khales during the Soviet occupation. The town itself is comprised of five main sub-communities (or Hesi) in which different Pashtun tribes are represented. Respondents of this community described the election process as fair and transparent and field observations suggested that the CDC was operating as the main source of authority for representing the community in front of the government and for resolving disputes. In addition, the CDC was also the most involved in coordinating with the ANSF for ensuring security. In this case, the role of the Malik was mostly limited to facilitating administrative processes with the District Government. This example further accredits the idea that heterogeneous communities are more likely to support the general election process as a way to empower less traditional leaders who are perceived as more representative of the diversity of interests at play in the community.

Furthermore, these examples suggest that elected CDCs may be more adapted to reflect the diversity of sub-communities that characterises mixed communities because of their collegial and representative composition while a more homogeneous community can still be represented by an individual that shares the same culture as his constituents. It becomes therefore necessary to understand how the representative function of the CDC comes into play with regards to its legitimacy.

d. **The Legitimisation of CDCs as Elected Representative Bodies**

Paving the ground for legitimising CDCs

Even before the creation of the CDCs, community mobilisation by the FPs ensuring that local traditional leaders are involved and approve of this process appears to be a critical first step in gaining local legitimacy. As the traditional leaders authorise the presence of the FP and the election process, they transfer some of their legitimacy to the governance body that remains to be created. However, local leaders seem rarely inclined to abandon the legitimacy they developed over the years to a new body that does not observe their authority. Several FPs have mentioned how their first encounter with traditional leaders was often problematic, with some of them simply refusing the election process, and others asking to be nominated head of the council before the process was initiated. The main leverage of negotiations FPs reported to have used in such cases was to deny the sub-project to the community if the elections could not take place as required under the NSP OM. Cases studies have shown nonetheless that some compromise has been made on the ground in order to facilitate the implementation in the most conservative communities.

Yet, case studies have also shown that a first imperfect election could at least initiate a process in the community that could hardly be reversed in the future. The example of Qul Mohammad (Nahr-e Shari)
where the previous head of the CDC was replaced after he had embezzled funds collected from the community suggests communities learn, often at their own expense, who should represent them and who should be removed from the local governance system. In most of the cases where respondents had reported some corruption among CDC members, they also explained they would like to have the opportunity to re-elect the CDC in a secret and transparent manner in order to select the people they found the most reliable for the position. Accordingly, the first election process often results in a reproduction of traditional elites. It would appear the rules of the customary legitimisation system had been internalised in such manner by community members that they transfer back to traditional leaders the legitimacy initially bestowed upon the election process.

**Confirming CDCs legitimacy: the sub-project cycle as a feedback loop**

However, the newly created body is almost immediately exposed to the experience of the sub-project selection and implementation process and is made responsible for its efficacy. Going through this experience, they reveal themselves to the community, either as fair and competent leaders or as corrupt and incapable. In between these two extremes, fieldwork suggests that villagers are usually able to identify which CDC members will be usefully re-conducted and which ones may become detrimental to the community vital interests. Therefore, the whole NSP cycle initiates a feedback loop that redistributes legitimacy across local actors depending on their perceived performance on the tasks they are supposed to fulfil and on safeguarding the interests of the community.

The effectiveness of this feedback loop depends on the mobilisation process and the information participants had received prior to the election. According to the representative of the Sectoral Department in Lash Kargar, “when CDCs were first elected there was a lack of public awareness that led to the election of uneducated representatives who were less competent for supervising the implementation of development projects but this is changing and the new CDCs are more educated”. Indeed, in Helmand, CDC members were found overall well educated, even if they had been appointed by less educated elders who seem to have valued their formal education as a sign of competence to implement projects.

The reiteration of this feedback loop and the ability to capitalise on past experiences by refining the selection of the most competent personnel through the successive election cycles appear therefore as a key to legitimise CDCs or any future elected representative body. In this sense, CDC members who refuse to organise new elections and thereby capture the authority that has been given to them expose themselves to a loss of legitimacy if they happen to go against the interest of the community. This loss of legitimacy occurs either by appearing to divide the community or by making it vulnerable (for example in the village of Gorwan-e Bala where a bridge that had been improperly designed had caused regular floods by preventing the water of the river to go through).

**In-between project cycles: addressing the legitimisation gap**

While the project cycles can improve the legitimacy of CDC personnel, NSP sub-projects and other development projects occur only rarely in each community and may not be sufficient to durably confirm the legitimacy of elected personnel who cannot effectively rely on pre-existing legitimacy sources. As a
matter of fact each sub-project cycle takes around two to three years and is not always repeated despite NSP efforts to generalise the implementation of repeater block grants. This significantly limits CDC members to gain experience in project implementation in a way that can help them improve their overall performance and their associated legitimacy in a sustainable manner.

Furthermore, given the overall scarcity of projects available for each community, CDCs are often of limited use to the community once a given project is completed. Indeed, outside the project cycle, the CDC often becomes a dormant body that needs to engage in other support activities to maintain its value to the community. These activities sometimes directly relate to the project, for instance when the CDC organises the collection of funds and the occasional repairs that ensure the proper maintenance of the project. In this case, CDCs are likely to sustain their legitimacy, at least as a community-level development body.

Other activities not related to the project include support functions to the different governance roles normally required throughout the life of the community. However, these activities are often performed by individuals who have previous legitimacy to engage in community governance and are not necessarily opened to CDC members who have been elected mainly for their perceived capacity to implement projects effectively. Participation to district-level meetings organised by the DDA to discuss development planning also increases the governance value of the CDC but its effects are much less visible for community members.

Therefore, in places where CDCs are not seen as legitimate outside of the project cycle, the development outcomes generated through occasional projects may not be sufficient to increase the legitimacy of CDCs to take on expanded governance roles as such. This indicates a loss of potential gains in legitimacy that could be compensated by providing regular O&M funding to the CDC. Such a measure could increase the durability of the CDC outside of the project implementation itself without requiring the unrealistic costs of artificially multiplying the frequency of project cycles beyond what can be reasonably absorbed by the community. Furthermore, this could increase the overall CDC authority independently from the support of traditionally legitimate leaders by instituting the CDC as a constant driver of economic activity at the village-level. However, in areas where CDC legitimacy and activity is limited, it is unclear whether further development project implementation would yield any governance benefits.

**Formalising legitimacy: an ongoing process**

Beyond project cycles, the election process, if inclusive, is also an opportunity for community members to refine the method in which they wish to be represented. Communities have in different contexts opted to empower someone who has a wide network of connections that can be activated in the interest of the community (Ishaq Suleiman, Injil), elect one of the poorest residents of the village for his perceived integrity (Loy Khush Gunbad, Behsood) or ensure the representatives reflect the diversity of the community composition (Dahen-e Samara, Bamiyan). However, beyond the degree of representativeness of the CDC, the decisive element that guarantees a local governance entity the capacity to effectively represent the community is the formal stamp given by the government to its designated counterpart at the village level.
This formal stamp is usually given to the Malik in provinces like Balkh, Helmand, Herat and Nangarhar. Conversely, in most of the villages visited in Badakhshan and Bamiyan, it has been given to the head of the CDC. While this element could seem trivial, it is in fact of great importance for the community members who wish to obtain an ID card, to request a project from the government or to have their marital status recognised by district authorities. The formal stamp may give considerable influence to its holder and can help him create patronage relationships to secure the support of his constituents as his approval is required for all affairs of the community that need to be brought to the formal government. In this sense, the stamp ultimately appears as the symbol of the formal recognition of a community representative body as such by the government.

2. Assessing the Opportunity of Institutionalising CDCs into VCs

The main argument used by some central level key informant to justify the transition or the integration of the CDCs into VCs is to make sure that the funds disbursed to create the CDCs under the NSP will not have been spent in vain and so to capitalise on investments made under the NSP to provide higher quality governance personnel at the village level. This argument relies on the assumption that CDCs improve local governance and service delivery. The analysis of the perceived performance of the CDC suggests CDCs can improve local governance and service delivery, mainly because of the experience they have gained through the implementation of several sub-projects cycles. However, in some regions, the analysis of the legitimacy of the CDC reveals concerns that need to be carefully taken into consideration before moving on with the institutionalisation of the CDCs. The following analysis aims at understanding whether or not there is popular support for a transition scenario that would break up with traditional representative structures.

a. Popular Support for Maintaining CDCs Beyond NSP

As represented in the figures below, 66% of survey respondents found the CDC should still have a role in the community beyond the NSP. In Badakhshan, Balkh and Herat, a majority of respondents were in favour of maintaining the CDC while in Nangarhar a majority thought it was not necessary. Case studies in Nangarhar suggest however that the high proportion of negative answers reflects scepticism to the idea of maintaining CDCs to contribute to the overall governance and development of the community more than categorical opposition to the idea.

Figure 28 - "Do you think the CDC should still play a role in the community after the NSP is complete?” – Across provinces

a- Total across provinces

b- Badakhshan
c- Balkh
d- Bamiyan
e- Herat
f- Nangarhar
Diverging motivations to keep CDCs beyond NSP

However, the main motivations to keep the CDC after the NSP differ from one province to another. In Badakhshan and Bamiyan, the question was largely irrelevant as most community members interviewed had already integrated the CDC as a formal body with considerable governance roles outside of the NSP, including dispute resolution and facilitation of administrative procedures. In Balkh and Herat, interviews suggest the main motivation to maintain the CDC in the community was to facilitate access to development projects. In Nangarhar, respondents interviewed for the case studies expressed high levels of scepticism about the idea, explaining the government would not necessarily be able to support the CDC and that it could complicate the local governance structure unnecessarily. However, a significant share of respondents thought the CDC could still contribute to dispute resolution and to the development of the communities.

In Helmand, across the four case studies, regular community members and non-CDC elders were in majority opposed to the idea of keeping the CDC beyond the NSP. In Bokharian (Nad Ali), even CDC members refused the responsibility it would put on them and only the Malik was in favour of maintaining the CDC. In most cases, this refusal was tied to the perceptions that CDC members were corrupt, inactive and incompetent. Moreover, the roles envisioned for a post-NSP CDC were still limited to development, with some extension into dispute resolution roles. However, the situation was not as clear-cut and, in Lagnarai for instance, youth respondents have been seen debating as to whether the CDC or the elders were the most competent for resolving disputes.

Perceptions of competence as a key determinant of willingness to prolong CDCs

A cross-analysis of the perceived competence of the CDC in ensuring key governance and service delivery roles relative to other governance entities indicates that communities are more likely to wish to prolong the CDC if it is found to be competent. In Badakhshan and Bamiyan for instance, CDCs were found the most competent to ensure a link with the government, the implementation of projects or dispute resolution. In Balkh, CDCs were perceived as the most competent actor to supervise the implementation of local development projects, while the head of the village was seen as the most competent for ensuring a link with the government and the elders for dispute resolutions.

In Herat and Nangarhar, CDCs were the sole most competent actor to manage projects but in most cases the head of the village was seen as equally competent to link the community with the government, while both the village head and the elders were still perceived as indispensable to dispute resolution.
even if CDCs were perceived as significant contributors. In Surkhrod (Nangarhar), the CDC was never mentioned as the most competent to maintain linkages with the government and only in a minority cases to resolve disputes. The table below summarises these perceptions of relative competence for key governance and service delivery roles across the board.

Table 8 - Who is the most competent at...?  

<table>
<thead>
<tr>
<th>Province</th>
<th>Managing projects?</th>
<th>Linking with the government?</th>
<th>Resolving disputes?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badakhshan</td>
<td>CDC</td>
<td>CDC</td>
<td>CDC</td>
</tr>
<tr>
<td>Balkh</td>
<td>CDC</td>
<td>Village head</td>
<td>Elders</td>
</tr>
<tr>
<td>Bamyan</td>
<td>CDC</td>
<td>CDC</td>
<td>CDC</td>
</tr>
<tr>
<td>Herat</td>
<td>CDC</td>
<td>Village Head</td>
<td>CDC / Traditional leaders</td>
</tr>
<tr>
<td>Nangarhar</td>
<td>CDC</td>
<td>Village Head</td>
<td>Elders</td>
</tr>
</tbody>
</table>

b. **Popular support and concerns for institutionalising CDCs and for community-level elected representative formal bodies**

Case studies have allowed a deeper questioning of the potential roles and status CDCs should take on once the NSP comes to an end. In particular, interviewees have been asked whether or not they would like to see the CDC taking on expanded roles in the future and whether or not they would be in favour of making the CDC part of the government. While the questions focused on CDCs, the answers given provide useful indications on how community members would perceive the presence of an elected representative formal body with expanded responsibilities at the community-level.

In this regard, two main positions have been identified across interviews:

i. In areas where the CDC had given some positive results and where its role was not limited by more important traditional actors, there was a high demand for the CDC to be re-conducted and institutionalised;

ii. In areas where the CDC had given poor results, or where its role was still limited by the importance of other customary leaders, there was a lower demand for re-conducting the CDC and mixed demands regarding the creation of an institutionalised body at the district level, especially in unstable areas.

**De facto authority and demands for re-elections in Badakhshan**

As mentioned above, in Badakhshan, the CDC was often already considered as part of the government and had already expanded responsibilities beyond development and service deliveries. In Badakhshan especially, several respondents explained that the CDC system was more legitimate because of its collegial composition. In Khoshdrew (Baharak) for instance, non-CDC elders explained their support for institutionalising the CDC as follows: “It would be good to have government representatives in the village: in the past we had a Malik, but it was only one person and he could do anything he wanted but
now we have the [CDC] shura and it has many members so that they cannot do anything without consulting each other first.”

However, where the CDC did not perform satisfactorily, non-CDC respondents would only approve of a potential institutionalisation under the condition that CDC members would be re-elected in a transparent manner through an election process controlled by the government. In general, the idea of institutionalising the CDC, and therefore the creation of an elected representative formal body at the community level was received positively. Nevertheless, with the idea comes the underlying assumption that it would allow more control by the government over the newly created entity and more resources to be channelled to the community. Some respondents also highlighted that it could facilitate a number of administrative processes and spare villagers the costs of traveling to the district centre. The idea also raised some scepticism from a number of respondents, with some wondering if the government could afford the integration of CDCs. Other respondents highlighted that formalising the CDCs, and therefore paying a salary to CDC members, could result in increased corruption.

Demands for prolonging a CDC with limited responsibilities in Balkh

In Balkh, people were generally in favour of maintaining the CDC beyond the NSP but were opposed to expanding its responsibilities beyond its current ones. Most respondents expressed serious doubts about the possibility to make CDCs part of the government as they anticipated it would result in triggering tensions between the CDC and the Malik. Even in Qul Mohammad (Nahr-e Shari), where the CDC integrates the Malik, people were sceptical about the idea of expanding or institutionalising the CDC and thought it would depend on the relationships between the CDC and the Malik. In addition, the main reason for supporting an institutionalisation of the CDC was to receive more financial support from the government. In Takhta Pul (Khulm), opinions were particularly negative regarding an institutionalisation scenario and reflected the ongoing tensions between the Malik and the head of the CDC, with strong suspicions of corruption by the head of the CDC. As explained by the head of the village of Lagharai: “The current system is better for us and our village is not ready for this. If the CDC is institutionalized, some people would take side with the Malik and others with the head of the shura and it could increase the tensions within the community. But if the Malik becomes the head of the shura, this would not create issues.”

Scepticism regarding CDCs integrity and efficiency in Helmand

In Helmand, concerns regarding a potential institutionalisation of CDCs were less related to the risk of internal divisions and more to the perceived corruption and inefficiency of the CDCs. In Bokharian (Nad Ali) especially, where the CDC had only been elected once across three sub-project cycles and was perceived as corrupt by several community members, non-CDC elders were firmly opposed to institutionalising the CDC unless its members were re-elected. In Loy Kalay (Garmser), and in Zobir Abad Grup Shash (Nad Ali) several respondents expressed similar concerns, and especially educated respondents and non-CDC elders. As explained by the head of the village of Lagharai: “If even one CDC member is involved in corruption, it should be changed.” Beyond corruption
issues, educated respondents from Bokharian and Zobir Abad Grup Shash also found formalising CDC and extending them beyond the NSP was not necessary as it would become redundant with traditional structures, “This is not necessary because we already have our elders”. This statement makes particular sense in a place where elders selected the CDC members anyway. Finally, educated respondents from Zobir Abad Grup Shash also raised an important point that may be of most relevance to other, less permissive parts of Helmand: “It is better to keep the government at the district level and only traditional structures at the village level: if the CDC becomes part of the government, we may face some problems with opposition groups.”

**Political and financial concerns in Nangarhar**

In Nangarhar, respondents from case studies, and particularly the Malik, expressed mixed opinions regarding the opportunity of keeping the CDC beyond the NSP, and were especially concerned by its possible institutionalisation. In Loy Khush Gunbad (Behsood), for example, the Malik, who is also the head of the CDC, was hoping that prolonging the existence of the CDC as a local organisation for service delivery beyond the NSP would facilitate access to local development projects. However, when asked if the CDC should be made part of the government, he was less enthusiastic: “If they become part of the government people will not trust them anymore because they don’t have trust in government”. A comparable viewpoint was developed by a youth of Bagh Baha Walid (Surkhrood) who was worried that the government would be too closely involved in the affairs of the community: “the government is the government and the [CDC] shura is the shura and the shura must keep working as the representative of the people, not as their government.”

In Hesi Awal Najmul Jihad (Behsood), discussions with the Malik and non-CDC elders raised further interesting questions regarding the opportunity of institutionalising the CDC, and highlighted some important financial concerns. The Malik immediately answered it would be necessary to ask the opinion of the people first. He then explained that making the CDC part of the government would give more work to CDC members and would possibly require a salary to compensate for their livelihood but, he added, “the government will not be able to pay for the CDC”. The non-CDC elders interviewed argued in a separate interview whether or not institutionalising the CDC would result in creating lines of division within the community. In the end, one of the FGD participant asserted that “Making CDC part of the government would create problems because everyone will want to be part of it”.

---

**CDC Sustainability Assessment** | Altai Consulting | 2013

---

84
Table 9 - Support and concerns expressed across provinces regarding an institutionalisation of the CDC

<table>
<thead>
<tr>
<th>Province</th>
<th>Positives</th>
<th>Negatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badakhshan</td>
<td>Already considered as de facto government, Collegial / Consultative structure, Facilitates administrative process</td>
<td>Affordability, Increased risks of corruption</td>
</tr>
<tr>
<td>Balkh</td>
<td>Access to resources and projects</td>
<td>Increased divisions in the community</td>
</tr>
<tr>
<td>Helmand</td>
<td>Access to resources and projects, Could support traditional structures, If re-elected and controlled by the government</td>
<td>Increased risks of corruption, Perceived inefficiency of CDCs, Redundancy with traditional structures, Increased threats from AOGs</td>
</tr>
<tr>
<td>Nangarhar</td>
<td>Access to resources and projects, Could support traditional structures</td>
<td>Lack of trust in the government, Affordability, Increased risks of corruption, Increased risks of divisions</td>
</tr>
</tbody>
</table>

As illustrated in the table above the main reasons given to support the institutionalisation of the CDC were:

i. To maintain access to governmental material support and development projects;

ii. To improve the control of the government over community governance structure, thereby enforcing accountability;

iii. To facilitate the access to administrative and justice services at the community-level;

iv. To improve the overall fairness of the community-level decision-making process, assuming that collegial elected body would be more interested in promoting collective benefits and would be more accountable to people.

However, the prospect of establishing a community-level governmental body has raised a number of concerns that will need to be addressed in order to guarantee the sustainability of any local governance arrangement. Across regions, respondents were worried such an entity could:

i. Increase the lines of divisions within the community, especially between the Malik and the CDC;

ii. Increase corruption of its members;

iii. Promote incompetent personnel if the process is not controlled by the government;

iv. Not be affordable;

v. Be redundant with customary governance structures.

Overall, significant demand exists for elected representative bodies supported by the government but concerns still surround the idea of instating a formal government body at the village level. This holds true especially in areas where the CDC system has given some positive results and where security conditions are stable – permissive. In areas where CDC have not given satisfaction, there is a significant demand for changing the current composition of CDCs but people are still in favour of keeping a locally elected body to represent them and provide or facilitate government services.
C. INTERMEDIARY CONCLUSIONS

1. ANALYTICAL FRAMEWORK SUMMARY

Throughout this section, a number of potential determining factors have been identified to explain regional variations in outcomes of local institutional dynamics. The diagram below attempts to summarise the main factors detected in the course of this research that have explanatory power in this regard:

Figure 29 - Factors influencing perceptions and relative authority of CDCs (Expanded version)

These factors can be classified in four main categories and eight sub-categories:

- At a deeper level, and of profound yet indirect influence, the context or background includes:
  - Geographical features such as (i) the accessibility or the remoteness of the community territory, which is linked to the distance from urban centres and the topography, (ii) the resources available and subsequently the way in which they are exploited by the local population, but also (iii) the proximity with foreign borders which may have influence in terms of security (e.g. infiltration of Pakistani opposition groups or criminality due to drug trade at the Tajik border) and development (e.g. international trade).
o **Demographic features**, such as (i) wealth and economic development, (ii) the composition of the social fabric, for example in terms of age structure, ethnicity, values and (iii) the history of the population and the way it was shaped over time;

- At an intermediary level, yet of present and direct influence, the **human environment** which, in Afghanistan, is mainly comprised of:
  - First, the complex **political dynamics** at work at the provincial, district and sub-district levels and which are closely related to demographic features;
  - Second, the inclusion of **international actors** and mainly (i) civil actors operating in the aid sector or participating in the economic development of the area, (ii) military Coalition Forces (CF) and (iii) foreign government insurgents or criminals which engage against CF and ANSF;

- At a proximate level, with significant capacity to change the existing situation, yet largely determined by the deeper level factors, the **program implementation** process consists of an iterative process of encounters between the FP and the community for the purpose of project implementation and is therefore influenced by:
  - The **FP**, and in particular, (i) its experience operating in the geographical area and human environment considered, (ii) its ability to effectively conduct the mobilisation process and negotiate with local communities, as well as (iii) its technical expertise and its capacity to provide appropriate technical support;
  - The **community itself**, and especially (i) its perceived priority needs and grievances with respect to its contextual situation, which is inversely proportional to its level of economic development and skills and resources available, (ii) its level of social cohesion or division and its tribal or ethnic homogeneity, (iii) its relationship to the district leadership, i.e. its perception of local powers, its self-perception as a minority or as majority and its ability to leverage support from the district majority;

- At an immediate level, each project cycle places emphasis on **elected CDC members** where their behaviour contributes to shape the perception of them by community members:
  - In terms of **performance**, which is analysed in terms of integrity, effort and capacity;
  - In terms of **legitimacy**, which results from the representation of traditional and democratic sources of legitimacy across CDC members as well as of CDC members access to political and patronage networks.

These factors are all extremely volatile and the outcome of their combination remains largely unpredictable, subject to the interpretation of a wide variety of factors, events and personalities that can hardly be modelled. The proposed framework compiles various explanatory variables and highlights them in a logical yet hypothetical sequence. However, while it does not pretend to comprehend all relationships and causality patterns related to the perceptions of CDC and its authority and would
require further investigation, this framework is consistent with the evidence gathered during the fieldwork conducted for this study.

This framework can be condensed as follows:

Figure 30 - Factors determining the perceptions and relative authority of the CDC (condensed version)

As explained throughout this section, the perceptions of performance and legitimacy of the CDC are determined by a wide array of intricate factors related to the context, the human environment, the way the program is implemented and the behaviour of local governance personnel and of the CDC members in particular in front of community members. These factors are interrelated with each other: geographic features can determine demographic features which may in turn shape local political dynamics and the deployment of foreign elements, including the deployment of specific FPs in certain areas where they would encounter certain communities, and so on and so forth.

In the context of this assessment, the analysis of the perceptions of performance and of the sources of legitimacy detected two key discriminants: the prioritisation between economic and security needs by stakeholders (i.e. communities, international actors and political leaders) and the effectiveness of the project cycles.

On the former, correlated contextual features and human environment shape a development / security ratio, a measure of how stakeholders value and prioritise security needs over development (or vice versa) within a given area. This ratio helps reveal the vital priorities of the local citizenship and in turn shapes the conditions of programme implementation (types of sub-projects requested, chances of success, capacity of authorities, local leadership, citizenship and FP to cooperate, etc.).

In other words, the more secure the area, the more the population will demand development and economic growth projects and will support leaders who can best attract and implement such projects. Conversely, the more insecure an area, the less likely it will be for economic projects to succeed and to be implemented effectively. In this scenario, the population will be more likely to promote leaders who may not have great ability in attracting or implementing development projects, but who may be more competent in dealing with critical political dynamics and security situations.
Programme implementation and subsequent project cycles are then taking place within this larger operating environment, which is characterised by a development/security ratio. Through their encounters, the FP and the community create a sub-project cycle, which starts during the mobilisation process and the election of the first CDC members. While the operating environment is likely to influence the effectiveness of the project cycle, the capabilities of the FP and the profile of the community are equally determinant in ensuring that project cycles proceed effectively.

Once created, the CDC’s composition and behaviour is correlated to perceptions of performance and legitimacy that eventually restrain or expand the authority of the CDC to take on certain roles. Yet, the modalities of creation of a given CDC are largely influenced by pre-existing factors which should be well understood to optimise implementation decisions in an uncertain, highly volatile environment like Afghanistan.

2. **Operational Typology**

This condensation of the analytical framework allows for a more effectively defined typology that can help answer the harmonisation challenge more effectively. This typology is based on an assessment of the development/security ratio observed in the province as well as on an assessment of the perceived effectiveness of the project cycles observed. It then evaluates the relative authority of the CDCs in the area on average and the associated roles.

The results of these assessments are summarised in the table below:

<table>
<thead>
<tr>
<th>Province</th>
<th>Development / security ratio</th>
<th>Project cycles</th>
<th>CDC authority</th>
<th>Main roles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badakhshan</td>
<td>High</td>
<td>Mixed</td>
<td>High</td>
<td>Overall governance and development</td>
</tr>
<tr>
<td>Balkh</td>
<td>Medium</td>
<td>Mixed</td>
<td>Medium - with variations</td>
<td>Development with limited governance</td>
</tr>
<tr>
<td>Bamiyan</td>
<td>High</td>
<td>Good</td>
<td>High</td>
<td>Overall governance and development</td>
</tr>
<tr>
<td>Helmand</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Some development and no governance</td>
</tr>
<tr>
<td>Herat</td>
<td>Medium</td>
<td>Good</td>
<td>Medium - homogenous</td>
<td>Development and participation in governance</td>
</tr>
<tr>
<td>Nangarhar</td>
<td>Medium</td>
<td>Good</td>
<td>Medium - with variations</td>
<td>Development and participation in governance</td>
</tr>
</tbody>
</table>

For instance, the development / security ratio in Badakhshan is rated high because development needs in this province and investment in development from part of international and political stakeholders seemed particularly high in comparison to quasi-inexistent security issues. The effectiveness of the project cycle was rated as mixed because a significant contrast has been observed between communities living in more remote areas, suffering from more difficult operating terrain and with communities closer to the urban centres and benefitting from access to better facilities and capabilities. On the contrary, Helmand is characterised by a low development / security ratio because of the dramatic insecurity and the large investments made by national and international actors in security dynamics.
In the end, an increase in all factors but security is associated with an expansion of roles and responsibilities from strict development to wider governance while a comparative increase of the security factor seems associated with a contraction of CDC accepted prerogatives around development roles. This classification is consistent with the classification proposed in Section II.B., as represented in the diagram below:

Based on this classification, any policy that attempts to maximise the legitimacy, performance, authority and thereby the sustainability of the CDC should tailor its implementation accordingly. For instance, it should attempt to increase the relative value of development initiatives for all stakeholders to create an environment where development capacity is more valued than security capacity and then provide appropriate capacity building.

In places where this is not possible, it should ensure that CDC members can exhibit the skills that are considered necessary by local citizens to deal with complex political and security dynamics, which requires particular training. Furthermore, it should encourage political and international actors across the board to invest in development rather than in security programs. To complement this assessment, more practical measures and leverages to increase CDC and SNG institutions sustainability are introduced in the following section under an overall policy framework design analysis.
V. TOWARDS SUSTAINABLE GOVERNANCE AND SERVICE DELIVERY

The analysis of the current legal framework (See above, Section II.A.) indicated a legal vacuum regarding the legal status of the CDCs and the formal roles of VCs, including a streamlined repartition of responsibilities among local actors and clear avenues of coordination with the district-level authorities. The analysis of the current governance and service delivery structure (See above, Section II.B.) highlighted six main roles that need to be attributed to village-level governance actors in order to fulfil the needs of the community. While these roles have been distributed across three main governance actors at the village level, the attempt to formalise local governance structures will need to streamline the current division of roles while making room to integrate the most competent and legitimate actors in the governance model that has yet to be created.

As mentioned above, the legal framework needs to be adapted to the actual capacity available in Afghan villages. To guarantee the sustainability of the new governance model, policy makers will need to take into account the key determinants of performance and legitimacy identified in the previous sections. In addition, the framework needs to improve service delivery at the village level, including in marginalised communities, and maintain flexibility to progressively integrate Afghan villages to the government structure. This progressive integration needs to go through a consultative process that would give a choice to constituents as to whether they would like their CDCs to be maintained as VCs for overall governance purposes or if they prefer to elect a new CDC as interim VC until formalised elections can be organised to establish formal VC with respect to the existing legal framework (See Sections IV and V).

However, as explained in the introduction to this report, attempts to improve local governance and service delivery structures are likely to be stifled by the anticipated decline of aid funds post-2014 and the difficulty in reaching a political consensus on practical next steps. These limitations could lead decision-makers to maintain a status quo on current local governance and service-delivery structures, thereby bringing minimal changes to the current situation so as to minimise costs and avoid the risks of generating instability in more volatile and tense areas. A “status quo scenario” would indefinitely postpone the implementation of the constitutional provisions and fail to create the conditions for a sustainable sub-national governance structure.

Given the strong political will among high-level government officials to consolidate gains achieved under the NSP in terms of sub-national governance and service delivery, there is also a significant probability that decision-makers will focus on formalising CDCs to ensure their continuation. As of this writing, policy makers are discussing a new policy text to clarify the interpretation of the current legal framework and the latest version reviewed for this study grants a central role to CDCs in the new SNG landscape. Depending on the outcomes of the current discussions surrounding the future policy, two main scenarios are likely to occur: (i) a “Development CDC scenario”, in which CDCs would be defined as
a formal body with strictly defined development roles or (ii) a “Governance CDC scenario”, in which CDC would become a government body with extended governance responsibilities.

Interestingly, the latest version of the policy text reviewed for this study (“National Policy for Unified District and Village Governance and Development, Consultation Version”, IDLG and MRRD, 28 January 2013) acknowledges the organisational and financial shortcomings preventing a rigorous implementation of the Constitution and develops an “interim approach” that closely aligns with the “CDC Governance scenario”. Beyond these scenarios, a systemic analysis of all data gathered would lead to proposing a “theoretical scenario” which could help decision-makers and practitioners find optimal solutions to the various issues identified. In this perspective, the first step to the implementation of any sustainable sub-national governance scenario would be the promulgation of a presidential decree that resolves the different challenges identified so far. More precisely, the presidential decree should work as a transitional legal framework that:

i. Defines the roles and responsibilities of the current CDCs and future VCs with regard to actual community-level needs for governance services and actual capacity on the ground (See section II.A. above and table below, the “Definition Challenge”);

ii. Defines the overall process that will take into account the difference in capabilities and legitimacy across the different communities in a progressive and flexible manner, while providing time to citizens and government officials to prepare for the new process (See section II.A. above and table below, the “Harmonization Challenge”);

iii. Defines a consultative process that will outline the conditions under which the chosen subnational governance framework can constitutionally address the requirements for definitive VCs once the current legal framework can be implemented (See section II.A. above and table below, the “Election Challenge”).

This section starts by outlining general principles for a sustainable subnational governance framework to assess different scenarios that are currently in discussion. These principles will then inform the design of an ideal scenario that will address the current issues facing subnational governance in Afghanistan. The table below first attempts to map out the current situation and to list the key problems that were identified in the course of this report that will need to be addressed by any sustainable subnational governance framework:
### Table 11 - Context characteristics, key problems for a transition from CDCs to VCs

<table>
<thead>
<tr>
<th>Context characteristics</th>
<th>Six key governance roles are necessary to ensure the functioning of the community</th>
<th>These roles include social work, dispute resolution, government linkages, local development, security and administration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>These six roles are divided across three main entities</td>
<td>The three main entities are the village head, the elders and the CDC</td>
</tr>
</tbody>
</table>
|                         | Authority is based on traditional and non-traditional sources of legitimacy | - Traditional sources of legitimacy include lineage and heredity, personal wealth, military experience, reputation  
- Non-traditional sources of legitimacy include elections and the perceived capability to manage the efficient implementation of development projects  
- Both traditional and non-traditional sources of legitimacy can be enhanced by the ability to mobilise political networks and patronage relationships |
|                         | Perceptions of performance in ensuring the efficient implementation of development projects | - These perceptions are shaped by perceptions of the integrity, the dedication and the capacity of the considered entity  
- External conditions may influence the possibility for perceptions of performance to be positive (e.g. support from local authorities, local economic development, local ethnicity balance, security) |
|                         | The re-iteration of the election process results in a transfer of legitimacy from traditional to non-traditional sources | - There is popular demand for elected representative formal bodies at the community level  
- The frequent election of traditional leaders within CDCs can enhance support for a transition from CDCs to VCs based on elections from part of both customary leaders |
| Primary problems        | Legal vacuum regarding status of CDCs, roles and responsibilities of VCs, distribution of roles and responsibilities within the communities, avenues for coordination with the formal government |  |
|                         | Definition Challenge: What should future VCs be able to do to provide for necessary governance and service delivery roles at the village level? |  |
|                         | Harmonisation Challenge: How to provide a unique framework for the diversity of contexts encountered at the village-level? |  |
|                         | Election Challenge: How realistic is it to place the organisation of elections across 40,000 communities under the supervision of the IEC? |  |
| Subsidiary challenges   | Defining the actual transition process from CDCs to VCs |  |
|                         | Establishing the territorial unit for elections |  |
|                         | Integrating women into formal governance body |  |
|                         | Finalising the presidential decree to initiate the creation process |  |
|                         | Connecting the district to the community |  |
A. DESIGNING A UNIFIED GOVERNANCE BODY AT THE VILLAGE-LEVEL: APPROPRIATE ROLES FOR EXISTING RESOURCES

The following section outlines the overall principles of a sustainable subnational governance framework that relies on the flexible, consultative and progressive transition of CDCs into VCs. The premises are to ensure that:

i. The framework provisions for responsibilities that will be adequate to the capabilities available at the village-level;

ii. The new division of responsibilities is streamlined at the village level;

iii. The constituents involved in the process are supportive of the subnational governance bodies, imbuing them with legitimacy;

iv. Government authorities are able to set up adequate structures to accompany this process by providing capacity building structure and programs for local governance personnel to adapt to their future responsibilities.

1. RESPONSIBILITIES OF FUTURE VCS

Currently, the different governance and service delivery roles are divided across the three main actors operating at the community level (i.e. the village head, the CDC, the elders). The village head appears most often as the ultimate decision-maker, with wide responsibilities extending to most fields of local governance. The CDC is primarily involved in local development and dispute resolution while the elders most frequently appear as the main reference point for dispute resolution.

Concentrating responsibilities at the village-level would present the benefit of defining clear avenues to connect communities to district-level authorities while managing simplified lines of accountability for community members. On the contrary, leaving the current division of roles, as shared across customary leaders, proved to be less than optimal in many instances. However, while authority would be concentrated, responsibilities could be delegated, thereby ensuring higher levels of competence for more specific tasks.

Previous sections of this report established the necessity of streamlining the current distribution of formal and informal roles and responsibilities across actors by attributing a clear responsibility for supervising the proper administration of governance and service delivery roles.

Attributing responsibilities to local governance actors

The analysis of the Sub-National Governance policy and of the CDC By-law highlighted confusion and a discrepancy between the roles that CDCs are supposed to take on as interim VCs from the perspective of central-level actors and the responsibilities they are actually fulfilling at the community-level. The confusion comes from the fact that the two texts are not aligned and give mixed messages as to what CDCs are supposed or authorised to do (See above Section II, Definition challenge). The discrepancy lies
in the fact that, in a majority of cases, and with regards to the exceptions encountered in Bamiyan and Badakhshan, the roles of the CDCs are generally limited to the facilitation of local development projects, with some extension into dispute resolution and creating government linkages.

In order to address both this confusion and discrepancy, local governance actors will need to take clear responsibility for a number of practical roles that effectively serve the governance and service delivery needs encountered at the village-level. This would in turn solve the above mentioned “Definition challenge”. Given that (i) the average level of capacity available in a village is relatively low and (ii) the high risk of misappropriation and corruption in places that are often removed from any type of government control mechanisms lead to reject the possibility to decentralise high responsibilities. On the contrary, responsibilities should be easily fulfilled by the average village level personnel and should entail little decision-making power. Literature reviewed and findings from this study led to establish a comprehensive list of roles organised around the six pillars initially identified in Section III:

i. **Social work**, i.e. Community mobilisation for collective activities, including the coordination of Ahshar and of collective responses to natural disasters, the organisation of ceremonies, the development of solidarity mechanisms for the maintenance of community assets and the temporary provision of resources for community members who cannot meet their basic needs;

ii. **Dispute resolution**, i.e. resolution of non-criminal disputes (including water and land disputes) that are brought to the attention of the principal village governance entity by the villagers or by the government;

iii. **Development**, i.e.

   a. The administrative procedures that must be completed prior to the delivery of local development projects and state-funded infrastructure and facilities, including petitions and formal requests to district authorities and NGOs;

   b. The supervision of the implementation process, including quality monitoring, controlling the procurement of material and external technical services, monitoring and publishing the account of funds disbursed, distributing the workload among community members and paying salaries in a timely and transparent manner;

   c. The reporting procedures that must be completed during and after the completion of the project considered.

iv. **Government linkages**, i.e. representing the community in official meetings with government representatives (including IDLG, MRRD and other line ministries), conveying the voice and requests of the community members to government officials, ensuring the laws and decisions of the government are known by community members;

v. **Administration**, i.e. stamping administrative documents necessary for obtaining ID cards and land titles, recording vital statistics of the community (including deaths, births, marriages, migrations), informing community members on the administrative procedures they need to follow and facilitating appointments with the relevant administration officers;
vi. **Security**, i.e. coordinating with ANSF on security issues in the area, reporting suspect movements and crimes in the community and its vicinity, deciding on the opportunity to create and maintain the presence of the Afghan Local Police (ALP) in the community.

**Streamlining the division of responsibilities**

As seen in the previous sections, these responsibilities are currently distributed across different local governance entities, mainly the village head, the CDC and the traditional elders. The current distribution of these roles depends on the informal recognition of these actors by community members and the formal recognition by government authorities. The former is based on perceived levels of competence of each actor to fulfil the roles considered and provides grass-roots legitimacy while the latter is based on the knowledge of the existing legal framework by district level officials and provides governmental legitimacy.

It is worth noting that these two sources of recognition are closely connected. For example, the village heads of Balkh are typically perceived as the most competent to ensure administrative tasks because they benefit from the formal recognition of government officials, which also increases their ability to ensure linkages with the District Government from the community’s perspective. Similarly, responsibilities are also interconnected, with one responsibility allowing a given actor to contribute more effectively to fulfilling other roles. For example, the ability to determine land boundaries provides a source of legitimacy to resolve disputes, the ability to resolve disputes provides a source of legitimacy to participate in security efforts and the ability to organise social work efficiently provides a source of legitimacy to participate in the implementation of development projects. In general, this interconnection between formal and informal recognitions on the one hand, and between roles and responsibilities on the other hand, is the main reason why responsibility over all governance and service delivery roles should be attributed to a single entity.

Given that these different roles require diverse sets of capacities that are not necessarily mastered by one entity or are not necessarily available at the village level, local governance actors should be given the responsibility to supervise the proper administration of these different roles rather than to fulfil them directly. This supervision responsibility would require the formal recognition from government officials while granting community-level governance actors the latitude to appoint more qualified personnel to fulfil certain tasks under their control when they cannot fulfil directly these themselves.

Furthermore, this responsibility would allow the legislator to define clear legal avenues of accountability that can be used by government officials and by community members to sanction or support VC members or designees depending on their performance in administering the different tasks provisioned under the new local governance and service delivery framework. To be effective, these legal avenues must be communicated to all government officials and to all citizens, so that civil servants can identify legitimate points of contact in the community while citizens would be empowered to elect the most competent personnel for ensuring such supervision responsibilities.
c. **Legitimising Transfer of Responsibilities**

Given the variations in CDC capacity and legitimacy to take on full responsibility over local governance and service delivery, a flexible, consultative and progressive transition process is needed to retain past investments in building the capacity of CDCs while allowing community members to access services during the institutionalisation process. This approach would pave the ground to address both the “Harmonisation challenge” and the “Election challenge” outlined in Section II above.

In the current situation, CDCs are not always in a position to take on such large responsibility over the administration of community affairs, either because they have not received formal recognition from government officials or because community members do not consider them as competent or legitimate enough to take on such responsibility. The situation differs greatly between provinces where CDCs are already responsible for the administration of all community affairs and provinces where their role is strictly limited to the supervision of projects implementation.

**Ability of CDC to take broader responsibilities**

Despite this disparity, respondents across the board were open to see future CDCs take on wider responsibilities or at least contribute to fulfilling key governance and service delivery roles at the community level. The following figure shows that a wide majority of respondents would like the future CDCs to be more involved in most governance and service delivery roles identified. The main exception remains the certification of administrative documents which was perceived as the exclusive prerogative of the village head in most villages of Balkh (67% of respondents against any involvement of future CDCs in the certification of documents), Herat (79%) and Nangarhar (71%).

![Figure 32 - “In the future, do you think the CDCs should be involved in the following roles…?” (n=704)](image)

Currently, responsibility over the management of development projects remains the common denominator of all CDCs. Depending on the combination of political, geographical, economic and socio-cultural factors that have been previously described (See Section IV and V above) CDCs were sometimes able to expand this responsibility to social works, dispute resolution, government linkages, administration and security. Beyond contextual features that cannot be directly influenced, a key driver of such expansion was the presence among CDC members of local leaders who were perceived as both competent and legitimate to take on such responsibilities.
It is worth repeating at this stage that CDCs were not initially designed to govern villages but rather to facilitate the implementation of development projects. Similarly, community members did not initially select CDC members to administrate all affairs of the community but mainly to organise the delivery of development projects. If the CDC is given a new status as interim or as definitive VC with expanded responsibilities, citizens should be assured governance and service delivery roles are fulfilled with the highest level of competence available. They should therefore have the opportunity to elect new personnel as VC members where they feel the current composition does not gather sufficient skills to guarantee optimal governance services.

Taking advantage of NSP III training programmes

Interestingly enough, interviews with FPs have revealed that the training programmes planned under the third phase of the NSP were meant to prepare the CDC members to take on broader responsibilities. While the training provided during NSP I and II would mainly focus on project management, accountancy, procurement formalities and participatory monitoring, newly included training programmes focus on conflict resolution, “gender mainstreaming” or disaster management. While this extension of the training curriculum for CDC members is still directly relevant to the implementation of NSP, it also seems to build capacity in “governance for development”.

However, training programs were not always delivered appropriately and are unlikely to replace hands-on experience in dealing with general governance matters. Furthermore, interviews with district-level officials and with community members have revealed several shortcomings in the actual capacity of CDC members to take on general responsibility over the affairs of the community. Overall, the lack of formal education in fundamental and technical skills and the lack of experience in general governance are the main impediments to the optimal delivery of public services at the local level on the short-term.

In this situation, community members should be given a chance to retain CDC members who have shown efficient use of the training programs received but should also be given the opportunity to complement the existing body with other local actors who have proven experience in fulfilling more general governance roles. This consultative approach seems necessary to differentiate the successes and the failures of NSP and thus to ensure positive achievements of NSP are retained while deficient structures are not maintained.

2. RAISING AWARENESS AND PROVIDING AFFORDABLE SOLUTIONS FOR LOCAL CAPACITY BUILDING AND TECHNICAL SUPPORT

Forgoing a preliminary phase focusing on public information and mobilisation processes would entail the risk of generating widespread social tensions within and across communities. Therefore, any attempt to build a sustainable local governance structure would need (i) to inform the public about the anticipated modification process and (ii) to provide for affordable solutions to help all stakeholders to adapt to the new framework.

a. DISTRICT-LEVEL MOBILISATION PROCESS

First, informing constituents and community-level leaders about any modification process of the local governance framework and receiving their feedback would be required to (i) ensure citizens understand
the implication of this process, (ii) refine implementation strategies at the district-level and (iii) ensure a large local buy-in.

**Informing constituents and community leaders through public information campaigns**

District-level officials interviewed have highlighted on several occasions the lack of public awareness that affected the first round of CDC elections. According to the District Governors in Helmand and Nangarhar, villagers had not received sufficient information about the election process, which led them to elect community members that were often unfit to the tasks at hand or to accept corrupt election processes too easily.

They recommended that public awareness campaigns be organised prior to any new election process implemented at the community level so as to give citizens the tools to select appropriate governance personnel and to prevent disruptions by local elite. More precisely, they proposed to organise district or sub-district level shuras with civil society and governance actors and to broadcast radio programmes informing community members about the process and providing a platform for local residents to debate.

**Consultation and dialogue with local governance actors**

When asked about the possibility to transition CDCs into VCs, provincial and district-level officials expressed mixed opinions. In Badakhshan, all district-level interviewees thought it would be easy to organise since the CDCs already operate as de facto CDC. In Balkh, Helmand and Nangarhar however, interviewees were more hesitant about the idea as they anticipated significant levels of social tension. They expressed their respect regarding any central government decision that they would be asked to implement but again highlighted the fact that not all CDCs would work as an effective local governance entity and that other community level governance actors could turn against the government if they feel excluded from the decision-making process.

Having stated such hesitations, respondents proposed to ensure local governance actors were informed and consulted beforehand in order to gain a more precise insight on the level of instability the envisioned institutionalisation process would likely cause. The dialogue with governance actors would also help identify optimal implementation strategies and see which communities could initiate the process the most rapidly and which communities would need extra-support to ensure its proper implementation. Such discussions would also allow for the definition of an informal status for customary leaders who may not want to participate in the process but who could still be granted an informal advisory governance status.

**Transposing lessons learned from NSP**

Overall, a district-level mobilisation process would be a necessary first step in revitalising the local governance structure. This approach ultimately reflects the community mobilisation process conducted by the FPs when NSP implementation begins in a new community. Similar to how FPs start by engaging with local governance actors to gain their support for the organisation of the elections and to legitimise the whole process in the eyes of the community, the bodies that will be put in charge of implementing
the institutionalisation of local governance actors will need to engage with district-level customary leaders and informal governance actors.

Experience at the community-level has shown that customary leaders are likely to try to disrupt the CDC creation process for their own advancement and benefit once they realise the value that lies in belonging to the CDC. Similar disruption attempts are likely to occur during a district-level mobilisation process and should be anticipated accordingly in order to prepare for negotiation strategies that will help implementers fulfil their role effectively. While most FP managers interviewed considered development projects brought by the NSP as the main leverage to convince customary leaders to facilitate the creation of CDCs, such leverage may not be available to district-level implementers.

**Gaining local buy-in**

Additional leverage could nonetheless be found to gain local buy-in. Improved access to government services and communication with government officials represent the first advantages of a streamlined governance structure led by a unique elected governance body. Furthermore, communication with customary leaders should emphasise the fact that actual changes to the governance structure would be minimal as the new local governance body would have a formal role that does not prevent traditional governance actors to keep their informal roles, either as formal appointees or as informal advisory entities. Finally, it should be highlighted that this consultation process should be followed through all steps of the process to ensure that incompetent or illegitimate personnel are not imposed on the community.

In parallel to the customary leadership mobilisation process, regular community members should also be informed about any anticipated modification of the local governance structure, e.g. through radio programs and CSOs. This public information campaign could for instance encourage citizens to voice their opinions and concerns through district-level civil society organisations (See Section III) and, once information has been received at the grass-root level, to send feedback and petitions to the District Government. This double consultation process should be led in parallel to the development of capacity building programs designed to support community governance actors during the transition from a shared governance structure to the streamlined local governance system.

**b. Organising district-level capacity building and support structures**

While implementing the progressive establishment of a sustainable governance structure, the government should provide structures and programs to support the local governance actors in the transition process, especially with regards to the potential expansion of their responsibilities. Interviews with government officials and FP managers identified different methods that could help provide such support with limited involvement of non-governmental actors.

**Organising regular meetings**

The first method is inspired from the districts of Helmand where the ASOP DCC organises bi-weekly meetings with district-level government officials and heads of the CDCs. These regular gatherings help local actors to coordinate on the distribution of development projects and on general stability and security matters. Such gatherings could be organised across the country to help the different actors
discuss and assimilate the different changes that will inevitably occur in the course of the VC creation process. Ad hoc sessions could focus on the new lines of communication that will need to be defined between local governance actors and district-level authorities. Other specific sessions could focus on the new responsibilities that governance actors will need to take on progressively to ensure overall governance and service delivery at the village level.

**Sharing experiences among CDCs**

A second method was found in Badakhshan, where the FP would organise experience sharing sessions between the most mature CDCs and the less effective ones. According to the FP manager interviewed, the advantage of this method is that it provided credible role models to the less advanced CDCs while facilitating the transmission of experience among individuals of similar socio-demographic profiles. It also helped participants integrate the content of training programmes in more practical terms. The MRRD provincial representative interviewed in Badakhshan also mentioned the project of creating a CDC training centre where CDC members could access training material, share their experience with each other and meet with development professionals or government officials on a regular basis to complete their training.

**Providing governmental support**

Finally, the current “Community Development Officers” (district-based MRRD staff) could be mobilised to travel to the communities to meet with local governance actors and community members and answer their questions regarding any anticipated modification of the local governance structure. The Community Development Officers could also provide explanations regarding the additional responsibilities local governance actors should take on in order to ensure overall governance of the villages.

In order to make good use of human resources available in each village, potential formal governance actors at the village-level should be encouraged by all actors to designate the most competent community members, including customary leaders, as technical advisors or as appointees. These designees could provide guidance on how to fulfil newly defined roles for which governance actors may lack experience or technical knowledge. For example, in communities where most inhabitants are illiterate, a more educated community member could be designated as an occasional scribe to help local governance actors fill the necessary forms.

**B. ASSESSING FREQUENTLY MENTIONED SCENARIOS**

The overall principles outlined in the previous section provide a basis to assess the potential effectiveness of the different scenarios proposed to decision-makers to establish a sustainable local governance framework out of the current local governance structures. Preliminary research and central-level KIIs highlighted that the most likely scenarios imply significant yet limited changes compared with the current situation. On the other hand fast-track scenarios characterised by a precipitated transition to a formalised local governance structure have been widely rejected.
1. **Scenarios Overview**

As of this writing, three scenarios seem plausible, all of which postpone the implementation of the Constitution and of the electoral law due to insufficient financial and organisational conditions. The first one is a pure status quo scenario that involves no change of the current policy until VC election takes place at some point. In the second scenario (“Development CDC” scenario), CDCs are to be institutionalised as whole-of-government development bodies. In the third (“Governance CDC” scenario), the CDCs would be proposed as de facto interim VCs in which case they would expand their prerogatives into governance roles in cooperation with local traditional leaders.

Potential factors that would drive the choice of one scenario over another include (i) the ability of decision-makers to reach a consensus, (ii) the availability of funds to invest in sub-national governance reform, (iii) the validation of the CDC election process by the Supreme Court. However, the current state of the discussion suggests that a “Governance CDC” scenario is the most likely alternative to be initiated by the Government.

The table below summarises the different characteristics of these options and associated potential drivers of choice:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Characteristics</th>
<th>Potential Drivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pure status quo</td>
<td>Nothing is changed</td>
<td>No consensus is found</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Funds are lacking</td>
</tr>
<tr>
<td>Development CDC</td>
<td>CDCs are formalised and but the rest of the SNG structure is left unchanged</td>
<td>No consensus is found</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Funds are lacking</td>
</tr>
<tr>
<td>Governance CDC</td>
<td>CDCs become primary governance bodies in cooperation with informal leaders</td>
<td>Strong political will from the MRRD</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Negotiations lead to a consensus</td>
</tr>
</tbody>
</table>

Regarding potential drivers of the decisions to select one of these alternatives, informants described a situation characterised by three primary factors. First, MRRD is strongly incentivised to maintain CDCs and consolidate gains achieved under the NSP, as it is their primary source of legitimacy and funding. Second, coordination amongst the relevant bodies remains uncertain, and general difficulty exists in reaching a consensus on the details of the upcoming policy. Third, funds available for subnational governance structures are anticipated to decline, which has already been recognised by most policy makers as an impediment to the implementation of any fast-track scenario toward the creation of VCs in compliance with the Constitution. More importantly, the latest version of the “National Policy for Unified District and Village Governance and Development” (NPU) provides a precise idea of the likely outcome of the current decision-making process.

In order to balance the position of the MRRD, researchers, policy advisers and NGO workers often highlighted that it would be unreasonable to assume that NSP had been equally successful across the entirety of Afghanistan. Moreover, there were significant concerns that plans to maintain CDCs and thereby retain some of the value invested via the NSP may generate significant social tensions in areas left with illegitimate and less capable CDC members.
While this consequence was sometimes considered to be necessary collateral damage of any institutional change, they also pointed out it should be taken in consideration as much as possible given that the repeatability of the election process could not be guaranteed at this stage. Informants also gave further details on the difficulty to reach consensus. While most of them agreed that IDLG and MRRD have demonstrated increased willingness to cooperate for improving sub-national governance and service delivery structures, it seems significant misunderstandings remain regarding the future roles and level of authorities of the CDCs.

Also, the anticipation of a decrease in funds was presented as an incentive that could either advance or limit the implementation of subnational governance restructuring, leading decision-makers to:

a. Either refuse a costly restructuring of the SNG landscape and therefore postponing the implementation of VCs while trying to find cost-effective solutions to operate based on the existing structures;

b. Or precipitate such a restructuring to use financial resources and technical support that are still available to facilitate the transition.

As mentioned above, the NPU gives the most precise indications regarding how these different factors are the most likely to combine. The text underscores that financial conditions for the implementation of the Constitution are not yet met and therefore postpones the creation of VCs while encouraging a progressive approach that would give CDCs an interim status. CDCs would work effectively as interim VCs and their role would be broadly defined to “act as formal institutions for the government and other actors to ensure community representation and participation in community-based governance and socio-economic development”, provide “oversight over Government performance” and “inputs to bottom-up development planning by the bodies [...] at district-level and above”. The text thereby suggests that the strong political will of the MRRD should be expected to gather a wider consensus to give CDCs an expanded governance role.

Interestingly enough, the version of the NPU reviewed for this study is in line with most of the principles outlined in the previous sub-section. In particular, it assigns general roles to CDCs which allows for adaptability on the ground even if it seems unlikely that present CDCs will be in a capacity to fulfil high standard governance roles across the board. Also, it streamlines the authority across village governance bodies while strongly encouraging coordination with traditional actors, which increases the chances of gaining citizenship support, even if significant challenges may still arise in this regard. Finally, it proposes to set up a specific provincial-level structure (called “Provincial Establishment and Assessment Committees” or PEAC) that would prepare and adapt the implementation process to the local situation, which should provide flexibility with respect to local social and political dynamics. In general, the text seems broad yet precise enough to clarify the current legal framework and initiate a fruitful process for strengthening village-level governance as long as its implementation remains progressive and flexible.
Yet, despite the advanced stage of discussions and the overall appropriateness of the text, a wide margin for changes and interpretations remains. Beyond an assessment of the probability of each scenario, it seems thus necessary to assess their respective levels of risk and costs or effort required as well as their potential benefits.

2. **ASSESSING EACH SCENARIO**

The four main challenges that any sub-national governance reform should aim at solving have been defined as follows in the previous sections of this report:

i. **Legal vacuum**: the absence of clear legal provisions regarding the status of CDCs, the future roles and responsibilities of VCs, the exact distribution of roles and responsibilities within the communities and the definition of avenues for coordination with the formal government;

ii. **Definition challenge**: the difficulty to define appropriate roles with regards to local needs, available and realistically reachable capacity and the legitimacy across actors of the community;

iii. **Harmonisation challenge**: the difficulty to create a unique framework while generating equal local buy-in with regards to the diversity of contexts encountered, i.e. the diversity of institutional configurations of sub-national governance and service delivery but also the diversity of socio-cultural and economic situations;

iv. **Election challenge**: the difficulty to organise elections in a cost efficient manner with respect to the provisions of the law and of the constitution.

Furthermore, the section IV.A. identified four guiding principles that should ensure the response brought to these challenges is sound: (i) the relevance of responsibilities assigned to community-level governance actors, (ii) the streamlining of all responsibilities bestowed upon village-level governance actors, (iii) the ability of government and implementing stakeholders to gain support from local citizens and (iv) the establishment of support structures to accompany the anticipated reform by providing capacity building structure and programmes for local governance personnel to adapt to their future responsibilities.

Based on this framework, scenarios should be reviewed through an analysis comparing their respective costs, risks and benefits to assess their viability and potential for improving the current situation. Such analysis will take into consideration the criteria presented in the table below:
Table 13 - Sub-national governance reform scenarios analysis framework

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>SCENARIO CHARACTERISTICS</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost Analysis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs effectiveness</td>
<td>Costs entailed for implementing the option considered vs. resources likely to be available</td>
<td>+/-</td>
</tr>
<tr>
<td>Consolidation of NSP gains</td>
<td>Capacity to differentiate and consolidate gains achieved under the NSP</td>
<td>+/-</td>
</tr>
<tr>
<td>Cost is analysed as the comparison between new investments required and capacity to differentiate and consolidate past gains</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk Analysis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anticipated magnitude</td>
<td>The anticipated difference between the proposed n-state and the current state of SNG</td>
<td>+/-</td>
</tr>
<tr>
<td>Community consultation</td>
<td>The latitude let to community members to decide who are the most competent personnel to represent them and implement public services</td>
<td>+/-</td>
</tr>
<tr>
<td>Community buy-in</td>
<td>The capacity to generate local buy-in</td>
<td>+/-</td>
</tr>
<tr>
<td>Risk is analysed based on its anticipated magnitude and its probability, which is inversely proportional to the scenario’s capacity to generate local buy-in and to consult people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benefit Analysis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolving legal vacuum</td>
<td>Whether or not the scenario resorbs the legal vacuum identified by:</td>
<td>+/-</td>
</tr>
<tr>
<td></td>
<td>1. Clarifying the ambiguities regarding the distribution of authority across local governance actors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Streamlining the distribution of roles across local governance actors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Defining clear avenues for coordination with the formal government</td>
<td></td>
</tr>
<tr>
<td>Assigning adequate roles</td>
<td>Whether or not the scenario assigns roles that are:</td>
<td>+/-</td>
</tr>
<tr>
<td></td>
<td>1. Adequate to needs of the communities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Adequate to the available/reachable capacities of the communities actors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Adequate to locally acceptable levels of legitimacy</td>
<td></td>
</tr>
<tr>
<td>Harmonising local governance</td>
<td>Whether or not the scenario defines a unified framework that is able to provide the above mentioned benefits across a wide variety of contexts</td>
<td>+/-</td>
</tr>
<tr>
<td>Respecting constitution and law</td>
<td>Whether or not the scenario satisfies with and requires minimal modifications of the current legal framework</td>
<td>+/-</td>
</tr>
<tr>
<td>Benefits are analysed as the ability of the scenario considered to respond to the four challenges identified while observing the four guiding principles for a sustainable governance reform</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For each characteristic, the rightmost column of the table indicates whether the scenario would be more likely to perform positively (+) or negatively (-). In certain cases the performance of the scenario can be seen as neutral (=), i.e. when the scenario is unlikely to have any impact on the indicator considered, or ambivalent (+/-), i.e. when the scenario’s performance can yield both positive and negative effects unpredictably.

The following subsections will present the results of this Cost-Risk-Benefit analysis for each scenario.

a. **PURE STATUS QUO SCENARIO**

The pure status quo scenario is primarily characterised by a political prudence that results in paralysis of sorts, which would not solve any of the challenges outlined or observe any of the principles identified for ensuring a sound sub-national governance reform.
### Table 14 - Pure status quo scenario cost-risk-benefit analysis

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Scenario Characteristics</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs effectiveness</td>
<td>No cost involved</td>
<td>+</td>
</tr>
<tr>
<td>Consolidation of NSP gains</td>
<td>Little to no consolidation of NSP achievements</td>
<td>-</td>
</tr>
<tr>
<td>Low cost / No value retained from NSP</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Risk Analysis</strong></td>
<td></td>
<td>+/-</td>
</tr>
<tr>
<td>Anticipated magnitude</td>
<td>Neutral</td>
<td></td>
</tr>
<tr>
<td>Community consultation</td>
<td>Community is not consulted</td>
<td>-</td>
</tr>
<tr>
<td>Community buy-in</td>
<td>Community is not constrained</td>
<td>+</td>
</tr>
<tr>
<td>Low additional risk and no mitigation effect in a problematic situation</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Benefit Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolving legal vacuum</td>
<td>Distribution of authority is not clarified</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Division of roles is not streamlined</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordination avenues remain ambiguous</td>
<td></td>
</tr>
<tr>
<td>Assigning adequate roles</td>
<td>Community driven response to local needs</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Community is not pushed to achieve goals beyond its reach</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community normal legitimisation system prevail</td>
<td></td>
</tr>
<tr>
<td>Harmonising local governance</td>
<td>Local governance structure varies across contexts</td>
<td>=</td>
</tr>
<tr>
<td>Respecting constitution and law</td>
<td>Constitutional and legal provisions are not fulfilled</td>
<td>-</td>
</tr>
<tr>
<td>No direct benefit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This scenario does not require any particular investment but does not guarantee that any investment made under the NSP will be retained as CDCs would be equally likely to remain as they would be at risk to wither away. In fact, the ones who have proved beneficial to their community even in the absence of projects would most probably be maintained while the others would disappear. Given the mixed levels of performance and legitimacy across CDCs, it is likely that CDCs would remain in Badakhshan, Bamyan and Herat, but much less so in Balkh, Helmand and Nangarhar.

Paradoxically, the decision not to do anything may have significant impact, either positive or negative. Optimists may argue (i) that the Afghan society is resilient enough to progressively reach a state of balance where the most effective governance mechanisms are clearly set up depending on the local context and (ii) that keeping an organic approach to sub-national governance countrywide would be the best system to guarantee effective governance and service delivery mechanisms. Conversely, pessimists may argue that Afghan society is currently too vulnerable to improve its situation without external support and that a non-intervention would be the best way to leave governance structures dysfunctional and citizens misrepresented and underserved on the longer-term, with the additional risks of having anti-government elements benefiting from this deteriorating state.

However, the fact that the evolution of the sub-national governance structure directly depends on central-level policies and regulations would not allow a resilient society to reach an optimal state on its own as it would inevitably face legal and political obstacles when dealing with higher authorities, e.g. at
the district-level. Therefore, even if local civil society is neither consulted nor constrained, and thus is left at liberty to organise itself as found the most effective, its dependence on formal authorities for accessing key services would require a clear legal framework to reach optimal effectiveness. As long as the legal vacuum is not filled and as long as clear, adequate and harmonised directives are not transmitted to formal authorities, the risk would remain high to perpetuate the same problems that make current local governance and service delivery problematic. This would in turn increase the risk of weakening local society and local governance structures on the long-term. Overall, in the present situation, inaction appears more harmful than beneficial in the long-term.

**Development CDC scenario**

The Development CDC scenario is primarily characterised by a lack of political consensus that prevents concerted action to reform the whole of the local governance delivery structure, while leaving MRRD as the most determined actor with the means to implement a unilateral policy to strengthen CDCs as a formal village-level development body and ensure their continuity.

<table>
<thead>
<tr>
<th><strong>ASSESSMENT CRITERIA</strong></th>
<th><strong>SCENARIO CHARACTERISTICS</strong></th>
<th><strong>VALUE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs effectiveness</td>
<td>No cost involved</td>
<td>+</td>
</tr>
<tr>
<td>Consolidation of NSP gains</td>
<td>Benefits and failures from NSP are indifferently consolidated</td>
<td>+</td>
</tr>
<tr>
<td>Low cost / Indifferent consolidation of NSP impact</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Risk Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anticipated magnitude</td>
<td>Medium</td>
<td>=</td>
</tr>
<tr>
<td>Community consultation</td>
<td>Community is not consulted</td>
<td>=</td>
</tr>
<tr>
<td>Community buy-in</td>
<td>Community is left with existing CDCs, regardless of performance/legitimacy</td>
<td>+/-</td>
</tr>
<tr>
<td></td>
<td>Medium risk</td>
<td></td>
</tr>
<tr>
<td><strong>Benefit Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolving legal vacuum</td>
<td>Distribution of authority is de facto partially clarified</td>
<td>+/-</td>
</tr>
<tr>
<td></td>
<td>Division of roles is not streamlined</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordination avenues remain ambiguous</td>
<td></td>
</tr>
<tr>
<td>Assigning adequate roles</td>
<td>Community needs are partially addressed</td>
<td>+/-</td>
</tr>
<tr>
<td></td>
<td>CDC is set modest goals often beyond its capacity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community normal legitimisation system may be degraded</td>
<td></td>
</tr>
<tr>
<td>Harmonising local governance</td>
<td>Local governance structure varies across contexts but CDC instituted as a constant</td>
<td>+</td>
</tr>
<tr>
<td>Respecting constitution and law</td>
<td>Constitutional and legal provisions are not fulfilled</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Limited and volatile benefits</td>
<td></td>
</tr>
</tbody>
</table>

While involving minimal costs, this scenario would ensure some of the value injected in communities through the NSP is retained. However, it would also indifferently empower dishonest, incompetent and illegitimate CDCs that have been created in the process along with the more effective ones. The exact proportion of such ineffective CDCs would need to be precisely assessed, but elements from the present study indicate the share of dysfunctional CDCs is significant. Finally, while CDCs are primarily charged
with development activities in the current SNG landscape, the limited number of projects implemented by each CDC leaves in doubt whether they would be able to manage additional responsibilities and work effectively with line ministries and other SNG bodies.

Similarly to the pure status quo scenario, the overall situation would be as likely to deteriorate or to stabilise depending on local society resilience. The imposition of CDCs on the local social fabric may have positive or negative effects depending on the local situation. On the one hand, it could help communities’ access higher quality development services and formalise efforts of civil society actors to design and implement development projects. On the other hand, it could heighten social tensions and, again, empower incompetent personnel in certain areas.

In this scenario, risk seems of low to medium level. However, the level of risk and of potential costs could be significantly reduced by adopting a more consultative approach that would allow gaining local buy-in, so as to reduce potential social tensions, and to differentiate across CDCs to make sure the most dysfunctional ones are excluded or changed before completing the reform.

Furthermore, the scenario would present mixed benefits. While variations in the local governance structure would remain country-wide, CDCs would be instituted as a constant that can serve as a landmark for external actors, thereby bringing some clarity into the overall SNG landscape. Concurrently, other governance roles could be fulfilled by traditional leaders in the same way they are currently across the different contexts observed. However, roles outside of development prerogatives would not be formally assigned so that competition between informal actors fulfilling non-development roles and formal CDC members fulfilling development roles may be amplified. Also, the legal vacuum would only be partially resolved leaving roles distribution and coordination avenues ambiguous, while extra pressure would be put on CDCs to achieve ambitious goals they may not have the capacity to fulfil on their own. In this scenario, the implementation of technical support structure seems particularly important to help CDCs improve their capacity to operate in a non-NSP environment.

**Governance CDCs scenario**

A CDC Governance scenario would be primarily characterised by a wide political consensus to promote CDCs as a full-fledged community-level governance and service delivery body while including towards traditional leadership. While this approach would avoid the costs of creating formal VCs, it could provide the benefits of de facto VCs. Yet, it would still entail significant risks and volatile benefits.
## Table 16 - CDCs to VCs scenario cost-risk-benefit analysis

<table>
<thead>
<tr>
<th>ASSESSMENT CRITERIA</th>
<th>SCENARIO CHARACTERISTICS</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs effectiveness</td>
<td>No costs involved</td>
<td>+</td>
</tr>
<tr>
<td>Consolidation of NSP gains</td>
<td>Benefits and failures from NSP are indifferently consolidated</td>
<td>-</td>
</tr>
<tr>
<td><strong>Low cost / Indifferent consolidation of NSP impact</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Risk Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anticipated magnitude</td>
<td>Medium to high</td>
<td>-</td>
</tr>
<tr>
<td>Community consultation</td>
<td>Community is not consulted</td>
<td>-</td>
</tr>
<tr>
<td>Community buy-in</td>
<td>Community is left with existing CDCs, regardless of performance/legitimacy</td>
<td>-</td>
</tr>
<tr>
<td><strong>Medium to high risk</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Benefit Analysis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resorbing legal vacuum</td>
<td>Distribution of authority is de facto clarified</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Division of roles is de facto streamlined</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coordination avenues are de facto newly defined</td>
<td></td>
</tr>
<tr>
<td>Assigning adequate roles</td>
<td>Community needs are all potentially addressed</td>
<td>+/-</td>
</tr>
<tr>
<td></td>
<td>CDC are set ambitious goals often beyond capacity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CDCs may be perceived as illegitimate</td>
<td></td>
</tr>
<tr>
<td>Harmonising local governance</td>
<td>Local governance structure varies across contexts but CDC instituted as a constant</td>
<td>+</td>
</tr>
<tr>
<td>Respecting constitution and law</td>
<td>Constitutional and legal provisions are not fulfilled</td>
<td>-</td>
</tr>
<tr>
<td><strong>Medium and Volatile benefits</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This scenario involves low costs but consolidates the achievements of the NSP indifferently, similarly to the CDC Development scenario: some of the value injected in communities through the NSP is retained but incompetent and illegitimate CDCs may also be unduly empowered in the process. However, unlike to the CDC-centred scenario, this scenario would deprive alternative leaders from all formal or seemingly formal authority. While this would not be a problem in communities where CDCs are found competent and legitimate, it may trigger significant tensions in communities left with inactive or detrimental CDCs.

In terms of risks, the change in the local governance structure would be probable but limited and the promotion of CDC as the most legitimate governance actor would not put at risk local elite if they are systematically proposed to join the process in every instance where they are not part of the CDC. This could heighten social tensions and generate significant levels of insecurity if the reform is enforced without consultation but it could also be a relatively smooth transition if local political authorities are well prepared and supportive. Accordingly, risk probability would be medium to very high and associated detriments to stability manageable to very significant depending on how the process is managed.

Finally, the benefits of following this scenario would be volatile. CDCs roles would be expanded to fulfil community needs in a more formalised manner but it is uncertain how well CDC members would fulfil these new roles. As for the other scenarios, ad hoc modifications of the current legal framework,
consultation with civil society members and implementation of technical support structures could be useful to mitigate some of the risks entailed under such a course of action.

3. ELEMENTS FOR A SUSTAINABLE REFORM DESIGN

As shown in the table below, all scenarios assessed at this stage prove to entail either little added benefit or significant yet manageable risks:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Cost</th>
<th>Risks</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pure status quo</td>
<td>Low cost / No value retained from NSP</td>
<td>Low additional risk</td>
<td>No direct benefit</td>
</tr>
<tr>
<td>CDC Development</td>
<td>Low cost / Indifferent consolidation of NSP impact</td>
<td>Medium risk</td>
<td>Limited and volatile benefits</td>
</tr>
<tr>
<td>CDCs Governance</td>
<td>Low cost / Indifferent consolidation of NSP impact</td>
<td>Medium risk</td>
<td>Medium and volatile benefits</td>
</tr>
</tbody>
</table>

The two scenarios that aim at maintaining CDCs in an attempt to consolidate NSP gains (CDC Development and CDCs Governance) propose minimal efforts to ensure only the positive aspects of the NSP are retained. This undifferentiated consolidation of the benefits of NSP may increase the risks of rising social instability by overlooking the benefits from consulting the communities. This approach would de facto result in enforcing a top-down decision based on the assumption that all CDCs are capable of fulfilling their duties and that the NSP “overall balance” is positive. While possibly acceptable, this risk requires due consideration.

However, and if the creation of VCs in compliance with current Constitution is ever to be undertaken, the disparity in capacity across CDCs would ideally lead to recommend a phased-in transition process to ensure only positive achievements are retained from the NSP. This process would mark a progressive, consultative and flexible approach to a local governance reform that would aim at creating VCs in compliance with the provisions of the current legal framework. This process would first transition CDCs as interim VCs based on locally perceived performance and legitimacy before proceeding to the election of formal VCs.

This approach would (i) give citizens a choice as to whether or not they want their current CDCs to be recognised as interim VCs and (ii) give the time to formal authorities to adjust their processes to the consecutive modifications of the local governance structure. Furthermore, this would help transfer the responsibility over all governance and service delivery roles to the future VC while (i) managing the possibility for other actors to integrate VCs if required by community members and (ii) building capacity of local actors to take on wider roles through ad hoc technical support programs.

Based on previous guiding principles identified and on the analysis of the most frequently mentioned scenarios, such an approach should be able to respond to the challenges previously identified in an optimal manner, as described in the table below and detailed in the following section:
<table>
<thead>
<tr>
<th>Primary problems</th>
<th>Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal vacuum regarding status of CDCs, roles and responsibilities of VCs, distribution of roles and responsibilities within the communities, avenues for coordination with the formal government</td>
<td>Promulgating a presidential decree that fills the gap and prepares for the VC creation process</td>
</tr>
<tr>
<td>Definition Challenge: What should future VCs be able to do to provide for necessary governance and service delivery roles at the village level?</td>
<td>The six key roles identified should be fulfilled under the supervision of the VC</td>
</tr>
<tr>
<td>Harmonisation Challenges: How to provide a unique framework for the diversity of contexts encountered at the village level?</td>
<td>Adopt a district-level flexible and consultative approach that mobilises customary leaders and community members and gives a choice to constituents regarding the transition from CDC to VC</td>
</tr>
<tr>
<td>Election Challenge: How realistic is to place the organisation of elections across 40,000 communities under the supervision of the IEC?</td>
<td>Adopt a phased-in approach that involves the IEC progressively and divides the costs of organising formal elections across several rounds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subsidiary challenges</th>
<th>Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defining the actual transition process from CDCs to VCs</td>
<td>The process envisioned begins by transitioning CDCs into interim VCs before transitioning interim VCs to formal VCs</td>
</tr>
<tr>
<td>Establishing the territorial unit for elections</td>
<td>An ad hoc approach led jointly by the district cadaster departments and the local elders before using census data</td>
</tr>
<tr>
<td>Integrating women into formal governance body</td>
<td>Opening specific roles for women and encouraging involvement</td>
</tr>
<tr>
<td>Finalising the presidential decree to initiate the creation process</td>
<td>A precise outline of the decree is proposed in Section VI</td>
</tr>
<tr>
<td>Connecting the district to the community</td>
<td>Maintaining sub-district level intermediaries</td>
</tr>
</tbody>
</table>

C. PRACTICAL MEASURES FOR A SUSTAINABLE GOVERNANCE REFORM

The previous sections have outlined the main components of a possible sub-national governance reform proposed to the appreciation of central-level decision-makers. The following section provides further details by reviewing subsidiary challenges that will need to be integrated into the final implementation plan presented as the conclusion of this report. These challenges include:

i. The modalities of transition and re-election of CDCs as interim VCs, the transition of interim VCs into VCs and the organisation of formal VC elections;

ii. The definition of CDC boundaries;

iii. The integration of women in the future community governance structure;

iv. The establishment of an optimal legal framework that will pave the ground for the finalised implementation plan;

v. The definition of streamlined avenues to connect communities to district-level government entities, and in particular to IDLG and MRRD representatives.

1. ELECTIONS OF CDC AND TRANSITION TO VCS

Following the district-level pre-transition assessments and mobilisation process (See Section VI above), it is proposed that citizens send petitions to district authorities to state whether or not the CDC operating in their village can be given the status of interim VC with expanded responsibilities. The petition form would ask citizens to say (i) if they are satisfied with the way CDC members were elected and (ii) if they are satisfied with the composition of their CDCs. The CDCs approved by citizens under these two conditions would gain interim VC status upon confirmation by district-level authorities. This process could be supervised by district-level agents of the IEC.
The remaining CDCs, i.e. CDCs which do not receive the validation of citizens and district-level authorities, would need to be re-elected transparently, either under the supervision of NSP implementing partners that are meant to operate until 2015 or under the supervision of the IEC. Joint supervision by both the IEC and the NSP FPs represents a third option that could both increase the legitimacy of interim VCs and the experience of the IEC in monitoring village-level elections that will need to control autonomously post-2015.

Replacing dissatisfactory CDCs by interim VCs and thereby postponing the formal elections of definitive VCs presents several advantages. First, if the option to elect definitive VCs is proposed right away, it would create an incentive for community members to ask for immediate re-elections of all CDCs, which would increase the overall cost of the election process. Second, it would accelerate a complex process of adaptation to the local governance framework that district level authorities and community members will need time to adjust to. Third, it would give time to community members to identify CDC members who would be the most competent to take on expanded responsibilities as VCs (See above Section V, “The legitimisation of CDCs as elected representative bodies” and the notion of “feedback loop”).

Once each village has constituted an interim VC, formal elections could be organised to constitute formal VC, following a phased in approach by rounds of elections in order to dilute the costs of the election process over the years. Based on data related to the time CDCs/interim VCs were elected, communities could be prioritised in three groups listed below:

- **High priority group:** Communities where the CDC/interim VC has remained unchanged over the previous four years and more as well as the CDCs/interim VCs that have been elected only once;
- **Medium priority group:** Communities where the CDCs/interim VCs that have been elected only twice since the beginning of the NSP;
- **Low priority group:** All the remaining communities.

It is proposed that communities belonging to high priority groups benefit from a new election process as soon as possible after the transition from CDCs to interim VCs is completed across the country. Medium priority groups could proceed to elections the year after and low priority groups the next year. The following year, elections of the first group could be re-conducted, and so on and so forth. It is to be noted that the criteria for community prioritisation could be adapted with regards to cost efficiency in order to make sure the three groups are relatively balanced and thereby balance costs effectively across the years.

The new election process would need to comply with the provisions of the Constitution and of the Electoral law. They should be implemented under the supervision of the IEC. Depending on the funds available, the IEC could control the election process in each village simultaneously or establish a district or sub-district level supervision platforms that would provide guidelines and information to communities and deal with potential formal complaints, as required by the Electoral law.

It is important to note that the proposed approach does not guarantee immediate transparency of elections and several disruption attempts are to be expected. However, it is also expected that actual
implementation of this process will improve with time through its regular re-iteration and widespread generalisation.

2. **Defining CDC Boundaries**

The definition of CDC and, by extension, of VC territorial boundaries of jurisdiction has been mentioned as another problematic point by central-level key informants. However, FP managers interviewed and sub-national level key informants tended to consider this problem as accessory.

As a matter of fact, clear and accurate maps of village boundaries are not yet available in most districts. The district-level Cadastre departments still seem to rely on maps drawn during the Soviet occupation which do not reflect the exact present situation. Indeed, beyond the natural growth of population and the associated territorial expansion of a number of communities, significant migration flows still contribute to reshape the geographical distribution and delimitation of communities across districts. However, ongoing census efforts led by the central government should help resolve this problem in the coming years.

Beyond the problem of the official delimitation of community boundaries, a few key-informants, including central-level researchers and NGO workers, mentioned the fact that the limited block-grant system may sometimes have worked as an incentive for larger communities to split into smaller communities in order to maximise their access to funds. Across case studies, Hesi Awal Najmul Jihad and Deh Walid Bala may represent instances of such fictitious communities that are effectively sub-communities of a larger community. For example, the Malik of Deh Walid Bala (which can be translated as “High Deh Walid”) was also the Malik of Deh Walid Payen (“Low Deh Walid”), suggesting the actual community was artificially split into two smaller ones. In such cases, interim VCs of sub-communities could need to be re-united in a unique formal VC.

Two main implementation options appear at this stage:

i. The formal VC territorial unit is defined by its size and follows the boundaries recognised under the NSP block grant system so that some larger communities will be split, thus possibly creating unnecessary divisions within communities but facilitating the transition process;

ii. The formal VC unit is re-defined as a community of resource-users and -producers organised along the delimitations observed through the undergoing nation-wide census which may however limit the representativeness of VC members in larger communities.

It seems both options present shortcomings. Indeed, keeping current CDC boundaries and adopting an organic approach that delegates the responsibility to district government officers from the Cadastre or from another department to establish community boundaries in coordination with local elders, where problematic, can work on the short-term but does not guarantee a fair representation of the actual composition of the communities considered. Defining the VC unit based on the nation-wide census seems necessary on the longer-term but the completion of this process is still pending, which could delay the transition process.
These options will most probably need to be re-evaluated when the time will come to transition interim-VCs to formal VCs.

3. Integrating Women into CDCs

With a handful of exceptions in Shibar (Bamiyan) and in Injil (Herat), field observations confirmed that female CDC members had in most cases only nominal decision-making power and were not involved in the discussion of the affairs of the community with their male counterparts. The sentence “there are no women” (“Zanan na daran”) was regularly used across the board to qualify the involvement of women in the community, which indicates the depth of the problem rather abruptly.

The guidelines from the NSP Operation Manual VI (NSPOM) stipulate that female CDC members should be elected through the same process as the male CDC members. It further provides that two positions of the CDC executive committee (i.e. the Deputy Chairperson and the Secretary) should be reserved to women and that they should remain empty until female community members are willing to occupy them. In fact, even in places where these guidelines had been implemented and where women had been found to take on these positions (e.g. Balkh), community members did not acknowledge them as decision-makers worth mentioning.

Furthermore, when asked about which roles would be appropriate for women, community members mostly answered that “women should be in charge of women sub-projects”, e.g. vocational training, carpet weaving, clothe tailoring, chicken farming. Overall, there was a wide consensus across male respondents to consider the household as the only appropriate place for women to make decisions in the current situation. However, a number of respondents also explained that “if the situation changes”, women could be more effectively integrated to the decision-making process in the affairs of the community.

Such conditions included (i) the improvement of local security conditions (especially in Helmand), (ii) a progressive reform of the current mentalities and an associated increase in the cultural acceptability for women to participate to public affairs and (iii) increased capacity and willingness of women to be included in local governance. These conditions were almost symmetrically met in the few villages where women had prominent roles in local governance: security conditions were good, men were not opposed to the involvement of women and women CDC members were usually more educated or would be financially autonomous, for example by running their own shop. Interestingly enough, such communities were typically Shia (for example the Hazara communities of Bamiyan) or had been exposed to Shia culture (returnees from Iran in Herat).

Women’s influence was much more limited in other provinces, even in Baharak and Jorem (Badakhshan), including in the Hazara community of Dara Pushkan: in Khoshdrew for instance, educated

21 E.g. Dasht-e Kampary (Shibar), where the deputy chairperson of the CDC was a woman running her own shop, Dasht-e Qala (Shibar), where an executive CDC members was a woman working as a vaccinator and Ghazian Sangar (Injil), where two women who had received education in Iran could participate to the CDC FGD.
community members explained that “Now there is a women shura comprised of seven members, but "women shura" is just a name they do not make any decision and nobody is in contact with them”. However, provincial-level interviewees of Badakhshan mentioned the existence of a few mixed committees in other districts close to the provincial centre. In Nangarhar, the most influential woman encountered was an old widow who was mainly authorised to dialogue with the head of the male shura because of her old age.

Overall, interviews led to identify two main cultural lines of segregation that exclude women from the affairs of the village:

i. The first one is topologic and distinguishes different levels of acceptability for women to exert influence depending on their location. The sphere of the house was perceived as the only place where women could work, move and express themselves “freely”. The village boundaries define another sphere where women are typically authorised to move but much less to work and to express themselves. Beyond the village, women were rarely authorised to travel if not accompanied by one of their male relatives or by their husband (the maharam).

ii. The second cultural barrier to the inclusion of women is gender-based and derives from the idea that men and women should not mix in public settings. This gender-based line of segregation typically crosses the topological line in the village beyond which women are not authorised to move without their maharam, not only because of security issues but also because they would be exposed to other men.

As seen in Nangarhar, it seems that topological and gender-based constraints decrease with the age of the woman and her capacity to procreate.

These mental barriers seem unlikely to change in the short-term, as they seem too deeply rooted in collective psychological patterns that would need significant time to evolve. At best, improvements in security conditions could possibly induce lower levels of fear regarding rape and the capacity of women to procreate outside of the bounds of traditionally accepted practices, thereby reducing cultural pressure on them and increasing their ability to express themselves outside of their house.

For now, it seems unrealistic to hope that women will immediately and effectively be integrated in decision-making processes. However, legal constraints, such as the requirement to include at least one or several VC members (depending on the size of the VC defined relatively to the size of the community), and the requirement to allow women to participate to the election process are two important measures that maintain the door open for cultural changes to occur and give an equally important place to women in the community affairs.

4. **ESTABLISHING AN OPTIMAL LEGAL FRAMEWORK**

In order to facilitate the transition process and to carve out the legal as well as the appropriate roles and responsibilities for both interim and definitive VCs, it is proposed that central-level decision makers promulgate a new legal text that formally acknowledges the envisioned institutionalisation process and provides a clear framework for its implementation. This option allows for minimal amendment of the current legal framework – if any.
This new legal text would probably best take the form of a presidential decree that has temporary force of law for the duration of the transition process. It could then be cancelled, as definitive VCs will pass under the existing legal framework.

The text could be composed around the following key sections:

1. Acknowledgement of the current CDCs and definition of the conditions under which CDCs can be transitioned into interim VCs;
2. Definition of the legal status of interim VCs;
3. Definition of the responsibilities and roles of the CDCs;
4. Broad definition of the responsibilities and roles of informal governance actors;
5. Definition of the conditions under which interim VCs can be re-elected as formal VCs.

The text should first acknowledge the existence of the current CDCs as civil society organisations that have no formal government status and should then define the conditions for the current CDCs to be transitioned into interim VCs.

These conditions would include:

1. The implementation of a district-level feasibility assessment and of a district-level mobilisation process involving government officials, customary leaders and community members through the organisation of ad hoc shuras;
2. The creation of a district-wide petition process that requires citizens to validate or invalidate their current CDC based on the reported soundness of the electoral process and on the perceived competence of the CDC members.

Both the assessment and the mobilisation process could fall under the supervision of either the IDLG or the MRRD depending on existing local capacities. A combined option requiring the cooperation of both the IDLG and the MRRD would probably be more adequate. The petition process could fall under the supervision of the IEC and the IDLG and could be facilitated by the MRRD and the NSP implementation teams.

The text should then provide a definition of the interim VC status as a temporary community-level formal institution that is accountable to both the community members and the district-level authorities, which implies that interim VC members should be removed from the administration of public affairs in cases of corruption reported by citizens and proven by judicial authorities whenever possible. As such, the roles of the interim VCs should be clearly outlined.

The six-tiered organisation of these roles proposed in this report (See Section VI above, Defining CDC/VC responsibilities) could serve as a guideline for defining the core responsibilities of the interim VCs. These core responsibilities could then be completed by more general responsibilities outlined in the NSGP and in the CDC By-Law, e.g. the responsibility to contribute to the development of good governance, the responsibility to contribute to guaranteeing Rule of Law at the village level or the responsibility to contribute to the alleviation of poverty. The text could further define the possibility for interim VCs to appoint ad hoc personnel for the achievement of specific tasks, on either a salary or voluntary basis.
Furthermore, the text could explicitly acknowledge the existence of informal actors and define their status as non-government actors while attributing them the informal responsibility to advise the interim VC on the fulfilment of its responsibilities when required and to facilitate the execution of its duties.

Finally, the text should clearly state that interim VCs will eventually be replaced by definitive VCs once the IEC has the capacity to organise a phased in formal election process according to the provisions of the Electoral Law of 2010. The modalities of this specific election process and in particular the methods used to define village boundaries, prioritise communities and to integrate women into the process could be explained in further details.

5. CONNECTING VCS TO HIGHER GOVERNMENT INSTANCES

Once definitive VCs are created, the question remains as to whether they should be primarily accountable to the IDLG or to the MRRD.

This question has been brought up with several central, provincial and district-level key informants, with some of them explaining the VC should be legally accountable to the IDLG while others would highlight that the current capacities and financial resources of the MRRD would make it a more viable counterpart on the ground. District-level informants were sometimes more pragmatic and explained that VCs should be directly accountable to the government as a whole and should work in equal cooperation with both the MRRD and the IDLG depending on the matter at hand.

Avenues of communication to the district government should be clearly mapped out in a general policy text that could attribute one or several district-level counterparts for each and every role the future VCs are meant to fulfil. This mapping should be defined with great details by policy makers depending on the available capacity at the district-level at the time definitive VCs can be created: while the MRRD may be a more competent instance for the moment with regards to resources it has been granted for the implementation of the NSP, the situation may change considerably once the NSP comes to an end.

Moreover, it is worth noting that future VCs should remain formally independent from both these government bodies in order to preserve their representative nature: if central-level decision makers consider the bottom up approach to be the most adapted to the future functioning of sub-national governance in Afghanistan, VCs should primarily represent the interests of the community to the government and not so much the interests of the government to the communities. Such role requires a certain level of independence, which would imply that VCs should remain primarily accountable to their constituents and only indirectly to the government entities operating at the sub-district level.

In the current situation, and with some variation across the provinces, CDCs are primarily connected to the government through the intermediary of the CCDCs and, ultimately, through the DDA, which is then more regularly in contact with both the IDLG and the MRRD government representatives. Most CDC and community members interviewed found that this tripartite structure worked effectively as a way to convey concerns from villages to higher government instances. District level officials also considered the tripartite structure as an effective way to communicate with their constituents.

However, while DDAs and government officials have acquired significant experience in dealing with scattered CDD sub-projects, field observations suggest there was very little capacity in developing
coherent development strategies at the sub-district or district level: the DDA is able to prioritise sub-projects and distribute them but, with a few exceptions, did not have the opportunity to design larger-scale development (at the sub-district level for instance) which would need to be decided in close coordination with provincial authorities. It seems therefore necessary to explore avenues to encourage communities to work together in an effective manner.
CONCLUSIONS AND RECOMMENDATIONS

This last section provides a summary of the overall argument of this study as well as an implementation timeline that sums up the operational recommendations elaborated throughout the report.

A. CONCLUSIONS

This study was not intended to provide a conclusive end to the ongoing discussion regarding the future of the CDCs and the creation of Village Councils, but rather to update the debate initiated in 2006 with the CDC By-Law. Given that the matter at hand is sensitive and complex enough for a variety of views and interpretations to arise beyond data gathered in the field and through the opinions of experts, more than asserting definitive solutions, this study aims to open new avenues to analyse the problem.

1. KEY FINDINGS

a. CURRENT STATE OF CDCs

Looking at the effectiveness of CDCs on the ground, this study found that the creation of CDCs had varied effects, ranging from the reinforcement of local elite that has no consideration for the collective interest of its constituents to the empowerment of high capacity community members who were able to facilitate useful services for the rest of the village. In between these extremes, the spectrum is wide.

The typical CDC probably includes mostly traditional leaders or prominent community members who have prior legitimacy to take on governance and local development roles but also opens the door for a new type of leaders to step in, sometimes a well-educated woman returning from Iran, sometimes the poorest man of the village who was known for his honesty, sometimes a young construction worker who helped during the implementation of a past sub-project.

While the average level of effort, technical capacity and integrity of CDC members exhibited was often less than optimal, significant evidence suggests that simple and affordable measures can greatly improve the situation if implemented appropriately.

b. LEGITIMACY OF CDCs

CDCs are primarily referred to for organising local development and their de facto legitimacy is most often limited to this primary role. Yet, it has been found that CDCs can often contribute to dispute resolution, linking the community with the government and harmonising social affairs if villagers request it and if formal and informal authorities allow it.

Moreover, the average level of legitimacy varies widely across regions and is often idiosyncratic, resulting from a complex association of local factors that may lie beyond modelling efforts. Motivation and competence certainly play a role in strengthening the legitimacy of CDCs but the main criteria for a CDC to be supported by the community seem to be its capacity to preserve local unity and to defend the interests of the community as a whole. If anything, the creation of VCs or the institutionalisation of CDCs
should not be done detrimental to either one, which is why representativeness is probably the main asset of the relative majority of CDCs.

2. PROPOSED APPROACH TO THE TRANSITION PROBLEM

   a. DEFINING THE APPROACH

Given the considerable amount of time, effort and resources invested in the development of CDCs, additional efforts to capitalise on this investment are to be encouraged. Also, given the provisions of the Afghan Constitution, the creation of VCs seems a necessary step in the development of a robust community-level governance and service delivery system that would balance the shortcomings of the centralised state. Finally, given the wide variety of economic, political and cultural contexts observed in Afghanistan, enforcing a uniform transition towards a new governance model may be met with difficulty.

Based on lessons learned from past studies, analysis of the current field situation in six very different provinces of Afghanistan and interviews with many well-informed actors, this study proposes a progressive, flexible, and consultative approach that aims to (i) consolidate the experience and the gains made under the NSP, (ii) facilitate the implementation of the provisions outlined by the Constitution, while (iii) respecting the singularities of Afghan communities. This approach necessarily recommends transitioning CDCs into interim VCs progressively, on condition of approval from community members, before organising formal elections to transition from interim VCs to formal VCs.

b. EXAMINING ALTERNATIVE OPTIONS

The plan proposed is meant to satisfy the different requisites identified in the course of the study and to allow for an adaptive implementation process. It is presented however as an ideal scenario that will need to be constantly adapted to the evolution of the situation by implementers on the ground. Moreover, the proposition is but one option, and alternative options exist that should be examined as well.

First, it is worth noting that the transition process could be postponed indefinitely as the Constitution does not specify when VCs should be created. However, this would entail losing the gains achieved under the NSP while funds budgeted could still be partly used to facilitate the process and improve the sustainability of the overall governance system.

Second, CDCs could be simply disregarded and a new process could be initiated to elect VCs directly. This would not only entail a loss of NSP gains but would require the organisation of the complete election process across more than 38,000 communities of Afghanistan under the supervision of the IEC, which seems unrealistic. Moreover, it would deprive citizens from the possibility to identify competent personnel for wider governance roles during the interim phase instead of granting formal governance responsibilities right away to less experienced community members.

Third, the decision to automatically transition CDCs to VCs could be taken and the approval by community members could be ignored. Data from the field suggests that this could generate significant social tensions in various areas of the country that are already suffering from poverty and poor security.
conditions. In addition, some communities could be left with corrupt, ineffective or inactive CDC members to take on responsibilities over the affairs of the community that they were not initially meant to have.

c. **OVERALL GUIDELINE FOR IMPLEMENTATION**

The same way implementers on the ground have learned to take into account the traditional forces of Afghan society at the village level, future implementers of a transition scenario should use prudence and judgement at the district level.

Where FPs approach the Malik and the customary leaders of a community before mobilising community members for electing CDCs, institutionalisation implementers should consult district-level formal and informal authorities in order to, first, gain local buy-in and, second, identify which CDCs can be transitioned first and which CDCs need to be renewed. A thorough consultative work is also necessary to optimise the integration of communities in the district level governance and service delivery framework and to streamline accountability mechanisms and administrative process for community members. Finally, significant effort should be done to identify marginalised communities and define adequate ways to include them, just as FPs are meant to identify marginalised groups in a community in order to include them in all decision-making process. In this regard, the experience accumulated through the NSP may be more valuable for the future of Afghanistan than the money that has been invested.

Experience has shown the difficulty to implement effectively general guidelines in non-permissive contexts and it is likely that a transition or an integration process will have to address similar challenges throughout the country. The recommendations below are meant to help initiate an effective institutionalisation process that remains opened to the integration of other competent community members and traditional leaders and that takes into consideration the wide variety that characterises Afghanistan.

**B. IMPLEMENTATION TIMELINE**

In an attempt to address the problem this study originally stemmed from, the suggested implementation timeline for a VC creation process is organized in four main phases unfolding between February 2013 and June 2015:

v. **Phase One – February/May 2013** – Elaboration of the transition plan and promulgation of presidential decree validating the transition process

vi. **Phase Two – June 2013/January 2014** – District-level pre-transition assessments, mobilisation process and support structures

vii. **Phase Three - February/December 2014** – Transition from CDCs to interim VCs

viii. **Phase Four – January/June 2015** – First election round of definitive VCs

The diagram below illustrates these four phases:
### 1. **Phase One – February/May 2013**

**February/April 2013** - Communication of the transition plan and associated implementation guidelines to government officials at all levels for information and discussion purposes

**April/May 2013** - Elaboration and promulgation of a presidential decree outlining legal conditions for the transition process

### 2. **Phase Two – June 2013/January 2014**

Simultaneously conduct:

- i. District level pre-transition assessments looking specifically at local power-structure and village-level governance and service delivery needs
- ii. District level mobilisation process with government officials, customary leaders and community members
- iii. Appointment of district-level transition staff, possibly under the supervision of the IEC
- iv. Creation of district and sub-district level VC support structures, including the organisation of regular district-level meeting with thematic focus and experience sharing sessions

### 3. **Phase Three – February 2014/December 2014**

**February/April 2014** – Citizens consultation and petition process for transitioning CDCs into interim VCs

**April/August 2014** – Transition of validated CDCs into interim VCs

**August/December 2014** – Re-election of remaining CDCs to constitute interim VCs

**January/March 2015** – Identification of priority communities and preparation of the first election round

**March/June 2015** – First election round
April/August 2014 – Transition of validated CDCs into interim VCs

August/December 2014 – Re-election of remaining CDCs to constitute interim VCs across all communities

4. **Phase Four – January/June 2015**

January/March 2015 – Identification of priority communities and preparation of the first election round

March/June 2015 – First formal VC election round under the supervision of the IEC
ANNEXES

ANNEX 1 – FINANCIAL SUSTAINABILITY

Once formal VCs are created, governmental support to future VC members could include the allocation of financial resources, including allowances and coverage of running expenses. Further material support could include the allocation of council buildings and associated furniture and operation and maintenance costs. This section looks at past budget estimates for such support and provides new estimates to the scenario proposed in this report.

1. Past estimate based on SNGP

In his paper of December 2010 (Cost of Sub-National Governance in Afghanistan), Robert Searle estimated that VC operating costs would amount to around US$ 220M with an initial investment of US$ 760M in infrastructure for around 38,000 communities. These estimates are based on the commitments outlined in the SNGP.

Regarding salary and running costs, Searle assumes that VCs would be composed of an average of six councillors, including the chairperson, and two support staff. According to him, councillors could be paid allowances for each day they sit in the council (estimated at 200 AFN per councillor per day for 24 days per year), with an additional allowance for the chairperson (estimated at US$100 per year) and monthly salaries for the two support staff (estimated at 4,000 AFN per staff). Searle estimates running costs would amount to another US$100 per month per council. He adds to this scenario optional security costs that include personal security staff for an estimated half of the VC chairpersons and for bi-monthly council sitting days. Regarding infrastructure costs, Searle works under the assumption that each VC would require a building (estimated at US$15,000 unit cost), each of them being equipped with office furniture (chairs, meeting tables, desks, cabinets and a generator).

The table below gives a summary of Searle’s estimated budget for 38,000 VCs, based on a revised AFN/US$ exchange rate.
### Table 19 - VC annual budget estimate (based on Robert Searle 2010)

<table>
<thead>
<tr>
<th><strong>Running Costs</strong></th>
<th><strong>Explanation</strong></th>
<th><strong>Total Cost</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrative staff salaries</strong></td>
<td>Two staff per council with 4,000 AFN monthly salaries</td>
<td>$ 72,960,000</td>
</tr>
<tr>
<td><strong>Councillor’s sitting fees</strong></td>
<td>Two sessions per month (400 AFN) for an average of six councillor per council</td>
<td>$ 21,888,000</td>
</tr>
<tr>
<td><strong>Chairmen’s extra allowances</strong></td>
<td>Additional 200 AFN for each session</td>
<td>$ 3,648,000</td>
</tr>
<tr>
<td><strong>Council operating expenses</strong></td>
<td>5,000 AFN per month for travels, communication, etc.</td>
<td>$ 45,600,000</td>
</tr>
<tr>
<td><strong>Repairs and maintenance costs</strong></td>
<td>1% of total initial infrastructure costs per year</td>
<td>$ 7,600,000</td>
</tr>
<tr>
<td><strong>Security (optional)</strong></td>
<td>Two full-time guards (3,500 AFN / month) for half of the chairmen and two guards for each session for half of the councils</td>
<td>$ 70,224,000</td>
</tr>
<tr>
<td><strong>Total running costs</strong></td>
<td></td>
<td>$ 221,920,000</td>
</tr>
<tr>
<td><strong>Infrastructure Costs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Administrative building</strong></td>
<td>US$15,000 for each of the 38,000 VC buildings</td>
<td>$ 570,000,000</td>
</tr>
<tr>
<td><strong>Provision of equipment</strong></td>
<td>US$5,000 for each of the 38,000 VC buildings</td>
<td>$ 190,000,000</td>
</tr>
<tr>
<td><strong>Total infrastructure cost</strong></td>
<td></td>
<td>$ 760,000,000</td>
</tr>
</tbody>
</table>

#### 2. Estimate for an updated scenario

While most of the budget lines identified above seem valid for fully established VCs, interviews with CDC members provided some insight regarding the priorities they meet and the demands they have in terms of financial support, leading them to propose alternative, less costly options for financial support to CDC/VC members under a transition scenario.

**a. Salaries, sitting fees and operating expenses**

Regarding the question of salaries, CDC members and villagers have given contrasting answers, some of them approving the idea that CDC members receive a salary to compensate for their work, while others would explain that “CDC members serve the people of their community voluntarily” or that giving certain privileges or money to CDC members would create tensions in the community.

While CDC members do not work full-time as such and have other sources of revenues, VC members would probably have to spend more time fulfilling the different responsibilities bestowed upon them, which could justify the payment of at least a part-time salary. Another option would be to pay VC members allowances for the time they effectively work, i.e. the sitting fees proposed by Searle. This option would probably be less costly and more in line with the actual work performed at the village level. However, the estimate of two sessions a month seems particularly low and the organisation of weekly meetings would be more realistic. Furthermore, none of the case studies interviewees mentioned it would be necessary for the head of the CDC to receive additional allowance.

In most cases however, CDC members did not ask to receive a salary. In a relatively wealthy community such as Hesi Awal Najmul Jihad (Behsood), they emphasised the fact they would keep working voluntarily for the good of their community. In poorer communities however, CDC members and regular villagers explained that some financial support would help them be more effective: transport and
communication costs were cited as the priority expenses they would like to see covered. Stationary and food expenses for meetings came second on this priority list.

b. **SUPPORT STAFF**

The amount of work required to fulfill the responsibilities laid out above does not seem to require the addition of two support staff at the village level. While this option could be left opened for larger communities that will have to fulfill administrative services for a larger number of constituents, it appears as a disproportionate measure in most of the small communities visited for this study. Another option would be to provide a budget for additional support staff that answer specific needs of particular communities. However, VC members could demand district authorities to pay for the hiring of temporary technical and administrative support staff for clearly defined missions that will need to be approved beforehand. Furthermore, support staff could be hired at the sub-district level, attached to the CCDCs and work under the supervision of the MRRD affiliated District Community Development Officer. Such staff could then travel more easily to the communities to provide ad hoc services to community members.

Similarly, the employment of guards to ensure the security of the Village Councillor seems disproportionate as well since none of the CDC members expressed such needs. However, several interviewees in Helmand and in Nangarhar explained that making CDCs part of the government could trigger security threats on CDC members, which could require additional security measures. Permanent guards could indeed be hired for this purpose. Alternatively, the governmental status of the VCs could be downplayed and VC members could be presented as community representatives as opposed to government representatives. This would diminish their profile as potential targets and increase local support for their work.

c. **INFRASTRUCTURE COSTS**

The creation of a specific administrative building in each of the community seems also disproportionate to the mandate of VCs. More realistic would be to provide specific infrastructure at the sub-district level that could be used by VC members if necessary. In fact, in most of the villages visited, CDC members would meet in the house of the head of the CDC and only one of the CDC members interviewed across all case studies suggested a dedicated building would be necessary, even though field observations did not corroborate this demand.

The table below presents an alternative budget option that takes into consideration the remarks above. Compared to the initial estimate, the budget is significantly reduced, amounting to US$120M annually for running expenses and to an initial investment of US$ 68M. Budget lines have been re-organised by order of priority.
Table 20 - Simplified budget option for future VCs

<table>
<thead>
<tr>
<th>Running costs</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High Priority</strong></td>
<td></td>
</tr>
<tr>
<td>Council operating expenses</td>
<td>$45,600,000</td>
</tr>
<tr>
<td>Four sessions a month (800 AFN) for around six councillors per VC</td>
<td>$43,776,000</td>
</tr>
<tr>
<td><strong>Medium Priority</strong></td>
<td></td>
</tr>
<tr>
<td>Administrative staff salaries</td>
<td>$30,400,000</td>
</tr>
<tr>
<td>Repairs and maintenance costs</td>
<td>$684,000</td>
</tr>
<tr>
<td><strong>Non-Priority</strong></td>
<td></td>
</tr>
<tr>
<td>Security</td>
<td>NA</td>
</tr>
<tr>
<td>Chairmen’s extra allowances</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total running costs</strong></td>
<td>$120,460,000</td>
</tr>
</tbody>
</table>

**Infrastructure Costs**

| Medium Priority               |              |
| Administrative building      | $57,000,000  |
| Provision of equipment       | $11,400,000  |
| **Total infrastructure cost**| $68,400,000  |

ANNEX 2 – LITERATURE REVIEWED

Secondary research was undertaken in order to explore the following themes:

i. The general theory on Community Driven Development (CDD), Sub-National Governance (SNG) and the sustainability of community institutions created under CDD programs, especially in conflict-affected areas;

ii. The specificities of the sub-national governance landscape in Afghanistan, with a particular focus on the Community Development Councils (CDCs) created under the National Solidarity Program (NSP);

iii. The legal framework that defines subnational governance in Afghanistan.

Table 21 - Indicative list of bibliographical references

<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
<th>Year</th>
<th>Content Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participatory Governance Reform: A Good Strategy for Increasing Government Responsiveness and Improving Public Services?</td>
<td>Johanna Speer</td>
<td>2012</td>
<td>This comparative cross-case literature review examines the claim that participatory governance mechanisms result in increased accountability, higher government responsiveness and better public services.</td>
</tr>
<tr>
<td>From patronage to peace building? Elite capture and governance from below in Sierra Leone</td>
<td>Melissa T. Labonte</td>
<td>2012</td>
<td>This article analyses the kinds of effects that efforts to counter elite capture, in a process of decentralisation, can have on peace building.</td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
<td>Year</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Aid Under Fire: Development Projects and Civil Conflict</td>
<td>B. Crost, J. Felter, P. Johnston</td>
<td>2012</td>
<td>This paper estimates the causal effect of a large development program on conflict casualties in the Philippines through a regression discontinuity model that uses an arbitrary poverty threshold to determine eligibility for the programme.</td>
</tr>
<tr>
<td>Towards a Theory of Local Governance and Public Goods Provision</td>
<td>D. Booth</td>
<td>2011</td>
<td>This article provides a mid-term report on a multi-country research effort that aims to shed light on the institutional sources of variation in the provision of public goods.</td>
</tr>
<tr>
<td>Securitizing Participation in the Philippines: KALAHI and Community-driven Development</td>
<td>Ben Reid</td>
<td>2011</td>
<td>This paper examines the implementation of CDD and the problems of its securitisation, using the Philippines as a case study. A composite conceptual framework is used that draws upon an analysis of development practices worldwide.</td>
</tr>
<tr>
<td>Reshaping Institutions: Evidence on External Aid and Local Collective Action</td>
<td>K. Casey, R. Glennester, E. Miguel</td>
<td>2011</td>
<td>This paper estimates the impact of a CDD program in post-war Sierra Leone by using a randomised experiment and novel outcome measures.</td>
</tr>
<tr>
<td>Can Hearts and Minds be bought? The economics of Counterinsurgency in Iraq</td>
<td>E. Berman, J.N. Shapiro, J.H. Felter</td>
<td>2011</td>
<td>This paper develops and tests an economic theory of insurgency motivated by the informal literature and by recent military doctrine.</td>
</tr>
<tr>
<td>Scaling up Local and Community Driven Development (LCDD), A real World guide to its theory and practice</td>
<td>H.P. Binswanger-Mkhize, J.P. de Regt, S. Spector</td>
<td>2009</td>
<td>This book includes historical background, best practices and underpinnings, analysis and lessons learned, and toolkits for developing supportive national policies and implementation programs that fit the individual contexts of countries and localities.</td>
</tr>
<tr>
<td>Linking Community Empowerment, Decentralized Governance, and Public Service Provision through a Local Development Framework</td>
<td>L. Helling, R. Serrano, D. Warren</td>
<td>2005</td>
<td>This paper aims to clarify the core concepts and principles that underpin decentralised participatory development programs.</td>
</tr>
<tr>
<td>Community-Driven Development: Decentralization’s accountability Challenge</td>
<td>S. Wong, S. Guggenheim</td>
<td>2004</td>
<td>This article focuses on the role of CDD programs in improving decentralisation dynamics, service-delivery and formulating regulations for decentralisation.</td>
</tr>
<tr>
<td>Community Based (and Driven) Development: A Critical Review</td>
<td>G. Mansuri and V. Rao</td>
<td>2003</td>
<td>This paper reviews the conceptual framework for Community Based Development/Community Driven Development initiatives and the available evidence on their effectiveness.</td>
</tr>
<tr>
<td>Poverty Reduction Strategy and Community Driven Development Sourcebook, Chapter 9, Community Driven Development</td>
<td>P. Dongier et al</td>
<td>2003</td>
<td>This chapter examines why governments would, and how they do, support CDD by synthesising lessons learned from experiences across a number of locations.</td>
</tr>
<tr>
<td>Community Driven Development in Contexts of Conflict</td>
<td>A. Strand et al</td>
<td>2003</td>
<td>This concept paper reviews the challenges and benefits potentially linked to CDD programs in conflict affected countries.</td>
</tr>
<tr>
<td>Civil society and pro-poor initiatives at the local level in Bangladesh: Finding a workable strategy</td>
<td>H. Blair</td>
<td>2003</td>
<td>This paper proposes lineaments for civil society efforts in rural Bangladesh that uses advocacy to help the poor move beyond patron-client relationships.</td>
</tr>
<tr>
<td>SUB-NATIONAL GOVERNANCE AND COMMUNITY DEVELOPMENT IN AFGHANISTAN</td>
<td></td>
<td></td>
<td>This report presents the results of a study on the role of governance and politics in Afghanistan’s stabilisation. Its basic finding is that Afghanistan’s de facto system of governance is a politically driven hybrid order made of shifting up links among many different formal, informal and illicit actors, networks and institutions.</td>
</tr>
<tr>
<td>Political Governance and Strategy in Afghanistan</td>
<td>R. Lamb</td>
<td>2012</td>
<td>This paper reviews the conceptual framework for Community Based Development/Community Driven Development initiatives and the available evidence on their effectiveness.</td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
<td>Year</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Formal and informal governance in Afghanistan</td>
<td>The Asia Foundation</td>
<td>2012</td>
<td>This study provides detailed analysis of the survey data on the opinions and perceptions of Afghans toward government, public policy, democracy, and political and social change.</td>
</tr>
<tr>
<td>Randomized Institutional Isomorphism - Experimental Evidence on the Effect of Local Democratic Change in Rural Afghanistan</td>
<td>A. Beath</td>
<td>2012</td>
<td>This study presents experimental evidence from 474 villages across Afghanistan on the effects of the creation of democratically-elected, gender-balanced village development council.</td>
</tr>
<tr>
<td>Sub-National Governance and Development Strategy</td>
<td>UNDP-Afghanistan</td>
<td>2012</td>
<td>This document outlines the strategy for sub-national governance and development in Afghanistan, which has been adopted by the UNDP Country Office.</td>
</tr>
<tr>
<td>Winning Hearts and Minds through Development Aid: Evidence from Field Experiment in Afghanistan</td>
<td>A. Beath, F. Christia, R. Enikolopov</td>
<td>2011</td>
<td>Examines the presumption that &quot;reliable delivery of goods and services can secure support for an embattled government, sway the population away from the rebels and reduce violence&quot; with a specific focus on the NSP.</td>
</tr>
<tr>
<td>Local Governance in Afghanistan, A view from the Ground</td>
<td>D. Saltmarshe, A. Medhi</td>
<td>2011</td>
<td>The research assesses how local governance has progressed following the creation of the IDLG and the introduction of programmatic interventions such as the NSP.</td>
</tr>
<tr>
<td>Understanding and addressing context in rural Afghanistan, How villages differ and why?</td>
<td>P. Kantor, A. Pain</td>
<td>2010</td>
<td>This research explores variations in social contexts across Afghanistan and analyses how economic, social, cultural and political factors within communities and their environment shape local dynamics.</td>
</tr>
<tr>
<td>Securing life and livelihoods in rural Afghanistan, The role of social relationships</td>
<td>P. Kantor, A. Pain</td>
<td>2010</td>
<td>This paper highlights the importance of social relationships with regards to livelihood outcomes in rural Afghanistan.</td>
</tr>
<tr>
<td>The Changing Face of Local Governance Community Development Councils in Afghanistan</td>
<td>Hamish Nixon</td>
<td>2009</td>
<td>This study focuses on issues affecting state building interventions at the subnational level in Afghanistan through the example of the NSP-CDCs.</td>
</tr>
<tr>
<td>The challenges of constructing legitimacy in peace building: case of Afghanistan</td>
<td>Daisaku Higashi</td>
<td>2008</td>
<td>The report examines key policies that aim to build legitimacy in Afghan peace building.</td>
</tr>
<tr>
<td>Assessment of Sub-National Governance in Afghanistan</td>
<td>The Asia Foundation</td>
<td>2007</td>
<td>This assessment develops a broad understanding of the context, issues, and opportunities surrounding development of sub-national governance in Afghanistan.</td>
</tr>
<tr>
<td>Interface between State and Society in Afghanistan Discussion on Key Social Features affecting Governance, Reconciliation and Reconstruction.</td>
<td>Raphy Favre</td>
<td>2008</td>
<td>This study examines the importance of traditional tribal and social features of Afghan society in understanding post-conflict state-building and stabilisation dynamics.</td>
</tr>
<tr>
<td>From Subjects to Citizen: Local Participation in the National Solidarity Program</td>
<td>Inger W. Boesen</td>
<td>2004</td>
<td>The study examines the election process of CDCs, with a particular focus on gender; community perspectives on elections and voting; the extent to which community members are aware of elections and their expectations of them.</td>
</tr>
</tbody>
</table>

**EVALUATIONS OF THE NSP**

<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Author(s)</td>
<td>Year</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Randomized Impact Evaluation of Phase II of Afghanistan’s NSP</td>
<td>A. Beath, F. Christia, R. Enikolopov</td>
<td>2010</td>
<td>Estimates of Interim Program Impact from First Follow-up Survey.</td>
</tr>
<tr>
<td><strong>Randomized Impact Evaluation of Afghanistan’s NSP, Hypotheses and Methodology</strong></td>
<td>A. Beath, F. Christia, R. Enikolopov</td>
<td>2008</td>
<td>Methodology document regarding two sub-treatment interventions related to the election of the CDCs, their methods of sub-project selection, and their respective sub-project evaluation methods.</td>
</tr>
<tr>
<td>Assessing the NSP: The Role of Accountability in reconstruction</td>
<td>Yama Torabi</td>
<td>2007</td>
<td>This research focuses on the effects of NSP in terms of accountability at the project level, understood as democratic answerability and responsiveness to grievances.</td>
</tr>
<tr>
<td>Mid-Term Evaluation Report of the NSP, Afg.</td>
<td>Sultan Barakat and all.</td>
<td>2006</td>
<td>Evaluation of the impact of the first Phase of the NSP.</td>
</tr>
<tr>
<td><strong>GIRoA Official Reports, Policies and Legal Texts</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strengthening Local Institutions</td>
<td>ARD</td>
<td>2012</td>
<td>This document outlines the implementation strategy of the National Priority Program; ‘Strengthening Local Institutions’.</td>
</tr>
<tr>
<td>NSP Operations Manual</td>
<td>MRRD</td>
<td>2012</td>
<td>This document details the NSP approach to community mobilisation and sub-project implementation.</td>
</tr>
<tr>
<td>Sub-National Governance Policy</td>
<td>GIRoA</td>
<td>2010</td>
<td>This policy aims at defining the roles and responsibilities of all formal sub-national governance entities operating in Afghanistan.</td>
</tr>
<tr>
<td>CDC By-Law</td>
<td>GIRoA</td>
<td>2006</td>
<td>This by-law establishes the CDCs and defines their mode of constitution as well as their roles and responsibilities.</td>
</tr>
<tr>
<td>Constitution of the Islamic Republic of Afghanistan</td>
<td>GIRoA</td>
<td>2004</td>
<td>The Constitution defines the broad roles and responsibilities of the sub-national governance entities.</td>
</tr>
</tbody>
</table>

ANNEX 3 – RESEARCH INSTRUMENTS – SEPARATE DOCUMENT