

## **Towards Representative Local Governance: The Electoral System of Afghanistan's Community Development Councils in the Citizens' Charter National Priority Program<sup>1</sup>**

*The ability of poor and very poor people to participate in local development and governance activities is shaped by Community Development Councils. These are the local-level bodies responsible for participatory planning, transparent and accountable allocation of development funds, and implementation of infrastructure projects. Getting these institutions right is the key to inclusive and equitable development outcomes. This brief discusses Afghanistan's community context, the lessons learned from the National Solidarity Program, and the design and outcomes of the new electoral system in the Citizens' Charter Program. The implications on program design and the need to focus on detail are then reviewed.*

### **1. Development Governance Institutions for Community Driven Development in Rural Afghanistan**

Community Driven Development (CDD) gives control over decisions and resources to communities to develop their institutions and build public resources. The institutional dimension of CDD – the elected local bodies referred to as Community Development Councils (CDCs) – seeks to democratize development by increasing local decision-making powers over development funds and the implementation of programs. The underlying assumption of such devolution is that participatory decision-making processes will 1) lead to more equitable distribution of state benefits, 2) result in more efficient allocation of resources (as local people know better about their needs than the central or provincial state), and 3) generally foster a democratic ethos.

In rural Afghanistan, residents are differentiated in terms of class, ethnicity, gender, tribe/clan and residency status (in-migrant), with multiple local actors who speak for people. These powerholders/public authorities include village heads, elders, religious leaders, and commanders, many of whom are not accountable to people or accountable to specific groups only.<sup>2</sup> Without representative councils, poor and socially marginalized groups, who make up anywhere from half to two-thirds of all households, may be sidelined in terms of decisions that allocate natural and other public resources, and in some cases, they are excluded from the benefits of public goods altogether.

However, simply devolving authority to local councils is no automatic guarantee that poor people will do any better than they did under previous systems. Getting these institutions right requires an understanding of community context. Elite capture, corruption, and exclusionary cultural traditions are all well-known risks. But they are not immutable risks: there are a number of ways that lead to more inclusive and representative forms of representation.

A key design consideration, that takes into account the spatial differentiation of villages by the wealth and influence of its members, are the rules through which representatives to the councils are elected and serve. An electoral system in which elected representatives are proportional to

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<sup>1</sup> By Brigitta Bode, Social and Participatory Development Consultant, July 2018.

<sup>2</sup> In rural Afghanistan, village heads are referred to as *Maliks/Arbabs* – the terms roughly translate into 'owner', boss, landowner – who are to receive instructions and report to the district government and are responsible to certify births, deaths, and marriages, holding a government stamp. In practice, they are not well managed and have no job description with roles and responsibilities. Over time, in some areas particularly, *Maliks* have become more powerful and they often play an important role in negotiating on behalf of their communities with Armed Opposition Groups or predatory militias. Although the community has the right to 'de-seat' *Maliks*, should they not conform to community norms, yet given their economic and political influence (they may hire laborers to farm their land from the village, provide loans, etc.), this may not always be possible.

the geographic spread of the population ensures that the chances of marginalized groups electing candidates to public office are not diminished. This is because elites are most likely to live in village centers, whilst poor people often occupy settlements at the margins of the community. At the same time, clear guidelines on conducting the elections – where to place polling boxes in the village, how long they should remain open, how many monitors to monitor the election, etc. – create consistency across communities and illustrate the government’s emphasis on inclusive and representative councils.

## 2. Community Context in Rural Afghanistan

### a. *Inequitable Access to Resources and the Potential for Elite Capture*

Afghanistan’s rural communities vary considerably in terms of the extent of cultivable land, crop patterns, and land tenure arrangements. This reality reflects the country’s diverse ecosystems, which range from deserts to high mountain rangelands and fertile riverine plains. In the mountain areas, where subsistence agriculture predominates, social dynamics are considerably different from those in the plains. In the former, there is greater socio-economic homogeneity with a more equitable land holding structure. In the latter, surplus production, coupled with skewed landownership, is more likely.<sup>3</sup> Communities in the mountain areas, where land is more evenly distributed, are likely to exhibit greater forms of horizontal solidarity. Communities in the plains are more likely to be characterized by patron client relations.<sup>4</sup> For example, where large landlords exist, they are often not only employers, but also moneylenders and providers of charity in time of crisis.

When Community Development Councils are dominated by powerful actors, these dependency relations have broad implications in terms of voice and the ability of poor households or groups to advance fair and pro-poor development agendas and influence CDC decisions. Pain and Kantor note that in communities in which “land is more evenly distributed, power is likely to be dispersed and there is likely to be a sufficient number of people capable of preventing abuse of power... Where landownership is highly concentrated, as in the Kandahar villages, an individual or small group of individuals become the veto players”.<sup>5</sup>

In addition to different types of villages, there is also intra-village variation. Many villages have spatially marginalized neighborhoods where people are economically disadvantaged, occupy less productive land, lie at the tail end of irrigation schemes, have lost access to public lands (pasture), or have historically been poorer kin within the larger clan. There are also neighborhoods with returnees, IDPs, or economic in-migrants who are likely to have settled on land of poorer quality. Given their status as in-migrants, they often have limited access to public lands and water resources.

Informal governance arrangements that manage public resources provide insight into the ways in which prevailing power structures marginalize the poor. Studies of local-level institutions that manage irrigation water point to common issues across the country, including ‘acute inequities’ between the head-end and tail-end and along the river between upstream and downstream.<sup>6</sup>

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<sup>3</sup> Wily, L. A. 2013. Land, People, and the State in Afghanistan: 2002-2012. Kabul, Afghanistan: AREU; Pain, A. and P. Kantor. 2010. Understanding and Addressing Context in Rural Afghanistan: How Villages Differ and Why. Kabul, Afghanistan, AREU.

<sup>4</sup> This is not to say that all communities in plain areas are highly differentiated or those in mountainous areas are economically homogenous.

<sup>5</sup> Pain and Kantor, 2010: 37

<sup>6</sup> Wegerich, K. 2009. Water Strategy Meets Local Reality. Kabul, Afghanistan: Afghanistan Research and Evaluation Unit; Rout, B. 2008. How the Water Flows: A Typology of Irrigation Systems in Afghanistan. Kabul, Afghanistan: Afghanistan Research and Evaluation Unit; Center for Policy and Human Development. Afghanistan Human Development Report, 2011. The Forgotten Front: Water Security and the Crisis in Sanitation. Kabul, Afghanistan: Kabul University.

Local proverbs, such as “*better to be a servant in the upstream areas than a king in the downstream area*” speak to these inequities.

Communities that receive less water (tail-end) often provide more labor input to maintain the canal but have less influence in the decision-making process regarding the distribution and allocation of water. In fact, participation in the election of *Mirabs* (water masters) is often restricted to a small number of landowners.<sup>7</sup> When asked, 60 percent of water users in 15 canal systems from five river basins believed the *Mirab* election system to be unfair. Their grievances include examples of influential persons imposing candidates for *Mirabs* and insufficient public debate about water issues.<sup>8</sup> Inequities in terms of access to pasture have also been documented,<sup>9</sup> whilst Afghanistan’s first National Development Report noted that it is not the limited bases of poor households, but also the underlying issues of inequality of access to resources that contribute to poverty creation.<sup>10</sup>

#### a. *Women’s Mobility and Electoral Systems*

Village level electoral systems must also consider the limitations on women’s mobility. There is considerable variation across Afghanistan in terms of women’s ability to move and interact with others. In some communities, women have considerable freedom to move within and beyond their villages, whilst in others, their mobility is more restricted, with male accompaniment a must. However, in their own neighborhoods (*mohallas*), where families may be related, women’s freedom of movement is less circumscribed, and they can move between residential compounds with greater ease.<sup>11</sup>

The Citizens’ Charter mobility maps indicate that women move relatively freely within their own neighborhoods, something that is universal across all ethnic groups and regions. Neighborhood elections will enable women to vote without having to be accompanied by a male relative and women will be able to meet their constituents without requiring permission from or accompaniment by a chaperone (*Maharram*). In other words, representation and aggregation of preferences, reflecting the various interests of women<sup>12</sup> (poor, landless, uneducated, tribal minority, in-migrants) can more easily be achieved when women are physically closer to their electorate. In some communities (particularly in the east and south), CDC or sub-committee or Cluster CDC and Cluster CDC sub-committee meetings that take place outside the immediate neighborhood of the household will require that women move with other women or a male chaperone to attend meetings.

### 3. Learning from NSP to Create a Representative Electoral System in the Citizens’ Charter Program

In the context of differentiated communities and spatially marginalized localities, an election system that does not ensure proportional representation is likely to lead to a concentration of elected representatives in the main/central part of the village, leaving the poorer pockets without

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<sup>7</sup> Center for Policy and Human Development, 2011: 128.

<sup>8</sup> Ibid. pp. 128-129.

<sup>9</sup> Wily, L.A. 2004. Looking for Peace on the Pastures: Rural Land Relations in Afghanistan. Kabul: Afghanistan Research and Evaluation Unit.

<sup>10</sup> Saba, D. S. and O. Zakhilwal (2004). Afghanistan National Development Report: Security with a Human Face. Islamabad, Pakistan: United Nations Development Program.

<sup>11</sup> This is not to say that all communities or neighborhoods are the same. There are in all likelihood a considerable number of neighborhoods established by returnees; however, residential clustering of a kin-group is likely practiced in most villages.

<sup>12</sup> Whilst women as a group face certain common issues and concerns, there are also significant differences between women in terms of socio-economic status, age, tribe and one should not assume that one or two women can speak for all.

representation. NSP provides a good case in point because the Facilitating Partners – the national and international NGOs who facilitated the program – were allowed to apply two electoral systems: the at-large system with no geographic limitations, where each voter could vote for any candidate; and the more constrained neighborhood system, with each voter being restricted to voting for one candidate within the neighborhood in which they reside. A review found that in the at-large elections, the distance between the homes of elected officials and the village center is smaller than when electoral choices were confined to an individual’s neighborhood.<sup>13</sup> This confirmed the program staff’s own understanding of the outcome of at-large elections: CDC members, and the male Office Bearers in particular, tend to be concentrated in the core or older parts of the village. In some cases, this has led to resource capture, the allocation of development resources for the core of the village, but not the margins. By contrast, in neighborhood elections, the members and Office Bearers were more spread out in the community. This reality is borne out by the literature on electoral rules and representation (though it is largely confined to American cities). The use of at-large elections was widespread in American cities in the 1960s with 60 percent of cities yielding results that showed less than 1 percent of council members were Black, Asian, Hispanic, or American Indian, even though the minorities’ share of the overall urban population was much, much higher.<sup>14</sup> This discriminatory effect was exposed in various studies, which highlighted that when minorities are concentrated or spatially segregated, at-large elections are more likely to reduce their chances to elect a representative.<sup>15</sup>

In the Citizens’ Charter, with its pro-poor, inclusive, and participatory approach, the pre-existing NSP electoral system was changed to ensure that all groups are represented in the CDCs and that the electoral process is carefully managed. To achieve this, the district (neighborhood) election system has been adopted, but in a more refined manner. First, the Citizens’ Charter works with the community to create election units.<sup>16</sup> The size of each election unit in one village is the same, with the total number of households divided into the total number of election units to be created. In other words, there are villages with election units that range from 8-10 households, some range from 21-23 households, and others yet range between 37-40 households. Second, 60 percent of adult residents must be present in the social mapping process where election units are created for it to be valid. The social map that indicates the election units with the number of households contained within it is then shared and agreed upon with residents from all neighborhoods during the next meeting. Third, at the time of the CDC election, 60 percent of the eligible voters from each election unit must vote for the election to be valid. Fourth, each man and each woman have two votes: one for one man and one for one woman.<sup>17</sup> Fifth, ballot boxes are located in each election unit (one for men and one for women). Sixth, all ballot boxes must be in public (not private) spaces. Seventh, each ballot box remains open for 2-3 hours to ensure that the monitoring committee and the CC Social Organizers can monitor the election by observing the activities around each ballot box. Eighth, as soon as the counting of all votes is completed, and the result of the newly elected representatives is declared, the Office Bearer secret ballot election is held. Here, the results are only announced once all four Office Bearers have been elected.

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<sup>13</sup> Beath, A., C. Fotini, G. Egorov, and R. Enikolopov. 2015. Electoral Rules and Political Selection: Theory and Evidence from a Field Experiment in Afghanistan. Policy Research Working Paper, No. 7361. Washington, D.C.: World Bank.

<sup>14</sup> Davidson, C. and G. Korbel. At-Large Elections and Minority Representation: a Re-Examination of Historical and Contemporary Evidence in *The Journal of Politics*, 43:4, November 1981.

<sup>15</sup> Berry, B.L. and T.R. Dye. 1979. “The Discriminatory Effects of At-Large Elections” in *Florida State University Law Review*, 7:1. Article 2.; Trounstein, J. and M. E. Valdini, 2008, The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity in *American Journal of Political Science*, 52(3): 554-569.

<sup>16</sup> Election Units serve no other purpose but to delineate ‘electoral districts’ in villages.

<sup>17</sup> The reader should note that this is not practiced in all communities: in places, where men cannot vote for women and vice versa, each voter votes only for their own gender candidate.

Interestingly, it was during the field-testing and the hands-on training sessions where elections were held in rural communities that Citizens' Charter staff realized the extent to which powerholder elites were aware of which voting system served them better.<sup>18</sup> In some communities, powerful actors (particularly *Maliks*), who were also existing Office Bearers and wanted to hold on to their positions (i.e. they wanted to be reelected) or wanted their own 'cronies' to be elected into CDC membership positions, demanded at-large elections, sometimes necessitating senior staff or District Governors to intervene. Further, in some villages, powerful actors insisted on using the hand-raising method to choose the Office Bearers rather than allowing a secret ballot to proceed. Finally, when Office Bearers were elected through secret ballot by the CDC members and the results of the persons elected for each position were announced, one by one, the disappointed representatives, who thought they would be elected as Chairman, boycotted the remainder of the Office Bearer election. Because of these realities, the Citizen's Charter electoral system was designed in such a way to prevent all of the above.

#### 4. The Citizens' Charter Community Development Councils: A New CDC Profile Emerges<sup>19</sup>

Analyses of the first 5,000 Community Development Councils elected under the new electoral system in the Citizens' Charter highlight a generally high voter turnout, with women voting in higher numbers than men. In all regions, male voter turnout was between 75 and 78 percent, an increase of 3-6 percentage points from NSP. Women's voter turnout was even higher, ranging from 78 to 81 percent, with the exception of the South, where voter turnout was only 38 percent.<sup>20</sup> Specifically, women's voter participation increased by 16 percentage points in the East and by 10 percentage points in the South.

Interestingly, 90 percent of the newly elected CDC members in the Citizens' Charter had never served on a CDC before and 78 percent of the new CDC Office Bearers are serving in this capacity for the first time. Amongst female and male CDC members, there is a trend for younger people being elected to the councils, with 35 percent of all male members being youth (between 18 and 35 years old) and 51 percent of all women members being youth. By way of contrast, in NSP, the average age of CDC members was 40 and the average age of women CDC members was 38. In the Citizens' Charter, over 60 percent of male CDC members are below the age of 45; whilst amongst women 75 percent of CDC members are below the age of 45. This means that 'elders' are a minority on the male and women's councils. The implications are that the younger generations will have the opportunity to have more influence over how development is allocated and managed, and that younger men and women will learn how to manage funds, oversee project implementation, mobilize their communities into action, and develop leadership skills. The

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<sup>18</sup> In NSP I, II, and III, FPs were given considerable freedom to facilitate their work. In retrospect, this was perhaps not a desirable strategy, as the quality of their work differed considerably. For instance, during CC elections, it became apparent that during NSP, some FPs allowed hand-raising, instead of secret ballot elections and allowed the community to participate in the election of the Office Bearers. These poor electoral practices created considerable challenges for the CC election facilitation, as some people in communities insisted to maintain the older electoral system.

<sup>19</sup> This is not to say that all outcomes discussed below can be solely attributed to the new electoral system. This would deny the organic changes that take place over time: greater awareness of the population about their rights, their development rights in particular, changes in literacy rates and people placing greater value on educated representatives, and greater acceptance of women's participation in elections. However, based on our experience and discussions with the Social Organizers who are facilitating elections, the new system enables people to act on their awareness and the changes in norms about what women can and cannot do.

<sup>20</sup> The low women voter turnout in the South likely reflects *Uruzgan* and *Zabul* provinces, where women's freedom to participate in the public sphere is highly restricted and where most of women's membership and office bearer positions remain vacant.

frontline staff have noted the excitement amongst younger people when young persons are elected to the councils.<sup>21</sup>

Amongst Office Bearer (OB) positions, women tend to be younger than OBs were in NSP, with 32 percent (compared to 24 percent) of all women Office Bearers being between the ages of 18-25 and another 20 percent between the ages of 26-35. Amongst male OBs, the trend is reversed, with a four percentage point increase in OBs being above the age of 45.

**Table 1: Gender-Disaggregated Age Distribution of CDC Members and Office Bearers in CC**

CDC Position Age Distribution	CDC Member Women %	CDC Member Men %	CDC OB Women %	CDC OB Men %
18-25	27	10	32	8
26-35	24	25	20	23
36-45	25	27	23	29
>45	24	37	25	40

In the Citizens' Charter, there is a 17 percentage point increase in literate members, with just over 62 percent of all CDC members being illiterate, as opposed to 79 percent in NSP (all phases). This is not surprising and reflects the rising average adult literacy rate of 35.4 percent amongst all age groups and both genders (20.3 percent amongst women and 50.1 percent amongst men).<sup>22</sup> In CC, there are also twice as many members who have graduated high school (14.6 percent), as compared to NSP (7.14 percent). This shift speaks to the nation-wide achievements in literacy and to the fact that more and more young educated men and women have an opportunity to become a CDC member. Amongst the Office Bearers, either the Treasury or Secretary positions have to be filled by persons who are literate.

Finally, other public authorities/powerholders, who in the past simply added positions to their posts in order to retain authority and control leadership, have not been able to be elected onto councils in high numbers. Of the nearly 5,000 communities elected (as of April 2018), *Maliks* have been elected to the CDCs in only 9.5 percent of all communities, serving as OBs in roughly 5 percent of all communities, whereas *Arbabs* have been elected in 6.3 percent of all communities, serving as Office Bearers in 3.8 percent of all CDCs, whilst elders (not by age, but by public authority position) serve as OBs in just over 1 percent of all CDCs.

## 5. Conclusion: Details Matter

NSP provided a crucible through which the program's approaches (such as the electoral systems, facilitation, etc.) interacted with various intersecting factors (class, ethnicity, gender, tribe) and could be observed and used to inform the process of Citizen's Charter's design. For instance, village 'public resources' maps illustrated the convergence of powerful actors and public goods and the spatial marginalization of certain groups. At the same time, the field testing (in different types of communities – those with powerful actors and those without) and initial implementation of the new election system enabled the Citizens' Charter team to see first-hand how some of the

<sup>21</sup> This is not to say that younger men on the council will automatically have the same influence as elders (even if just a few); however, being part of a leadership council, responsibility to report to one's constituents, and election to the council from marginal areas of the community represents important opportunities for the younger generation to be involved in community governance.

<sup>22</sup> Islamic Republic of Afghanistan, Central Statistics Organization, 2016. Afghanistan Living Survey Conditions Survey 2016-2017: Mid-term Result-Highlights. Kabul: Afghanistan.

electoral practices that Facilitating Partners had instituted became elite ‘tactics’ to further entrench their power. This could only be understood by Government staff once they piloted the electoral system and deeply engaged with the work. This included process reconstruction of village meetings, analysis of the communities’ political economy, background research on the powerholders, extensive debriefings of the electoral process at the ballot boxes, during the announcement of the winners and the Office Bearer secret ballot elections, and open discussions about power and power dynamics.<sup>23</sup>

Attention to detail is a must with all program design elements. For the elections system, this means a focus on each and every part of the electoral process (e.g. pre-election meetings where the rules are shared and large election rules posters are put in public places; public agreement on which day the elections are best held to allow the maximum number of people to participate; social maps that have agreed upon election units and indicate the location of each male and female ballot box, etc.).<sup>24</sup> Without clear rules and guidelines, implementation will not only vary from FP to FP and from front-line team to front-line team, but it will create a situation where Afghanistan’s people do not have equal opportunity to elect representative Community Development Councils.

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<sup>23</sup> The CC team (roughly 15-20 men and women) that piloted and field tested the electoral system (and all other methodologies) was not immune to the various interests that emerged in reconstructing the electoral process and there were fierce debates about ethnic marginalization and the motives, biases and discriminatory practices of powerholders. These moments were important break-throughs as ethnicity is a topic often avoided. In time, the team managed to get somewhat used to such discussions, yet the group never reached the same comfort level it had discussing class or gender.

<sup>24</sup> Actually, the front-line staff work on various exercises in the community before the election. These include reflections on NSP and its short-comings, detailed briefings on CC, public resources maps and location of NSP CDC members. In this process, the social organizers observe different actors and get a picture of the power dynamics in communities and can assess if there will be problems with the elections. If so, they are instructed to ask senior Government staff in the Provinces to attend crucial election/social mapping meetings.