

Local Governance - a Challenge for State Building in Afghanistan?

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1. Current state of research

Historically the Afghan state has a long record of being incapable of functioning as a credible and legitimate source of political authority within Afghan society. Various rulers with different state concepts tried to reign over a nation that was the geographical result of the power struggle between the British Empire and Tsarist Russia. Serving as a buffer-zone with a wide range of different ethnic groups and with a lack of common national identity, the evolution towards a twentieth century modern state did not occur. The historic reality is that power in Afghanistan has almost always operated through negotiation between the central authority and local power-holders – and tensions between these two levels have existed for as long as there has been a state¹.

Regarding this historically given situation and the last 24 years of war which amplified the absence of functioning governance structures and socio-economic development, an urgent need of state-building emerged.

The belligerents have repeatedly and methodically destroyed Afghan communities by endorsing and fanning ethnic, linguistic and religious friction². Above all in the last decade of war the warring factions have tried to bring the fine and locally-oriented ethnic and linguistic differences to the forefront of Afghan politics as a means of retaining control over the population. Through the influence of commanders and local strongmen, who by force have placed themselves beyond the reach of state or local level sanctions, local institutional structures have become enormously vulnerable.³ Given the post-

¹ Barnett Rubin, Asta Olsen, Grethemeyer, Shahrani, Schetter, Newell (in Ali Baruanzai,: The prospects of State-building in Afgh.), Olivier Roy (Islam and Politics in Afghnaistan)

² Glatzer, Bernt: Anatomy and Different Fault Lines of the Afghan Conflict. Paper presented at the symposium “State Reconstruction and International Engagement in Afghanistan”. At the Center for Development Research (ZEF Bonn) and the London School of Economic and Political Science (LSE) (2003). P. 2 (of 4).

³ Goodhand, Jonathan/Fielden, Matthew: Peace-Making in the New World Disorder: A Study of the Afghan Conflict and Attempts to Resolve it. (Peace Building and Complex Political Emergencies/Working Paper Series). Manchester, 2001. P.9.

conflict situation the 'donor's caravan' moved to Afghanistan to implement democratic structures in a utopian time scale, with a huge pressure to spend project money.

Due to the fact that the current central Afghan government is firstly dependent on donor's goodwill, and secondly rather bears the position of a puppet than representing proper state functions, my hypothesis is that the efforts made by the government to install good governance structures on local level is only an imposed approach of donor communities, whilst the central government tries to adopt this approach to mobilize donor's money further.

The international community concentrated several administrative reconstruction programs on the level of the central government. This concept is based on the complete lack of a functioning government during more than two decades of war in Afghanistan. Furthermore, this concept is also following the logic of the constitutional approach, which approaches a unitary central Afghan state. However, given the fact that 85% of Afghanistan consists of rural areas, with only few hardly functioning administrative structures on provincial, district and local level, this concept perverts to a certain degree the de facto situation, which rather requires better models of district and local government than strengthening central government institutions.

Moreover, the constantly instable political situation hinders the formation of state-penetration to the peripheries. Even though the center is responsible for the appointment of major staff on provincial and district level, different modes of bad governance assign to a high degree the provincial, district and local situation. The fact that these three levels are closely entangled with each other also facilitates the policy setting of this governance system, which is lead by regional power-holders and local commanders, mainly from the Jehadi era.

Despite the very high degree of de jure centralization which is anchored within the constitution, the reality shows the weakness of the central power over the regional and local power-holders, who control substantial revenues and military power. Additionally

these power brokers have captured the government administration in the localities that they control. Therefore the logic of resource allocation in most provinces including their districts is often based on and takes place in between networks of regional and local power-holders. The corroborative impact of the loyalties between local power-holders and key figures on central government level hinders any efforts of a regular state-building approach.

2. Parameters of foreign-led state-building

Whilst the overall framework of this thesis is the state-building process in Afghanistan, I will concentrate my analysis on the reciprocation between the impact of state/donor's state-building efforts on the local community and the influence of local governance structures on the approached state-building attempts. This point of view necessitates a mixture of bottom-up and top-down analysis. To assess this reciprocal interaction between state and society the current Afghan state must be categorized within the meanwhile wide scale between "failed" and "weak" states.

The paradoxically notion 'lame Leviathan' of Khadiagala⁴, which describes the state as weak and strong concurrently, fits to a certain extend on the Afghan state: Whilst powerful enough to provide selective statehood, it is completely dependent on external powers in order to provide core public goods like security, health care or education.

Regarding the various concepts of weak states or failed states, that were designed and invented by various scholars, Afghanistan's current state of political situation can be ranged at first glance as a 'cunning' state⁵. However, due to the fragmented structure and the center-periphery distinction I would add to the 'cunning' character the notion of a

⁴ Khadiagala, G. M.: State collapse and reconstruction in Uganda'. In: Zartmann, William (ed.): Collapsed states: The Disintegration and Restoration of Legitimate Authority. London, 1995 : 33-48.

⁵ Krastev, Ivan: The Balkans. Democracy without Choices. Journal of Democracy 13, no. 13 (2002).

compromise state, a compromise between commanding regional networks and a powerful central elite.

This approach is based on Afghanistan's post-conflict situation, which is drawn by the efforts of the central state elite trying to obtain donor's money in order to maintain their own position.

Whilst the central elite is starting to behave like a 'cunning' state, the local leaders behave more like a "network" state. As the central power-brokers are dependent on local and regional potentates to maintain their high ranking state positions, the collaboration mechanism takes place in a mixture between co-optation (regional and local power-holders are co-opted by the government into state posts to operate unattended on their criminal machinations) and 'looking away'-tactics. An illustrative example for the latter (but also to certain extent for the first) mechanism is the drug economy: The state on the regional and local scale almost solely functions as a 'rubber-stamp' to get their fair share of the spoil.

Finally, the capturing of state-posts as means to get access to material and immaterial resources is another prominent feature of the current Afghan state. At this, either members of criminal networks collaborate with i.e. provincial governors⁶, who position their network partners (based on kinship, common Jehadi background, *qaum* affiliation or only common profit interests) within state-posts to camouflage their criminal machinations by means of the "state-uniform", or ex-Jehadis legitimize their claim on state-posts by referring on their high i.e. *commandan* positions during the "holy war" or their enormous power influence ("rule of the gun") on the particular district or province.

Whilst the central state institutions are heavily dependent on donor's money on one side and on the regional and local power-holders on the other side to retain their power position, a proper exit from this vicious circle seems to be more than not given. However, scholars try using different academic tools to find proper solutions for this situation. One

⁶ Here I refer on the province governor of Badakhshan province. Empiric data suggests that a close interwoven network of state and non-state actors based on drug-trafficking is existent in Badakhshan province, whilst the Province governor is one of the main actors within this nexus.

core concept is the state-building concept, which generally emphasizes a strong central state in a Weberian sense. My thesis argues that the Weberian state concept regarding a large number of countries in crisis is outdated, which therefore emphasizes an imperative need of new state concepts and therefore new tools to enable sustainable state-building in post-conflict countries like Afghanistan. Normative regulations of how states should be (see Weber) and how most of the troubled states de facto are shows an urgent need for a rethinking of this concept. The idea that the monopoly over violence and legitimacy must be outputs, which are provided by only the state, perverts the de facto situation of most parts of contemporary Afghanistan. Whilst the monopoly over violence is in the hands of Coalition Forces and armed criminal networks, which also captured state-posts and therefore the security sectors, legitimacy remains in the hands of INGO's and drug-traffickers like Abdul Manon in Shughnan district (provision of flour to the starving population). Following the approach of Krastev⁷ the weakness of the Afghan state derives among other indicators from the interests of particular elites, who use their position to profit by the weakness of the state.

The Afghan central state is therefore neither comprehensively weak nor 'indifferent' to peripheral communities. Particular 'interest groups' within the state are strong and demonstrate a remarkable effectiveness in ruling by 'remote-control'. Moreover, selective weakness is complemented with demonstrable strength. However, given the fragmented nature of the central state, this would tend to question the de facto existence of a 'monolithic' state, which can be described as 'cunning', or demonstrating intentionality. Afghanistan's state would be more accurately described as a mechanism in which interest groups respectively pursue their own economic and political agendas.

To underpin this approach the following paragraph shall present briefly the shortcomings of the current foreign-led state-building process in Afghanistan.

If measures of state-building imply (1) the monopoly over violence, (2) convincing or pressuring elites to adapt new governance policies and (3) the direct implementation of state-service providing institutions on the local, regional and (rarely) the central level

⁷ Krastev, Ivan: The Balkans. Democracy without Choices. Journal of Democracy 13, no. 13 (2002).

Afghanistan seems to be far away from finishing the state-building process. Bearing in mind the most widely-acknowledged definition, Max Weber's classic formulation of an entity capable of sustaining the claim to the legitimate monopoly of control of the means of violence within a given territory,⁸ the first parameter has been determined to be missing in the context of the Afghan state, where a widespread delegitimation of state authority and the absence of "law and order" frame the modes of governance. Apart from the fact that the intensity of violence is on an increasing level⁹, the state is far away from the status to maintain a monopoly over violence (the case study about the security situation in Wakhan illustrates this fact).

Currently an amount of around 30,000 coalition troops secure Afghanistan, whilst the place of action is limited to Kabul and a few southern provinces. Furthermore, "the US gave substantial amounts of cash to a number of warlords in order to gain their support. It is suggested that the US paid Padshah Khan, a Pashtun ex-Jehadi in Paktia, an estimated \$400,000 to train his private militias to patrol the areas bordering Pakistan and to pursue Taliban and al-Qaida operatives."¹⁰ This paradigmatic co-optation perverts the approach of the first and most crucial state-building factor: Whilst the legitimacy of the government is extremely contested external actors legitimize counter-governmental powers to ensure a certain degree of security in order to virtually protect themselves during their al-Qaida operations by legitimizing war-entrepreneurs.

⁸ "Staat ist diejenige menschliche Gemeinschaft, welche innerhalb eines bestimmten Gebietes – dies: das „Gebiet“, gehört zum Merkmal – das Monopol legitimer physischer Gewaltansprüche für sich (mit Erfolg) beansprucht.“ Additionally, it must be mentioned that Weber does not reduce the notion of the state only to the monopoly over violence: It is the specific, but not the normally and solely means of the state. Weber, Max: *Wirtschaft und Gesellschaft. Grundriss der verstehenden Soziologie.* (New edition) Neu Isenburg, 2004: 1047

⁹ FAST Up-Dates (Swiss peace)

¹⁰ Emadi, Hafizullah: Nation-Building in Afghanistan. In: *Contemporary Review*, vol. 283, Sept. 2003, no. 1652 : 150.

Monopoly over the use of force

Case study about the security situation in Wakhan:

State's weakness regarding the monopoly over forces illustrates i.e. the network of armed ex-Jehadi criminals in Wakhan, which captured the security sector. There is no de facto influence neither of the central government nor the International security forces visible. While the commander from Ishkashim has legal power over Ishkashim and Wkahan, he also appoints the minor security staff, like the border guards. Furthermore, the chief of police, the security commander and the chief of border security are interwoven in the nexus of criminals dominating Wakhan district. Whilst the Wahki population is almost not armed, with exception of the former commander Hakim Bek and likely the Shah of Panjah, it astonished to observe that there is no security given at all within the remote villages of the district. The only proper police-station in Wkahan was the station based in the capital of the district (Khandood). From a western perspective this scenario was surprising; however, from a rural Afghan context this given situation was reducible to the mechanisms of "social control". This traditional system does not compulsively require security institutions like a police station with armed policemen as a means to punish deviation or to encourage conformity. But the traditional system only functions if there are no armed threats from outside of this community circle. In Wakhan the armed criminal ex-Jehadi nexus is illustrative for this threat from outside.

The second indicator for successful state-building is only in existent a perverted manner in Afghanistan. The dilemma within this crucial point is the fact that most of high ranking government members are tightly interwoven in networks with criminal entrepreneurs on the regional and local scale. Far from "pressuring on elites" one finds the arbitrariness of elites in state-posts regarding bribes, exploitation and humiliation of powerless peasants. By co-opting ex-Jehadis into state posts the government tried to ensure a certain level of conflict mitigation. But the existent networks of unemployed ex-Jehadis needed to be entertained: Research determined in six districts of two different provinces widespread networking of ex-Jehadis for means to allocate immaterial and material resources.

Regarding institutions providing state-services on local and regional level Afghanistan lacks first of all state-services (provision of public goods like health care, education or security are under the complete command of INGO's/IO's), whilst institutions on local scale are de facto non-existent and hardly visible on district or regional level. The increasing number of institutions on the central state level is extraordinary compared to the 85% rural areas of Afghanistan. The general approach of state-building advances strong centralized forms of government. Consequently, a disproportionate amount of resources are spent in Afghanistan on strengthening central state institutions, at the

expense of provincial, district and local level structures.¹¹ This has significant implications for weakening center-periphery relations and to enable local forms of authority to retain their legitimacy, while suspicion and hostility towards central state institutions, due to the decades old absence of the state and prior Pashtun-nationalist policy, still remain. Consequently, the set target of provision of institutionalized state-services seems to be far away.

3.1. Legitimacy of the Afghan state

3.1.1. The pitfall of selective and outsourced statehood

Whilst general concepts of state-building concentrate on a state-centered approach (i.e. central indicators of statehood must be provided by the state), I follow the approach of Christoph Zürcher, who emphasizes the involvement of multitude actors in the provision of statehood, whereas the state is just one of them.¹² This fact bears a problematic issue within the legitimacy of the state. With reference to Afghanistan we face the proof of this theoretical concept:

Initially research determined different parameters of actors using various strategies to get access to resources. The result of this range of indicators interwoven in different networks questions the efforts of state-building in Afghanistan, which are obviously based on the provision of selective statehood. A specific state elite circle of the Afghan central government provides selective statehood to specific regional or local potentates, in order to ensure their own position. Therefore an indirect investment in informal networks of patronage, which yet led to an institutionalized form, evolved to the dominant mode of local governance in the already researched provinces. Consequently,

¹¹ Middlebrook, Peter: Building Legitimate Statehood in Afghanistan. Sustainable Achievements or 'Shadows on the Wall'? Paper presented on the Blankensee-Colloquium, July 2004. P. 6

¹² Zürcher, Christoph: When Governance meets Troubled States. Memo for the conference on 'International Governance and State-Building, Oct 2005: 7

by providing selective statehood, networks of patronage and high degrees of informality remain strong.¹³

A prominent example for outsourced statehood is the NSP (National Solidarity Program), where statehood is outsourced to different INGO's and NGOs. This mechanism tends to pervert the state-building approach. The already researched district Wakhan (province of Badakhshan) serves as an illustrative example for these mechanisms, which minimize the legitimacy of the state, whilst maximizing the acceptance of INGO's or local strongmen (i.e. Shugnan) in the perception of the local population. This problematic situation is also based on the fact that only 23 % of outside assistance today is being channeled through the government in Kabul.¹⁴ Therefore "a major weakness of the current state-building/reconstruction process is its lack of emphasis on Afghan ownership."¹⁵ Anyway, whilst the state lacks of capacity (staff, know-how, financial) there is no real alternative given to outsourced statehood.

However, if Afghanistan would now become the led nation in this respect, a complete new strategy must be designed: Whilst the currently elected parliament consists mostly of ultra-fundamentalists, ex-Jehadi and Taliban commanders of magnitude and a marginal number of reformers and democrats, the Karzai cabinet consists prevailingly of Afghan expatriates, mostly with university degrees from USA or western European countries. The approaches of these both important chambers diverge in any sense. As the constitutional law suggests that the parliament has the right to overlook and mostly also ratify most activities of the central government¹⁶, a huge problematic issue rises. The central government, like described above, acts in a 'cunning' way to get donor's money by showing the will of implementing democratic structures in an intentionally manner.

¹³ Ibid.

¹⁴ Policy brief, no. 5, Harvard University, Program on Intrastate Conflict and Conflict resolution, January 5, 2006.

¹⁵ Zakhilwar, Omar: State-Building in Afghaistan: A Civil Society Approach. In: Economic Reform, Center for International Private Enterprise, Feature Service. April, 2005: 1-4. Astri Suhrke follows also the approach of an Afghan ownership. See: Astri Suhrke: The Limits of Statebuilding: The Role of International Assistance in Afghanistan. Paper presented at the International Studies Association annual meeting San Diego 21-24 March 2006. The Chr. Michelsen Institute

¹⁶ Furthermore, according to article 64 of the constitution, parliament has the right to confirm the cabinet. See: <http://www.af.const.html>

However, these democratic concepts diverge to a large extent to the state structures based on *Shariat* law, which the parliament wants to encompass.

Given this situation, the current dilemma of the Afghan government derives among other important factors from the uncooperative parliament and therefore the likely loss of donor's money, if the democratic targets are not fulfilled. As historically and currently the legitimacy of the Afghan state was always and seemingly still is a compromise between the central state and the local and regional strongmen/religious *Ulemas*¹⁷, one crucial strategically failure of the Karzai government inheres the implementation of western imposed modernization and democratization concepts, which focused to a larger degree on issues like gender equality and democratic transformation than on infrastructural reconstruction. The described scenario inheres also the perception of the Afghan population, which virtually is not very enthusiastic i.e. in empowering their women and sending them to parliamentary/council meetings, therefore "popular acceptability is essential for the sustained exercise of political power which would otherwise be exclusively dependent upon the use of coercion"¹⁸ and would consequently lead to intensified conflicts.

Given this context I hypothesize that a more effective state-building approach for the Afghan state should be mainly focus on infrastructural reconstruction and not on western-imposed democracy concepts.

3.1.2. Afghanistan as a rentier state

The concept of Afghanistan as a rentier state is among other scholars¹⁹ derivable from the analytic approach of Barnett Rubin. He emphasizes the rentier conditions and different

¹⁷ Olesen, Asta: *Islam and Politics in Afghanistan*. Richmond, 1995.

¹⁸ *Ibid.* : 8.

¹⁹ Giustozzi, Antonio: *War, Politics and Society in Afghanistan 1978-1992*. Washington, DC. 2002; Sharani, Nazif M.: *State Building and Social Fragmentation in Afghanistan: A Historical Perspective* / Newell, Richard S.: *The Prospects for State Building in Afghanistan*. Both articles in: Banuazizi, Ali and Weiner, Myron: *The State, religion, and Ethnic Politics. Afghanistan, Iran , and Pakistan. (Contemporary issues in the Middle East)*, 1986; Rasanayagam, Angelo: *Afghanistan. A Modern History: Monarchy, Despotism or Democracy? The Problems of Governance in the Muslim Tradition*. NewYork, 2003.

historical causes for such a state mentality²⁰. The rentier state concept is based on the circumstance that the state depends on external aid rather than on the production of goods and services by its citizens. Whilst only 12 % of the land area of Afghanistan is arable compounded by a lack of water for irrigation²¹, Afghanistan has traditionally lacked a viable economic basis for statehood. Therefore the Afghan state has been formed with the help of economic resources obtained from external military and economic aid, as provided by Britain during the “great game” period and by the Soviet Union and USA in the pre-war period. Whilst a transformation of the peasants into tax paying citizens was almost impossible due to the poor economic situation of the peasants and the complete alienation of the central state within the peripheries, the state remained a rentier state and was heavily dependent on foreign aid. The crucial fact is that whenever this foreign economic and military support has withdrawn, the Afghan state collapsed.²²

The contemporary Afghan state is much more dependent upon foreign aid than Daoud’s or Amanullah Khan’s modernizing regime, as well as the first phase of the PDPA regime.²³ This extreme financial dependence on foreign aid creates a measure of political weakness: “As the government moves into the role of an agent, rather than owner-patron its credibility to honor long-term political contracts with potential rivals, contesters and supporters is questioned. Instead, spot contracts – ad hoc alignments subject to sudden shift - dominate.”²⁴ Given this context the development of stable rules and predictable relationships of the kind that is the essence of institution building and integral to the modernizing agenda can not take place.

Regarding this old-established rentier state mentality, a complete lack of own economic resources (in terms of export goods and relevancy for the world economy, like i.e. oil, gas, human capacity), a major deficit of a proper national identity due to the prior

²⁰ Rubin, Barnett: *The Fragmentation of Afghanistan*. Michigan, 1995.

²¹ See <http://www.afgha.com>

²² Rasanayagam, Angelo: *Afghanistan. A Modern History: Monarchy, Despotism or Democracy? The Problems of Governance in the Muslim Tradition*. New York, 2003.

²³ Suhrke, Astri: *The Limits of Statebuilding: The Role of International Assistance in Afghanistan*. Paper presented at the International Studies Association annual meeting San Diego 21-24 March 2006. The Chr. Michelsen Institute

²⁴ *Ibid.* : 19.

Pashtunalist policy and the intensification of fragmentation according to different lines (e.g. political, ethnical, religious) evolved during the war, questions even the possibility of an evolution of a proper legitimacy of the Afghan state within its own society.

3.1.3. Fragmented structure of Afghanistan

Apart from these missing indicators, which lead to the contested legitimacy of the Afghan state, also the fragmentation of Afghanistan after more than two decades of war left a crisis of legitimacy steaming from a complete collapse of state-structures. The reduction is not only deducible on the level of fragmentation regarding ethnic, religious and regional level, empiric data showed a radical politico-economic difference not only within two contextual similar districts, but even within two different villages.

Due to the fact that my research mainly concentrates on the reciprocity between state-building and local governance, the fragmented local structure of Afghan society seems to represent a challenge to the state-building task by far more than comparable post-conflict societies.

Empiric data from my initial field research suggests that local responses to state authority can range from reluctant acceptance (like in most of the Ismaili communities, where a major emphasize were laid by the communities on a strong and reliable state) through elaborate avoidance mechanisms (like in most parts of the two researched provinces, where the bribes of the state authorities broke the backbone of the communities, and therefore the avoidance ruled the state-society interaction) to outright violent resistance (like historically and currently in the south-eastern provinces of Afghanistan, with a majority of Pashtun tribes). Such resistance can present a severe challenge to a state whose coercive powers are limited by the difficulties of extracting resources from a fragmented society and a mostly subsistence-oriented economy.

Given this state reality I hypothesize that the fragmented nature of the Afghan society also assigns to high degree different modes of local governance and therefore different

modes of state-society interaction/perception and accordingly requires a more diversifying and locally more appropriate state-building concept. Large parts of the researched Ismaili and Hazara communities seem to be more enthusiastic regarding a strong and reliable state, which promotes the rule of law and equality. Contrary to this approach most of the Tajik Sunni communities, with a more fundamentalist and ultra-conservative state concept (mostly based on *Shariat* law), wanted a more marginalized state appearance within their community life, whilst the forthcoming research in the Pashtun Paktia province can be ranged under the notion of a “state-resistant” society. Given this diversity we can deduce that the ethnic background to certain extent plays an important role regarding the modes shaping local governance structures and as a result determining the state-society relationship.

3.1.4. Local Realities

Closely linked to the fissured geopolitical and topographic setting of Afghanistan is the intensely segmented nature of Afghan society. Due to the harsh and unyielding landscape, which enforced demographic fragmentation, local particularism is a prominent feature of the Afghan society. Local communities, which mostly based on kinship, ethnicity, common migration or land settlement policies, are shaped by agrarian enclaves, localized loyalties, and highly regionalized policies. Whilst ‘tribalism’ and ethnic boundaries are often emphasized within the Afghan social structure, intrinsically coherence is based on a patriarchal, patrilinear organization of households.

3.1.2.1. Institutional Setting

Actor’s constellation, material and immaterial resource allocation, networks or mechanisms for non-violent conflict solving and decision-making on local level are crucial independent variables of my study. To analyze these indicators, which are central

for the general state-building process, I contextualize these indicators to the theoretical approach of institutions.

As the general framework of my study concentrates on local governance, different types of institutions on local level are crucial for my study. Consequently, there is a need to define my perception of the institutional framework regarding the Afghan local context. To a wide extent I follow the approach of Douglass North, who defines institutions as “the rule of the game” and “the framework within which human interaction takes place.”²⁵ Institutions are therefore mechanisms in society that guide actors by setting the rules for interaction, exchange and relationships between individuals and groups.

North subdivides the notion of institutions in two categories, the formal and the informal institutions. Whilst formal or official institutions are usually constituted by a set of written rules and protected by the state, informal institutions can be constituted by tradition, habit, custom and kinship or a common set of interests. Examples for the latter would be patron-client relationships or networks, which require no written rules and can only be based on the common profit.

Since the spectrum of informal institutions needs a more specific terminological differentiation within the Afghan context I term the traditional *Shuras* with the notion of “traditional” institutions and the criminal networks and patron-client relationships as “shadow” institutions, while the counterpart of these two institutional forms is the state-run/formal one termed as “official” institutions. In the context of Afghanistan a clear division between the traditional institution of a Shura and an “official” local institution with the same purpose is quite difficult.

Regarding the century’s long lack of proper state institutions on local level the traditional *Shuras* obtained a crucial role in decision-making. Whilst there is no counterpart of the traditional Shura existent on local level, which could be termed as a formal or “official”

²⁵ North, Douglass: *Institutions, Institutional Change and Economic Performance*. Cambridge, 1990 : 4.

institution we face a theoretical terminology difficulty. Therefore I decide to remain with the term “traditional” Shura.

Apart from these institutional forms North differentiates furthermore between organizations and institutions. Though organizations, like institutions, provide a structure to human interaction, conceptually the core element which differentiates both bodies from each other is metaphorically the rules from the players.²⁶ “Both what organizations come into existence and how they evolve is fundamentally influenced by institutional framework.”²⁷ In the context of my study local community organizations play only a minor role: The Afghan local communities are currently on the stage of an institutional framework, with rare evolved organizations and the only relevant operating organizations within this context are i.e. non-governmental organizations (NGO’s).

A core focus of my general local governance study is the traditional mechanism of non-violent conflict-solving and decision-making institutions. The logic behind this focus foremost is based on the fact that these traditional institutions function as equivalents of proper state-mechanisms on local level. As I mentioned above, the lack of local government structures compelled the communities to evolve own mechanisms, without state impact. The interesting point regarding this context is the fact that the Afghan state tries now to penetrate the local communities by establishing quasi-legitimized²⁸ Community Development Councils (CDC’s), which could be seen as the quasi-legitimized counterparts of the traditional Shura.

Empiric evidence suggests that traditional institutions on local level seemingly loose their former status as reliable conflict-solving and decision-making institutions: Research determined an increasing level of community level conflict based on allocation of material and immaterial resources, whilst the traditional Shuras have virtually no sanction mechanisms. Consequently, economically well situated community members consult

²⁶ Ibid., pp. 4.

²⁷ Ibid., pp. 5.

²⁸ I use the notion of ‘quasi-legitimized’ due to the fact that these newly established institutions are not constitutionally anchored.

directly bribable district governors to get their right in conflict cases, whilst poorer members are dependent on the goodwill of the Shuras. Furthermore, the decades of war also produced new potentates on local level like Jehadi *commandans*, who try to impose their own exploitative governance structures on local communities and perceive the traditional Shura as means of an immaterial resource to influence the community. According to my analytically dependent variable which emphasizes the degree and quality of governance performance achieved by the state on the local level the transformation process and the governmental efforts to penetrate the local communities by different tools forms the core element of my study. My study aims therefore to find out in how far an inclusive transformation process of these old-established traditional institutions are necessary and therefore can be constitute as means to enable substantial state-building from a grassroots level.

Empiric data suggests an increasing need for new forms of (state) institutions on local level. To avoid conflicts these new institutions must emphasize rather a transformative process than a complete replacement of the old structures. Regarding the fact that state institutions hardly ever were established on local level and therefore traditional, non-state informal institutions obtained an operative role in managing, controlling and regulating social interaction on local scale, the question raises what kind of transformative process is fruitful and feasible.

4. Tools to enable state-building: The National Solidarity Program (NSP)

Since my thesis tries to determine which tools are necessary or even lead to sustainable state-building, in the context of Afghanistan the National Solidarity Program (NSP) seem to serve as an interesting investigation object. The following paragraph shall therefore first of all give an overview of the functionality of this particular program. The next step shall assess by means of the initial research of last year which indicators of the program lead to which local scenarios.

The Afghan government tries to achieve the target of state-building based on functioning local governance by behalf of the international donors. This ambitious task implies in particular the possibility of the state to vest back a certain degree of legitimacy.

The main programs to reach this target are the ASP (Afghanistan Stabilization Program) and the NPP (National Priority Program)²⁹. These programs include a number of further sub-programs, which among i.e. infrastructural or demilitarization tasks are trying to enable on provincial, district and local level a progress in establishing a stable state in order to initiate sustainable development. Regarding the political state-penetration and local governance approach of the government the DDR (Disarmament, Demobilization, and Reintegration)³⁰, the NSP (National Solidarity Program) and the PRR³¹ (Priority Reform and Restructuring, which is a decree of the government, passed on July 2003) are important programs to reach this aim.

The National Solidarity Programme was one of the original twelve National Priority Programmes (NPP) of the government and was first announced in President Karzai's address to donors at the Tokyo conference in January 2002.³² The programme was designed in 2002 and implementation started in mid-2003. To date, the programme is working in all provinces of the country and 101 districts have been covered. Twenty one facilitating partners (FP's) have been contracted through a process of competitive bidding to facilitate the process and an oversight consultant to oversee the programme by MRRD. The main source of funding has been IDA contributions, but more recently funding has

²⁹ See for detailed information on the different programs the government's homepage: <http://www.af>

³⁰ The successor program to DDR is DIAG (Disarmament of Armed Illegal Groups), started on July 2005, financed by the Japanese government, run by the interior and defense ministries and the national security agency, and overseen by the UN.

³¹ "The PRR process allows ministries and agencies or functions within them to place key staff on an elevated pay scale for a fixed term, and provides funds to obtain technical assistance for restructuring and re-engineering." (World Bank Report: Afghanistan: State-Building, Sustaining Growth, and reducing Poverty. A Country Economic Report. Sept. 2004, S.36) Furthermore, the decree enables in a de jure manner the replacement of local potentates within administrative posts. But this situation is de facto not yet existent. The fear of loss of the loyalty of armed power-brokers is still high. Regarding the

³² See for further information: <http://www.af/NPP>

been received from Denmark, DfID, Canada, EC and USAID. A total of \$11.5 m has been disbursed through direct block grants to communities.³³

There are numerous rumors as to who actually initiated the NSP program. Some say it was the World Bank, others say the Finance Minister, others have heard that it was the Minister of Rural Reconstruction and Development, and a community in Panjshir³¹ claims the government got the idea after meeting with them.³⁴ Regardless of NSP's origins, the initial project design was based on a World Bank community development project in Indonesia³⁵.

4.1. The general approach of NSP

The general approach of NSP is based on a study of the World Bank, which mainly emphasizes that “local development is primarily the responsibility of local actors” and depends on “agency action on the local level rooted in commitment by local actors to assume responsibility for improving their own well-being.”³⁶

“The National Solidarity Program (NSP) was created by the Government of Afghanistan to develop the ability of Afghan communities to identify, plan, manage and monitor their own development projects. NSP promotes a new development paradigm whereby communities are empowered to make decisions and manage resources during all stages of the project cycle. The program will lay the foundation for a sustainable form of *inclusive local governance, rural reconstruction, and poverty alleviation*.”³⁷ Furthermore, one can find on the government's homepage the subtext of the NSP: “Through building solidarity

³³ See National Solidarity Program (NSP): Operational Manual. Kabul, Afghanistan (15 January 2006).

³⁴ Interview with Oversight Consultant (OC) Andreas Schild. Kabul, 17. July 2005.

³⁵ The Indonesian project name is Ketamandu project and also approaches community empowerment through community development Councils (CDC's).

³⁶ Though this approach is not directly linked to the NSP, the World Bank approach of local governance is reducible on this concept. See: Local Development Discussion Paper, 2004, prepared for The International Conference on Local Development, June 16-18, 2004. Washington, DC: Human Development, Social Development and Public Sector Management Networks, World Bank : 10.

³⁷ See National Solidarity Program (NSP): Operational Manual. Kabul, Afghanistan (15 January 2006).

at the community level and establishing legitimate institutions communities are increasingly able to resolve long standing disputes and consult on differences without resorting to violence.”³⁸

The efforts of the government to initiate the participation of the local communities are based on the constitution. In chapter VIII of the Afghan constitution, where the relationship between government and community level is described there seems to be a de jure effort to include the local communities into the state-building process: ”The government, while preserving the principle of centralism, shall - in accordance with the law - 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.”³⁹

4.2. The strategy to obtain the set of targets

Several programs have been formulated, by the Afghan Central State and international donor community, to undermine practices, like opium trafficking or capture of state-posts as means to influence resource allocation, of state and non-state criminal entrepreneurs and to empower the local community. Programs of this sort, aim to achieve state penetration into peripheries through the installation of local governance structures to enable “social-engineering”.

Moreover, such programs are premised on the notion that if the state is to be effective there is an urgent need for more intimate, and concrete, interaction with rural communities. This interaction can be enabled through the establishment of an “institutional environment”, with normative regulatory mechanisms based on the good governance approach. While this approach is a “demand-driven” concept, the institutional growth depends to a large extent on meditative and consensus building structures among

³⁸National Priority Programmes of the Government of Afghanistan: National Solidarity Programme Strategy. In: <http://www.af/resources/npp/Drafts%20for%20Web/NSP/NSP%20Strategy.doc>

³⁹ Article 137 of Afghan Constitution [Decentralization]. In: <http://www.af>

interest groups, government administration and regional/local political stakeholders. Institutions are “the rules of the game”⁴⁰ and could be therefore seen as re-connecting point between individuals and the government; therefore these institutions must be modified by responding to the needs of the people. In Afghanistan, the importance of institutional issues is increasingly recognized at the level of centralised policy making, while the implementation at local-level, in practice, has lagged behind.

Traditional local institutions like Shuras are in a normative sense traditional informal village-level bodies with the competence of decision-making. Such institutional bodies usually include religious authorities, influential elders (Rishsafed) and local power-holders. Given the lack of state-institutions, they administer, to a certain degree, basic government functions. Though every head of household can attend the Shura a prevailing hierarchical system allows only small local power elite to make final decisions. Therefore the voices in the Shura are far from equal, which is also reflected in the access to power and resources on local level.

Given this context, it is a substantial challenge to transform this traditional conflict-solving and decision-making institution into a robust democratic institution, which enables a fair allocation of material and immaterial resources. The National Solidarity Program (NSP) pursues this target. This ambitious project tries to initiate and institutionalize democracy, which has in other parts of the world taken hundreds of years to evolve. A crucial instrument for institutionalizing democracy is the establishment of functioning Community Development Councils (CDC’s). CDC’s are supported by the Afghan MRRD (Ministry of Reconstruction and Rural Development), financed by the World Bank (and further donors), and are institutionalized through out-sourcing to an assortment of International Non Governmental Organizations (INGOs). The government tries to reach remote villages and communities through the implementation of projects (water-wells, schools, electricity, etc.). These projects are determined by CDC’s, which in the first stage are elected through secret ballots by the whole local community. These elections are aimed at encouraging “learning-democracy-by doing”.

⁴⁰ North, Douglas (1990).

4.3. Impact of different indicators and sectors on local scale

If the state and the international community want to ensure local governance, to secure the fair allocation of immaterial and material resources on local level, then representative structures play a crucial role within the CDC's. Concerning the operational manual of the NSP, which propagates representative structures in the CDC's there seems to be a major divergence between reality and the de jure approach of NSP: The election results within the researched districts suggest that there is a lack of representation of poor wealth groups inside the CDC's.

This phenomena result from the use of a 'cluster' voting system, which was confusing for some of the voters within the villages. The cluster system is based on the hierarchical kinship structures of each village, where 5-12 different *Khoonkhalqs*⁴¹ live. Data emerging from interviews with individuals from poor wealth groups indicate that they felt compelled to elect a wealthy representative from their cluster. Poorer individuals felt that a wealthy representative was the only person with the resources to entertain visitors, and provide hospitality.

A central idiom of interaction between social actors, in Afghanistan, is conducted through the vehicle of generosity and hospitality. Therefore a basic prerequisite for a leadership position, is sufficient means to provide regular hospitality, in a manner which maintains community honour. Representatives therefore tend to come from richer wealth groups. Another major divergence between the indicators of representative structures in the operational manual of the NSP and the de facto situation within the villages is the legitimacy and participation of women in the CDC's: Due to the cultural approach, a general lack of capacity and relevant experience in decision-making rural Afghan women are not attending the CDC's. Moreover, when they do seldom participate in CDC meetings, it is not permitted for women to voice their opinions, or participate in an active

⁴¹ The Khoonkhalq is usually made up of three or more joint patrilineal extended families.

fashion. Just a few cases were found during the research, where women played an active role in the CDC's.

Additional to the lacking representative structures around 60% of the interviewees were not aware of the fact that the implemented projects in their village are sponsored by the Afghan government. Most of the citizens thought that these projects were initiated and sponsored only by the implementing partner AKDN (Aga Khan Development Network). However, governmental MRRD staff wants to ensure, in every village, that the citizens definitively know who funded the projects. These efforts are indeed important, given that the people within the researched villages are extremely disappointed by all former governments. State-installations from former reigns were only in a few cases visible.

Furthermore, implemented NSP-projects are often not the ones that communities prioritized. Most interviewees emphasized that their first development priority was electricity. However, in no cases was the NSP block-grant sufficient to finance a micro-hydel scheme to provide electricity to the community. Given that the community had insufficient funds, they were obliged to accept their second or third choices. The fact that communities get their second or third development project implemented reduces the credibility and therefore the legitimacy of the state. Consequently, the failure of providing the people with 'what they want' leads to the situation, that traditional power-holders can use this failure to promote their own personalized power by accusing the government or AKDN of being hopeless and corrupt organizations, without an interest to improve the local situation. This practice strengthens the position of local strongmen and therefore perverts the aim of state penetration.

Concerning this circumstance it seems questionable in how far the ambitious aim of installing local governance structures within remote districts of Afghanistan like i.e. Wakhan district where state interaction only takes place in an exploitative patron-client fashion, is reached. Moreover, the legitimacy of the state is still contested, if the mechanisms of allocation of immaterial resources are based on short-term development policies, like the cluster voting system. And given the situation that poor wealth group

members tend to vote for richer representatives of their cluster, a revision of the local governance concept, which promotes a western-centred approach, must take place.

CDC's

Given that access to decision-making bodies is a resource to influence material resource allocation (i.e. block-grant money of CDC projects) and therefore one of the main immaterial resources in the researched districts, the role of the CDC's appear to have had only a very superficial impact in catalyzing transformations in power structures within each village.

Although, for instance, educated peasants with no previous power of note, are in several cases elected into the CDC's and the former monopoly of the *Arbab* (former head of village) is now under the CDC umbrella the old power-elite is still not dislodged from their position of power. In several villages of Baghlan province it was reported that the inhabitants felt forced to elect an armed local commander.

In most of the interviewed CDC's (38 in total) former religious leaders, *Arbabs* or local strongmen are either members of the CDC's or have a relatively important influence within this newly established institution. In terms of conflict-solving or decision-making the final decision is still formulated by the old village-elite. However, it is not decisively important to exclude these old powers from the transformation process. The involvement of the traditional elite in contemporary political process, in fact, reduces the extent of local conflict. The local strongmen have still the status of an important person inside the villages but are additionally however, compelled to accept the reality of the legitimate CDC institutions and their procedural validity. Whilst this does not ensure a shift in ideological persuasion, from personalized extraction, to enlightened democracy, this does encourage a wider, collective transformation to more democratic modes of governance. Therefore the CDC's has not really lead to a change in power structures; it has occasioned a slight shift in how power is used by the village elite.

CDC's represent a quasi-legitimized institutional body and provide certain aspects of statehood. Although the Afghan constitution does not explicitly articulate the role of CDC's, de facto its position allows the CDC to regulate and make decisions about almost all issues (not only the block grant money)⁴².

Therefore the question raises to what extent a quasi-democratic state, (as Afghanistan is perceived by the International Community), can endorse the concept of CDC's with such a high degree of decision-competency, but with mere inadequate de facto checks and balances by the implementing partners. While the evaluation and monitoring process of the implementing partner is focused on the project development and the election-process there is no further state or non-state institutional body who controls the decisions made by the CDC about i.e. domestic, land or water problems. An oversee instance is more than ever relevant, when decisions and representatives in the CDC's are embedded in kin structures. Considering conflict-solving and decision-making this means decisions made by the CDC's are to a certain degree biased. Due to this fact the question arises in how far decisions made by the CDC's could be seen as legitimate. If the district governor normatively shall represent the oversee instance, it seems to have created a perverted situation. The district governor is only using the "state-uniform" as a better camouflage for his corruptive proceedings and is not at all loyal to the government and exists as a parallel state-institution to the CDCs.

Due to delays and implementation problems most of the programs missed the initially targets. The targets for state-building efforts after a period of four years made by the International Community (and therefore the government) obviously have not been reached. The overambitious target of building⁴³ a modern nation state has failed. In other words, the objective of compressing a centuries-long process of state-formation into a period of a few years has not been accomplished. The outcome of such a process could rather be described by the term "instant coffee", which is not expected to be the "real

⁴² Empiric data based on a three week trip with MRRD confirms this allegation.

⁴³ Here I lay emphasis on the word "building" and not "re-building". In Afghanistan a complete different situation is given in compare with other post-conflict states like i.e. Bosnia, where a proper modern nation state was existent before the war broke out.

thing”⁴⁴. Moreover, legitimacy of the state within the society lacks, whilst INGO’s and local strongmen (in a parallel configuration) retain a high degree of legitimacy.

5. Field research plan for the 2nd field trip to Afghanistan

5.1. Research objectives

My 2nd field trip in Afghanistan will be a combination between an in-depth research in the already researched provinces and the study of a third new province, whilst the emphasis in the already researched two provinces will be put on filling lacks and gaps of the initially field research of last year (March-August 2005). Due to the fact that I will work together with a NGO, which concentrates mainly on local governance in tribal Pashtun areas of South-East Afghanistan, I will dedicate at least half of my field research on determining and assessing local governance structures in Paktia province.

The consideration behind focusing on a third province is based on the results of the first field research, which extracted a core connection between ethnic group affiliation and governance structures on local scale. Furthermore, the Paktia option enables a better understanding and in particular a better comparison between power-structures, allocation of material and immaterial resources and the potentials of institutional bodies on local scale. This follows the logic of a comparative study of three different districts within the context of a post-conflict society, which is often called a highly fragmented society. The research shall therefore shed light into the governance approach, structures and tools of the largest ethnic group of Afghanistan.

Whilst the Pashtuns of Paktia province are constituted within tribal structures, my research focus aims to find out to which extend differences in terms of local governance structures in between the main ethnic groups of Afghanistan exist. I try to determine which tribal/detribalized structures comprise which modes of governance on local level.

⁴⁴ Zürcher, Christoph: When Governance meets Troubled States. Memo prepared for the conference on International Governance and State-Building. 2005, S. 3

5.1.1. The focus on a Pashtun province

The Pashtun tribes of Afghanistan are divided in the *nang* (warriors) Pashtuns and the *qalang* (taxpayers). Pashtuns and are measured as the largest ethnic group, 38% of the whole Afghan population. The particular difference between the Pashtun ethnic group and further groups in Afghanistan is the individual 'honor codex', the *Pashtunwali*, which constitutes the modes of community life.

The *Pashtunwali* can be valued as a constitutive codex, which implies the tribal organization, hierarchies and to a certain degree an individual, informal legal conception. The Pashtuns understand *Pashtunwali* as an expression of practical and true Islam. The *Pashtunwali* of the eastern Pashtuns serves as a model and an orientation for education, as a guide line and measure of values for solving conflicts, as a marker of contrast against ethnic aliens and also as an invitation card for peaceful visitors (hospitality has first priority in *Pashtunwali*).

Furthermore, whilst organized as tribal entities many Pashtun clans/tribes have tribal militias (*Arbaki*, *Lashkar*) to execute the decisions of the egalitarian councils (*Jirga*), bound by the discipline of the militia the *Tura* of the youngsters is guided to socially accepted objectives. One sanction mechanism is the coerced expulsion from tribal land, which is the severest punishment a tribal court can award.

This approach differs to a large extent to the already researched areas: Neither the organization of Ismaili communities in Badakhshan province, nor the Tajik Sunni communities of Baghlan province inhere such an individual codex. Given this fact the question arises in how far a different mode of governance, based on the tribal codex of *Pashtunwali* is existent within the Pashtun regions of Afghanistan.

Regarding the fact that Pashtun tribal alienation towards the different regimes and governments of Afghanistan comprised an essential lack of state-society interaction, the

research raises the question, which state-building tools can enable a future perspective of establishing the state in Pashtun tribal areas. This assumption is based on a two-fold context: First of all my initial research determined specific tendencies in governance modalities within different ethnic groups. Tajik Ismailis and Hazara Shias/Ismailis within the researched areas emphasized in several interviews their interest or even claim of an integrated, functioning state-society interaction based on the rule of law and without the current corruptive proceedings of administration staff.

Due to the results of the first field research a certain reciprocal impact between ethnicity and existing governance structures within the community seems to be given on local scale: i.e. Within the researched districts Shia/Ismaili Hazaras and Ismailis seemed to be more liberal and open-minded regarding women empowerment and girl's education.

Research determined a certain law-abidingness of smaller and discriminated ethnic groups in compare to more powerful and influential ethnic groups in Afghanistan. Given the decades long discrimination of certain ethnic minorities during the pre war time and the following communist regime, which empowered minorities through a strict soviet colored nationality policy in order to underpin their power and legitimacy through the support of loyal militias, ethnic minority groups feel more attracted to governments, which have certain imposed policies from outside actors regarding particular minority policy. This context is currently given in Afghanistan: The donor community has a clear good governance vision and therefore special gender or ethnic equality concepts, which they impose on the Afghan government. Empiric evidence from my initially field research suggests that in Ismaili and Hazara regions the communities were most contented with (1) Dr. Najib, (2) Daoud Kahn followed by (3) Zahir Shah.

A conducted interview with the deputy director of TLO (Tribal Liason Office) suggests a mind shifting in the Pashtun regions of Afghanistan: "Whilst Pashtun communities were largely alienated from central governments prior 40-50 years ago, we can now see in Pashtun tribal regions that an increasing claim for more care and help by the government is noticeable. The Pashtun communities notice the sound help of the international

community towards the other ethnic groups and feel themselves forgotten and punished by the donors and the government.”⁴⁵ Due to the high amount of attacks and further security issues INGO’s only work on a small level in Pashtun regions.

5.2. Research Questions

5.2.1. Research questions regarding the field research in Paktia province

- To which extend is it possible to include tribal systems and mechanisms in the overall concept of state building in Afghanistan?
- What sort of incentives must the donor community and the Afghan government provide to the tribally organized local communities to enable a better and inclusive state-society interaction and therefore a penetration of the Afghan state to the tribal Pashtun peripheries?
- Whilst the Pashtun ethnic group inherited a particular status in Afghanistan, which was appropriated by the Pashtun-nationalism of the Afghan reigns, it seems crucial from a research perspective to find out to which extend this particular status is still existent or not. At this point an assessment of the impact of the decades of war, the following factionalism, the influence of the Taliban within the Pashtun tribal belts and the political weight of Pakistan , as an outside actor with enormous influence within the Pashtun border region of Afghanistan, must follow.
- In terms of the NSP program, Paktia province also serves as an interesting province, where the NSP program started last year. This context will enable an assessment of impact of the newly established CDC’s in a Pashtun area, where decisions are traditionally made by tribal strongmen (i.e. Khans) and to a lesser degree by religious authorities.

⁴⁵ Interview with Masood Karokheil (TLO). Kabul, 02.08.2005.

5.2.2. General Research Questions

- Pre-war local governance structures
- Concentration to a higher degree on non-CDC and non-Shura members interviews
- My first field research determined the fact that women speak more openly about conflicts within the village. The time pressure did not enabled a representative number of interviews with women about this certain issue.
- The co-optation of key political local actors by INGO's to enable their projects is an 'open secret'. The last field research did not especially focused on this important issue.
- A clear political card must be worked out regarding the channels from the very local level (of the researched areas) up to the top central governmental level.
- Visit of some of the already researched CDC's in order to assess the development of these new institutions.
- Interview with Oversee Consultant and MRRD to find out, what differences within the former approach occurred. What is the future perspective of the CDC's? What de facto impact do CDC's have on local level? Is there any new program, if the NSP ends in 2007?
- Impact of the parliamentary elections: Who wield a legitimized position? In how far did the parliamentary election change the local/district political situation? How many former commandans and further local strongmen, which were worked out in the first research, are now in the provincial parliament? How is the perception of the local community? Do they feel represented inside the provincial parliament?

