

## Villages and Gozars

### 1. Background

Strengthening the relationships between local communities and State institutions is fundamental for the development of the country. The institutions of local communities and the institutions of the State both must be strengthened and bonds of mutual respect and communication must evolve positively.

An important step in this process is the local governance institution, the village in the countryside and the gozar in the municipalities.

Recently the MRRD has approved bi-laws for village councils which empowers them to keep records about births, deaths, and marriages of people within their boundaries. The Ministry of Agriculture is experimenting with village council administration of rangeland and forest land records within the boundaries of villages. In a series of consultations with village elders, there also is substantial interest in villages keeping records about the ownership of agricultural land within their boundaries, to provide greater security of ownership than is presently the case, with over 80% of agricultural land parcels lacking a legal title deed.

In municipalities, some wakil-e-gozars are participating in community upgrading as well as performing traditional functions of certifying the identity of individuals and the mediation and resolution of disputes and a variety of other problems. Community Development Councils are becoming involved with the upgrading of their infrastructure and land tenure situations, whose planning and implementation are often done for specified Gozars.

Other public administration agencies are or will be interested in dealing with villages and gozars as democratic institutions of local governance are strengthened, such as:

- Land Tax Offices of the Ministry of Finance, and of the Municipalities, for the assessment and collection of land and property taxes;
- The Central Statistics Office, for the collection and tabulation of population and economic activity statistics;
- Ministry of Interior, for the proper identification of people and the recording of births, deaths and marriages.
- The Police and security organizations, as well as the Emergency Services Agencies which need to prioritize the needs of specific areas for their services
- Health, Sanitation, Water Distribution agencies which need to organize their services geographically and to collect fees for their services.
- Civil society organizations, such as Community Development Councils and local NGOs who organize their work on the basis of Gozars, or sub-gozar neighborhoods.

Another institution is or should be vitally interested in villages and gozars is the Judiciary. Primary Court Judges who prepare deeds and Provincial Judges who archive them in their Provincial Makhzans manage the formal system for deed preparation and archiving. This system is a vital support of transactions involving immovable properties and also a

foundation for the security of people in the ownership of their homes and businesses. A priority problem with this formal property documentation system is the existence of fraudulent deeds in the Makhzan archives. It is very difficult to trust in the court documents to determine who the true owner of a property is, if there are many fraudulent documents in the court archives.

This fraudulent deed problem can be attacked in the following ways:

A first step should be the identification of all transacted properties as to where they are, i.e., in what the gozar or village. Everyone knows where their properties are. But in preparing formal title deeds, that information should be recorded in the deeds when they are prepared by the primary court Judges, and noted in the Court Journals where summary information on each deed is recorded. In villages which are administering records about land ownership, a similar journal would be maintained.

From that information a "place index" has to be created, which is simply recording in a journal the basic information about all transactions already recorded in the Judges daily log book (journal) within a particular gozar of village as they occur. With this information, potential buyers or lenders could do a title search back in time and examine all relevant deeds involving a particular property. The basis for the claims of the present owners as being the true owners without clouds on their title could be quickly researched. Fraudulent deeds which are "inventions" without prior legal evidence of title would be identified.

All these institutional developments require the deceptively simple action of identifying the boundaries of villages and gozars.

## **2. How is a "village" defined?**

In the case of villages, there is a growing confusion about what constitutes a village. The NSP CDCs have been formed from groups of households in close proximity to each other, which in some cases can be villages, but in other cases are just hamlets too small to justify the designation as "village", and in yet other cases are portions of a larger settlement which traditionally has been known as a village. In the NSP CDCs, the election of a "shura" for the management of the NSP grants fills a particular need, but such shuras have sometimes been formed by lottery, and in others by young and ambitious people from the households grouped into a CDC who know how to deal with NGOs. In yet other cases, small hamlets are considered as CDCs and called villages, while in the past they have been part of a grouping of several such hamlets into a villages.

The NSP effort at local community development has been very positive in many senses. But in many cases the traditional elders who are respected for their even-handedness and knowledge of local family histories do not participate in the "village shuras".

It is important that local, village governance institutions be strengthened. But the first step is the identification of the geographic space and the households within it as a village. In the past the Ministry of Finance and the Amlak organized rural space into "tax units" [dja-miladi] for property tax collection purposes, which in many cases corresponded with what local people called a village. Yet another experience has been the identification by the Woluswali of villages within their jurisdictions for statistical and administrative purposes.

It seems reasonable to review these past experiences with organizing local geographic space into villages to see what the organizing principles might be. Number of households at some minimum number? Geographic proximity? Having in common the same Arbabs or Maliks? Within an irrigation network and linked by the managers of that network? Being in the same tax unit of the past? Being known as a village in the records of the Woluswali?

Perhaps some minimum standards could be defined, such as having a minimum of 300 households in on or more settlements which add up to that number being within a 30 minute walk; or being known in the Woluswali as constituting a village, even when the population exceeds 2,000 households (which may better become a municipality) or is less than 300 households. And then leave the task of making approximate definitions of villages within their boundaries, and ask AGCHO to establish the boundaries of the villages in consultations with Woluswalis, Amlak, and of course with the agreement of the local people.

These boundaries could be delineated on satellite images at appropriate scales, depending on the physical sizes of the villages. The delineated images would be prepared by field teams, along with certificates prepared by the neighboring shura elders, including their signatures, names and finger prints of the certifying their agreement with the delineation of village boundaries. Copies of these images and signed certificates would be left with the village elders, and a second copy would be taken to a digitization center for assembly into a national information system of administrative boundaries.

### **3. How is a “gozar” defined?**

A gozar is a neighborhood of a municipality, one of several such neighborhoods within in a Municipal Nahya (District). Gozars range in geographic size and population. There seems to be a rule of thumb that a Gozar should not contain fewer than 400 households, nor more than 1,500. Gozars are served by a Wakil-e-Gozar, who attends to some of the needs of the residents of the area under his responsibility, mostly within a Gozar, such as certifying identities and residence locations, mediating land and building disputes, informing people about their responsibilities to the Municipality and to public utilities, and assembling needs of the community for communication to the Mayor’s office.

There were 417 Gozars and 18 Nahyas within the boundaries of Kabul Municipality at the time of the World Bank study of Kabul in 2005. The number of Gozars changes over time, as the boundaries of the Municipality expands and as the population of already established Gozars increases (or decreases, at least theoretically). The rapid in-migration of people into established neighborhoods as well as into the areas on the periphery of the city, forces the changing of Gozar boundaries. People may decide to move from one area of the city to another, to be near families of their ethnic group or clan, and most if not all the residents of an area want to deal with a single Wakil.

Up to recent years, the exact boundaries of Gozars has not been of concern to Municipalities, since they mostly dealt with Wakils and through them to resident families, and it did not matter much whether the boundaries of the neighborhood served by a Wakil changed once in a while, on negotiations with the population and with neighboring Wakils.

But as noted above there are numerous public service agencies and civil society organizations as well as the increasing needs for effective governance at the Municipal, Nahya and Gozar levels calling for defined boundaries of these administrative units. Since the Municipal and

Nahya boundaries are relatively stable and known, the remaining task is to establish the boundaries of the Gozars.

In Kabul, it would be up to the Mayor to set up a commission to undertake this task, while in other municipalities the Mayors and the Ministry of Interior would have to set up such a commission jointly. An appropriate project management unit would be needed to implement the decisions of this Commission, and in turn contract with organizations to acquire the needed satellite imagery and conduct the consultations with Wakils, Nahya officials and Municipal officials as well as and local leaders to delineate Municipal, Nahya and Gozar boundaries on the images.