



# Local Shura, Security and Development in Afghanistan

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## INTRODUCTION

The paper explores new areas on the rebellion cycles in Afghanistan and re-focuses the debate around local level social constructions. The paper notes that despite a century of nation-State building, none of the various successive governments could effectively overcome the fierce social divisions within the Afghan society to allow the establishment of a strong central State apparatus. Yet, for the first time ever in the history of Afghanistan, a central authority which controlled effectively the territory was established by the Taleban - mainly backed by Pakistan and Saudi Arabia - in just few years and soon after a complete collapse of the previous State apparatus. Without a US-led military intervention, their grip on Afghanistan seemed set for an extended period of time, which would have shattered the myth of a fiercely free Afghanistan. However, today once more, the Afghan government, along with the most sophisticated armies in the world, is failing to impose control over Afghan territory.

Starting from this paradoxical observation, the paper explores social constructions at their local level and in particular the social changes that have taken shape over the past two and half decades of conflict. War is indeed a cradle for social transformations which are not well documented as only few social researchers maintained their focus on Afghanistan during the war years. Yet, understanding these social changes offers opportunities for establishing a participatory territorial control and rule of law in Afghanistan. There is more than brutality or ethnicity to explain the Taleban past and present successes. The annex explores how local social groups are attempting to manage common properties such as security, local justice system or water resources, which are central to the establishment of an effective rule of law.

## TORMENTED HISTORY AND POVERTY

According to UNDP, Afghanistan is the 5th poorest country in the world (173<sup>rd</sup> out of 178 countries). Its tragic History has certainly played a role in this poor score. For many, the tormented episodes of the Afghan History are due to the ethnic groups which divide the country, for others, it is the rebel (*yaghi*) nature of Afghans which are at the origin of the torments. For some other observers, it is the ambitions of particular individuals or autocrats who dream of becoming self-proclaimed Amir or perhaps the fragmented tribal society and the inimical foreign interferences which are responsible for incessant disorders. For Edward (1996), it is the moral inconsistency of the value systems between the tribes, the Nation-

State and Islam which is responsible for the instabilities. Many observers seem to suggest that these deep social fractures cannot be healed and Afghanistan would therefore be condemned to an endless tragedy. The facts to support these views abound and particularly the 1990s Afghan realities spoke volume on the difficulties to reconcile social fractures; Afghanistan had violently fragmented into a mosaic of microcosms of influences, power-holders and overlapping loyalties. One century of construction of a nation-State - since King Abder Rahman Khan from the end of the 19th century - seemed to have been brutally swept away in the early 90s.

## MANAGING THEIR OWN AFFAIRS

The Afghan State, foreign armies, international organizations or NGOs seemed to have all been unsuccessful in imposing/promoting modernity to Afghanistan. However, in spite of the tragedies and without positive assistance from the Afghan State over two decades, the agricultural production increased on average by 0.9% per annum between 1978 and 2005, satellite imageries show that irrigated surfaces did not regress and social indicators in 2003 were better than thirty years ago (WB, 2005, p.98). Afghans may not naturally refuse modernity and development, but perhaps they want to have them surrendered to their own social rules.

Paradox of the History, the Taliban succeeded - while refusing Afghans to access modernity - to bring this country

of rebels under a relentless control. The Taliban did not miss to publicize these achievements; one could, they said, travel across the country from Kandahar to the Turkmen border with bags full of money and nothing would happen to the traveler. Indeed, in only a few years, the Taliban succeeded the challenging task to enforce a strict territorial control (over ~80% of the country), whereas others had failed over a century and at times with the assistance of the most powerful armies in the world. What had happened to the ambitious autocrats, the tribal "*yaghi*", the ethnic divisions and the incompatibility of the value systems between tribes, Nation-State and Islam? All that had not disappeared, but any rebel behavior was effectively annihilated. The American military intervention in Afghanistan following September 11 attack resuscitated these

deep divisions for which the Afghan society had made itself legendary.

Observers in the 70s underlined that the difficulty of any pre-war Government in Afghanistan was that the Afghan society had no limited territory and power structures on which the State could adopt a strategy to take possession. The power structure in the Afghan society was not a defined place or person, but a multitude of elusive and constantly renegotiated networks or *qawms*. Power is never given once for all; there are no bonds of vassalage or engagement by oath (Roy, 1985, p.34-35). The power results from a consensus in constant imbalance and negotiation. The Afghan society is not feudal. However, the war resulted in the emergence of new actors on the political scene which have deep influence on the society; the "military commanders" who were organizing the resistance against the invaders. These commanders are of various social origins and emerged by excelling in their military organization skills. Empowered by their private armed militias they soon became masters of small territories. Centlivres observes in the 1990s that "insecurity generates, amongst other things, the reinforcement of community solidarity spaces of reduced size. These infra-tribal solidarity groups - neighborhoods rather than social networks - are placed temporarily under the authority of a military commander (Centlivres, 1999, p. 959). This resulted in a contraction of community solidarity spaces on well defined territories which are generally including several villages and hamlets; the *manteqa* (see Roussel, 1993; Monsutti, 2003 and Favre, 2004). For the first time of the Afghanistan History<sup>1</sup>, these new power-holders control a society which seems to have been territorialized with the conflict.

<sup>1</sup> The existence of "territorialized" social groups is not mentioned in the pre-war literature.

In the mid 1990s, the Taleban, well aware of these realities, recognized and utilized these social opportunities left by 25 years of war. On March 20, 1995 (Dorransoro, 2000), a few months only after their appearance in the South of the country, the Taleban issued an official decree for the creation of *shura-e mahali* which will replace the military commanders in the management of the local affairs. These local *shura* were quickly perceived as more representative than the power of the military commanders. In undertaking such measures, the Taleban enjoyed massive support from the population at the onset of their ruling over Afghanistan. However, these *shura* were quickly placed under the control of mullahs and became one of the Taleban tools for the realization of their puritan project; "In fact, the utopia of a perfect society does not need a State, except for its repressive functions, which is reflected by the weak interest that the Taleban have for the administration of the country" (Centlivres, 1999, p. 962). Therefore, the Taleban made use of the existing social structures for an ideological and repressive project, rather than for the modernization of the country, and thus the civilian social space was trapped. This is how the cycle of the Afghan rebellion seemed to have ended.

The Taleban experience in controlling Afghanistan is not a peculiar aspect of the Afghan history. For the first time ever in the history of this country, a central authority did control the territory and had put in place, in their first years, a more or less representative structure.

After all, one of the reasons of the Afghan conflicts may also be related to the singular character of Afghans who would like at no price to lose control over their own leaders! And yet, each regime tried either to break the existing

social structures in an attempt to better impose themselves - from Abder Rahman Khan to Najibullah, or to use these structures for ideological projects – from the communists to the Taleban. Are the cycles of rebellions in

Afghanistan not the result of the precedence given by Afghans to their natural rights to manage their local affairs on their own over modernization projects?

## AVOIDING FURTHER SOCIAL FRAGMENTATION

The fall of the Taleban regime in late 2001 resulted in the return of the military commanders on the political front and a re-fragmentation of the Afghan territory. Today, Karzai's government is facing similar challenges as Mollah Omar in 1994; warlords and drug! Indeed, these evils made a marked return on the Afghan scene since 2002. Karzai has nevertheless sizeable assets; some 20,000 American armed forces as well as considerable ISAF forces! However, 4 years after the fall of the Taleban, the warlords still control the country and drug production did spread over all 34 provinces<sup>2</sup>. The military commanders weakened the *shura-e mahali* which were set-up/reinforced precisely to replace their authority. The "National Solidarity Program" (NSP) also contributes to the weakening of these traditional *shura* as new committees (CDCs) are established without preliminary consideration of existing social structures. The minimal size of a committee (CDCs) within the framework of the NSP is 25 households only. Therefore, coupled with the role of the military commanders, the creation of a multitude of small committees (CDCs) and the injection of financial resources through them is resulting in the fragmentation of existing social structures which paradoxically reinforce the local commanders in power.

In order to avoid the risks of a deeper fragmentation of the Afghan society, it is necessary to initiate, as soon as possible, a debate over local governance structures. A possible way would be to identify the *manteqa* within each district and then to merge the committees (CDCs) of the NSP at this territorial level while including local village clusters excluded until now. The *manteqa* represents not only the territory of a social group, but also the minimal territorial unit where a maximum of common properties (public goods) can be managed. These common properties include the informal judiciary and conflict resolution systems, security, natural resources such as irrigation water or public pastures, and public services/infrastructures such as school, market and the roads which lead to the villages. A preliminary review of these common properties and their current level of management is presented in Annex I. The possibility for the population to participate directly in the selection of their representatives and the direct management of local affairs seems essential to ensure harmonious economic and social development. According to the author's estimates, there are between 3,000 and 4,000 *manteqa* which could form the basis for a bottom-up administrative structure representing existing social groups.

<sup>2</sup> Record harvest is anticipated in 2006.

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## ANNEX –I

### Role of local *shura* at *manteqa* Level in Common Properties Managements

Common Properties	Management Responsibilities	Territorial Level	Sources of Financing (sustainability)
Security	<p>Commanders and political factions (<i>shura</i> under the Taleban)</p> <p>International forces</p>	<ul style="list-style-type: none"> <li>- The <i>manteqa</i> and districts are the main levels</li> <li>- But regional level coordination is taking place under political factions. Given the fragmented nature of commanders in the 90s, they were organized under political factions which set security rules at regional levels - this resulted in a simplification of political structures during the 90s.</li> <li>- Under the Taleban, security was insured by the movement through local <i>shura</i> at <i>manteqa</i> level (as commanders had been removed)</li> <li>- The ANA aims at replacing commanders and factional armed forces, but will be confronted to regional and local solidarities which can undermine its efficiency</li> </ul>	<ul style="list-style-type: none"> <li>- Commanders collect taxes from local population to insure security in public places and prevent possible military attacks from neighboring social groups/commanders</li> <li>- Beside local tax collections, commanders and political factions are financed through illicit activities</li> <li>- Today, the US and ISAF forces reduce the security cost on communities by effectively preventing open confrontations between commanders</li> <li>- A centralized army (ANA) financed through tax collection will maintained only with the development of a “taxable” licit economy</li> <li>- Local “<i>shura</i>”, instead of commanders, could insure the security at <i>manteqa</i> level through local tax collection</li> </ul>
Justice system and conflict resolution mechanisms	<p><i>Shura</i>, specific actors such as <i>qazi</i>, elders, commanders also involved</p>	<ul style="list-style-type: none"> <li>- The <i>manteqa</i> is the main level for most issues (informal justice system) which appears to be the most efficient currently</li> <li>- But sometime it requires cooperation at higher level - up to national level - depending on the case to be resolved</li> </ul>	<ul style="list-style-type: none"> <li>- Local contributions/tax collection (<i>manteqa</i>). System already in place</li> <li>- Other financial mechanisms at higher level needs to be agreed upon by all parties, particularly the role of the informal and formal justice system</li> </ul>
Water management	<p><i>Shura</i>, specific actors such as <i>mirâb</i> also involved</p>	<ul style="list-style-type: none"> <li>- The <i>manteqa</i> is the main level. Smaller management units also exists (small <i>karez</i>, canals,...), which does not necessary limit the scope for <i>manteqa</i> level cooperation (small irrigation scheme along the same valley system)</li> <li>- But cooperation across <i>manteqa</i>, at watersheds/river basins levels is required.</li> </ul>	<ul style="list-style-type: none"> <li>- System already in place at local level. Local contribution/tax collection often in kind by water users</li> <li>- Cooperation across <i>manteqa</i> and at watershed level would require different financing mechanisms, agreeable by various population groups involved</li> </ul>

Pastureland management	<i>Shura</i> , sometime specific actors involved such as village shepherds	<ul style="list-style-type: none"> <li>- <i>Manteqa</i> is the main level</li> <li>- But cooperation with non-territorialized groups (<i>kuchi</i>) also necessary. Sometime smaller management units also exist (part of a pastureland is accessed only by inhabitant from a section of a <i>manteqa</i>)</li> </ul>	<ul style="list-style-type: none"> <li>- Mostly self regulated at local level by private actors. Often the commander is protecting the access rights of the local population against outsiders. Generally, some payments in kind (livestock) are made for the service</li> <li>- Access by pasture users outside the <i>manteqa</i> would require to negotiate the benefits for various stakeholders and how supervision is financed</li> </ul>
Forest management	<i>Shura</i> , sometimes involves specific actors such as designated forest guards	<ul style="list-style-type: none"> <li>- <i>Manteqa</i> is the main level</li> <li>- But sometime cooperation across <i>manteqa</i> is necessary (e.g. harvesting period for pistachio determined regionally by designated authorities)</li> </ul>	<ul style="list-style-type: none"> <li>- In the past, forest guards were paid by communities at <i>manteqa</i> level</li> <li>- The financial attractions for forest exploitation has resulted in the collapse of the traditional system for the benefit of individual commanders/traders</li> </ul>
Primary School	Public, involves teachers	<ul style="list-style-type: none"> <li>- <i>Manteqa</i> is the main level for local support</li> <li>- However, sometime there are more than one school per <i>manteqa</i> and sometime less as it depends how each specific <i>manteqa</i> managed to attract financing from NGOs and other institutions</li> <li>- Provincial level for high schools</li> </ul>	<ul style="list-style-type: none"> <li>- NGO and now UNICEF and WB are financing</li> <li>- Local teachers are normally paid by the community in kind, but there are no local mechanisms in place to train teachers, develop curricula, improve school facilities, etc...</li> <li>- As a results, religious schools which are well structured with outside support did replace formal education systems over the past decades</li> <li>- Some political factions have tried to maintain formal education systems in place (e.g. Hezb-e Wahdat or Jumbesh-e Islami)</li> </ul>
Hospital/clinics	Public, most of the time NGOs	<ul style="list-style-type: none"> <li>- Various levels</li> <li>- <i>Manteqa</i> level for drug vendors</li> <li>- Commanders are keen to control hospitals/clinics as it is highly political. If the hospital is perceived as the commander's "contribution", then it becomes a strong tool for his legitimacy. By controlling the hospital, commanders gain the authority to "deliver" life to the population under his controls (while with the gun he can also "deliver" death to those not obedient enough).</li> </ul>	<ul style="list-style-type: none"> <li>- NGO</li> <li>- Local financing mechanisms does not exists (no health insurances!) - the required expertise is not existing locally and financed from outside</li> <li>- However, strong market bias in health system in Afghanistan with drug merchants acting as doctors and prescribing medicaments. Only drug merchants at <i>manteqa</i> level seems sustainable without outside support</li> </ul>



Market	Private and public	<ul style="list-style-type: none"> <li>- The <i>manteqa</i> level. Market centers have been created by nearly all social groups during the war to insure independence from other social groups.</li> </ul>	<ul style="list-style-type: none"> <li>- Trade activities are financed through the <i>hawala</i> system</li> <li>- Security in the market is maintained by the commander or armed forces organized by a local <i>shura</i> and financed by the traders themselves (cost built in the commodities sold)</li> </ul>
Road to villages	Public	<ul style="list-style-type: none"> <li>- The <i>manteqa</i> and district are the main levels</li> </ul>	<ul style="list-style-type: none"> <li>- Most rural roads have been constructed by military commanders urging the local population to work for the creation of common infrastructures (called <i>begari</i>) and by emergency program mostly under FFW (WFP).</li> <li>- The construction of roads was closely linked to market developments during the war – Peace, maintained by foreign forces without a change in the economy structure (criminal economy), will also mean that secondary and tertiary road infrastructure maintenance by local social groups will suffer.</li> </ul>
Humanitarian assistance	<i>Shura</i> , mostly depends on the views of each NGOs or other institutions (IO, line Ministries, etc..) intervening on the ground	<ul style="list-style-type: none"> <li>- The <i>manteqa</i> level is the most appropriate</li> <li>- Yet, outside financial resources management systems establish by “outsiders” without good understanding of existing social structures runs the risk of social fragmentation and to generates local conflicts</li> </ul>	<ul style="list-style-type: none"> <li>- Mainly through NGOs (national and international) and ICRC during the past decades</li> <li>- More and more through central government institutions since 2002</li> </ul>
Economic Interest groups	Private, (e.g. farmers associations, exporting boards)	<ul style="list-style-type: none"> <li>- Almost non existent as the licit economy is under-developed and illicit economy has not developed under cartels, etc...</li> <li>- It is generally not in the nature of Afghans to form such groups</li> </ul>	<ul style="list-style-type: none"> <li>- The development of the licit economy will generate the creation of economic interests groups. However, pushing for such organizations by the public sector may not reach sustainability beyond the period of public support</li> </ul>

The managements of the above common properties are best done through *shura*/administration at *manteqa* level for the following reasons:

1. The *manteqa* does represent territorialized local solidarity groups
2. It is the minimum territorial area where a maximum of common properties (public goods) can be managed
3. It allows direct involvement and representation of social groups
4. It covers the entire territory or does not leave territorial gaps as compared to other systems
5. It provides the opportunity to involve the local informal justice and conflict resolution mechanisms to insure proper management of public resources

Addressing the management of the above common properties at local level will require at first to work and build capacity of *shura* not well structured and organized. Yet, these could possibly lead to the creation of communal administrations with trained officers in some years from now.

Beside economic interest groups, the management and development of all the above common properties should seek sustainability through tax collection mechanisms at local/*manteqa* level. Once some local tax collection systems are in place, these can be raised for issues that need to be resolved at higher levels (bottom up approach).



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